

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
April 13, 2022**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9:01 a.m. at the Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council members present included Mayor Pro-Tem Edie Tugman, Virginia Roseman, Dalton George, Todd Carter and Becca Nenow. Staff present included Interim Town Manager Amy Davis, Town Clerk Nicole Harmon, Fire Chief Jimmy Isaacs, Public Works Director Rick Miller, Public Works Deputy Director Todd Moody, Facilities Maintenance Superintendent Justin Stines, Planning Director Jane Shook, Deputy Planning Director Stacey Miller, Cultural Resources Director Mark Freed, Sustainability and Special Projects Manager George Santucci, Social Media Coordinator Laney Pilkington, Human Resources Director Dale Presnell, Police Chief Andy Le Beau, Long Range Planner Jessica Mitchell, and Environmental Planner Brandon Wise. Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

ANNOUNCEMENTS

The following are the board vacancies of the month:

ABC BOARD

One regular position

BOARD OF ADJUSTMENT

One alternate position

COMMUNITY APPEARANCE COMMISSION

Two regular positions; One student position

CULTURAL RESOURCES ADVISORY BOARD

Three regular positions, One student position

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

One board appointed position

TRANSPORTATION COMMITTEE

One position (Cooperative Extension)

One resident position (Alternative Transportation)

One resident position

One student position

WATER ADVISORY COMMITTEE

Five regular positions; One student position

Mayor Futrelle asked that members of the public bear with staff as they continue to wait on audio/visual equipment for Council Chambers to be delivered and installed.

TENTATIVE AGENDA ADOPTION

Ms. Roseman asked that an item concerning discussion held at the recent Historic Preservation Commission be added to the beginning of Council matters. Upon a motion by Mayor Pro-Tem Tugman, seconded by Mr. George, Council unanimously approved the agenda as amended.

PUBLIC HEARING - A&R MOUNTAIN PROPERTIES, LLC ANNEXATION

Mayor Futrelle opened the public hearing regarding the A&R Mountain Properties, LLC annexation at 9:05 a.m. Hearing no comments, Mayor Futrelle closed the public hearing at 9:06 a.m.

PUBLIC COMMENT

Mareena Greer, Operations Manager of the Southern Appalachian Historical Association asked for assistance in funding repairs and upgrades to the restrooms at the Horn in the West. Ms. Greer indicated that Board Member and local contractor Skip Greene had provided an estimate on repairs and upgrades to the facilities, and had offered to take payments from SAHA for the work. She added that with the Town of Boone 150th celebrations and many other events planned for the Farmer's Market and Daniel Boone Gardens, the restrooms would likely see heavy use this season. Ms. Greer stated that SAHA would provide \$15,000 toward the necessary \$100,000 in funding needed to redo the facilities, and noted that they would like to see the upgrades done before the first of July. She added that SAHA had applied for grants in the past and were denied since they did not own the property.

Irene Sawyer of Watauga County spoke in favor of the recent consolidation of emergency 911 services with Watauga County. She indicated that two years ago, she was in a horrific vehicle accident on the parkway near the Sampson area. Once she was able to access her phone, Ms. Sawyer indicated that she dialed the Verizon operator, who transferred her to Blowing Rock Police Department dispatch. After being told she was not located in their service area, Ms. Sawyer's call was transferred to the Boone Police Department dispatch center, where she was again told she was not in the service area and was transferred to the Watauga County Sheriff's Department. Out of frustration, Ms. Sawyer threw her phone and tried to break out window. This failed, and she then held her hands on the car horn for several minutes until a group of local hunters found her. Mayor Futrelle encouraged Ms. Sawyer to give her presentation to the Blowing Rock Town Council as well, since they chose not to consolidate E911 services with Watauga County.

Jim Marsh of Boone shared a story similar to Ms. Sawyer's, and spoke in favor of the Town of Boone consolidating emergency 911 services with Watauga County.

REQUESTED APPEARANCES

REBECCA KAENZIG - DANIEL BOONE NATIVE GARDENS

Rebecca Kaenzig of Daniel Boone Native Gardens asked for assistance with an ADA accessible pathway. She stated that she had spoken to Facilities Maintenance Superintendent Justin Stines, who estimated the Town's cost to install a pathway to be approximately \$6,000. Ms. Kaenzig indicated that the Gardens had applied for grants and for Outside Agency Funding with the Town last year and was denied. Ms. Roseman noted that it was requested during last year's budget discussions that staff find ways to put money aside for this project.

JAMES WHEELER - COMMUNITY BASED JOBS ACCELERATOR PROJECT

James Wheeler gave a presentation regarding a community based jobs accelerator project that would be geared toward providing an outlet for people to find higher wage jobs, and to be able to start small businesses in an advanced design and construction space. He asked that Council sign a letter of support that he would forward at a later date that would allow him to apply for grant funding to support the project.

GRACE WAGNER - ACCESSIBILITY CONCERNS WITHIN THE TOWN OF BOONE

Grace Wagner, a student at Appalachian State University expressed concerns with the lack of closed captioning available within businesses in Boone. Mr. George noted that the Town had just started providing closed captioning during the night's meeting and indicated that Council and staff would look into ways to continue accessibility.

ADOPTION OF ITEMS ON CONSENT AGENDA

Upon a motion by Ms. Roseman, seconded by Mr. Carter, Council unanimously approved the following items on the Consent Agenda:

1. April 20, 2021 TC/CAC/HPC/PC Special Meeting
2. May 11, 2021 TC/CAC/HPC/PC Special Meeting
3. May 19, 2021 TC/CAC/HPC/PC Special Meeting
4. May 27, 2021 TC/CAC/HPC/PC Special Meeting
5. June 9, 2021 TC/CAC/HPC/PC Special Meeting
6. December 14, 2021 Town Council Regular Meeting

approval of the Town Manager.

- D. Following use, Licensee shall properly:
- i. Clean and make safe all structures to which it is entitled to only non-exclusive use;
 - ii. Clean, secure and make safe all structures to which it is entitled to exclusive use; and
 - iii. Remove any portable structures, or, if they do not interfere with potential use by other licensees, secure and make them safe.
 - iv. For purposes of this section, the term “make safe” shall include remediation of hazards which do not involve alterations of facilities or repair work which requires a permit or an expert to perform; and removal of litter, debris, scrap materials, junk, trash, and other items which could cause injury to a person, promote rodent infestation, or the like.
 - v. For purposes of this section, “clean” shall mean restoring all interior and exterior surfaces and floors of structures and facilities to a condition of cleanliness and sanitation which will allow a subsequent or intermittent licensee to utilize the structure and facilities with no more than a minimal amount of cleaning.
- E. Licensee shall not use or knowingly permit any part of the license area to be used for any purpose which violates any law, and Licensee shall familiarize itself and comply with all Town ordinances, including the Town’s “Noise Control” ordinance, and the North Carolina State Building Code.
- F. Licensee acknowledges that Licensor may authorize other Licensees to use portions of the license area in ways which do not unduly interfere with Licensee’s licensed use and that Licensor shall be the sole arbiter of what constitutes undue interference. Licensor itself may also use, as it deems appropriate, any portion of the License area.
- G. During an emergency, as determined by Licensor, Licensor may utilize the License area to its full extent even if it substantially interferes with this License.
- H. Licensee will take no action(s) which are in any way inconsistent with Licensor’s ownership interest in the property.
- I. Licensee will take no action(s) which is not in accordance with the procedures mandated by its duly adopted by-laws.
5. **Rules for Operation:** In addition to any rules adopted by Licensor for the use of the License area, which rules shall be effective when adopted even if they are adopted during the term of this license, Licensee shall have the right to promulgate such rules and regulations as it may deem appropriate for the behavior of its employees, participants, patrons and invitees during its authorized use of the License area so long as they are not inconsistent with any rules promulgated by Licensor and are otherwise consistent with this License. Licensee shall provide Licensor with a copy of its rules and regulations, if any, sufficiently prior to their effective date to be kept on file with the signed copy of this license agreement.
6. **Licensing Fee; Consideration to Licensor:** For purposes of this License, the license fee is \$500, payable in check made to “Town of Boone,” by August 11, 2022.
7. **Utilities:** Licensee shall not be obliged to reimburse Licensor for utility costs.
8. **Maintenance:** During and after its use of the License area, Licensee shall provide all maintenance necessary to keep and restore the license area to a good and sanitary condition as the result of its use. Such maintenance shall be performed as often as necessary to insure that any other licensee authorized to use the license area will find the license area in a sanitary and orderly state. For purposes of this section, “maintenance” shall include collection and removal of trash, garbage, and litter, cleaning of facilities and structures, and other activities required to conserve the condition of the property while minimizing wear and tear. Should Licensee fail to properly maintain the License area, Licensor may terminate the License

or itself provide maintenance, but if Licensor provides such maintenance, it will be at the expense of Licensee, which shall promptly reimburse Licensor for its expenses in doing so.

9. **Repairs:** Licensee must notify Licensor, in writing, of any and all conditions in need of correction or repair which it discovers, whatever the origin of the conditions (caused by Licensee, its employees, contractors, invitees, or others). Licensee shall make no repairs, and no person or entity will be hired to evaluate, assess or undertake any repairs without first notifying Licensor in writing, at least ten days in advance, of Licensee's intention to evaluate, assess, undertake or make such repairs, or in the event of an emergency, without first notifying Licensor by telephone at (828) 268-6200 of the condition and repairs contemplated. Repairs may only be performed by Licensee with express authorization of the Boone Town Manager. Any repairs made to the license area shall be done in a workmanlike manner and shall become the property of Licensor. In making any authorized repairs, Licensee shall comply with the North Carolina State Building Code, as applicable, all ordinances of the Town of Boone and Watauga County, as pertinent, and all relevant federal and state laws relating to its operation of a facility and enterprise open to the public, and to its use of paid employees therein. Should Licensee be given permission to make repairs to the License area, for repairs requiring skilled workers, such as electrical repairs, plumbing repairs, structural repairs, and the like, Licensee shall only employ appropriately licensed workers to make the repairs. If Licensor itself undertakes needed repairs of conditions which are the result of Licensee's failure to discharge its maintenance responsibility; Licensee's negligence; an intentional act of destruction by Licensee's participants, employees, patrons, invitees, agents or contractors; or other breach of its responsibilities under this License; Licensee shall be responsible for reimbursing Licensor the cost of such repairs, and its failure to promptly reimburse Licensor shall constitute a basis for the termination of this License. For purposes of this section, "repairs" shall refer to fixing something which has been damaged, broken, or is not working correctly, so that it is in good condition and working properly.
10. **Alterations:** Licensee agrees to neither make nor arrange for any alterations to the license area without the advance written approval of Licensor. Should any alterations be approved by Licensor, they shall be done in a workmanlike manner, and they shall become the property of Licensor. Should Licensee be given permission to make alterations to the License area, for alterations requiring skilled workers, such as electrical installations, plumbing installations, construction activities, and the like, Licensee shall only employ appropriately licensed workers to make the alterations. In making any alterations, Licensee shall comply with the North Carolina State Building Code, as applicable, all ordinances of the Town of Boone and Watauga County, as pertinent, and all other relevant Federal and State laws. For purposes of this section, "alterations" includes, but is not limited to: removal of vegetation, other than weeds removed as part of normal maintenance, permanent modification of any existing structures, and construction of new structures.
11. **Compliance with Laws:** In particular, and not by way of exclusion, in any and all its actions and activities, Licensee will comply and hereby certifies its compliance with the Americans with Disabilities Act, as amended, Title VII of the Civil Rights Act of 1964, as amended, the Fair Labor Standards Act, as amended, the Occupational and Health Safety Act, as amended, the North Carolina Employment Security Act, as amended, and the North Carolina Worker's Compensation Act, as amended, to the extent each such law applies to Licensee or any of its activities. Should Licensee's corporate status be revoked by the North Carolina Secretary of State, this license shall immediately terminate. Licensee commits that it will act in accordance with all laws related to its status as a North Carolina Corporation.
12. **Keys and Locks:** Not applicable.
13. **Information Required to be Furnished:** No additional information required.
14. **Termination or Expiration:** This license is terminable at will by either party. Upon termination or expiration of this license, Licensee shall remove its personal property from the license area and shall surrender the license area to Licensor in good order and repair, reasonable wear and tear excepted.
15. **Abandoned Property:** Following the termination or expiration of this license, any property left by Licensee on the license area shall be considered abandoned and may be retained by or disposed of by Licensor as it sees fit. However, Licensee shall have a ten day period following the termination of this lease to remove any building(s) which it owns. Thereafter, such building(s) will be deemed donated to Licensor. Licensee shall not leave, place, or store any personal property unrelated to the scope of the License in the License area, and any such property shall be considered abandoned and may be disposed of by Licensor.

16. **Waiver and Exculpation, Indemnification:** Licensors shall not be liable for, and Licensee hereby waives all claims against Licensors for damage to its property, or for injury, illness or death of any person in, upon or about the License area arising from any act or neglect of Licensee or caused to or suffered by any person using the license area pursuant to Licensee's authority. Licensee shall indemnify, defend, protect and hold harmless Licensors from and against any and all claims, actions, loss, cost, damage, expense, and liability associated with personal injury, damage to property, or any other matter arising out of any occurrence in, upon, or at the License area, or associated with any act or omission of the Licensee, or associated with Licensee's use, occupancy or activities in the license area or access thereto by Licensee; provided, however, that the foregoing indemnity shall not be applicable to claims arising by reason of the gross neglect or willful misconduct of the Licensors. In the event that the Licensors is made a party to any litigation brought against the Licensee or by reason of or related to the Licensee's use or occupancy of the License area, the Licensee shall defend, protect and hold harmless the Licensors from any and all liability that may result therefrom, including Licensors's costs in defending itself against any claim, action, litigation or other assertion of liability.
17. **Insurance:** Licensee shall provide and maintain event insurance coverage, including general liability and host liquor liability insurance, in an amount of no less than one-million dollars (\$1,000,000.00), against all risks for which Licensee is required to indemnify and hold Licensors harmless, including but not limited to personal injury, bodily harm, or death of third parties and damage to the property of third parties as more fully set out in paragraph 16, as well as damage which Licensee, its participants, employees, patrons, invitees, agents, or contractors may cause to the real or personal property of Licensors. Licensors shall be named as an additional insured on every liability insurance policy of Licensee relating to the license area. Certificates of insurance for each policy required to be obtained by Licensee in compliance with this paragraph shall be filed and maintained with Licensors. Upon request, Licensee shall provide the aforesaid insurance policies to Licensors for its review. Licensee shall immediately advise Licensors of any injury, damage, or assertion of claim or litigation that arises from the event, regardless of whether it may result in a claim of liability against Licensors.
18. **Modification of License:** There shall be no modification of this License by Licensee unless the modification is in writing and signed by both parties; provided, however, that Licensors retains the right to modify the License unilaterally as it may determine necessary with notice and cause in its sole discretion, such modification to take effect 30 days following written notice to Licensee unless Licensors, in its discretion, determines that the modification must go into effect immediately upon or at some earlier time following notice of the same to Licensee.
19. **Assignments:** This license may not be assigned.
20. **Not a Lease or Estate:** The parties agree and acknowledge that in no event shall this License constitute a lease or grant or create any leasehold estate or other estate in the License area. This license is intended and shall be construed as granting a License or right of use in the License area, and Licensee's use and occupancy of the license area shall not be deemed to be a tenancy under the laws of North Carolina, and Licensee shall not enjoy, and hereby waives, any protections afforded tenants under federal, state, or local laws or regulations. Furthermore, the parties expressly disavow that this instrument creates any contractual responsibilities on the part of the Licensors.
21. **Governing Law:** This license shall be governed by and construed in accordance with the laws of the State of North Carolina. Venue concerning any dispute regarding this license shall be in Watauga County, North Carolina.
22. **Severability:** If any provision of this license or the application thereof to any person or circumstance shall, for any reason and to any extent, be held invalid or unenforceable, that provision shall be severed, and the remainder of this license and the application of that provision to other persons or circumstances shall not be affected, but rather shall be enforced to the extent permitted by law.
23. **Parties' Relationship:** Nothing contained in this License shall be deemed or construed by the parties or by any third party to create the relationship of principal and agent, employer and employee, or of partnership or joint venture or of any association whatsoever between Licensors and Licensee other than as is contained herein, it being expressly understood and agreed that none of the provisions contained in this license nor any act or acts of the parties hereto shall be deemed to create any relationship between Licensors and Licensee other than the relationship of a Licensors and Licensee.
24. **Waiver:** Licensors's failure to strictly enforce its rights under this license shall not constitute a waiver of

such rights.

25. **Entire Agreement:** This License contains all of the terms and conditions concerning the licensing and use of the License area by Licensee. There are no oral terms or conditions agreed to by the parties which are not contained in this License. Licensors has not made and is not making, and Licensee, in executing and delivering this License, is not relying upon any warranties, representations, promises or statements, except those that are expressly set forth in this License. All prior verbal agreements previously made by and/or between the parties, if not contained herein, are hereby expressly null and void, and insofar as such prior agreements and understandings between the parties are included herein, the same have merged into this License, which alone fully and completely expresses the current terms of this License.
26. **Execution:** Licensee represents and warrants that all necessary authorizations and approvals required for execution and performance of this License have been given and that the undersigned individual is duly authorized to execute this License and bind the Licensee to the conditions set forth.
27. **Notices:** All notices, requests, demands, and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, certified mail, return receipt requested, to the following addresses:

If to **Licensors**, to: Amy Davis
Town Manager
Town of Boone
P.O. Drawer 192
Boone, NC 28607

If to **Licensee**, to: Zeta Tau Alpha Fraternity
Lambda Kappa
c/o Emily Abramowitz
949 Blowing Rock Road
Appalachian Panhellenic Hall
Boone, NC 28608

28. **Execution in counterparts:** This license agreement may be executed in separate counterparts, all of which together shall constitute and be effective as an original.

IN WITNESS WHEREOF, the **Licensors** and **Licensee** have executed this Lease Agreement in duplicate originals, and agree to all of the terms and conditions set forth above, the day and year first above written.

Town of Boone, Licensors

Tim Futrelle, Mayor

Attest: _____ (Seal)
Town Clerk, Town of Boone

Zeta Tau Alpha Fraternity, Licensee, by

Emily Abramowitz

Attest: _____ (Seal)

COUNCIL MATTERS

TOWN MANAGER UPDATE

Ms. Davis updated Council on the following topics:

1. Staff has worked to make hybrid virtual and in-person meetings possible, even without the needed audio/visual equipment. Closed captioning is also now available for Town meetings.
2. Health insurance renewal is in at 6% which is half of the national average.
3. First Friday event held on April 1 was a large success in spite of bad weather.
4. Street Department installed two additional EV charging stations at the Jaycee Park and behind the Jones House, bringing the total number of public charging stations to six.
5. Staff met with North Carolina land and water fund representatives regarding a potential grant for flood mitigation and stream back restoration.
6. Pursuant to G. S. 160-499.4 Notice Prior to Construction: The Town's sidewalk contractor (Greene's Construction) will begin sidewalk replacement starting at 506 West King Street (across from Appalachian Street) and work east to the College Street intersection, beginning the first of May. This new sidewalk will feature a brick paver border consistent with the Downtown Streetscape Plan. Town staff will communicate and coordinate with affected property owners before and during this process to ensure conflicts are mitigated.
7. King Street Resurfacing: The North Carolina Department of Transportation's paving contractor (Maymead Inc.) will begin milling and resurfacing King Street from the Hardin Street intersection to Poplar Grove Connector around the first of June. Milling and resurfacing will include the roadway as well as the parking spaces along the street. The majority of this work will take place at night and town staff will help communicate this information to downtown businesses and residents as we learn more details.
8. Spring Litter Sweep: In conjunction with the North Carolina Statewide Spring Litter Sweep, the Town of Boone will hold a "Spring Boone Clean-Up Day" on Saturday April 23, 2022. Interested participants may come by the Public Works Department located at 321 East King Street between 8:00am - 1:00pm to pick up cleaning supplies. Town residents will receive an additional free curbside pickup of collected debris (household junk/bulk items, yard debris or brush) beginning Monday, April 18th through Monday, May 2nd. Simply phone the Public Works Department (828)268-6230 to schedule collection or submit your request online through the Citizens Service Request located on the Public Works page of www.townofboone.net. For more information, contact Shannon Isaacs, Telephone (828)268-6230 shannon.isaacs@townofboone.net
9. AMI Meter System: We are continuing to install the new type water meter with 1,325 or 21% installed to date. Additionally, we're moving forward remote functionality equipment installation. We plan to ramp up new meter installation with the improved weather and as funding allows.
10. CDBG-I ~ Deck Hill Water storage tank replacement: Geotechnical work is presently underway which will allow completion of project plans and solicitation of competitive construction bids from qualified contractors. Once project plans have been finalized, we will continue purchase negotiation with the property owners.
11. Water and Sewer Capital Improvements Plan: We're currently working with one of our on-call design professional to develop a comprehensive water and sanitary sewer capital improvements plan (CIP) that will provide us with information and planning resources regarding future infrastructure needs.

TOWN ATTORNEY UPDATE

Ms. Meade briefly outlined bid requirements as they related to the previous discussion regarding the potential discussion of restrooms at the Horn in the West property.

BOARD LIAISON REPORT

Mr. George updated Council on the Sustainability Committee, noting the approval of the climate change survey. Ms. Roseman stated that the Historic Preservation Commission met last night and noted that Ms. Meade would

be presenting an item later that came up in discussion during the meeting. She also expressed a desire for the Human Relations Commission to begin work. Ms. Nenow indicated that the DBDA was working on summer events and specifically the Boone 150 celebration, as well as hiring a new coordinator. Mayor Pro-Tem Tugman gave a brief update of the Community Appearance Commission tree survey. Mayor Futrelle provided a brief update of the TDA, which included international marketing, and Greenway expansion projects.

APPOINTMENT TO ABC BOARD

Mr. George stated that he believed Mr. Casey to have done a fine job during his term on the ABC Board, but was impressed with Ms. Dunbar's application, as was Mr. Carter. Ms. Roseman supported Mr. Casey's reappointment in that he understood the intricacies of the board, and believed his experience would be important when the potential second ABC Store was built on the Bolick Farm. She was also concerned that Ms. Dunbar had not shown that Boone would be held at the top of her interests in future endeavors and nominated Mr. Casey for reappointment to the ABC Board. Mr. George nominated Ms. Dunbar. Mayor Pro-Tem Tugman spoke in favor of Ms. Dunbar's application and supported her nomination. A vote was then taken:

Dunbar: George, Carter, Tugman, Nenow
Casey: Roseman

Ms. Dunbar's term will expire in May 2025.

CONSIDERATION OF APPLICATION TO CRAB

Ms. Roseman nominated David Jackson for reappointment to the Cultural Resources Advisory Board. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE: Aye: All
Nay: None

Mr. Jackson's term will expire on May 30, 2025.

RECOGNITION OF DAVID JACKSON - MAIN STREET AWARD

David Jackson was presented the Main Street Award and was recognized for his work as President of the Boone Area Chamber of Commerce.

REQUEST FOR DIRECTION REGARDING POSSIBLE REDUCTION IN LIST PRICE OF 1500 BLOWING ROCK RD.

James Milner of Appalachian Commercial Real Estate asked for direction regarding the list price of surplus property located at 1500 Blowing Rock Road. Mr. Milner presented the appraisal for the property which was performed in 2021 and included comparables from the area. Mr. Carter was concerned that the comparables used in the appraisal were student housing, and in his view were not true comparables. Members felt that by lowering the price to make a quicker sale before the new municipal property was ready, Council was putting the cart before the horse. Different funding options for the Bolick property were briefly discussed, as was abandoning the sale of the Police Department and using the property instead for affordable housing.

POLICE DEPARTMENT APPLICATION FOR A NO-MATCH GRANT

Police Chief Andy Le Beau announced his department's intention to apply for a no-match grant being administered by the North Carolina Sheriff's Association in the amount of \$22,645 in the area of the investigations of internet crimes against children.

CONSIDERATION OF CASES HEARD AT THE MARCH 28, 2022 PUBLIC HEARING

Ms. Shook presented Case PL05551-030422 A&R Mountain Properties LLC - General Use Zoning Map Amendment. Mr. George made a motion that the proposed amendment to the Town's zoning map is consistent

with the Town's Comprehensive Plan and any other adopted plan(s) of the Town because it is consistent with Comprehensive Plan 2.2. Utilities: B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services. C. The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area. E. The Town shall employ incentives to encourage a concentration of intense urban type development within the Urban Growth Area. 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. E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses. 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 approve Ordinance PL0551-030422 and that approval is reasonable and in the public interest because the annexation would create more land in Boone, would protect residents and would allow for more housing in the area. Ms. Roseman seconded the motion and asked that the motion be amended to include the amendments presented in the packet. Mr. George accepted the amendment to the motion, which carried unanimously.

Ms. Shook presented Case PL05502-021822 COA Process – UDO Text Amendment. Ms. Roseman 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 because it is consistent with Comprehensive Plan Policy 2.1.5 Downtown A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place. A.4 Establish specific architectural and design standards for downtown consistent with its location, setting, and various functions. Comprehensive Plan Policy 2.3.2 Community Character B.1 Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources. Mr. George seconded the motion, which carried unanimously.

Ms. Roseman made a second motion to approve Ordinance PL05502-021822 and that approval was reasonable and in the public interest because it centered around the professional growth of the community. Mr. George seconded the motion, which carried unanimously.

Ms. Shook presented Case PL05558-030922: Stormwater Modification – UDO Text Amendment. Mr. Carter made a motion, which was seconded by Mr. George, that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive Plan and any other adopted plan(s) of the Town because it is consistent with Comprehensive Plan Policy 2.2.5 Environmental Health 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. 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. F. Recognizing the economic and environmental costs of commercial and residential stormwater runoff, innovative stormwater management techniques such as permeable sidewalks, driveways, and parking areas shall be encouraged. G. The development of a comprehensive drainage and flood plain management plan, including public and private actions in support of plan implementation, shall be supported. 2.1.1 Economic Development A.1 Continue to evaluate and amend development regulations to help insure aesthetic quality in the area and preserve the natural beauty of the area. A.2 Adopt analytically sound, technically based hillside development regulations to preserve natural beauty. Comprehensive Plan Policy 2.3.3 Housing and Neighborhoods D. Innovative and flexible land planning and development practices shall be encouraged to create livable developments which better safeguard land, water, energy and historic resources. The motion carried unanimously.

Mr. Carter made a second motion to approve Ordinance PL05558-030922 and believes it is reasonable and in the public interest because it is consistent with managing growth in the Town of Boone. Mr. George seconded

the motion which carried unanimously.

CONSIDERATION OF A&R MOUNTAIN PROPERTIES, LLC VOLUNTARY ANNEXATION PETITION (243/245 BAMBOO RD)

Upon a motion by Ms. Nenow and seconded by Ms. Roseman, Council unanimously approved the annexation ordinance as presented.

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Please return to:
Town of Boone Planning & Inspections Department
Attention: Annexation
680 West King Street, Suite C
Boone, North Carolina 28607

Ordinance Number: 22-

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BOONE, NORTH CAROLINA
(Thomas and Joan McLaughlin)

WHEREAS, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held by WebEx, a video conferencing software, on April 13, 2022, after due notice by the Watauga Democrat on March 30, 2022; and

WHEREAS, the Town Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boone, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Boone, as of April 13, 2022.

A 0.988 acre parcel lying and being in the Blue Ridge Township on the east side of the Bamboo Road, NCSR 1524; bounded on the north by Regina Hampton (Plat Book 22 at Page 231), on the east by Sherrill Hampton (Book of Records 73 at Page 843), on the south by Deerfield Ridge, LLC (Book of Records 762 at Page 410), on the west by the Bamboo Road; north being relative to and being all the lands as described in Book of Records 1733 at Page 204 and more fully described as follows:

BEGINNING on a Mag Nail on the east side of the Bamboo Road in the Deerfield Ridge LLC line, this nail located N20-37-59E 332.63' from Runway PK No. 1 monument found (N899939.47 sft E1222369.85 sft), from the BEGINNING and with the Deerfield Ridge LLC line N73-09-20W 9.12' to a point in the Bamboo Road, thence with said road N00-42-59W 152.98' to a 5/8" rebar found buried on the east side of the Bamboo Road and in the center of Hampton Trailer Ct, thence out and with the Hampton Trailer Ct, a private road S73-06-18E 349.95' to a spike found buried in the center of road just west of a stream running under said road, thence leaving said road and with Sherrill Hampton line S40-10-51W 158.51' to 1.5" pipe found on the west side of stream, thence with the Deerfield Ridge LLC line N73-09-20W 231.88' to the point and place of

beginning containing 0.988 acres by coordinate geometry as surveyed November 21, 2019 and shown on plat no 19036-1 by Hencle J. Matheson, PLS L-2561.

Section 2. Upon and after April 13, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Boone and shall be entitled to the same privileges and benefits as other parts of the Town of Boone. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Boone shall cause to be recorded in the office of the Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Adopted this 13th day of April, 2022.

Tim Futrelle, Mayor

ATTEST:

APPROVED AS TO FORM:

Nicole Harmon, Town Clerk

Allison Meade, Town Attorney

CONSIDERATION OF MODERN REAL ESTATE INVESTORS, LLC VOLUNTARY ANNEXATION PETITION (151 MODERN DRIVE)

Ms. Shook presented a voluntary annexation packet presented by Modern Real Estate Investors, LLC, and noted that the applicant wished for the dealership tract to be zoned B3 General Business, and for the vacant parcel to be split zoned between R3 Multi-family and R1 Single-family. Due to clerical errors, and upon a motion by Mayor Pro-Tem Tugman, this item was tabled until later on in the meeting to allow staff time to upload the necessary documents for Council's review. The motion was seconded by Mr. George and carried unanimously.

CONSIDERATION OF THE HAYES-BRYAN-GREENE CEMETERY HISTORICAL MARKER

Long Range Planner Jessica Mitchell presented a request for direction on the location and text of the Hayes, Bryan, Greene Cemetery Historical Marker, as well as approval for funding. Discussion was held regarding the possibility that Judge Greene, who's land the cemetery is located on, and is referenced in the marker text, was reported to have been a supporter of disenfranchisement in 1898. The use of QR codes on the marker was also discussed briefly before Ms. Roseman made a motion to approve the language presented, including the reference to Mr. Greene's past, as well as location B. Mr. Carter seconded the motion.

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

Mayor Futrelle declared a break at 1:11 p.m. Council reconvened at 1:22 p.m.

Discussion turned back to the consideration of the voluntary annexation petition submitted by Modern Real Estate Investors, LLC. In response to a question raised regarding Town services, Public Works Director Rick Miller stated that the topography of each piece of property would come into consideration when determining whether or not services could be extended. He noted that the code had been changed in the past to accommodate

for services to be extended to properties, but that as it was currently, this property was unsuitable to receive Town services. Mr. Miller reiterated that if the property were rezoned to R1, the Town must be able to provide services. The applicant indicated that they were not interested in developing the lower portion of the property and would be agreeable to turning the area into a green space or conservation district. Mr. George made a motion to approve the resolution directing the clerk to investigate. Ms. Roseman seconded the motion, which carried unanimously. Mr. George made a motion to approve the resolution setting the zoning public hearing for May 23, 2022 at 6:00 p.m. at the annexation public hearing on June 8, 2022 at 9:00 a.m. Ms. Roseman seconded the motion which carried unanimously. It was the consensus of Council that the property should be zoned R1, R3 and B3 as discussed.

PRESENTATION BY P&I OF INFORMATION GENERATED FOR THE WATAUGA HOUSING FORUM

Ms. Shook gave a brief presentation of information generated by the Planning and Inspections Department for the Watauga Housing Forum. A complete copy of the presentation can be found online at http://boonenc.iqm2.com/Citizens/Detail_Meeting.aspx?ID=3459

PRESENTATION OF INFORMATION REGARDING POTENTIAL 150TH ANNIVERSARY COMMEMORATIVE MONUMENT

Cultural Resources Director Mark Freed presented information regarding a potential 150th Anniversary commemorative monument. He indicated that artist Brenda Council proposed a piece that commemorated some of the founding families of Boone, as well as giving people an opportunity to put their names on a piece of community art. Mr. Carter stated that the post office location was great, and felt that the area needed to be cleaned up whether or not a monument was installed. Mr. George felt that the monument needed to be on a platform to draw people to it. Ms. Shook reminded members that the post office was a historic monument, and that the Historic Preservation Commission had concerns about placing certain things that detracted from the actual landmark itself. Ms. Meade noted that the Historic Preservation Commission should not be involved in the beginning planning phases since the post office was a Town owned building. Other potential locations were discussed, including the Daniel Boone Native Gardens. Amber Bateman, Director of the Watauga Arts Council stated that donors were starting to express more interest in the potential monument being placed in the downtown area as opposed to other locations. It was noted that a Certificate of Appropriateness would also be needed for the monument if it were to be located in front of the post office. The creation of a short-term committee was discussed to help with the process of installing this monument. Ms. Roseman then made a motion to support the creation of a five-member committee in collaboration with the Watauga Arts Council that will look into locations and the appropriate types of art, including a potential 150th Anniversary Commemorative Monument, to be installed in those locations throughout Town; the Committee shall be comprised of people from the community with two appointees from the Town Council; after the first meeting, the committee will have a sixty-day window to present to the Council a suggestion on appropriateness of locations and types of art installations; names of potential appointees should be brought back by the Watauga County Arts Council next month for consideration. Mr. Carter seconded the motion, which carried unanimously.

STREET CLOSURE REQUEST - BOONERANG MUSIC & ARTS FESTIVAL

Cultural Resources Director Mark Freed presented a street closure request for the Boonerang Music and Arts Festival. Ms. Roseman expressed safety concerns with an increased number of children being in the area of the library and Queen Street being used as a thoroughfare. Mr. Freed assured Ms. Roseman and others that Boone Police would have crossing guards at intersections to assist people when crossing the road. It was suggested that signage announcing the road closure be installed days prior so that travelers could be aware of alternate routes. Upon a motion by Mr. Carter, seconded by Ms. Roseman, Council voted unanimously to approve the road closure request as presented.

It was noted that Council skipped over the added Historic Preservation Commission item. Ms. Meade indicated that the Mast General Store had recently successfully gone through the process to change out the windows and doors on the historic property. Also, at its most recent meeting, she noted that the HPC had a discussion about

its meeting schedule, and proposed that Council consider voting to go to two meetings a month and to limit both meetings to two hours each. The first Tuesday of the month, the HPC would meet from 3:00 p.m. until 5:00 p.m. to deal with advisory issues, and the second Tuesday of the month, the commission would meet from 3:00 p.m. until 5:00 p.m. to discuss other matters. It was the consensus of Council to move forward with the recommendation of the Historic Preservation Commission as presented.

CONSIDERATION OF ISSUES RELATED TO MURALS & SIGN REGULATIONS

Ms. Meade indicated that there was a mural application from the Town Council to the Historic Preservation Commission a while back, and that it presented some difficulties due to a lack of standards in the historic district guidelines. Ms. Meade asked that Council take into consideration that a distinction needed to be made between advertisements and murals. It was the consensus of Council that Ms. Meade bring this item back to Council at a later date for additional discussion.

REQUEST FOR INVENTORY AND MAP OF EDIBLE PLANTS

Ms. George presented an request for an inventory and for the creation of a map of edible plans that had been planted in Town at the direction of the previous Council. He stated that there were students who were interested in working on this project to help relieve some of the duties. Ms. Roseman suggested working with the Food Hub to collect discarded fruit from resident's fruit trees. It was the consensus of Council to direct staff to prepare an inventory and map of the edible plants currently planted in Boone.

DISCUSSION AND REQUEST FOR DIRECTION REGARDING SINGLE-USE PLASTICS

Pursuant to direction previously given to staff by Council, Sustainability and Special Projects Manager George Santucci presented a list of three recommendations for addressing single-use plastic waste on and in Boone's streets and streams including an incentivization program, a solid waste removal fee program and a ban on plastic products. Mr. George felt that these recommendations should be viewed as steps as opposed to different recommendations. Ms. Nenow was interested in a future ban on styrofoam. Ms. Meade indicated that coastal counties previously banned plastic, only for the state legislature to revoke that law later. She believed it could prove challenging to defend a ban or fee against plastic bags in court. Staff indicated that they were working with local businesses and the Chamber of Commerce on incentive programs. It was the consensus of Council the direct the Sustainability Committee to discuss the matter further and come back to Council with updates in the future.

UPDATE & POSSIBLE DISCUSSION AND/OR ACTION REGARDING TOWN MANAGER HIRING PROCESS

Human Resources Director Dale Presnell indicated that the Town Manager position had been advertised for almost two weeks and he had received almost twenty applications to date from various parts of the country. He stated that department directors as well as members of the community would be involved in interviews and that Council would be the final step in the hiring process.

CLOSED SESSION

Upon a motion by Ms. Roseman, seconded by Mayor Pro-Tem Tugman , Council voted unanimously to enter into closed session pursuant to:

1. N.C. Gen. Stat.§ 143-318.11(a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s).
2. N.C. Gen. Stat.§ 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims.
3. 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 the lawsuit involving Watauga County relating to the local sales tax.

Upon a motion by, seconded by, Council voted unanimously to exit closed session.

ADJOURNMENT

Upon a motion by seconded by Council voted unanimously to adjourn the meeting.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor