

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
June 8, 2022**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9:00 in the Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council members present included Todd Carter, Virginia Roseman, Dalton George, and Becca Nenow. Staff members present included Interim Town Manager and Finance Director Amy Davis, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Deputy Public Works Directors Todd Moody and Josh Eller, Planning Director Jane Shook, Fire Chief Jimmy Isaacs, Police Chief Andy Le Beau, Cultural Resources Director Mark Freed, Human Resources Director Dale Presnell, Sustainability and Special Projects Manager George Santucci, and Communications Specialist Laney Pilkington. Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

ANNOUNCEMENTS

Mayor Futrelle announced the following board vacancies:

ANNOUNCEMENT OF BOARD VACANCIES

BOARD OF ADJUSTMENT

Two regular positions, One alternate position

COMMUNITY APPEARANCE COMMISSION

Four regular positions; One student position

CULTURAL RESOURCES ADVISORY BOARD

Two regular positions, One student position

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Two board appointed positions; Three Council appointed positions

HISTORIC PRESERVATION COMMISSION

One student position, One regular position

SUSTAINABILITY COMMITTEE

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

TENTATIVE AGENDA ADOPTION

Ms. Davis indicated that Consent Agenda Item 4 Request for Authority for Town Manager to Sign Letter Regarding Climate Neutrality Goals would be tabled until July. Upon a motion by Mr. Carter, seconded by Ms. Roseman, Council voted to approve the agenda as amended.

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

PUBLIC HEARING - MODERN REAL ESTATE INVESTORS

Mayor Futrelle opened the public hearing regarding the Modern Real Estate Investors annexation at 9:09 a.m. Hearing no comments, Mayor Futrelle closed the public hearing at 9:10 a.m.

PUBLIC HEARING - FY 2022/23 BUDGET

Mayor Futrelle opened the public hearing regarding the FY 2022/23 Budget at 9:10 a.m. Hearing no comments, Mayor Futrelle closed the public hearing at 9:10 a.m.

PUBLIC COMMENT

There was no one signed up for public comment.

REQUESTED APPEARANCES**AMBER BATEMAN - WATAUGA ARTS COUNCIL**

Ms. Bateman gave an update regarding the newly formed public arts committee. A complete copy of the presentation referenced can be viewed at http://boonenc.iqm2.com/Citizens/Detail_Meeting.aspx?ID=3480

Ms. Meade also noted that there should be a carve out in any potential language brought back regarding public art, for Town sponsored public art be facilitated with full Historic Preservation Commission involvement but without going through the Certificate of Appropriateness process. She indicated that draft text would go to public hearing in July and would then be brought to Town Council for its consideration.

ADOPTION OF ITEMS ON THE CONSENT AGENDA

Ms. Roseman made a motion, which was seconded by Mr. Carter to approve the following items on the Consent Agenda:

1. DBDA/TOB Agreement
2. Ordinance to Amend Section 32.01 of Code of Ordinances
3. Award of Bid for Hauling and Placement of Asphalt
4. Budget Amendments

Watauga County- Collection of Taxes General Fund \$5,000
Watauga County- Collection of Taxes - MSD \$1,500
Current Year Taxes- General Fund (\$5,000)
Current Year Taxes - MSD (\$1,500) Professional Services - Legal \$25,000
Appropriated Fund Balance - General Fund (\$25,000)
Affordable Housing - Special Projects \$220,000
Transfer to Water System Capital Reserve \$382,200
Transfer to Sewer System Capital Reserve \$416,900
System Development Fees - Water (\$382,200)
System Development Fees - Sewer (\$416,900)
Insurance Claims BCBS - Health Insurance Fund \$299,176
Appropriated Fund Balance - Health Insurance Fund (\$299,176)
CR Special Projects/Events – CR Donations \$45,250

5. Finance Package for Vehicles & Equipment
6. Revised Fee Schedule to Add Fee for Annual Short-Term Rental Permit
7. FY22/23 Outside Agency Funding Allocations

Ms. Nenow asked for clarification regarding the auxiliary police ordinance. Mr. Presnell indicated that it was a standard practice among police departments to allow for reserve officers to assist the department in certain situations such as special events, and for the reserve officers to obtain coverage under the towns' insurance policies.

Ms. Roseman stated that Watauga County had previously indicated that they would match Town of Boone Outside

Agency funding for the Appalachian Theatre if the Town raised their contribution to \$25,000 from \$20,000. She stated that she did not appreciate being bullied into giving the \$5,000 in additional funding, and hoped that the County would match the \$20,000 already allocated by the Town. Mr. Carter was in support of moving \$5,000 from the General Fund to support the Theatre. Mr. George was in agreement with Ms. Roseman, while Mayor Futrelle expressed support of working with the County.

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

Ordinance #

**AN ORDINANCE TO AMEND THE TOWN OF BOONE
CODE OF ORDINANCES SECTION 32.01 REGARDING THE ORGANIZATION OF AN
AUXILIARY POLICE DEPARTMENT**

WHEREAS, pursuant to North Carolina General Statutes 160A-282 (a) and (b), a Town may by ordinance provide for the organization of an auxiliary police department made up of volunteer members: and by enactment of an ordinance, may provide that while undergoing official training and while performing duties on behalf of the town pursuant to orders or instructions of the chief of police of the city, auxiliary law-enforcement personnel shall be entitled to benefits under the North Carolina Workers-Compensation Act.

WHEREAS, there is hereby established within the town police department, as a division thereof, an auxiliary police division. The auxiliary police division shall be a volunteer organization, whose members shall serve without compensation, composed of as many members as may from time to time be determined by the chief of police and approved by the Town Manager.

WHEREAS, the Boone Town Council wishes to conform its ordinance to the requirements of state law;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

SECTION 1. Section 32.01 of the Boone Code of Ordinances is hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference.

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this ____ day of _____, 2022.

Tim Futrelle, Mayor

ATTEST:
Nicole Harmon, Town Clerk

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EXHIBIT A

§ 32.01 POLICE DEPARTMENT.

(A) The Police Department shall consist of a Chief of Police and as many other police officers as may be provided for from time to time by the Council.

(B) As provided in G.S. §§ 160A-281 through 160A-289, police officers shall:

(1) Take, subscribe and file with the Clerk the oath of office prescribed by Art. VI, § 7, of the State Constitution; and

(2) Have all the powers invested in law enforcement officers by statute or common law within the corporate limits owned or leased by the town.

(C) As provided in G.S. § 160A-282 (a) and (b), the Town of Boone Auxiliary Police Department shall be made up of as many volunteer members as may from time to time be determined by the chief of police and approved by the Town Manager.

(1) The auxiliary police division shall be a volunteer organization, whose members shall serve without compensation.

COUNCIL MATTERS

TOWN MANAGER UPDATE

Ms. Davis updated Council on the following items:

1. Chamber Business Connections event on June 16th
2. 7.4 million additional Covid-19 particles in wastewater testing samples. The state recently reported 1,923 fewer cases based on specimen collections statewide.
3. Boone Police Department took delivery of its first hybrid interceptor, and has six more on the way.
4. The Town received a grant for the purchase of a second trash truck and staff is currently working with ASU on feasibility study at Peacock Lot
5. Staff will work on summary of sustainability survey and present results at an upcoming meeting
6. Ms. Davis announced the June 10th kick-off of summer concerts on the Jones House lawn
7. The new DBDA coordinator starts on Monday, June 13th
8. June 17th marks the Boonerang kick-off
9. Freedom First Friday takes place on July 3rd
10. Three Boone Police officers recently participated in the Special Olympics ceremony in Raleigh
11. The Boone Police Department recently successfully used crisis negotiation team in a domestic situation in Watauga County
12. Planning and Inspections employee Brandon Wise obtained his Flood Plain Manager certificate
13. Short term rentals button has been installed on website
14. On May 4, 2022, Greenway Baptist Church granted the Town of Boone a sidewalk easement for installation of a new sidewalk along Meadowview Drive. This easement was granted at no cost to the Town and will aid in efforts to expand our sidewalk infrastructure.
15. The Recycling, Litter Prevention and Water Conservation Coordinators have been on the go this spring with sustainability initiatives through education and community involvement. On April 14th, the second graders at Hardin Park Elementary had the opportunity to experience Enviroscapes. Enviroscapes are portable interactive environmental education models intended for use in school and community education on issues that affect the environment. On Earth Day, April 22nd, "The Green Team" joined Appalachian State Office of Sustainability on Sanford Mall to interact with students and promote the Town's programs. Boone Clean Up Day was held on April 23rd with excellent support from the Adopt-A-Street and Adopt-A-Stream volunteers in addition to our town citizens. These fine folks collected approximately 650 pounds of trash and recycling from our streets and streams. On May 10th and May 18th, Hardin Park Elementary and Two Rivers Elementary was awarded a field trip to the Water Treatment Facility, the Greenway Trail, Clawson-Burnley Park and the Waste Water Treatment Facility as another way to learn about our water system. They thoroughly enjoyed their day!
16. The North Carolina Department of Transportation will be upgrading crosswalks at three intersections during the months of June and July. The intersections are King Street/College Street, King Street/Appalachian Street, and King Street/Depot Street. These upgrades include new pedestrian countdown heads with audible activation buttons which use an audio signal in such a way that pedestrians with visual disabilities can home in on the signal that is located on the far end of the crosswalk as they cross the street. Staff has communicated information regarding the Boonerang event and DOT will wait until after July 4th to do any work at the King Street/Depot Street intersection.
17. NCDOT King Street resurfacing was supposed to have been finished by the end of this week, but the project has been delayed. Staff indicated that NCDOT planned to finish work by the end of next week, in time for the Boonerang festivities.

TOWN ATTORNEY UPDATE

Ms. Meade indicated that the owners of the former Cafe Portofino wished to build a small hotel on the property. She stated that they had made an application to the Historic Preservation Committee and were granted approval of an application to demolish that building. Ms. Meade indicated that a demolition permit was good for one year under the rules governing historic districts, and noted that a new building had not yet been approved. She added that the owner did offer the Town the opportunity to move the building at its expense and suggested that the Historic Preservation Commission make a recommendation to Council as to the historic significance of the building. Mayor Futrelle expressed that he was not interested in purchasing the building and did not believe it would be a wise financial decision for the Town to do so. Ms. Meade also suggested that the Farmer's Market be contacted to see if they were interested in pursuing grant opportunities to assist in acquiring the building due to the potential historical significance. It was the consensus of Council to direct the Historic Preservation Commission to report back on the historical value of building but not to make any recommendations, and to have Mark reach out to the Farmer's Market to gauge interest to seek grant funding for the building.

BOARD LIAISON REPORT

Ms. Roseman indicated that a motion was made in the Historic Preservation Commission regarding the momentum undertaken by the Council on the 150 monument without HPC input, and noted that members expressed a desire to be more active and to be able to give more input on the project. Ms. Roseman indicated that members would like to be able to check the historical significance of names placed onto the monument, to make sure that no one was left out and to make sure that everyone was represented equally and as accurately as possible. Mayor Futrelle noted that funding had been appropriated to allow the Boone TDA to work with Watauga TDA on a promotional program called "Imagine Watauga. He indicated that the Watauga TDA would give a presentation on the project on June 22nd.

Mr. Presnell gave an update on the Town Manager search, which included approximately 40 qualified candidates. He indicated that community members and department heads would assist in the interview process and that Council would be in charge of making the final decision. Mr. Presnell stated that he was currently working on arranging the citizens committee, with members proposed by each Council member, the Mayor and one extra, and would soon work on scheduling interviews. He indicated that some applicants had already taken other jobs and were no longer interested in the position.

PRESENTATION OF ONE OR MORE OFFERS RECEIVED ON SURPLUS PROPERTY LOCATED AT 1500 BLOWING ROCK ROAD

Mr. Milner presented a letter of intent to purchase the surplus property owned by the Town located at 1500 Blowing Rock Road from Bull Realty. Mr. Milner recommended the offer begin the upset bid process given the market situation, and reminded members that they could decline any and all offers made. Mr. George did not feel that it made sense to sell the building when there was no where else for the Police Department to go. Mr. Carter agreed, and expressed that he was not interested in the lease back option listed in the letter of intent. Ms. Roseman stated that she was not for selling the property for less than the asking price, and suggested a counter offer of 4.3 million while using the County Administration building for Town meetings. Mr. Carter reminded Ms. Roseman that the Police Department would have nowhere to go. Mr. George agreed that he was not interested in a lease back option. Mr. Carter felt that the company would be a good community partner in the future, but did not believe this was the appropriate situation for a business partnership. The potential buyer, Mr. Klee indicated that once a new property had been identified for the Police Department, they would still remain interested in the property. Ms. Roseman was in support of removing the property from the market if the asking price could not be received. Mr. Carter was in agreement, and noted that another building for the Police Department should be in place as well. Mr. Milner indicated that he and his firm had spent a large amount of money marketing this property for the Town for the last three years, and in light of comments today, the best thing for him was to terminate the contract between himself and the Town of Boone. Ms. Meade agreed that if Mr. Milner terminated the agreement, no further action was needed from the Town.

A break was declared at 11:00 a.m. Mayor Futrelle reconvened the meeting at 11:15 a.m.

CONSIDERATION OF CASES HEARD AT THE MAY 23, 2022 PUBLIC HEARING**Cases PL05689-050322 and PL05690-050322 Modern Real Estate Investors, LLC General Use Zoning Map Amendment**

Ms. Roseman made a motion, which was seconded by Ms. Nenow that the proposed amendment to the Town's zoning map 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. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy; Comprehensive Plan Policy 2.3.2 Community Character E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town; 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.

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

Ms. Roseman made a second motion to approve Ordinance PL05690-050322 and believes approval is reasonable and in the public interest because it will bring in the northern portion of the first street available on 421 into an R3 district, where appropriate buildings can be provided, and hopefully low income housing can be added; also because it will be preserving a section of the upper parcel for the community and annexing these two parcels into the Town is in the best interest of the community. Mr. George seconded the motion.

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

Ordinance PL05689-050322 & PL05690-050322

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone portions of the parcel identified herein:

Address	Watauga Co. PIN	Property Owner	Proposed Zoning
185/225 Modern Drive	Portion of 2911-70- 6621-000	Modern Real Estate Investors LLC	B3 General Business and Corridor District Overlay
Vacant (TBD Modern Drive	Portion of 2911-71- 6673-000		R1 Single-Family, R-3 Multiple-Family, Viewshed Protection Overlay

WHEREAS, in accordance with the procedures set forth in the Town of Boone Unified Development Ordinance, the Commission and Council met to consider the proposed amendment on May 23, 2022; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Article 9 of the Town of Boone Unified Development Ordinance, the Town of Boone duly advertised and held a public hearing to consider the proposed amendment.

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

SECTION 1. The Official Zoning Map of the Town of Boone is hereby revised as set forth herein.

SECTION 2. This change shall be effective immediately upon its adoption by Town Council.

Adopted this 8th day of June, 2022

**The Honorable Tim Futrelle,
Mayor**

Attest:

Nicole Harmon, Town Clerk

Case PL05504-021822-Minor/Major Work – COA Revision UDO Text Amendment

Mr. George made a motion, which was seconded by Mr. Carter 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 that are applicable because it is consistent with the following: Comprehensive Plan Policy 2.1 The Economy 2.1.1 Economic Development A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy. 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. D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas. D.1 Evaluate development regulations for amendments providing flexibility in the renovation and redevelopment of existing structures and sites. 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 The Community 2.3.2 Community Character A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area. B.1 Amend development regulations to offer flexibility for restoration and active use of historic structures and other resources.

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

Mr. George made a second motion to approve ordinance number PL05504-021822 to the Town's zoning ordinance and believes approval is reasonable and in the public interest because it improves the Town's Historic District, clarifies and elaborates on existing mechanisms, streamlines the process and makes it easier for applicants while still keeping the intent of the Historic District. Ms. Nenow seconded the motion.

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

Ordinance PL05504-021822

(Minor/Major Work – COA Revision)

AN ORDINANCE TO REVISE ARTICLE 8 AND APPENDIX D OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE RELATING TO CERTIFICATE OF APPROPRIATENESS PROCESS AND PUBLIC ART IN THE DOWNTOWN BOONE LOCAL HISTORIC DISTRICT

WHEREAS, the Boone Town Council desires to modify, clarify and streamline the requirements for; and

WHEREAS, the Town Council finds that it is in the best interest of the Town and its citizens that Town Council directly consider and, with input from the public as deemed appropriate by Council; and

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its zoning authority under G.S. Chapter 160D, Article 6;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

SECTION 1. Article 8 and Appendix D of the Town of Boone Uniform Development Ordinance (“UDO”) is hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference, with deletions and additions shown in ~~red~~ and blue respectively:

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 8th day of June, 2022.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

Ms. Roseman asked to rescind her motion from cases PL05689-050322 and PL05690-050322 Modern Real Estate Investors, LLC General Use Zoning Map Amendment and restated it: that the proposed amendment to the Town's zoning map 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. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy; Comprehensive Plan Policy 2.3.2 Community Character E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town; 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. Mr. Carter seconded the motion.

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

Mr. George then made a motion to approve Ordinance PL05690-050322 and believes approval is reasonable and in the public interest because it was in the best interest of the Town. Mr. Carter seconded the motion.

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

Case PL05688-050322 – Miscellaneous Revisions UDO Text Amendment

Ms. Nenow made a motion, which was seconded by Mr. George, that the amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because it is consistent with Comprehensive Plan Policy 2.1.1 Economic Development E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources. E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

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

Ms. Nenow made a second motion to approve Ordinance PL05688-050322 and in the public interest because it makes the comprehensive plan uniform by fixing errors. Mr. George seconded the motion.

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

ORDINANCE # PL05688-050322

AN ORDINANCE TO REVISE ARTICLES OF THE TOWN OF BOONE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the Boone Town Council desires to modify, clarify and streamline the requirements within the Unified Development Ordinance; and

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its zoning authority under G.S. Chapter 160D, Article 6;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

SECTION 1. Articles 2, 5, 9, 14, 15, 30, 31, 34, and Appendix A of the Town of Boone Unified Development Ordinance ("UDO") are hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference, with deletions and additions shown in ~~red~~ and blue respectively:

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this the 8th day of June, 2022.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

**PUBLIC HEARING & CONSIDERATION OF MODERN REAL ESTATE INVESTORS
LLC VOLUNTARY ANNEXATION PETITION**

Upon a motion by Mr. George, seconded by Mr. Carter, Council approved Ordinance 22-08 to Extend the Corporate Limits of the Town of Boone, NC (Modern Real Estate Investors, LLC).

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

Ordinance Number: 22-08

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BOONE, NORTH
CAROLINA**
(Modern Real Estate Investors LLC)

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 June 9, 2022, after due notice by the Watauga Democrat on May 25, 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 June 9, 2022.

Area to be added to Zone B3; 1.221 acres more particularly described as follows: A parcel of land lying north of U.S. Highway No. 221/421 approximately 0.5 mile east of the intersection of N.C. Highway 194 with U.S. Highway No. 221/421 and being a portion of the lands described in deed to Modern Real Estate Investors, LLC by deed recorded in Book of Records 1727 at page 252 and shown on plat recorded in Plat Book 23 at page 485 as surveyed by Donald H. McNeil, P.L.S., L-2809, survey no. 22029, dated February 4, 2022 as BEGINNING on an existing 5/8 inch rebar, the northeast corner of the lands shown on Plat Book 23 at page 485 and in the western line of the lands conveyed to MV AT BOONE, LLC by deed recorded in Book of Records 1843 at page 593 and located North 90 degrees 00 minutes 00 seconds East 1,106.12 feet from an existing steel fence stake; thence with the western line of the lands of MV AT BOONE, LLC, South 14 degrees 21 minutes 00 seconds East 129.09 feet to an existing concrete monument, having NCGS coordinates of N=910,756.45'; E=1,218,822.68' (NAD'83) and is located North 60 degrees 38 minutes 00 seconds East 403.33 feet from an existing concrete monument; thence with the current city limits line, North 82 degrees 47 minutes 30 seconds West 673.66 feet to a point; thence North 09 degrees 38 minutes 40 seconds East 41.12 feet to the point of intersection of the city limits line with the northern boundary of the lands shown on plat recorded in Plat Book 23 at page 485; thence with said northern line, North 90 degrees 00 minutes 00 seconds East 629.45 feet to the BEGINNING, covering an area of 1.221 acres. Having bearings relative to the North Carolina Geodetic Survey per ties to Plat Book 23 at page 485 and all distances being horizontal measurements.

Area to be added to Zone R3; 9.925 acres more particularly described as follows: A parcel of land lying north of U.S. Highway No. 221/421 approximately 0.5 mile east of the intersection of N.C. Highway 194 with U.S. Hwy. 221/421 and being a portion of the lands described in deed to Modern

Real Estate Investors, LLC by deed recorded in Book of Records 1727 at page 252 as surveyed by Donald H. McNeil, P.L.S., L-2809, survey no. 22029, dated February 4, 2022 as BEGINNING on an existing 5/8 inch rebar, said rebar being the northeast corner of the lands of Modern Real Estate Investors, LLC as shown on plat recorded in Plat Book 23 at page 485, said rebar being in the western line of the lands conveyed to MV AT BOONE, LLC by deed recorded in Book of Records 1843 at page 593 and the city limits line and located North 14 degrees 21 minutes 00 seconds West 129.09 feet from a concrete monument, being a common corner of the lands of Modern Real Estate Investors, LLC, MV AT BOONE, LLC, Clara Ray (B/R 624 pg. 541) and the city limits of Boone, thence with the northern line of the lands shown on plat recorded in Plat Book 23 at page 485, South 90 degrees 00 minutes 00 seconds West 629.45 feet to a point of intersection of said line and the Boone City Limits; thence with the Boone City Limits line, North 09 degrees 38 minutes 40 seconds East 334.29 feet to a point; thence North 76 degrees 27 minutes 10 seconds West 538.83 feet to a point of intersection of the City Limits line with the western line of the lands conveyed to Modern Real Estate Investors, LLC and the eastern line of the lands conveyed to Skyline Terrace by deed recorded in Book of Records 1873 at page 755 as shown on plat recorded in Plat Book 25 at page 278; thence with the eastern line of the lands of Skyline Terrace, North 07 degrees 21 minutes 25 seconds West 24.85 feet to an existing 5/8 inch rebar in the branch; thence North 05 degrees 17 minutes 15 seconds East 122.78 feet to an existing 5/8 inch rebar in the branch, said rebar being the northeast corner of the lands of Skyline Terrace and located South 85 degrees 52 minutes 40 seconds East 450.84 feet from an existing 3/4 inch conduit pipe; thence with a line across the lands of Modern Real Estate Investors, LLC, being a proposed Zoning Line between Zones R3 and R1, North 88 degrees 07 minutes 15 seconds East 927.69 feet to a point in the aforesaid western boundary of the lands of MV AT BOONE, LLC and the current City Limits line; thence with the western line of said lands and the City Limits line, South 14 degrees 21 minutes 00 seconds East 653.49 feet to the BEGINNING, covering an area of 9.925 acres. Having bearings relative to the North Carolina Geodetic Survey per ties to Plat Book 23 at page 485 and all distances being horizontal measurements. Appalachian Professional Land Surveyors & Consultants, PA.

Area to be added to Zone R1; 18.392 acres more particularly described as follows: A parcel of land lying north of U.S. Highway No. 221/421 approximately 0.5 mile east of the intersection of N.C. Highway 194 with U.S. Hwy. 221/421 and being a portion of the lands described in deed to Modern Real Estate Investors, LLC by deed recorded in Book of Records 1727 at page 252 as surveyed by Donald H. McNeil, P.L.S., L-2809, survey no. 22029, dated February 4, 2022 as BEGINNING on an existing 5/8 inch rebar in the branch and in the northeast corner of the lands conveyed to Skyline Terrace by deed recorded in Book of Records 1873 at page 755 and shown on plat recorded in Plat Book 25 at page 278, said rebar being located South 85 degrees 52 minutes 40 seconds East 450.84 feet from an existing 3/4 inch conduit pipe and also North 05 degrees 17 minutes 15 seconds East 122.78 feet from an existing 5/8 inch rebar in the branch; thence with the eastern line of the lands conveyed to Daniel Craig Barnette, II by deed recorded in Book of Records 2102 at page 61 as shown on plat recorded in Plat Book 27 at page 376, North 05 degrees 19 minutes 30 seconds East 1,075.36 feet to an existing Bathey "T" iron, said iron being the southwest corner of the lands conveyed to RCPBD Investments, LLC by deed recorded in Book of Records 2095 at page 675 and shown on plat recorded in Plat Book 21 at page 150; thence with the southern line of said lands South 89 degrees 41 minutes 00 seconds East 658.62 feet to an existing Bathey "T" iron, said iron being the northwest corner of the lands conveyed Smith Property / MV2, LLC by deed recorded in Book of Records 1039 at page 188 as shown on plat recorded in Plat Book 23 at page 02; thence with the western line of said lands, South 02 degrees 13 minutes 05 seconds West 57.72 feet to an existing 3/4 inch conduit pipe found; thence South 03 degrees 10 minutes 15 seconds West 255.49 feet to an existing Nail in a Hickory; thence continuing with said lands, in part, and the western line of the lands of Riverstone Condominium (U.O. Boone 9 at page 18), South 14 degrees 21 minutes 00 seconds East 747.13 feet to the proposed new Zoning line dividing Zones R1 and R3; thence with said Zoning line, South 88 degrees 07 minutes 15 seconds West 927.69 feet to the BEGINNING, covering an area of 18.392 acres. Having bearings relative to the North Carolina Geodetic Survey per ties to Plat Book 23 at page 485 and all distances being horizontal measurements.

Adopted this 8th day of June, 2022.

Tim Futrelle, Mayor

ATTEST:

APPROVED AS TO FORM:

Nicole Harmon, Town Clerk

Allison Meade, Town Attorney**CONSIDERATION OF NORVELL BOONE, LLC VOLUNTARY ANNEXATION
PETITION (HIGHWAY 105)**

Mr. George made a motion to adopt the resolution on page 245 of the packet Directing the Clerk to Investigate a Petition (Norvell Boone, LLC). Mr. Carter seconded the motion.

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

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
(Norvell Boone, LLC)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on March 1, 2022 by the Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Boone deems it advisable to proceed in response to this request for annexation;

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

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.

ATTEST:

Mayor

Clerk

Mr. Carter then made a motion to adopt the resolution on page 247 Fixing the Date of Public Hearing on

Question of Annexation (Norvell Boone, LLC) for August 10, 2022 at 9:00 a.m. at Council Chambers. Ms. Roseman seconded the motion.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31
(Norvell Boone, LLC)

WHEREAS, a petition requesting annexation of the area described herein has been received; and

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

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

- Section 1. A public hearing on the question of annexation of the area described herein will be held at Council Chambers at 9 a.m on. August 10, 2022.
- Section 2. The area proposed for annexation is described as follows:

BEGINNING at a #5 rebar located in the Eastern property line of Norvell Boone, LLC's property; and running thence with the Eastern property line, S. 19° 38' 21 " W., 30.41 ' to a point in the Northern right of way of Snaggy Mountain Blvd., being Norvell Boone, LLC's Southeastern corner, thence running with the Southern property line of Norvell Boone, LLC, N. 79° 20' 39" W., 153.09' to a point, being Norvell Boone, LLC's Southwestern corner, thence with Norvell Boone, LLC's Western Property line, N. 19° 46' 07" E. , 29.83' to a %" iron pipe, thence continuing with the Western line, N. 19° 46' 07" E., 20.17' to a point in the Western line, at its intersection with the present City Limit line of the Town of Boone, running thence with the City Limit line, S. 71 ° 59' 48" E., 151.17' to the point of beginning, said property containing 0.140 acres (6,077 sq. ft.), more or less, as shown on a survey prepared by Eric S. McAbee, McAbee & Associates, PA, dated February 22, 2022.

Section 3. Notice of the public hearing shall be published in the Watauga Democrat, a newspaper having general circulation in the Town of Boone, at least ten (10) days prior to the date of the public hearing.

Mayor

ATTEST:

Town Clerk

It was the consensus of Council to move forward with B3 zoning in the corridor district overlay.

MINIMUM HOUSING POLICY AND PROCEDURE DISCUSSION

Ms. Shook explained the current complaint process for minimum housing issues, and noted that she was unaware of the minimum housing code ever being used to remove someone from their home. Mr. George noted that the intent of his request was for a policy that would allow only citizens who were directly connected to a property to file a minimum housing complaint in an effort to prevent retaliatory complaints from being filed. Ms. Shook clarified that complaints were not filed frequently, and added that staff could revise language on the website to help address these issues, including specific language to differentiate between minimum housing violations and nuisance violations. It was the consensus of Council to direct staff to draft language for the website to address these concerns.

CONSIDERATION OF PROCLAMATION AND RECEPTION - PRIDE MONTH

Mr. Carter made a motion, which was seconded by Mr. George to approve the following proclamation. Mr. Carter indicated that he hoped the passage of this proclamation would encourage businesses to fly the pride flag,

and noted that there would be a pride celebration on June 26th at the Jones House.

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

**TOWN OF BOONE
PRIDE MONTH PROCLAMATION**

WHEREAS, the Mayor and Town Council of Boone, N.C. recognizes and proclaims the month of June 2022 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 and the United States of American to observe Pride Month with 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 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, 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 2022 as Pride Month in support of the LGBTQ community.

BE IT FURTHER RESOLVED that the Progress Pride Flag will be raised on this the 10th day of June, 2022, 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.

Tim Futrelle, Mayor

ATTEST:

_____(SEAL)
Nicole Harmon, Clerk

**MOVING FORWARD WITH RESPECT TO THE HUMAN RELATIONS
COMMISSION**

It was the consensus of Council to direct staff to develop an application for the committee to be sent to Council members Carter and Roseman; the committee should consist of five members with no residency requirement.

APPOINTMENT TO BOARD OF ADJUSTMENT

Ms. Roseman nominated Pam Williamson for reappointment to the Board of Adjustment. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Ms. Williamson's term will expire on June 30, 2025.

APPOINTMENT TO PLANNING COMMISSION

Mr. George nominated Abby Cope for the student position on the Planning Commission, and Smith Warren and Chris Behrend for regular positions on the Planning Commission. Hearing no further nominations, Mayor Futrelle called for a vote on all three nominations.

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

Ms. Cope's Term will expire on June 30, 2023. Mr. Warren and Ms. Behrend's terms will expire on June 30, 2025.

APPOINTMENT TO SUSTAINABILITY COMMITTEE

Mr. George nominated Jennifer Maxwell and Joan Brook to serve in regular seats on the Sustainability Committee. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Ms. Maxwell and Ms. Brook's terms will expire on June 30, 2025.

CLOSED SESSION

Ms. Roseman made a motion, which was seconded by Mr. Carter, to enter into closed session at 12:34 p.m. pursuant to:

1. N.C. Gen. Stat. § 143-318.11(a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s).
2. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims.
3. N.C. Gen. Stat. § 143-318.11(a)(6), to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

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

Mr. Carter made a motion, which was seconded by Ms. Roseman, to exit closed session at 2:50 p.m.

ADJOURNMENT

Ms. Roseman made a motion, which was seconded by Mr. Carter, to adjourn the meeting at 12:33 p.m.

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

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor