

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
January 24, 2024**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:00 p.m. on Wednesday, January 24, 2024 at Boone Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council members present included Mayor Pro-Tem Dalton George, Virginia Roseman, Edie Tugman, and Eric Plaag. Staff members present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Public Works Director Todd Moody, Planning Director Jane Shook, Sergeant David Osborne, Chief Andy Le Beau, Sustainability and Special Projects Manager George Santucci, Finance Director Guy Miller, Environmental Planner Brandon Wise, Sergeant Candace Burlingame, and Deputy Public Works Director Justin Stines. Town Attorney Allison Meade was also in attendance.

Mayor Futrelle indicated that Council member Carter could not attend the meeting due to an illness in his family and stated that all hearts and minds were with him during this time.

MOMENT OF SILENCE

TENTATIVE AGENDA ADOPTION

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

VOTE: Aye: George, Roseman, Tugman, Plaag
 Nay: None
 Absent: Carter

PUBLIC COMMENT

Mayor Futrelle indicated that a person had signed up to speak, but that he and Manager Davis had successfully resolved her issue prior to the meeting.

ADOPTION OF ITEMS ON CONSENT AGENDA

Upon a motion by Council member Plaag, seconded by Council member Tugman, Council voted to approve the following item on the consent agenda:

1. Proclamation-National Human Trafficking Prevention Month

Mayor Futrelle read the proclamation into record before stating that this was a very important issue and hoped that the passage of the proclamation brought attention to the matter and brought the community together. Danyelle Kara with the Bridge International thanked Council for approving the proclamation and for recognizing the importance of collaborating with OASIS and other community partners on this and other important topics. Jeannie Futrelle with OASIS indicated that she was thankful for the partnership between OASIS and the Bridge International, as well as to the Town of Boone for adopting this proclamation. Mayor Futrelle added that this subject was near and dear to Council member Carter's heart and knew that he would be proud that the Town Council adopted this proclamation.

National Human Trafficking Prevention Month Proclamation

Whereas human trafficking is a public health issue and crime that exploits the most vulnerable among us and weakens the health and well-being of individuals, families, and communities across generations;

Whereas more than 20 years since the passing of the Trafficking Victims Protection Act, human trafficking still exists—including the forced or fraudulent recruitment, harboring, or transportation of people for labor or commercial sex;

Whereas an estimated 27.6 million people are subjected to human trafficking globally, including cases of human trafficking reported in every U.S. state and territory;

Whereas human trafficking can happen to anyone, but certain populations are

disproportionately at risk, including people affected by abuse, violence, poverty, unstable living situations, social disconnection, or discrimination;

Whereas people can be trafficked in person and online; in industries such as restaurants, domestic work, construction, agriculture, and factories; and by strangers or someone they know, including employers, partners, and family members;

Whereas human trafficking can be prevented by building individual, community, and societal understanding and resilience, reducing social inequities, and addressing the conditions that contribute to exploitation;

Whereas The Town of Boone, The Bridge International, and OASIS is dedicated to ensuring anyone impacted by human trafficking can receive services that provide individualized care, understand the impact of trauma, and incorporate cultural and linguistic needs;

Whereas a successful response to human trafficking requires a coordinated, community-wide effort;

Whereas people who have experienced human trafficking have relevant perspectives and expertise, and will engage and collaborate with them to develop and strengthen trafficking-related services and programs;

Whereas every individual, family, community, and organization can contribute to enhancing human trafficking awareness, prevention, and response by learning about ways to help at *thebridgeinternational.net* and *humantraffickinghotline.org*;

Now, therefore, I, Tim Futrelle, as Mayor of the Town of Boone do hereby proclaim the month of January 2024 as Human Trafficking Prevention Month, reaffirming our commitment to increase awareness and education on human trafficking, make resources available to assist individuals and communities impacted by human trafficking, and build diverse public-private partnerships to support a more comprehensive response to prevent and respond to human trafficking.

This is the 24th day of January, 2024.

Tim Futrelle, Mayor

ATTEST:

_____(SEAL)
Nicole Harmon-Church, Clerk

REQUESTED APPEARANCES

KELLY WELSH & KARINA MARTINEZ-GONZALEZ - APPHEALTHCARE

Kelly Welsh, Deputy Health Director, and Karina Martinez-Gonzalez, Director of Epidemiology, Communicable Disease & Preparedness, provided Council with an update and presentation on surveillance data regarding Covid-19, flu, and RSV trends in the area. In regards to the statistics presented, Council member Tugman asked whether Covid-19 numbers were reported by doctors when a person was diagnosed during an office visit or if the data was collected only from hospitals. Director Martinez-Gonzalez answered that since the emergency declaration ended, Covid-19 was no longer considered a reportable condition except at the outbreak level in settings such as extended care facilities. She agreed that the numbers presented for flu and Covid-19

were likely lower than actual cases and noted that the wastewater data was more accurate. Council member Plaag stated that he felt as if he had been sick more often than usual this season. Director Martinez-Gonzalez replied that she was unable to speak to person-by-person levels of sickness. She noted that virus peaks were overlapping this season and had started earlier, which meant that many viruses were circulating at the same time. Council member Roseman indicated that she was immunocompromized and was recently hospitalized for six days. She asked that people have courtesy and always wear a mask. An unnamed member of the public referenced a study conducted on ferrets and gave her opinion that masks were ineffective against viruses. A complete copy of the presentation can be found at <https://boonenc.iqm2.com/Citizens/default.aspx>

KATIE KROGMEIER - NEW RIVER CONSERVANCY

Katie Krogmeier, Restoration Director for New River Conservancy, updated Council on current restoration projects within the town of Boone. Regarding the Boone Creek Temple restoration project, Council member Plaag noted that there was possibly a previous oil discharge on the eastern end of the project and asked whether she foresaw any lingering effects. Director Krogmeier responded that she did not believe there would be any lingering effects since it was reportedly a small spill, which typically ran through the system quickly. Council member Tugman asked whether New River Conservancy was working with the Temple to replace any sidewalks that were damaged during the restoration project. Director Krogmeier answered that they were working with Watauga County, which owns the land, and everyone involved was aware and supportive of the project. Discussion moved to the South Fork Confluence with Council member Tugman asking whether she envisioned this project helping with the flooding problem at the Armory building. Director Krogmeier stated that the goal of this project was to restabilize banks so that the river had access to the floodplain when needed. She added that the project would not make flooding worse or better but would allow water to soak in and make things better downstream. Council member Roseman was of the opinion that the Moose Lodge property should be converted to a wetland or preserved in some other way and asked if there was a way to encourage the owners to sell the property to the Town and relocate. Director Krogmeier indicated that a portion of the project map would be dedicated to a wetland preservation area. Sustainability and Special Projects Manager Santucci added that the Moose Lodge was not labeled as a repetitive loss property like the former nursing home property where Clawson Burnley Park was located and doubted that the owners of the Moose Lodge would be willing to sell their property. Council member Plaag noted that the Yates property upstream was an area that repeatedly flooded and asked whether it would meet the FEMA requirements for the Town to acquire. Environmental Planner Wise answered that he did not believe the property would meet requirements since FEMA was more concerned about property losses and unwanted structures. He added that he did not think FEMA would be against the acquisition and that it could potentially be grouped with another purchase. A complete copy of the presentation can be viewed online at <https://boonenc.iqm2.com/Citizens/default.aspx>

COUNCIL MATTERS

APPOINTMENT TO BOONE TOURISM DEVELOPMENT AUTHORITY

Mayor Futrelle announced that there were three vacancies on the Boone Tourism Development Authority, including one lodging/business that collects tax seat, one restaurant owner/operator seat, and one resident seat. Mayor Pro-Tem George noted that applicant Roark was not eligible since she resided in Tennessee. Tourism Development Director Tilley indicated that the bylaws had recently been changed to allow this in certain circumstances, but since the bylaws had not yet been approved, applicant Roark was not eligible. He added that there were many good applicants and explained the board's membership requirements as required by state statute. Applicant Cook was in the audience and was asked by Mayor Pro-Tem George to speak. Mr. Cook stated that he was a Boone native and had previously served on the Tourism Development Authority. He indicated that he had worked in the tourism industry for many years and was confident that he was familiar with the ebbs and flows. Council member Roseman suggested that applicant Williams would be an excellent choice to serve on the Planning Commission due in part to his experience on the Community Appearance Commission. Council member Plaag thought that applicants should be taken at their word and their applications should be honored for what they applied for. He added that he was impressed by applicant Williams' ability to understand niche-type lodging and applauded their success with the Blue Ridge Tourist Court. Council member Tugman also appreciated the work applicant Williams did and felt that their experience as a locally owned and operated business would give a different perspective on the lodging/business that collects tax seat. Council member Roseman reminded members that she previously served on the Tourism Development Authority and noted that

applicant Brown took on the secretary position on the day she was appointed and that she had remained very impressed by applicant Brown's service to the Tourism Development Authority. Attorney Meade stated that the current bylaws were confusing regarding membership and how the seats were listed. She suggested, and Director Tilley agreed, to send proposed bylaws to her for review. Council member Tugman then nominated Brian Crutchfield to be reappointed to the vacant resident seat. Council member Roseman also nominated Daniel Cook to fill the vacant resident seat. Hearing no further nominations, Mayor Futrelle called for a vote on the vacant resident seat.

Vacant Resident Seat

VOTE:	Crutchfield:	Tugman, Plaag, Futrelle
	Cook:	Roseman, George

Applicant Crutchfield's term will expire on January 24, 2027.

Council member Plaag nominated Brian Williams to the vacant lodging/business that collects tax seat. Mayor Pro-Tem George also nominated Ben McKethan to fill the vacant lodging/business that collects tax seat. Hearing no further nominations, Mayor Futrelle called for a vote on the vacant lodging/business that collects tax seat.

Lodging/Business that Collects Tax Seat

VOTE:	Williams:	Plaag, George, Roseman, Tugman
	McKethan:	None

Applicant Williams' term will expire on January 24, 2027.

Council member Roseman nominated Elisha Brown to be reappointed to the vacant restaurant owner/operator seat. Hearing no further nominations, Mayor Futrelle called for a vote:

VOTE:	Aye:	Roseman, Tugman, George, Plaag
	Nay:	None

Applicant Brown's term will expire on January 24, 2027.

Mayor Futrelle called for a break at 7:13 p.m. Council reconvened at 7:25 p.m.

WORK SESSION

Attorney Meade gave a brief update on the status of the examination period that ends on January 31 with respect to the Town's potential purchase of the property located at 155 Wyn Way. She indicated that the Town had the option to extend this period for an additional 45 days at a cost of \$5,000, which would be applied to the purchase price if Council chose to move forward with the purchase of the property. Attorney Meade stated that the inspection report and title commitments did not present any surprises or unusual findings. She spoke to the access to the property, stating that there was road access via Wyn way, but that the Tall Timber Trail easement to the east of the property was a private easement only and did not provide current access to for this parcel. Attorney Meade stated that she believed it to be lawful to lease the property to a daycare operation and to subsidize, although she could not give an ironclad legal opinion on this issue. It was her view that daycare was a broad enough service to the public and a sufficient public service in terms of Town expenditures that it would be lawful to proceed in this fashion. Manager Davis reported that Town of Boone employees collectively had 19 children under the age of five that could utilize the daycare if Council chose to move forward with a daycare operation for Town employees, though it would come at a cost of \$26,000 per child. Attorney Meade stated that there was no doubt that the Town could provide care for its employees only, as opposed to the general public, but stated that daycare centers carried a huge regulatory environment and she did not believe it made sense for the Town to have to gain the expertise needed to operate a daycare facility. Council member Tugman asked whether there were statutory restrictions against infringing on leasing to a non-competing business. Council member Plaag suggested instead coupling the WYN property with the nearby water tower property for transitional employee housing. Manager Davis replied that she had reached out to

an attorney with the UNC School of Government for clarification about whether or not the Town could limit housing to certain groups of people. Council member Tugman stated that creating a plan for housing could take 2 to 3 years and wondered whether anyone would be willing to house a daycare in the building for this short amount of time. She also asked whether the funds used to purchase the WYN property would have to be paid back into the housing fund. Manager Davis believed that would be appropriate since one cent of the most recent tax increase was allocated to housing. Attorney Meade stated that she had inquired about a leaseback option, and though WYN was flexible, they preferred to stay in the property through 2025. Council member Tugman stated that a lease back would give additional time to consider how to utilize the property. Council member Plaag suggested reassessing the lease back situation at the end of 2024. Attorney Meade answered that this was a possibility but questioned if the new WYN space was completed during that time frame, why would they want to stay in the old building. Mayor Pro-Tem George supported the leaseback option and viewed the purchase as a way to protect the neighborhoods in the surrounding area. He then made a motion to amend the agenda to take action on this matter. Council member Tugman seconded this motion.

VOTE: Aye: George, Tugman, Roseman, Plaag
 Nay: None
 Absent: Carter

Mayor Pro-Tem George made a motion, which was seconded by Council member Tugman, to move forward with the purchase and closing of the WYN property, to grant staff permission to extend the exam period by 45 days by paying the option fee to negotiate leaseback terms, and to come back to Council if needed.

VOTE: Aye: George, Tugman, Roseman, Plaag
 Nay: None
 Absent: Carter

Manager Davis suggested Council take the remaining \$67,000 needed for the purchase from the facilities line, and it was the consensus of Council to do so. Council member Plaag suggested that staff begin researching entering into a public-private partnership regarding the WYN and the water tower property. Manager Davis suggested that staff reach out to the Wynnfield company as a first contact. Planning Director Shook agreed that they were familiar with the process. Mayor Pro-Tem George suggested holding a second meeting with Junaluska community members to inform them of the process. Council member Tugman noted that she had updated Roberta Jackson last week. Council member Plaag indicated that what landed so poorly with the proposed water tower property project many years before was that the housing was project-like, but stated that the transitional housing being proposed was a different type of housing. He suggested that Council nominate two members to meet with the Junaluska Historical Association. Mayor Futrelle asked that members approach the topic respectfully and ask members of the community to partner with the Town on the project. Council member Tugman added that it was previously mentioned to her by someone in the community that the WYN property should become a community center and museum, but she answered that the Town had to be realistic about its finances. She suggested that off-hours use of a community room and a history element be added to the building. Council member Plaag agreed that it was important to remind everyone of the history of the WYN building, which was a purpose-built, segregated school. He stated that it was important to remember that the community carried a difficult history that required sensitivity if the Town acquired the building. Council member Roseman stated that whatever went into the WYN building needed to harmonize with the community. Mayor Futrelle suggested, and it was the consensus of Council, that Council members Tugman and Carter schedule a meeting with JHA representatives to discuss this matter.

CLOSED SESSION

Upon a motion by Mayor Pro-Tem George, seconded by Council member Roseman, Council voted at 8:01 p.m. to enter into closed session 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.

VOTE: Aye: George, Roseman, Tugman, Plaag
 Nay: None
 Absent: Carter

ADJOURNMENT

Mayor Futrelle adjourned the meeting at approximately 9:00 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor