

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
August 9, 2023**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 12:02 p.m. at the Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council members present included Mayor Pro-Tem Edie Tugman, Councilmember Todd Carter, Councilmember Virginia Roseman, Councilmember Dalton George and Councilmember Becca Nenow. Town staff present included Town Manager Amy Davis, Communications Specialist Laney Pilkington, Downtown Boone Development Coordinator Lane Moody, Public Works Director Todd Moody, Planning and Inspections Director Jane Shook, Planning and Inspections Deputy Director Stacey Miller, Long Range and Special Projects Planner Jessica Mitchell, Sustainability and Special Projects Manager George Santucci, Cultural Resources Director Mark Freed, Police Chief Andy Le Beau, Community Resource Officer Kat Eller Human Resources Director Dale Presnell, Deputy Director of Public Utilities Josh Eller, and Finance Director Guy Miller, who attended virtually. Town Attorney Allison Meade was also in attendance.

Others in attendance included Amy Whisnat, Nancy LaPlaca, David Jackson, Eric Plagg, Elaine Conti, Fred Milano, Scott MacIntosh, Travis Hutchins, Jill Privott, Brenda Councill, Pam Williamson, Dave Freireich, Mary Strong, Maria Owens, Zan Valliant, and Stephen Phillips. Virtual attendees included “Chris”, “Greene”, “M.M.”, Sarah Odio, and Edmond Miller.

MOMENT OF SILENCE

Mayor Futrelle asked for a moment of silence. Afterwards, Mayor Futrelle then asked for a motion to move into Closed Session.

CLOSED SESSION

Upon the motion of Councilmember Roseman, seconded by Councilmember George, the Boone Town Council voted unanimously to move into closed session.

PURSUANT TO N.C. GEN. STAT.§ 143-318.11(A)(1), TO REVIEW, APPROVE AND SEAL CLOSED SESSION MINUTES FROM COUNCIL'S PRIOR CLOSED SESSION(S).

PURSUANT TO 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.

PURSUANT TO N.C.GEN. STAT. §142-318.11(A)(1), TO PREVENT THE DISCLOSURE OF INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL PURSUANT TO THE LAW OF THIS STATE OR OF THE UNITED STATES, OR NOT CONSIDERED A PUBLIC RECORD WITHIN THE MEANING OF CHAPTER 132 OF THE GENERAL STATUTES; SPECIFICALLY, TO PROTECT INFORMATION EXEMPTED PURSUANT TO G.S. 132-1.7 (PUBLIC SECURITY INFORMATION); AND PURSUANT TO N.C. GEN. STAT.§ 143-318.11 (A)(9), TO DISCUSS AND/OR TAKE ACTION REGARDING PLANSTO PROTECT PUBLIC SAFETY.

TENTATIVE AGENDA ADOPTION

Mayor Futrelle resumed the August 9, 2023 meeting of the Boone Town Council at 1:09pm. He then asked for a motion to adopt the agenda as presented. Councilmember Roseman asked if there were any adjustments which needed to be made. Mayor Futrelle said he did not. Upon the motion of Mayor Pro-Tem Tugman, seconded by

Councilmember George, the Boone Town Council voted unanimously to adopt the August 9, 2023 agenda as presented.

REQUESTED APPEARANCES

Mayor Futrelle began by stating that due to the length of the agenda, order of items may be moved with consent from Council. He went on by asking the presenters for the requested appearances to be mindful of their time. He continued by asking Councilmember's comments to remain topical and relevant to the topics presented. Mayor Futrelle began the request appearances by introducing Mr. David Jackson, the president and CEO of the Boone Area Chamber of Commerce.

DAVID JACKSON - BOONE AREA CHAMBER OF COMMERCE

Mr. Jackson thanked Council for their time, and began by explaining he was here to present a quick update in regards to the Watauga Economic Development Commission (EDC). After giving a brief history of how the Boone Area Chamber of Commerce took over EDC, he explained that the three main points of discussion for the EDC were as follows: housing, childcare, and workforce development. The main goal of the EDC, Mr. Jackson explained, is to solidify economic infrastructure. He went on to explain how the Chamber is currently working on goals on how to fund the EDC more, and how this year was a foundation year for the partnership of the EDC and the Chamber. He then asked the Council if they had any questions. Councilmember Roseman asked Mr. Jackson about the Blowing Rock childcare program, and asked if they has looked at how similar models could be implemented county-wide. Mr. Jackson answered by stating that Blowing Rock is a model which municipalities across the state are looking at as a driver for employee retention. He said that Blowing Rock was fortunate to have an existing building that could be repurposed, as well as staff through the Parks and Recreation programs. He added that he would encourage the Town of Boone to look into this model more. Mayor Futrelle then asked Mr. Jackson to explain more about "buy-ins" from the different municipalities that the EDC serves. Mr. Jackson explained that currently, the EDC is funded by Watauga County solely, as it was a program through the County initially. He added that all municipalities have been told that they can join with no funding necessary, however, he was open to discussing future funding from different municipalities to realize the goal of the EDC. With no further questions, Mayor Futrelle introduced Ms. Sarah Odio with the UNC School of Government Development Finance Initiative.

SARA ODIO - UNC SCHOOL OF GOVERNMENT DEVELOPMENT FINANCE INITIATIVE

Ms. Odio thanked Council for their time and for allowing her to appear virtually. She explained that she worked as the Assistant Director of Housing for the UNC School of Government Development Finance Initiative (DFI). Ms. Odio went on to explain that the DFI was in the process of working with Watauga County in order to develop a predevelopment feasibility analysis for an affordable housing project on Brookshire Road. After explaining, the DFI's role in this process, Ms. Odio said that the goal of the presentation today was to learn if the Town would be willing to extend water and sewer service to that area, and what would be needed from the County and future private developers to accomplish this. She went on to state that a final commitment would be needed in early 2024 before a developer is selected. Ms. Odio ended with clarifying that what she is asking for today is that the Town gives a preliminary commitment to extend water and sewer services to the site, and what the conditions for the extension would be, including regulatory requirements. Mayor Pro-Tem Tugman expressed uneasiness in regards to making a preliminary commitment to extend water and sewer services to the site because there is no information about the property, such as the elevation, if a pump station is needed, and what the density of the development would be. Ms. Odio clarified that for today, she is just looking for the willingness to extend, not who will cover the cost. Ms. Meade asked Council to have Mr. Todd Moody give insight to the technical concerns Mayor Pro-Tem Tugman had. Mr. Moody said he does not feel that there is an issue to running water and sewer to the proposed site, however, he explained that the current issue is that the Town Code does not allow for it as it stands now. Ms. Meade agreed with Mr. Moody, and stated that under certain ordinances annexation is required for water and sewer extension. Ms. Meade then said that with annexation, requirements under the Town's Unified Development Ordinance would be required. Councilmember Carter said that he personally sees this as a concrete opportunity for affordable housing.

Councilmember George reiterated this point, but explained that annexation is extremely important as the Town Code is written to require it. Councilmember Roseman explained that the Council is interested in the opportunity, and is willing to look at different avenues, however more information is required. Mayor Futrelle asked if Council was willing to make a decision. Councilmembers Carter and Roseman reiterated that they want affordable housing within the Town of Boone/Watauga County area, however, not enough information has been given. Mayor Futrelle agreed, and said he would like an open and honest conversation with the County before a tentative agreement is made. Councilmember George reiterated his previous statement, and said that under Town Code annexation is required. Changing the Town Code could take months. Ms. Odio clarified once again that her ask of Council is a “yes to extend IF...” statement. No final commitment is needed today. Mayor Pro-Tem Tugman suggested putting this discussion on the next Council meeting’s work session. Mayor Futrelle and Councilmember George agreed with Mayor Pro-Tem Tugman. Ms. Odio asked what time the next meeting would be. Mayor Futrelle explained that the next Council meeting will be held on August 23, 2023 at 6:00pm. Ms. Odio thanked Council for their time, and looked forward to further discussion. Mayor Futrelle then stated that there were two additional requested appearances, however, as it was 2:00pm, they would need to postpone those appearances until after the public comment portion of the meeting. Mayor Futrelle then asked for a friendly amendment to the agenda in order to allow for public comment to be held at 2:00pm, and the remaining requested appearances be held afterwards. Upon the motion of Councilmember Roseman, seconded by Councilmember George, the motion to hold the remaining requested appearances after public comment was passed unanimously.

PUBLIC COMMENT

Before public comment, Council had a break at 2:05pm. Council resumed at 2:10pm. Mayor Futrelle then thanked the individuals who came to public comment. He then asked for public comment to begin.

Fred Milano:

Mr. Milano thanked Council for their time, and explained that he was opposed to the proposed mountain bike park at the Winkler’s Creek reservoir. He explained that he has been a resident of Boone for forty-seven years, and that the road to the reservoir is dangerous. He also explained that he heard the Town put money towards affordable housing, and that he would like more money put into that rather than money put into a bike park on Winkler’s Creek Road, unless there is a better place to put the bike park.

Scott McIntosh:

Mr. McIntosh explained that he has lived in the Winkler’s Creek area for twenty years, and while is not anti-development, he feels that the road to Winkler’s Creek Reservoir is dangerous. He explained that there had been numerous times where bikers have almost been hit going up that road, and he is nervous that families not from the area will bike up towards the bike park without knowing the road.

Travis Hutchins:

Mr. Hutchins explained he was there on behalf of the Northwest Mountain Bike Alliance, and that after talking with Community Resource Officer Kat Eller, he felt the area above the Jimmy Smith Wastewater Treatment Plant would be good for a multi-use trail. He went on to say that, he saw that it had good access for hikers, bikers, and climbers.

Jill Privott:

Ms. Privott thanked Council, and explained she was a resident of Boone here to present her concerns with the Town and the hurdles the proposed Sesquicentennial Monument has faced. She explained that her mother helped comply the history of Watauga in the 1980s. After explaining her credentials with historic preservation, and her role as the genealogical consultant for the Sesquicentennial Monument committee, she explained her experience with the Boone Historical Preservation Commission. She explained that she felt the questions asked of her during the meeting were not objective, and that the draft meeting minutes she received were not accurate to the discussion held. She felt the meeting minutes from the August 2, 2023 Historic Preservation Commission meeting should not be used to inform the vote from Council. She said the response from the Boone community exceeded the expectations. She also explained she had no monetary gain from the Sesquicentennial Monument. She explained that the families of Boone felt neglected under the planning process of historical recognition, and the their heritage is underrepresented

in the Town of Boone. She ended with explaining that the project is not meant to narrate the story of Boone, but to offer tributes to the heritage of Boone. She said that the Sesquicentennial Monument committee is willing to work with the Historic Preservation Commission on the wording on the plaques.

Brenda Council:

Ms. Council explained that while she is the creator of the Sesquicentennial Monument, she will not be speaking on that today. Rather, she would be speaking in regards to the Boone Cemetery Interpretative Panel Project. She expressed concern over the proposed Boone Cemetery Interpretative Panels, and that as a descendent of Jordan Council, and that the living descendants of Jordan and Benjamin Council request a review by the descendants and an unbiased review from historians be allowed to be considered. She said that the same review was given to Junaluska residents for the Junaluska monument in the cemetery in Town. She asked for Council to review the letters received in their emails in regards to the Boone Cemetery Interpretative Panels. She then expressed the concerns of Tracy Council, who could not make it to the Town Council meeting. She said that she felt the proposed document felt its intent was to paint the Council ancestors in a racist light. She explained that there is no historical record that explains the reasoning why union soldiers were buried in the black section of the Boone Cemetery, and feels that there should not be any motive ascribed to the action. Ms. Council explained that all families represented in the cemetery have been contact, and that she expects many to ask that the cemetery panels be reviewed, and that as decedents from the individuals buried there, ask to be part of the review process.

Pam Williamson:

Ms. Williamson read the following remarks:

I am a Boone Town resident and taxpayer here once again to voice strong opposition to changing the Town's Water Ordinance to exempt certain development projects from required annexation in order to receive access to Boone's water resources.

Even the newly drafted language presented in your agenda packet, as written and if approved, will allow developments like a multi-county slaughterhouse to develop their properties with far fewer restrictions than those of us in town who will pay in more ways than one for their benefit.

Specifically, I would like to address Section (B)(2) of the revised language. It says certain economic or industrial properties that are developed with financial assistance from the Town or the County, can be approved by Council for water resources without annexation with only a rudimentary review-just a general development plan. The proposal notes that "In its discretion, the Council may require documentation sufficient to meet the requirements for site-specific plan approval under the town's development ordinance."

I asked this last time, and I'll ask it again. Why wouldn't the Town REQUIRE approval of a site-specific plan in the first place, especially for a multi-county slaughterhouse and processing facility?

Let's look at the Kill-Chill facility that this ordinance change is looking to individually accommodate by not requiring annexation and without a requirement that the Town's development standards will regulate.

This facility would be located at the landfill but would not serve as a local drop-off for yard debris or old microwaves, but rather as a livestock slaughter and processing center serving producers from Ashe, Alleghany, Avery, Caldwell, Mitchell, and Watauga counties. The slaughter facility will serve an estimated 500 producers. There will have to be a large facility and livestock pens, waste disposal, etc.--all of this on a proposed 2-acre site.

I come from a long line of farmers on both sides of my family. I want to support local farmers in particular, but not without important, responsible regulations required to develop this facility. The property is owned by the County, but should this amendment be passed by Council, its development will fall squarely within the regulatory oversight of the county's planning department. Meaning no oversight. There are no county zoning regulations other than the County's high-impact regulations, which do not affect slaughterhouses.

In short, if the proposed changes to this ordinance section are approved, and the project is built without requiring

that it meet the Town's zoning regulations, Boone will have no ability to regulate or require any development standards whatsoever. That means...

-- There will be no local regulations on a slaughterhouse development located in a fast-growing area adjacent to the Town's zoning jurisdiction, residents and businesses;

-- There will be no local regulations or traffic impact analysis on a slaughterhouse serving 6 counties and 500 producers whose access is off a busy and an already congested 421 highway without traffic signals;

-- There will be no local regulations on the volume of sales, processing, or number of livestock held at the site;

-- There will be no local regulations on the development of the project's facility, outdoor livestock yards, offices, or storage areas;

-- There will be no local regulations on the nature or size of the slaughterhouse's buildings and structures;

-- There will be no local regulations on waste holding or disposal at the site;

-- There will be no local regulations on noise, smoke, odor, hours of operation or lighting at the site and no regulations on setbacks or landscape buffering.

Boone doesn't expressly even allow slaughterhouses in its zoning jurisdiction, but the Town does regulate other manufacturing facilities. "The assembly, fabrication, finishing or packaging of goods and materials, including the storage and processing of raw materials into other products."

Since this facility is not specifically allowed in Boone's jurisdiction. It would likely fall under Section 14.0 "Manufacturing: all other uses." As such the facility would not be allowed under any circumstances unless approved by the Planning Director who is required, among many other things, to consider the size of outdoor yards to accommodate livestock and storage, establish driveway standards, determine the type, size and nature of the buildings and structures, evaluate traffic generation to and from the site and parking requirements, as well as fully evaluate "the amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, fumes, wastewater output, and the impact on adjacent properties created by the proposed use.

Importantly, the Town would also be required to make provisions for public input before approving such a facility.

As Attorney Meade notes in your last discussion, the County can already access Boone's water resources under the Town's existing ordinance by annexing the property into the Town or proposing a conditional district process. Ms. Meade reminds Council that annexation would require that the town provide other town services and would also result in normal utility rates, while utility rates are doubled for users outside the town limits. I would also like to add that under the current proposal, the Town would not collect property taxes on un-annexed property and that the state legislature can quickly pass a local or statewide bill to eliminate those double water rates at any time, leaving these outside uses able to have water and sewer with in-town rates and with no obligation to pay taxes.

Town of Boone residents deserve, and I would think expect, a say in Council's intent to make exceptions to the water ordinance for these and other such uses. In fact, that is clearly the intent of our ordinance as it indicates in its manufacturing requirements. There's no such opportunity under County control.

That's why a conditional district process, already enabled by ordinance, is your answer to making sure Town residents, who own the water resources this proposal concerns, have a say. Besides, it's the right, I would argue only, thing to do.

Eric Plaag:

Mr. Plaag read the following remarks:

Thank you, Mayor Futrelle, Members of Council, and Town Manager Davis for the opportunity to address you. I want to emphasize that my remarks here are solely my own. I am in receipt of copies of three communications that have been provided to you regarding the Boone Cemetery Panels and the proposed Founders Monument, two of which are from people who are not even residents of the Town of Boone. I have already provided you with a written response to the letter from Mary Moretz, and as I explained, no one at the HPC has ever asserted that Burrell did not exist. Indeed, our August 2020 update to Town Council said exactly the opposite but also expressed a host of concerns about the authenticity of the story that White folks liked to tell about Burrell without much evidence. As I also explained, all four members of the HPC are bound by professional codes of ethics in doing our volunteer historical work for the Town. Examples of those codes can be found at the American Historical Association and the National Council on Public History, among several such organizations of which I am a member. It is striking and odd to me that the general tenor of these emails suggests-as Mary Moretz alleged-that the work of the HPC is somehow prejudiced and discriminatory toward local families like the Councils. During my tenure as the Chair of the Historic Preservation Commission, the HPC has worked hard to bring the Boone Cemetery under the legal control of the Town for its long-term protection; secured well over \$100,000 in funding for improvements to the Boone Cemetery and advocated for the proposed cemetery panels acknowledging the Council family's long association with that cemetery; secured a state historical marker honoring the Wilcox family and initiated a local historical marker program that has acknowledged the contributions of other so-called founding families, including a marker about the Council family's establishment of the early settlement at Boone known as Council's Store; conducted a years-long architectural survey of downtown that historically contextualized Boone's founding and development and resulted in a designated historic district to help preserve those important architectural resources, many of them built by those early families; and advocated for the establishment of local historic landmarks at properties associated with the Council, Linney, Coffey, Wyke, Jones, and Rivers families. To suggest that any member of the HPC is somehow biased and discriminatory against local "founding families," or that we are trying to ignore them and their contributions, is utterly laughable. And that's before even considering the many thousands of volunteer hours that Bettie Bond, Chuck Watkins, and I have given over the past decade to creating public programming, archival documentation, and interpretive content through the Watauga County Historical Society and the Digital Watauga Project, all without any personal compensation whatsoever.

Regarding Mr. Hardy's letter, he raises a fair point that cemetery segregation was a national issue prior to the 1960s, not just a southern one, and I'm sure the HPC would be willing to consider changing "common in the South" to "common in the United States" on that panel. If anything, though, that point only amplifies the observation in the proposed panel text that systemic racism was at the heart of the practices of segregation and exclusion at the Boone Cemetery. Given that both de jure and de facto segregation were rampant throughout the entire United States and for much of its history ignored or enabled by our local, state, and federal governments, that sure seems to fit the definition of "systemic." As for Mr. Hardy's request that Confederate veterans and various other "important people" in the cemetery be highlighted, he may have overlooked the captions on the various interpretive panels that indicate that separate QR codes will direct visitors to websites with not only an inventory of all known burials in the Boone Cemetery but also content on various folks buried in the cemetery. All of that content could not possibly fit on four interpretive panels limited to approximately 300 words apiece.

I want to address the bulk of my remarks, however, to the email from Brenda Council and various Council family descendants. What follows is a summary of written remarks I provided to members of Council earlier today. Since 2014, the HPC has sought any and all documentation that further contextualizes the evolution of the Boone Cemetery over time. If the Council

family members have any such documentation, we would welcome the opportunity to review it. That said, the HPC is not aware of any documentation whatsoever to demonstrate that the Council family ever-at any time in history-legally donated the cemetery to the Town of Boone. The sequence of events leading to the Town's acquisition of both the Black and White sections of the cemetery in 2015 is much more convoluted than that. Existing deeds for much of the 20th century showed the White cemetery land as privately owned by cemetery trustees, which is why it had to be deeded by the last set of cemetery trustees to the Town in 2015. Furthermore, no deed of any kind for the bulk of the Black section is known to exist until the trustees' seizure of that land in 1999 and their consequent transfer of it to the Jordan Council Memorial Cemetery in 1999.

This fact prompts some commentary on another of the objections that Mr. Hardy raised in his email regarding Town involvement in erecting a fence around the White section in the 1950s. Indeed, locals have been questioning that decision for nearly 45 years. In 1979, when the Watauga Democrat confronted Gordon Winkler about why a fence was put around the white section in the 1950s but not the Black section, they reported, "Winkler was vague on why the black section wasn't included in the fence, but said that he would like to see it cleaned up.

Town manager Marvin Hoffman echoed Winkler's sentiments. He said, however, that he isn't certain public funds can be expended at the graveyard because it is essentially private.

According to Hoffman, the town has no jurisdiction over who is buried in the cemetery and it is actually controlled by a board of trustees. The town does, however, keep the grass mowed in the cemetery." Again, that was in 1979, 21 years after the fence was erected.

The Council family in their email also make much of the purported "donation" of land to the Junaluska community, but their claims of generosity seem to be controverted by the known facts. First, nearly all of the land in the lower portion of Junaluska around the Mennonite Brethren Church was acquired by Black residents from B. T. Brannock in the 1910s. Indeed, as the Reverend Ronda Horton noted, when he was a boy about 1900, there were only six Black families living on the entirety of the Junaluska hillside-Troy Council, Bob Shearer, and four different Hortons. At first, the earliest Black settlers on the Junaluska hillside after the Civil War-Troy Council, for example-appear to have been sharecropping or renting land from the Council family rather than owning it outright. Troy Council told us as much in his own words in October 1873, when his statement was taken for the Southern Claims Commission about the events of Stoneman's Raid. Describing himself as 47 years old at the time of his statement, Troy Council said, "When I was freed I belonged to Jordan Council. I live now on Sally Council's land." He died in 1901. In 1907, William Ballard Council-Sally Council's grandson-sold all 20 acres known as the "Troy Place" to J. M. Moretz; there is no record of Troy Council ever owning or conveying land in Watauga County. The other, circa 1900 landowners referred to by Ronda Horton all appear to have PURCHASED their land after 1890. That said, if the Council families have documentation that further contextualizes this story, the HPC would be delighted to review it.

The letter from Brenda Council and other Council descendants also makes the claim that the HPC has "branded the entire Council family as racists." I'm not aware of anything in the cemetery panel text or any other report of the HPC that asserts such a thing. It also seems odd to me that the Council descendants never came forward to the HPC, either in writing or at any of our public meetings, during the entirety of our discussion of the Council's Store marker, nor have they participated in any of the numerous HPC meetings over the past several years regarding the proposed cemetery panels. Now, they ask to be treated as the JHA was when the Junaluska marker was being considered, but I will note for the record that the JHA prepared a written request and report for an historical marker and presented it to the HPC to initiate that project. We then worked together with the JHA for nearly a year to create the final report and marker text. The JHA was proactive in telling the story of Junaluska, but the HPC was also rigorous in reviewing the content they provided and-in line with our ethical and professional obligations as historians-insisted on copious documentation for any statements or conclusions expressed in the final version of the Junaluska marker report.

With this in mind, I want to be sure the Council descendants understand the implications of

those ethical and professional standards when interpreting the contributions of the Council family to the history of our town. For example, several of the earliest Council family members were prominent slaveholders in a region where 90% of White settlers did not enslave people. Jordan Council, Jr., was the largest of them, with 13 enslaved people in 1850 and 11 in 1860. When we tell his story, those standards require us to note those facts, rather than just celebrating him as “the father of Boone.” Similarly, when we tell the story of another prominent Council family member-Judge William Ballard Council, the grandson of Jordan Council, Jr.-we are obligated to say more than just blithely praising him as a member of the NC legislature and a prominent jurist. We also have to note that his first election to the NC House was in 1898 as a Democrat, a year in which that contest was dominated statewide and in Watauga County by an overt effort by the Democrats to disenfranchise Black voters. Indeed, the primary issue on which the Democrats ran in 1898 was literally white supremacy; that actual term dominated the party’s 1898 platform. Judge Council, as the party’s standard-bearer for the NC House race, signed on to that platform, representing it in the general election. Then, in 1900 as a member of the NC House, Judge Council campaigned hard for an educational qualification amendment to the North Carolina constitution, making it illegal for those who could not read or write to vote in the state. Such measures, on their face, were part of a concerted attempt to suppress the Black vote for decades to come. And it worked for nearly 70 years. Any retelling of Judge Council’s story needs to recount the significance of his actions as our county’s political representative, not just praise him for being one.

It’s ironic to me that the letters you received from Michael Hardy and the Council descendants have asked for a “truthful, unbiased,” and “more inclusive” interpretation of the Councils and other town founders. The HPC has attempted to provide exactly that. I have said it before, and it seems warranted today to say it again: If you only want discussions about the history of your community, your family, and the organizations with which you associate to make you feel proud and patriotic, you probably aren’t doing the hard work that comes with actually researching, studying, and analyzing history. In fact there’s a word for that type of narrative-hagiography-meaning an uncritical or excessively reverential treatment of a subject. We have an ethical obligation when we narrate the history of our people, our places, and our organizations to confront the nuances, complications, and paradoxes they embraced, even if it makes us uncomfortable. History is more interesting precisely because of its contradictions, its acts of injustice, and the failures of the historical actors who often broke their promises and ignored the opportunities available to them in those moments of moral and ethical conflict. We are at our wisest when we confront and acknowledge those human failings, then aim not to repeat the mistakes of those who have come before us. True justice, true equality, and true progress-the alleged hallmarks of a representative democracy-are impossible without that kind of integrity in speaking about our shared past.

Councilmember George read the following statements for William Brinkler, who was unable to make it to the meeting:

1. Consideration of All Environmental impacts

2. Potential studies:

- Threatened and endangered species
- Watershed
- Archaeological
- Wildlife
 - o Salamanders/hellbenders
 - o Native Brook trout
 - o Native Grouse
 - o Note all other common game - Deer, Bear, Turkey, etc.
- Wetland
- Phase 1 Environmental
- Cultural and Historical

3. Permitting

- Grading and erosion control
 - Parking / surfaces
 - Watershed
4. Traffic / Site Access
- This property is only accessible from a narrow road (welcome to the Mtns. right!)
 - DOT Traffic Study
 - Curb cut for entrance - safe access in & out
 - Impacts to Flannery Fork road maintenance (specially gravel section)
 - Impacts to Payne Branch road maintenance (specially gravel section)
 - Impacts to bike and pedestrian traffic (lots of road bikes and runners use the roads in this area)
5. Impact on local community i.e. neighbors, adjoining property owners.
- Winkler's Creek
 - Payne Branch
 - Flannery Fork
 - Deck Hill
 - Flat Top
6. Operational Considerations
- Trail access and security
 - Hours of operation
 - Seasonal restrictions, if any
 - Trail maintenance
 - Watershed buffers
 - Trash collection and removal
 - Parking lot maintenance
 - Restrooms?
 - Funding? Endowment or?
7. Other/Miscellaneous
- Town owned property but not in town proper - located in county. Does this require county approval? Any other state ordinances or approvals?
 - Concerned with the old existing dam - this should a major safety concern
 - Swimming, boating, camping, and Fishing - will this be allowed? How it will be monitored and enforced?
 - Who is providing insurance?
 - Are there other locations suitable for the park?
 - Cost/Benefit - Risk/Reward Analysis

Rebecca Triplett-Johnson:

Ms. Triplett-Johnson, who provided public comment virtually, spoke to the Council in regards to the Sesquicentennial Monument. She encourage Council to review the recording of the August 2 Boone Historic Preservation Commission. She explained that during that meeting, members of the Sesquicentennial Monument were put into a place of defense, not in a place for information. Furthermore, she explained that on the proposed monument, there were spaces available for continued information in order to remain inclusive. She noted that during the August 2 meeting, the chair of the Historic Preservation Commission pointedly asked if there was a member of the Sesquicentennial Monument committee who was African American, which immediately turned the project into one of race. She continued on that the monument was labeled as "pay to play" and that the genealogy of the families was historically inaccurate. She explained that local families felt mistreated during the process. She continued on by explaining that the reason more people are not coming forwards to participate is because every time a press release is in the process of being prepared for the project, it is shut down or the committee is told to hold off. She explained that the feedback received by the committee from the public in regards to the project has been positive, and that the only negative commentary has come from those who do not like the project. She encouraged Council to read the letters they have received, and to look at them through the lens and purpose the monument is meant to exude. She ended with stating that the monument is meant to honor those who came before us by placing it in a historically valued area.

Mayor Futrelle thanked all who provided public comment, and then closed the public comment portion of the meeting. He then thanked the remaining requested appearances for their patience, and asked to move forward with the remaining requested appearances.

REQUEST APPEARANCES

RAFTELIS FINANCIAL CONSULTANTS, INC. - WATER & SEWER SYSTEM DEVELOPMENT FEE ANALYSIS REPORT

Mayor Futrelle introduced Raftelis Financial Consultants, Inc.. Ms. Elaine Conti thanked Council for their time, and introduced herself and Ms. Diane Leeton. Afterwards, Ms. Conti gave a brief presentation in regards to the Water & Sewer System Development Fee Analysis Report. The full presentation can be found on August 9, 2023 Boone Town Council Agenda Packet Page 7 through Page 27. Ms. Conti then asked if there was any questions. Councilmember Carter commented on the fact that the Town would like to keep it the same as the previous year. Ms. Meade clarified, and said that the Town can keep the rates the same for the remainder of this fiscal year, and reevaluate the rates for next year. Ms. Conti then clarified for Council that there is a difference between monthly rates and system development fee rates. She then explained that the reason the proposed rates of increase are a higher percentage is due to the Town not raising rates for years. Councilmember Carter then asked Ms. Conti if the monthly rates need to be looked at every five years. Ms. Meade answered, and said that a rate study does not have to be done every five years for monthly rates, it is done as often as Council requests. However, the system development fee, by statute, needs to be evaluated every five years. Councilmember Roseman asked if the eight dollar solid waste fee was shown in the proposed rates. Ms. Davis explained that this analysis was conducted for just water and sewer fees. Mayor Futrelle then asked if there were any further questions. With no further questions, Council thanked Raftelis for their time, and moved to the final requested appearance.

NANCY LA PLACA - UPDATE ON NRLP HEARING AT NCUC

Mayor Futrelle then introduced Ms. Nancy LaPlaca, and asked her to present on her Update on NRLP Hearing at NCUC. The full presentation can be found on August 9, 2023 Boone Town Council Agenda Packet Page 31 to Packet 51. Ms. LaPlaca then asked if Council had any questions. With no further questions, Council thanked Ms. LaPlaca for her time, and then moved to the next item on the agenda.

PUBLIC HEARING - SYSTEM DEVELOPMENT FEE REVIEW & ANALYSIS

Mayor Futrelle opened the public hearing for the System Development Fee Review and Analysis. He asked if anyone would like to speak. With no one in attendance, Mayor Futrelle asked for a motion to approve the resolution, found on August 9, 2023 Agenda Packet Page 28. Upon the motion of Councilmember Carter, seconded by Councilmember Roseman, the motion to approve the resolution to adopt an updated system development fee review and analysis in accordance with North Carolina General Statutes Chapter 162 A passed unanimously.

ANNOUNCEMENTS

Mayor Futrelle read the following board vacancies:

The Town of Boone is currently soliciting applications from people who would like to serve on the following boards:

POSITIONS OPEN

BOARD OF ADJUSTMENT

One regular position, Three alternate positions

COMMUNITY APPEARANCE COMMISSION

Four regular positions, One student position

CULTURAL RESOURCES ADVISORY BOARD

One student position

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

One position

HISTORIC PRESERVATION COMMISSION

Two regular positions

HUMAN RELATIONS COMMISSION

One position

PLANNING COMMISSION

Two regular positions

SUSTAINABILITY COMMITTEE

Two regular positions

The next application deadline will be September 1, 2023, by 5 p.m. If you qualify for any of the positions and would like to apply, please contact Town Clerk Nicole Harmon at 268-6200 or e-mail Nicole.harmon@townofboone.net for more information. You may also visit the Town's Web site at www.townofboone.net to view information about the various boards and to download an application form.

Councilmember Roseman made a friendly amendment to the board vacancies, and noted that the position available on the Human Relations Commission is a student position.

ANNOUNCEMENT OF BOARD VACANCIES

The Town of Boone is currently soliciting applications from people who would like to serve on the following boards:

POSITIONS OPEN

BOARD OF ADJUSTMENT

One regular position, Three alternate positions

COMMUNITY APPEARANCE COMMISSION

Four regular positions, One student position

CULTURAL RESOURCES ADVISORY BOARD

One student position

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

One position

HISTORIC PRESERVATION COMMISSION

Two regular positions

HUMAN RELATIONS COMMISSION

One position

PLANNING COMMISSION

Two regular positions

SUSTAINABILITY COMMITTEE

Two regular positions

The next application deadline will be September 1, 2023, by 5 p.m. If you qualify for any of the positions and would like to apply, please contact Town Clerk Nicole Harmon at 268-6200 or e-mail Nicole.harmon@townofboone.net for more information. You may also visit the Town's Web site at www.townofboone.net to view information about the various boards and to download an application form.

Councilmember Roseman made a friendly amendment to the board vacancies, and noted that the position available on the Human Relations Commission is a student position.

ADOPTION OF ITEMS ON CONSENT AGENDA

Mayor Futrelle asked for a motion to approve the items on the consent agenda as presented. Councilmember Dalton noted that on Agenda Packet Page 158 at the bottom for the minutes for the July 12 Regular Meeting of the Boone Town Council, it is noted that consensus from Council was given to Attorney Meade to bring back a more narrow ordinance to a later meeting. Councilmember Dalton asked for the minutes to reflect that consensus was not given, as he did not voice in favor of the approved decision. Upon the motion of Councilmember George, seconded by Councilmember Carter, the motion to approve the items on the consent agenda, with the changes proposed by Councilmember George, passed unanimously.

CONSIDERATION OF PROCLAMATION - LIONS CLUB

TOWN OF BOONE PROCLAMATION OF RECOGNITION OF THE BOONE AREA LIONS CLUB

WHEREAS, the Mayor and Town Council of Boone, N.C. recognize the many contributions of the Boone Area Lions Club throughout the Town of Boone; and

WHEREAS, the Boone Area Lions Club was chartered in 1936, the fifth Lions Club in North Carolina and the first civic club in Watauga County, and

WHEREAS, the purpose of Lions Clubs is "uniting service around five global cause areas - diabetes, vision, hunger, the environment, and childhood cancer, overcoming challenges [they] see in [their] communities and around the world.; and

WHEREAS, the Boone Area Lion's Club has placed American Flags in downtown Boone for every one of seven Federal Holidays and other special occasions for 50 years; and

WHEREAS, more than 100 businesses in Boone subscribe to this effort to have flags displayed in front of their businesses; and

WHEREAS, hundreds of Lions Club member volunteers, over the years, have placed US flags on the streets of Boone in the early morning hours on these occasions, as well as taking the flags down at the end of the holiday; and

WHEREAS, the Mayor and Town Council of Boone call upon the people of this municipality to embrace this significant civic volunteer effort of the Boone Area Lions Club to help us commemorate our national holidays and other special occasions in such a visible way, helping to make Boone, N.C. a vibrant community in which to live, work and visit.

NOW, THEREFORE BE IT RESOLVED that the Town of Boone Council hereby offers its gratitude, recognition, and continued support of the efforts of the Boone Area Lions Club for this endeavor. This the 9th day of August 2023

ATTEST: _____ Tim Futrelle, Mayor

Nicole Harmon, Clerk

CONSIDERATION OF PROCLAMATION - BLACK BUSINESS MONTH

TOWN OF BOONE BLACK BUSINESS MONTH PROCLAMATION

WHEREAS, the history of Black-owned businesses in the US dates as far back as the 1700's; and,

WHEREAS, the period of 1900-1930 saw great success in Black-owned business districts such as Black Wall Street in Tulsa, Oklahoma; and,

WHEREAS, since that time social, structural, and political inequalities have created unique challenges for Black businesses; and,

WHEREAS, in 2004, August was designated National Black Business Month to celebrate the success of Black entrepreneurs in the US; and,

WHEREAS, we acknowledge and support the entrepreneurial efforts of Black business owners in the Town of Boone and surrounding communities; and,

WHEREAS, we desire to see these businesses grow and thrive; and,

WHEREAS, we desire to see additional Black-owned businesses develop in the Town of Boone and surrounding communities; and,

WHEREAS, we encourage the patronage and support of the Black-owned businesses in the Town of Boone and surrounding communities; and,

NOW, THEREFORE be it resolved that I, Tim Futrelle, Mayor of the Town of Boone, North Carolina, do hereby proclaim August 2023 as Black Business Month in the Town of Boone and ask that all citizens commit to its observance.

This the 9th day of August 2023

_____ Tim Futrelle, Mayor

ATTEST: _____ Nicole Harmon, Clerk

CONSIDERATION OF ORDINANCE - BOONE BOO!

TOWN OF BOONE

Ordinance _____

AN ORDINANCE DECLARING A ROAD CLOSURE FOR AN ANNUAL CELEBRATION

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

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

WHEREAS, the Boone Town Council wishes to ensure the health and safety of all participants and spectators; and WHEREAS, the Boone Town Council acknowledges that the annual downtown Boone Boo! celebration requires approximately thirty (30) minutes to install signage, and traffic control, and also requires approximately thirty (30) minutes for removing signs, traffic control, and litter;

NOW THEREFORE BE IT ORDAINED by the Town of Boone pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a State Highway System route: Date(s): Tuesday, October 31, 2023 Times: 5:00 p.m. - 8:00 p.m. Route Description: King Street (U.S. Route 421) between Hardin Street and Poplar Grove Connector, and SR 1102 (Water St./North Water St.) This ordinance to become effective when signs are erected

giving notice of the limits and times of the parade, and implementation of adequate traffic control to guide through vehicles around the parade route.

Adopted this _____ day of _____, 2023 _____ The
Honorable Tim Futrelle, Mayor Attest: _____, Town Clerk

CONSIDERATION OF RESOLUTION - DISPOSITION & RETIREMENT OF POLICE CANINE

RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL PROPERTY BY PRIVATE SALE

WHEREAS, the Town Council of the Town of Boone desires to dispose of certain surplus property of the Town; NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

1. The following described Animal (property) is hereby declared to be surplus to the needs of the Town: one retired Malinois service canine known as Centa.
2. The Boone Town Council authorizes the disposition of a retired service canine to the trained handler, Corporal Joseph Stout, upon the handler's agreement to accept custody of and assume all liability and responsibility for the care of the remainder of the retired service canine's life.
3. Transfer of Ownership of the retired service canine will go to his trained handler, Police Corporal Joseph Stout is trained and equipped to care for Centa. The handler's agreement to accept custody of the retired service animal will complete the Transfer of Ownership.
4. That Corporal Stout has done an outstanding job working as a canine handler with Centa since she was originally donated to the police department
5. The minimum price to be accepted for the property is \$1.00.
6. The Town Clerk shall publish notice summarizing this Resolution in accordance with G.S.160A-26
7. The sale may be consummated not earlier than 10 days from the date of the publication.

ADOPTED this ____ day of August, 2023. Tim Futrelle, Mayor ATTEST: Nicole Harmon, Town Clerk

CONSIDERATION OF PROCLAMATION - END OVERDOSE IN WATAUGA DAY

Town of Boone, North Carolina Mayoral Proclamation

WHEREAS, the Town of Boone, North Carolina does affirm and acknowledge the harm and hardship caused by drug overdose; and

WHEREAS, we recognize the purpose of International Overdose Awareness Day as remembering loved ones lost to overdose and ending the stigma of drug-related deaths; and

WHEREAS, we resolve to play our part in reducing the toll of an overdose in our community, which claimed the lives of more than 141 residents of Watauga County last year, together with countless more affected forever; and

WHEREAS, we affirm that the people affected by overdose are our sons and daughters, our mothers and fathers, our brothers and sisters, and deserving of our love, compassion, and support;

THEREFORE, I, Tim Futrelle, Mayor, do hereby proclaim August 31st, 2023, as End Overdose in Watauga Day in Boone, North Carolina, and encourage all residents to consider being trained in the use of life-saving overdose reversal medication and having it available to use.

This the ____ day of August, 2023. _____

1 Source for 2022 overdose deaths by county: <https://www.cdc.gov/nchs/nvss/vsrr/prov-county-drug-overdose.htm> Homestead Recovery Center Center: (828) 355-9943 homesteadrecoverync.org

www.mrjc.us Location: 482 State Farm Rd. Boone, NC 28607
AppHealthCare Narcan/Naloxone training and distribution 336-372-5641 ext 1116

Olive Branch Ministry/ Faith-based Harm Reduction Our mission is simple: Extend Hope. Extend Life.
Narcan/Naloxone training and distribution Mobile SSP/Syringe Service Program (828) 278-4445

Nicole Harmon, Clerk

Tim Futrelle, Mayor ATTEST: _____ (SEAL)

CONSIDERATION OF MINUTES

CONSIDERATION OF BUDGET AMENDMENTS

Police Department:

Crime Prevention 010-500-300-513103 \$1,000
Miscellaneous Revenue 010-000-000-489900 \$1,000
Walmart Spark Good Community Grant program award.

Travel and Training 010-500-300-521101 \$200
Contributions/Donations 010-000-000-482200 \$200
Donation by Simmons Family to Police Department. To be used for training.

Downtown Boone Development Association:

General Fund 050-450-000-598010 \$80,000
Downtown Streetscapes Projects 010-411-000-549105 \$80,000
MSD Projects 050-450-000-553104 (80,000)
Transfer from MSD 010-000-000-498050 (80,000)
Transfer for continuing streetscape projects approved by DBDA at their 7/25/23 meeting.

Transfer to General Fund 050-450-000-598010 \$80,000
Downtown Streetscapes Projects 010-411-000-549105 \$38,633.54
Street/Sidewalk Construction Supplies 010-600-405-514303 \$41,366.46

MSD Appropriated Fund Balance 050-450-000-499900 (80,000)
Transfer from MSD 010-000-000-498050 (80,000)
Transfer to repay for Public Works to replenish the Downtown Streetscapes Project line to continue streetscape projects approved by DBDA at their 7/25/23 meeting

COUNCIL MATTERS

Mayor Futrelle called for a break at 4:32pm. Council resumed at 4:43pm.

Mayor Futrelle noted that to be courteous of those in the audiences' time, the items within Council Matters will be moved. Mayor Futrelle opened the conversation in regards to the Discussion Regarding Proposed Mountain Bike Park at Winkler's Creek Reservoir.

DISCUSSION REGARDING PROPOSED MOUNTAIN BIKE PARK AT WINKLER'S CREEK RESERVOIR

Mayor Futrelle asked for Mr. Eric Woolridge to present on the item, Discussion Regarding Proposed Mountain Bike Park at Winkler's Creek Reservoir. Mr. Woolridge thanked Council for their time, and explained he was there to provide clarification for the Winkler's Creek Reservoir resolution, as well as give an update in regards to the proposed project. Mayor Futrelle noted that public comment was given in regards to the safety concerns around the project. He went on to state that this project would still be a multi-use trail system. Mr. Woolridge gave a brief overview of the progress of the proposed project. He explained that he and his team note that the design for the project needs to have an emphasis on multi-use for the trails, and that a plan is owed to Council before a final commitment is given. He went on to say that he had been able to go to the Boone TDA, where they approved a scope of work. The scope of work will include public meetings where public comment will be received, with the results from the meetings will be brought back to Council. Additionally, the scope of work will include committee meetings, and Mr. Woolridge asked if Town Council would be willing to have a Councilmember liaison, as well as a Town Staff member. Councilmember Tugman asked about funding for the project. Mr. Woolridge said that a plan is needed first before funding is secured. Councilmember Carter noted that he wants the narrative to be focused on community use, not just tourism use. Mr. Woolridge agreed, however noted that due to the Boone TDA's involvement in the project, a tourism aspect is necessary. Councilmember Roseman stated that she wants members from the community that will be affected by this project, namely the Winkler's Creek community, have a large voice during the process. Councilmember George asked for a timeline for engaging people within the planning process of this project. Mr. Woolridge explained that he is hoping to have a public meeting regarding the project in November or December of this year. Discussion ensued in regards to funding of the project. Mayor Futrelle then asked which Councilmember would like to join the future committee for the project. Council gave consensus that Councilmember Nenow would join the committee.

CONSIDERATION OF POSSIBLE AMENDMENT TO CHAPTER 50 REGARDING WATER & SEWER EXTENSIONS

Ms. Meade gave a brief overview of the third draft of the proposed amendment to Chapter 50 of the Town of Boone's code in regards to water and sewer extensions. Per Council's direction, she has drafted a narrower ordinance, and explained that this ordinance does not approve connections to water and sewer extensions without annexation; rather, it gives Council the authority to approve after subsequence hearings. She explain that the proposed amendment is written that this would only apply to properties which are government-owned, and that it would only be used for public utility purposes, or if it is developed with financial assistance from Watauga County or the Town pursuant to the authority for economic development that is granted by North Carolina General Statute 158-7.1, which would include the aforementioned municipalities leasing the property. It is not understood to include the provision of the utility itself. She explained that the proposed amendment includes that a general plan is required to be presented to Council, and that Council would reserve the right to request any other information such as a site specific plan. She ended the overview with explaining that the final paragraph provides Council with 'guardrails' in regards to subsequence change of the development. Any water and sewer granted under this carve out would be limited to the development site as presented in the general site of the development plan to Council, and that if the use of the site is substantially changed or if the property is sold to a non-government entity, the director must give notice and disconnect. She explained that this sentence is found in Section 50.291 (2b). Councilmember Roseman asked if this would pertain to the proposed affordable housing project which was presented to Council earlier in the meeting. Ms. Meade explained that affordable housing projects normally do not fall under economic development, so the intention of this ordinance would not be for the proposed project. Councilmember George noted a movement in Asheville which shows that affordable housing is considered economic development through a local bill. Councilmember Carter read North Carolina General Statute 158-7.1(a) and 158-7.1(d2.1). Ms. Meade noted that a caveat could be added that the carve out would not be used for residential use. Councilmembers Carter and Roseman stated that they could see how it could be used for affordable housing, but Councilmember Carter noted that he would be ok with the caveat being added. Councilmember George noted that he still agreed with the current ordinance, and that he still agreed with the requirement of annexation or conditional zoning. Ms. Meade stated that she said it would

be up to Council to make the final decision, however she noted that she was nervous about the Town annexing in the landfill. She also noted that Ms. Williamson brought up good points during the public comment session. Councilmember Carter spoke in favor of not annexing the landfill property, due to the concerns brought up in previous conversations. Councilmember George noted that with annexation, the Town would not be running the facility or owning the landfill. Rather, it would be the Town bringing the property into its corporate limits, similar to other County properties that are found within Town limits. Ms. Meade stated that Councilmember George was right, there would not be current liability for the Town under current law. However, her concern is for the future where federal law could potentially change in regards to brownfields. Discussion ensued. Mayor Futrelle then asked for Dr. Jim Hamilton to speak in regards to the proposed Kill-Chill facility. Dr. Hamilton thanked Council for their support of the facility, and understands that there are issues that must be worked out. He explained that he is hoping to have the funding to break ground in October, and that if there is additional costs for annexation he would like Council to be open to not having to annex in the facility. He noted that he does have plans for the facility that he would be happy to bring to Council to review. Discussion ensued in regards to agriculture in the High Country. Ms. Meade reiterated that approval of one project does not mean approval of all projects, that the proposed change to Chapter 50 requires Council approval for all projects that would fall under this section, gave clarification. Councilmember Roseman made the motion that Council approve the ordinance to amend the Town of Boone Code of Ordinance Section 50.291 regarding extension and connection of water and sewer outside Town limits with the revisions presented at the Council meeting, and that final sentence of Section 50.291 (2b) be included as presented. Councilmember Carter seconded the motion. Upon the motion of Councilmember Roseman, seconded by Councilmember Carter, the motion carried four to one with Councilmember George voting against the proposed changes.

DISCUSSION AND PRESENTATION REGARDING THE STATE OF THE HOMELESS SITUATION IN BOONE

Chief Andy LeBeau and Community Liaison Officer Kat Eller gave a presentation in regards to the Homeless Situation in Boone. The full presentation can be found on August 9, 2023 Agenda Packet Pages 186 to 252. Chief LeBeau thanked the intern with the social work program through the Boone Police Department and the Emergency Housing Specialist with the Hospitality House, Mr. Russell Letourneau, Officer Eller, Councilmember Carter, and Executive Director of the Hospitality House Ms. Tina Krause, for their help with the data and review of the presentation. Chief LeBeau also thanked Mr. Moody and the Public Works Department for their help with the clean ups of the homeless camps in Boone. After giving the presentation, Ms. Krause explained that this presentation was a joint effort, and was meant to shine light on homelessness within Watauga County and the surrounding counties. She went on to explain that funding and resources through the COVID-19 pandemic are not available anymore, such as hotel vouchers, and gave a brief overview of the mission of the Hospitality House. She also explained that over 75% of individuals in the Hospitality House have significant mental health issues, and 20% experience physical disabilities which is causing stagnant stays within shelters. She emphasized that many agencies within the surrounding counties have not reopened after the COVID-19 pandemic, and that in order to find housing for individuals experiencing homelessness, it is necessary to work together. Councilmember Carter echoed those sentiments, and explained that there is a more elderly population that is experiencing homelessness than there was in the past. He explained that the Hospitality House has partners in other counties where homeowners lease their residences to the Hospitality House in order to provide homes, however, there are none in Watauga County. He emphasized that if people want to be a part of the solution, the police department, Hospitality House, and others will need to work together. Mayor Futrelle then asked Mr. Stephen Phillips, a member of the public, to speak. Mr. Phillips explained that he can attest to the frustration residents feel in regards to the homeless camps, as he has property in town has a homeless camp. He explained that needles were found within this camp, and it is a danger to those in those camps and to residents surrounding the property. Ms. Mary Strong, a licensed social worker, explained that she had experienced homelessness in the past, and that the majority of people who experience homelessness do not choose to be homeless. She explained that there are solutions which the community could do to help mitigate problems, such as having a community clean-up where those experiencing homelessness are offered a meal in return for cleaning the site. She emphasized that community members are ready to help find a solution and are willing to work together. Councilmember Roseman noted the idea of a tent city, and asked if there was

Town property where tents could be put up. Mayor Futrelle asked if anyone else would like to speak in regards to the presentation. Ms. Zan Valliant asked if the IRC property could be used as a tent city. Ms. Meade explained that because it is a brownfield site, that would not be possible. Councilmember Carter noted that tent cities are not a good solution, and that he would prefer individuals be housed instead of living in a tent, especially in a climate like Boone's where it can get below freezing. Chief LeBeau voiced in agreement with Councilmember Carter, and explained that a tent city would require supervision with resources they do not have. Ms. Maria Owens stated that she was not sure of any solution, but explained that people experiencing homelessness need one-on-one interactions and to be treated like people. Councilmember George explained that he felt that this Council has done a good job with outside agency funding and the social work internship program through the Police Department, with the understanding of eventually funding a social work position within the department. He also agreed with humanizing people as the first step towards a solution. He ended his statement by saying that the idea that because Boone offers services to people is bringing homeless individuals to Boone can be agreed upon on the surface. However, he explained that the idea of treating someone like a human creates an unintended consequence is the wrong perspective to have. Mayor Futrelle agreed. Mayor Futrelle then asked if Mr. Jordan Sellers could speak.

DISCUSSION REGARDING CREATION OF MULTI-USE TRAIL ABOVE SKATE PARK

Mr. Sellers gave a quick refresher on the Rivers Street Trail Project. He explained that Council had signed a resolution of support in June for the project, and explained that the Rivers' House had been identified as a possible Boone trailhead for the Northern Peaks State Trail. He explained that he is currently pursuing funding opportunities for trail design and plans. He went on to explain that the Blue Ridge Conservancy is prepared to spend money on this project, and wanted to give Council that update. He clarified that he was not at the meeting to ask for funding, he was there to give an update. He noted that to build just a trail, it would most likely be between \$40,000 and \$60,000, and that he is planning to apply for grants to help cover some of the funding. Mayor Futrelle thanked Mr. Sellers, and then moved to continue the discussion in regards to the creation of multi-use trails above the skate park.

Officer Eller gave a brief overview of the potential for the creation of multi-use trails located on the Town of Boone's property above the skate park. She explained that after the cleanup of the homeless camp on the property, she saw that there was great potential to utilize that area for multi-use trails. She explained that the proposed trail would connect the Greenway Trail area to the neighborhoods of White Laurel and Bradford and the Hospitality House. Officer Eller then asked Mr. Travis Hutchins to speak. He explained that he is the current president of the Northwest NC MTB Alliance, and gave his support for the project. After a discussion regarding the proposed project, how they will bring a proposed design to Council if approved, and how the trails would be accessible, Officer Eller asked Council if they had any questions. Councilmember Carter noted that since the fence went up in that area, it has been dangerous for high school kids to walk from the high school to Center 45 as they now walk on the road. He asked if this trail system would provide access from the Greenway for the residents of Bradford and White Laurel. Officer Eller said that that would be the hope. Councilmember Carter asked how much of the trails would be in Town. Officer Eller said that the Town property ends right at the end of the White Laurel neighborhood, so the trail would end there. Councilmember George voiced concern in regards to the timing of the proposed project. He explained that they had just displaced people who were living on the property, and that the optics of the project were not good, and that he believes the vision for the project is great for the future after taking time to understand the situation and those living in the area. Councilmember Carter agreed, and explained that many other projects are currently being discussed. He explained that it is Town property, and that he felt everyone should have a say to what happens on Town property. Councilmember Carter then explained that he did not want the communities of the Hospitality House, Bradford, and White Laurel to be used as a scapegoat for the project. Mayor Pro-Tem Tugman noted that this project would not be finished within a few months, it would be completed in a year or more. Officer Eller explained that there were safety issues with the homeless encampment above the skate park, which is why the cleanup happened. Councilmember Roseman noted that through personal experience with her coworkers who live in the White Laurel area, there have been times where they have not been able to make it to work because of a lack of a

reliable vehicle. She explained that she did not immediately think of the proposed project for recreational use, she thought of it as access. Councilmember Carter noted that he was upset because there had been no concern or help given to that neighborhood in regards to access when the fence was installed for three years, and that he had been fighting for a way to provide access for years. He explained that he his plea for access had been ignored for years, and that he does not want these neighborhoods to be used as the main selling point for this project. Mayor Futrelle explained that now was a time where Council could capitalize on the opportunity. Councilmember Carter clarified that he was not against the project, he was against the use of recreation as the lead in for this proposed project. Officer Eller explained that she had talked with the property owner years ago in regards to the fence, but there is only so much the Boone Police Department can do with private property. Councilmember George explained that he knew that the people behind the proposed project genuinely cared, however, he would prefer to ruminate over the idea first and come back to the project at a later date. He also explained that a member of the community had died there recently, and he felt it was not a good time to be thinking of recreational projects. Councilmember Carter agreed, and then noted how he did not understand why projects were coming to Council for use of public land without Council knowing prior to the meeting. Mr. Dave Freireich of Harmony Lanes spoke in favor of the project to connect Boone. He noted that he is not anti-homeless, and explained he does not think anyone for the project is anti-homeless, however Harmony Lanes is for connecting the community to allow everyone to get around with dignity. Mayor Pro-Tem Tugman asked for clarification on where the end point of the trail would be. Mr. Freireich showed Mayor Pro-Tem Tugman where Town property began and where it ended. Additional discussion ensued in regards to accessibility of the Greenway for high school students in the proposed project area. Mayor Futrelle stated that he is in favor of moving forwards with the project, and asked what was needed of Council. Mr. Hutchins explained that they just need permission to look into the feasibility of the proposed project. Councilmember Roseman asked Councilmembers George and Carter if they would like to table this discussion for the next year. Councilmember Carter expressed frustration in regards to the use of public land without Council receiving notice prior to the discussions. Councilmember George expressed similar sentiments to Councilmember Carter's. Discussion ensued regarding proposed projects placed on public land. Mayor Futrelle then asked Council what they would like to do. Councilmember Roseman acknowledged Councilmember Carter's and Councilmember George's sentiments on the project and the optics, however she explained she knows what the project could do for the community. She explained that she would like to see a trail to and from the Greenway which provides access first, and to discuss the addition of recreational trails on the property at a later date. Chief LeBeau went to Council and explained that Officer Eller works at his direction, and that he apologizes for the optics. He explained that the proposed project was never meant to be disrespectful to everyone involved with the land. Councilmember Roseman if there was consensus to advise the group presenting to look at the creation of an expedited pathway to connect the community in that location to the Greenway, and to look in the future at increasing the trail system on the property. Mayor Futrelle asked the trail group if they would be interested in looking at the opportunity, as that was not the main intention of the proposed project which was brought forth to Council. Mr. Hutchins said that he is ok with the first portion of the project be constructed as a direct trail, and feels it is reasonable given the circumstances. Mayor Pro-Tem Tugman clarified, and asked if the proposed project would begin at the end of Brookhollow Road, go across the ridgeline, and end at the Greenway. Mr. Hutchins said yes. Councilmember Carter noted that he is not against the project, however, the proposed access point would not be used by the residents of Brookhollow Road due to the boulders and the steep terrain. He explained that high school students would be able to navigate the terrain, but many residents of the Hospitality House and the neighborhoods in that area would not. He did not want to pretend that the project would be used for impoverished people in the community. Councilmember Nenow noted that this is Boone, and as Boone is located in the mountains there are very little flat properties. Mayor Pro-Tem Tugman modified Councilmember Roseman's ask for consensus, and added that access is the most important part of the project. However, at the same time it must be a safe environment. Having a recreation area around the access means there will be more traffic. She said that she would like to see an exploration of primary access, with recreation associated with it so that it makes it safer. She then asked if there was consensus. Mr. Moody noted that the Town had just submitted the Bike/Pedestrian project for New River Hills, and that the proposed trail would be on the same side of the river as the proposed project. He explained that it would be by Southern Agriculture Pesticides, with a pedestrian bridge across New River Hills. If that were to happen, he explained that it might make a place for people on the Greenway. However, he noted that this possibility could take years. Councilmember Carter

voiced agreement with what Mr. Moody said, and that he was not against the project. However, he does not want it to be marketed for impoverished individuals, as that access would not be accessible for all. Upon the revised motion of Councilmember Roseman, seconded by Mayor Pro-Tem Tugman, the motion to approve the creation of a direct trail on town property beginning at the entrance of Brookhollow Road and ending at the Greenway Trail, with the primary access point of the trail be tied with recreational benefits, passed with a vote of three to two, with Councilmember Carter and Councilmember George not in favor. Mayor Futrelle thanked the presenters, and called for a break at 8:15pm.

TOWN MANAGER UPDATE

Council resumed at 8:34pm. Mayor Futrelle then asked Ms. Davis to give the Town Manager's update. Ms. Davis gave a brief update in regards to a discussion had with Mr. Jason Smith, the biologist for District 7 in regards to the deer in Boone. She explained that he found the ratio between the bucks and the does had reached an unhealthy point, and that the biological capacity of deer in Boone was more than can be tolerated. She explained that Mr. Smith suggested that a regular hunting open on September 9, and encouraged Council to review the opportunity in lieu of waiting for the archery season. She explained that Council needs to decide what message to put out. Councilmember Roseman expressed concern about where hunters can and cannot hunt, and that it needs to be spelled out.

MAYOR UPDATE

Mayor Futrelle noted that he will email Council his Mayor's update.

TOWN ATTORNEY UPDATE

Ms. Meade did not have an Attorney's update.

BOARD LIAISON REPORT

Councilmember Carter said that there was no meeting for the AppalCART board in July. He said the Human Relations Commission had outlined specific things which each month will be highlighted for through the month of December. Councilmember Carter then asked Ms. Davis what the formal request policy for funds for commissions were with the Town. Ms. Davis said that funds had been allocated for the commission.

Planning Matters

CONSIDERATION OF PROPOSAL/ CONTRACT WITH QUANTUM CONSULTANTS

Ms. Jane Shook gave a brief overview of Quantum Consultants and the proposed contracts between the Town of Boone and Quantum Consultants for the Comprehensive Plan update. She noted Mr. Nate Baker was available via WebEx if Council had any questions regarding the contract. Councilmember George stated that he looked forward to working with Quantum Consultants, and that he was excited to see the addition of two small area plans added into the contracts. Councilmember Roseman noted that she felt the proposed price was a bigger jump than she expected for the Comprehensive Plan update. Ms. Meade noted that while the price had increased overall, Quantum Consultants had reduced the price for the update of the Comprehensive Plan so that they could add the two small area plans at a more reasonable price. Councilmember Roseman asked Ms. Shook if she was happy with the proposal. Ms. Shook stated that she, Ms. Jessica Mitchell, and Ms. Meade had met with Quantum Consultants prior, and that they all were in agreement with the proposal and contracts. Mayor Pro-Tem Tugman made the motion to authorize the Town Manager to sign the contracts with Quantum Consultants as presented in the total amounts of \$125,000 and \$100,000. Councilmember Roseman seconded the motion. Upon the motion of Mayor Pro-Tem Tugman, seconded by Councilmember Roseman, the motion to authorize the Town Manager to sign the contracts with Quantum Consultants was passed unanimously.

REQUEST FOR HPC TO CONTINUE WITH BOONE CEMETERY INTERPRETATIVE PANEL PROJECT

Mayor Futrelle asked for Ms. Mitchell and Dr. Eric Plaag to present in regards to the Boone Cemetery Interpretative Panel project. Ms. Mitchell gave a brief overview of the proposed language for the panels, the information for the proposed signage, and the quote for the price of the proposed signage. She explained that the Historic Preservation Commission had been working on this project for six months, and the text presented to Council was voted on to bring to Council for Council consideration during the July Historic Preservation Commission Advisory meeting. Ms. Mitchell noted that after the agenda packet had been published, the Town had been made aware that additional community input and review was requested by community members of the draft text panels. Ms. Mitchell explained that she and Dr. Plaag were in attendance to answer any questions Council may have in regards to the draft text. Councilmember George asked which portion of the proposed language has been causing the most tension. Dr. Plaag stated that the project had been worked on previously two or three years ago, where certain panel subjects were discussed. However, the project had been put on hold for other matters. He explained that the project had been noticed to the public for public input for years, and that the first instance of the public wanting to provide feedback from his recollection was within the last forty-eight hours. He explained that within the past six months, the members of the Historic Preservation Commission had been wordsmithing the panel text. He explained that draft number four is what has been presented to Council today. He went on to explain that there was no concern from the members of the Historic Preservation Commission in using the term “systemic racism” in the proposed text, however there was a debate in regards to drawing conclusions about the text on panel number three for the burying of three white union soldiers on land within the Boone Cemetery that was reserved for enslaved people of the Councill family. Dr. Plaag gave a brief overview of the discussion had regarding the contextualization of that decision being made. He went on to discuss that the language for the installation of the fence between the black section and white section of the cemetery was researched thoroughly as well. He stated that a request for more context for the fence installation was requested, and that it was included in the footnotes of the proposed panel text. He noted that the footnotes would not appear on the panels, however, they are meant to provide context for the members of Council and members of the Historic Preservation Commission understand how the conclusions came about. He explained that one complaint from the members of the Councill family was that the Historic Preservation Commission had not done enough to highlight the positive contributions of the Councill family. However, the job of the Historic Preservation Commission is to follow the current historical code of conduct which contextualizes individuals fully. He noted that Benjamin Councill is not responsible for the decision made by Mayor Winkler and/or the Town Aldermen to erect a fence between the different sides of the cemetery. However, it is a fact that there is a white side and black side of the cemetery. He ended by explaining that the Historic Preservation Commission is meant to interpret the history of the cemetery overtime, and that he has tried to make it clear over four years that the cemetery was never Jordan Councill’s land, it is Benjamin Councill’s land. It was never the Jordan Councill cemetery. Mayor Futrelle asked in regards to the interpretive panels, what else is needed from Council. Dr. Plaag asked for Council to allow the Historic Preservation Commission to change a few lines of text brought forth by the public on the interpretive panels. He explained that he would like to bring back to the Historic Preservation the falling text changes: changing the phrase “Cemeteries in the South” to the “Cemeteries in the United States” and changing the word “flagstone” to the word “fieldstone”. Dr. Plaag asked Ms. Mitchell if there were other phrases that the public deemed to be problematic in the text. Ms. Mitchell explained that from her interpretative, anything that referenced the Councill family is where the public comment concerns were stemming from. She said that for today, moving forward she would like to bring the proposed text back to the Historic Preservation Commission, and once the changes were made, that she would bring the proposed text back to Council to review. Mayor Futrelle noted he did not think it was necessary to bring it back to Council for review. Dr. Plaag noted one other issue that has been brought to light is the the Councill family donated the land to the Town, however there is no documentation of this happening. He explained that the Historic Preservation Commission is open to receive documentation of this donation, however, no historical record has been presented as of today. Council unanimously approved the text given to them today, and gave direction to the Historic Preservation Commission that the panels be modified by how the Commission sees fit to do.

Mayor Pro-Tem Tugman asked about the inclusion of a QR code on the panels, in order to give the public additional information on the cemetery. Discussion ensued regarding the implementation of a QR code and public presentations on the materials. Dr. Plaag noted that Ms. Shook has asked if it would be appropriate to respond to the individuals who have sent concerns and individuals who have made comments at today's meeting and say that the Historic Preservation Commission was taking one more look at the proposed text and that they welcome further documentation that tells the story of the cemetery. Mayor Futrelle voiced in agreement. Mayor Pro-Tem Tugman asked for clarification in regards to if Historic Preservation Commission is not inviting further conversation. Councilmember Roseman asked for it to state that documentation that can verify a fact, and Councilmember Carter asked for it to be narrowed to documentation of the Council family donating the land to the Town.

**PRESENTATION OF THE HPC'S ADVISORY RECOMMENDATIONS FOR THE
"SESQUICENTENNIAL MONUMENT" BY ARTIST BRENDA
COUNCILL/COUNCILL FINE ART STUDIO, LLC**

Ms. Mitchell explained that the Historic Preservation Commission discussed the recommendation for the proposed Sesquicentennial Monument from the Historic Preservation Commission. She explained that the full discussion had can be found within the draft meeting minutes for the August 1 Historic Preservation Commission Advisory meeting, and that the recommendations from the Historic Preservation Commission was to not place the proposed monument on the pad located to between the Downtown Boone Post Office and Melanies. Councilmember George noted that this has been an ongoing topic of discussion for Council, and that he felt sending the proposed monument to the Historic Preservation Commission was a good compromise. He felt that the chapter of the monument being put on public land is now closed, and while he recognizes the importance of the founding families of Boone, sending the monument to the Commission was an act of Council to justify putting the proposed monument on public land. However, he feels now that the decision is clear. Mayor Pro-Tem Tugman agreed with Councilmember George. She went on to say that if the group of people in support of the monument could find a piece of land to place the monument on, that may be the best course of action. She explained that she felt it would be best to put the proposed monument on the patio in front of the Daughter's of the American Revolution Garden located at Strawberry Hill. Councilmember Carter agreed with the sentiments made by Mayor Pro-Tem Tugman and Councilmember George. Dr. Plaag emphasized that this proposed monument was treated as a hybrid quasi-judicial case and a proposal because the Historic Preservation Commission had to do it that way. He stated that he was troubled by Ms. Brenda Councill's position that once it was installed on Town property, she as the owner had the right to be in control of the language being placed on the monument in the future. He went on to say that he suggested to Ms. Councill that there may be a path forward for this later on in the future, however if it was to ever be placed on Town property, the text on the panels needs to be an accurate comprehensive story of the founders of Boone, and not in essence a subscription way of getting content placed on a monument. He explained that that discussion was not taken well by members of the Monument Committee, but the Historic Preservation Commission members were in agreeance and thus the monument was rejected from their perspective. Councilmember Roseman agreed, and said that the proposed monument was sent to the Historic Preservation Commission to decide if the text on the monument was historically accurate. She went on to say that she was in agreeance with Mayor Pro-Tem Tugman that the monument should have been placed on the patio, and that should a better home be found later on, discussions could have been had in regards to moving it. Councilmember Carter noted that if a monument is proposed to be placed on Town property, it needs to be historically accurate, and so he asked Council if they would be comfortable with a historically inaccurate monument being placed at Strawberry Hill. Mayor Futrelle suggested that if it comes up at a later date, a discussion could be had. However, right now he is looking for a motion. Mayor Pro-Tugman moved that the Town of Boone decline the gift of the Sesquicentennial Monument proposed by Ms. Brenda Councill. Councilmember George seconded the motion. Upon the motion of Mayor Pro-Tem Tugman, seconded by Councilmember George, the proposed gift of the Sesquicentennial Monument by Ms. Brenda Councill was declined unanimously, with Councilmember Roseman abstaining from the vote. Mr. Mark Freed wanted to clarify to Council in regards to the comments made about the Cultural Resources Department during public comment in regards to this

project, that it be made clear that the Cultural Resources Department did not approve the monument originally. He explained that it was evident that he did not approve the monument as he brought it first to Council to discuss and that no approval was given by the department as a whole.

CONSIDERATION OF CASES HEARD AT THE JULY 24, 2023 PUBLIC HEARING

Ms. Shook explained that she would like to table the discussion involving Case PL05640-040822 Lighting Design Standards - UDO Text Amendment for a later date. Council agreed. Ms. Shook then asked Council to make a decision for Case PL06422-012523 Kelpat Terrace - General Use Zoning Map Amendment. Council agreed. After Ms. Shook gave a brief overview of the case heard, Councilmember Roseman made the motion 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 of Comprehensive Policy 2.3A Community and Comprehensive Policy 2.3.3 Housing and Neighborhoods A, E, and F. Councilmember George seconded the motion. Upon the motion of Councilmember Roseman, seconded by Councilmember George, the Case PL06422-012523 Kelpat Terrace - General Use Zoning Map Amendment passed unanimously. Councilmember Roseman then made the motion that the Town Council approves the proposed amendment to the Town's Zoning map and believes approval of Ordinance PL06422-012523 is reasonable and in the public interest because there is no longer B1 zoning and will bring the parcel into alignment with its current use. Upon the motion of Councilmember Roseman, seconded by Mayor Pro-Tem Tugman, the motion passed unanimously.

NAMING OF PEDESTRIAN WAY - DANA FOLK WAY AND DIRECTION TO HISTORIC PRESERVATION COMMISSION

Before discussion, Ms. Davis asked for a motion to approve the budget amendment for Quantum Consulting found on August 9 2023 Agenda Packet Page 372. Upon the motion of Councilmember Carter, seconded by Councilmember George, the budget amendment move \$150,984 from Appropriated Fund Balance- General Fund Line Item 010-000-000-499900 to UDO/Comp Plan Update Line Item 010-411-000-549134 was approved unanimously.

Councilmember George then discussed his request to direct the Historic Preservation Commission to name the pedestrian way Dana Folk Way. He explained that Councilmember Carter had discussed this possibility with members of the Junaluska community, and they had expressed support. Councilmember George went on to give a brief history of Mr. Dana Folk. He explained that he requested this topic be brought to the Historic Preservation Commission for further historically accurate language to be placed on a marker. He explained that the history of the alleyway itself should be explored as well. He ended with giving Council a few examples of what he felt would be a good way to go about naming the alleyway. He explained that Mr. Moody had expressed the potential need for easements if the sign was bolted into the walls, however many of the options found in the packet were not bolted into the walls, but he would ask the Historic Preservation Commission to advise on the aesthetics. Councilmember George noted he is willing to discuss the proposed name, but he is unwilling to name the alleyway "Folk Way" as this would be in honor of the individual Dana Folk. Discussion ensued regarding the design. Council then gave consensus to direct the Historic Preservation Commission to look into the history and give recommendations for Dana Folk Way.

CONSIDERATION OF COMPENSATION PACKAGE OF TOWN OF BOONE ABC GENERAL MANAGER AND FINANCE OFFICER

Ms. Davis introduced the letter from Mr. Charlie Wallin, which can be found on August 9 2023 Agenda Packet Page 176, and explained that Council will need to discuss whether or not to write a letter of approval for the proposed salaries for the general manager and the finance officer of the Boone ABC store. She explained that this is due to N.C. General Statute §18B-700(g1) and N.C. General Statute § 7A-101. If the salary is higher than that which is mandated in the N.C. General Statutes, as letter of approval must be submitted to the ABC Commissions for their records. Mayor Pro-Tem Tugman noted if the statutory recommendation is appropriate, she does not believe Council should oppose the statute and that they should not make more than the Clerk of

Court. Ms. Meade clarified, and said that is not against the statute to have salaries above a certain amount, it is if the amount goes above the salary of the Clerk of Court, Council must specifically approve the salaries. Councilmember George asked Mayor Pro-Tem Tugman if she meant that this barrier was put in for a reason, and we should be hesitant of crossing it. Mayor Pro-Tem Tugman agreed. Councilmember Carter stated that the staff had already received some of the pay from the salary increase, and asked if Council was changing their pay rate. Ms. Meade said that they would have to go to their overall salary and adjust if not approved. She explained that it was the fault of the ABC Board for not coming to Council ahead of time. Councilmember Carter explained that he felt responsible because Council had approved a ten percent cost of living increase, in which Ms. Davis clarified and said that the Town does not pay the staff of the ABC store, and that they are independent of the Town. Mayor Pro-Tem Tugman explained that she does not want to demean the people working these jobs, however it feels that it is out of order. Mayor Futrelle then asked for a motion. Upon the motion of Mayor Pro-Tem Tugman, seconded by Councilmember Carter, Council voted unanimously to decline writing a letter of approval to be submitted to the ABC Commission.

APPOINTMENT TO DBDA BOARD

Councilmember Roseman nominated Vanessa White to the vacant position on the Downtown Boone Development Board to fill the remainder of Megan Mason's tem. Mayor Pro-Tem Tugman seconded the motion and Council voted unanimously in favor.

APPOINTMENT TO SUSTAINABILITY COMMITTEE

Councilmember George nominated Ryan Robinson to fill a vacant position on the Sustainability Committee. Upon the nomination by Councilmember George, seconded by Mayor Pro-Tem Tugman, Council voted unanimously in favor of the board appointment.

ADJOURNMENT

Mayor Futrelle asked for a motion to adjourn. Upon the motion of Councilmember Roseman, seconded by Councilmember Carter, the August 9 2023 meeting of the Boone Town Council adjourned at 9:48pm.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor