

**TOWN OF BOONE
COMMUNITY APPEARANCE COMMISSION
MEETING MINUTES
TUESDAY, AUGUST 25, 2020 at 5:30 P.M.**

COMMISSION MEMBERS PRESENT: Chairperson Brian Williams, Vice-Chairperson Sarah-Jason Selong, Davis Cagle and Margaret Trumpower

TOWN COUNCIL LIASION MEMBERS PRESENT: Dustin Hicks and Sam Furguele

STAFF MEMBERS PRESENT: Jane Shook, Director of Planning and Inspections, Brian Johnson, Urban Design Specialist, Christy Turner, Senior Planner and Marlene Crosby, Board Secretary

OTHERS PRESENT: Allison Meade, Town Attorney

CALL TO ORDER

Chairperson Brian Williams called to order the meeting of the Boone Community Appearance Commission, held online via WebEx, a video conferencing software at 5:34 p.m.

ADOPTION OF AGENDA

Chairperson Williams made a motion, seconded by Vice-Chairperson Cagle to adopt the agenda as written.

VOTE: Aye – All
Nay – None
The motion passed.

APPROVAL OF MINUTES

Council Member Furguele made a motion, seconded by Vice-Chairperson Cagle to approve the August 5, 2020 meeting minutes as written.

VOTE: Aye – All
Nay – None
The motion passed.

BOARD TRAINING

Ms. Allison Meade, Town Attorney explained that the Town Council had asked her to meet with the Town boards and committees and to review the revisions to the Town Gift Policy and Basic Board Training. Ms. Meade reviewed the fifteen-page Board Committee General Training Memo dated August 5, 2020 found in the meeting packet.

Ms. Meade began explaining the reason for the gift policy change found on page 15 of the meeting packet in the Town Code Chapter 30.52 Code of Ethics. She said the information has been made very clear in the gift policy that the board and committee members as well as Council Members should not accept any gifts that are in any way related to their Town service. She further explained that there are a few exceptions. She said you can accept food and beverages in a meeting, if they are offered and other people outside of the Town are not paying for the food and beverages. She said some small things such as souvenirs can be accepted, if offered at a Town event. She noted that if a gift is accepted and later it is realized the gift should not have been accepted, the gift can be given away to someone else. She said if someone offers you a gift, you may tell them that the Town Gift Policy does not allow you to accept the gift.

Ms. Meade explained the Open Meetings requirements and meeting procedures. She talked about public records that are not kept by the Town. She said that the board and committee members do not have Town email addresses where emails can be maintained or searched by the Town. She said that board members may save their board meeting emails that may potentially be a board meeting record in a file. She said these types of records have a three-year record retention. She pointed out that board meeting minutes and agendas are kept by the Town and the board and committee members would not need to keep these types of files as board records. She said if any board or committee member has a question on any topic that they need help with deciding if an email they have is a public record, they may ask the Planning Staff or email her directly.

Ms. Meade talked about the meeting procedures and noted that the information pertaining to this topic is located in Chapter 35 of the Town Code. She explained that the Town Code is located on the Town of Boone website at www.townofboone.net under Ordinances. She explained that Chapter 35 limits the authority of boards. She said Chapter 35 makes it very clear that no member of a board or committee can act as though they are speaking or acting for the Town unless express authority has been given to do so. She said no board or committee should be forming a committee or sub-committee without the approval in advance of the Council.

Ms. Meade talked about ethical issues and conflict of interest. She pointed out that this information pertaining to this topic is located in Chapter 30, Section 52 of the Town Code. She explained that committee members must ask to be recused from voting on matters involving their own direct or indirect financial interests or official conduct. Chairperson Williams asked Ms. Meade to explain the formal process for a board or committee member to be recused in a Town meeting. Ms. Meade she said she would have to double check but she thinks this recusal process applies to all boards. She said the board or committee members has to initiate the recusal process by requesting a recusal from a given topic. She said then the board or committee would vote on it and a majority vote would allow the recusal.

Ms. Meade talked about substantive law. She explained that federal law trumps state law and state law trumps local law.

Ms. Meade talked about case law. She said that case law deals with strictly construing municipal powers. She said the powers that a municipality exercises need to come from explicit authority and state law. She further explained that state law allows the Community Appearance Commission to exist.

Ms. Meade left the virtual meeting at approximately 5:50 p.m.

CASE PL03370-112019 DRAFT TEXT (CREATION OF B1 DISTRICTS – UDO TEXT AMENDMENT

Chairperson Williams explained that he and Vice-Chairperson Cagle attended the August 20, 2020 virtual Council meeting to answer questions on the final draft of the Downtown Design Guidelines (permanently on file). He explained that the Historic Preservation Commission has been working on two documents: Downtown District Designation Report and Downtown Boone Local Historic District Design Guidelines and Handbook. He further explained that the HPC is proposing an Overlay in the Downtown area.

Ms. Jane Shook, Director of Planning and Inspections explained that the Planning Staff had not planned to review the draft Downtown Designs document at this meeting but they plan to present it at the joint meeting that has been approved by Council. She said that she is waiting on the meeting dates from the State Historic Preservation Commission to schedule the joint meeting with the Council, State Historic Preservation Office, HPC and CAC.

Ms. Shook explained that the Planning Staff had revised the draft Downtown Design Guidelines document with the proposed changes made at the August 5, 2020 Special CAC meeting. She said that she had emailed the revised draft document to the CAC and HPC members to review. She noted that there still are proposed changes that need to be made to the draft document.

Chairperson Williams talked about reviewing the draft design guidelines for language on the Certificate of Appropriateness process. Ms. Turner said that some of the proposed minor works of change that will be made will be done by the Planning Staff. She explained that the major works of change will go through the quasi-judicial process for a COA application.

DOWNTOWN PLANNING DISCUSSION AND DISCUSSION OF JOINT MEETING

Discussion ensued on scheduling the joint-meeting with Council, State Historic Preservation Office, Historic Preservation Commission and the Community Appearance Commission. CAC Chairperson Williams added that the State Historic Preservation Office asked to have a part in the joint meeting because they have overseen a lot of these types of projects in Downtown Historic Districts and they have a lot of input that can help the HPC and CAC in creating a successful proposed Historic District.

Ms. Christy Turner, Senior Planner explained the draft documents that will be discussed at the joint meeting. She said the HPC has been working on a Downtown Survey Report and the Downtown Boone Local Historic District Design Guidelines Handbook. Ms. Shook said the Planning Staff will provide these draft documents to the CAC members either by an electronic link via FTP site or if necessary by copying them to a flash drive. Ms. Turner said if the Council approves the Historic District there will be about 136 properties included in the Overlay for the district. Ms. Shook noted that the draft Downtown Design guidelines document is one to focus on. Mr. Johnson noted that the CAC members should focus on the positives of the HPC's draft documents. Ms. Shook said she agreed with Mr. Johnson.

Ms. Shook explained that the HPC is doing a similar process as the CAC. She said the HPC is working on a proposed Overlay instead of zoning districts. She said the Overlay will go through a zoning map amendment process. She noted that the survey documents and survey report were required documents that Council would approve for a local Historic District. She explained the next step in the process is the joint meeting, town attorney review, public input, review and revision based on public input then on to the formal public hearing process. She explained that the public hearing process is a joint meeting with the Council and the Planning Commission where proposed recommendations from the Planning Commission will be made to Council and Council reviews the proposed recommendations and takes the final actions.

Discussion ensued on providing Downtown property owners with information on the process for the proposed Overlay and rezoning of their properties. Ms. Shook said the Planning Staff is thinking of ways to better present the information to the Downtown property owners. She asked for proposed suggestions for the Planning Staff to provide the information to the Downtown property owners. She explained that she has asked Mr. Chris Miller, Town of Boone GIS Specialist to create a GIS story map to provide to property owners. She also explained that the story map includes an interactive tool that will show information on each property. She noted that this is a time consuming process but the Planning Staff have all of the information to create it. She said the story map will contain all of the properties affected by the Overlay so the property owners can see if their property will be affected by the Overlay. Chairperson Williams suggested adding the building structures to the story map.

Discussion ensued on the inconsistency in the HPC and CAC property maps. Chairperson Williams pointed out that in the HPC map the Watauga County Courthouse and the Nathan's Walk Apartments were included in the map and he said these properties were not included in the CAC map or Historic Core B1 Interface. Ms. Shook noted that the property boundaries can be different. She also noted that different zoning districts have different impacts. She said the Planning Staff will put together some visuals to explain why the two boundaries are different and how they present two different purposes. She said we have to look at the properties and see if we want B1 Interface/Historic Core development at a certain location, if we do not want a property in the B1 Interface it would need to be rezoned. She said from a Planning Staff perspective that having the Nathans Walk Apartments in the B1 Interface might be too much because it is located across from residential neighborhoods and there will be different impacts other than the Design Guidelines.

Council Member Furguele asked Ms. Shook if the properties on Straight Street and Bent Street were not included because they are zoned R3 Multi-family and they are not allowed in the B1 Interface.

Ms. Shook said that the Planning Staff hopes to select three or four dates in September of 2020 for the joint meeting and will send out a doodle poll to begin the scheduling process.

For the public input meeting, Council Member Furguele suggested that there should be a method for proposed changes be put in place and having an introduction for the HPC and SHPO. And, Ms. Shook suggested having slide shows placed on the Town website and to schedule days for charrettes or one on one meetings with the Planning Staff.

Discussion ensued on possibly having a Special CAC meeting. Vice-Chairperson Cagle thought it might beneficial to have a special meeting to make sure all of the CAC members are on the same page with the draft Downtown Design Guidelines. Chairperson Williams did not think a special meeting was necessary because he thought the CAC members did not need to be on the same page prior to the joint meeting. Ms. Shook agreed with Chairperson Williams and she suggested that everyone bring their proposed ideas to the joint meeting. Ms. Shook explained that there are variances that can be applied for when there are issues for things like topography or setback type issues. Ms. Shook said that the Planning Staff might be able to create a presentation that will address these types of issues for the Historic Core or Overlay. Ms. Shook asked for the CAC to please email the Planning Staff with any proposed ideas, they might have on this topic.

Discussion ensued on the implementation of the various plans. Ms. Shook asked the CAC members about the options for implementing the various plans such as the changes to the Unified Development Ordinance and the Overlay, Downtown Boone Local Historic District Design Guidelines and Handbook and Downtown Design Guidelines. Council Member Furguele noted that if the implementation is delayed for a long period of time it can be more difficult to get the plans approved, if new Council members are appointed because they have not been a part of the review process. Council Member Hicks said that he thought the plans should all be implemented the same time.

Discussion ensued on other CAC assigned tasks. Council Member Furguele suggested that the CAC should work on: residential tree preservation and how the Town handles community appearance which might include reviewing the Town ordinances and discussing better community appearance practices and edible plant materials.

INFORMAL DISCUSSION/OTHER MATTERS

There were no other topics discussed at this meeting.

PUBLIC COMMENT

There was no public comment at this meeting.

ADJOURNMENT

Chairperson Williams made a motion, seconded by Vice-Chairperson Cagle to adjourn the meeting at 6:49 p.m.

VOTE: Aye – All
Nay – None
The motion passed.

Brian Williams, Chairperson

Marlene Crosby, Board Secretary