

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

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9:00 a.m. on Wednesday, July 13, 2022 in the Boone 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 and Finance Director Amy Davis, Town Clerk Nicole Harmon, Fire Chief Jimmy Isaacs, Public Works Director Rick Miller, Deputy Public Works Director Todd Moody, Planning Director Jane Shook, Police Chief Andy Le Beau, Human Resources Director Dale Presnell, and Sustainability and Special Projects Coordinator George Santucci. Town Attorney Allison Meade was also present.

MOMENT OF SILENCE

ANNOUNCEMENTS

The following board vacancies were announced:

BOARD OF ADJUSTMENT

One regular position, One alternate position

COMMUNITY APPEARANCE COMMISSION

Two regular positions

CULTURAL RESOURCES ADVISORY BOARD

Two regular positions, One student position

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Four board appointed positions; Two Council appointed positions

HISTORIC PRESERVATION COMMISSION

One student 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

ANNOUNCEMENT OF BOARD VACANCIES

TENTATIVE AGENDA ADOPTION

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

PUBLIC COMMENT

REQUESTED APPEARANCES

ROBERTA JACKSON - MB CHURCH/JUNALUSKA HERITAGE ASSOCIATION

Ms. Jackson appeared on behalf of the Junaluska Heritage Association to request that the community be designated as a Neighborhood Conservation District to keep the neighborhood in tact as much as possible. Ms. Shook stated that she had spoken with Ms. Jackson about the process recently and indicated that the neighborhood was experiencing pressure from the rental community. In response to a question regarding potential disadvantages, Ms. Shook explained that tenants in Neighborhood Conservation Districts were required to register their vehicles so that staff could keep track of non-related tenants. It was the consensus of Council to direct staff to move forward with the process of designating the Junaluska community as a Neighborhood Conservation District.

KEN SEVENSKY - BLUE RIDGE RELAY

Mr. Sevensky appeared before Council to request permission to cross the Bolick Farm property for a special event in September. He indicated that this would include the crossing of the New River on the property as well. Ms. Meade asked whether Mr. Santucci had been consulted since the environmental effects on the property and the river should be considered due to the number of runners. She added that while there is insurance coverage involved, there is some risk to the town that a claim of negligence could be asserted against it, and that for this reason it was appropriate for Council to decide whether or not to approve the request. Mr. Sevensky noted that runners do sign a waiver prior to the race. Ms. Meade noted that the Town was not making the judgment that the course was appropriate. Mr. Santucci indicated that the project was new and that having this number of runners could be problematic. Ms. Roseman suggested that pace cars be implemented to escort runners across the bridge rather than the runners crossing the river. Mayor Futrelle was wary of allowing the event to jeopardize the environmental project and offered to have staff contact the NCDOT in support of the project. Mr. Santucci offered to assess the property along with Mr. Moody and Mr. Sevensky and report back to Council. It was the consensus of Council to table this item until the next regular Town Council meeting.

ADOPTION OF ITEMS ON CONSENT AGENDA

Ms. Roseman and Mr. George offered minor typographical errors in the minutes for revision.

In regards to the Hazard Mitigation Plan, Mr. George asked when the flood plain maps for the Town of Boone would be updated. Ms. Shook noted that staff did not update the maps, but that they would be updated this year or next year.

Ms. Roseman was in strong support of paying tribute by way of funding the Horn in the West/Daniel Boone Park. She also supported the Resolution in Support of Women's Reproductive Rights before she praised Tom Lanier and thanked him for his years of service.

Mr. Carter was in support of the Resolution in Support of Women's Reproductive Rights, and asked for a Howard Street update. Deputy Public Works Director Todd Moody indicated that staff had received two of the five easements needed to move forward with the project.

Mayor Pro-Tem Tugman asked for an update on the progress on the banning of single use plastics. Sustainability and Special Projects Manager George Santucci replied that Boone and other communities were trying to figure out the most appropriate steps to take to move away from single use plastics. Mayor Pro-Tem Tugman suggested three towns come together to submit local legislation for a pilot program to ban these plastics. Mr. Santucci agreed, and added that he was still exploring incentivization programs. Mr. Santucci noted that staff was working to distribute reusable bags throughout different businesses. Mr. Carter asked that staff look into ways to partner with the Farmer's Market to distribute these bags.

Mayor Futrelle expressed his support of the request to apply room occupancy tax proceeds to Horn in the West/Daniel Boone Park facilities.

Upon a motion by Ms. Roseman, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to approve the following items on the consent agenda with the amendments noted to the minutes:

1. April 13, 2022 Regular Town Council Meeting Minutes
2. May 11, 2022 Regular Town Council Meeting Minutes
3. May 25, 2022 Regular Town Council Meeting Minutes
4. June 1, 2022 Special Town Council Meeting Minutes
5. June 8, 2022 Regular Town Council Meeting Minutes
6. June 22, 2022 Regular Town Council Meeting Minutes
7. Budget Amendments: Police Department to: Advertising \$263 From: Sale of Surplus Property (\$263)
Police Department to: Maintenance Vehicles \$878 From: Misc. Revenue (\$878)
8. Request to Apply Room Occupancy Tax Proceeds to Horn in the West/Daniel Boone Park Facilities
9. Resolution of Appreciation – T. Lanier
10. Resolution in Support of Women’s Reproductive Rights
11. Resolution of Adoption – Hazard Mitigation Plan
12. Resolution Regarding HB 291
13. Watauga County Jail Local Landmark Designation Report
14. Joint Comment Letter Concerning Carolinas Carbon Plan

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RESOLUTION OF APPRECIATION – TOM LANIER

WHEREAS, Tom Lanier has served this community well in his capacity as host of the morning radio show for local radio stations WATA and WZJS; and,

WHEREAS, these years of service have been marked by exemplary dedication to the best interest of the community as he has worked constantly for the betterment of its development for the past fifty years; and,

WHEREAS, the Town has benefitted greatly because of his particular work in covering local news and events; and,

WHEREAS, he has earned the admiration and high regard of those with whom he has come into contact, who are proud to call him a friend; and,

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Boone does hereby express our sincere appreciation and thanks, as well as that of our citizens to Tom Lanier for fifty years of distinguished service to the community.

BE IT FURTHER RESOLVED that a copy of this resolution shall be given to Tom Lanier with sincere best wishes for continued success and many happy years ahead.

Adopted by unanimous vote of the Town Council on the 13th day of July, 2022.

Mayor Tim Futrelle

_____(SEAL)
Nicole Harmon, Clerk

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RESOLUTION IN SUPPORT OF WOMEN’S REPRODUCTIVE RIGHTS

WHEREAS, the Supreme Court of the United States issued a decision to strike down Roe v. Wade; and,

WHEREAS, as a result of this decision, abortion is no longer federally protected as a constitutional right; and,

WHEREAS, comprehensive abortion care is included in the list of essential health care services published by the World Health Organization in 2020; and,

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Boone does hereby express our firm support of President Biden’s executive order safeguarding abortion rights, as well as Governor Cooper’s executive order protecting abortion access.

BE IT FURTHER RESOLVED that the Mayor and Town Council of the Town of Boone, North Carolina shares in the alarm of the community at the news of this setback in progress made over the past fifty years. We share in the sadness, loss of dignity, and helplessness felt by women, girls, and the gay and trans community by this ruling. We share in the anger felt by the community in these attacks on basic human rights, and the denial of safe, quality health care to those who are in need of it most.

Adopted by unanimous vote of the Town Council on the 13th day of July, 2022.

Mayor Tim Futrelle

_____(SEAL)
Nicole Harmon, Clerk

RESOLUTION OF ADOPTION TOWN OF BOONE HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within the Town of Boone are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the Town of Boone are particularly vulnerable to flooding, wildfire, high winds, snow and ice; and

WHEREAS, the Town desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 --- Senate Bill 300 effective July 1, 2001), states therein in Item (a) (2) "For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act"; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five-year cycle; and

WHEREAS, Watauga County has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Town Council of the Town of Boone to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

NOW, therefore, be it resolved that the Town Council of the Town of Boone hereby:

1. Adopts the High Country Regional Hazard Mitigation Plan; and
2. Vests the Town Manager and/or their designee with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints the Town Manager and/or their designee to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Town Council for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted on this 13th day of July, 2022.

By: _____
Tim Futrelle, Mayor
Town of Boone

Certified by: _____ (SEAL)
Nicole Harmon,
Town Clerk

Resolution

WHEREAS, recognizing the importance of zoning to the peace and prosperity of North Carolina's municipalities, for generations the State of North Carolina has allowed municipalities to regulate local development; and

WHEREAS, municipalities in the State of North Carolina have their own unique characteristics and challenges so that a “one size” does not “fit all”, and statewide zoning mandates thus may have unintended negative consequences for the residents of the State, and

WHEREAS, unfunded mandates by the State, particularly during a time when local revenues are under pressure due to COVID-19 and other factors affecting local economies, will force communities such as Boone to either increase property taxes or decrease services critical to their residents, such as street maintenance or fire and police protection; and

WHEREAS, a bill currently pending in the North Carolina General Assembly, HB 291, and would force municipalities to complete an "initial plan review" of commercial and multi-family development plans initially sealed by a "design professional," without regard to their complexity, deficiencies, or impacts of human health and safety, within 21 days, and issue permits within 21 days of the application for development unless additional information is requested within the first 15 days; and

WHEREAS, HB 291 provides that if within the initial 21-day period, if additional information is requested by the town, permits must be granted within 15 days of the submission of additional information or the developer may retain " the Department of Insurance and its marketplace pool of qualified Code-enforcement officials or utilize a third-party architect or engineer that possesses a valid certificate under G.S. 143-151.13 to perform the initial plan" at the expense of the municipality. Additionally, though the municipality would be required to pay for the

plan review, the municipality “shall refund or waive all plan review fees and building permit fees for the project upon issuance of a building permit” thus unfairly placing the burden of taxpayers to pay for the private development permitting by commercial and multi-family developers; and

WHEREAS, HB 291 does not clearly identify how matters related to zoning interact with the building permit plan review and inspection process causing uncertainty to departments across the state; and

WHEREAS, HB 291 does not take into consideration that the Fire Code requires knowledge of local firefighting tactics (which vary from jurisdiction to jurisdiction) in order to be able to review and approve components for fire protection systems; and

WHEREAS, HB 291 does not take into consideration the actual practices and complexities involved in the issuance of building permits and final certificates of occupancy by the municipality, which often involve coordination between the inspections department, the fire department, the public works department, and potentially other departments and outside agencies to ensure that the project is compliant with all local and state requirements; and

WHEREAS, in order to comply with HB 291, the Town of Boone may have to expand its planning and inspections department, which would force an increase in property taxes or a decrease in other services; and

WHEREAS, HB 291 essentially redirects long-extant governmental functions now performed by local governments to protect the public and to allow for the orderly growth of communities through zoning, to private engineering or architectural firms which may have conflicts of interest and with no accountability or recourse for decisions which may violate local ordinances; and

WHEREAS, property owners in the Town of Boone often purchase their properties at premium prices in order to have the benefits and protections of local zoning ordinances which protect their investments from incompatible and unsafe development; and

WHEREAS, commercial developers within the Town of Boone, often with no prior connection with the town but attracted to the large university student housing market, have sought to build commercial developments that were substandard and non-compliant with building and zoning standards, and would have harmed the quality of life for residents of adjacent and nearby neighborhoods; and

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

1. That the General Assembly not adopt HB 291;
2. That, if passed, the Governor, the Honorable Roy Cooper, veto these measures;
3. That the town manager employ the town's lobbyists to work to prevent the passage of these bills;
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 he or she deems prudent in seeking to prevent the adoption of these bills; and
6. That the town manager promptly issue a press release warning the citizens of Boone about these bills.

This the 13th day of July, 2022.

Tim Futrelle, Mayor

ATTEST:

_____(SEAL)
Nicole Harmon, Clerk

Mayor Futrelle declared a break at 10:42 a.m. Council reconvened at 10:55 a.m.

COUNCIL MATTERS

TOWN MANAGER UPDATE

Ms. Davis updated Council on the following topics:

-Covid-19: Governor Cooper's State of Emergency will be lifted effective August 15. A July 6 report indicates waste water particles down 600,000 from prior week, but statewide cases were up 1,000 from the prior week.

-Human Resources Director Dale Presnell worked to renew worker's compensation insurance policies for a minimal increase.

-264 trees were recently planted at the Bolick property, along with 40 pollinator plants at the Jones House. This brings the total number of plants placed to between 1,000-1,500 trees at the Bolick property.

-Members of the Police Department attended a local Faith Action ID event, and held a Pack the Patrol Car event to collect baby items.

-Meadowview Condo Association granted the Town of Boone a sidewalk easement for installation of a new sidewalk along Meadowview Drive. This easement was given at no cost to the Town and will aid in efforts to expand our sidewalk infrastructure.

-After completing sidewalk installation on the north side of King Street from Appalachian Street to College Street, Greene's Construction has begun work on the section from North Water Street to Straight Street. This section will consist of new sidewalk with a brick paver border and installation of seven black streetlight poles. Staff also plans to add an EV charger in one parallel parking space while this project is underway. Greene's will also task a second crew to begin sidewalk installation along both sides of South Depot Street beginning by the end of July. We will utilize Town staff to replace a section in front of Shoppes at Farmer's in coordination with the North Carolina Department of Transportation's crosswalk upgrades at the King Street/Depot Street intersection.

-The Facilities Maintenance Division will begin installing the ADA accessible walkway utilizing funding approved for fiscal year 22/23. This project will consist of regrading and paving for a new accessible parking space, minor storm drainage work, and a concrete walkway leading from the parking area to the stage area while also providing a connection to the newly constructed accessible restroom. After coordinating with the gardens staff in an effort to minimize the impacts of this project, this work is scheduled to begin in August.

-The Street Department is planning to resurface the following streets beginning by August to be completed before the fall.

1. Park Street
2. Dotson Drive
3. Quail Street
4. Dove Circle
5. Pheasant Ridge Road
6. Robin Lane
7. Horn in the West Drive – From Highway 321 to the intersection with Oak Street

-Staff is continuing to install the new type water meter with 1,510 or 22% installed to date. Additionally, remote functionality equipment is currently being installed. New meter installation will continue as funding allows.

-Geo technical work results at the Deck Hill water storage tank site should be received very soon which will allow completion of project plans and solicitation of competitive construction bids from qualified contractors. Once project plans have been finalized, staff will continue purchase negotiation with the property owners.

-Staff is currently working with one of our on-call design professional to develop a comprehensive water and sanitary sewer capital improvements plan (CIP) that will provide us with information and planning resources regarding future infrastructure needs.

-Staff has received 6 bids from well qualified contractors on the Church Street Water Storage Tank Rehab project. The results will be provided to Council in August for further consideration.

-Staff is working with one of our on-call design professionals to develop project scope, specifications and informal bidding documents on the Jimmy Smith WWTP – UV Treatment System replacement installation project. Our design professional will also aid in bid solicitation and project inspection. The Town directly purchased the replacement UV system during the last budget cycle utilizing grant funds made available to us through the American Recovery Act. The installation phase of this project is funded in the current budget cycle and is planned for this summer.

-Newly hired DBDA Coordinator Paige Henderson will be attending the upcoming Mainstreet USA conference.

TOWN ATTORNEY UPDATE

Ms. Meade updated Council on the following topics:

-Ms. Meade indicated that the Town Manager hiring process was required by law to be done confidentially. She stated that the process has been set up with a citizen's committee as Council requested, and that initial interview dates were being set for the final week in July.

-The Historic Preservation Commission recently held a second Public Hearing regarding the proposed 20 room hotel on the former Cafe Portofino space. She indicated that the plan was approved and would come before Council for conditional district zoning due to the proposed height being higher than what was currently in place.

-Ms. Meade added that the Watauga County parking garage proposal was also heard by the Historic Preservation Commission, though it was not finished. The case will continue on July 26 and would then come before Council for conditional district zoning.

BOARD LIAISON REPORT

Mr. Carter updated members on the AppalCart board, stating that next Wednesday the public would be given a preview of the new electric bus. He added that the plan was to receive the bus by the end of the month.

Ms. Roseman stated that Historic Preservation Commission funds were depleting. She also stated that the Watauga Arts Board would meet Thursday.

Mayor Pro-Tem Tugman indicated that the DBDA reviewed the open board positions, workplan, and public art. She added that a Boonerang discussion was held and that sidewalk priorities were discussed. Mayor Pro-Tem Tugman indicated that the new DBDA coordinator was introduced, and that there was a great response to recent pride events. She added that food truck and street vendors would be discussed at upcoming meetings.

Ms. Nenow stated that the Sustainability Committee recently discussed tree planting, reusable bags, green business qualifications, and the recent survey results.

APPOINTMENT TO COMMUNITY APPEARANCE COMMISSION

Mr. George nominated Kendell Holouser to the student seat, Caroline Knight to a three year seat, Elliot Sheehan to a two year seat, Evan Warren to a two year seat, and Paige Smith to a one year seat. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE:	Aye:	All
	Nay:	None

Kendell Holouser's term will expire June 30, 2023

Caroline Knight's term will expire June 30, 2025

Elliot Sheehan's term will expire June 30, 2024
Evan Warren's term will expire June 30, 2024
Paige Smith's term will expire June 30, 2023

APPOINTMENT TO DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Ms. Roseman nominated Sarah Long for reappointment to the Downtown Boone Development Association. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE: Aye: All
 Nay: None

Ms. Long's term will expire on July 13, 2025.

APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

It was the consensus of Council to table this item until the July 27 Town Council meeting to allow staff time to investigate vacant positions.

REQUEST FOR APPOINTMENTS TO ARMORY PROJECT COMMITTEE

After brief discussion, Mr. Carter nominated Mayor Pro-Tem Tugman and Mr. George to serve on the Imagine Watauga Armory Project Committee.

CONSIDERATION OF POSSIBLE MEETING DATES FOR INITIAL COMPREHENSIVE PLAN MEETING

Upon a motion by seconded by Council voted unanimously to hold a special meeting on August 3, 2022 at 9 a.m. in Council Chambers to discuss Comprehensive Plan updates.

CLOSED SESSION

Upon a motion by Ms. Roseman, seconded by Council voted unanimously to enter into closed session pursuant to:

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

Upon a motion by Ms. Roseman, seconded by Mr. George, Council voted unanimously to exit closed session at 1:46 p.m.

ADJOURNMENT

It was the consensus of Council to adjourn the meeting at 1:48 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor