

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
April 12, 2023**

CALL TO ORDER - 12:00 P.M.

A regular meeting of the Boone Town Council was called to order at 12:00 p.m. on Wednesday, April 12, 2023, at the Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Town Council members present included Mayor Pro-Tem Edie Tugman, Todd Carter, Virginia Roseman (remote) Dalton George, and Becca Nenow. Town staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Deputy Public Works Director Todd Moody, Planning Director Jane Shook, Sustainability and Special Projects Manager George Santucci, Deputy Public Works Director Josh Eller, Lt. Lance Wills, Finance Director Guy Miller, Police Chief Andy Le Beau, Long Range Planner Jessica Mitchell, and Deputy Planning Director Stacey Miller. Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

PUBLIC COMMENT - 12:00 P.M.

No speakers were signed up for this public comment session.

TENTATIVE AGENDA ADOPTION

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

ANNOUNCEMENTS

Mayor Futrelle extended gratitude to Mr. George for attending, given the recent death of his stepmother. He then announced the following board vacancies:

ABC BOARD

One regular position

BOARD OF ADJUSTMENT

Three regular positions, Three alternate positions

COMMUNITY APPEARANCE COMMISSION

Two regular positions

CULTURAL RESOURCES ADVISORY BOARD

Three regular positions, One student position

HUMAN RELATIONS COMMITTEE

Three regular positions

PLANNING COMMISSION

Three regular positions

SUSTAINABILITY COMMITTEE

One regular position, One student position

WATAUGA COUNTY PARKS & RECREATION

Two liaisons to the County board to be nominated by Boone Town Council

ANNOUNCEMENT OF BOARD VACANCIES

REQUESTED APPEARANCES

WATAUGA COMPASSIONATE COMMUNITY INITIATIVE - TIFFANY WILLIAMS

Ms. Williams asked Council for its support of the Watauga Compassionate Community Initiative by approving a proclamation declaring April 29th through May 6th as Resilient and Thriving Communities Week. Upon a motion by Mr. Carter, seconded by Mayor Pro-Tem Tugman, Council voted to approve the proclamation as presented.

He then read the proclamation into the record:

**Resilient & Thriving Communities Week 2023 Boone Town Council
A PROCLAMATION**

WHEREAS, resilient and thriving communities are vital to our community and state's future health, success, and prosperity to ensure a strong foundation for everyone at all ages and stages of life; and

WHEREAS, the science is clear that resilience is built and that communities and systems play a key role in promoting safe, secure, nurturing environments for all; and

WHEREAS, adverse childhood and life experiences, adverse community environments, and adverse climate events impact the overall quality of life and well-being of an entire community; and

WHEREAS, Healthy North Carolina 2030: A Path Toward Health by the North Carolina Institute of Medicine, in partnership with the North Carolina Department of Health and Human Services, Division of Public Health, identifies a reduction of adverse childhood experiences by 25% by 2030 as a goal; and

WHEREAS, it is our collective responsibility to collaborate in a nonpartisan fashion to promote positive experiences, secure relationships, and supportive environments to buffer stress and adversity and to support local resilience coalitions, collaboratives, task forces, and initiatives across the state; and

WHEREAS, investing in policies, programs, and strategies that address adversity and strengthen community resilience is essential to the health of our community; and

WHEREAS, the **Town of Boone** encourages all individuals and all sectors, public and private, early childhood through post-secondary education, faith-based organizations, healthcare systems, justice systems, social service systems, businesses, and elected leaders to collaborate to strengthen our communities; and

NOW, THEREFORE, we, the **members of the Boone Town Council**, do hereby proclaim **April 29 through May 6** as **"Resilient & Thriving Communities Week"** in our community **and commend its observance to all citizens.**

This is the 12th day of April 2023.

Tim Futrelle, Mayor

_____(SEAL)
Nicole Harmon, Clerk

Upon a motion by Mr. George, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to move Ms. Bare's requested appearance to Council matters item five.

ELIZABETH UNDERWOOD - NEW RIVER CONSERVANCY

Ms. Underwood did not attend the meeting.

ADOPTION OF ITEMS ON CONSENT AGENDA

Upon a motion by Mr. Carter, seconded by Ms. Nenow, Council voted unanimously to approve the following items on the consent agenda:

1. Budget Amendments:

Police Department:

To: Uniform Equipment 010-500-300-511220 \$5,365

From: Bullet Proof Vest Grant -Department of Justice 010-000-000-461517 (\$5,365)

Grant funds for the purchase of new bulletproof vests.

Public Works:

To: Laboratory Supplies 0300700-805-517202 \$4,255

From: Misc. Revenue 030-000-000-489900 (\$4,255)

Refund reimbursement from Thomas Scientific.

Skatepark:

To: Boone Greenway Skatepark 010-411-000-549138 \$70,000

Boone Greenway Skatepark 010-411-000-549138 \$25,000

From: Room Occupancy Tax 010-000-000-412401 (\$70,000)

Appropriated Fund Balance 010-000-000-499900 (\$25,000)

To fund Boone Greenway Skatepark.

2. Arbor Day proclamation
3. Earth Day proclamation
4. Lineworker Appreciation Day proclamation
5. Resilient & Thriving Communities Week proclamation
6. Sexual Assault Awareness Month proclamation
7. Doc & Merle Watson mural design rough draft
8. License Agreement – SAHA
9. Award of Bid – Gilbert Engineering Company
10. Budget Amendment:

Capital Outlay – Other Improvements	030-700-805-574001	\$79,230
Transfer to w/s Fund	0332-700-000-598030	\$79,230
Sewer Capital Reserve	030-000-000-498032	(\$79,230)
Appropriated Fund Balance	032-700-000-49900	(\$79,230)

Installation cost for replacement UV system at Wastewater Treatment Plant.

Mr. George thanked everyone for their work on all the proclamations and asked for clarification regarding the SAHA lease. Mayor Pro-Tem Tugman stated that she reviewed the lease and that it felt adversarial. She added that SAHA found the lease to be problematic in terms of scheduling and fundraising. Ms. Meade stated that it was appropriate for the town to always know about any subleasing going on by the lessee since there were certain uses Town assets could and could not be used for. Mayor Pro-Tem Tugman suggested that, in hopes of a better relationship between the Town and SAHA, the license agreement be revisited in order to have a more constructive licensing process. Ms. Meade indicated that the license proposed was the same structure as agreements with other non-profit entities, such as the Watauga Farmers Market. Mayor Pro-Tem Tugman did not find other agreements as detailed as this one. She also asked that an alcohol policy for the property be addressed. Ms. Meade indicated that she was currently working on a Town-wide alcohol policy. Ms. Davis noted that staff was currently working on a special event permit policy to help address problematic events.

In regards to the Doc & Merle Watson mural, Ms. Meade clarified that the photograph in the packet did not literally

meet the requirements from the Historic Preservation Commission, though she had recently spoken with DBDA Coordinator Paige Henderson, and the artist will follow them.

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PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, the Town of Boone was named a 2022 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management; and

NOW THEREFORE, LET IT BE RESOLVED, I, Mr. Tim Futrelle, Mayor of the Town of Boone, do hereby proclaim April 21, 2023, **ARBOR DAY** in the Town of Boone, and I urge all citizens to support efforts to care for our trees and woodlands and to support our Town's Community Forestry Program, and further, I urge all citizens to plant trees to gladden the hearts and promote the wellbeing of present and future generations.

Recognition as a 2023 Tree City USA is a reflection of The Town of Boone's commitment to the environment and effective urban forest management. We realize that trees provide numerous environmental, social, and economic benefits and that trees are one piece of community infrastructure that actually increases in value over time

This is the 12th day of April 2023.

ATTEST:

Tim Futrelle, Mayor

Nicole Harmon, Town Clerk

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**PROCLAMATION
DESIGNATING APRIL 22, 2023, AS "EARTH DAY" IN BOONE**

WHEREAS, April 22, 2023, marks 53 years of worldwide Earth Day celebrations; and

WHEREAS, the first Earth Day in 1970 recognized the importance of every person in preserving our natural resources; and that on the first Earth Day, 20 million Americans rallied for a healthy, sustainable environment; and

WHEREAS, all life forms on Earth have a right to a healthy, sustainable environment, and as caretakers of the planet, we all have an obligation to change human behaviors that contribute to environmental degradation to preserve the Earth's beauty and natural resources; and

WHEREAS, this obligation extends not only to today's caretakers but also to future generations of environmental caretakers who will inherit the planet from us; and

WHEREAS, Boone is fortunate to have hundreds of acres of parks, open space, natural land and trails which enrich the lives of both residents, visitors, and wildlife and provides habitat for various flora and fauna, natural resources, and many diverse recreational opportunities; and

WHEREAS, the Town of Boone supports projects and programs that demonstrate and encourage natural resources conservation and sustainable efforts within the Town community; and

WHEREAS, many local community members, schools, businesses, and environmental organizations are working together in the interest of the planet to inspire intergenerational participation through local actions and global environmental consciousness; and

WHEREAS, The Town's goal is to help build a future in which humans live in harmony with nature and wildlife by conserving Boone's and the Planet's biological diversity; and

WHEREAS, the Town of Boone proudly recognizes all who participate in Earth Day, for their dedication to taking a proactive role in shaping the future of our environment and protecting the Town of Boone's, and the World's, precious natural resources and various wildlife; and

WHEREAS, the Town of Boone will continue to advocate for Earth Day and will continue to support and educate about environmental awareness, natural resource conservation, wildlife conservation, sustainable practices, and so much more related to the well-being of our planet.

NOW, THEREFORE, I, Tim Futrelle, Mayor of the Town of Boone, do hereby proclaim April 22, 2023, as "Earth Day" in the Town of Boone, and I encourage all citizens to become engaged in local and global efforts to help improve and protect our environment for all living beings.

This is the 12th day of April 2023.

Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

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Proclamation Honoring Public Power Lineworkers During Lineworker Appreciation Days

WHEREAS, on January 3, 2017, the 115th Congress of the United States adopted House Resolution 10 recognizing lineworkers, 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 its Electric Department personnel for their exemplary service to the Town and its citizens; and

WHEREAS, electric utilities employ a special class of employees—electric lineworkers—responsible for building and maintaining the distribution lines that bring electricity to homes and businesses, constantly devoting themselves to their duty; and

WHEREAS, this profession demands passion, dedication, and ongoing training and requires lineworkers to maintain the lines around the clock, ensuring they can provide safe, reliable energy to the community; 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 many dangers of high voltage, 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 these celebrations of Lineworker Appreciation Days.

This is the 12th day of April 2023.

Tim Futrelle, Mayor _____

Attest:

Nicole Harmon, Town Clerk _____

Resilient & Thriving Communities Week 2023 Boone Town Council

A PROCLAMATION

WHEREAS, resilient and thriving communities are vital to our community and state's future health, success, and prosperity to ensure a strong foundation for everyone at all ages and stages of life; and

WHEREAS, the science is clear that resilience is built and that communities and systems play a key role in promoting safe, secure, nurturing environments for all; and

WHEREAS, adverse childhood and life experiences, adverse community environments, and adverse climate events impact the overall quality of life and well-being of an entire community; and

WHEREAS, Healthy North Carolina 2030: A Path Toward Health by the North Carolina Institute of Medicine, in partnership with the North Carolina Department of Health and Human Services, Division of Public Health, identifies a reduction of adverse childhood experiences by 25% by 2030 as a goal; and

WHEREAS, it is our collective responsibility to collaborate in a nonpartisan fashion to promote positive experiences, secure relationships, and supportive environments to buffer stress and adversity and to support local resilience coalitions, collaboratives, task forces, and initiatives across the state; and

WHEREAS, investing in policies, programs, and strategies that address adversity and strengthen community resilience is essential to the health of our community; and

WHEREAS, the Town of Boone encourages all individuals and all sectors, public and private, early childhood through post-secondary education, faith-based organizations, healthcare systems, justice systems, social service systems, businesses, and elected leaders to collaborate to strengthen our communities; and

NOW, THEREFORE, we, the members of the Boone Town Council, do hereby proclaim April 29 through May 6 as “Resilient & Thriving Communities Week” in our community and commend its observance to all citizens.

This is the 12th day of April 2023.

Tim Futrelle, Mayor

(SEAL)
Nicole Harmon, Clerk

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PROCLAMATION

WHEREAS, sexual violence is widespread and impacts every person in the Town of Boone; and

WHEREAS, one in five women experience attempted or completed rape in their lifetime and nearly a quarter of men experience some form of contact sexual violence in their lifetime, and one in seventy-one men will be raped at some point in their lives (Smith et al., 2015); and

WHEREAS, OASIS, Inc., the local non-profit serving survivors of domestic and sexual violence, received over 1,100 crisis and information calls from this community in FY21-22. Additionally, in 2022, OASIS provided support to 36 adult survivors of sexual violence in our community with nearly 500 contacts, where Advocates spent over 214 hours with survivors; and

WHEREAS, we must work together to educate our community about sexual violence prevention, support survivors, and speaking out against harmful attitudes and actions; and

WHEREAS, when we actively get involved, we can prevent sexual violence through increasing education, awareness, and community involvement. It is time for everyone to start conversations, take appropriate action, and support one another to create a safer environment for all; and

WHEREAS, the yearly observance of Sexual Assault Awareness Month focuses on increasing the public's awareness of the issue of sexual violence and the services available to support those impacted, as well as acknowledging the efforts of citizens, service providers, governmental agencies, and the criminal justice system who work to improve prevention efforts, serve survivors, and hold perpetrators accountable;

NOW, THEREFORE, BE IT RESOLVED that I, Tim Futrelle, Mayor of the Town of Boone, join the Boone Town Council and advocates and communities across the country in taking action to prevent sexual violence. Along with the United States Government and the State of North Carolina, I do hereby proclaim April 2023 as Sexual Assault Awareness Month.

This is the 12th day of April, 2023.

Tim Futrelle, Mayor

(SEAL)
Nicole Harmon, Clerk

COUNCIL MATTERS

TOWN MANAGER UPDATE

Mayor Futrelle declared a break at 12:05 p.m. The meeting reconvened at 12:28 p.m.
Ms. Davis updated members on the following topics:

1. Earth Third Friday events
2. Staff obtained a grant for 75 free bike helmets to give away during Boonerang
3. Staff has received two nominations for the 1872 Award. Participation was encouraged, and it was

announced that nominations would be accepted through the end of April

4. Last spring indoor concert of the season is upcoming
5. Announced the upcoming Jones House exhibits
6. Call for Boonerang volunteers
7. Pursuant to G.S. 160-499.4 Notice Prior to Construction

The Town's sidewalk contractor (Greene's Construction) will begin sidewalk replacement in front of 630 W King Street (Mast Store) beginning April 17th, with construction expected to be completed within three weeks. They will then begin the replacement of the sidewalk in front of 567 W King Street (Town Hall) and expect to complete this section around the end of May, weather permitting. The new sidewalk will feature brick pavers consistent with the Downtown Streetscape Plan.

8. Earth Week events:

On April 18, staff will be at Hardin Park Elementary School with the third-grade students to do an Earth Day craft promoting the importance of recycling, water conservation, and litter prevention. Staff will be at Two Rivers Elementary School on April 19.

On April 20, staff will be at ASU for the Earth Day Expo promoting sustainability.

On April 21, staff will be on the Jones House lawn with a table of promotional items.

On April 22(Earth Day Proper) Boone Clean Up Day will take place. This event will be held at Public Works from 8:00 am-1:00 pm.

9. Staff in Public Utilities received a received grant in the amount of \$400,000
10. AMI meters: 1,514 meters or 25% have been installed to date. Staff hopes to be fully remote in the next thirty days.
11. The Deck Hill replacement design package has been submitted to the state, and the requested revisions are being addressed by the engineer.
12. Public Works Capital Improvement Plan Phase One has been completed, with staff currently selecting design professionals for Phase Two
13. UV treatment system replacement update: Staff has received four bids with Gilbert recommended.
14. Every Drop Counts poster contest starts soon

TOWN ATTORNEY UPDATE

Ms. Meade updated members on the following topics:

1. Board of Adjustment Chair, Andy Brooks, has resigned. Members were encouraged to recruit applicants to this board, as meeting quorum could be difficult going forward due to a lack of board members.
2. The draft sign ordinance was being finalized for consideration by the Planning Commission on Monday.
3. A rough draft of street vendor policy would be presented soon to DBDA prior to presentation to Council.
4. Ms. Meade had begun research on the proposed inclusionary zoning ordinance.
5. Ms. Meade was continuing work on an ordinance to prevent vehicles from queuing in the roadways.
6. The draft public art policy received from the public art committee would receive her attention as soon as possible, given other priorities.
7. Ms. Meade requested that items to be discussed during the Work Session be published with the agenda if known.

MAYOR UPDATE

Mayor Futrelle updated Council members on the following topics:

1. Economic Development Commission met two weeks ago and plans to move forward with Watauga County as the lead in grant funding for affordable housing
2. The High Country Council of Governments received grant funding for a stormwater evaluation, affordable housing consortium
3. Stormwater: Town representatives are working with ASU on the Peacock Lot project with the Army Corp

4. Boone Tourism Development Authority: The TDA recently appropriated funds to the Boone Skate Park and continued to appropriate funds toward the Howard Street project and Daniel Boone Native Gardens
5. Mayor Futrelle indicated that he was working with business owners regarding traffic concerns at drive-throughs
6. Mayor Futrelle stated that funds had been requested from the General Assembly to assist with the Bolick Farm/Municipal Complex project, a new fire truck, various paving needs, a 3d forensic scanner, and a live scan fingerprint machine
7. Mayor Futrelle announced that there was currently no set start date for the Howard Street project but stated that all necessary easements had been obtained and that the project was in the planning process. Increases in costs since the initial quotes were received will need to be addressed, but staff is hopeful the first phase of the project would begin later this year
8. Staff is looking into funding for a meat processing facility
9. He indicated that he and staff would work with the Town Attorney on a plan for the reservoir park

BOARD LIAISON REPORTS

Mr. Carter announced the change of date for the Human Resources Commission due to Passover. The meeting will be rescheduled for April 18.

Mr. George stated that the Community Appearance Commission met and had discussion in its role in the Comprehensive Plan updates. He indicated that he planned to bring forward an item for discussion regarding landscaping standards during the May meeting.

Ms. Nenow stated that NC State will replace Bradford pear trees if citizens gave proper proof of removal, and suggested a similar project for Boone. She announced that the DBDA would be moving away from "First Fridays" and back to the "Art Crawl" monthly events. She also announced the resignation of DBDA Coordinator Paige Henderson on April 14. Ms. Nenow added that the Year of Trail committee notified that the NC House budget approved more than 50 million dollars overall in non-recurring and recurring funds for trails in the state.

Ms. Roseman stated that state representatives attended the last meeting and gave a tutorial on how CLG works

Mr. George made a motion to move the Towing and Booting agenda item to Item VIII(5). Mayor pro-Tem Tugman seconded the motion, which carried unanimously.

DONNA BARE

Ms. Bare did not attend the meeting.

REQUEST FOR DISCUSSION REGARDING PRIVATE BOOTING AND TOWING REGULATIONS

Mr. George presented an item for discussion regarding private booting and towing regulations in the Town of Boone. He asked Wildwood owner Joe Mager speak about his experience with the LMS booting company. Mr. Mager indicated that in the last ten months, he had witnessed an agent of LMS parking on a nearby hill with binoculars looking into the lot adjacent to Wildwood. Mr. Mager stated that he found signage in the parking lot to be inadequate and that removal fees should be capped. He indicated that he had spoken to staff about signage in the parking lot but discovered that the businesses were in compliance with signage requirements. Mr. Carter indicated that he was afraid to shop at other downtown businesses during a recent visit to Wildwood because he was afraid his vehicle would get booted. Mr. Mager clarified that patrons of the lot adjacent to Wildwood must be active customers and could not go into any other business.

Police Chief Andy Le Beau indicated that the department received many complaints on booting, with most complaints being aimed at one company, LMS. Lt. Lance Wills gave statistics on the number of calls of service received from the Town in regard to booting. These complaints included: boots placed in error, rudeness of employees, failure to call back per Town ordinance, and lack of visible identification. Ms. Meade noted that town visitors sometimes mistakenly believe that the lots at issue were town lots. It was her view that if anyone could control the actions of this company and others, it was property owners that contracted with the booting companies. She stated that it was appropriate for Council to consider adding new sign requirements for multi-

tenant establishments. She suggested that signage could direct complaints to the property owner along with their contact information. Lt. Wills clarified that the current ordinance required that property owner contact information to be produced at the time of booting but added that this had not been practiced by booting employees, or to this point, enforced by police. Mr. Mager stated that he provided the parking lot owner's contact information to a booted customer and received a very angry call from property owner. Discussion ensued regarding boots being placed illegally. Ms. Meade stated that the intended purpose of the ordinance was that if a tow/boot was not in compliance, the booting/towing charge could not be assessed. She further added that the intent was that both the booting/towing serve and the individual person doing the booting/towing be cited for violations. Mayor Futrelle indicated that he would like to see information regarding the loss of revenue from businesses, loss of tax revenue for the Town due to towing/booting. Mr. George suggested that the penalty for the ordinance violation was currently \$100 and that it should be at least the cost of a boot removal fee of \$160. Discussion ensued of this and other aspects of the ordinance, with the consensus of Council being that Ms. Meade should work on changes to the ordinance reflective of the conversation and bring it back at a later date.

UPDATE ON COMPLETED 2020 GREENHOUSE GAS EMISSIONS INVENTORY & NEXT STEPS

Mr. Santucci gave a presentation on the completed 2020 Greenhouse Gas Emissions Inventory. A complete copy of the presentation can be viewed online at <http://boonenc.iqm2.com/Citizens/Default.aspx>

APPOINTMENT TO HUMAN RELATIONS COMMISSION

Mr. George nominated Harley Atkins to serve on the Human Relations Commission. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE: Aye: All
 Nay: None

Harley's term will expire on April 12, 2024.

APPOINTMENT TO BOARD OF ADJUSTMENT

Brief discussion was held regarding the questionable residency of the applicant. It was suggested that Planning Director Shook have a conversation with applicants regarding the duties of serving on this board and his residency status. Mr. Carter nominated Hunter Clark for a regular board seat (to fill the remainder of Mr. Brooks' term), contingent on confirming the applicant's residency. Hearing no further nominations, Mayor Futrelle called for a vote.

Vote: Aye: All
 Nay: None

Hunters term will expire on June 30, 2024.

CLOSED SESSION

Upon a motion by Mr. George, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to enter into closed session at 4:22 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.

Upon a motion by Mr. George, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to exit closed session at 5:55 p.m.

PUBLIC COMMENT - 6:00 P.M.

Representatives of the Army Corps of Engineers gave a brief presentation regarding the progress of the Peacock Lot restoration project.

PLANNING MATTERS**CONSIDERATION OF PETITION TO ANNEX PROPERTY INTO MSD**

Ms. Shook presented a petition to annex property owned by King & College, LLC into the Downtown Municipal Service District. Ms. Shook indicated that annexation into the MSD was a condition of approval of the project, and noted that no action was required at this time.

PLANNING MATTERS CONTINUED**CONSIDERATION OF CASES HEARD AT MARCH 27, 2023 PUBLIC HEARING**

Ms. Shook presented Case PL0636-122822 Robert Cole General Use Zoning Map Amendment. There was brief discussion regarding confusion on the part of the applicant regarding R3 requirements. Mr. George indicated that many neighbors to the property spoke against the rezoning during the public hearing. He then made a motion that Council find that the proposed amendment to the Town's zoning map is not consistent with the Town's Comprehensive Plan and any other adopted plans of the Town because in light of the following: Comprehensive Plan Sections 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 2.3 The Community A. Urban type development within the Urban Growth Area shall meet appropriate Town standards. Comprehensive Plan Policy 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 and as a reflection of the area's image as an attractive, highly livable community. F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development. Ms. Roseman seconded the motion which carried unanimously. Mr. George made a second motion to deny the proposed ordinance on grounds that denial is reasonable and in the public interest because of the negative impact it would have on the neighborhood and the uncertainty of what an R3 development would do to the neighborhood. Mr. Carter seconded the motion which carried unanimously.

Ms. Shook presented Case PL06330-120922 - Spring Hill Suites Conditional District Zoning Map Amendment. Ms. Shook noted that if approved, the Planning Commission recommended that the speed limit in the area be reduced. Ms. Meade noted that this was not in the control of Council, but that they could approve a resolution of support to reduce the speed limit. It was also noted that the applicant understood and agreed to the conditions as proposed by the Planning Commission, which included certain conditions to sidewalks. Mr. George expressed concern regarding this project, and stated that approving this hotel would feel like bad planning to him. He added that, in his view, the project was at odds with many elements of the Comprehensive Plan. Ms. Roseman stated that, while she appreciated Mr. George's view, as a mother who traveled multiple years for her children's activities, a hotel such as this with pedestrian and bike paths and the connection to the Greenway trail was an incentive. Mr. Carter stated that he lived and worked in that corridor and that the proposed would only increase the high amount of traffic in the area. He stated that the hotel would not add any benefit to Boone citizens and would add 104 additional vehicles. Mayor Pro-Tem Tugman agreed with Mr. George's statement and that members had to approve better development than they had in the past and that this did not meet that vision. Ms. Nenow stated that this project did not support long-term residents, and that tourism was already strong as is. Mr. George made a motion that the proposed amendment to the Town's zoning map is not consistent with the Comprehensive Plan and any other adopted plans of the Town that are applicable because it is not consistent with the following Comprehensive Plan Sections 2.1.1 Economic Development C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective. D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas. Comprehensive Plan Policy 2.2.5 Environmental Health C. Development activities in the 100-year floodplain or near lakes or streams shall be

carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural or forestry activities shall be preferred. D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas. Comprehensive Plan Policy 2.3 The Community A. Urban type development within the Urban Growth Area shall meet appropriate Town standards. Mr. Carter seconded the motion and a vote was called.

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

Mr. George made a second motion to deny ordinance PL0633-120922 because of the negative impact the proposed project would have on the corridor and neighborhood and long-term residents, as well as the reasons listed above. Mayor Pro-Tem Tugman seconded the motion and a vote was called.

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

ADJOURNMENT

Upon a motion by Mr. George, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to adjourn the meeting at 6:51 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor