

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
July 27, 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 (participated remotely), Virginia Roseman, Dalton George, and Becca Nenow. Staff present included Interim Town Manager and Finance Director Amy Davis, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Planning Director Jane Shook, Sustainability and Special Projects Manager George Santucci, Human Resources Director Dale Presnell, Long Range Planner Jessica Mitchell, Cultural Resources Director Mark Freed, Deputy Public Works Director Todd Moody and Police Chief Andy Le Beau. Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

ANNOUNCEMENTS

Mayor Futrelle announced that an item had been added to the agenda just prior to the meeting to consider appointments to the armory project committee.

TENTATIVE AGENDA ADOPTION

Upon a motion by Ms. Roseman, seconded by Mr. George, Council voted unanimously to approve the agenda.

PUBLIC COMMENT

Andrea McDonough on behalf of the Beanstalk Community Theatre thanked Council for its recent donation to the Appalachian Theatre.

COUNCIL MATTERS

APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

Ms. Shook updated Council by indicating Rennie Brantz would not be returning to the board, and that Chuck Watkins will stay on the board for another year or until replaced. She recommended that Mr. Sharpe be appointed to fill Dr. Brantz's position. Ms. Roseman nominated Mr. Sharpe to fill the remainder of Mr. Brantz's term. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE:	Aye:	All
	Nay:	None

Mr. Sharpe's term will expire on June 30, 2024

CONSIDERATION OF CASES HEARD AT THE JULY 25, 2022 PUBLIC HEARING

Case PL05826-062722: Appendix D Modifications (Downtown Boone Local Historic District Design Standards) – UDO Text Amendment

Mr. George made a motion to approve the proposed amendment to the Town's zoning ordinance and that it 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 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. 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. Comprehensive Plan Policy 2.1.5 Downtown A.4 Establish specific architectural and design standards for downtown consistent with its location, setting, and various functions. The motion was seconded by Ms. Roseman and carried unanimously.

Ms. Roseman then made a motion to approve ordinance PL05826-062722 and believes approval is reasonable

and in the public interest because these changes will streamline the process for those needing COA's and would allow them to move forward with their projects more expeditiously. Mr. George seconded the motion, which carried unanimously.

ORDINANCE # PL05826-062722
AN ORDINANCE TO REVISE APPENDIX D OF THE TOWN OF BOONE UNIFIED
DEVELOPMENT ORDINANCE

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. 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 27th day of July, 2022.

The Honorable Tim Futrelle, Mayor

Attest:

Nicole Harmon, Town Clerk

EXHIBIT

A

UDO Appendix D, Downtown Boone Local Historic District Design Standards

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Notice of Hearing

Planning and Inspections Staff shall give notice of any official hearing of the board as ~~follows~~required by UDO Subsection 6.01.04:.

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- ~~1.~~ Mailed notice, stating the date, time, and place of hearing, will reasonably identify the lot that is the subject of the application and give a brief description of the request. This notice shall be sent by depositing in the mail at least ten (10) days, but not more than twenty five (25) days, prior to the date of the hearing to:

- ~~a.~~ The person or entity whose application is the subject of the hearing; and

- ~~b.~~ The owner of the property that is the subject of the property if the owner did not initiate the hearing; and

- ~~c.~~ The owners of all parcels of land abutting or located within 150' of the parcel that is the subject of the hearing.

- ~~2.~~ Posted Notice: At least ten (10) days, but not more than twenty five (25) days prior to the date of the hearing, the Administrator shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right of way. The signs to be posted shall include the date, time and location of the hearing and shall direct the public to detailed information about the hearing.

(Ord. PL04402-0211822, 04-13-2022, Ord. PL05504-021822, 06-08-22)

Hearing

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- All hearings shall be conducted in a quasi-judicial manner as described in UDO Article 6 Quasi-Judicial Hearings, Subsection 6.01 Provisions Applicable to All Quasi-Judicial Hearings and the Commission's adopted Rules of Procedures. Applicants must attend the hearing at which their application will be

considered or send a representative to appear who can speak for and legally bind the applicant. During the hearing, the application will be reviewed for compliance with all applicable ordinances and codes. Applicants, their representatives, and any adjacent property owners will be given the opportunity at the hearing to make brief comments.

The Historic Preservation Commission must issue or deny within 180 days but typically takes action within 90 days or less after the filing of a completed application, except when the time limit has been extended by mutual agreement between the applicant and the Commission. Once an application has been approved, a formal mailed notice and a COA permit placard will be issued. The placard should be posted in a window or elsewhere on the property where it is visible from the street for the duration of the project.

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Residential Properties Within the District Standards for Residential Properties Within the District

These Standards for residential properties are intended to address many of the most common issues to arise during renovations, additions, and new construction in the District. Where the Standards are silent on a particular issue or concern, the HPC will rely upon the Secretary of the Interior's Standards for Rehabilitation to guide their review of the proposed work under the COA process and any subsequent recommendations.

"Residential Property" Defined

A **residential property** within the District is any property whose purpose-built function at the time of construction was to serve solely as a residence for long-term (greater than 30 days) occupants. Such properties may include single-family homes, single-family residences with an accessory purpose, apartment homes, condominiums, or apartment complexes that were built strictly for apartment living without a mixed-use component in any other part of the building.

Buildings within the District that meet this definition include, but may not be limited to, the John Walter Jones House (WT0008), ~~the Oscar and Suma Hardin House (WT0056)~~, the Watauga County Jail (WT0067), the Frank A. Linney House (WT0582), the Stanley

A. Harris Apartment House (WT0805), the Terrace Apartments (WT0809), the J. M. and Ida Moretz House (WT0810), the A. E. and Roberta Hodges House (WT0818), the Dr. H. B. Perry Building (WT0844), the Chapell Wilson/B. G. Teams House (WT0845), and the G. F. and Josie Critcher House (WT0876).

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Design Standards For Commercial Properties Within the District

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14. New Construction of Commercial Buildings within the District

It is inevitable that new commercial buildings will be constructed within the District. The intention of these design standards is not to prevent such changes but to ensure that new construction is compatible with and complementary to the integrity and architectural character of the District. While new commercial buildings should not attempt to replicate existing historic properties, they should mesh with and support the historic design principles of the other commercial properties in the District. These standards are

intended to preserve the integrity of the District while also encouraging sensitive and appropriate new construction.

~~a.~~ New commercial construction within the District should not seek to duplicate historic buildings in the District or mimic their appearance. That said, new construction should strive to be sensitive to and compatible with the character-defining features of the commercial properties in the District. Thus, new construction should employ architectural design that reflects its current time, place, use, and culture, provided that this design is compatible with the character of the District.

~~b.~~ New construction should incorporate the predominant historic materials typical in surrounding historic buildings when possible—usually brick, native stone, structural glass, wooden trim, and similar historic materials. Synthetic, non-traditional materials, such as vinyl, synthetic stone, fiber cement board, aluminum, plywood, parging, and pre-formed concrete panels, are not permitted in new construction. It is NOT appropriate in new construction to use contemporary substitute materials in place of traditional materials. The use of the highest-quality, historically appropriate, exterior facing materials is encouraged.

~~c.~~ Design, height, massing, and proportions of new buildings should complement and be compatible with the dimensions of neighboring buildings with similar character and style. New buildings should not overpower adjacent buildings or the District as a whole as a result of out- of-scale massing, footprint, height, or overhang. Roofs, fenestration, and materials should be compatible with surrounding buildings. Traditional separations between storefronts and upper facades should be maintained and consistent with those existing in adjacent or nearby buildings. Vertical divisions maintain the feeling of traditional building widths and should be maintained. New buildings generally should align with adjacent buildings facing on the same street and conform to existing setbacks from the street. The primary façade and main building entry shall face the primary public way.

~~d.~~ ~~Combining lots for the purpose of building a single building across multiple lots is not permitted in the District, as it disrupts the historical town planning system and does not align with the massing and scale of the District's historic building patterns. Reserved~~

14.5 The appropriateness of the site for a new commercial construction project will be evaluated based upon its compatibility with the district context in terms of setback, spacing, orientation, topography, height, and landscaping. New buildings should have setbacks, orientation, lot coverage, and spacing that align with existing historic properties and comply with the provisions of the Town UDO.

~~e.~~ New construction should respect the existing topography and vegetation on the site. Large-scale grading to level or otherwise dramatically alter the natural slope of a lot is destructive to the historic landscape and is not appropriate. Whenever possible, existing trees and historic landscape features should be incorporated into the design for a new property. If large trees must be removed, they should be replaced with trees similar in type and species. During construction, any mature tree that will not be removed should be protected with appropriate fencing around the tree's canopy area that will eliminate construction parking, material storage, and concrete washout that could harm the mature tree.

~~f.~~ The appropriateness of a proposed new commercial building will be evaluated based on compatibility in terms of scale, height, form, massing, materials, openings, roof pitch, roof type, and other details with the District context.

~~g.~~ New commercial construction should incorporate architectural elements and details into new construction that provide human scale. Do not add fanciful decorative elements

and colors that are out of place or not in keeping with the historic context of the District and/or adjacent historic properties.

- h. Oversized and monumental scale architecture is not appropriate, and the overall height and width of the new buildings should be compatible with neighboring structures and Town UDO requirements.
- i. Historically, most of Boone's downtown commercial buildings had flat roofs. Residential roof types are not permitted in new commercial buildings. Roof planes should be hidden from view on the façade, and rooflines should be decorated using historic decorative details, using historic photographs and/or neighboring buildings as a guide. Walls should not appear to terminate at flat roofs, except along the tertiary elevation. Instead, flat roofs should be concealed from view by using historically appropriate pitched roof features, parapets, or a mixture thereof. Where only one elevation has this condition, the parapet or other feature will continue four feet along the adjacent elevation. The minimum slope for pitched roofs is four feet vertically to every twelve feet horizontally. Where a parapet intersects with a pitched roof element, there shall be no apparent breaks in the parapet wall.

15. Height, Width, Spacing, and Setback Requirements

For details on building height, width, spacing, and setback requirements for commercial buildings in the Town of Boone, please consult the Town of Boone UDO. Generally speaking, building spacing, height, and width in the District shall maintain consistency

with the spacing, height, and width of surrounding buildings to the greatest degree possible.

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Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District

Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District

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Streetscapes

In contrast to the natural elements around which communities are often organized, historic streetscapes instead represent the built environment that defines the character, context, and components around which a community grows and evolves. Typically, buildings are the most obvious and dominant streetscape features, but this type of landscape includes other elements, including the spaces between buildings, private yards, alleyways and streets, sidewalks and other pedestrian elements, lighting, fences, public benches, retaining walls, monuments, public art, and street signage.

With regard to all streetscapes in the District, the following standards should be observed:

- j. The form, scale, and massing of building facades located along public ways should be preserved.
- k. The width, alignment, and configuration of streets, alleys, sidewalks, and walkways within the District should be retained and preserved.

- ~~L.~~ The intended sightlines and views of historic public monuments and public art should be maintained.
- ~~M.~~ Historic streetscape features, including lighting, fences, benches, and signage, should be preserved.
- ~~N.~~ When installing new street and building lighting, select fixtures that complement the height and character of existing streetscape features and surrounding architecture, and that align with the historic context of the properties in question. Employ the minimal street lighting levels required for public safety while striving to eliminate light pollution. Whenever possible, lighting should be directed toward the ground, away from surrounding properties, and be shielded from direct view.
- ~~O.~~ All historic streetscape elements between buildings—most particularly road width, grade, crown, swale, curbing, sidewalks, lawns, tree plantings, and setbacks—should be preserved and maintained.
- ~~P.~~ Shared and public open spaces visible from public ways created by private yards, natural settings, and building setbacks should be preserved and maintained.
- ~~Q.~~ Historic traffic circulation patterns along sidewalks and roadways, including dual or one-way designations, should be preserved and maintained whenever possible.
- ~~R.~~ Existing historic ~~property lines~~, block patterns, setbacks, and other land divisions—both natural and created—should be maintained.
- ~~S.~~ When necessary, prune or remove and replace trees that threaten public safety, utilities, or property. When considering new plantings near existing utilities, select historically appropriate, native species that will not interfere with the utility when they reach mature height.
- ~~T.~~ Historic street paving and sidewalk materials, as well as historic curbing, should be retained and preserved, using salvaged or historically compatible materials when repairs are necessary. If historic materials cannot be found, substitute materials may be used, provided they replicate the durability, color, texture, and appearance of the original historic materials.
- ~~U.~~ To prevent damage to historic street paving and sidewalk materials, the Town of Boone and property owners should avoid the application of de-icing salts, relying instead on less intrusive materials such as sand or non-salt chemical de-icers (including calcium magnesium acetate).
- ~~V.~~ New paving and sidewalk materials, especially new accessibility features, should be designed to be consistent with the character and appearance of historic paving materials.
- ~~W.~~ Because historic streetscapes often did not account for the high volume of automobile traffic found today in Boone, parking areas are often a challenge. New parking areas should be as unobtrusive as possible, located behind buildings with access from alleyways and secondary streets rather than along main thoroughfares, and screened with historically appropriate natural plantings and/or fences. Parking decks should be built to complement and blend with the existing historic architecture. Generally speaking, new parking areas should be built on the periphery of the District so as not to impede historic traffic patterns or conflict with historic landscapes and streetscapes.

- ~~X.~~ Materials, architectural features, and entrance orientations of all historic buildings associated with historic streetscapes should be preserved and maintained. Non-historic architectural features, including promenades, porches, and other additions to buildings intended to create an imagined “mountain village” appearance that is not an accurate reflection of the District’s historic buildings and streetscapes, should be removed and/or altered to more accurately reflect the context and history of Boone’s streetscapes. When possible, public-private partnerships, including programs like the Main Street Façade Grant program, should be utilized to restore historic streetscape features.
- ~~Y.~~ Historic accessory structures, such as garages, sheds, and other outbuildings, should be preserved and maintained in situ. Deteriorating buildings should be repaired using salvaged materials that match existing ones. When repair of accessory structures is not possible, only those accessory structures for which there is sufficient historic documentation should be reconstructed using materials and configurations similar to the original structure.
- ~~Z.~~ New accessory structures should be complementary to the scale, form, materials, and details of surrounding historic buildings, but built in such a way that they do not convey a false sense of historic association. New structures should be located at the rear of historic properties so that they do not intrude upon the historic streetscape.
- ~~aa.~~ Property owners and the Town of Boone should protect, encourage, and replace as necessary all street plantings that are in keeping with the historic context of the streetscape and for which there are historic precedents.

Lots and Street Frontages

- ~~2.1~~ For details on minimum lot size, minimum lot width and minimum street frontage, please consult the Town of Boone UDO. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impractical to construct on it a building that could satisfy applicable setback requirements for the District.
- ~~2.2~~ Where a lot fronts two (2) or more streets, the minimum lot width requirement shall be considered met if the lot width at the building line from any one of such streets meets the minimum lot width requirement.
- ~~2.4~~ The minimum width of the frontage of a lot on a street shall be eighty (80) percent of the minimum lot width required for the lot. Easement areas shall be excluded from this requirement.
- ~~2.5~~ Where a lot fronts two (2) or more streets, the minimum street frontage width requirements shall be considered met if the frontage along any one of such streets meets the minimum street frontage width requirements.

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~~3.~~ Fences and Garden Walls

- ~~a.~~ To ensure that landscape materials do not constitute a traffic hazard, a sight triangle ten (10) feet by seventy (70) feet will be observed at all intersections of driveways/streets with adjacent streets. Required street trees shall be planted outside of the sight triangle area, as regulated by UDO Subsection 31.02.02. Shrubs planted within sight distance triangles shall

system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged. C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited. Ms. Roseman seconded the motion, which carried unanimously.

Ms. Roseman made a second motion to deny the proposed amendment to the Town's zoning map and believes that denial to rezone the portion of the property from R1 Single Family to OI Office/Institutional is reasonable and in the public interest because the road that the property is located on is not safe enough to accommodate an institutional office establishment, and also to protect the safety of the R1 neighborhood that joins this property. Mr. George seconded the motion. Mr. Carter offered a friendly amendment to add that the nearby property is in a Neighborhood Conservation District and the rezoning of the property in question would not be compatible with surrounding properties in the area. Ms. Roseman and Mr. George accepted the amendment and the motion carried unanimously.

Case PL05774-060922: Norvell Boone General Use Zoning Map Amendment

Ms. Roseman made a motion to approve the proposed amendment to the Town's zoning map and that it is consistent with the Town's Comprehensive Plan and any other adopted plan(s) of the Town because it 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. B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes. Comprehensive Plan Policy 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. A.1 Conduct on-going assessments of critical locations in the community deserving special attention by the zoning ordinance, in light of their high visibility, traffic impact, strategic location, or other unique features. Continue to encourage significant new public buildings and outdoor spaces to locate in these and other positions of visibility and strategic prominence. Encourage the private sector to do likewise. Mr. George seconded the motion, which carried unanimously.

Ms. Roseman made a second motion to approve ordinance number PL05774-060922 and believes that approval is reasonable and in the public interest because this will bring additional property within the Town limits and the property is on a high slope that cannot be built on so therefore it will remain green space. Mr. Carter seconded the motion which carried unanimously.

RECONSIDERATION OF INITIAL COMPREHENSIVE PLAN MEETING

Ms. Shook presented a request for reconsideration of the initial Comprehensive Plan meeting and presented a list of additional dates. It was the consensus of Council to hold September 12th and 13th at 9:00 a.m. at Town Council Chambers as potential dates, and to pick one of the two dates at the August 10th regular meeting.

SCHEDULING/UPDATES RELATED TO THE TOWN OF BOONE'S ANNUAL POLICE FORUM

Mr. George submitted a request to schedule the annual Police Forum. It was the consensus of Council to hold the forum in a hybrid meeting format on September 29th at 6:00 p.m. Chief Le Beau asked members to send any questions they wanted to be included in the presentation to Town Manager prior to the meeting.

REQUEST FOR APPOINTMENTS TO ARMORY PROJECT COMMITTEE

Mr. George nominated Loretta Clawson to serve as the community representative on the Watauga Tourism Development Authority Imagine Watauga armory project committee due to her understanding of and interest in the nearby parks. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE: Aye: All

Nay: None

Ms. Roseman nominated Mayor Pro-Tem Tugman and Mr. George to serve as Council liaisons on the committee. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE: Aye: All
 Nay: None

CONSIDERATION OF HUMAN RELATIONS COMMISSION APPLICATION

Upon a motion by Ms. Roseman, seconded by Mr. Carter, Council voted unanimously to approve the Human Relations Commission application.

Mayor Pro-Tem Tugman asked members for ideas of who they would like to see serve on this committee. Ms. Roseman indicated that the people she had in mind were members of the LGBTQ community and a member of the local African American community who had experienced discrimination in Boone. She stated that she also knew a member of the college community who was bisexual and had faced some discrimination issues. Mr. Carter stated that the person he had in mind had taken notice of the Town's actions in terms of gay and women's rights, and wanted to become more involved. He indicated that he also knew the parent of a transgendered child who wanted to become more involved as well. It was the consensus of Council to advertise five vacant positions for 30 days, then consider the applications at the next appropriate meeting.

CLOSED SESSION

Upon a motion by Ms. Nenow, seconded by Ms. Roseman, Council voted unanimously to enter into closed session at 6:45 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 Mr. George, seconded by Ms. Roseman, Council voted unanimously to exit closed session at 8:38 p.m.

ADJOURNMENT

It was the consensus of Council to adjourn the meeting at 8:40 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor