

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
May 10, 2023**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 12:00 p.m. at the Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council members present included Mayor Pro-Tem Edie Tugman, Todd Carter, Virginia Roseman, and Dalton George. Staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Planning Director Jane Shook, Deputy Public Works Director Todd Moody, Finance Director Guy Miller, Fire Chief Jimmy Isaacs, Sustainability and Special Projects Manager George Santucci, Captain Shane Robbins, Lt. Jon Houck, and Cultural Resources Director Mark Freed.

MOMENT OF SILENCE

PUBLIC HEARING

Mayor Futrelle opened the public hearing regarding the annexation of property into the MSD at 12:06 p.m. With no speakers present, he closed the hearing at 12:07 p.m.

PUBLIC COMMENT

Skip Greene spoke as a member of First Baptist Church in Boone. He stated that he felt the proposed sign ordinance was restrictive in its size limitations of monument signs, though he was generally in favor of the policy. He suggested that the size limit for monument signs in the B1 district downtown be increased from 5' to 6' to allow for landscaping.

TENTATIVE AGENDA ADOPTION

Mayor Futrelle asked that consideration of the resolution in support of a Winkler's Creek reservoir mountain bike park to 5 p.m. to accommodate public speakers. Councilmember Roseman made a motion, which was seconded by Mayor Pro-Tem Tugman, to approve the agenda as amended.

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

ANNOUNCEMENTS

Mayor Futrelle announced the following board vacancies:

BOARD OF ADJUSTMENT

Two regular positions, Three alternate positions

COMMUNITY APPEARANCE COMMISSION

Four regular positions, One student position

CULTURAL RESOURCES ADVISORY BOARD

One regular position, One student position

HISTORIC PRESERVATION COMMISSION

One regular position

HUMAN RELATIONS COMMITTEE

Two regular positions

PLANNING COMMISSION

Two regular positions

SUSTAINABILITY COMMITTEE

Three regular positions, One student position

WATAUGA COUNTY PARKS & RECREATION

One liaison to the County Board to be nominated by Boone Town Council

REQUESTED APPEARANCES**REBECCA HUTCHINS - DANIEL BOONE NATIVE GARDENS**

Rebecca Hutchins announced that she has stepped down from her position on the board and announced Corisa Ford as her replacement. Ms. Ford gave a presentation outlining the needs of the Daniel Boone Native Gardens, along with a request for funding in the amount of \$85,000. A complete copy of the presentation can be viewed online at https://boonenc.igmp2.com/Citizens/Detail_Meeting.aspx?ID=3581

CRAIG HUGHES - APPALCART

Craig Hughes with AppalCART presented Council with AppalCART's annual report. He indicated that he expected 1.4 million trips this year and more next year. Members expressed interest in additional park and ride services in Town, to which Craig answered that if a location could be acquired by Council, he would work it into an existing route, or allocate another bus if funding allowed.

ANDY HILL - MOUNTAIN TRUE

Andy Hill of Mountain True presented a letter of appreciation to Council for its efforts to protect the environment in Boone.

ROBERT MARSH - WATAUGA COUNTY

Robert Marsh, Maintenance Director at Watauga County, presented Council with a request for the Town's assistance with paving needs on Watauga County property. Robert stated that the County had assisted the occupants of the building on this property, the Hunger and Health Coalition, with the replacement of their roof and drainage pipes, and it was the hope of the County that the Town would be willing to replace the asphalt destroyed in the process. He estimated the cost of labor and materials to be several thousand dollars but was unable to provide an official estimate due to the lack of available paving contractors. Public Works Director Rick Miller did not believe the Town should grant this request because it was the end of the fiscal year, and the paving line item in the budget was at zero. He added that the parking lot was located outside Town limits. Town Attorney Allison Meade noted that the Town was authorized to fund recreational facilities outside the Town limits. Rick stated that the Town had not ventured into situations like this other than repairing the occasional fire hydrant that the Town has easements on. Town Manager Amy Davis noted that the Town recently did a paving project for Watauga County at the Arts Council parking lot. Deputy Public Works Director Todd Moody gave a brief history of the incident at the Arts Council, indicating that Arts Council staff thought Public Works staff damaged the parking lot with heavy equipment they had parked in the parking lot. He added that, even though Public Works' equipment did not damage the parking lot, staff repaired the parking lot anyway. Todd cautioned Council members about granting this request and not granting it to others who may come forward in the future. Councilmember George stated that this would be a good situation for a partnership between the two entities and that it warranted further analysis by staff and the Town Attorney. Councilmember Carter suggested that members take into consideration the clients who utilize the parking lot in question. Rick noted that if Council approved this request, Public Works staff would be pulled from other jobs to complete this paving project. Councilmember Roseman suggested this request be in lieu of the Hunger and Health Coalition's outside agency funding request. Councilmember George suggested that staff gather more information about the job and the cost associated with completing it and come back to Council for consideration. Mayor Pro-Tem Tugman volunteered to get together with Hunger and Health Coalition staff prior to the budget meeting to discuss the item further.

CONSIDERATION OF RESOLUTION - A. BROOKS

Upon a motion by Councilmember George, seconded by Councilmember Roseman, Council voted to consider the resolution of appreciation for Andy Brooks at this time. Mayor Futrelle read the resolution into the record, and Council members along with Town Attorney Meade expressed their thanks to Mr. Brooks for his years of service on the Board of Adjustment.

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

RESOLUTION OF VOLUNTEER APPRECIATION AND RECOGNITION

WHEREAS, Andy Brooks has served this community well in numerous capacities during his time volunteering on the Town of Boone's Board of Adjustment; and,

WHEREAS, Mr. Brooks' service to the Town of Boone shows exemplary dedication to the best interest and betterment of the community; and,

WHEREAS, through the performance of his duties and responsibilities as a member of the Board of Adjustment, he has made excellent and constructive contributions to our Town; and,

WHEREAS, he has earned the admiration and high regard of those with whom he has come into contact and the affection of his fellow public servants.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Boone, North Carolina, does hereby express our sincere appreciation and thanks, as well as that of our citizens, to Andy Brooks with sincere best wishes for continued success and many happy years ahead.

Adopted by unanimous vote of the Town Council on the 10th day of May 2023.

Tim Futrelle, Mayor

ATTEST:

Town Clerk Nicole Harmon

JIM HAMILTON, COOPERATIVE EXTENTION KELLY COFFEY, HIGH COUNTRY COUNCIL OF GOVERNMENTS

Dr. Jim Hamilton of the Watauga Cooperative Extension office and Kelly Coffey of the High Country Council of Governments presented a request for support for a proposed meat slaughter plant at the landfill. Jim and Kelly stated that accommodations could be made to involve the Town in project details and that they would work with Public Works staff as well. They indicated that the Town would need to be the co-applicant for the EDA grant. In response to a question raised by Council, Dr. Hamilton answered that annexation had not been discussed by the County since the easiest solution would be a one-time exemption in the ordinance which was discussed at his previous appearance before Council. County Manager Deron Geouque added that it was his impression that the project was discussed as a part of the 500,000-gallon exemption a the new County telecommunications center. Public Works Director Rick Miller cautioned members against being listed as an owner on the application and did not recommend granting this exemption since it would only benefit the applicant. He noted that the telemetry alone would cost the Town in excess of \$150,000. Rick added that costs could be saved on water service by switching to PVS piping. He also cautioned that anytime system development fees were waived for one person, it opened the doors for others to ask for the same. Town Attorney Allison Meade stated that there was no reason to think that the Town would be required to own the infrastructure just because it was listed as the co-applicant on the grant application. Member Carter stated that he believed this exemption, if approved, would not only serve the applicant but the entire community as well. Attorney Meade stated she would need time to research whether and how fees could be waived, if Council desired to waive any fees. Kelly indicated that the grant application was due at the end of May but that they could withdraw this application and submit it at a later date if needed. Manager Geouque added that he would ask his board for direction regarding a potential annexation of the property into Town limits. He expressed concern about the impact of UDO requirements on the design of the facility if annexed. Attorney Meade stated that the assumption that it would be more expensive to build the facility under the UDO was inaccurate; that would turn on the district requirements that would be involved under the applicable zoning district if the

property was annexed. When asked by Councilmember George, Rick answered that the Water and Wastewater Treatment Plants could handle the effects of this facility. Mayor Futrelle stated that he believed the Council supported the project and would try to facilitate it after obtaining additional information.

ADOPTION OF ITEMS ON THE CONSENT AGENDA

Mayor Pro-Tem Tugman made a motion, which was seconded by Councilmember George to approve the following items on the consent agenda:

1. Budget Amendments
 - a. Public Works:
Maintenance – Vehicles 030-700-804-525301 \$1,550
Misc. Revenue 030-000-000-489900 (\$1,550)
Insurance reimbursement for damage to vehicle from accident.
 - b. Administration:
Appropriated Fund Balance 050-450-000-499900 (\$66,000)
Current Year Taxes – MSD 050-450-000-411080 \$66,000
Appropriate MSD fund balance to cover shortfall in current year tax revenue created by software error on the part of Watauga County's vendor.
 - c. Police Department:
Public Safety Vehicle Equipment 010-500-300-516400 \$24,955
Sale of Surplus Property 010-000-000-481200 (\$24,955)
Sale of assets 6155,6223,6224,6253,6265,6307. Proceeds to be used to re-brand 16 marked cars in existing fleet.
2. Minutes:

January 23, 2023 Planning Retreat Special Meeting
☐ February 20, 2023 DFI Workshop
☐ March 7, 2023 Comprehensive Plan Discussion Special Meeting
☐ March 8, 2023 Regular Meeting
☐ April 4, 2023 Comprehensive Plan Discussion Special Meeting
☐ April 12, 2023 Regular Meeting
☐ April 20, 2023 DFI Workshop
☐ April 26, 2023 Regular Meeting
3. Ordinance - July 4th Parade Road Closure
4. Proclamation - Pride Month
5. Resolution - Supporting HB 44
6. Resolution - Opposing SB 317/HB 562

Councilmember George thanked Councilmember Carter for his work on the Pride Month proclamation, and stated that it was important that Council support the resolutions supporting HB 44 and opposing HB 562.

Mayor Futrelle called a break at 1:57 p.m. Council reconvened at 2:11 p.m.

Discussion continued with Councilmember Carter stating that he was glad steps were being taken to amend the issues stated in HB 44. Mayor Pro-Tem Tugman reiterated her support on the resolution opposing HB 562, and was proud that all municipalities in our area had agreed to sign on.

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

Mr. Carter read the following proclamation into record:

WHEREAS, the Mayor and Town Council of Boone, N.C. recognizes and proclaims the month of June 2023 as Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) “Pride Month” throughout the Town of Boone; and

WHEREAS, Boone, N.C. joins the State of North Carolina, the United States of America, and multiple nations around the world in observance of Pride Month to honor the history of the LGBTQ liberation movement and to support the rights of all citizens to experience equality and freedom from discrimination; and

WHEREAS, the Rainbow Flag and Progress Pride Flag are widely recognized as a symbol of pride, inclusion, and support for social movements that advocate for LGBTQ people in society; and

WHEREAS, all human beings are born free and equal in dignity and rights. LGBTQ individuals have had immeasurable impact to the cultural, civic, and economic successes of our country; and

WHEREAS, the Town of Boone is committed to supporting visibility, dignity, equity, and equality for LGBTQ people in our diverse community; and

WHEREAS, while society at large increasingly supports LGBTQ equality, it is essential to acknowledge that the need for education and awareness remains vital to end discrimination and prejudice; and

WHEREAS, as attacks on the LGBTQ community, particularly Transgender individuals and Queer youth continue to rise, we denounce the 471 anti-LGBTQ bills that have been introduced across our nation this year; and in particular, the 11 bills generated in the N.C. General Assembly,

WHEREAS, this nation was founded on the principle that every individual has infinite dignity and worth, and the Mayor and Town Council of Boone calls upon the people of this municipality to embrace this principle and work to eliminate prejudice everywhere it exists; and

WHEREAS, celebrating Pride Month influences awareness and provides support and advocacy for Boone’s LGBTQ community, and is an opportunity to take action and engage in dialogue to strengthen alliances, build acceptance and advance equal rights.

NOW, THEREFORE BE IT RESOLVED that Town of Boone Council hereby proclaims the month of June 2023 as Pride Month in support of the LGBTQ community.

BE IT FURTHER RESOLVED that the Progress Pride Flag will be raised on this day, Friday, June 2, 2023, recognizing all LGBTQ residents whose influential and lasting contributions to our neighborhoods make Boone, N.C. a vibrant community in which to live, work and visit.

Adopted unanimously by the Boone Town Council on May 10, 2023.

Tim Futrelle, Mayor

_____(SEAL)
Nicole Harmon, Town Clerk

Mayor Futrelle read the following documents into the record:

Resolution

WHEREAS, the Town of Boone is committed to equity and the dismantling of laws and procedures that serve to disenfranchise residents of Boone in particular and North Carolina in general; and

WHEREAS, this Town Council is committed to elections that are fair and accessible to all eligible North Carolina voters; and

WHEREAS, a provision currently in North Carolina's Constitution requires that everyone registering to vote "be able to read and write any section of the Constitution in the English language;" and

WHEREAS, such tests enable racist, Jim-Crow-era type laws designed to target Black voters, disenfranchise their ability to vote, and suppress their political powers; and

WHEREAS, such obstacles to voting were made unlawful under the Voting Rights Act of 1965; and

WHEREAS, efforts of voter suppression particularly targeting minorities and young people exist to this day and are gaining momentum following the Supreme Court's decision in *Shelby County v. Holder*, the 2013 opinion by which Chief Justice Roberts's majority essentially killed Section 5 of the Voting Rights Act, which helped prevent such measures; and

WHEREAS, House Bill 44, currently in the North Carolina General Assembly, would ask voters to approve the removal of the 1899 provision meant to keep newly-freed Black citizens from exercising their right to vote; and

WHEREAS, our local representatives have the ability and we believe the duty to support House Bill 44 as is a necessary step toward equality for all North Carolinians; and

WHEREAS, voters of North Carolina deserve the chance to remove this racist provision from the North Carolina at the ballot box;

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Boone, North Carolina respectfully requests:

1. That the General Assembly approve HB 44;
2. That, if passed, the Governor, the Honorable Roy Cooper, sign this bill into law;
3. That the town manager employ the town's lobbyists to work to aid the passage of this bill;
4. That a copy of this resolution be sent to our elected State representatives and the Governor;
5. That the town manager take whatever additional steps she deems prudent in seeking to aid the adoption of this bill; and
6. That the town manager promptly issue a press release informing the citizens of Boone about this bill.

This the 10th day of May, 2023.

Tim Futrelle, Mayor

ATTEST:

_____(SEAL)
Nicole Harmon, Clerk

See attached: <https://apnews.com/article/north-carolina-literacy-test-repeal-constitution-b48b06f86c2660ffa865db4573172799#:~:text=Widely%20considered%20a%20racist%20relic,Voting%20Rights%20Act%20of%201965>.

BE IT FURTHER RESOLVED that the Town Council opposes all other bills to weaken local authority, including but not limited to the following:

- House Bill 332/Senate Bill 275, which would impose a 21-day shot clock on local building inspections;
- House Bill 474, which would mandate that all residential and mixed-use zoning allow small housing such as tiny homes, cottage homes, and accessory dwelling units; and

NOW, BE IT FURTHER RESOLVED that copies of this resolution are sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort to stop all such bills limiting our land use authority from becoming law and to work together to find real ways to advance affordable housing opportunities. Copies of this Resolution shall be forwarded to the Watauga County Commissioners and all the municipalities in Watauga County with a request that they join Boone in enacting similar resolutions.

Adopted this the 10th day of May, 2023.

Tim Futrelle, Mayor

ATTEST:

_____(SEAL)
Nicole Harmon, Clerk

Mayor Futrelle declared a break at 2:32 p.m. Council reconvened at 2:48 p.m.

COUNCIL MATTERS

TOWN MANAGER UPDATE

Town Manager Amy Davis updated Council on the following matters:

1. Grant Writer Michelle Brown recently submitted the paperwork for a PARTF grant for the skatepark, as well as paperwork to the US Department of Justice for social work funding which could potentially see the Town through three years of social work staffing.
2. Communications Specialist Laney Pilkington signed the Town up with Laney signed up with Monsido to analyze the Town website for accessibility with the hopes of bringing it to level 2a compliance
3. New River Conservancy was recently awarded a grant for the Hardin Creek project for \$669,000 of a total project cost of 1.1 million. Surveying will be done in the fall and construction complete in the summer of 2024.
4. Public Utilities: An asset inventory is underway and staff has installed 26% of the AMI water meters. The Deck Hill project bid and design package has been submitted to the State and Phase One of the Capital Improvements Plan has been completed.

TOWN ATTORNEY UPDATE

Town Attorney Allison Meade stated that progress was being made on a street vendor ordinance, more discussion was needed. She announced that a special meeting of the DBDA was being held next week to discuss the item.

MAYOR UPDATE

Mayor Futrelle stated that the Boone Tourism Development Authority, Economic Development Commission, High Country Council of Governments, and Rural Planning Organization had upcoming meetings and indicated that he would update Council after the meetings take place. He stated that the Howard Street project was moving forward and that staff had a utilities meeting scheduled next week. It was his hope to begin work on parts of the project, such as stormwater, this summer. Manager Davis indicated that the TDA was still putting away funding for the project but that staff may need to meet with TDA Director Wright Tilley after next week's utilities meeting due to a significant increase in costs over the last cost estimate. She estimated that approximately \$220,000 from room occupancy tax funds would be applied to the project this year. Councilmember George suggested that Manager Davis or Mayor Futrelle hold an interview with local press regarding the project. Deputy Public Works Director Todd Moody agreed but believed this should wait until after the utilities meeting and updated estimates were prepared. It was his estimate that costs would come in at

approximately 30% more than the most recent estimates. Mayor Futrelle agreed to hold a press meeting about the project but noted that information on the project was slow-moving at this time. Mayor Pro-Tem Tugman questioned how recently-approved building projects would coincide with the Howard Street project. Deputy Director Moody indicated that some of this would be discussed during the upcoming utilities meeting. Planning Director Jane Shook added that all development approvals in the affected area took the Howard Street project into account.

BOARD LIAISON REPORT

Councilmember Carter announced that the Human Relations Commission had met last week and scheduled its retreat for May 17th. The commission will be formulating a budget request to come before council for programming. Manager Davis suggested that \$5,000 was an appropriate request.

Councilmember Roseman stated that the Historic Preservation Commission was trying hard to look out for the best interest of community.

Mayor Pro-Tem Tugman indicated that Attorney Meade spoke to the DBDA about a street vendor ordinance, and noted that it was more complicated than anyone originally thought.

Councilmember George indicated that the Sustainability Committee recently met and had discussion on the climate action plan, and noted that their recent participation in the "Buy Boone lunch" program was successful.

CONSIDERATION OF SPECIAL EVENT POLICY

Fire Chief Jimmy Isaacs presented a draft special events policy with a newly added adverse weather policy. Mayor Pro-Tem Tugman expressed concern that this permit application would apply to Town-owned properties that hold smaller events, such as the ones that take place at the Jones House and Daniel Boone Gardens. She suggested a lower attendance level be added to the application, with Chief Isaacs advising against that since it was the Town's obligation to protect everyone and not just a certain number. When asked about police presence at special events, Police Chief Andy Le Beau indicated that there was no set formula and that it often depended on the event as to the number of officers needed. Town Attorney Allison Meade suggested the removal of the table on Appendix B and that a more formal ordinance over and above the one currently in place may be needed. Chief Isaacs and Cultural Resources Director Mark Freed suggested that the weather piece be approved before moving forward with a more formal ordinance for events. It was the consensus of Council to direct staff to move forward with the adverse weather guidelines as presented effective immediately and that Attorney Meade would work with staff on a revised application for presentation in June.

BOONERANG UPDATE

Cultural Resources Director Mark Freed gave an update on the planning of the Boonerang festival. A complete copy of the presentation can be found at https://boonenc.iqm2.com/Citizens/Detail_Meeting.aspx?ID=3581.

APPOINTMENT TO ABC BOARD

Councilmember George stated that there had been conflict with the previous Council with a Watauga County Commissioner serving on the board. He added that Charlie Wallin's application was solid and that he is qualified to continue in his position on the board. Attorney Meade stated that she has submitted the issue to the State ABC board twice and has not heard back. Councilmember Carter nominated Charlie Wallin for reappointment. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Mayor Pro-Tem Tugman asked about the possibility of a Council liaison on this board, with Attorney Meade agreeing to research the matter, but noted that the board meetings were public, and that a Council member could attend if they wished. Councilmember George indicated that his vote against Charlie's appointment was not because of the applicant personally, but because of the conflict of interest.

APPOINTMENT TO BOARD OF ADJUSTMENT

Councilmember Roseman nominated David Welsh for reappointment to the Board of Adjustment. Hearing no further nominations, Mayor Futrelle called for a vote.

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

David's term will expire on June 30, 2026.

APPOINTMENT TO CULTURAL RESOURCES ADVISORY BOARD

Mayor Pro-Tem Tugman nominated Jeannette Hancock for reappointment to the Cultural Resources Advisory Board. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Jeannette's term will expire on May 30, 2026.

Mayor Pro-Tem Tugman nominated Loretta Clawson for reappointment to the Cultural Resources Advisory Board. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Loretta's term will expire on May 30, 2026.

APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

Councilmember Roseman nominated Bettie Bond for reappointment to the Historic Preservation Commission. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE: Aye: All
 Nay: None
 Absent: Nenow

Bettie's term will expire on June 30, 2026.

Councilmember Roseman nominated Riley Ziegler for reappointment to the student seat on the Historic Preservation Commission. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE: Aye: All
 Nay: None
 Absent: Nenow

Riley's term will expire on June 30, 2024.

APPOINTMENT TO PLANNING COMMISSION

Councilmember George nominated Scott Boyd for reappointment to the student seat on the Planning Commission. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Scott's term will expire on June 30, 2024.

RECOMMENDATION OF APPOINTMENT TO WATAUGA COUNTY PARKS & RECREATION COMMITTEE

Councilmember Roseman nominated Jeannine Underdown-Collins for reappointment as a Town of Boone representative on the Watauga County Parks and Recreation Board. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Jeannine's term will expire on May 11, 2026.

Councilmember Roseman nominated Kalie Eppely for reappointment as a Town of Boone representative on the Watauga County Parks and Recreation Board. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Kalie's term will expire on May 11, 2026.

PLANNING MATTERS

PUBLIC HEARING & VOTE 1 TO ANNEX PROPERTY INTO MSD

Councilmember Carter made a motion, which was seconded by Councilmember Roseman, to approve the Ordinance to Extend the Boundaries of the Town of Boone Downtown Municipal Service District for property owned by King & College, LLC (330 W. King Street & 203/205 Wallace Circle).

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

CONSIDERATION OF CASE PL05781-061322 SIGNS

Lengthy discussion took place regarding monument signs, particularly in the downtown area, with Attorney Meade stating that since the possibilities for monument signs in the downtown area were so limited, she did not see a reason to not grant Mr. Greene's request to allow signage up to six feet as opposed to five. Mayor Pro-Tem Tugman cautioned against this due to the possibility of monument signs having lighting that can change every five minutes. Mayor Pro-Tem Tugman also suggested that in Section 26.06.01, one sign be allowed at the proposed 32 square feet or two signs equaling this size. Planning Director Shook went through the changes made to the text at the Planning Commission meeting. Councilmember Roseman made a motion to amend the text to allow six foot monument signs in the downtown business district, and that, in Section 26.06.01, one sign be allowed at 32 square feet or two signs that equal this size. Councilmember George seconded the motion.

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

Councilmember Roseman then made a motion to allow lighted signs with changeable text to be changed every 2.5 minutes instead of 5 minutes. The motion died due to lack of a second.

Councilmember Roseman made a motion that the proposed amendment to the Town's zoning ordinance, with the revisions listed below, is consistent with the Town's Comprehensive Plan and any other adopted plans of the Town that are applicable because the amendment is consistent with Comprehensive Plan Policy 2.1.1 Economic Development A.1 Continue to evaluate and amend development regulations to help ensure aesthetic quality in the area and preserve the natural beauty of the area. Comprehensive Plan Policy 2.3.1 Community Appearance A.1 Establish minimum architectural design standards for commercial development throughout the Town. D. Sign policies and standards shall be periodically updated to enhance community identity and create a high quality business image. D.1 Conduct a review of the Town's sign regulations with the goal to have a long term policy consistent with the appearance of the High Country, including greater use of ground signs and directory signs.

Amendments:

1. Suggest temporary signs come into compliance upon adoption.
2. Section 26.06.01(G), allow one sign at 32 square feet, eight feet high, and 10 feet long, or two signs that equal this size.
3. Temporary signs come into compliance upon adoption.
4. Correct typos - sings to signs and posed to posted.
5. Section 26.06.04(B)(4) No compensation (including by barter) may be given for permission to post an off-premise sign. Move this to 26.06.01 General Regulations.
6. Section 26.06.05(P) Revise to say "The real estate sign shall be removed either within forty-eight (48) hours after the property closing or execution of the lease contract.
7. Section 26.08.06(F) Evaluate to make sure seasonal lighting is properly addressed as well as lighting of merchandise displays.

Councilmember George seconded the motion.

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

Councilmember Roseman made a second motion to approve ordinance number PL05558-030922 and believes approval is reasonable and in the public interest because it will allow for more consistency in community appearance and will help with applicant's understanding of compliance for what signs are allowed. Councilmember George seconded the motion.

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

The resolution in support of the Winkler's Creek Reservoir Mountain Bike Park was discussed next, with Eric Woolridge summarizing the plan presented at a recent Town Council meeting. Mayor Futrelle opened public comment with Christian Jackson, trail boss at Rocky Knob Park, describing the huge success of the park. He stated that the trail was for more advanced riders, and the less-intense Winkler's Creek project would complete the offerings for local and visiting riders. Enoch Yarborough stated that the proposed park was very important and that it would be awesome to get more people involved in the sport. Ms. Cooper stated that riding gave her an outdoor activity that kept her active. She added that it would be nice not to have to travel an hour away to ride and that Boone needed more safe places for beginners to ride. Mike Boone, the owner of Magic Cycles, stated that Boone needed this park. He said that he heard daily about how Rocky Knob is too hard and that now that Boone is becoming a Mecca for riders to come to, Boone needed to cater to a wider variety of skill sets. Chelsea Cannon, physical therapist, advocated for the park so that people who ride adaptive bikes could be accommodated. William Brinker stated that his property neighbors the proposed park, and he was interested in the project moving forward. He added that he is in support of the park and wants the property to be protected. Rodney Thomas stated that he heard about Rocky Knob when he lived in Oregon. He stated that the Boone Area Cyclists group cared about the impacts of this project and that it would be a good improvement to the area. Mayor Futrelle then read the proposed resolution. Councilmember Roseman stated that she was concerned

about the impacts of the project on the community and that she supported biking. Councilmember Carter stated that since the resolution was only in support of a proposal, he was in favor. He did not want the project to negatively impact the area, including the watershed. Councilmember Roseman suggested mailers and additional notification to the surrounding community members. Councilmember George stated that it was his opinion that public land should be accessible to the public, though he agreed with neighborhood concerns. He added that he was open to communicating with surrounding property owners about land preservation, etc. Mayor Pro-Tem Tugman was concerned that the resolution referred to the project as a mountain bike park, with other secondary components. She stated that this was not what was originally proposed and that she wanted everyone to be able to enjoy the park, not just cyclists. Attorney Meade suggested addressing this concern by striking mountain bike from the resolution. Eric stated that the proposal was for the park to be a purpose-built mountain biking trail system with green and blue-level trails. He added that though the park was designed for mountain biking, it would allow for hiking as well, similar to Rocky Knob Park. Eric noted that at this time, the project was just an idea and required a six-month planning process that would involve community engagement before a final proposal would be brought back to Council. Councilmember George stated that he understood Mayor Pro-Tem Tugman's concerns as well as the need and asked that Eric work with the Town's Sustainability and Special Projects Manager during the process. Mayor Pro-Tem Tugman expressed concerns with the adequacy of the parking area at the proposed park, as well as the fact that it was located across the highway in a curve. Eric responded that additional planning would take place to address these issues. Mayor Pro-Tem Tugman made a motion to amend the resolution to refer to the park as a multi-use park and to approve the resolution as amended. Eric suggested that the text instead read "purpose-built mountain bike trail system with hiking opportunities." Mayor Pro-Tem Tugman accepted this amendment, and Councilmember Carter seconded the motion.

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

Public Works Director Rick Miller thanked Mike Boone and Magic Cycles for the donation of the bicycle given away as a prize in the Every Drop Counts poster contest.

Public Comment - 6:00 p.m.

ANNOUNCEMENT OF EVERY DROP COUNTS POSTER CONTEST WINNERS

Mayor Futrelle called for a break at 6:00 p.m. Council reconvened at 6:13 p.m.

Public Works Director Rick Miller presented the awards for the winners of the Every Drop Poster Contest:

Honorable Mention: Augustine Hardin
Third Place: Chandler Stevens
Second Place: Sutton Kissel
First Place: Landon Clawson

Director Miller thanked Magic Cycles for their donation of the bicycle, tune-up and helmet. He stated that this program had been in place for 17 years and it was his hope that it would continue to be funded in his retirement in that it helps with awareness and education about water conservation.

COMPREHENSIVE PLAN WORK SESSION: NEXT STEPS & CONSIDERATION OF RFP

Planning Director Jane Shook asked for consideration of a proposed RFP for a consultant to draft the new Comprehensive Plan. She noted that the document indicated a \$75,000 budget, but believed that it would cost more. Mayor Pro-Tem Tugman suggested leaving out the budget portion of the RFP. Attorney Meade agreed and noted that the budget could be negotiated afterward.

DISCUSSION OF POSSIBLE CHANGES TO THE UDO'S DEFINITIONS & REGULATION OF RESTAURANTS, BARS,

Town Attorney Allison Meade stated that the current UDO lacked clarity regarding the definitions of restaurants, bars, and amusement/entertainment venues. After brief discussion, it was the consensus of Council that Attorney Meade work on draft changes and bring back to Council for consideration at a later date.

APPROVAL OF MINOR CORRECTION TO BOARD OF ADJUSTMENT RULES OF PROCEDURE

Upon a motion by Councilmember George, seconded by Councilmember Carter, Council voted to approve the corrections as presented.

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

CLOSED SESSION

Councilmember George made a motion to enter into closed session at 6:50 p.m. pursuant to:

1. Pursuant to 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. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(2) to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
3. Pursuant to 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.

Councilmember Roseman seconded the motion.

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

Councilmember Roseman made a motion to exit closed session at 7:59 p.m. Councilmember George seconded the motion.

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

ADJOURNMENT

Mayor Futrelle adjourned the meeting at 7:50 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor