

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

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9:00 a.m. on Wednesday, April 10, 2024 in 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, Virginia Roseman, Edie Tugman, and Eric Plaag. Town Staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Fire Chief Jimmy Isaacs, Public Works Director Todd Moody, Deputy Public Works Director Justin Stines, Planning Director Jane Shook, Long Range Planner Jessica Mitchell, Sustainability and Special Projects Manager George Santucci, Human Resources Director Dale Presnell, Finance Director Guy Miller, Cultural Resources Director Mark Freed, and Police Chief Andy Le Beau. Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

ANNOUNCEMENTS

Mayor Futrelle asked that the agenda be amended to add a Child Abuse Prevention Month proclamation. Upon a motion by Council member Plaag, seconded by Mayor Pro-Tem George, Council voted to add the Child Abuse Prevention Month proclamation as Consent Agenda Item 8.

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

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

1. Budget Amendments
2. Minutes
3. Ordinance - July 4th Parade
4. Proclamation - Arab-American Heritage Month
5. Proclamation - Arbor Day
6. Resolution - M. Crosby
7. Proclamation - Honoring Public Lineworkers
8. Proclamation - Child Abuse Prevention Month
9. Resolution - Boone Greenway Skatepark
10. Resolution - Endorsing FIGHT Act
11. Resolution - Municipal Operations Plastic Ban
12. Resolution - No Mow May
13. Amendment to Town Code Chapter 80.05, Public Nuisances
14. Modification of Boone Code Chapter 80 for Consistency with No-Mow May
15. HPC Rules of Procedure to Enable Advisory Meetings with Applicants
16. Amendment to Personnel Policy - Health Insurance
17. Amendment to Personnel Policy - Paid Family Leave

Manager Davis clarified the proposed budget amendments before Council member Plaag pointed out two typographical errors in the personnel policy items. In the proposed health insurance amendment, the word "credible" should be "creditable," and on the fourth bullet point of the paid family leave portion, the word "any" should be changed to "an". Mayor Pro-Tem George highlighted the various proclamations and resolutions being brought forth and asked for clarification about the advisory and quasi-judicial functions of the Historic Preservation Commission compared to the Board of Adjustment. Attorney Meade explained that the statute explicitly gives both quasi-judicial and advisory roles to the commission. She added that this made it different from the Board of Adjustment since it did not have an advisory capacity. She stated that she and staff hoped that the advisory workshop sessions for potential COA applicants would improve the COA process for all stakeholders and therefore help protect the long-term viability of the historic district. Council member Roseman added that allowing advisory meetings would

benefit prospective applicants. Hearing no further discussion regarding items on the consent agenda, Mayor Futrelle called for a vote.

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

Mayor Futrelle read the following documents into the record and presented them to their respective recipients.

1. Arab-American Heritage Month (American Version)
2. Arab-American Heritage Month (Arabic Version)
3. Resolution-M. Crosby

Mayor Futrelle announced the following board vacancies and presented the previously approved Fair Housing Resolution.

Mayor Futrelle announced that the public hearing decisions that were originally going to be heard on April 24 would be moved to May 8 due to potential quorum issues. Director Shook indicated that she would contact applicants and would send letters to original recipients regarding the date change. Upon a motion by Council member Tugman, seconded by Mayor Pro-Tem George, Council voted to move public comment to the next item on the agenda to accommodate people in the audience.

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

PUBLIC COMMENT

Crystal Cheek of Chestnut Drive in Boone spoke against the proposed rezoning in area and stated that she did not want to see the property zoned as anything other than R1. She explained that the property was originally gifted to the church with restrictions and has been sold before with the restrictions still in tact. Crystal noted that the neighborhood was made up of small, old, modest, single-story homes and that she hoped it would remain that way. She worried that the proposed building would tower over the existing homes and lower property values. Crystal finished by asking members to put themselves in her and her neighbors shoes.

Lynne Mason, on behalf of her daughter, Carolyn Ward, read the following statement (entered as received):

"First, thank you for allowing our neighborhood to have a voice in the potential development of the Villas at South fork on Chestnut Drive. I'm writing today to voice once again my opposition to the potential Conditional District Zoning request and use of this property for high-density apartment-style housing.

I recognize how difficult the housing problem is in Boone. Unlike a lot of other cities, Boone is unable to expand outward due to the loss of the ETJ. The natural growth and expansion has been severely impacted in the last several years. I understand that there is a desire to place any type of housing on the small amounts of available land that does exist in town. However, that desire should not surpass the need to protect the existing neighborhoods in Boone or the rights of the property owners and citizens living in the existing R1 neighborhoods. The supply of undeveloped R1 property is extremely low and if this property is rezoned, it is unlikely it would ever be used for R1 purposes again. This property would be appropriate for R1 workforce housing for our teachers, nurses, firefighters, and police. It is also extremely unlikely for any B3 or otherwise zoned property to have the zoning changed to R1.

This development is not in harmony with the neighborhood. R1 neighborhoods are not meant for medium to high-density developments. The UDO defines R1 zoning as follows: "The R1 Single Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts." It is unreasonable to put a 60 unit, 90 bed apartment complex in the middle of a low-density, single-family home neighborhood.

In the last several years, our neighborhood has been at the cusp of encroaching development. First, we lost

left-out access to Highway 421. Next came the Pinnacle Storage building and access road. Most recently, the Sheetz has begun construction. Little by little, development has moved closer and closer to the single-family homes within our neighborhood. The biggest difference with these developments is that they have always been B3. The developments are appropriate and consistent with the established zoning. Last year, the house closest to the Pinnacle Storage building was before Town Council for a rezoning request. The request to change the zoning from R1 to R3 was denied. At the time it was argued that to rezone one piece of property in an otherwise congruous neighborhood would set a dangerous precedent that neighborhoods could be piece-milled and properties rezoned to meet the needs of the property owners regardless of whether it was consistent with the surrounding properties. This Chestnut property is surrounded by R1 properties. It would be wildly inconsistent to rezone this piece of property when a similar request was made and denied not that long ago.

It was pointed out to those in attendance at the Public Hearing that the current council is not responsible or at fault for the developments occurring at the bottom of Chestnut Drive. I ask you, do you want to be responsible for this? Do you really want this to be your legacy? Is this the "protection of R1 neighborhoods" that you campaigned on?

In the Public Hearing, one neighborhood spoke in favor of the project and claimed since she could hear the speakers from Modern Ford, this development wouldn't harm our neighborhood. While I feel bad that she can hear the speakers, Modern Ford is located in an appropriately zoned area. If this project were allowed to move forward, the rest of what little natural buffer our neighborhood has will disappear. The wooded area acts to reduce both noise and visual impacts from New Mark Center as well as the noise from New Mark Blvd and Highway 421. If this project is built, most of the wooded area will be cleared for construction and the parking lot for The Villas at South Fork. No amount of buffering or 10 foot street yard will shield the neighborhood from the negative impacts of the development or the less desirable impacts of New Market Center.

In addition, at the Public Hearing, it was mentioned that 42 letters were sent to neighbors with information about the neighborhood Meeting, but that only a small number attended. I'd like to challenge that. Out of 42 notices, 14 included businesses in New Market Center and along New Market Boulevard. Some of the businesses that were sent notices include Regal Cinemas, the Dry Cleaners, Modern Ford, the Pinnacle Storage Building, and the property where the Sheetz is going to be built. Two of the notices were sent to the current owner of the Chestnut Drive property in question. One was sent to a former owner of a house on Farthing Street that was sold in December, and one to a family that lives in Florida 6 months out of the year. Of the remaining 22 residences, more than 50% have voiced opposition either in person or via petition. Several other neighbors living on Farthing Street that were not included in the neighborhood meeting notice list have also now expressed their opposition. Businesses do not have an invested interest in this project or property, but this neighborhood cares and we are invested.

One condition of the proposed development that has been presented as a positive is the addition of a sidewalk along the property with the town connecting it to the sidewalk in front of Pinnacle Storage. While I understand the financial benefit of having the developer install sidewalks, it does not make sense to install a sidewalk 2/3's of the way up Chestnut Drive for it to stop at a retaining wall. If installing a sidewalk that leads nowhere is important, then I challenge Town Council and the Town of Boone to finish the work and install sidewalks in the rest of the Farthing Street and Chestnut Drive Neighborhood. If you're going to do it, do it right.

Finally, as mentioned in the Public Hearing, this property has deed restrictions that date back to the 1930's. This property lies within a residential neighborhood. The rest of the land contained within the original property borders has remained residential as was intended. The Chestnut property should not be any different. It falls under the same restrictions as the rest of the neighborhood.

Once again, thank you for your careful consideration. I sincerely hope the desire for any additional housing in Boone does not come at the cost of the established R1 neighborhoods."

Lynne Mason read her own statement next (entered as received):

"I understand that you have a CD rezoning request to rezone 2 parcels on Chestnut Drive currently zoned R1 to CDR5. The R1 parcels make up 3.3 acres of the total 3.79 acres for the proposed CDR5 rezoning request.

You all ran on protecting our R1 Single Family neighborhoods. This is your opportunity. During my 18 years on Town Council, I consistently fought hard on behalf of our R1 Single Family neighborhoods as they came under repeated threats from proposed high density development projects. I even worked on a similar affordable housing project on Perkinsville Road where we were able to get the support of adjoining property owners.

I also know that we all want to see more workforce and affordable housing in our community hence we

have two competing values with the CD rezoning request.

I offer the following comments for your consideration and ask that your decision protects the integrity and character of this long-standing Boone neighborhood that primarily has one-story, owner-occupied homes.

1. The 3.3 acres zoned R1 can be developed into single family homes for our workforce. The challenge for the Council is to have in place the needed policies to make this happen.

2. We have a limited number of undeveloped R1 properties in Boone and once an R1 parcel is rezoned it will be highly unlikely that it will be available for single family housing in the future. Please remember that we also need single family homes for our workforce. It is also highly unlikely that a commercially zoned property will be rezoned R1. We need to keep what limited R1 properties that we have in Boone.

3. Reference Citizen Information Meeting Summary pages 82-8412 of your packet. When asked "Do you feel like the density is too much for this area?", the response was "The density proposed is what we feel like is a good fit and could likely decrease, but not increase".

a. How is a high-density project with 60 units and 4 stories tall on 3.79 acres a good fit for the neighborhood that has primarily 1 story homes on a 1/4 acre or more? If you use the 1/4 acre lot size, that would be the equivalent of 15 homes compared to the proposed 60 units.

b. This is a high-density development nestled in between 2 single-family one-story homes on Chestnut Drive and primarily one story single family homes across the street from the parcel to be rezoned.

c. Chestnut Drive is very steep in front of this property, so the 4 story project will be close to the crest of this hill and will tower over the neighborhood as well as New Market Blvd. The Pinnacle Storage Building (at the base of Chestnut in a B3 zone) is between 48'8" and 56' in height. The height of this project is 46'9 7/8" to 55'2" so is close to the same height as the storage facility. To put this scale in perspective, consider other 4 story residential/mixed use in Boone including King Street Flats on W. King Street, The Forum on East King Street, Peak of Boone on 105 Extension and the Courtyard by Marriott on Hwy 105. Is this the type of development that you want to have in the middle of a neighborhood that has primarily one-story single-family homes? This building will also tower over New Market Drive since it is on top of a hill and will be highly visible. Please carefully consider the impact this project will have. It is hard to glean what a project will look like from the renderings so please drive by the above sites which are built but were all but built in a commercial zoning dist.

d. When asked "Will you leave a buffer area?" the response was "We are proposing to leave as much of the natural vegetation as possible and will provide landscaping per the town requirements." This answer does not adequately address how this high-density project will be buffered from the neighborhood.

4. Reference Staff Report pages 110-123

a. Page 111: The R1 Single Family Residential District is established to provide a low-density living area consisting only of a single-family dwelling units and other related uses necessary for a sound neighborhood.

b. Page 112: The R5 55+ Housing Residential District is established to provide medium to high density area consisting of residential housing for persons who are 55+.

c. This proposed project is incompatible as it puts a high-density project in the middle of a low-density Single-Family neighborhood.

d. Page 114 Appearance/Orientation 1., Staff Note: The applicant is providing sidewalks to both Chestnut Street and New Market Boulevard so residents can access both streets as necessary. The sidewalk on Chestnut would be just a segment between the two existing single family homes and on a street where there are no other sidewalks (and topography would be a challenge to add), but perhaps the Town would like to complete the sidewalks for this street.

e. Page 115: Transition Zone: Pursuant to UDO Subsections 9.09.05 and 6.02.02, transitional zones are established for the purpose of creating special protections for residents of protected districts from the potential adverse impacts of certain potentially incompatible nearby development,...This has not been addressed with the residents living on Chestnut Drive. See Page 116 UDO 6.02.-2 F and G. How will the negative visual impact of a 55 foot building on top of a hill next to one story single family homes be mitigated?

5. UDO 14.03.07 Building Height (D) In all nonresidential zones and the R3, all structures located within 100 feet of an R1 zoned property shall not exceed forty feet (40') in height. This neighborhood is not afforded this protection since the proposed project is zoned R5. Suggest Council look into this.

6. Conformity to Adopted Plans, page 117-120:

- a. 1.1 Overall Objectives include Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.
 - b. 2.3 The Community including:
 - i. 2.3.2 Community Character E. New Development...shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.
 - ii. 2.3.3 Housing & Neighborhoods: A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source...C. Proposed residential development which would expose residents to harmful effects of incompatible development...shall be prohibited. H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.
7. Town Council Action-Adoption of Ordinance page 122
- a. Aside from the above on Conformity to Adopted Plans when considering the whether the zoning request is reasonable and in the public interest:
 - i. Note 2:
 - 1. (ii) the benefits and detriments to the landowners, the neighbors and the surrounding community, (III) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment.

In closing, I ask that you vote to protect the character, integrity, and viability of this long-standing neighborhood in Boone that meets a critical housing need for many families in Boone. Be careful to not be so focused on getting this affordable housing project on this specific site that you can't see the impact on the neighborhood. I maintain that the R1 property in this Conditional District Zoning Map Amendment will best serve the neighborhood and community by remaining R1 and being developed as workforce single family housing. Approval of this CD Zoning Map Amendment will set a precedent for future encroachments into our single-family residential neighborhoods, which are repeatedly under attack. This is not the right location for this project for the many reasons outlined in this document."

Mayor Futrelle read the following proclamation and presented it to linemen with New River Light and Power:

PROCLAMATION

WHEREAS, on January 3, 2017, the 115th Congress of the United States adopted House Resolution 10 recognizing the profession of lineworkers, the contributions these brave men and women make to protect public safety, and expressing support for the designation of April 18 as National Lineman Appreciation Day; and

WHEREAS, on April 15, 2015, the North Carolina General Assembly ratified House Bill 140, which designates the second Monday in April of each year as Lineworker Appreciation Day in North Carolina; and

WHEREAS, the Town Council of Boone celebrates the profession of electric lineworkers and wishes to honor them for their exemplary service to the Town and its citizens; and

WHEREAS, lineworkers are often first responders during storms, working to repair broken and damaged electric lines under hazardous conditions to make the area safe for other public safety heroes; and

WHEREAS, lineworkers play a vital role in the lives of our citizens by maintaining and growing our electrical infrastructure, putting their lives on the line every day by working with the dangers of high voltage and ensuring they provide safe, reliable energy; and

WHEREAS, the lineworkers of Appalachian State University's New River Light and Power's electric utility and their example of service above self are deserving of the respect, admiration, and appreciation of all the citizens of the Town of Boone; now, therefore

BE IT RESOLVED that the Town of Boone, North Carolina, joins all N.C. public power communities and all public power systems in the United States in celebrating Lineworker Appreciation Days.

This is the 10th day of April, 2024. **MAYOR**

ATTEST:

TOWN CLERK

WORK SESSION 9:00 A.M.-10:00 A.M.

Director Shook indicated that she was currently working on text amendments regarding the creation of flag lots and also cluster subdivision standards. During the drafting of this text, she stated that she had consulted with Public Works and Fire Department. During her conversation with Fire Department staff, she stated that concerns arose about potential increases in density. Fire Chief Isaacs indicated that his concerns were reducing clearance between structures as well as the propagation of fire from one structure to another. He explained how firefighting tactics change if structures were close together, and explained how party walls/firewalls worked during a fire. Town Attorney Meade expressed concerns that discussion could suggest fault to a Council that allows more dense building in a certain area, when density by its nature would always impose greater risk of fire spread. Discussion ensued regarding interior setback regulations on flag lots, with Director Shook noting that Fire Department staff was comfortable with 12' setbacks.

Council member Plaag noted that he had not reviewed the deed for the property being referenced by those speaking against the Chestnut Drive affordable housing development and asked who was responsible for enforcing deed restrictions. Attorney Meade answered that the Town was not responsible for enforcing the restrictions, that she did not believe the restrictions protected the R1 status per se, and that town approval of any development did not compromise or otherwise affect the legal rights or interest of third parties. Council member Plaag noted that if adjoining property owners believed their rights were being violated, they could move forward in a private legal setting since the Town could not enforce any deed restrictions.

Mayor Futrelle declared a break at 10:40 a.m. Council reconvened at 11:00 a.m.

COUNCIL MATTERS

LEGISLATIVE UPDATE BY TOWN OF BOONE LOBBYISTS

John Cooper with the Connect C Lobbyist Group noted that his was a bipartisan team before giving the update for Jenkins Hill lobbyist Brad Edwards, who could not attend. Through Mr. Cooper, Mr. Edwards indicated that the 1.668 trillion dollar budget had passed and that work had recently started on this Fiscal Year's budget, which should be done by September 30. However, it likely will not be finished until after elections wrap up in December. Mr. Edwards also noted that he thought the Israel conflict would soon work out with the help of supplemental funding, and added that he did not foresee a shutdown soon. Mr. Cooper stated that the General Assembly was operating under a skeleton session in the next couple of days as it had done each month since December. He added that a short session would start on April 24 with discussion topics including medical marijuana and budget. Mr. Cooper stated that budget projections were flat, and there was not much money for new projects. He estimated new revenue figures would be in sometime after April 15. Mr. Cooper emphasized the importance of working with Senator Ralph Hise and Representative Ray Pickett.

Steve Metcalf who was with the Policy Group, introduced himself and reiterated the importance of working with Senator Hise and Representative Pickett.

Nathan Honaker, General Counsel to Connect C Lobbyist Group, echoed previous remarks that Senator Hise and Representative Pickett deserved all the credit for the extra funding Boone had received in the last fiscal year. He also echoed previous remarks that he did not believe a lot of new money would be available in the new fiscal year, though a new projection would be available in the coming days. Mr. Honaker stated that

infrastructure continued to be an important need across the state and that he would make sure that Boone had a voice when these needs were expressed. He mentioned affordable housing and acknowledged that it was a growing challenge for Boone due, in part, to a lack of space and the inability to expand. Mr. Honaker then stated that there had been a lot of different conversations at the legislature about the extent of local government authority in terms of short-term rental regulations.

Council member Plaag asked whether the lobbyists saw an appetite in the legislature for returning the local bill's process to what it was intended to do and the way the legislation reads on how a local bill was supposed to be used. Mr. Honaker answered that he did not foresee anything applicable on the horizon and noted that the legislature typically did not take action to restrict authority. Council member Roseman thanked the lobbyists on behalf of SAHA for funding received in last year's budget. She then asked how Council could work with state representatives to ensure that this funding could become a short-term line item in the state budget. Mr. Metcalf answered that Council should continue to work closely with state representatives as they had been. Council member Tugman thanked the lobbyists for their voice in the legislature and asked whether they believed Boone needed to voice its concerns regarding short terms rentals at this time. Mr. Honaker replied that he did not believe action was imminent on the matter but believed it would be helpful if they had a one page summary of talking points that outlined Council's position on the issue for if and when bills were filed. Council member Tugman suggested that Council create such a document in an upcoming work session. She then stated that because App State created such a budgetary impact on the Town of Boone there was an appetite in the legislature for supporting community infrastructure such as police, fire, water, and sewer. Mayor Pro-Tem George clarified that Council was not upset at the state funding that the university had received but that it created externalities for the surrounding community. He noted that the Town's Public Works Department was housed in a crumbling building but that the Town was responsible for the roads allowing university operations, and the Fire Department serviced the campus. Mayor Pro-Tem George added that this was a narrative that needed to be communicated to state and federal elected officials and hoped they would be mindful of these facts when funding the university. Mr. Metcalf added that this topic had been a concern his entire career and added that Asheville was going through the same thing. Mayor Futrelle added that this was not an adversarial conversation but was a matter of fairness and recognition for what Boone did as a community to support App State. Council member Plaag added that he perceived a deep resentment among citizens toward App State because of the perception that the university did not care about the community. A brief discussion continued regarding unused Covid funding and affordable housing before Mr. Cooper asked members to create a list of top priorities before April 24.

Mayor Futrelle declared a break at 12:01 p.m. Council reconvened at 12:55 p.m.

DISCUSSION REGARDING HUMAN RELATIONS COMMISSION

Mayor Pro-Tem George stated that the Human Relations Commission recently met with a sizeable audience. He noted that the agenda was changed the night before, the acting chair (Vice-Chair) was unprepared, and that commission members could not conduct themselves in a way that gave any sort of environment for healthy debate or discussion. Mayor Pro-Tem George added that, at points, members were screaming, swearing, and calling each other names. He stated he was concerned about the committee achieving anything stated in their charge. Mayor Pro-Tem George noted that Council member Carter has suggested sending commission members back to the state human relations training and removing problematic members. Mayor Pro-Tem George suggested putting the commission into a review period until the proper training can take place. He stated that concerns had been noted regarding minutes-taking, the use of Town funds, and doing things outside the original intent of the charge. Mayor Pro-Tem George added that out of respect to commission volunteers, he had written each of them an email to let them know of this conversation, and most were positive and in agreement that change was necessary. However, he stated that one member thought it was unnecessarily unitive. Attorney Meade stated that Council had the power to suspend the commission indefinitely or for a time certain since committees were completely of Council's construct. Council member Plaag stated that he was supportive of a review period and the continuance of a Human Relations Commission that followed standards that Council had set. He added that it was frustrating to him that there were no minutes or recordings of the most recent meeting. Mayor Pro-Tem George answered that minutes were taken during the meeting, but that they had not yet been approved since the commission had not met since. Council member Plaag suggested that a Town staff member should take over the secretary position for the board. Attorney Meade clarified that the commission was

specifically set up not to have a Town staff person on the board and the commission was charged with keeping its own minutes in an effort to save resources. Council member Plaag reiterated that this should change and suggested this be a part of the review period discussion. Mayor Futrelle stated that he did not believe staff should be involved with the commission. Mayor Pro-Tem George noted additional procedural issues, such as committee members inviting upwards of 200 people and not telling anyone. Attorney Meade stated that commission members should be undergoing regular training. Mayor Pro-Tem George proposed two Council members work with the Town Manager and Town Attorney to devise a plan for moving forward and bring to the May 8 work session. Council member Tugman reminded Council members that this was not the first time this commission has had difficulty. Mayor Pro-Tem George made a motion to suspend operations indefinitely until Council was able to provide the necessary training for commission members and review the commission. Council member Plaag made a friendly amendment to appoint Mayor Pro-Tem George and Council member Carter to work with Manager Davis and Attorney Meade on this matter. Mayor Pro-Tem George accepted this amendment, and Council member Plaag seconded the motion.

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

DISCUSSION OF REPAIRS AT HORN IN THE WEST PROPERTY

Marrena Greer of the Southern Appalachian Hospitality Association spoke regarding repairs needed at the Horn in the West property. She stated that the turntable needed to be repaired in order to have a show this season, and noted that it was unsafe to use because it had no floor. Manager Davis added that of the \$75,000 allocated from the general assembly, she was comfortable allocating \$50,000 this year. Council member Plaag asked if there was a conflict with the project contractor, Skip Greene of Greene's Construction, who is also the SAHA Board Chair. Attorney Meade answered that it was a state law that a project of this type had to go through a bidding and request for qualifications process and did believe this to be a conflict of interest. Marrena stated that the first rehearsal was scheduled for June 7 and asked whether she needed to buy plywood to piecemeal until permanent repairs could be made. Manager Davis agreed that SAHA should proceed with this approach. Attorney Meade stated that the SAHA board would need to take explicit action without Mr. Greene's participation and utilize a bidding practice that was appropriate and comfortable to Public Works before he could bid on it. She added that it would be best if there were competitors in the bidding process. Public Works Director Todd Moody indicated that this would likely be an informal bidding process. Attorney Meade stated that if staff went through the bidding cycle twice (if Mr. Greene was the only bidder on the first cycle) and Mr. Greene abstained from participation in the decision process as a Board member, she did not feel that he needed to resign from the SAHA board and that he could take the job as construction contractor. Director Moody stated that this process typically took at least a month, and Town Council would have to approve a contract. He added that he would have to remove employees from work at the Daniel Boone Gardens to move forward with the project at the Horn in the West since they would be unable to do both. Attorney Meade stated that it was key for Manager Davis to ensure that the plywood and supplies being purchased for the turntable repairs were at market rate. Manager Davis indicated that she would work with Public Works staff to do so. Council member Plaag asked whether this solution would only work for one season, to which Marrena answered that it would. Council member Plaag expressed frustration that Council was forced to make the difficult decision between repairs at Horn in the West and Daniel Boone Gardens. Mr. Greene stated that with permission from Council, he would put the stage back at no cost for this season as a citizen and not as a contracted employee or board member. Upon a motion by Council member Tugman, seconded by Council member Roseman, Council voted to approve Mr. Greene doing the handyman repairs on the turntable with materials not to exceed \$15,000.

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

TOWN COUNCIL CONSIDERATION-UPDATE ON DANA FOLK WAY PLAQUE

Long Range Planner Jessica Mitchell gave a progress update on the work on the Dana Folk Way plaque and presented text and plaque options for Council to consider. Jessica indicated that the information was reviewed

and approved by Mr. and Mrs. Folk. Attorney Meade and Council member Plaag offered a few minor typographical error corrections in the plaque text, and Mayor Pro-Tem George suggested keeping the mention of Mrs. Folk in the text although, the Historic Preservation Commission recommended removal. Council member Plaag agreed and suggested that the inclusion of "gratitude" in the text remain, although removal of this was also recommended. Upon a motion by Council member Plaag, seconded by Council member Tugman, Council voted to approve the recommendation as presented with the typographical corrected and the addition of the word "gratitude" in the sentence "Dedicated with gratitude for his service" and to move forward with the Montana Sign Company recommendation.

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

Jessica indicated that she would contact the Montana Sign Company to order the plaque and that Council could expect shipping in approximately six to eight weeks. Mayor Pro-Tem George stated that a service should be planned once the plaque was received and installed, with Council member Plaag suggesting a ceremony be scheduled six weeks out, and if the plaque was not ready at this time, the ceremony could proceed without it. After a brief discussion it was the consensus of Council to hold an informal dedication ceremony with a laminated poster of the plaque rendering hanging at the site on the first Friday in May at 6:00 p.m.

Council then returned to the work session discussion to name its priorities for the short session discussion. These items included a fire/rescue truck, a line item in the budget for SAHA, AMI meters, solar panels (roof at town hall), new parking meters, Rivers house project, stormwater (various projects), and a parking deck at upper Queen lot. Manager Davis said that she would communicate this list to the Town's lobbyists as soon as possible.

REQUEST TO SCHEDULE BUDGET WORKSHOPS

Upon a motion by Council member Tugman, seconded by Council member Plaag, Council voted to hold two budget retreats on May 30, 2024 and June 5, 2024 beginning at 9:00 a.m. at Council Chambers.

It was the consensus of Council to reschedule the May Public Hearing to May 29, 2024.

MAYOR REPORT

Mayor Futrelle reported that he attended a Council of Government meeting with the NCDOT recently where consensus was gained from the stakeholders involved to decommit the Daniel Bone Parkway project and to resubmit in two years. He stated that SAHA had attended the most recent Tourism Development Authority meeting to make a pitch for a social media marketing consultant, but this was denied since this was a service already provided by the TDA. Mayor Futrelle then stated that he had attended a meeting with the Economic Development Commission recently and viewed a presentation regarding childcare in the area.

TOWN MANAGER REPORT

Manager Davis gave the following report:

Public Works staff will be involved in a number of events supporting and promoting programs and sustainability throughout Earth Week.

- Saturday, 4/13/24 - Boone Clean Up Day! This event will be held at Public Works from 8:00 am-1:00 pm.
- Tuesday, 4/16/24 - Staff will be at Hardin Park Elementary School with third-grade students to do an Earth Day craft promoting the importance of recycling, water conservation, and litter prevention.
- Wednesday, 4/17/24 - Staff will be at Hardin Park Elementary School with third-grade students to do an Earth Day craft promoting the importance of recycling, water conservation, and litter prevention.
- Friday, 4/19/24 - Staff will be on the Jones House lawn with a table of promotional items and to speak about the Town's sustainable programs.

CLOSED SESSION

Upon a motion by Mayor Pro-Tem George, seconded by Council member Plaag, Council voted to enter into closed session at 2:45 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(a)(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.

Council exited closed session at approximately 3:15 p.m.

BOARD LIAISON REPORT

Council member Plaag reported that the Downtown Boone Business Development Authority carried on normal business at its March meeting, including a presentation by Council member Plaag of proposed downtown parking changes, a Q and A discussion period by DBDA board members and the public, and a public comment period. Council member Plaag indicated that he would bring forth a final draft proposal for parking changes at Town Council on April 24, 2024.

ADJOURNMENT

Upon a motion by Council member Plaag, seconded by Council member Roseman, Council voted to adjourn the meeting at 4:03 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor