**MINUTES – REGULAR MEETING**
**BOONE TOWN COUNCIL**
**May 25, 2022**

## CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:00 p.m. at Town 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, Dalton George and Becca Nenow. Staff present included Interim Town Manager Amy Davis, Town Clerk Nicole Harmon, Communications Coordinator Laney Pilkington, Deputy Public Works Director Todd Moody, Police Captain Shane Robbins, Planning Director Jane Shook, Cultural Resources Director Mark Freed, Sustainability and Special Projects Manager George Santucci, Deputy Public Works Director Josh Eller, Human Resources Director Dale Presnell, Long Range Planner Jessica Mitchell, and Deputy Planning Director Stacey Miller. Town Attorney Allison Meade was also in attendance.

## MOMENT OF SILENCE

Mayor Futrelle asked for a moment of silence in honor of the lives lost in the recent shooting in Ulvade, Texas.

## ANNOUNCEMENTS

Deputy Public Works Director and Program Coordinator Carrie Phillips presented awards to the winners of the "Every Drop Counts" poster contest:

1st Place: Rose Garrison Mrs. Hyler's Class
2nd Place: Viviane Waterworth Mrs. Wilson's Class
3rd Place: Fina Mae Snider Mrs. Rizor's Class
Honorable Mention: Clara Margerison Mrs. Wilson's Class

The following board vacancies were announced:

**BOARD OF ADJUSTMENT**
Three regular positions
**COMMUNITY APPEARANCE COMMISSION**
Two regular positions; One student position

**CULTURAL RESOURCES ADVISORY BOARD**
Two regular positions, One student position

**DOWNTOWN BOONE DEVELOPMENT ASSOCIATION**
One board appointed position

**HISTORIC PRESERVATION COMMISSION**
One student position, One regular position

**PLANNING COMMISSION**
Two regular positions; One student position

**SUSTAINABILITY COMMITTEE**
Two regular positions; One student 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 then presented a resolution regarding the retirement of police canine Simba.

**RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL PROPERTY BY PRIVATE SALE**

WHEREAS, the Town Council of the Town of Boone desires to dispose of certain surplus property of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

The following described Animal (property) is hereby declared to be surplus to the needs of the Town: one retired Malinois service canine known as Simba

The Boone Town Council authorizes the disposition of a retired service canine to the trained handler, Sgt. Petey Hausley, upon the handler's agreement to accept custody of and assume all liability and responsibility for the care of the remainder of the retired service canine's life.

Transfer of Ownership of the retired service canine will go to his trained handler, Police Sergeant Petey Hausley. Petey Hausley is trained and equipped to care for Simba. The handler's agreement to accept custody of the retired service animal will complete the Transfer of Ownership.

That Sgt. Petey Hausley had done an outstanding job working as a canine handler with Simba for the past 7 years in service to the town of Boone.

The minimum price to be accepted for the property is $1.00.

The Town Clerk shall publish notice summarizing this Resolution in accordance with G.S.160A-267.

The sale may be consummated not earlier than 10 days from the date of the publication.

ADOPTED this 25th day of May, 2022.

_____Tim Futrelle, Mayor

ATTEST:

Nicole Harmon, Town Clerk

## TENTATIVE AGENDA ADOPTION

Ms. Meade suggested that instead of discussing murals at the end of the agenda, she would prefer to discuss them during her update.

Upon a motion by Ms. Roseman, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to adopt the agenda as amended.

## PUBLIC COMMENT

Jamie Clood of the Community Care Clinic thanked Council for the support of their organization in years prior.

## REQUESTED APPEARANCES

### MATT COOPER - WATAUGA COUNTY FARMER'S MARKET

Mr. Cooper was not in attendance during his scheduled appearance time.

### JENNELE VAQUERA - PRACTICE SPACE FOR BOONE ROLLERDERBY

Ms. Vaquera was not in attendance during her scheduled appearance time.

## ADOPTION OF ITEMS ON THE CONSENT AGENDA

Upon a motion by Mr. Carter, seconded by Ms. Nenow, Council voted unanimously to adopted to following items on the Consent Agenda:

1. Consideration of Resolution - Disposition & Retirement of Police Canine
2. Consideration of Resolution - Resilient & Thriving Communities Week
3. Consideration of Resolution & Budget Amendment - Capital Reserve Fire Station #4
4. Consideration of Proclamation - National Pollinators Week
5. Consideration of Proclamation - Tourette Awareness Day
6. Consideration of Ordinance - July 4th Parade
7. Consideration of Budget Amendments
8. Consideration of SCADA Proposal - Nix, Pursuer & Associates, Inc.
9. Consideration of Agreement Between TOB & DOT for Inspection of Bridges
10. Approval of Revised Historic Preservation Commission Rules of Procedure

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_____Tim Futrelle, Mayor

ATTEST:

Nicole Harmon, Town Clerk

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**Resilient & Thriving Communities Week 2022**

**WHEREAS,** resilient and thriving communities are vital to our county'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 overall quality of life and wellbeing of an entire community; and

**WHEREAS,** it is our collective responsibility to promote positive experiences, secure relationships, and supportive environments to buffer stress and adversity; and

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

**WHEREAS**, the **Town of Boone** encourages all agencies, schools, faith-based organizations, healthcare systems, elected leaders, businesses, and individuals to collaborate to strengthen our communities; and

**NOW, THEREFORE,** we, the **Boone Town Council** do hereby proclaim **June 6 through June 12,** as **Resilient & Thriving Communities Week in the Town of Boone** and encourage all residents to become informed about the impact of adversity to create a county aware of and actively practicing resilience strategies that benefit all individuals toward communities of hope and healing.

This the 25th day of May, 2022.

_____
Tim Futrelle, Mayor

_____(SEAL)
Nicole Harmon, Clerk

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**RESOLUTION**
**CREATION**
**CAPITAL RESERVE – FIRE STATION #4**

**WHEREAS**, there is a need in the Town of Boone, North Carolina to construct a fourth fire station. This station is necessary due to growth, traffic congestion, and call volume on the East side of Boone.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD THAT:**

Section 1: The Governing Board hereby establishes the Capital Reserve – Fire Station #4 for the purpose of construction of the fire station.

Section 2: This fund will remain operational until provisions are made to satisfy identified need. Any remaining balance of funds will be returned to the Rural Fire – Fund 51.

Section 3: This resolution shall become effective upon its adoption.

_____
Tim Futrelle

ATTEST:

_____
Town Clerk

**NATIONAL POLLINATORS WEEK PROCLAMATION**

WHEREAS, pollinators such as thousands of species of bees are essential partners in producing much of our food supply; and

WHEREAS, pollinators provide significant environmental benefits that are necessary for maintaining healthy, diverse ecosystems in towns and cities; and

WHEREAS, pollination plays a vital role for the trees and plants of our community, enhancing our quality of life, and creating recreational and economic development opportunities; and

WHEREAS, the Town of Boone manages parks, public landscaping, and other public lands that may include greenways and wildlife habitats; and

WHEREAS, the Town of Boone provides recommendations to developers and residents regarding landscaping to promote wise conservation stewardship, including the protection of pollinators and maintenance of their habitats; and

NOW, THEREFORE, I, Tim Futrelle, Mayor of the Town of Boone, do hereby proclaim the 3rd week of June, 2022 as our municipality's observance of National Pollinators Week

And, as Boone is an affiliate of Bee City USA®, do urge all citizens to recognize this observance.

This is the 25th day of May, 2022.

ATTEST:

_____ _____

Mayor Tim Futrelle Town Clerk Nicole Harmon

**TOURETTE AWARENESS DAY PROCLAMATION**

WHEREAS, Tourette Syndrome is an inherited neurological disorder that is characterized by involuntary physical and vocal tics that occur many times a day; and

WHEREAS, Tourette Syndrome is often accompanied by other mental health disorders such as attention deficit and obsessive-compulsive disorder, learning disabilities, and anxiety; and

WHEREAS, Tourette Syndrome and tic disorders affect 1 in 100 children. More than 22,800 school age children in the State of North Carolina alone are dealing with Tourette Syndrome and although some of these cases are aided by medication, there is no standard treatment or known cure for the disorder; and

WHEREAS, there is an important need for more professional help with interest and expertise to identify, counsel, and treat people with Tourette Syndrome, a disorder that is often misdiagnosed and misunderstood; and

WHEREAS, positive actions to assist children and families living with Tourette Syndrome would result from a broadening of public and professional knowledge and acceptance of Tourette Syndrome; and

WHEREAS, the Tourette Association's Greater Carolinas Group, are actively providing services to families, educating medical professionals, teachers, and law enforcement, and supporting research to better understand the signs and treatments of TS;

NOW THEREFORE BE IT RESOLVED that June 4, 2022, will be recognized as "Tourette Syndrome Awareness Day" in Boone, North Carolina, as a special day to promote understanding, compassion, and acceptance for all of our fellow citizens who deserve and need our support to break the stigma that surrounds Tourette Syndrome.

This the 25th day of May, 2022.

_____
Tim Futrelle, Mayor

ATTEST:
_____(SEAL)
Town Clerk

**AN ORDINANCE DECLARING A ROAD CLOSURE FOR AN ANNUAL CELEBRATION**

**WHEREAS**, The Boone Town Council acknowledges a long tradition of providing an annual 4th of July Parade for its citizens which is open to everyone and is provided as a benefit to the community; and

**WHEREAS**, the Boone Town Council acknowledges that its citizens realize a financial benefit from holding annual events; and

**WHEREAS**, the Boone Town Council wishes to ensure the health and safety of all participants and spectators; and

**WHEREAS,** the Boone Town Council acknowledges that the annual downtown Boone 4th of July Parade requires approximately thirty (30) minutes to install signage, and traffic control, and also requires approximately thirty (30) minutes for removing signs, traffic control, and litter;

**NOW THEREFORE BE IT ORDAINED** by the Town of Boone pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a State Highway System route:

**Date(s):** **Monday, July 4, 2022**

**Times:** **10:30 a.m. – 12:30 p.m.**

**Route Description:** **King Street (U.S. Route 421) between Hardin Street and Poplar Grove Connector, and SR 1102 (Water St./North Water St.)**

This ordinance to become effective when signs are erected giving notice of the limits and times of the parade, and implementation of adequate traffic control to guide through vehicles around the parade route.

**Adopted this _____day of _____, 2022**

_____
**The Honorable Tim Futrelle, Mayor**

**Attest:**

_____
**Nicole Harmon, Town Clerk**

| | | | |
|---|---|---|---|
| TO: | Downtown Street Scape Projects | $100,000 | |
| | Transfer to TOB – General Fund | $100,000 | |
| FROM: | Transfer from MSD | | $100,000 |
| | Appropriated Fund Balance – MSD | $100,000 | |

(Appropriate $100,000 from MSD for downtown streetscape projects)

| | | | |
|---|---|---|---|
| TO: | Outside Agency Funding | $234,600 | |
| | Vaccination Incentive | | $25,000 |
| | ARP Response to Gun Violence | | $280,000 |
| FROM: | Transfer from ARP Funds | $539,600 | |

(Reorganize coding of items purchased with ARP funds to align with US Treasury's new final rule and interim reporting requirements.)

SEE ATTACHMENT

(Appropriate $329,647 of General fund balance and $102,029 of Water/Sewer fund balance to adjust cost of staff raises effective 04/04/2022.)

| | | |
|---|---|---|
| TO: | Travel & Training | $100 |
| FROM: | Donations & Contributions | $100 |

(Donation check from Temple of the High Country Sisterhood)

**North Carolina**

**_____County**

**North Carolina Department of Transportation**
**and the City/Town**
**of**
**Municipal**
**Agreement**
**Inspection of Bridges on the Municipal Street System**
**F.A. Project BRZ-NBIS (22)**

THIS AGREEMENT is made and entered into on the last date executed below, by and between the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the Department, and the City/Town of_____, a municipal corporation, hereinafter referred to as the Municipality.

W I T N E S S E T H

WHEREAS, the National Bridge Inspection Standards (NBIS) requires that all structures defined as bridges located on public roads must be inspected on a cycle, not to exceed twenty-four (24) months.

WHEREAS, the Municipality has requested the Department or a Consultant retained by the Department to inspect and analyze all public bridges located on its Municipal Street System in compliance with the National Bridge Inspection Standards; and

WHEREAS, the Department and the Municipality are authorized to enter into an agreement for such work under the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1; and,

WHEREAS, the Municipality has approved the herein above referenced inspections and analysis and the Municipality has agreed to participate in certain costs thereof in the manner and to the extent as hereinafter set out.

NOW, THEREFORE, the Department and the Municipality agree as follows:

## GENERAL PROVISIONS

**FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT**
All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

**COMPLIANCE WITH STATE/FEDERAL POLICY**
The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, as stated in this Agreement and in the Department's published guidelines and procedures.

1. The Department or a Consulting Engineering firm retained by the Department shall inspect, load rate, and prepare the necessary inspection reports.

2. All work shall be done in compliance with the following documents.
   (A) National Bridge Inspection Standards (23 CFR, Chapter 1 Part 650)
   (B) AASHTO Manual for Bridge Evaluation (current edition) including all interim revisions.



   (C) Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges – December 1995.

3. The Municipality shall furnish all data in the possession of the Municipality that can be released that will help the Department or its Consultant in the accomplishment of the work including but not limited to appropriate municipal maps showing the location of the bridges and plans for the bridges when available.

4. During the inspection process, some repairs may be discovered that require immediate attention or repair, or a regulatory sign may be missing, damaged, or incorrect. A Critical Finding Notice, Priority Maintenance Notice or Regulatory Sign Notice will be issued in these cases. It is required that the Municipality resolve or notify the Department of their plans to resolve Priority Maintenance Notices and Regulatory Sign Notices within thirty (30) days of issuance. Critical Findings require a response within ten (10) days of notice.

5. The Municipality shall designate a responsible Municipal official with whom the Department or its Consultant will coordinate the work.

6. It is understood by the parties hereto that the Federal Highway Administration, through the Department, is to participate in the costs of the work to the extent of eighty percent (80%) of actual costs, subject to compliance with all applicable federal policy and procedural rules and regulations. All costs not participated in by the Federal Highway Administration shall be borne by the Municipality.

7. Upon completion of the bridge inspection, and load rating work, the Department shall invoice the Municipality for accumulated project costs not participated in by the Federal Highway Administration. Upon

FHWA final audit, the Department shall invoice/refund the Municipality any differences in the amount previously invoiced and the actual costs not participated in by the Federal Highway Administration. Reimbursement shall be made by the Municipality within sixty (60) days of the invoice date. After the due date, a late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23 and G.S. 105-241.21 (I). It is anticipated that the cost to the municipality will be approximately $650 per structure. The actual cost is based on the work being performed, therefore the final invoice amount will not be known until the work is complete.

8. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, the Municipality hereby authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, until such a time as the Department has received payment in full.

9. It is the policy of the Department not to enter into any Agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this Agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by a Federal or State Department or Agency.

10. This Agreement shall have an effective term of ten (10) years beginning upon execution by all parties and ending on the same date ten (10) years later, subject to the following termination conditions:
    (A) At any time either party may cancel the Agreement with a thirty (30) day written notice to the opposite party. On behalf of the Municipality, this Agreement may be canceled by the City Manager and/or his designee.

Municipal Agreement
Option C

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    (B) Upon the effective date of the cancellation, neither party shall owe any obligations under this Agreement, except that all obligations performed under this Agreement, including but not limited to invoicing, record retention, and payment for work performed prior to the effective date of cancellation, shall remain in effect.

11. By Executive Order 24, issued by Governor Perdue, and N.C. G.S.§ 133-32, it is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).
12. AMENDMENT:
    If any Party desires to amend the Agreement, then the proposed amendment and the reasons for the proposed amendment shall be communicated in writing to the other Party. If the Parties agree to the proposed amendment, then the amendment shall be effected by entering a written amendment to the Agreement. An amendment that does not change the substantive or financial commitments of the Agreement may be executed by the Chief Engineer and the Municipality. Any other amendment to the terms of this Agreement to be effective must be in the form of a written instrument properly authorized and executed by the governing boards of each Party to this Agreement. Any amendment to this Agreement to be effective must be in writing and signed by both Parties.
13. All Parties hereby respectively confirm that the individuals executing the Agreement are authorized to execute this Agreement and to bind the respective entities to the terms contained herein. All Parties confirm they have read this Agreement, conferred with counsel, and fully understand its contents.

14. All matters relating to this Agreement shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and venue for any action relating to this Contract shall be Wake County Civil Superior Court or the United States District Court for the Eastern District of North Carolina, Western Division.

Municipal Agreement
Option C

-4-

IT IS UNDERSTOOD AND AGREED that the approval of the work by the Department is subject to the conditions of this agreement, and that no expenditure of funds on the part of the Department will be made until the terms of this agreement have complied with on the part of the Municipality.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST: TOWN/CITY OF

BY: _____ TITLE: _____ DATE:

BY: _____ TITLE:

DATE:

(SEAL) This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
(FINANCE OFFICER)
Federal Tax Identification Number

_____
Remittance/Billing Address:
Town/City of

_____

_____

"N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

DEPARTMENT OF TRANSPORTATION
BY:
(CHIEF ENGINEER)
DATE:

Municipal Agreement
Option C

## COUNCIL MATTERS

## DISCUSSION AND UPDATE REGARDING TOWN OF BOONE COVID-19 PROTOCOL

Jennifer Greene of the Watauga County Health Department gave a presentation regarding the recent Covid-19 numbers in the area. The presentation can be found online at http://boonenc.iqm2.com/Citizens/Default.aspx.

## FY 2022/23 OUTSIDE AGENCY FUNDING REQUESTS

Mr. Carter stated that he wished to recuse himself from the following discussion since he was employed by one of the applicants.

Presentations were heard by the following organizations:

Appalachian Theater
Blue Ridge Women in Agriculture
Children's Playhouse
Community Care Clinic
Daniel Boone Native Gardens
FARM Cafe
Friends of the Watauga County Public Library
Hospitality House
Hunger and Health Coalition
LIFE Village, Inc.
Meditation and Restorative Justice Center
Mountain Alliance
OASIS
SAHA
WAMY Community Action, Inc.
Watauga County Parks and Recreation
Watauga County Project on Aging
Watauga Food Council
Watauga Humane Society
Western Youth Network

## TOWN MANAGER UPDATE

Interim Town Manager Amy Davis updated Council on the following matters:

1. Sustainability efforts included further work on the Town of Boone Sol Smart designation, presentations given by staff to environmental sciences classes at Watauga High School, and the installation of a wetland next to the skate park.
2. Announced the upcoming First Friday Heritage Day and Walking Tours, as well as the Summer Concert Series at the Jones House. Ms. Davis added that planning continued for the Boonerang Festival and annual July 4th festivities. She further indicated that a new DBDA Coordinator would be hired soon pending a background check.
4. Ms. Davis announced the award of a grant by the Police Department, as well as the receipt of the Best of the Best award by the Watauga Democrat.
5. The Public Works Department recently had two employees (Justin Stines and Tom Bolick) earn certifications from the National Green Infrastructure Certificate Program. This program provides the base-level skill set needed for entry-level workers to properly construct, inspect, and maintain green stormwater infrastructure. These individuals are now better equipped to identify opportunities where green stormwater management solutions such as bioretention, permeable surfaces, and stormwater wetlands might be viable.
6. Greene's Construction has made good progress and installed over 650 feet of new sidewalk from 494 West King Street to 362 West King Street. An additional 100 feet will complete the north side of King Street from Appalachian Street to College Street, hopefully by the second week of June. The next location

scheduled for brick paver sidewalk is in front of 661 West King Street (The Shoppes at Farmers), pending the conclusion of current facade work at that location.

7. Roadway Milling and re-paving will be taking place in Boone, NC on King Street/Hwy. 321 from Hardin Street/King Street intersection (near Daniel Boone Inn) to SR-1381 Highland Hall Rd. Milling/Paving will include all parking locations along King Street. Night work (milling operations) will Begin in downtown Boone on Sunday night June 5th from 7 PM to 6 AM and run nightly (weather permitting) thru 6AM Friday morning June 10th. No work is allowed from 6 AM Friday morning through 7 PM Sunday night. Paving operations will begin: Sunday June 12th at 7 PM to 6 AM Monday morning and continue nightly until 6 AM Friday June 17th. No work is allowed from 6AM Friday morning until 7 PM Sunday night.

Citizens should not park anywhere along King Street from 6 PM to 6 AM during any of these work times. There will be some localized closures along King Street for adjustments of utilities/pavement markings from May 31st through June 2nd and again from June 19th through June 24th during night time hours. Weather conditions can affect timing and duration of this work. The public should avoid parking at night anywhere along King Street during these time periods. Vehicles are subject to being moved if parked in these areas during work times. For more information on alternate parking sites please see: downtownboonenc.com/parking/

## TOWN ATTORNEY UPDATE

Ms. Meade indicated that Planning and Inspections staff would be bringing forward a proposed sign ordinance, and felt that murals and public art were closely tied with signs. She stated that the Supreme Court handed down a refreshingly common sense opinion regarding signs and First Amendment limitations a couple weeks ago which she believed would allow the Town to be able to adopt a more a better, more standard sign ordinance. Ms. Meade added that she and staff would research other town's ordinances before coming back to Council. Regarding the Public Art Committee, Ms. Meade stated that she touched base with Watauga Arts Council Director Amber Bateman recently, who indicated the committee would have its first preliminary meeting tomorrow. Ms. Meade then brought to the attention of Council the fact that, under the current ordinances, Town-funded or sponsored public art on Town property or Rights of Way would be required to go before the Historic Preservation Commission and through the Quasi-Judicial Certificate of Appropriateness process during which the Historic Preservation Commission would be considering things like material, size, mass, and scale, and could not consider the broader concerns, such as historical accuracy or the relative value of competing proposals, that the Commission could consider if it acted in its advisory capacity. She proposed that Town-funded or Town-sponsored art or art on Town property should be carved out to a certain extent of the historic district standards, and a new standard should be written which would provide that such art would not be subjected to a Certificate of Appropriateness process, but instead would be subject to review by the Historic Preservation Commission in its advisory capacity. The Historic Preservation Commission would then provide a recommendation to Council which Council could choose to follow or not. Ms. Meade added that for these reasons and others, the Historic Preservation Commission would be considering carve out text at its June meeting and will then come to Council with a recommendation. A brief recap was held about the discussion from last month regarding the composition of the public arts committee.

## BOARD LIAISON REPORT

Mr. George indicated that sustainability survey ended this month and announced the first highlight of a local green business on Town social media. He added that the Sustainability Committee agreed with Ms. Meade's and Council's position regarding plastic regulation. Within the Community Appearance Commission, he stated that the group was still discussing lighting and appearance standards, with Ms. Meade stating that now was a good time for members of the community who were upset about the appearance of larger developments to give input. Ms. Roseman asked if funds were set aside for the Human Relations Committee. Ms. Davis stated that funds were set aside only for attorney fees, with Ms. Meade indicating that her work was already finished. Mr. Carter stated that the double-decker Appalcart would be finished soon, hopefully in time for the July 4th parade. He added that a park and ride service at the former CCC&TI building at the intersection of Highways 105 and 421was being discussed. Ms. Nenow stated that Tesla superchargers were being discussed at DBDA as was the tax rate. She added that pocket parks were being discussed at the Watauga County Parks and Recreation Commission, as was as recreational space near the hospital. Mayor Futrelle stated that the Watauga EDC discussed the housing forum at its most recent meeting, and the High Country Council of Governments discussed redistricting with Hickory, which, he warned, may decrease funding for Boone. Discussion at the

most recent RPO meeting included the Governor's Initiative for Smart Streets, which was being pushed hard and had been pushed up by a couple of years. Mayor Futrelle added that the Watauga County TDA recently entered into an agreement for a design project called Imagine Watauga regarding tourism development. He indicated that Boone was not included initially, but after a presentation, Boone TDA has now agreed to fund the Town's share. Mayor Futrelle added that the High Country Council of Governments continued to work on resiliency planning, including a stormwater survey.

## ESTABLISHMENT OF BOONE'S 1872 AWARD

Mr. George presented asked for guidance regarding his proposal of the creation of an "1872 Award". He felt that awards should be given a one time in the year as opposed to a couple at a time, and asked for suggestions as to what time of year members thought would be most appropriate. Ms. Roseman felt that whatever regular Town Council meeting was scheduled closest to the Town's anniversary in January, would be most appropriate. Mr. George also felt there should be a nomination mechanism, and believed this should not be the standard award for outgoing Council members. Mr. Carter asked what the approval and tie breaker process would look like. Mr. George felt that there could be an internal process to eliminate candidates who were not eligible, and suggested that the Mayor choose a winner in the event of a tie. Ms. Meade reminded members that this body had to vote on matters, and that items such as this had to be considered in open session. Mayor Pro-Tem Tugman suggested a format that clearly outlined candidate eligibility. Mr. George believed it would be very difficult to play catch up and provide posthumous awards for every deserving member of the community, and felt that it should only include people who were currently leaving. Mayor Pro-Tem Tugman felt that the award should be open to those who have passed away in the last year. Cultural Resources Director Mark Freed suggested that the Cultural Resources Advisory Board be involved in creating an application and process. It was the consensus of Council to direct the Cultural Resources Advisory Board to draft an application before the end of the year.

## PRESENTATION BY P&I OF FINAL WATAUGA HOUSING FORUM MEETING

Long Range Planner Jessica Mitchell gave an update on the most recent Watauga Housing Forum. A copy of the presentation can been viewed online at http://boonenc.iqm2.com/Citizens/Default.aspx. Mr. Carter and Mr. George were appreciative of staff for their work, and believed that this Council had been very active in the affordable housing scene. Mr. Carter felt that staff's continued participation was crucial in moving forward with affordable housing in Boone. Mayor Pro-Tem Tugman suggested that staff continue to participate in the housing forum, with Mayor Futrelle suggesting staff participation only as they believed was needed. Ms. Meade noted that Council normally did not send paid staff to assist in non-town boards. Ms. Davis added that Ms. Shook was a salaried employee and received no overtime pay and was often unable to take time off to compensate for time worked above 40 hours in a week. It was the consensus of Council that Ms. Shook and Ms. Mitchell should have the authority to participate in the housing forum to the extent they believe their participation is important, and at their discretion.

## PLANNING & INSPECTIONS UPDATE

Ms. Shook presented an update of current Planning and Inspections projects. A complete copy of the presentation can be found online at http://boonenc.iqm2.com/Citizens/Default.aspx.

## CONSIDERATION OF DRAFT COMPREHENSIVE PLAN UPDATE TIMELINE

Ms. Shook presented a draft of the Comprehensive Plan update timeline. A copy of the draft can be found online at http://boonenc.iqm2.com/Citizens/Default.aspx. Ms. Davis suggested that a budget amendment for $75,000 be brought forward next month for funding of the Comprehensive Plan. Mayor Futrelle added that he had asked for $75,000 in funding from state representatives. It was consensus of Council for Ms. Shook to come back in June with proposed dates for a special meeting with Town Council and Department Heads to discuss the process. Mr. Carter asked that Diversity, Equity and Inclusion standards be incorporated into the plan.

## CONSIDERATION OF STAFF REQUEST TO UPDATE UDO TO CONSIDER ADDITIONAL MANUFACTURING USES

Planning Director Jane Shook presented a request to consider additional manufacturing uses in the UDO geared specifically toward technology based uses. Mr. George expressed concerns about these uses, specifically cryptomining, and wanted to make regulations more strict for these uses since they were environmentally harmful with little benefit. Ms. Meade stated that the Town's zoning authority was only to asses impact and intensities, and noted that whether or not members agreed with the economic model or anything else about the business was of no account to Council's zoning authority. Ms. Shook stated that staff has had conversations with crypto currency companies but have not had any applications to date. It was the consensus of Council to direct staff to proceed with UDO updates as presented in the staff request. When asked about the level of priority this project should be given relative to the Comprehensive Plan, Mayor Futrelle asked whether other towns in the area have had problems with crypto currency. Ms. Shook answered that there were other communities who have had issues with crypto currency, but that some towns chose to view the businesses as economic drivers. Ms. Nenow asked whether it was possible to restrict this type of business based on energy usage. Ms. Shook replied that Raleigh had a similar mechanism in their Comprehensive Plan which utilized a score system for energy usage. Mayor Futrelle felt that the Comprehensive Plan should be the priority since there were no active applications. Mr. George suggested moving forward now by bringing forward a UDO amendment specific to crypto businesses. Mayor Futrelle was concerned with zeroing in on one industry, while Ms. Roseman felt that zeroing in on energy usage was the best approach. It was the consensus of Council to direct staff to come back as soon as possible with a preliminary report regarding this specific use and staff's suggestions.

## REQUEST FOR SPECIAL PUBLIC HEARING - JUNE 27, 2022

Ms. Shook asked to withdraw this request from the agenda.

## CLOSED SESSION

Upon a motion by Ms. Roseman, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to enter into closed session at 10:37 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 Ms. Roseman, seconded by Mr. Carter, Council voted unanimously to exit closed session at 11:09 p.m.

## ADJOURNMENT

It was the consensus of Council to exit closed session at approximately 11:11 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor