MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
February 14, 2024

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9 a.m. on Wednesday, February 14, 2024 at the 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, Eric Plaag, Virginia Roseman, Todd Carter, and Edie Tugman. Staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Planning Director Jane Shook, Deputy Public Works Director Justin Stines (remote), Public Works Director Todd Moody, Grants Coordinator Laney Wise, Police Chief Andy Le Beau, Long Range Planner Jessica Mitchell, Cultural Resources Director Mark Freed, Sustainability and Special Projects Manager George Santucci, Deputy Public Works Director Josh Eller (remote), Finance Director Guy Miller, and Deputy Planning Director Stacey Miller (remote). Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

ANNOUNCEMENTS

CONSIDERATION OF RESOLUTION - R. BRANTZ

Mayor Futrelle presented a resolution honoring former Mayor Rennie Brantz who recently passed away. Accepting the resolution were his widow, Lana Brantz, and long-time friend, Dr. Bettie Bond. Upon a motion by Council member Carter, seconded by Council member Tugman, Council voted unanimously to approve the resolution.

RESOLUTION HONORING FORMER MAYOR RENNIE BRANTZ

WHEREAS, the Town Council of the Town of Boone, North Carolina, wishes to acknowledge and express sincere appreciation for the many years of dedicated service Mayor Brantz unselfishly gave to the citizens of Boone; and

WHEREAS, beloved former Mayor Rennie Brantz passed away on October 9, 2023; and

WHEREAS, Mayor Brantz was born in Hartford, Connecticut on December 5, 1942, and was raised in Nebraska and Kansas. He married his high school sweetheart, Lana, at the age of 20, and together they had a son, Doug; and

WHEREAS, Mayor Brantz was a German history professor for 42 years at Appalachian State University, and founded the Center for Judaic, Holocaust, and Peace Studies at Appalachian State University along with Dr. Zohara Boyd; and

WHEREAS, Mayor Brantz put forth substantial effort toward improving the quality of life for the citizens of Boone, seeking to make the community a better place by serving on various committees and boards, including the Historic Preservation Commission, Cultural Resources Advisory Board, Water Committee, Transportation Committee, and Tourism Development Authority; and

WHEREAS, Mayor Brantz served selflessly as a member of the Boone Lions Club, and took great pride in installing the flags along King Street on federal holidays; and

WHEREAS, Mayor Brantz gave many hours of service to the Boone Democratic Party, serving as secretary for twenty years; and

WHEREAS, Mayor Brantz always showed great dedication and genuine concern for the citizens of the town, town employees, and Town Council; and,

WHEREAS, Mayor Brantz was the perfect example of an honest, loyal, and committed public servant to the town. His spirit of hospitality, charm, and good nature made him a joy to be around.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Boone, North Carolina, does hereby honor the memory of Rennie Brantz, former Mayor of Boone, and expresses our condolences to his wife, Lana, son Doug, and the rest of the Brantz family and friends on his passing.

This is the _____ day of February, 2024

____
Tim Futrelle, Mayor

ATTEST:

________________________(SEAL)
Nicole Harmon-Church, Clerk

CONSIDERATION OF RESOLUTION SUPPORTING THE ESTABLISHMENT OF A POET LAUREATE FOR THE HIGH COUNTRY

Amber Bateman and Hilda Downer spoke regarding the request for support for a Poet Laureate in the High Country to promote the writing and reading of literature and poetry in Watauga County. Upon a motion by Council member Plaag, seconded by Council member Roseman, Council voted unanimously to approve the resolution as presented.

A RESOLUTION TO SUPPORT THE ESTABLISHMENT OF A POET LAUREATE FOR THE HIGH COUNTRY

WHEREAS, the Town of Boone acknowledges the extensive, diverse, and enriching history of the arts as a vital aspect of our community; and

WHEREAS, the Town of Boone is dedicated to fostering the arts and actively seeks avenues to invigorate and make the arts more accessible to all residents; and

WHEREAS, poetry serves as a narrative of human emotion and can sustain the emotional memory of a community; and

WHEREAS, poetry allows us to perceive our experience with greater richness and complexity; and

WHEREAS, poetic language has the power to transport us to the frontiers of imagination and aids in articulating our vision of the future; and

WHEREAS, familiarity with poetic traditions enables a deeper understanding of our own culture and acts as a gateway to the diverse cultures of others; and

WHEREAS, the Watauga Arts Council, High Country Writers and the Town aspire to collaborate in achieving the following shared goals for our community:

- Elevate the presence of literary arts in Boone and Watauga County. • Advocate for poetry and literary arts across all sectors of the community.
- Represent the High Country and its longstanding tradition of arts and culture at the state level.
- Encourage engagement in literary activities across all age groups, including collaborative programming with educational institutions (including charter schools, preschools, nurseries, daycares, and after-school programs) and seniors.
- Foster the creation of new literary works, including the potential commissioning of works for significant occasions and public ceremonies.
- Promote the reading of existing and new poetry at civic events, local celebrations, and Town-sponsored functions.
- Amplify the presence of poetry and literary arts locally through radio, print, social media, and as an integral part of community marketing.
- Promote poetry writing among often overlooked populations with behavioral health, substance abuse, and neurodivergent disorders.

NOW, THEREFORE, BE IT RESOLVED that the Boone Town Council expresses its full support for the establishment of a Poet Laureate for the High Country.

This is the _____ day of February, 2024

____
Tim Futrelle, Mayor

ATTEST:
____________________________________(SEAL)
Nicole Harmon-Church, Clerk

CONSIDERATION OF PROCLAMATION - BLACK HISTORY MONTH

Mayor Pro-Tem George read the following proclamation into the record:

In Honor of Black History Month

WHEREAS, The Town of Boone takes pride in joining other North Carolina Municipalities in recognizing February as Black History Month; and
WHEREAS, in 1976, Black History Month was adopted to honor the importance of Black history in our Country; and
WHEREAS, since 1976, every American president has designated February as Black History Month and endorsed a specific theme; and
WHEREAS, The Town of Boone is home to Junaluska, one of the oldest historically Black communities in the Appalachian mountains; and
WHEREAS, Black Boone residents have consistently advocated and persevered, taking leadership roles in many vital organizations, leading the Town in elected office, and continuing to build and preserve the important Junaluska community; and
WHEREAS, Black Boone residents have contributed greatly to the development of not only our Town, but our State and Country, culturally, spiritually, economically, and beyond; and

WHEREAS, Black families have deep roots in Appalachia, contributing to our strong and unique cultural fabric that many Boone residents take great pride in; and

WHEREAS, Boone is a better Town today as a result of the contributions of Black residents; and
WHEREAS, this proclamation and this month give the Town the opportunity to celebrate the Black members of our community and encourage all residents to become more knowledgeable about the importance of Black Heritage and Boone's history; and
NOW, THEREFORE, I, Tim Futrelle, mayor of the Town of Boone, do hereby proclaim February 2024 as Black History Month for the Town of Boone.

This the 14th day of February 2024

____
Tim Futrelle, Mayor

ATTEST:

________________________(SEAL)
Nicole Harmon-Church, Clerk

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

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Futrelle announced the following board vacancies:

BOARD OF ADJUSTMENT
One regular position, Two alternate positions

CULTURAL RESOURCES ADVISORY BOARD
Three regular positions; One student position

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION
One Council-appointed position

HUMAN RELATIONS COMMISSION
Three regular positions

PLANNING COMMISSION
Two regular positions

WORK SESSION

WORK SESSION DISCUSSION REGARDING BOLICK PROPERTY

Mayor Futrelle announced that Council would begin work session discussions and then pause at 10:00 a.m. for public comment. Council member Plaag stated that he was concerned about the anticipated cost of developing the Bolick site as initially envisioned for a municipal complex. He indicated that he would like to see specific uses retained but suggested there may be better uses for the property. In response to questions raised by Council members Carter and Roseman, Manager Davis indicated that the current plan was to build Fire Station 4 on the property but that no decision had been made on the placement of a second ABC store on the property. Mayor Futrelle noted that the ABC Board had requested that if a second store were built on the property, the Town would have to pay for a feasibility study and construction. Council member Plaag stated that the lower elevations of the property should be retained and put into an easement, which he viewed as vital for the river's health. He added that he was open to outparceling the remaining property if there was a way to involve a public-private housing partnership without having to pay $8 million for grading. Manager Davis reminded members that a conservation easement containing approximately 30 acres was already in place. She added that the original plan for the property was for a municipal complex. However, the cost for grading three years ago was approximately $15 million, with the total cost coming in around $59 million before sustainability elements. Manager. Davis stated that she saw no way to move forward with the original plan due to cost constraints. She noted that staff had engaged McGill and Associations to do another review of the property, only constructing a public works facility, but that the estimate for grading still came in at $6 million. Manager Davis noted that staff was currently looking into a grant that might provide some financial assistance but added that if this grant was received, it would not be nearly enough to cover the cost of construction. Public Works Director Todd Moody noted that the $5.6 million estimate included grading, asphalt, stormwater, and paving. He added that at least five acres of land would be needed for a public works facility and that despite efforts to find suitable land, staff had not discovered any yet. Director Moody stated that the current building that housed Public Works was being leased back from the purchaser and that the building leaked daily. Mayor Futrelle noted that the Town had been leasing the building back from the original buyers for over two years. Manager Davis added that the Town had paid the buyers in rent half of the original purchase price. Council member Plaag asked whether it would be possible to construct a new building if the Town could repurchase the property. Director Moody stated that the parcel was too small, but if the Town were able to obtain the neighboring parcel in addition, they could build up instead of out and make do. Council member Tugman acknowledged that staff was utilizing the Bolick property as a lay down area for Public Works equipment and asked whether there was room elsewhere for the equipment. Director Moody answered that there was no room at any other Town-owned property and noted that the Public Works stockyard was currently at capacity. Council member Tugman asked whether staff could continue using the garage facility if new construction occurred. Director Moody stated that the equipment inside the garage is still usable, but the building was not salvageable. Council member Tugman indicated that a new Public Works facility should be the Council's number one priority. Council member Carter inquired about the old IRC site, with Manager Davis responding that staff had met with NCDENR, who spoke strongly against any use of the property that would house people and equipment due to contamination. She added that remediation would be very costly and potentially dangerous. Mayor Pro-Tem George suggested utilizing the Town's lobbyists to help acquire funding for this matter and agreed that this should be Council's main priority. Manager Davis indicated that this topic was on the lobbyist's priority list but that state and federal funding was unavailable this fiscal year. She added that the lobbyists worked hard to acquire the 6.5 million dollars in funding received. This discussion item was paused at approximately 10:11 a.m. to allow for public comment.

Public Comment

Pam Williamson of Boone spoke as a resident (not in her role as Board of Adjustment member) about the proposed UDO text amendment regarding vacation rentals and what she viewed as competing language in the UDO if it was approved. Ms. Williamson gave the following statement:

Statement to Council and for the Record
2/14/2024

I appreciate the opportunity to address Council this morning. I want to be clear that I am here as a Town of Boone concerned citizen and not in my role as a Board of Adjustment member.

I am here to speak to the proposed ordinance change as it pertains to Vacation Rentals beginning on Page 179 of your packets.

Page 182—The proposed change is purportedly *"to clarify"* the language stated in UDO Section 15.14.05 to be edited to read: *"In the R3 Multiple-Family, B1 Central Business, B2 Neighborhood Business, and B3 General Business zoning districts, ~~only~~ a single-family detached dwellings and two-family detached dwellings ~~existing as of January 1, 2014~~ may be converted to vacation rental only if the dwelling existed as of January 1, 2014."*

This proposed change is apparently intended to preserve and protect the ability of Section 15.14.10 to allow that R-3 residential developments can use some of their units for vacation use: *"For any building that contains multiple dwelling units, no more than 5% of the dwelling units or two dwelling units, whichever is greater, may be operated as a vacation rental in any single building."*

If the intent of Council **is** to allow and encourage vacation rentals in residential multi-family housing, then this is exactly what the "clarifying" language proposal will ensure and will, as a result, encourage continued applications for vacation rentals in multi-family housing while Council studies the issue further.

If it **is not** the intent of Council to include vacation rentals in multi-family residential developments, then making this change will enshrine the exact opposite of Council intent into the Ordinance and would, therefore be a consequential mistake. In that case, Council will be amending the UDO to read exactly what it doesn't intend while it pauses to consider the implications of what it doesn't intend. Meanwhile inviting and encouraging applications for the very uses it doesn't want.

If the intent of Council **is not** to allow vacation rentals in multi-family developments while it can re-consider the issue, why not instead simply eliminate 15.14.10 altogether instead of making the proposed change while Council deliberates the matter? *(~~For any building that contains multiple dwelling units, no more than 5% of the dwelling units or two dwelling units, whichever is greater, may be operated as a vacation rental in any single building."~~)*

Then simply leave UDO section 15.14.05 as it but strike "~~In the R3 Multiple-Family,~~ in Ordinance Section 15.14.05 *"~~In the R3 Multiple-Family,~~ B1 Central Business, B2 Neighborhood Business, and B3 General Business zoning districts, only a single-family detached dwellings and two-family detached dwellings existing as of January 1, 2014 may be converted to vacation rental."*

See page 189: I would also like to point out that the justifications and findings Council is required to make in support of whatever proposed change you decide: "…when adopting any zoning text or map amendment, the Town Council shall"… describe how the change **is consistent with the Town's UDO** and any other adopted plan as well as that the change is **"reasonable and in the public interest."**

In other words, by adopting the language change as proposed in your packets for UDO section 15.14.05, Council will be asserting that vacation uses in R-3 Residential developments are in the public interest and consistent with the Town's comprehensive plan.

Submitted by Pam Williamson
375 Old Hwy 421 S
Boone, NC 28607
828.719.0165

Discussion resumed regarding the Bolick property, with Manager Davis indicating that she would give an update on lobbyist priorities during the budget retreat. Council member Tugman suggested that staff look into what other towns have received in the way of public works funding from the legislature. Council member Plaag brought up the old driving range property on the 105 Extension and asked for input from Director Moody.

Director Moody stated that the property was centrally located, but was concerned that road access might be an issue. Manager Davis said that she was unsure the property was currently available and was cautious of the response from neighbors regarding potential construction. Council member Plaag suggested that staff inquire about the availability of the driving range property. Manager Davis agreed and stated she would present this topic for additional discussion during the budget retreat.

Mayor Futrelle declared a break at 10:46 a.m. Council reconvened at 10:55 a.m.

WORK SESSION DISCUSSION REGARDING CEASEFIRE RESOLUTION

Mayor Pro-Tem George referenced a request made by two App State students for a resolution to call for a ceasefire in the Gaza-Israel conflict and stated that he felt that a broader discussion needed to take place before moving forward. He stated that he thought it was important to have conversations with the Human Relations Committee, the local Islamic community, and the local Jewish community before a resolution could be considered. Council member Plaag referenced a letter sent to Council members by Council member Tugman that, in his opinion, unfairly characterized the request made to them. He stated that he did not believe the students who requested the resolution were requesting the Council to place blame on either side of the conflict but that they wanted the Council to acknowledge the horrific human catastrophe the conflict had caused. Council member Plaag stated that no matter what path Council chose in terms of a resolution, that Council needed to reaffirm its existing commitment to human rights in the community. Mayor Pro-Tem George and Council member Carter agreed, with Council member Carter stating that he believed the resolution should be community-centered. He noted that it was not the place of the Boone Town Council to wage into international crises, but the Council should acknowledge its stand for human rights and peace. Mayor Futrelle stated that he felt the Town Council has proven over the last two years that it is committed to fairness and equal representation in the community and thought that it was more important to focus Council's full attention to the community-at-large rather than stepping into foreign policy. Council member Carter indicated that he had spoken with Rabbi Alty of the Temple of the High Country and Dr. Khurram Tariq of the Islamic Center of Boone, and both indicated that they wished to be a model for the rest of the country and the world in showing unity and working together. Council agreed to wait for further advisement by the Human Relations Committee and continue conversations with the community.

TENTATIVE AGENDA ADOPTION

Manager Davis noted that she had added an agenda item (Council Matters No. 4) during the meeting to discuss and take action regarding urban archery season. Council member Plaag stated that he would be recusing himself from the vote considering the H.W. Horton building local historic landmark designation report since the property owner had privately hired him to prepare the report. He asked that the item be voted on separately to allow him to vote on other matters within the consent agenda. Upon a motion by Council member Tugman, seconded by Mayor Pro-Tem George, Council voted unanimously to approve the agenda as amended.

ADOPTION OF ITEMS ON CONSENT AGENDA

Council member Plaag recused himself from the conversation and vote regarding Consent Agenda Item No. 6 - Consideration of the H.W. Horton Building Local Historic Landmark Designation Report and noted that he was commissioned by the applicant and not the Historic Preservation Commission. Mayor Pro-Tem George thanked all involved in the report, including staff and the Historic Preservation Commission. He then made a motion to adopt the report as presented. Council member Roseman seconded the motion.

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

Upon a motion by Council member Plaag, seconded by Council member Roseman, Council voted unanimously to approve the following items on the consent agenda:

1. Annual CDBG Fair Housing Resolution
2. Termination of the Territorial Jurisdiction Agreement Between ASU and Town of Boone (Ratification)

3. Asset Inventory and Assessment Grants Acceptance Resolution
4. Contract with TRC for Services Related to Stormwater Assessment
5. Selection of Historic Preservation Commission Chair
6. Street Closures and Open-Container Zone for Boonerang
7. Budget Amendments:

Fire Department: To: Overtime 010-500-350-501201 7,104.34
Maintenance-Vehicles 010-500-350-525301 8,600.00
From: Miscellaneous Revenue 010-000-000-489900 (15,704.34)

Reimbursement from ASU Football game coverage. Invoice #2307 Paid $2,573.66 10.24.23 Check No.50270533 Invoice #2309 Paid $2,861.91 10.24.23 Check No. 50270605 Invoice #2310 Paid $2,517.14 11.2.23 Check No. 50270891 Invoice #2312, 2313, & 2314 Paid $7,751.63 1.16.24 Check No. 50272389

Police Department: To: Maintenance-Vehicles 010-500-300-525301 500.00
Crime Prevention 010-500-300-513103 300.00 From: Miscellaneous Revenue 010-000-000-489900 (500.00)
Contributions/Donations 010-000-000-482200 (300.00)

Check to cover insurance deductible on damages to patrol vehicle and donation check from Temple of the High Country.

Public Works: To: Maintenance-Vehicles 030-700-804-525301 500.00 From: Miscellaneous Revenue 030-000-000-489900 (500.00)

This request is being made to reimburse funds used to repair a town vehicle due to an accident last year. These monies are from an insurance payment.

8. Minutes:

Boone Town Council Special Meeting – December 8, 2023
Boone Town Council Regular Meeting – January 10, 2024
Boone Town Council Regular Meeting – January 24, 2024

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RESOLUTION SUPPORTING
NATIONAL FAIR HOUSING MONTH

WHEREAS, April marks the anniversary of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and

WHEREAS, the Town of Boone desires that all its citizens be afforded the opportunity to attain a decent, safe, and sound living environment; and

WHEREAS, individuals in the State of North Carolina have the right to choose where to live without discrimination based on race, color, religion, age, sex, national origin, handicapped status, or familial status; and

WHEREAS, the State of North Carolina enacted the North Carolina State Fair Housing Act in 1983;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Boone does hereby join in the national celebration by proclaiming April 2024 as Fair Housing Month.

Adopted by the Boone Town Council on the ______ day of ______, 2024.

________________________________ ____________________________
Mayor Town Clerk

RESOLUTION BY BOONE TOWN COUNCIL OF RECIPIENT

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and
WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of $125,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and
WHEREAS, the Town of Boone intends to perform said project in accordance with the agreed scope of work,
NOW, THEREFORE, BE IT RESOLVED BY THE BOONE TOWN COUNCIL OF THE TOWN OF BOONE:
That the Town of Boone does hereby accept the American Rescue Plan {ARP} offer of $125,000.
That the Town of Boone does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.
That Amy Davis, Boone Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.
Adopted this the _____ day of ____________, 2024 in Boone, North Carolina.
Tim Futrelle Boone Mayor

Signature
ATTEST:

RESOLUTION BY BOONE TOWN COUNCIL OF RECIPIENT

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and
WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of $275,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and
WHEREAS, the Town of Boone intends to perform said project in accordance with the agreed scope of work,
NOW, THEREFORE, BE IT RESOLVED BY THE BOONE TOWN COUNCIL OF THE TOWN OF BOONE:
That the Town of Boone does hereby accept the American Rescue Plan {ARP} offer of $275,000.
That the Town of Boone does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.
That Amy Davis, Boone Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.
Adopted this the _____ day of ____________, 2024 in Boone, North Carolina.
Tim Futrelle Boone Mayor

Signature
ATTEST:

PLANNING MATTERS

CONSIDERATION OF CASES HEARD AT THE JANUARY 29, 2024 PUBLIC HEARING

Case A23-0646 Community Appearance Commission Dissolution-UDO Text Amendment

Mayor Pro-Tem George made a motion to approve the proposed amendment to the Town's zoning ordinance and that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the amendment is consistent with Comprehensive Plan Policy 2.1.1 Economic Development E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board. Comprehensive Plan Policy 2.3.4 Public Involvement A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public. Council member Roseman seconded the motion, which carried unanimously.

Council member Roseman made a second motion to approve Ordinance A23-0646 as presented and that approval is reasonable and in the public interest due to the duties being duplicated by the Planning Commission and since UDO Section 2.02.05 allows the Council to appoint advisory committees it is appropriate for the Community Appearance Commission duties to be absorbed by the Planning Commission. Mayor Pro-Tem George seconded the motion which carried unanimously.

Case A24-0010 Vacation Rental Regulation Clarification-UDO Text Amendment

Attorney Meade gave a brief statement in response to the comments made by Ms. Williamson earlier in the meeting. She stated that the request being considered was simply to clarify the language in the UDO and not to change policy. She added that it was her view that Council had made clear at the recent planning retreat that it did not agree with the policy of allowing vacation rentals in multifamily dwellings and had accordingly directed staff to make the changes necessary to reflect that. Attorney Meade reiterated that the text amendment before Council today was clarifying the ordinance as it was adopted by the previous Council. She added that Council could not make the change requested by Ms. Williamson today because it would have to go through the public hearing process first. Council member Plaag announced his intent to vote no on the first vote in a symbolic fashion to state that the ordinance, as it is written, went against the direction of the Comprehensive Plan. He indicated he planned to vote yes on the second vote and did not want his actions to prevent the passage of the ordinance presented. Council member Roseman made a motion to approve the proposed amendment to the Town's zoning ordinance that that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the amendment is consistent with Comprehensive Plan Policy 2.1.1 Economic Development E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board. Comprehensive Plan Policy 2.1.1 Economic Development A.1 Continue to evaluate and amend development regulations to help ensure aesthetic quality in the area and preserve the natural beauty of the area. Council member Carter seconded the motion.

VOTE:	Aye:	Carter, Roseman, Tugman
	Nay:	George, Plaag

Council member Roseman made a second motion to approve Ordinance A24-0010 as presented and that approval is reasonable and in the public interest because doing so will allow UDO Section 15.14.05 to be clarified and easier to understand. Council member Carter seconded the motion.

VOTE: Aye: Carter, Roseman, Tugman, Plaag
Nay: George

Case A24-0011 Town Utility Facility Modification – UDO Text Amendment

Mayor Pro-Tem George made a motion to approve the proposed amendment to the Town's zoning ordinance and that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the amendment is consistent with Comprehensive Plan Policy 2.1.1 Economic Development A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy. Comprehensive Plan Policy 2.1.1 Economic Development E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board. Council member Carter seconded the motion, which passed unanimously.

Council member Roseman made a second motion to approve Ordinance A24-0011 as presented, and that approval is reasonable and in the public interest because approval will streamline the procedure and allow them to be more predictable and timely in terms of comprehensive plan policies. Council member Plaag seconded the motion which carried unanimously.

Case A24-0017 Window Sign Modification – UDO Text Amendment

Attorney Meade stated that, in her view, there were free speech limitations when dealing with changeable copy signs. She stated that the fact that a sign could be used with current technology to display more than one message by itself did not permit prohibition or regulation. Attorney Meade added that the impacts of signage would have to be justified when dealing with regulations. For example, she explained that Council could regulate scrolling signs or quick changeable copy signs because they could be viewed as a visual distraction. However, she added that it was her view that Council could not regulate changeable copy signs that changed from one day to the next because it was simply a change of text from one day to the next. Council member Plaag noted that the Appalachian Theatre sign text was allowed to change every five minutes, with Attorney Meade adding that it would be difficult to justify more strict regulations. Council member Tugman expressed concern with a local business whose entire window was being used as a sign. Director Shook acknowledged her concern but stated that staff visited multiple businesses throughout town and decided that the text should apply only to lighted signs. Council member Plaag referenced signage at the urgent care facility and stated that he found the multiple small messages on the entrance door more distracting than the 5-foot urgent care sign above the door. He indicated that he was supportive of a limit of 5 square feet for a second sign. Mayor Pro-Tem George agreed that 5 square feet for a second sign was fair and encompassed a wider range of uses. Council member Plaag suggested a total area of signs of 10 square feet. Council member Tugman stated that she was unable to support this suggestion, as 10 square feet of signage on every business in town was simply too much and did not believe this conformed with the atmosphere of the town. After a brief discussion, members agreed to combine the text to allow up to two illuminated signs and that the total sign area shall not exceed 10 square feet. Mayor Pro-Tem George then made a motion to approve the amendment to the Town's zoning ordinance as amended and that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the amendment is consistent with Comprehensive Plan Policy 2.1.1 Economic Development A.1 Continue to evaluate and amend development regulations to help ensure aesthetic quality in the area and preserve the natural beauty of the area. Comprehensive Plan Policy 2.3.1 Community Appearance D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image. Council member Plaag seconded the motion which carried unanimously. He then asked what would happen if this change resulted in non-conforming signs. Director Shook indicated that the businesses would be contacted and that enforcement would begin on May 1. In response to a question raised by Mayor Pro-Tem George, Director Shook stated that Boone Chamber of Commerce Director David Jackson was kept up-to-date on the issue.

VOTE: Aye: George, Plaag, Carter, Roseman
Nay: Tugman

Council member Carter made a second motion to approve Ordinance A24-0017 with the changes noted above and that approval is reasonable and in the public interest because the changes reflect sign policies and standards that enhance the community identity and create a high-quality business image. Mayor Pro-Tem George seconded the motion.

VOTE:	Aye:	George, Plaag, Carter, Roseman
	Nay:	Tugman

Case A24-0018 Invasive Species – UDO Text Amendment

Mayor Pro-Tem George made a motion to approve the proposed amendment to the Town's zoning ordinance and that it is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the amendment is consistent with Comprehensive Plan Policy 2.1.1 Economic Development A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy. A.4 Balance the benefits of economic development projects with special concern for environmental quality issues. Comprehensive Plan Policy 2.2.5 Environmental Health E. Development which preserves the natural features of the site, including existing topography, streams and significant trees and vegetation, shall be reflected in the Town's Development Standards. O. Encourage use of low-impact habitat-friendly practices to achieve and maintain native species, including plants, wildlife and beneficial insects (such as pollinators) within private and public developments. Comprehensive Plan Policy 2.3.2 Community Character D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged. Council member Plaag seconded the motion which carried unanimously.

Council member Roseman made a second motion to approve Ordinance A24-0018 as presented, and that approval is reasonable and in the public interest because the removal of invasive species from the community is beneficial and is in line with the Town's responsibility to do so. Mayor Pro-Tem George seconded the motion which carried unanimously.

Director Shook stated that there were nine cases ready to go to public hearing, which she believed would exceed the available public hearing time. She asked that Council schedule a special Planning Commission meeting/public hearing to accommodate the large number of cases. It was the consensus of Council to add a special public hearing to the scheduled Planning Commission meeting on April 22.

Mayor Futrelle declared a break at 12:11 p.m. Council reconvened at 12:25 p.m.

COUNCIL MATTERS

DISCUSSION OF USE OF DESIGN BUILD FOR CONSTRUCTION OF FIRE STATION 4

Fire Chief Isaacs gave a brief history of the original plan for integrating Station 4 at the proposed municipal complex at the Bolick farm. He indicated that since this project proved to be cost-prohibitive, he elected to contact a design-build firm. Chief Isaacs stated that this would be a long process and asked for guidance from Council. Attorney Meade noted that in addition to a design building authorizing statute, design-build bridging was also an option designed to be preliminary to a true design-build. She indicated this would allow staff to ask for pricing commitments and other information, which regular design-builds did not. Council member Plaag noted that the design build approach was used in the construction of the Appalachian Theatre but cautioned that the board was given expectations about pricing. Still, it ended up being double what they were initially told. Chief Isaacs reminded members that the location of a potential fourth fire station was significant to the department's fire rating for homeowner's insurance. Mayor Futrelle wanted to install a training facility at the Bolick farm if Fire Station 4 was built there. Manager Davis and Chief Isaacs explained the tax distribution process for the rural fire district. Council member Plaag inquired about a Town bond referendum for the project. Manager Davis stated this would require the Town to hire a bond council, go through a lengthy rating process, and go to the Local Government Commission for approval. She added that the Town went through the process for the raw water intake project and that it took approximately three years just to get to the voting stage. Chief Isaacs clarified that funding was in place for the building but not the equipment and infrastructure. Manager Davis noted that funding for a fire truck from the general assembly seemed possible. Discussion ensued regarding potential sites for a municipal complex, including property owned by Watauga County, before Council reached a consensus to move forward with the design-build process.

CONSIDERATION OF EASEMENT AGREEMENT-STADIUM DRIVE SANITARY SEWER REPLACEMENT PROJECT

Attorney Meade indicated that it was not necessary to discuss this item and it was the consensus of Council to move forward in the agenda.

APPROVAL FOR CLOSING ON PURCHASE AGREEMENT & LEASE-BACK AGREEMENT FOR WYN PROPERTY

Attorney Meade presented the purchase agreement and potential lease-back offer from Western Youth Network for the property located at 155 WYN Way. Mayor Pro-Tem George made a motion to accept both agreements as presented. Council member Roseman seconded the motion which carried unanimously.

APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

Council member Plaag stepped out of the meeting at 1:15 p.m. He returned to the meeting at 1:19 p.m.

Request for Direction Regarding Urban Archery Season

Mayor Pro-Tem George stated that he had some concerns about the proposed urban archery season and that he did not envision people taking advantage of it. Council member Carter stated that he believed it essential to approve this as a step forward. Council member Plaag referenced a National Humane Society study that showed that urban archery seasons did not impact adverse deer encounters. He believed that by approving an urban archery program, Council would be encouraging a program that would not make a difference and would be doing so at a significant risk to the people in the community. Council member Plaag added that certain locations in town that were of a specific size that could be used to cull the herd but that he was not keen on his neighbor hunting in his backyard. Council member Tugman made a motion to allow urban archery hunting and to direct staff to apply to the state to implement an urban archery season in the Town of Boone. Council member Carter seconded the motion. Attorney Meade noted that the state already allowed urban archery hunting, but the Town would need to authorize a second, special urban archery hunting season. Council member Tugman amended her motion to accept this change. Council member Carter accepted the amendment. Council member Roseman indicated that she would vote against this motion and suggested that the Town advertise and educate on what is already legal. Council member Plaag agreed and stated that he viewed the issue as being the under-utilized archery season already allowed by the state. Council member Carter added that staff had already sent out flyers and advertised this program to anyone who had asked. He stated that he would not want to spend additional funds on an education program. Attorney Meade added that property owners could also avail themselves of a separate state-operated permit process to address depredatory deer.

VOTE:	Aye:	Carter
	Nay:	Roseman, George, Tugman, Plaag

Council member Plaag suggested, and it was the consensus of Council to direct staff to utilize existing online resources to educate the public about the existing urban archery season.

Council member Roseman nominated Hanna Williams to fill the student vacancy on the Historic Preservation Commission. Hearing no other nominations, Mayor Futrelle called for a vote.

VOTE:	Aye:	All
	Nay:	None

Hanna's term will expire on June 30, 2025.

APPOINTMENT TO BOONE TOURISM DEVELOPMENT AUTHORITY

Mayor Pro-Tem George nominated Lynne Mason for reappointment to her resident seat on the Tourism Development Authority. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE:	Aye:	All
	Nay:	None

Lynne's term will expire on February 14, 2027.

TOWN MANAGER REPORT

Manager Davis reported that she had reached out to Winfield Properties, LLC regarding the WYN property but had not heard back. She indicated that she and Director Shook attended a meeting with the County regarding the Brookshire housing project. Manager Davis indicated that this development's proposed number of units was approximately 90 and would be a standard multifamily-style setup. She estimated it would cost roughly $2.8 million to extend service to that project. Manager Davis stated that the development would be a hybrid rental/ownership model. She noted that the County was made aware of the annexation requirements for this property at the meeting. Council member Plaag asked that Council reconsider changes to Town Code §50 in March.

BOARD LIAISON REPORT

Council member Roseman announced that the Historic Preservation Commission was moving forward on projects and praised Vardell Smyth in his new role as Chair. She indicated that the commission would bring the Rivers House matter before Council soon. Council member Roseman added that she recently sat down with Marrena Greene from the Southern Appalachian Historical Association to help the board better understand that the funding they received from the state was a done deal. Manager Davis added that she and Public Works Director Todd Moody were working on a scope of work for the SAHA projects but there were rules that had to be followed regarding the funding received from the state.

Mayor Pro-Tem George stated that the recent Sustainability Committee meeting was well-attended, with topics including the Climate Action Plan, Earth Day festivities, and a proposed hellbender mural downtown. He added that the Human Relations Commission was continuing its conversations about various proclamations and noted that members were excited to discuss more accessible Comprehensive Plan meetings.

Council member Tugman stated that the Cultural Resources Advisory Board met recently and discussed Daniel Boone Native Gardens' funding and Thursday events. She noted that the board was eager to move forward regarding a public art policy, though she was unsure of the progress. Attorney Meade indicated that the Public Art Board had sent a loose draft of a policy, and she had not had a chance to work on it yet. She noted that a carve-out was made in the policy for art on public property or art that the Town sponsored and that the Historic Preservation Commission would review and advise directly to Council regarding a Certificate of Appropriateness and aesthetic concerns. Council member Tugman spoke to concerns of the Downtown Boone Development Association regarding the proposed Hellbender mural downtown, citing issues with the aesthetic. She stated that Downtown Boone Development Coordinator Lane Moody had recently had a discussion with the artist about modifying the bright colors, the perceived aggressiveness of the hellbender, painting on the surface of the building, and community standards. Mayor Pro-Tem George suggested that Attorney Meade contact Coordinator Moody to expedite the process. Discussion continued regarding the mural, with Director Freed indicating that the Cultural Resources Advisory Board hoped that the mural would be completed and unveiled during the Boonerang festival. Council member Tugman finished by announcing that the Cultural Resources Advisory Board was currently soliciting nominations for the 1872 Award.

Council member Plaag stated that the possibility of adding a Parks and Recreation staff person was discussed during the Cultural Resources Advisory Board meeting since the Town was increasingly exploring additional parks and programming. He said that Jordan Sellers of New River Conservancy attended the most recent Downtown Boone Development to give an update on the Rivers Street part of the Northern Peaks Trail project. Council member Plaag stated that the DBDA's 501c3 status was still pending and that the NC Mainstreet strategic plan was close to approval. He noted that members received an update on the Town Hall public restroom project and that a discussion was had regarding potential downtown parking changes.

CLOSED SESSION

Upon a motion by Council member George, seconded by Council member Plaag, Council voted unanimously to enter into closed session at 2:30 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 by purchase, option, exchange, or lease.

Upon a motion by Council member Roseman, seconded by Mayor Pro-Tem George, Council voted unanimously at 2:59 p.m. to exit closed session.

ADJOURNMENT

Mayor Futrelle adjourned the meeting at approximately 3:00 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor