

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
January 10, 2024**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9:00 a.m. on January 10, 2024. The meeting was held via WebEx. Mayor Tim Futrelle presided over the meeting. Council members present included Mayor Pro-Tem Dalton George, Todd Carter, Virginia Roseman, Edie Tugman, and Eric Plaag. Staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Public Works Director Todd Moody, Deputy Public Works Director Justin Stines, Planning Director Jane Shook, Grants Coordinator Laney Wise, Police Chief Andy Le Beau, Deputy Planning Director Stacey Miller, Sustainability and Special Projects Coordinator George Santucci, Human Resources Director Dale Presnell, Cultural Resources Director Mark Freed, Finance Director Guy Miller, and Deputy Public Works Director Josh Eller. Town Attorney Allison Meade was also in attendance, and stated that it was her opinion that even though the meeting was remote, Council could legally take any kind of action on agenda items. However, she stated that to take the most conservative approach, action on any controversial or potentially challengeable items could either be tabled or ratified at the next appropriate in-person meeting.

MOMENT OF SILENCE

ANNOUNCEMENTS

Mayor Futrelle announced the following board vacancies:

BOARD OF ADJUSTMENT

One regular position, Three alternate positions

CULTURAL RESOURCES ADVISORY BOARD

One student position

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

One Council-appointed position

HISTORIC PRESERVATION COMMISSION

One student position

HUMAN RELATIONS COMMISSION

One regular position

PLANNING COMMISSION

Two regular positions

TOURISM DEVELOPMENT AUTHORITY

Four open positions:

1-resident position

1-resident position (expires 3/16/24)

1-business that collects tax

1-restaurant owner/operator

TENTATIVE AGENDA ADOPTION

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

PUBLIC COMMENT

Timothy Austin of Winkler's Creek Road in Boone spoke regarding a water easement that his and other families have with the town. He explained that Town of Boone officials approached his family members and others many

years ago requesting easements across their property in exchange for water service, with the easements being valid until the property changed hands. It was Mr. Austin's understanding that if agreement was broken by either party, the town would not have easements across the various parties, and the various property owners would no longer have free water service. He indicated that he and other property owners recently received letters informing them that the agreement was misinterpreted in the past and that the intent was for waterlines only to be installed with no right to free service. He questioned whether if this was the true intent, why water meters would not have been installed on each affected home during the inception of the project. Mr. Austin further noted that Town of Boone officials have never questioned this agreement in the past during various maintenance work that has taken place on the property. He asked that Council bear in mind that he and his neighbors were the last Austin heirs and that the agreement would be coming to an end naturally. Mr. Austin stated his opinion that it would be wrong of the town to end the agreement at this time and that doing so would give the impression that the Town of Boone did not honor its agreements.

Attorney Meade requested that there be no discussion of the matter at this time, as it raised legal issues. She thanked Mr. Austin for his input, although she indicated she did not agree with many points factually or legally, and asked that he email a copy of the agreement directly to her.

Genevieve Austin of Winkler's Creek Road in Boone, cousin and neighbor of Timothy Austin, was concerned that the letter she received regarding this matter was addressed to sir/madam and that the matter was viewed by Town staff as an impersonal error to be corrected. She stated that this matter was personal to her, as her property was the final gift from her deceased grandparents. Ms. Austin echoed many of the sentiments given by Mr. Austin and gave a brief history of her family. She understood the situation presented was unique and expressed her love for her town. She asked that Council do the right thing and continue to honor the agreement that was entered into with her grandparents. Ms. Austin spoke on another matter next, to inform Council of the history of a "Hollywood star marker" located on King Street near Venture. She explained that the marker was made by family friend, Joe Miller, for her father, who were dear friends. She added that since her father was cremated, she viewed the marker as a grave marker and often left flowers on dates of significance. Ms. Austin indicated that the cement around the base of the marker was deteriorating and that trash could often be found on and around it. She asked that if the Town no longer wanted the marker on the sidewalk on King Street to please return it to her. Mayor Futrelle thanked Ms. Austin for her comments and noted that staff would contact her regarding the marker.

ADOPTION OF ITEMS ON CONSENT AGENDA

Council Member Tugman asked that the word "not" be added to the minutes of November 29, 2023 to read "it was the consensus of Council not to move forward with the project and to give further direction to the Town Manager..." Council Member Plaag asked if the budget amendment regarding ASU football games was for full or partial payment. Chief Le Beau answered that there was a discussion between ASUPD and Boone Police Department about payment for this service and that the payment agreed upon in the end was different than what was agreed upon earlier in the year. He indicated that Boone Police had been reimbursed for all services rendered up to this point, approximately \$24,000 in personnel costs for staffing football games this season.

Mayor Pro-Tem George expressed his appreciation for retiree Lonnie Propst and the importance of the Sustainability Committee. He added one grammatical error to be addressed on packet page 23, changing the word "Dalton" to George.

In regards to the updated Sustainability Committee charge, Council Member Roseman expressed concern about the low quorum limit and a high number of committee members. She wanted to ensure that all members were active and getting a chance to make their voices heard. Council Member Plaag suggested that if the high attendance rate continued, the Council might consider raising the quorum to five. Mayor Pro-Tem George made a motion, which was seconded by Council Member Plaag, to approve the following items on the consent agenda:

1. Resolution of Appreciation – L. Propst
2. Proclamation – Mentoring Month
3. Updated Charter – Sustainability Committee
4. Budget Amendments
5. Minutes:
 - a. Town Council Regular Meeting November 29, 2023 (as amended above)
 - b. Town Council Special Meeting December 4, 2023

- (as amended above)
- c. Town Council Regular Meeting December 13, 2023
- d. Town Council Emergency Meeting December 22, 2023

The motion carried unanimously.

RESOLUTION OF APPRECIATION

WHEREAS, Lonnie Propst retired from the Town of Boone, North Carolina as of December 31, 2023; and,

WHEREAS, he served the citizens of Boone as a Telecommunicator from November 26, 1990, until September 25, 1995, when he transferred to the Fire Department as a Fire Driver/Operator. He served in this position until January 15, 1997, when he was promoted to Senior Fire Driver/Operator. Lonnie was reclassified to Fire Battalion Chief on January 5, 2015, and served in this position with great distinction until his retirement, and;

WHEREAS, he has always shown great dedication and genuine concern for the citizens of the town, town employees, and Town Council; and,

WHEREAS, he has been an honest, loyal, and committed public servant to the town.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Boone, North Carolina, hereby expresses their sincere appreciation and gratitude to Lonnie Propst for his contributions to the Town of Boone.

BE IT FURTHER RESOLVED that the Town Council extends to Lonnie Propst and his family blessings for good health and best wishes for the future.

Adopted by unanimous vote of the Town Council on the 10th day of January, 2024.

Mayor Tim Futrelle

ATTEST:

_____(SEAL)
Town Clerk Nicole Harmon-Church

WHEREAS, January 2024 will mark the 22nd anniversary of National Mentoring Month, an annual campaign to focus attention on the need for mentors, as well as how each of us can work together to increase the number of mentors to help ensure positive outcomes for our young people.

WHEREAS, Boone, NC honors volunteer mentors who support young people by showing up for them every day and demonstrating their commitment to helping them thrive; and

WHEREAS, mentoring programs like WYN's Mentoring Program make our communities and our state stronger by driving impactful relationships that increase social capital for young people and provide invaluable support networks; and

WHEREAS, mentoring plays a pivotal role in career exploration and supports workplace skills by helping young people set career goals, equipping mentors with the skills needed to support the professional growth of young people, driving positive outcomes for young people and businesses; and

WHEREAS, quality mentoring promotes healthy relationships and communication, positive self-esteem, emotional well-being, and growth of a young person and their relationships with other adults; and

population. He further added that it was his opinion that when deer began to see hunters in the area, they would disburse naturally on their own for safety. Mr. Smith strongly discouraged residents from feeding wildlife. Council Member Plaag referenced a study by the Humane Society of the United States that indicated no correlation between deer density and deer conflict and that hunting male deer did not affect population due to other deer moving into the herd. Mr. Smith agreed that if only male deer were targeted in hunting, this would not affect herd numbers since female deer drove the herd population. Manager Davis asked Mr. Smith to give a brief overview of Chronic Wasting Disease, which he did before stating that there were very few cases of the disease in the state, and none were close to Boone. Council Member Carter suggested designating an area in town or on the Greenway to allow hunters. Mr. Smith added that the town could establish a permit system to allow the harvest of antlerless deer. Council Member Roseman hoped to figure out a way for deer to live harmoniously in town. Council Member Plaag inquired about a deer sterilization program. Mr. Smith answered that sterilization would be expensive and would only work in a closed population of deer. He added that it was very stressful on the animal. Council Member Plaag asked how killing female deer was effective, and sterilization was not. Mr. Smith stated this was because hunting put pressure on the herd and removed deer from the herd. He explained that cost was also a huge factor in a sterilization program and that it was extremely difficult to trap deer. Attorney Meade referenced a depredation permit on Chapel Hill's website that could be used in a situation if a deer was found to be injuring property and asked whether this permit was only available to the landowner. Mr. Smith stated that a local ordinance would supersede this, but that a home or property owner could shoot a deer without a permit, but if they wanted other people to shoot the deer, they would have to obtain a permit to do so.

Mayor Futrelle declared a break at 10:33a.m. Council reconvened at 10:47 a.m.

REQUEST FOR DISCUSSION REGARDING PROPOSED WINKLER'S CREEK MOUNTAIN BIKE PARK

Council Member Tugman stated that in follow-up to the meeting held in November regarding the proposed Winkler's Creek bike park, Council had to set priorities. She stated that she thought that this project was an incredible project, but she remained very concerned that Council had priorities that it needed to address before moving forward with a project that would likely incur over 2 million dollars in expenses. She named some of Council's current priorities, which included a new Public Works building, the Howard Street project, the purchase of the former WYN property, and staffing. She added that she was unsure that the proposed Winkler's Creek mountain bike park fit in with the rest of the priorities. Council member Roseman added that she was unsure that the proposed location was right for a bike park due in part to the winding access road and lack of parking. Mayor Pro-Tem George's biggest concerns included preserving the property and including an element for recreation. Council member Plaag suggested directing the Historic Preservation Commission to document the history of the dam on the property. Council member Carter added that Horn in the West Park was another priority that Council had been sitting on for a while. Manager Davis asked if there was consensus that she communicate to Destination by Design staff that a pause would be placed on the project effective immediately. Mayor Pro-Tem George felt that the conversation about the project was too far along and suggested that Council focus on other things currently due to the lack of finances to support the project. He inquired about deed restrictions or a resolution to commit the property to recreation to show those in support of the project that the Council was serious about moving forward in the future. After a brief discussion, it was the consensus of Council to pause the pursuit of the proposed Winkler's Creek mountain bike park, to direct the Historic Preservation Commission to research the dam and surrounding site, and to direct the Town Attorney to explore deed restrictions regarding conservation and recreation.

CONSIDERATION OF TERRITORIAL JURISDICTION AGREEMENT BETWEEN ASU AND TOWN OF BOONE

Chief Le Beau indicated that ASUPD Chief Stephenson approached him in 2020 to inquire about a jurisdictional agreement between the two entities as his officers often traveled through town limits to check on various university properties. He explained that the intent of the agreement was to allow ASUPD officers to act immediately if they happened across a serious crime in progress or a threat to public safety. According to Chief Le Beau, the agreement was approved by a former Council in November of 2020, and since then, he has relayed his concerns to Chief Stephenson that citizens of Boone should not be subjected to routine traffic enforcement

from campus police while off-campus. However, Chief Le Beau indicated that he believed some ASUPD officers had made it their practice and had been given approval to proactively enforce laws off-campus. He reiterated that he had had many conversations with Chief Stephenson over the last three years regarding the topic. During these meetings, Chief Le Beau stated that he relayed his concerns about this practice because Boone residents did not have representation at App State and because the jurisdiction of the town of Boone belonged to Boone Police Department. Chief Le Beau added that this issue was recently raised by the District Attorney when a case was dismissed due in part to ambiguity about the agreement and stated that it was causing problems in the court system. He added that ASUPD was not following the stipulation in the agreement that their agency was required to notify Boone Police Department of police action taken off-campus. Chief Le Beau also referenced an auto accident that occurred in November involving an ASUPD car and an officer outside their jurisdiction. He added that Boone officers desired to have a good working relationship with campus police and believed they served an important role but did not believe that role included town or county policing. Chief Le Beau noted that ASUPD had also started the practice of self-deploying on town and county calls, and while the help was appreciated, he stated that his department would ask for help when it was needed. Chief Le Beau finished his statement by saying that everyone needed to work together for the good of the community. He noted that Boone Police Department would still be able to utilize the state's mutual aid laws with ASUPD in the event that Council decided to terminate the jurisdiction agreement. Council member Plaag stated that he was concerned with the proactive enforcement ASUPD had been giving outside their jurisdiction and believed it to be a gross violation of civil rights. He added that he was concerned that this lack of patience and behavior, coupled with ASUPD soon having its own 911 center, he could foresee the possibility of this affecting arrests well outside ASUPD's jurisdiction. Chief Le Beau stated that anything was possible and that he could not predict ASUPD's future actions. He agreed that the behavior of ASUPD was concerning to him on a number of different levels. Chief Le Beau stated that the number of calls for service that would go to ASUPD instead of Boone PD was concerning and noted that ASUPD's crime statistics did not reflect a lot of emergencies, suggesting a lack of experience. He noted that Chief Isaacs had also expressed a lack of concern from a medical and fire safety aspect. Chief Le Beau stated that during a previous meeting with emergency personnel, ASUPD representatives indicated that they would reach out to County and Town staff for further discussion of the matter, and he did not believe that to have happened. Council member Plaag asked if the current agreement could be terminated without notice. Chief Le Beau answered that it could. Attorney Meade clarified that notice of termination was required, but no advance notice was required. Chief Le Beau stated that he was not opposed to the termination of the agreement but would want time to draft a letter to notify ASUPD of the decision. Mayor Pro-Tem George stated that the oversight by the ASUPD was concerning to him. He indicated that he had read in a report that ASUPD had 62 sworn officers and asked whether there was an increase in officers on ASUPD's force after the adoption of the territorial jurisdiction agreement between ASU and the Town of Boone. Chief Le Beau answered that he was unfamiliar with the inner workings of the department but suspected that many of the 62 reported officers were members of ASUPD's cadet program. Mayor Pro-Tem George questioned whether ASUPD could justify having so many sworn officers because they were aggressively patrolling outside their jurisdiction. Council member Carter expressed concern that, due to the Clery Act, ASUPD had a full year to report E911 calls and noted that he was in favor of terminating the agreement. He added that he appreciated Chief Le Beau's efforts and stated that if ASUPD was not interested in being partners with the Town, which they had demonstrated time and again that they were not, the agreement should be terminated. Council member Roseman asked how many officers Boone had. Chief Le Beau answered that 38 officers were assigned to operations and that the department was currently four officers short. Council member Roseman explained that she was part of the Council that heard the initial request for the territorial jurisdiction agreement and that she voted for it because the department had fewer than 32 officers at the time and was operating at a deficit. She stated that she believed in honoring agreements and was hurt that ASU had not followed through and reported incidents as they had agreed. Chief Le Beau reiterated that Boone Police Department wanted to be a good partner and hoped that ASUPD would still provide assistance when needed. He added that Boone had a very good relationship with the Watauga County Sheriff's Department and knew that they could be counted on for help when needed. Council member Roseman noted that ASUPD officers should not be faulted and believed that this issue came from higher-up. Council member Tugman stated that the impact of ASU inside the town limits, in addition to an abundance of tourists, created an unusual situation that other communities did not see. She added that ASU should be a part of the formula by which the Town measured its needs, including police. Council member Tugman said that she recently observed an ASUPD officer driving fast along King Street before turning into the ASU Daycare parking lot and wondered why he did not stay on campus. Chief Le Beau clarified that ASU did own properties all over town. Council member Plaag suggested a

termination date and time of noon on Friday, January 12, 2024. Attorney Meade suggested that Chief Le Beau draft a short letter to ASU terminating the agreement. Council member Plaag made a motion to terminate the territorial jurisdiction agreement between ASU and the Town of Boone, effective at noon on Friday, January 12, 2024. Council member Roseman seconded the motion and asked how people contacted ASUPD now. Chief Le Beau answered that callers phoned 911 and were transferred to ASUPD or could contact their direct line. He further noted that the County had agreed to allow ASUPD to have a console in their current E911 center, which would alleviate concerns submitted by the ASUPD. Mayor Futrelle asked if Chief Le Beau envisioned backlash from ASUPD when they received word the agreement had been terminated. Chief Le Beau answered that he did not have insight on this but hoped that Chief Stephenson handled the matter the way he had handled it to this point by reinforcing to his officers to work together for the good of the community. The motion carried unanimously and Attorney Meade suggested the vote be ratified in person next month.

PROPOSAL TO REINSTATE WORK SESSIONS DURING TOWN COUNCIL MEETINGS

Council member Plaag presented a proposal to reinstate work sessions during regular Town Council meetings and noted that Manager Davis and other Council members viewed them as a beneficial way to plan and discuss issues as they arise. Manager Davis offered her opinion that what threw work sessions off track before was pushing them later in the meeting and not ever being able to reach all the items on the agenda in a reasonable amount of time. She suggested that Council devote the first hour of the first meeting of the month to a work session to see how it worked. Council member Carter agreed. Mayor Pro-Tem George agreed that work sessions needed to be structured to be successful. Council member Tugman suggested scheduling public comment before the work session so that people who wished to speak did not have to sit through the work session. Mayor Futrelle suggested holding public comment at 10:00 a.m. each meeting to avoid having people wait. Mayor Pro-Tem George agreed and suggested adjusting this to accommodate speakers as needed. Attorney Meade noted that there were often people who signed up to speak during public comment who wanted to wait to hear the decision about what they spoke about. She suggested that Council could accommodate those people as needed and that public comment be directly followed by council matters. Council member Plaag suggested, and it was the consensus of Council, to schedule a work session after the moment of silence (beginning at 9:00 a.m. and ending at 10:00 a.m.) during the first regular Council meeting each month.

REQUEST FOR DISCUSSION REGARDING CULTURAL RESOURCES ADVISORY BOARD

Council member Plaag noted that he was recently appointed as liaison to the Cultural Resources Advisory Board and had met with Cultural Resources Director Mark Freed in December. He stated that it was his understanding from Director Freed that there was considerable frustration from Cultural Resources staff and members of the Cultural Resources Advisory Board that the function of the board was not clear. For example, Council member Plaag thought that there was a great opportunity for Cultural Resources input with the proposed Founder's Memorial, as well as the General Assembly appropriation for funds allocated to the Horn in the West and Hickory Ridge Homestead. He added that their input should also be considered regarding proposed murals downtown, as well as the Rivers House plans for the future. Council member Plaag requested discussion regarding the function of the board and what direction Council wanted to give it for the remainder of the fiscal year. Mayor Futrelle then asked Cultural Resources Director Mark Freed to weigh in regarding Council member Plaag's request. Director Freed stated that it was more a feeling of confusion than frustration. He added when the board was changed to an ad-hoc board, he advised members that there were certain projects on the horizon that he assumed the board would be meeting about in the near future, but that input was never solicited. Council member Tugman, who is also a liaison to the Cultural Resources Advisory Board, sympathized with members of the Cultural Resources Advisory Board for not feeling included in discussions and stated that they should be involved in discussions if they wished to do so. She added that it was important that board members become involved in the Boonerang festival planning as it was a central and visible activity. Council member Roseman agreed that the board should be involved in the planning process for the Boonerang festival, as well as giving feedback on the allocation of funding for the Daniel Boone Park and Hickory Ridge Homestead. She added that the Cultural Resources Advisory Board should also be consulted about murals. Council member Carter referenced the description of the Cultural Resources Advisory Board listed on the Town of Boone website and felt that there was overlap between the Cultural Resources Advisory Board, Tourism

Development Authority, and the Historic Preservation Commission, and asked that a clear process be defined. Council member Plaag stated that he felt the Founder's Memorial process could have been handled better. He acknowledged overlap between certain committees but stated that he saw a distinction between the work that the Cultural Resources Advisory Board was supposed to be doing in terms of programming and the TDA and HPC's different functions in terms of logistics, appropriateness, and feasibility of a project. Discussion continued, with Council member Plaag reiterating that he did not believe that the Cultural Resources Advisory Board should be reactive and should instead be used as an opportunity to discuss programming opportunities that were beneficial to the town. He suggested that the board discuss programming ideas for the greatly underutilized Strawberry Hill area near Horn in the West. Council member Roseman made a motion to resume quarterly meetings of the Cultural Resources Advisory Board to look at future endeavors that are in the best interest of the community, specifically including these priorities: Boonerang, allocation of funds received by the General Assembly for the Horn in the West and Hickory Ridge Homestead, and upcoming murals throughout the community. Council member Tugman seconded the motion. Mayor Pro-Tem George offered a friendly amendment to direct the Cultural Resources Advisory Board to continue its work on the 1872 award. Council member Roseman accepted this amendment. Council member Plaag offered a second friendly amendment to include as a priority possible future uses of the Rivers House, as well as the ability to schedule additional meetings as determined to be necessary in addition to the quarterly schedule. Council member Roseman stated that it was her understanding that the board could choose to meet more frequently if needed. Attorney Meade confirmed this statement. Council member Roseman stated that she left the Rivers House out of her motion because she believed there were certain aspects of the property that needed to be addressed by Council before going to the board. Council member Plaag withdrew his amendment. Director Freed noted that he was happy to have the input of the Cultural Resources Advisory Board regarding Boonerang, but that staff was so far along in the planning process that they may need to move forward with decisions for this year's festival without input from CRAB. Hearing no further discussion, Mayor Futrelle called for a vote.

VOTE: Aye: All
 Nay: None

Mayor Futrelle declared a break at 12:48 p.m. Council reconvened at 1:15 p.m.

REQUEST TO SCHEDULE HOUSING RETREAT

After brief discussion, it was the consensus of Council to reschedule the annual planning retreat to Monday, January 29, 2024 beginning at 9:00 a.m. at Council Chambers.

Council member Plaag presented a request to schedule a full-day housing retreat to discuss issues surrounding the ongoing shortage and affordability of workforce housing in Boone. He suggested that presentations be given by the Watauga County Housing Council, Boone Fair Housing Task Force, Watauga Community Housing Trust, and Watauga Chapter of Down Home. Mayor Futrelle asked what the Down Home organization would bring to the proposed discussion. Council member Plaag answered that Down Home was an organization focused on issues that affected the working class in Watauga County and North Carolina. It was his opinion that the organization's input was important since they had spent several months researching and working to convince Watauga County Commissioners to adopt minimum housing standards, which had not yet been adopted. Mayor Pro-Tem George noted that he was employed by Down Home, though he had not spoken with his employer about this matter. He thought that their canvassing would benefit the topic in that they had knowledge of the rental market. Council member Tugman stated that she was a member of the Watauga County Housing Council and that the housing solutions committee had reviewed and discussed more than 50 projects around the country that were innovative approaches to affordable housing, particularly in university and tourist-oriented areas. She indicated that she was in favor of holding a housing retreat but suggested that it might be something that could be accomplished during a regular Town Council meeting. Planning Director Jane Shook indicated that the Watauga County Housing Council would be available to present and advise as needed. Council member Carter specified a need to discuss zoning and revisit the recent DFI presentation. He added that he felt it was important to identify concrete things Council could do to start moving forward on the issue. Council member Plaag stated that the ideas that he had discussed with Director Shook from a zoning and ordinance perspective were things that Council had not contemplated in the past. He feared the political implications if Council went another cycle without addressing this important issue. Council member Carter suggested that Council request an

update from Tina Krause, Executive Director at the Hospitality House, on where they stood with the Rapid Re-housing Program. Council member Roseman suggested scheduling the retreat in March to give ample time to contact presenters and to allow for their schedules. Council member Plaag expressed concern at putting the retreat off that long. After brief discussion, it was the consensus of Council to schedule a housing retreat on Monday, February 5, 2024, beginning at 9:00 a.m. at Town Council Chambers. A backup date will be March 6, 2024 at 9:00 a.m. at Council Chambers.

APPOINTMENT TO SUSTAINABILITY COMMITTEE

Mayor Pro-Tem George stated that it made sense to him to appoint Becca Nenow to a regular seat given her experience, and stated that applicant Georgia is a part of many important groups, but acknowledged that applicant George had research experience. He then nominated Becca Nenow to the open regular seat and Georgia Arnold to the open student seat. Council member Plaag expressed concern that applicant George Hotelling's graduation date was so soon and stated that he would rather have a member who could serve a full term. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE: Aye: All
 Nay: None

Becca Nenow's term will expire on June 30, 2026 and Georgia Arnold's term will expire on June 30, 2024.

APPOINTMENT TO BOONE TOURISM DEVELOPMENT AUTHORITY

Due to a clerical error, this matter was tabled and will be brought back to Council for consideration at the next available meeting.

TOWN MANAGER REPORT

Manager Davis updated Council on the following topics:

1. Permission has been granted by the Historic Preservation Commission for staff to move forward on the downtown bathroom project located at Town Hall in the former bank vault. She noted that this project was completely funded and would result in two ADA compliant restrooms for use by downtown visitors.
2. Security upgrades at Town Hall are in place with the exception of equipment that staff hopes to have installed by the end of the month. She announced that the project should be completed by the end of February.
3. Laney Wise was moved into the Grants Coordinator role and has been working on a Connect and Protect grant with the Police Department for a social work program. Manager Davis noted that the Mediation and Recovery Justice Center has made an offer to a candidate and they hoped to have a reply soon. Other grant updates included \$69,500 awarded for a law enforcement de-escalation grant, a recently submitted application for a Lowes Hometown grant for ADA-compliant playground equipment and sidewalk access at Jaycee Park, a recently submitted application for a Disaster Relief and Mitigation Fund Grant Program grant through the NC Department of Public Safety to help repair the Casey Lane bridge leading to the Waste Water Treatment Plant.
4. Manager Davis stated that the first Chevy Bolt received has been wrapped with the Boone Sustainability logo, and noted that the second Bolt was serving the Planning Department well. She also announced that the new solar picnic table would be installed at the Jones House in April. Manager Davis anticipates that the Boone Community Climate Action Plan will be presented to Council in February.
5. David Brumfield donated \$3,000 for the Boone Police Department to take participants in the children's Meadowhill program to Carowinds later this year. Manager Davis announced that the second Boone Police Academy would begin on February 1, 2024.
6. Public Works staff is continuing to install new water meters with 1,657 or 28% installed as of today. Additional infrastructure procurement is being researched, and new meter installation will continue as funding allows.
7. Construction of the Jimmy Smith Waste Water Treatment Plant UV Treatment System replacement project is nearing completion with the startup of the new system scheduled for Thursday, January 11th.
8. DBDA Coordinator Lane Moody will be partnering with other staff to send an email to MSD members to inform them of the intent of ASUPD to install their own PSAP call center.

9. Planning Director Shook gave Council an update on what to expect for the upcoming Boone Next kickoff which will include workshop elements, smartphone polling, presentations, and information stations.

TOWN ATTORNEY REPORT

Attorney Meade reported that after communications with Five Star Car Wash their owner did comply with the Town's request to turn off the bubble lights. She stated that the communications between herself and the owner's attorney were very civil and indicated that the owner and their attorney requested a meeting with Council to discuss lighting and sign issues. Attorney Meade suggested that Council invite the owner and their attorney to the next available meeting as a requested appearance or work session item with the expectation of discussion. Council member Tugman noted that Boone Chamber Executive Director David Jackson had made Council aware of a growing number of people who were concerned about lighting and sign issues and suggested that if Council was offering one business or person the opportunity to speak on the matter then the people who went to Mr. Jackson should have an opportunity to voice their concerns as well. Mayor Pro-Tem George disagreed with tying this discussion to other things, and believed if the owners of Five Star Car Wash had been pleasant to deal with he saw no issue with a requested appearance from them. Council member Plaag and Mayor Futrelle agreed. It was the consensus of Council to move forward with Attorney Meade inviting the owners and attorney for Five Star Car Wash to attend an upcoming Council meeting as a requested appearance to discuss lighting. Next, Attorney Meade gave members an refresher on public records and record retention requirements.

BOARD LIAISON REPORT

Council member Roseman stated that Bettie Bond did a wonderful job stepping into Council member Plaag's shoes at the most recent Historic Preservation Commission meeting, and reported that they would soon be presenting budget information to Council for the upcoming fiscal year.

Mayor Pro-Tem George stated that the Sustainability Committee would be presenting Council with the completed Climate Action Plan in February. He also noted that Eric Woolridge attended the meeting to discuss the proposed Winkler's Creek bike park and to ask the Sustainability Committee to evaluate the environmental impact it would have.

Council member Tugman reported that the Downtown Boone Development Association discussed the criteria for reinstatement of the Mainstreet designation as well as the reinstatement of the association's 501(c)3 status.

Council member Carter announced that the Chair of the Human Relations Committee resigned due to a move out of the area and Harley Atkins was appointed as the new Chair.

CLOSED SESSION

Upon a motion by Council member Carter, seconded by Council member Tugman, Council voted unanimously to enter into closed session at 3:13 p.m. pursuant to:

1. N.C. Gen. Stat. § 143-318.11(a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s).

2. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims.

3. N.C. Gen. Stat. § 143-318.11(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property located at 155 WYN Way, Boone, NC 28607, by purchase, option, exchange, or lease.

Upon a motion by Mayor Pro-Tem George, seconded by Council member Tugman, Council voted to exit closed session at 4:10 p.m.

ADJOURNMENT

Mayor Futrelle adjourned the meeting at approximately 4:11 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor