

**MINUTES - REGULAR MEETING
BOONE TOWN COUNCIL
JUNE 15, 2006**

A regular meeting of the Boone Town Council was called to order at 6:31 p.m., Thursday, June 15, 2006 in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro Tem Lynne Mason, Rennie Brantz, Janet Pepin, Bunk Spann, and Dempsey Wilcox. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young, Deputy Town Clerk Kim Tester, Special Assistant to the Town Manager Jim Byrne, Police Chief Bill Post, Fire Chief Reggie Hassler, Public Services Director Blake Brown, Public Utilities Director Rick Miller, Finance Director Amy Davis, Human Resources Director Peri Moretz, and Development Services Director John Spear.

ANNOUNCEMENTS

Mayor Clawson called the meeting to order and welcomed all in attendance. She noted that anyone wanting to speak during the public comment session would need to complete a request card and turn it in to the clerk.

TENTATIVE AGENDA ADOPTION

Town Manager Greg Young noted the following changes to the agenda:

Item 5. G. - Application for Board of Adjustment Resident Position - Denise Lockett.

Item 5. K. - Actual Change Order #1 from M.B. Haynes Corporation.

Item 5. N. - Revised Ordinance 06-08 - FY 06/07 Budget Ordinance.

Addition of Item 5. P. - Possible UDO amendments to Neighborhood Conservation Districts & Approval of Letters.

Item 6. C. - Possible UDO text amendment allowing inflatable balloons.

Addition to Closed Session - 143-318.11a)3)

- Legal Authority concerning tax abatement.

- Town's position regarding the Templeton appeal to the Board of Adjustment.

Upon a motion by Council member Mason, seconded by Council member Pepin, Council moved to adopt the agenda as amended.

VOTE: Aye - All
 Nay - None

CONSENT AGENDA ADOPTION

Upon a motion by Council member Brantz, seconded by Council member Mason, the Council moved to adopt the following consent agenda items:

Minutes: May 11, 2006 – Quarterly Public Hearing (as amended)
 May 18, 2006 – Regular Meeting (as amended)

Tax Releases: April 2006

Taxpayer	Year	Amount	Description
MILHUG LLC	2006	\$180.50	PARCEL NOT ANNEXED INTO TOB
ADAMS, ARTHUR THOMAS	2005	5.16	SOLD VEHICLE TURNED IN PLATE
BOONE TAXI	2005	18.11	HIGH MILEAGE
CARNEY, EMILY LAUREN	2005	5.38	TURN IN TAG
LE, BRYAN VINH	2005	109.84	TURNED IN TAG / MOVED TO LAS VEGAS, NV
MOUNTAINEER VILLAGE, LLC	2005	3258.24	PROPERTY LISTINGS FILED ASSESMENT PENDING REDUCED
ROCHFORD, BRADY ELIZABETH	2005	13.89	VEHICLE TOTALED, INS CO OWNS VEHICILE
TOYOTA OF BOONE INC.	2005	93.68	GROSS RENTAL (TAXED BASED ON INCOME INSTEAD OF VALUE)
WEST JEFFERSON OFFICE EQUIPMENT	2005	62.34	INCORRECT FIRE DISTRICT
WJ OFFICE CITY	2005	94.98	INCORRECT FIRE DISTRICT
TOTAL		\$3,842.12	

Tax Refunds: April 2006

Taxpayer	Year	Amount	Description
Templeton Tours	2005	\$80.70	Sold vehicle
TOTAL		\$80.70	

Fire Tax Refunds:

Refund for Fire Protection on Properties Annexed by TOB

NAME	PARCEL NUMBER	AMOUNT
CARROLL COMPANIES, INC.	2921-91-7424-000	\$3.19
KAMPFER, ROBERT T. & KATHY	2901-82-6100-000	.31

BLUST, DAVID & CYNTHIA	1990-99-4382-000	17.44
TOTAL		\$20.94

Adoption of Contract: Watauga County Arts Council.

STATE OF NORTH CAROLINA

CONTRACT

COUNTY OF WATAUGA

This contract, made and entered into this the 1st day of July, 2006, by and between the Town of Boone, (hereinafter called "Town"), and the Watauga County Arts Council (hereinafter called "Arts Council").

WITNESSETH:

WHEREAS, the Jones House Advisory Board has recommended to the Boone Town Council that the Town enter into a contract with the Arts Council for the purpose of providing an Executive Director for the Jones House; and

WHEREAS, the Arts Council is willing to provide such a service.

Now, therefore, in consideration of the mutual promises contained herein, as well as other good and valuable consideration flowing between the parties, it is mutually agreed as follows:

1. The Arts Council shall provide an Executive Director and an Administrative Assistant for the Jones House. The Arts Council shall include as part of its personnel committee, one representative of the Town of Boone and one from the Jones House Advisory Board. The purpose of these appointees is to assist the Arts Council in selection and performance appraisal of the Jones House Executive Director and Administrative Assistant. The duties and responsibilities of such personnel shall be as follows:
 - a. To promote the purpose and goals of the Jones House Community Center which is to provide via the Jones House structure, its grounds, and any additions, a community and cultural center for performances, exhibitions, classes and meetings sponsored by various community organizations.
 - b. To assist the Jones House Advisory Board in implementing policies and objectives of the Board.
 - c. The Jones House Executive Director shall:

--Provide administrative support to the Jones House Advisory Board to carry out responsibilities set forth in the Jones House Resolution dated May 27, 1993.

--See that Jones House is made available to the public, 25 hours per week, for meeting space and to keep the gallery open 20 hours per week.

--Oversee facility maintenance - cleanup, etc.

--Schedule Special Events and community groups for maximum use of the house.

--Work with the Advisory Board in developing Annual Budget and Annual plan for the House.

--The Executive Director will employ and supervise part-time help as needed with input from the Personnel Committee.

--Handle other reasonable activities as directed by Jones House Advisory Board.

2. The Town shall pay the Arts Council the sum of \$36,731, for said services, said sum to be paid in twelve equal monthly installments, commencing on July 30, 2006.
3. The Arts Council agrees to help keep the Jones House open for nighttime and weekend events as much as possible.
4. This contract shall terminate on June 30, 2007.

IN WITNESS WHEREOF, the parties hereto have executed this contract the day and first above written.

TOWN OF BOONE

BY:

Mayor

ATTEST:

Town Clerk

WATAUGA COUNTY ARTS COUNCIL

BY:

President

Adoption of Lease: Watauga County Arts Council.

STATE OF NORTH CAROLINA

LEASE

COUNTY OF WATAUGA

This LEASE is made on the 1st day of July, 2006, by and between the TOWN OF BOONE, (hereinafter referred to as Lessor), and the WATAUGA COUNTY ARTS COUNCIL, (hereinafter referred to as Lessee).

1. **Leased Premises.** The Lessor hereby leases to the Lessee an office in the 2nd floor of the Jones House, said office being the first office to the left of the stairs. The Lessee also has the right to use the reception area and gallery on the first floor, said use to be in common with others. Gallery exhibits shall be determined and maintained by Lessee.
2. **Term.** The term of this lease shall be one (1) year beginning on July 1, 2006, and end on June 30, 2007.
3. **Rent.** The rent for this term shall be fifty dollars (\$50.00), per month and shall be due by the 1st day of each month.
4. **Hours of Operation.** The Jones House shall operate on the average of 25 hours per week, and the gallery available to the public 20 hours per week, with the exception of 2 weeks when it shall be closed. Those weeks are: One week around the Christmas holiday; and one week independently selected by the Jones House Executive Director. These weeks must be approved and mutually agreed upon by the Jones House Advisory Board and the Arts Council.
5. **Lessee's Care.** The Lessee will commit no act of waste, will take good care of the premises, and will comply with all applicable laws and regulations.
6. **Maintenance and Repairs.** Lessee shall be responsible for any damages caused by its employees, agents or invitees. The Lessor shall be responsible for repairs related to ordinary wear and tear.
7. **Supplies.** The Lessor shall allow the Lessee to use any surplus office equipment the Lessor may have at the Jones House. The Lessee shall be responsible for 1/2 of the supplies and maintenance costs of this equipment.
8. **Assignment of Subletting.** The Lessee shall not assign or sublease the premises without the prior consent of the Lessor.

9. **Alterations.** The Lessee shall not make any alterations, additions, or improvements to the premises without the prior consent of the Lessor.
10. **Utilities.** The Lessee is responsible for paying its phone bill. Lessor shall pay all other utilities.
11. **Personal Property.** The Lessor is not responsible for any personal property located within the Jones House or situated on the grounds of the Jones House.
12. **Default.** If the Lessee defaults in the payment of rent or in the performance of any conditions of this lease, the Lessor may give Lessee written notice of default. If the Lessee does not cure the default within ten (10) days after the giving of notice, this lease shall terminate, and the Lessee shall at once quit and surrender the premises to the Lessor. If this lease is terminated by the Lessor, it may thereafter resume possession of the premises by any lawful means and remove the Lessee or other occupants and their property.
13. **Governing Law.** This lease shall be governed by and construed in accordance with the laws of the State of North Carolina.

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

TOWN OF BOONE

BY:

ATTEST:

Town Clerk

WATAUGA COUNTY ARTS COUNCIL

BY:

President

Adoption of Contract:

Downtown Boone Development Association.

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

THIS AGREEMENT, made and entered into this the 1st day of July 2006, by and between the Town of Boone, hereinafter "Town", and the Downtown Boone Development Association, Inc., hereinafter "DBDA".

WITNESSETH:

WHEREAS, the Town has established a Municipal Service District pursuant to N.C.G.S. 160-535, *et seq.*: and

WHEREAS, the DBDA is a non-profit corporation organized to promote, encourage and assist the revitalization and economic health and stability of the Municipal Service District; and

WHEREAS, the parties hereto desire to enter into an Agreement for the purpose of promoting the economic development of the Municipal Service District.

NOW, THEREFORE, in consideration of the mutual promise contained herein, as well as other good and valuable consideration flowing between the parties, the parties hereto agree to the following terms and consideration.

1. The term of this contract shall begin on July 1, 2006 and shall end on June 30, 2007.
2. The services the DBDA shall provide include, but are not limited to, the following activities within the Municipal Service District.
 - A. Advancing, promoting and marketing the commercial, business, economic, residential and civic development of the Municipal Service District in whatever way and by such means as shall improve orderly growth and development.
 - B. Organizing and operating revolving loan funds and facade programs contingent on availability of funds in order to finance physical improvements to structures within the Municipal Service District at a reasonable and economic cost.
 - C. Providing a coordinating service to carry on the revitalization of the Municipal Service District, including the coordination of the efforts of the public and private sectors to render the guidance, expertise planning, support and capital necessary for such revitalization.
 - D. Acting as a real estate clearinghouse in order to match the needs of business ventures with the most appropriate structures available and thereby best utilize the commercial buildings of the Municipal Service District and to increase their occupancy rates.
 - E. Providing a public relations programs for the purpose of retaining presently existing businesses and attracting new businesses to the Municipal Service District.

- F. Increasing the efficiency of Boone's economy by capitalizing on existing public investments in services and physical improvements and private investments in business, service, and structures.
 - G. Improving the quality of life by enhancing the physical, environmental and business conditions in central Boone.
 - H. Generating additional jobs in the Municipal Service District through the expansion of commercial, office and ancillary economic developments.
 - I. Stabilizing the tax base, enhancing property values and promoting retail sales in the Municipal Service District.
 - J. Engaging in or assisting in any "downtown revitalization project" as defined in N.C.G.S. 160A-536.
3. For services rendered by the DBDA pursuant to this Agreement, the Town shall pay to the DBDA the total sum of moneys collected from the Boone Municipal Service District tax for fiscal year 2006-2007, less all expenses the Town incurs collecting said taxes.
 4. The DBDA shall submit to the Town for approval a detailed budget and work plan reflecting the services to be performed on or before April 15, 2007.
 5. This agreement is contingent upon the approval of the DBDA's budget and work plan by the Boone Town Council.
 6. Funds made available to the DBDA pursuant to this agreement shall be expended only in accordance with applicable federal, state, and local laws.
 7. DBDA shall operate in accordance with generally accepted accounting principals approved by a certified public accountant and the Town's Finance Officer.
 8. DBDA shall provide the Town with such records, verification of expenditures of funds and such other information pertaining to the duties of the DBDA as requested by the Town.
 9. All records of the DBDA shall be available for inspection by employees or agents of the Town at all times.
 10. DBDA shall provide the Town with an audit of its finances for fiscal year 2005-2006 performed by a certified public accountant on or before October 1, 2006.
 11. DBDA is responsible for all Municipal Service District tax revenue that it receives and spends.
 12. A member of the Boone Town Council shall be an ex-officio member of the DBDA's Board of Directors.

13. The DBDA shall provide the Town with a progress report on its activities on or before December 31, 2006. This report shall be in a form acceptable to the Town.
14. In the event the DBDA breaches this Agreement and fails to cure any breach promptly upon notice thereof, the Town shall have the right to suspend or terminate the grant of funds in whole or part and declare this agreement terminated. In the event the Town breaches this Agreement and fails to cure any breach promptly upon notice thereof, the DBDA shall have the right to declare this Agreement terminated.
15. If for any reason the Town terminates this Agreement pursuant to Section 14 above, the DBDA agrees to remit forthwith to the Town any Town funds the DBDA then has on hand less any amounts necessary to pay obligations properly incurred by the DBDA pursuant to this agreement.
16. The DBDA shall provide the Town with a final report of its activities for fiscal year 2005-2006 on or before July 31, 2006. This report shall be in a form acceptable to the Town.

IN WITNESS WHEREOF, each party hereto has caused this agreement to be signed in its corporate name by its duly authorized representatives, and its seal to be hereunto affixed by authority of its governing board, the day and year first above written.

The Town of Boone

The Downtown Boone Development Association, Inc.

By: _____
Mayor

By: _____
President

Attest: _____
Town Clerk

Attest: _____
Secretary

Adoption of Personnel Policy. **(Permanently on file)**

Acceptance of Banking Proposal: Bank of Granite for a 3-year term.

Adoption of Resolution: Fire Department Surplus Property.

RESOLUTION

Whereas, the Council of the Town of Boone desires to dispose of certain surplus property of the Town;

Now, therefore be it resolved by the Council that:

1. The following described property is hereby declared to be surplus to the needs of the Town:

34 Interspirom Spiromatics S Airpacks w/o bottles

2. The Fire Chief is authorized to dispose of the described property by private sale at a negotiated price.
3. The minimum price to be accepted for the property is \$2,400.
4. The Town Clerk shall publish notice summarizing this resolution in accordance with G.S. 160A-267.
5. The sale may be consummated not earlier than 10 days from the date of publication.

Adopted this the 15th day of June, 2006.

Mayor

ATTEST:

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 2, PAGE 319)

Acceptance of Lease Renewal: Additional one-year term on Parking Agreement with Watauga County

Adoption of Code Amendment: §30.51 Appointments.

(D) Along with its appointments to various subordinate boards and offices, the Town Council, using the procedure set out in Section 30.51C, above, may appoint such committees, task forces and other advisory bodies at it may deem useful or expedient in the discharge of its duties. Such committees, task forces and other advisory bodies must operate in compliance with the North Carolina Open Meetings law, codified as N.C. Gen. Stat. § 143-318.9, *et seq.*, and unless the Council adopts procedures specific to such committee, task force or advisory body, will conduct its meetings in compliance with the following procedures:

- (1) A quorum shall be fifty percent (50%) of the persons initially appointed to the committee, task force or advisory body.

- (2) The Mayor or the Mayor's designee will attend the first meeting of every committee, task force or advisory body, and will conduct, as the first order of business, an election of officers for the committee, task force or advisory body. Each such group shall elect a chairperson and vice-chairperson. Election shall require a majority of votes, and if more than two candidates are nominated for a particular office and none of the candidates receives a majority of votes, a second vote will be taken, with only the top two candidates from the first vote eligible for consideration. Once a chairperson has been selected, that person will conduct all further business.
- (3) In the absence of the chairperson, the vice-chairperson shall conduct any meeting of a committee, task force or advisory body, and in the absence of both officers, the Mayor may designate a person to act as chair for the meeting in question.
- (4) The business of the committee, task force or advisory body shall be conducted in such manner as to afford all members an opportunity to speak. However, no member shall generally address the committee, task force or advisory body until first recognized by the chairperson, and members of the committee, task force or advisory body shall be respectful to each other and shall avoid interrupting each other.
- (5) Minutes shall be kept of all meetings of each committee, task force or advisory body, and shall be subject to revision and adoption by the group as a whole.
- (6) All actions or recommendations of a committee, task force or advisory body require the presence of a quorum, and are only effective or adopted upon majority vote, following a motion and second. When such 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.
- (7) Meeting of each committee, task force or advisory body 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.
- (8) At any meeting of the committee, task force or advisory body, if the meeting is opened for public comment, any person wishing to address the committee, task force or advisory body shall state his or her name and whether or not he or she is a resident of the Town of Boone.
 - 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 such 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 committee, task force or advisory 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 such person(s) and, except in a situations where there is a risk of harm to any person present, providing such person(s) the opportunity to alter their behavior to bring it into conformity with norms of accepted behavior, the presiding officer may direct that such person(s) be removed from the meeting.
- (9) Unless a particular duration is specified by the Town Council, the duration of any committee, task force or advisory body shall be indefinite.
- (10) Members of a committee, task force or advisory body, except for membership on those boards, committees, task forces or advisory bodies where a particular term of service is specified, are appointed for the duration of the committee, task force or advisory body. However, if a the duration of any committee, task force or advisory body is indefinite, unless the Town Council specifies a different term of membership, membership will be for three years, and may be renewed for one additional three year term. Unless otherwise specified by the Town Council, no person may serve on such committee, task force or advisory body for more than six consecutive years, but may be reappointed to such committee, task force or advisory body following a one year period of non-membership.
- (11) Members of a committee, task force or advisory body may resign from the committee, task force or advisory body by notifying the Mayor, Town Manager, or relevant Department Head.

VOTE: Aye - All
 Nay - None

ADOPTION OF AGREEMENT - PARKING MANAGEMENT BY MCLAURIN PARKING

Town Manager Greg Young stated that this agreement is a renewal for parking management services for the public parking lots and spaces in the downtown area. He noted an increase in the agreement due to cost-of-living increases but explained that this cost increase has been provided for in the budget. Upon a motion by Council member Pepin, seconded by Council member Brantz, Council moved to adopt the following agreement:

STATE OF NORTH CAROLINA

PARKING
MANAGEMENT AGREEMENT

COUNTY OF WATAUGA

THIS PARKING MANAGEMENT AGREEMENT, made and entered into this 15th day of June, 2006 by and between the Town of Boone, hereinafter referred to as “the Town,” and McLaurin Parking Company, a corporation organized and existing under the laws of the United States and the State of North Carolina, hereinafter referred to as “McLaurin.”

WITNESSETH:

WHEREAS, the Town possesses the utilization rights of on-street parking spaces on the north and south side of King Street, Queen Street, the north side of West Howard Street, the north and south side of Depot Street, and three (3) off-street parking lots in Downtown Boone.

WHEREAS, McLaurin has an experienced parking management team, and has employees available to operate the parking operation; and

WHEREAS, the Town wishes to enter into an agreement that will ensure the efficient operation of the on-street and off-street parking operation and provide an acceptable financial return on the parking operations; and

WHEREAS, the Town and McLaurin have agreed to the terms and conditions for operation of one short-term parking facility, two monthly parking facilities, and the on-street monitoring and ticket writing.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein contained and other valuable considerations, the Town and McLaurin agreed as follows:

· TERM: The initial term of this agreement shall be from July 1, 2006 through and including June 30, 2009. Not less than sixty (60) days prior to the termination date,

the parties will confer to determine if this Agreement is to be renewed, and make any supplemental agreement or modification for that purpose, and if not so renewed, said Agreement shall expire June 30, 2009 midnight; and provided further that either party may terminate this agreement by giving 120 days written notice to the other party. At the termination of this agreement, McLaurin shall surrender the premises in as good a state as they were at the time the facilities were turned over to McLaurin for management, normal wear and tear excepted.

PERSONNEL: McLaurin shall staff the operations of the parking areas with sufficient competent personnel to operate the parking facilities in a satisfactory manner and said personnel shall be adequately supervised. The operating hours for the hourly parking facilities shall be from 7:30 a.m. to 5:30 p.m., Monday through Friday. The on-street monitoring shall be conducted from 8:00 a.m. to 4:00 p.m. Monday through Friday. Said parking areas shall not be operated during the following holidays: New Years Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

MANAGEMENT STAFF: McLaurin agreed to provide sufficient management staff for the facilities who will supervise the operation of the parking facilities, process monthly accounts from the McLaurin central office in Raleigh, formulate marketing plans for use of the facilities during regular hours and for special events, and to audit all revenues through McLaurin's central office. This service includes the Town Hall Lot, Queen Street Lot, Depot Street Lot, the new Queen Street Lot and the on-street parking operation on King Street from Straight Street to College Street, the north side of Queen Street and on the north side of West Howard Street.

For these services, McLaurin will charge and receive an annual fee of \$40,690.64 prorated and payable monthly in installments of \$3,390.90 by the 15th of the month for the previous calendar month.

CLEANING AND MAINTENANCE. The Town shall be solely responsible for cleaning and maintaining the parking areas, including snow removal.

EQUIPMENT. All parking control equipment including ticket issuing machines, gates, booths, and revenue control systems located in the off-street lots shall be property of the Town.

McLaurin shall be responsible for maintaining the parking control equipment (except for booths) and revenue control equipment in good working order. If outside service personnel are required, McLaurin will be responsible for labor charges and Town will be responsible for the cost of all replacement parts on Town's equipment. The Town will be responsible for any repairs to the booths that may be necessary. All booth repairs must be approved by the Town Manager.

SUPPLIES. McLaurin will furnish all paper supplies, such as parking tickets, register tapes and reporting paper, for the off-street parking operations and on-street parking operations for a fee equal to the exact documented cost and payable monthly.

PUBLIC RELATIONS. The Town and McLaurin recognize that the operations of the parking area must be accomplished in a satisfactory manner so as to engender good public relations for the Town, and all of McLaurin's employees shall be properly dressed and friendly and courteous to all those using said parking facilities.

PARKING REVENUE AND PAYMENT FOR SERVICES. All gross receipts from the operations of the parking areas shall be the property of the Town and will be deposited at least once daily into a bank account as directed by the Town Manager. On or before the 15th of each calendar month, McLaurin will provide to the Town the previous month's gross revenue and a statement for the previous month including revenues by date, and for costs including labor, approved office overhead, supervision, insurance, replacement tickets and other items associated with the operation of the parking facilities as approved in writing by the Town Manager. McLaurin shall maintain professional written accounting records and the Town shall reserve the right to inspect those records at any time during the term of this agreement and for one year thereafter. The Town Manager may at times request reasonable analysis by McLaurin and may change the reporting procedure. All reports shall be public records upon receipts by the Town.

The Town shall reimburse and compensate McLaurin by the 15th of each month for the cost incurred and services rendered during the previous month as follows:

<u>TOWN HALL PARKING LOT</u>	<u>ANNUAL</u>
LABOR	
Estimated annual hours 2455 @ \$9.23/hour	\$22,659.65
EQUIPMENT MAINTENANCE	
(\$62.08/month)(12 months/year)	\$ 774.80
UTILITIES	
(/month)(12 months/year)	Exact cost per year
Exact cost per month	
SUPPLIES-paper reports, register tape, etc..	Exact cost per year
INSURANCE	
(99.33/month)(12 months/year)	<u>\$ 1,192.00</u>
	\$24,626.45
	Plus exact cost of utilities, postage, and paper supplies

ON-STREET MONITORING AND TICKET WRITING

LABOR

Estimated annual hours 4160 @ \$10.42/hour \$43,347.20

SUPPLIES

(/month)(12 months/year) exact cost per year

OFFICE STAFF – inputting citations into the system each day
(\$690.00 / month)(12 months/ year) \$ 8,280.00

INSURANCE

(\$50.42/month)(12 months/year) \$ 605.00

\$52,232.20

System Management

(Scheduled Compensation-Section \$40,690.64

TOTAL CONTRACT = \$117,549.29

- SIGNS. McLaurin may, subject to approval of the Town, install neat, attractive signs, indicating the service provided and that the services are provided by McLaurin Parking Company. McLaurin will advise the Town as to signs and markings which may be needed for directing the public to the parking facilities, those signs to be prepared and installed by the Town. All signs must comply with the Town’s regulations concerning signs, as well as the Uniform Traffic Control Device Manual.
- LIABILITY INSURANCE. McLaurin agrees to obtain liability insurance covering the following items:
 - o Comprehensive General Liability and Property Liability insurance in the amount of \$500,000.00 bodily injury or death per incident and \$100,000.00 property damage per incident.
 - o Garage Keeper’s Excess Specified Perils insurance including fire, explosion, vehicular theft, vandalism, and malicious mischief in the amount of \$1,000,000.00. Said insurance represents excess insurance in the event that the individual in question lacks individual coverage of this type.
 - o Umbrella Excess Liability insurance in the amount of \$1,000,000.00. Umbrella Excess Liability insurance is insurance over the underlying Comprehensive General Liability or Garage Keeper’s Excess Specified Perils (a. or b.).
- ASSIGNMENT AND DEFAULT. The rights and duties under this agreement may not be transferred or assigned in whole or in part without the written consent of both parties, and in the event of bankruptcy, reorganization, or any attempt to make an assignment for the benefit of its creditors by McLaurin, or default by McLaurin, this agreement will immediately terminate at the option of the Town, at which time the Town shall assume full possession of the parking facilities.

· REGULATIONS: McLaurin and the Town shall comply with all Federal, State and local laws, statutes, ordinances and regulations as applicable to this agreement.

· MODIFICATION. This Agreement may only be modified by the written mutual consent of McLaurin and the Town.

· DISCRIMINATION. In consideration of the signing of this agreement, the parties hereto for themselves, their agents, officials, employees, and servants hereby agree not to illegally discriminate in any manner on the basis of race, color, creed, gender, age, handicap, or national origin with regard to the subject matter of the contract of this agreement, no matter how remote. This provision shall be incorporated into this agreement for the benefit of the Town of Boone and its residents and may be enforced by action for specific performance, injunctive relief or other remedy as by law provided this provision shall be construed in such a manner as to prevent and eradicate all discrimination based upon race, color, creed, or national origin.

· TELEPHONE. McLaurin shall maintain a telephone for business and emergency use.

· PROOF OF INSURANCE. Proof of insurance is required upon acceptance of the agreement, and will be maintained on file with the Town of Boone.

· INDEMNIFICATION. McLaurin shall indemnify, defend and hold harmless, the Town of Boone, its officers, employees and agents, against all claims, costs, losses, and damages, arising out of or relating to its performance of its duties under this Parking Management Agreement, including claims for negligence, claims or causes of action under or pursuant to 42 U.S.C. 1983 or other civil rights law, including but not limited to claims of violation of constitutional rights to due process of law and equal protection under the law, claims or causes of action under or pursuant to the North Carolina constitution, North Carolina General Statutes or the appellate decisions of the North Carolina Court of Appeals and North Carolina Supreme Court, and all such other claims or causes of action, it being the intent of McLaurin to release the Town of Boone, its agents, officers and employees, from all possible liability arising from its performance of this Agreement.

· JURISDICTION AND VENUE. The Parties agree that should a dispute arise regarding the interpretation or enforcement of this Agreement, the laws of North Carolina will control the interpretation of the Agreement. Should any issue relating to this Agreement be presented to the courts for determination, the Parties agree that Watauga County, North Carolina is the proper venue for any such determination.

IN WITNESS WHEREOF, the parties have executed this parking management agreement the day and year first above written.

McLaurin Parking Company

By: _____
Stephen B. McLaurin
Vice President

ATTEST:

Kristy M. Eubanks
President

The Town of Boone

By: _____
Loretta Clawson, Mayor

ATTEST:

Freida VanAllen
Town Clerk

VOTE: Aye - All
 Nay - None

ADOPTION OF 2006 COMPREHENSIVE PLAN UPDATE

Council expressed appreciation for the dedication and hard work of the Planning Staff and the members of the Planning Commission in updating this document. Upon a motion by Council member Mason, seconded by Council member Spann, Council moved to adopt the updated 2006 Comprehensive Plan (**permanently on file**).

VOTE: Aye- All
 Nay - None

Council member Wilcox inquired as to whether the Growth Strategy Map can now be revisited and updated to reflect the changing conditions on the area, particularly the Highway 421 South corridor. Development Services Director John Spear stated that this task could be undertaken without following the formal procedures required for zoning map amendments.

DISCUSSION OF PROPOSED UDO AMENDMENTS - LARGE SCALE (BIG BOX) RETAIL DEVELOPMENT

Development Services Director John Spear presented the proposed UDO text amendment pertaining to large scale (big box) retail development. Mr. Spear stated that future study of lease retention and vacant buildings is also planned. Council member Spann agreed that examining these issues is important in maintaining the character of Boone. The Council discussed at length several examples of large-scale retail businesses and their effect on the community. Upon a motion by Council member Brantz, seconded by Council member Mason, Council moved to send the proposed text amendment to the August Quarterly Public Hearing.

VOTE: Aye - All
 Nay - None

ADOPTION OF REVISED FEE SCHEDULE - DEVELOPMENT SERVICES DEPARTMENT

Development Services Director John Spear stated that the original fee schedule for the department was adopted in 1991 and revised in 2001. He indicated that the current ordinance more closely reflects the actual costs of administering the services provided by the department. Upon a motion by Council member Spann, seconded by Council member Brantz, Council moved to adopt the fee-schedule ordinance:

**ORDINANCE #06-07
AN ORDINANCE ESTABLISHING A FEE SCHEDULE
FOR ACTIVITIES UNDER THE
TOWN OF BOONE
DEVELOPMENT SERVICES DEPARTMENT**

WHEREAS, the Town of Boone deems it necessary and desirable to modify the coverage of permitting and inspections fees, and

WHEREAS, G.S. 160A-414 authorizes the Town of Boone to call for “reasonable fees” to be charged for applications under said ordinance;

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

SECTION 1. That reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for building permits, zoning permits, sign permits, demolition permits, structure moving permits, preliminary plat approvals, final plat approvals, rezoning applications, variance, special use permits, administrative review and other items reviewed by the Development Services Department.

SECTION 2. All fees required by this ordinance shall be paid upon submission of an application or notice of appeal signed by the applicant.

SECTION 3. Building Permit Fees

Note: As required by G.S. 87-15.6, \$9.00 of all General Contractors' total permit fee for Single-Family Residential Dwelling Unit construction or renovation shall be applied to the Homeowners' Recovery Fund.

- 3.1 Single-Family & Duplex Residential Dwelling Units (New Construction)
 - \$.20 per square foot heated space
 - \$.10 per square foot unheated space

- 3.2 Multi-Family Residential Dwelling Units (New Construction)
 - \$.25 per square foot heated space
 - \$.15 per square foot unheated space

- 3.3 Mobile Home Residential Dwelling Units Set Up in Parks Only.....\$65.00

- 3.4 Addition/Remodeling/Renovation - Residential
 - Per \$1,000 of cost\$5.00
 - Minimum Fee.....\$40.00

- 3.5 All Other Construction
 - 3.5.1 Commercial/Industrial - New Construction
 - \$.25 per square foot up to 5,000
 - \$.15 per square foot each over 5,000

 - 3.5.2 Institutional/Assembly - New Construction
 - \$.25 per square foot up to 5,000
 - \$.15 per square foot each over 5,000

 - 3.5.3 Addition/Remodeling/Renovation - All Other Construction
 - Per \$1,000 cost.....\$6.00
 - Minimum Fee..... \$40.00

- 3.6 Specific Building Code Related Fees
 - 3.6.1 Demolition\$75.00

3.6.2	Moving/Relocation	\$75.00
3.6.3	Construction Trailer Setup.....	\$45.00
3.6.4	Single Family Storage Building.....	\$40.00
3.6.5	Changes of Occupancy	\$45.00
3.6.6	Electrical Permit for Sign Lighting.....	\$40.00
3.6.7	Reinspection Fee*.....	\$35.00
3.6.8	Electrical Service Change	\$40.00
3.6.9	Heating Unit Change-Out	\$40.00
3.6.10	Air Conditioning Unit Change-Out	\$40.00
3.6.11	Refrigeration Unit Change-Out.....	\$40.00

* This fee must be paid prior to issuance of a Certificate of Occupancy for each required re-inspection of repeated code deficiencies or violations.

3.7 Miscellaneous Building Code Related Fees

3.7.1 Reasonable fees not specifically addressed elsewhere in this ordinance may be charged at the discretion of the Director of Development Services or his designee.

Miscellaneous Building Permit Fee	\$50.00
Special Permit (Footing and Foundation)*	\$65.00
* Plus, fee for each inspection under Special Permit.....	\$35.00

3.8 Renewing Expired Permits

3.8.1 If any Building Permit expires (G.S. 160A-418) or is revoked (G.S. 160A-422) or any other permit issued by the Development Services Department becomes invalid because of no activity, the applicant must apply for a new permit to be issued by the Town of Boone and pay the appropriate fees.

3.9 Refunding of Expired Permit Fees

3.9.1 Refunds of permit fees shall be at the discretion of the Director of Development Services or his designee.

3.10 Failure to Secure Permits

3.10.1 For the failure to secure required permits prior to starting construction, double fees will be charged in order to cover extra administrative costs associated with enforcement actions.

3.11 Building Valuation Data

3.11.1 When building values or construction cost data are necessary for estimating construction cost or making reports, one or more of the following methods shall be used:

- 3.11.1.1 For value of existing buildings, use tax value from county tax records.
- 3.11.1.2 Value as calculated by a certified appraiser.
- 3.11.1.3. For miscellaneous values not found in 3.11.1.1 or 3.11.1.2, the valuation may be calculated by the Director of Development Services or his designee using generally accepted prices or values and his discretion.

SECTION 4. Sign Permit Fees - If sign is lighted, an electrical permit is required.

- 4.1 Freestanding.....\$40.00
- 4.2 Other Signs Requiring Permit.....\$40.00
- 4.3 Temporary Sign Permit.....\$40.00

SECTION 5. Subdivision Fees

- 5.1 Minor Subdivision\$100.00
- 5.2 Major Subdivision.....\$1100.00
- Add \$100.00 for each acre or part over 5

SECTION 6. Rezoning Requests

- 6.1 Conventional\$300.00
- 6.2 Conditional District\$500.00
- 6.3 Planned Unit Development\$500.00

SECTION 7. Special Use Permit Fees

- 7.1 All Special Use Permits\$600.00
- 7.2 Special Use Permit Modifications\$600.00

SECTION 8. Variance and Administrative Review

- 8.1 Variance\$350.00
- 8.2 Administrative Review: Related to excessive occupancy\$25.00
- 8.3 Administrative Review: All others.....\$300.00

SECTION 9. Annexation Petition

- 9.1 Annexation Petition\$350.00

SECTION 10. Zoning Permit Fee

- 10.1 New construction of single family/duplex on lots up to ½ acre\$130.00
- 10.2 New construction of single family/duplex on lots over ½ acre.....\$180.00

10.3	Modification on single family/duplex lot with less than 2500 sq. ft. disturbed.....	\$40.00
10.4	Modification on single family/duplex lot with 2500 sq. ft. or more disturbed.....	\$130.00
10.5	Commercial projects on lots up to ½ acre.....	\$200.00
10.6	Commercial projects on lots over ½ acre.....	\$1100.00
	Add \$100.00 for each acre or part over 5	
10.7	Change in use of structure up to 2800 sq. ft.	\$200.00
10.8	Change in use of structure greater than 2800 sq. ft.	\$1100.00

Two site plan reviews are included in the permit/compliance fee. An additional amount of \$50.00 will be added for each additional review of the same site plan.

SECTION 11. Driveway Permit Fees

11.1	Any Driveway Requiring Permit	\$25.00
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SECTION 12. Other charges

12.1	Working without a permit.....	Double normal fees
12.2	Special or Unscheduled Public Hearing.....	Double normal fees
12.3	Zoning Confirmation Letter	\$30.00

SECTION 13. Modification to and waiver of fees

13.1 In financial hardship cases, the Town Manager shall have the authority to modify or waive any fees stipulated herein when the amount in question does not exceed \$500.00.

13.1.1 A financial hardship case shall be defined as an individual and/or family with an

§ In unusual circumstances cases, the Town Manager shall have the authority to modify or waive an

13.2.1 An unusual circumstances case is defined as a situation in which the strict implementation of the fees shall defeat the policy or rationale underlying said fees.

SECTION 14. Effective Date

This ordinance shall be in full force and in effect from and after the 1st day of July, 2006.

Ordinance adopted this the 15th day of June, 2006.

 Mayor

ATTEST:

Town Clerk

(ORDINANCE TO BE TYPED IN BOOK 3, PAGES 294-298)

VOTE: Aye - All
 Nay - None

COMMUNITY APPEARANCE COMMISSION APPOINTMENTS

Development Services Director John Spear stated that an application has been submitted by Daniel Sturge for a position on the Community Appearance Commission and that no other applications have been received. Council member Spann nominated Yogi Collins and suggested that Ms. Collins should complete an application and be considered by Council for appointment at the next meeting in July. Council appointed Daniel Sturge to the Community Appearance Commission for a three-year term.

PLANNING COMMISSION APPOINTMENTS

Development Services Director John Spear stated that the following Planning Commission members' terms expire on June 30, 2006:

\$	Stephen Phillips	Resident
\$	Matthew Robinson	Resident
\$	Lynn Patterson	Resident
\$	Mary "Bo" Bolick	ETJ
\$	Gayle Turner	ETJ
\$	Stacy Yates	ASU student representative

Mr. Spear informed the Council that Commission members Phillips, Robinson, Bolick and Turner are interested in reappointment. He also stated that Christina DeStefano was nominated in May to serve as the ASU student representative. Mr. Spear noted that no other applications have been submitted for nomination. Council appointed Commission members Phillips and Robinson for resident member, four-year terms, and appointed Ms. DeStefano to serve as the ASU student representative for a one-year term. Council agreed to forward Commission members Bolick's and Turner's nominations to the Watauga County Commissioners for reappointment, each for a four-year term.

BOARD OF ADJUSTMENT APPOINTMENTS

Development Services Director John Spear stated that the following Board of Adjustment positions will expire on June 30, 2006:

\$	Richard Crepeau	Resident	Regular Member
\$	Ethel Simpson	Resident	Regular Member
\$	Earl Keller	ETJ	Regular Member
\$	Edward Brown	ETJ	Alternate
\$	Allan Scherlen	Resident	Alternate

§ James Marsh ETJ Alternate

Mr. Spear also informed Council of the resignation of Jim Sanders from his ETJ Alternate position, the term of which expires on June 30, 2008. He further informed the Council that Board members Crepeau, Keller, Brown, Scherlen, and Marsh are interested in reappointment to their respective positions. He stated that Ron Darbo and Daniel Collins, both Resident Alternate members, are interested in appointment to Ethel Simpson's vacant position. Mr. Spear noted that an application has been received from Denise Lockett for the Resident Regular member position. Council member Spann stated that both Board members Darbo and Collins have some experience having served as alternates for this board. Council member Mason agreed but stated that Ms. Lockett would be able to bring her experience as an attorney to the board. Upon a motion by Council member Pepin, seconded by Council member Spann, Council moved to grant the following appointments, each to serve a three-year term:

§ Richard Crepeau Resident Regular Member
§ Denise Lockett Resident Regular Member
§ Allan Scherlen Resident Alternate

and to forward the following nominations to the Watauga County Commissioners for appointment, each for a three-year term:

§ Earl Keller ETJ Regular Member
§ Edward Brown ETJ Alternate
§ James Marsh ETJ Alternate.

VOTE: Aye - All
Nay - None

DISCUSSION OF BOOTING ALTERNATIVES

Town Manager Greg Young stated that he had asked the Town Attorney to prepare some draft language concerning booting alternatives because of several recent complaints about this issue. Mayor Clawson invited comments from the following: a representative from the Downtown Boone Development Association (DBDA); Jon Tate, owner of We Wheel Lock; and Steve McLaurin of McLaurin Parking Company. Roland Hamner, owner of The Hamner Gallery and member of the DBDA, began by stating that he understands both sides of the situation but feels that the policy currently in place regarding booting is adequate. He suggested that citizens should take responsibility for their actions if they are using private parking lots. Jon Tate, owner of We Wheel Lock, agreed that a property owner has the right to protect his/her property. He stated he believes that his company is being targeted because it is actually making a difference in the number of persons misusing private parking lots. He stated that the term "parking lot enforcement" should be used instead of "parking lot attendant". Mr. Tate stated that his company not only provides parking lot enforcement but maintenance as well. Council member Mason asked if his company notifies persons who might not only patronize the business served by the private parking lot but adjacent business also. Mr. Tate indicated that the situation would depend on the contract for each lot. Council member Pepin commented that it is not customary to remove one's car from a specific lot if the person intends to continue shopping in the area. She suggested allowing a "grace period" for persons to patronize adjacent businesses. Council

member Pepin inquired as to the \$60 fine for the removal of the parking device. Mr. Tate stated that part of the money is used for replacement of the parking device which has to be done about every six months. He stated that each parking lot attendant person is paid per violation instead of a flat fee. Council member Brantz asked about any criteria Mr. Tate might use in employing his staff. Mr. Tate explained that he may perform an informal background check and that he prefers to employ local citizens. He further stated that each staff person completes two weeks of training, one of which is personally supervised by himself. Mr. Tate stated that the parking staff are independent contractors and that they carry no liability insurance. He also stated that each staff member is given a laminated copy of the Town Code pertaining to the use of parking devices. Council member Brantz asked about information provided with the receipt when the fine is paid. Mr. Tate stated that a receipt is given, but information on any type of appeal is only given when specifically requested. Council member Spann asked about a record of the violation. Mr. Tate stated that a laminated ticket is placed on the vehicle which includes the time of violation, the location, and a number to call to have the device removed. Council member Mason asked if the parking device could damage the vehicle. Mr. Tate stated that the vehicle may be damaged if the vehicle is moved while the parking device is in place. Council member Spann asked how this operation could be made more customer friendly. Mr. Tate suggested that a sign placement committee be formed to discuss signage. Council member Pepin stated that private parking lots need to be distinguished from the various public parking lots. Council member Wilcox agreed, stating that there is usually plenty of public parking but the location may not always be convenient. He also agreed that better signage is necessary. Council member Mason stated that standard language for an appeal process is also necessary. Steve McLaurin, of McLaurin Parking Company, offered to serve on any sign committee to offer his expertise on this issue. He agreed that signs should be highly visible and that a receipt should include language for any appeal process available. Mayor Clawson allowed two citizens signed up to speak to this issue. Eleanor Cook explained that she and a friend were booted on the Monday following Easter when they left the lot at the intersection of King and Water Street to inquire if they could park in that lot. She stated that the punishment is too harsh and that persons should be warned before they are booted and incur a \$60 fine. Ms. Cook also stated that there should be a way to contact the property owner when this situation occurs. She offered to serve on a sign committee. Patrick Beville, an employee of ASU, acknowledged that in his situation, the car was parked illegally. He stated that the notice of the parking device had slipped between the window and body of his car, and unaware of the device, the car was damaged when he tried to move it. He stated that the problem is in the approach of the company. He suggested that parking after hours should be allowed by some type of community parking. Mr. Beville further suggested that a community approach should be used to address this problem. Council member Spann stated that he prefers the draft language in Alternative #1. He also likes the idea of sign committee members reviewing the situation and reporting their findings to the Council. Town Attorney Sam Furgiuele stated that language could be added to Alternative #1 to include current contact information and a process, if any, to challenge the action of the application of the parking control device. Upon a motion by Council member Mason, seconded by Council member Pepin, Council moved to adopt the following to be effective upon adoption with the requirement that adequate signage be installed by July 1, 2006:

Section 75.06 USE OF PARKING CONTROL DEVICES OR METHODS IN PARKING LOTS AND SPACES

- A. It shall be unlawful for any person to authorize, direct, contract for, implement or apply a parking control device or method to a vehicle in any parking lot or space in the Town of Boone unless and except if it is clearly and conspicuously posted on the premises, in location(s) which can be easily seen by an unauthorized person of ordinary vision utilizing the parking lot or space from any and every location in the parking lot, on a sign or combination of signs, in print that can easily be read by a person of ordinary vision from any and every location in the parking lot, that the parking lot or space is a private parking lot or space, that unauthorized vehicles will be subjected to the use of a parking control device or method, and disclosing the amount of any charge imposed to remove the boot or other parking control device from the vehicle. The sign must disclose the specific type of parking control device or method used, e.g., "Private Parking Lot - Unauthorized Vehicles will be Booted, \$50.00 charge for removal." If a parking lot is in a location where confusion might arise as to which premises are served by the parking lot, at least one sign positioned at every entrance to the parking lot must disclose for which premises and/or establishments, parking is authorized. If the practice of a particular parking lot owner is to allow the application of a parking control device or method to a vehicle, the owner of which utilizes the parking lot to visit both authorized premises and/or establishments and unauthorized premises and/or establishments, the sign must so state.
- B. It shall be unlawful for any person to authorize, direct, contract for, implement or apply a parking control device or method to a vehicle in any parking lot or space in the Town of Boone unless and except when that person has provided conspicuously displayed contact information for telephone contact by the owner or operator of the vehicle with a person who has the ability to remove the parking control device or method, and the person to be contacted has the capacity to respond within a time period no greater than ten minutes and in every instance actually makes a reasonable effort to respond within a ten minute period. However, should the Town of Boone Town Manager receive five or more unrelated and credible complaints within any three month period of the failure of the person authorizing, directing, contracting for, implementing or applying parking control devices or other methods to vehicles in the Town of Boone to respond within ten minutes to telephone contact by the owners or operators of vehicles which have been booted or immobilized, it shall be presumptively concluded that the person authorizing, directing, contracting for, implementing or applying a parking control device or method to a vehicle in any parking lot or space in the Town of Boone does not have the capacity to respond within ten minutes and thereafter, a duly licensed person must be on duty and present in the parking lot or space at all times when any vehicle is subjected to a parking control device or method, and such person must have the means and ability to remove the parking control device or method upon payment of the posted charges. No person may implement or apply a parking control device or method to a vehicle, and no person may demand or accept payment for the non-application or removal of any parking control device or method to or from a vehicle unless that person has obtained a privilege license from the Town of Boone, in accordance with Chapter 114 of this Code, defined therein as "parking lot attendant," and has on display on his or her person the picture identification issued by the Town of Boone upon the payment of such tax. No person implementing or applying a parking control device or method to a vehicle in any parking lot or space may, when present on the premises of the parking lot, may hide or secret himself, but instead must remain in plain view so that his presence will act as a deterrent to unauthorized

persons contemplating the use of the parking lot. Any time a parking control device is applied to a vehicle, when the vehicle operator pays the penalty, the vehicle operator must be provided with a receipt which discloses the correct contact information and appeal process, if any, for challenging the action of the person applying the traffic control device.

VOTE: Aye - All
 Nay - None

Mayor Clawson declared a ten-minute break at 9:06 p.m. Council reconvened at 9:16 p.m.

Upon a motion by Council member Spann, seconded by Council member Mason, Council moved to appoint a sign committee which would include Jon Tate, three representatives from the DBDA, and two citizens who have experienced the application of a parking control device to further study the issue of signage and enforcement and to report their findings at the July meeting.

VOTE: Aye - All
 Nay - None

ADOPTION OF ORDINANCE - INITIATION OF LEGAL ACTION - HERATAGE HOMES

Town Attorney Sam Furgiuele stated that this ordinance would allow him to proceed with civil action to collect an outstanding balance of \$706.16 owed by Heratage Homes, Inc. for water and sewer services to Hi-Land Hall Rest Home. Mr. Furgiuele stated that he had made several attempts at contact to resolve the situation without legal action to no avail. Upon a motion by Council member Wilcox, seconded by Council member Pepin, Council moved to adopt the following ordinance:

ORDINANCE # 06-08

WHEREAS, the Town of Boone (hereafter, “the Town”) has duly adopted a Water and Sewer Use Ordinance; and

WHEREAS, N.C. Gen. Stat. § 160A-314 authorizes the Town to establish a schedule of fees for the use of its sewer system, and the Town Council, in accordance with said authority, has established a fee schedule for water and sewer services; and

WHEREAS, pursuant to a request for water and sewer services, the Town provided water and sewer services to H.E.R.A.T.A.G.E. Homes, Inc., a corporation organized and existing under the laws of North Carolina, to be provided to “Hi-Land Hall Rest Home;” and

WHEREAS, H.E.R.A.T.A.G.E. Homes, Inc. has an outstanding balance of \$706.16 for water and sewer services, based upon application of the Town’s established rates for water and sewer services, for which the Town has demanded payment in full; and

WHEREAS, H.E.R.A.T.A.G.E. Homes, Inc. has failed and refused to pay such charges;
and

WHEREAS, pursuant to N.C. Gen. Stat. §§ 160A-314, the unpaid charges for the use of the water and sewer system are the legal obligation of H.E.R.A.T.A.G.E. Homes, Inc.;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BOONE, NORTH CAROLINA, PURSUANT TO N.C. GEN. STAT. § 160A-314, AS FOLLOWS:

1. The Town Attorney is ordered to initiate a legal action in the General Court of Justice in Watauga County, North Carolina against H.E.R.A.T.A.G.E. Homes, Inc., seeking to recover all outstanding charges for the provision of water and sewer services to the Hi-Land Hall Rest Home, along with attorney's fees, costs, and interest, as available.

Adopted this 15th day of June, 2006.

Mayor

Attest:

Town Clerk

(ORDINANCE TO BE TYPED IN BOOK 3, PAGE 299)

VOTE: Aye - All
 Nay - None

SCHEDULING OF SPECIAL MEETING

Mayor Clawson stated that a motion and second are needed to schedule a special meeting on Wednesday, July 12, 2006, at 6:00 p.m. in the Council Chambers to meet with the Mountain Keepers to hear a presentation on the "greening of Boone". She stated that Ron Redmon and Nancy Reigel will be making the presentation. Upon a motion by Council member Spann, seconded by Council member Mason, Council moved to hold a special meeting on Wednesday, July 12, 2006, at 6:00 p.m. in the Council Chambers to meet with Mountain Keepers.

VOTE: Aye - All
 Nay - None

ADOPTION OF CHANGE ORDER #1 - MB HAYNES CONTRACT FOR HILL STREET IMPROVEMENT

Public Utilities Director Rick Miller informed Council of a consideration of Change Order #1 to the Hill Street Sewer Improvements contract with MB Haynes. He explained this would not include a change in the price but allow an extension of twenty-two days for the contractor due to weather conditions and street improvements. Upon a motion by Council member Mason,

seconded by Council member Brantz, Council moved to adopt the following change order for the Hill Street Sewer Improvement contract:

CHANGE ORDER

Order No. One (1)

Date: June 12, 2006

Agreement Date: December 2, 2005

NAME OF PROJECT: Hill Street Sewer Improvements

OWNER: Town of Boone

CONTRACTOR: H & M Constructors, A Division of M.B. Haynes Corporation

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. The addition of twenty two (22) days to the original CONTRACT TIME.

Justification:

1. The original completion of all work was April 17, 2006. The Town of Boone requested that the Contractor not pave Hill Street between 5/1/06 and 5/9/06 (i.e. nine (9) days). The Contractor experienced seven (7) days of rainfall above 0.1" and above the monthly average over the life of the CONTRACT. In addition, the Contractor experienced six (6) days of lost work due to snow and ice for a total of twenty two (22) days. Please see the attached data.

Change to CONTRACT PRICE: +\$0.00

Original CONTRACT PRICE: \$201,641.25

Current CONTRACT PRICE adjusted by previous CHANGE ORDER \$201,641.25

The CONTRACT PRICE due to this CHANGE ORDER will be ~~increased~~ by: \$0.00

Change to CONTRACT TIME: Twenty two (22) days

The Original CONTRACT TIME: 120 consecutive calendar days

The Revised CONTRACT TIME: 142 consecutive calendar days

The Original date for completion of all WORK was April 17, 2006.

The CONTRACT TIME will be (*increased*) by Twenty Two (22) calendar days.

The date for completion of all WORK will be May 9, 2006.

To be effective, this Order must be approved by the Federal agency if it changes the scope or objective of the PROJECT, or if it will increase the budgeted amounts of Federal funds needed to complete the PROJECT, or as may otherwise be required by the GENERAL CONDITIONS.

Requested by:

H & M Constructors
A Division of M.B. Haynes Corporation

Date:

Recommended by:

W.K. Dickson & Co., Inc.

Date:

Approved by:

Town of Boone

Date:

VOTE: Aye - All
 Nay - None

REVIEW OF HUA REPORT - RAINBOW TRAIL WATER TANK INSPECTION

Public Utilities Director Rick Miller introduced Kelly Hefner of Hobbs, Upchurch and Associates, to present a review of the Rainbow Trail water tank (**report permanently on file**). Mr. Hefner stated that rust knots were found on the interior of the tank which means that steel is now exposed to water and that there is corrosion on the interior side of the steel membrane of the tank. He also stated that a 5-inch hole had been found in the dome near the center vent structure and that there are numerous places where the structural reinforcing wire is exposed. Council member Brantz inquired as to a time frame for the replacement of the tank. Mr. Miller recommended that replacement of the tank should be introduced as a capital budget item for the next fiscal year. Mr. Hefner agreed that the current tank can stay in service for at least another year before it will need to be replaced. Mr. Miller informed the Council that the 5-inch hole has been repaired.

MONTHLY WATER USE STATUS REPORT

Public Utilities Director Rick Miller presented the following status report:

As requested by Town Council, staff and I have compiled the following information concerning water use for the month of April. The Water Treatment Plant recorded a maximum daily demand of 1.971 million gallons on Wednesday, May 3, 2006, and the average daily demand was 1.708 million gallons for the entire month. If all allocated projects were online and utilizing the

amounts of water calculated, the total for the month would be 2.251 million gallons for the maximum daily demand and 1.988 million gallons for the average daily demand.

Attached you will find a chart that depicts a comparison of the maximum daily demands for the month of May since 1995. Included is an average trend line that illustrates the extent the maximum daily demand has increased during the last twelve years.

As adopted in Ordinance 05-01, the Town of Boone Council has appropriated for 25,000 gallons per day usage for year 2006 for allocation to customers. Council chose to allocate 16,441 gallons from 2006 leaving a balance of 8,559 gallons for allocation. Eight previously approved allocations did not contact us within the one year period and did not acquire all necessary permits as required in Ordinance 05-01, plus one project was denied an extension of their allocation. These water allocations totaled 21,965 gallons per day and combined with the 2006 balance, created a total of 30,752 gallons per day that can be allocated for use in 2006. The total water allotment remaining for the year 2006 has not broken the sixty percent threshold. All future water service requests in excess of 3000 gallons per day usage will be forwarded to Town Council as required in Ordinance 05-01. At the last Town Council Meeting, Council chose to allocate water to two projects which removed 6,344 gallons per day from the 2006 allotment and the Utilities Department approved one project that subtracted 15 gallons per day from the 2006 allotment.

As you can see in the attached “Approved Water Connections” chart, the Public Utilities Department now has 15,285 gallons per day remaining for allotment in 2006. Also, be reminded that all calculations are based on 60% of the North Carolina Discharge Rate Schedule.

		Approved Water Connections				
		2006				
Staff Approved	Date	Projected Usage	Council Approved	Date	Projected Usage	Remaining Gallons
						25000
		4165	John Cook	May-05	8038	16962
			CataCorner Investments	Jul-05	7296	9666
			CAT Tractor	Oct-05	1107	8559
			2005 Balance Carry Over	Jan-06	228	8787
**Relinquished		Previously	Approved Allocations	Feb-06	16965	25752
Bob Young	Feb-06	450				25302
Sarvos Properties	Feb-06	2100				23202
William Klein	Feb-06	540				22662
Andy Garrett	Feb-06	90				22572
Charles Ulerey	Feb-06	2985				19587
Eric Woolridge	Feb-06	540				19047
Ray	Feb-	104				18943

Howell	06					
			Lynhill Daycare	Mar-06	693	18250
Gene Jensen	Mar-06	180				18070
BREMCO	Mar-06	15				18055
Mels Diner	Mar-06	360				17695
Raymond Verling	Mar-06	430				17265
Jeff Nichols	Mar-06	180				17085
			VIA LLC/Ed Street Co.	Apr-05	5000	22085
ECR Software	Apr-06	81				22004
S&T Enterprises	Apr-06	360				21644
			CC Bear Development	Apr-06	6344	15300
Watauga County	Apr-06	15				15285

ADOPTION OF ORDINANCE - FISCAL YEAR 06/07 BUDGET

Town Manager Greg Young directed Council to the revised Budget Ordinance contained in the additions/deletions packet. He stated that the revised ordinance reflects input from the budget workshop and incorporates new recommendations concerning outside agency funding. Mr. Young stated that recommendations made by the committee reviewing outside agency funding have been withdrawn and that he has recommendations (**Exhibit A**) to be submitted for Council's consideration. Council members Mason and Pepin asked to be excused from voting due to their relationships with non-profit agencies. Upon a motion by Council member Wilcox, seconded by Council member Brantz, Council moved to excuse Council members Pepin and Mason from voting on the budget ordinance.

VOTE: Aye - All
 Nay - None

Upon a motion by Council member Spann, seconded by Council member Brantz, Council moved to adopt the following ordinance:

ORDINANCE # 06-09

TOWN OF BOONE, NORTH CAROLINA 2006-2007 BUDGET ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Boone, North Carolina that:

SECTION 1: It is established that the following revenues will be available in each fund listed for the operation of the Town of Boone government and its activities for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

GENERAL FUND	
Current Year Tax Levy & Penalties	4,558,829
Prior Year Taxes	35,000
Tax Penalties & Interest	11,000
Tax Refunds - Current Year	(3,000)
Tax Refunds - Prior Year	(2,000)
Gross Receipts Tax	20,000
Local Sales Tax 1%	1,600,000
Local Sales Tax ½%	525,000
Local Sales Tax ½%	525,000
Local Sales Tax ½%	625,000
Privilege Licenses	45,000
Room Occupancy Tax	165,000
Administrative Costs - Room Occup. Tax	19,750
Cablevision Franchise Revenue	70,000
Utilities Franchise Tax	440,000
Telecommunications Sales Tax	200,000
Beer & Wine Tax	60,000
ABC Revenues	300,000
ABC Board - Law Enforcement	10,000
State Funds - Powell Bill	408,500
Payment in Lieu of Taxes	84,493
Building & Sign Permits	125,000
Parking Violation Fines	100,000
Police Fees	16,000
School Resource Officer	57,100
Fire Protection Charges - Watauga Co.	47,125
Fire Protection Charges - ASU	165,500
Fire Department - Misc. Fees/Permits	15,000
Interest Earned on Investments	140,671

Interest Earned on Powell Bill	3,500
Library Lot Parking	5,500
Tracy Circle Parking	3,600
Jones House Parking	4,500
Town Hall Parking Lot	60,000
Queen Street #2 Parking	25,000
Boot Fees	2,000
Parking Meters	20,000
Sale of Surplus Property	4,500
Contributions/Donations	500
Rental Income	10,000
Rental - Jones House	500
Miscellaneous Revenue	39,988
Transfer from E-911	13,914
Transfer from Separation Allowance Trust	29,505
Transfer from TOB Rural Fire Tax	157,000
Appropriated Fund Balance	34,645
TOTAL REVENUE - GENERAL FUND	\$10,778,620
EMERGENCY TELEPHONE SYSTEM	
E911 Telephone Surcharges	80,000
Wireless Surcharges	70,000
Interest Earned on Investments	3,000
Appropriated Fund Balance	11,215
TOTAL REVENUE - EMERGENCY TELEPHONE SYSTEM	\$164,215
NARCOTICS ENFORCEMENT	
Fund Balance Appropriated	17,500
TOTAL REVENUE - NARCOTICS ENFORCEMENT	\$17,500
WATER & SEWER FUND	
Interest Earned on Investments	75,000

Water Sales	2,040,585
Sewer Charges	2,720,343
Water Tap Connection Fees	30,000
Sewer Tap Connection Fees	10,000
Re-connection Fees - Water	10,000
Septic Tank Discharge Fees	66,000
Impact/Availability Fees - Water	75,000
Impact/Availability Fees - Sewer	75,000
NSF/Returned Check Charges	500
Meter Check/Meter Re-Read Charges	7,000
Late Payment Penalties	60,000
Miscellaneous Revenue	5,000
Water Capital Reserve Contribution	50,000
Sewer Capital Reserve Contribution	325,000
TOTAL REVENUE - WATER & SEWER FUND	\$5,549,428
HEALTH INSURANCE FUND	
Insurance Revenue - Retiree	15,000
Insurance Revenue - General Fund	725,000
Insurance Revenue - Water/Sewer Fund	300,000
Interest Earned on Investments	7,500
Miscellaneous Revenue	1,000
TOTAL REVENUE-HEALTH INSURANCE	\$1,048,500
MUNICIPAL SERVICE DISTRICT	
Current Year Taxes	76,180
Prior Year Taxes	350
Tax Penalties & Interest	200
Interest Earned on Investments	1,270
TOTAL REVENUE - MUNICIPAL SERVICE DISTRICT	\$78,000

TOB RURAL FIRE SERVICE DISTRICT	
Current Year Taxes	250,000
Prior Year Taxes	2,500
Tax Penalties & Interest	500
Tax Refunds & Releases	(150)
Interest Earned on Investments	500
Miscellaneous Revenue	500
TOTAL REVENUE - TOB RURAL FIRE SERVICE DISTRICT	\$253,850
GRAND TOTAL OF ALL APPROPRIATIONS	\$17,890,113

SECTION 2: The following amounts are hereby appropriated in each fund listed for the operation of the Town of Boone government and its activities for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

GENERAL FUND	
Governing Body	88,773
Administration	703,220
Finance	341,499
Tax Collections	95,127
Legal	65,200
Elections	15,000
Old City Hall Building	11,400
Blowing Rock Road Building	36,815
Brown Building	63,730
Jones House	66,565
Town Hall Building	61,000
Special Programs & Projects	415,111
Subsidies & Allocations	238,240
Professional Memberships	14,513
GIS / Information Technology	128,381
Non-Departmental	152,814
Police Department	2,616,076

Communications	422,574
Fire Department	1,116,251
Development Services	788,207
Public Works & Engineering	301,088
Street Department	1,133,358
Powell Bill	408,500
Fleet Maintenance	289,510
Facilities Maintenance	943,448
Sanitation	130,000
Recycling	132,220
TOTAL GENERAL FUND APPROPRIATIONS	\$10,778,620
EMERGENCY TELEPHONE SYSTEM	
Emergency E-911	164,215
TOTAL EMERGENCY TELEPHONE SYSTEM APPROPRIATIONS	\$164,215
NARCOTICS ENFORCEMENT DIV.	
Enforcement	17,500
TOTAL NARCOTICS ENFORCEMENT DIVISION APPROPRIATIONS	\$17,500
WATER & SEWER FUND	
Public Utilities - Administration	267,376
Water Operations	798,701
Sewer Operations	895,300
Water Treatment Plant	686,176
Wastewater Treatment Plant	1,210,689
Utility Billing & Collections	192,746
Non-Departmental	1,498,440
TOTAL WATER AND SEWER FUND APPROPRIATIONS	\$5,549,428
HEALTH INSURANCE FUND	

Health Insurance	1,048,500
TOTAL HEALTH INSURANCE FUND	\$1,048,500
MUNICIPAL SERVICE DISTRICT	
Municipal Service District	78,000
TOTAL MUNICIPAL SERVICE DISTRICT APPROPRIATIONS	\$78,000
TOB RURAL FIRE SERVICE DISTRICT	
TOB Rural Fire Service District	253,850
TOTAL TOB RURAL FIRE SERVICE DISTRICT APPROPRIATIONS	\$253,850
GRAND TOTAL OF ALL APPROPRIATIONS	\$17,890,113

SECTION 3: There is hereby levied a tax rate of thirty seven cents (\$0.37) per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 2006 for the purpose of raising the revenues listed "Current Year Taxes" in the General Fund in Section 1 of this Ordinance. This rate is based on an estimated total valuation of property for the purpose of taxation of \$1,276,804,100 assessment ratio of 100% of the appraised value. The collection rate of 96.5% is reflected in the budget. The FY 2006-2007 operating budget follows the general reappraisal of real property for the Town of Boone. The revenue neutral tax rate as defined by G.S. 159-11(e) is calculated at \$0.297 cents per one hundred dollars (\$100).

SECTION 3 (a): There is hereby levied a tax rate of fourteen and one half cents (\$0.145) per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 2006 for the purpose of raising the revenues listed "Current Year Taxes" in the Downtown Municipal Service District in Section 1 of this Ordinance. This rate is based on an established taxation of \$53,636,600 assessment ratio of 100% of the appraised value. The collection rate of 97.5% is reflected in the budget. The FY 2006-2007 operating budget follows the general reappraisal of real property for the Downtown Municipal Service District. The revenue neutral tax rate as defined by G.S. 159-11(e) is calculated at \$0.145 cents per one hundred dollars (\$100).

SECTION 4: The Budget Officer is hereby authorized to transfer appropriations within a Fund as contained herein under the following conditions:

- A. He may transfer amounts between objects of expenditure within a Department to a maximum of the budgeted amount per Department. Transfers shall be filed with the Finance Department for public and Town Council inspection. Town Council shall approve transfers in excess of the limitation.
- B. He may transfer available funds between departments of the same fund with an official report of such transfer on file with the Finance Department for inspection by the general public and the Town Council.

- C. He may not transfer any amounts between Funds.
- D. Town Council shall establish, by governing body procedure, the purchasing mechanism for large capital items (e.g. vehicle purchases). Such procedures shall not be in conflict with NCGS 143-129.

SECTION 5: The rates for water and sewer shall be established as set forth in Exhibit A, which is an attachment to this Ordinance. These rates will remain in effect until subsequently repealed or modified by the Town Council.

SECTION 6: Copies of this Budget Ordinance shall be furnished to the Finance Director and to the Budget Officer of the Town of Boone to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this the 15th day of June, 2006 by the Town Council of the Town of Boone, North Carolina.

Mayor

ATTEST:

Town Clerk

**TOWN OF BOONE
WATER AND SEWER ORDINANCE**

EFFECTIVE 07/01/2006

Late Penalty Charge	\$ 10.00	
Meter Re-read Charge	\$ 10.00	
Meter Connect / Disconnect / Reconnect Charge (Each)	\$ 10.00	
Returned Check Charge	\$ 20.00	
Septic Disposal Fees	\$ 7.00 Residential \$ 10.00 Commercial Per 100 Gallons	
<i>USAGE RATES</i>	<i>INSIDE CITY LIMITS</i>	<i>OUTSIDE CITY LIMITS</i>
1,000 Gallons Water	\$ 3.95	\$ 7.90
1,000 Gallons Sewer	\$ 4.05	\$ 8.10

Each customer will be allowed 2,000 gallons water and/or sewer usage for the following minimum charges. After that point, charges will be assessed at the above usage rates.

	<i>WATER</i>	<i>SEWER</i>
Residential	\$ 13.00	\$ 13.00
Commercial		
<i>METER SIZE</i>		
¾"	\$ 17.00	\$ 17.00
1"	\$ 22.00	\$ 22.00
1 ½"	\$ 27.00	\$ 27.00
2"	\$ 27.00	\$ 27.00
3"	\$ 37.00	\$ 37.00
4"	\$ 47.00	\$ 47.00
6"	\$ 67.00	\$ 67.00
8"	\$ 87.00	\$ 87.00
<i>DEPOSITS</i>	<i>INSIDE CITY LIMITS</i>	<i>OUTSIDE CITY LIMITS</i>
Residential	\$ 125.00	\$ 250.00
Commercial	\$ 225.00	\$ 450.00
Construction (Temporary):		
¾"	\$ 200.00	
2" or 3"	\$ 800.00	
<i>AVAILABILITY FEES</i>	<i>WATER</i>	<i>SEWER</i>
Per Gallon	\$ 2.50	\$ 3.00

(ORDINANCE TO BE TYPED IN BOOK 3, PAGES 300-309)

VOTE: Aye - 3 (Spann, Wilcox, Brantz)
 Nay - 0
 Excused - 2 (Mason, Pepin)

ADOPTION OF BUDGET AMENDMENTS

Finance Director Amy Davis presented the budget amendments. Upon a motion by Council member Mason, seconded by Council member Brantz, Council adopted the following budget amendments:

DESCRIPTION	ACCOUNT #	TO:	FROM:
Wata. Co.-Collection of Taxes	010-403-000-577110	\$5,000.00	
Wata. Co.-Collection of Taxes	050-450-000-577110	\$500.00	
Current Year Taxes (General Fund)	010-000-000-411080		\$5,000.00

Current Year Taxes (MSD)	050-450-000-411080		\$500.00
Lobbyist (Special Projects)	010-411-000-549126	\$10,000.00	
Appropriated Fund Balance	010-000-000-499900		\$10,000.00
Overtime (Fire Department)	010-500-350-501201	\$13,625.00	
FICA (Fire Department)	010-500-350-508101	\$1,035.00	
Retirement (Fire Department)	010-500-350-508211	\$665.00	
401K (Fire Department)	010-500-350-508222	\$675.00	
Fire Protection Charges - ASU	010-000-000-452203		\$16,000.00
Capital Outlay - Other (WWTP)	030-700-805-574000	\$225,000.00	
Capital Projects (Public Utilities)	030-700-801-549130		\$200,000.00
Appropriated Fund Balance (W&S)	030-000-000-499900		\$25,000.00
Transfer to Water Capital Reserve	030-700-890-598031	\$39,877.00	
Transfer to Sewer Capital Reserve	030-700-890-598032	\$62,313.00	
Impact/Availability Fees-Water	030-000-000-467301		\$39,877.00
Impact/Availability Fees-Sewer	030-000-000-467302		\$62,313.00
Group Medical Ins.- Administration	035-430-000-535610	\$16,050.00	
Group Health Ins.-Claims	035-430-000-535611	\$31,250.00	
Insurance Revenue - COBRA	035-430-000-450001		\$1,800.00
Insurance Revenue - Retiree %	035-430-000-450002		\$4,000.00
Insurance Revenue - GF Transfer	035-430-000-450003		\$25,000.00
Insurance Revenue-W&S Transfer	035-430-000-450004		\$10,000.00
Interest Earned on Investments	035-430-000-461201		\$5,000.00
Misc. Revenue - Insurance Fund	035-430-000-489900		\$1,500.00
Property Tax Allocation (MSD)	050-450-000-553101	\$4,000.00	
Current Years Taxes (MSD)	050-450-000-411080		\$4,000.00

VOTE: Aye – All
 Nay – None

POSSIBLE UDO AMENDMENTS TO NEIGHBORHOOD CONSERVATION DISTRICTS & APPROVAL OF LETTERS

Town Attorney Sam Furgiuele informed the Council of recommendations from the Residential Occupancy Task Force. He stated that the Task Force had requested that he prepare two letters and a sample agency appointment form to send to owners of rental properties in the Town's neighborhood conservation districts before the properties are leased for the coming year. Additionally, Mr. Furgiuele stated that the Task Force had requested the preparation of amendments to the UDO to clarify the landlord's responsibilities to create a mechanism to evict tenants who violate the occupancy rules and to provide the town with the agent's name, address, and telephone numbers. He also indicated that the Task Force had requested a special form that can be used to trigger an occupancy investigation. Upon a motion by Council member Mason, seconded by Council member Spann, Council moved to grant permission for the Town Attorney to send the form letter and agency appointment form to the property owners in the neighborhood conservation districts:

VOTE: Aye - All
 Nay - None

Upon a motion by Council member Brantz, seconded by Council member Spann, Council moved to send the text amendment to the August Quarterly Public Hearing:

VOTE: Aye - All
 Nay - None

REQUESTED APPEARANCE - JOHN BLAKE

Mr. John Blake, of the Watauga County Public Library and representing the Watauga Reads Committee, presented a resolution promoting the reading of *Freakonomics: A Rogue Economist Explores the Hidden Side of Everything* and declared the month of September, "Watauga Reads" Month. Upon a motion by Council member Brantz, seconded by Council member Mason, Council moved to adopt the following resolution:

RESOLUTION

WHEREAS, it is the intention that the Watauga County Public Library, Appalachian State University, Caldwell Community College and Technical Institute, and Watauga High School work together as a community to promote the reading and discussion of literature in the county through "Watauga Reads."

WHEREAS, the book *Freakonomics* by Steven D. Levitt and Stephen J. Dubner was chosen by the Appalachian State University Summer Reading Committee as the 2006 Summer Reading selection.

WHEREAS, all Appalachian State University freshmen will be encouraged to read *Freakonomics; A Rogue Economist Explores the Hidden Side of Everything*.

WHEREAS, Stephen J. Dubner, co-author of the book and Appalachian alumnus, will be the guest speaker at the Appalachian Fall Convocation on September 7, 2006.

WHEREAS, the Watauga County Public Library will promote “Watauga Reads” to the general community and will host a presentation and book signing by Stephen J. Dubner on September 8 at the library.

WHEREAS, the Watauga County Public Library will host a community-wide book discussion of *Freakonomics* at the library on August 22.

WHEREAS, the Watauga County Public Library will sponsor a panel discussion entitled “*Freakonomics: Fact or Fiction*” on August 24.

WHEREAS, the Watauga Campus of CCC&TI will promote the reading of *Freakonomics* in selected classes and in its Learning Resource Center.

WHEREAS, the Watauga Campus of CCC&TI will sponsor a panel discussion "*Freakonomics: Answers to Questions You Never Dreamed of Asking*" on September 14.

WHEREAS, the Watauga High School Media Staff will encourage teachers and students to read *Freakonomics* and will promote “Watauga Reads” with displays and book discussions.

WHEREAS, all book clubs in Watauga County will be discussing *Freakonomics* in preparation for Stephen Dubner’s visit.

NOW, THEREFORE, BE IT RESOLVED, that the Watauga County Commissioners, the Boone Town Council, and the Blowing Rock Town Council support the community reading of *Freakonomic: A Rogue Economist Explores The Hidden Side of Everything* and do hereby declare the month of September, “Watauga Reads” Month.

Adopted this the 15th day of June, 2006.

Mayor

ATTEST:

Town Clerk

(RESOLUTION TO BE TYPED IN BOOK 2, PAGE 320)

VOTE: Aye - All
 Nay - None

REQUESTED APPEARANCE – JOHN WEAVER

Mr. John Weaver appeared before the Council to request approval for a Special Events Permit to hold the Grandfather Mountain Marathon on Saturday, July 8, 2006, beginning at 7:00 a.m. and

to request police assistance at intersections along the route. Upon a motion by Council member Mason, seconded by Council member Spann, Council moved to grant the Special Events Permit.

VOTE: Aye - All
 Nay - None

REQUESTED APPEARANCE – DONNA BARE

Ms. Donna Bare, Vice President of Toyota of Boone, Inc., appeared before the Council to discuss a change in the sign ordinance to allow the use of moderate-sized balloons and signs to promote sales and encourage customers to patronize businesses. She informed the Council that her business would like to be able to use their hot-air balloon during special-event promotions and sales and to use smaller sized balloons issued by Toyota on vehicles also during these events. Council member Mason pointed out any changes to the sign ordinance to allow the use of these types of balloons would have to applied to all businesses. Town Attorney Sam Furgiuele stated that the draft language he had prepared does not address the use of smaller sized balloons and that he may need additional time to investigate the issue. Council member Mason cautioned that this matter does need further study and that the language be carefully drafted so as not to contradict the spirit of the current sign ordinance. Upon a motion by Council member Spann, seconded by Council member Mason, Council moved to send a draft text amendment to the August Quarterly Public Hearing:

VOTE: Aye - All
 Nay - None

REQUESTED APPEARANCE - BRIAN CRUTCHFIELD

Ms. Bettie Bond appeared before the Council, on behalf of Brian Crutchfield, to request permission to draft a master plan for the Horn in the West property to include a site for a new Appalachian Cultural Museum. She stated that it is her understanding that Appalachian State University does not want to own another building to house the historical collection, but will be willing to staff a new museum. Council member Mason pointed out that there are several practical issues that would need to be addressed before a project could be authorized. Town Manager Greg Young stated that there are deed restrictions and leases with several entities that must be considered. He suggested that the group may be able to investigate the feasibility of a museum on the site but that the Town could not offer any financial commitments at this time. Council member Spann stated he would like to see a letter from the Chancellor of ASU as to the level of commitment that would be intended. Upon a motion by Council member Brantz, seconded by Council member Mason, Council moved to endorse the investigation of the feasibility of locating a museum on the Horn in the West property.

VOTE: Aye - All
 Nay - None

Ms. Bond extended an invitation to Council to attend a presentation to be held on Wednesday, June 21, 2006, at 7:00 p.m. to be held at the Watauga County Administration building. The topic of the presentation will be planning a new museum.

REQUESTED APPEARANCE - GLEN WILDE II

Town Attorney Sam Furgiuele opened a public hearing at 10:28 p.m. to hear sworn testimony from John Paul Cogdill and Public Utilities Director Rick Miller concerning a request for water re-allocation to property located off State Farm Road. Mr. Cogdill explained that the developer is ready to proceed with the completion of the development. Mr. Cogdill also stated that he plans to meet with Development Services staff to obtain the necessary permits to continue the project. Mr. Cogdill stated he would be willing to pay the non-refundable availability fee. Public Utilities Director Rick Miller stated that the amount of water has been allocated and will not affect the 2006 allocation amount. With no other public testimony, Mr. Furgiuele closed the public hearing at 10:34 p.m. Upon a motion by Council member Mason, seconded by Council member Wilcox, Council moved to grant the extension through the vested time period to expire on July 6, 2007.

VOTE: Aye - All
 Nay - None

PUBLIC COMMENT

No one had signed to speak during the public comment period.

CLOSED SESSION

Upon a motion by Council member Wilcox, seconded by Council member Brantz, Council moved to enter Closed Session at 10:36 p.m. pursuant to NCGS 143-318.11a)3)6) in order to discuss the following matters:

- ! ASU Violations
- ! Legal aspects of performance bonds on developers
- ! Legal implications of proposed large retail restrictions
- ! Personnel
- ! Legal authority concerning tax abatement
- ! Town's position regarding the Templeton appeal to the Board of Adjustment

VOTE: Aye - All
 Nay - None

Upon a motion by Council member Wilcox, seconded by Council member Mason, Council moved to exit Closed Session at 11:46 p.m.

VOTE: Aye - All
 Nay - None

ADJOURNMENT

On a motion by Council member Mason, seconded by Council member Brantz, Council moved to adjourn the meeting at 11:47 p.m.

VOTE: Aye - All
 Nay - None

Deputy Town Clerk

Mayor