

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
July 24, 2024**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:00 p.m. on Wednesday, July 24, 2024 at the Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council members present included Mayor Pro-Tem Dalton George, Eric Plaag, Edie Tugman, and Todd Carter. Staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Planning Director Jane Shook, Deputy Planning Director Brandon Wise, Police Chief Andy Le Beau, Public Works Director Todd Moody, Sustainability and Special Projects Manager George Santucci. Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

ANNOUNCEMENTS

WORK SESSION

WORK SESSION ITEM - NAMING OF MORNINGSIDE DRIVE PROPERTY

Council member Carter began the discussion by suggesting the park's name be Morningside Preserve. Mayor Pro-Tem George suggested honoring former Council member and Town Attorney Sam Furgiuele by naming the park after him, the Furgiuele Nature Preserve. Council member Plaag acknowledged that Sam was a strong Town Attorney and believed there would one day be an appropriate time to honor him in the future, but suggested the name remain something similar to Morningside Natural Preserve as long as there were no issues with that. Sustainability and Special Projects Manager George Santucci answered that there was no issue with the suggested name that he was aware of. Council member Tugman noted that the property was also used as a playfield and found the name to be contradictory. Attorney Meade stated that the term "preserve" set a higher expectation for developing nature paths and the like, but suggested that Morningside Natural Area or Morningside Conservation Area would be more fitting for the time being. Council member Carter asked that the name be cohesive with the work that would be done in the future with the restoration project. Council member Tugman then made a motion to name the FEMA reclaimed property that fronts Morningside Drive be officially named the Morningside Preserve. Council member Carter seconded the motion.

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

WORK SESSION ITEM - UDO BOARD EXPECTATIONS & STIPEND DISCUSSION

Manager Davis indicated that she and staff had gone through the rosters and looked at scheduled meeting dates to calculate the highest-dollar scenario of \$150 per meeting. She added that \$40,000 would need to be added to the budget to do that. Planning Director Shook suggested that Council consider paying the stipend per month rather than per meeting since some boards meet more than once a month. Town Attorney Allison Meade noted that only quasi-judicial boards should receive the stipend, so the regular advisory Historic Preservation Commission meetings would not be paid. Mayor Pro-Tem George noted that this was only a stipend that was being considered to prevent barriers keeping people from serving on various Town boards, and emphasized that a board term was not a job. Council expressed concern with the burden on staff of having to keep up with board member attendance and hours served. Manager Davis added that she did not feel comfortable handing out money to board members if they did not attend meetings. Attorney Meade agreed that attendance should be required to receive payment. Manager Davis then suggested a stipend of \$150 per meeting paid quarterly with members expressing general agreement. Mayor Pro-Tem George then voiced concern that some members of the Planning Commission only ever attended meetings virtually and did not interact at all. While he appreciated hybrid options, Mayor Pro-Tem George felt that they should be allowed only for travel and health issues and that a member should not be allowed to serve totally virtual. Council member Plaag noted that one Planning Commission member did not attend in person due to health reasons and stated that he would like to leave the virtual option open for certain cases. He added that he would like for the department that oversaw that particular board to be in charge of granting that accommodation. Council member Plaag was also concerned with board members who did not utilize their screens during meetings. Mayor Pro-Tem George and Council member Carter

agreed that there was an expectation that the camera should be on as often as possible. It was the consensus of the Council to continue to allow hybrid meetings (at staff's discretion) as long as members kept their cameras on. Council member Plaag then made a motion to initiate compensation of \$150 per meeting per board member for Board of Adjustment meetings, Planning Commission Public Hearings, and Quasi-Judicial meetings of the Historic Preservation Commission. Council member Carter seconded the motion.

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

Attorney Meade indicated that she had recently been informed that the filing fee for appealing a staff decision or planning matter to the Board of Adjustment was much higher than she was aware of. She noted that, at some point, there was a decision to engage in cost recovery on that fee, which is \$900, compared to a state court filing fee of around \$200. Attorney Meade stated that in light of possible due process concerns, she did not feel that this was a proper area for cost recovery. She suggested reducing the fee from \$900 to around \$300 for any quasi-judicial appeals. It was the consensus of Council to direct staff to amend the fee schedule and bring back to the next regular meeting for consideration.

PUBLIC COMMENT

No one was signed up to speak during public comment.

TENTATIVE AGENDA ADOPTION

Upon a motion by Council member Plaag, seconded by Council member Carter, Council approved the agenda as presented.

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

REQUESTED APPEARANCES

KIM CASE - MY FUTURE NC

Kim Case, Regional Impact Manager of myFutureNC gave a presentation about the organization and its benefits to the area. A complete copy of the presentation can be viewed online at https://boonenc.igmm2.com/Citizens/Detail_Meeting.aspx?ID=3800. She also presented a resolution for Council's consideration. At the conclusion of the presentation, Council member Plaag asked whether there had been any discussion by the organization regarding an outcome-based rebate or debt forgiveness program for meeting educational goals set forth in the presentation. Ms. Case answered that she had not heard about such a program but was excited at the suggestion. Council member Carter applauded the program and its achievements thus far. Council member Tugman expressed concern that the current legislature continued to emphasize the voucher program, which continued to remove students from the public school population. She noted that students from private, charter, religious, and home schools were not incorporated into any of the statistics used in the presentation. Council member Tugman was worried that the legislature was diverting significant amounts of money from the public education system and that controversies arise across the state on the matter. Ms. Case answered that public charter schools reported information to the organization but that she was only able to capture the number of enrollees in other private schools. Regarding the proposed resolution, Council member Plaag asked whether Council had the authority to sign it since municipalities did not have jurisdiction over the education system. Attorney Meade confirmed that the Town did not have jurisdiction over the education system but did not believe Council should be too concerned with signing the resolution since it was only supporting the organization to achieve its goals. Council member Carter felt that the Town could not be a part of the collective impact of the program if the resolution was changed. Council member Plaag replied that he was concerned that the signing of the resolution lay outside the Town's charter. Council member Carter stated that he would not vote for the resolution if it was changed. Council member Tugman suggested Attorney Meade review the resolution, change it as needed, and present the original and updated version at the next regular Council

meeting. Ms. Case added that the Council was welcome to change the resolution to fit its needs, but she hoped if it chose to approve it, the Council would engage in the program.

PLANNING MATTERS

CONSIDERATION OF DATE FOR NEIGHBORHOOD CONSERVATION DISTRICT (NCD) WALKS

It was the consensus of Council to hold Neighborhood Conservation District walks on August 28 from 1-5 p.m., August 29 and September 5 from 2-6 p.m.

COUNCIL MATTERS

REQUEST TO ACQUIRE APPRAISAL OF BOLICK PROPERTY

Council member Plaag made a motion, which was seconded by Council member Tugman, to approve the Town Manager's request to obtain an appraisal of the Bolick property.

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

REQUEST FOR APPROVAL TO PROCEED WITH PURCHASE OF PROPERTY LOCATED ON HIGHWAY 421

Attorney Meade requested formal approval by Council to proceed with purchase from US Hwy 421, LLC of the 15.523 acre tract located on Highway 421 (PIN 2921-90-1402-000) currently under contract. She noted that the examination period would end July 26 and that there were no issues of concern to report. Upon a motion by Council member Plaag, seconded by Council member Tugman, Council directed that the Town proceed to close on the purchase of the property..

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

CLOSED SESSION

Upon a motion by Mayor Pro-Tem George, seconded by Council member Tugman, Council voted to enter into closed session at 7:35 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)(5) Establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

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

Upon a motion by Mayor Pro-Tem George, seconded by Council member Carter, Council voted to exit closed session at 7:58 p.m.

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

ADJOURNMENT

Mayor Futrelle adjourned the meeting at 8:00 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor