

**MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL
AUGUST 3, 2009**

A special meeting of the Boone Town Council was called to order at 6:00 p.m. at the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro-Tem Lynne Mason and Council member Stephen Phillips. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young; Town Clerk Freida Van Allen; Assistant to the Manager Jim Byrne and Public Services Director Blake Brown.

The purpose of the meeting was to enter into Closed Session pursuant to NCGS 143-318.11a)3) in order to discuss the SAHA lease. On a motion by Council member Mason, seconded by Council member Phillips, Council moved to enter Closed Session at 6:13 p.m.

VOTE: Aye-All
Nay-None
Absent-2 (Brantz, Pepin)

On a motion by Council member Mason, seconded by Council member Phillips, Council moved to exit Closed Session at 6:52 p.m.

VOTE: Aye-All
Nay-None
Absent-2 (Brantz, Pepin)

On a motion by Council member Mason, seconded by Council member Phillips, Council moved to rescind the following action that was taken at the July 16, 2009 Boone Town Council meeting:

Finally, the Council considered the request by the Southern Appalachian Historical Association ("SAHA") that its lease be renewed. Because of the issues which are still not resolved between SAHA and the Farmer's Market, but due to the time-sensitive nature of the negotiations between SAHA and ASU, Council Member Pepin offered a motion that the Town offer SAHA a two year renewal of its lease with the Town, with the same terms and conditions as its present lease, excepted as modified by the motion, and that the Town Council approve in concept SAHA's proposed sub-lease for parking with ASU contained in the Town Council's supplemental packet, but with the following additional conditions and provisions to the Town's lease and the sub-lease: (1) The lease between the Town and SAHA shall contain a forfeiture of SAHA's rights to the parking area, which upon notice by the Town, will revert to the Town after the first year of the two-year renewal term, should SAHA and the Farmer's Market fail to reach a written agreement within that time as to their cooperative utilization of the Horn in the West parking lot; (2) Should the right to control the parking lot revert to the Town, the Town will honor the sub-lease between SAHA and ASU through the end of its term; (3) The lease between the Town and SAHA shall contain a provision encouraging the Farmer's Market and SAHA to enter a facilitated mediation, if necessary, using a court-certified mediator nominated by the Town to attempt to resolve the issues regarding utilization of the parking lot; and (4) SAHA will offer a sub-lease to the Farmer's Market which allows utilization of the parking area and other facilities by the Farmer's Market at least at the level offered by representatives of SAHA to the Farmer's Market in their most recent bilateral negotiations. Council Member Pepin further moved that both the final verbiage in the lease between the Town and SAHA and the sub-leases between SAHA and the Farmer's Market and SAHA and ASU shall be subject to review and final approval by the Town Manager without further action by the Town Council. This motion was seconded by Council Member Phillips, and following further discussion, it unanimously passed.

VOTE: Aye-All
Nay-None
Absent-2 (Brantz, Pepin)

Council member Mason noted that both SAHA and the Farmer's Market are beloved entities which are both undergoing growing pains. Council member Mason said it is critical for the Town to keep the Farmer's Market intact until it can find a larger location. Council member

Mason said SAHA contributes so much to the community and that she hopes both parties are comfortable with the new agreement. That being said, on a motion by Council member Mason, seconded by Council member Phillips, Council moved to adopt the following motion:

To renew the current lease with Southern Appalachian Historical Association (SAHA) until December 31, 2011 with all subleases to be approved by the Town Council. This lease renewal is subject to the following stipulations:

1. SAHA will continue to sublease to the Farmer's Market for the term of the lease on the condition that the Farmer's Market increase its annual rent to a minimum of \$10,000.
2. The Town will supplement SAHA with \$15,000 this fiscal year with the expectation that the Town will continue to provide ongoing support secondary to the reduction in funding for SAHA from the State and ASU.
3. The parking lot will be fully available to the Farmer's Market on Saturdays from 6AM until 1PM, on Wednesdays from 3PM until 7PM and for the two holiday markets, with the understanding that SAHA may need a few spaces incidental to the operation of Horn in the West during these time periods.
4. The Town reserves the right for concurrent use of the parking lot so long as it does not conflict with the principal activities of SAHA and the Farmer's Market.
5. SAHA will notify the Town of any special events at the beginning of the calendar year and as special events arise.

Before voting, Council member Mason pointed out that it is the Town's intention to enter into a longer-term lease with SAHA once SAHA and the Farmer's Market compromise on some planning issues. Mayor Clawson said she is happy the matter is resolved.

VOTE: Aye-All
Nay-None
Absent-2 (Brantz, Pepin)

Joe Martin, President of the Farmer's Market, thanked Council for all its support.

Council adjourned the meeting at 6:58 p.m.

Town Clerk

Mayor