

**MINUTES – REGULAR MEETING  
BOONE TOWN COUNCIL  
August 14, 2024**

**CALL TO ORDER**

A regular meeting of the Boone Town Council was called to order at 9:04 a.m. on Wednesday, August 14, 2024, at the Boone Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council members present included Mayor Pro-Tem Dalton George, Virginia Roseman, Edie Tugman, and Eric Plaag. Town Staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Public Works Director Todd Moody, Planning Director Jane Shook, Deputy Planning Director Brandon Wise, Cultural Resources Director Mark Freed, Sustainability and Special Projects Manager George Santucci, Finance Director Guy Miller, Police Chief Andy Le Beau, Human Resources Director Dale Presnell, Grants Coordinator Laney Wise, Downtown Boone Development Coordinator Lane Moody, Advanced Planning Specialist Jessica Mitchell, and Fire Chief Jimmy Isaacs. Town Attorney Allison Meade was in attendance remotely.

**MOMENT OF SILENCE**

**ANNOUNCEMENTS**

Mayor Futrelle announced the following board vacancies:

**ABC BOARD**

Two regular positions

**BOARD OF ADJUSTMENT**

Two regular positions, three alternate positions

**CULTURAL RESOURCES ADVISORY BOARD**

One student position, one regular position

**DOWNTOWN BOONE DEVELOPMENT ASSOCIATION**

Two Council-appointed positions

**HISTORIC PRESERVATION COMMISSION**

Two regular positions

**PLANNING COMMISSION**

One regular position, one student position

**TENTATIVE AGENDA ADOPTION**

Mayor Futrelle asked that public comment be moved ahead of work session on the agenda. Council member Tugman made a motion to amend the agenda in this way. Mayor Pro-Tem George seconded the motion

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

Mayor Pro-Tem George then made a motion to approve the agenda as amended. The motion was seconded by Council member Plaag.

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

**APPROVAL OF PROCLAMATIONS AND RESOLUTIONS**

**APPROVAL OF PROCLAMATION - CONSTITUTION WEEK**

Mayor Futrelle read the following proclamation into the record:

**Proclamation for Constitution Week**

**WHEREAS**, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by the law; and

**WHEREAS**, September 17, 2024, marks the two hundred and thirty-seventh anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS**, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

**WHEREAS**, Public Law 915 guarantees the issuing of the proclamation each by the President of the United States of America designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE**, I, Tim Futrelle, by virtue of the authority vested in me as Mayor of the town of Boone, North Carolina, do hereby proclaim the week of September 17-23<sup>rd</sup> as **CONSTITUTION WEEK**, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through the guardian of our liberties.

**IN WITNESS WHEREOF**, I hereunto set my hand and caused the Seal of the Town of Boone to be affixed this 14<sup>th</sup> day of August of the year of our Lord two thousand twenty-four.

\_\_\_\_\_  
Tim Futrelle, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Nicole Harmon-Church, Clerk

Council member Plaag then made a motion to approve the proclamation as presented and extend to the Mayor the authority described in the proclamation. Council member Tugman seconded the motion.

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

**APPROVAL OF PROCLAMATION - FARMERS MARKET WEEK**

Mayor Futrelle read the following proclamation into the record:

**Town of Boone  
FARMERS MARKET  
WEEK**

August 14<sup>th</sup>, 2024

By the

Town

Council



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**WHEREAS** Watauga County farmers and ranchers provide citizens with access to healthful, locally, and regionally produced foods through farmers' markets, which are expanding and evolving to accommodate the demand for a diverse array of agricultural products, and

**WHEREAS** farmers markets and other agricultural direct marketing outlets provide infrastructure to assist in the distribution of farm and value-added products, thereby contributing approximately \$9 billion each year to the U.S. economy, and

**WHEREAS** farmers markets serve as significant outlets by which small-to-medium, new and beginning, and veteran agricultural producers market agricultural products, generating revenue that supports the sustainability of family farms and the revitalization of rural communities nationwide and

**WHEREAS** the Boone Town Council recognizes the importance of expanding agricultural marketing opportunities that assist and encourage the next generation of farmers and ranchers; generate farm income to help stimulate business development and job creation; build community connections through rural and urban linkages; and more;

**WHEREAS** the King Street Farmers' Market and Watauga County Farmers' Market are leaders in food access efforts at farmers markets in North Carolina, with a robust Double Up Food Bucks program that provides a dollar-for-dollar match to shoppers using nutrition benefits programs like SNAP/EBT and NC Farmers Market Nutrition Program; and

**WHEREAS** the King Street Farmers' Market and Watauga County Farmers' Market provide educational and engaging programming including special events, kids' activities, cooking demonstrations, and more that aim to connect producers and consumers and create a strong local food ethic; and

**NOW, THEREFORE**, to further awareness of farmers markets' contributions to Boone life, I, Tim Futrelle, Mayor, do hereby proclaim each August as Town of Boone Farmers' Market Month, in conjunction with the observance of National Farmers Market Week during the first full week of August. I call upon Boone citizens to celebrate farmers' markets with appropriate observance and activities annually.

**IN WITNESS WHEREOF**, I have hereunto set my hand this fourteenth day of August 2024.

\_\_\_\_\_  
Tim Futrelle, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Nicole Harmon-Church, Town Clerk

Mayor Pro-Tem George expressed his support for the farmer's market and made a motion to approve the proclamation as presented. Council member Tugman seconded the motion. Before a vote was taken, Council member Plaag asked how this motion came to Mayor Pro-Tem George. He was concerned that, from a policy perspective, the Mayor should be the proclaiming entity. Council member Plaag further noted that he styled his previous motion in a particular way to allow the Mayor authority to sign the proclamation. Mayor Pro-Tem George indicated that he did not ask to be the proclaiming authority on the document; this was simply how the farmer's market submitted it. Attorney Meade agreed that the Mayor Pro-Tem should not approve documents unless the Mayor were unavailable. Mayor Pro-Tem George amended his motion to approve the proclamation as amended to change the signature to Mayor Futrelle's. Council member Roseman seconded this motion.

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

### **APPROVAL OF PROCLAMATION - END OVERDOSE IN WATAUGA DAY**

Mayor Futrelle read the following proclamation into the record:

#### **Proclamation**

*WHEREAS, 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 overdose in our community, which claimed the lives of 9 people in Watauga County in 2023, together with countless more affected forever; and*

*WHEREAS, we resolve to play our part in reducing deaths by overdose, knowing that 68.6% of the 4,002 overdose deaths in North Carolina in 2022 had at least one potential opportunity for intervention, and*

*WHEREAS, we affirm that the people affected by overdose are our children, our parents, our siblings, and our neighbors, and they deserve our love, compassion, and support, easy access to life-saving supplies, and treatment, and*

*WHEREAS, we affirm that the people who love people at risk of overdose or grieve those lost are our children, our parents, our siblings, and our neighbors, and they deserve our love, compassion, support, and opportunities to remember their loved ones publicly.*

THEREFORE, I, Tim Futrelle, do hereby proclaim August 31st, 2024, 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\*, to seek education and resources for support of people with Substance Use Disorders and the people who love them, and to seek education and support of people who grieve those lost to overdose deaths.

This is the 14th day of August, 2024.

\_\_\_\_\_  
Tim Futrelle, Mayor

ATTEST:

\_\_\_\_\_(SEAL)  
Nicole Harmon-Church,

Town

Clerk

\*Free training for use of naloxone and drug testing kits and free supplies can be obtained from these local organizations:

|                                           |                 |
|-------------------------------------------|-----------------|
| Homestead Center:                         | Recovery Center |
| homesteadrecoverync.org                   | (828) 355-9943  |
| www.mrjc.us                               |                 |
| Location: 2554 Hwy 105, 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

Council member Roseman moved, and Council member Tugman seconded, that the proclamation be approved as presented.

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

### **APPROVAL OF RESOLUTION - MYFUTURENC ATTAINMENT GOAL**

Mayor Futrelle read the following proclamation into the record:

#### **Resolution to Support the myFutureNC Attainment Goal**

WHEREAS, myFutureNC is a statewide non-profit organization focused on educational attainment and is the result of cross-sector collaboration between North Carolina leaders in education, business, and government; and

WHEREAS, North Carolina has the goal that 2 million North Carolinians will have a high-quality credential or postsecondary degree by 2030; and

WHEREAS, the Town of Boone supports the goal of ensuring that 13,384 Watauga County residents ages 25 - 44 have a postsecondary degree or credential by 2030; and

WHEREAS, the Town of Boone agrees that North Carolina faces a gap between the projected needs for citizens with high-quality credentials or postsecondary degrees and the attainment of those high-quality credentials or postsecondary degrees;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town of Boone supports and endorses the attainment goal of myFutureNC that 2 million North Carolinians should have a high-quality credential or postsecondary degree by 2030; and
2. The Town of Boone supports and endorses the local educational attainment goal of 13,384 individuals with a high-quality credential or postsecondary degree by 2030 in Watauga County; and

3. The Town of Boone supports and endorses continued collaboration by leaders in business, education, state and local government, and community organizations to achieve these goals by developing an action plan, defining success with measurable outcomes, executing the action plan, and sharing successful practices with MyFutureNC and peer communities.

Adopted this the 14<sup>th</sup> day of August 2024 by the Boone Town Council.

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Tim Futrelle, Mayor

ATTEST:

\_\_\_\_\_(SEAL)

Nicole Harmon-Church, Town Clerk

Council member Plaag made a motion that was seconded by Council member Roseman, that the motion be approved as presented.

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

Council member Roseman expressed her support for the Constitution Week Proclamation and stated she was proud of the community.

### **PUBLIC COMMENT**

No speakers were signed up for public comment.

### **WORK SESSION**

#### **WORK SESSION ITEM - DISCUSSION OF SIDEWALK POLICY**

Mayor Pro-Tem George stated that his intention for bringing this item up for discussion was that construction across town often involved encroachment onto the town's right of way and the destruction of sidewalks. He noted that the Town ordinances allowed sidewalk closures for construction for a reasonable amount of time but that builders often were not in a hurry to replace the sidewalks. Mayor Pro-Tem George said that since the Town encouraged multimodal transportation, he felt an ordinance was needed to assist with that. Council member Plaag agreed and indicated that a couple of projects came to mind, such as the construction site on Rivers Street, where the sidewalks had been closed for some time and forced people to walk on the road. He added that drivers often disregarded pedestrians, which resulted in safety issues. Council member Plaag noted another situation he witnessed at the construction site of the Watauga County parking deck, where a person pushing a baby in a stroller in an unlit area was forced to walk in the roadway due to the lack of a sidewalk. He stated that these projects had been ongoing in excess of a year, which seemed like an egregiously long period of time. Another area of concern to Council member Plaag was sections of sidewalk along Blowing Rock Road that were broken up and in poor shape. He stated that staff needed to better ensure those areas were prepared and in proper shape for wheelchairs and other traffic. Council member Tugman added that in other metro areas, construction crews were often required to construct separate pedestrian walkways that encroached into parking lanes or roadways but with a barrier to protect them from traffic. She asked whether it would be appropriate to amend the construction permits to require developers to do something similar. Attorney Meade answered that the Town did have the authority to do so but suggested that the provision go into the UDO instead of the Code. She suggested she work with Directors Shook and Moody to discuss enforcement and decision-making as to what was considered reasonable. Attorney Meade stated that this matter would be best suited as a UDO amendment requiring a developer to present a timetable for when it would take sidewalks out of line and demonstrate it's minimizing the amount of time as part of the permit process. Council member Plaag then noted that during construction at the Market Place on King Street, parking spaces in front of the building were blocked off to construct the sidewalk and added that the Town was deprived of revenue for that time. He felt a solution would be requiring the builders to construct a sheltered pedestrian walkway over the parking spaces,

and in cases of lost revenue due to construction, the developer should be billed for the cost per day for the spaces used. It was the consensus of Council to direct staff to move forward with recommendations to address these issues as discussed. Council member Plaag asked whether when sidewalks along the NCDOT corridor needed repair if that was the responsibility of the Town. Director Moody confirmed that the Town was responsible for repairing these sidewalks. Council member Plaag reiterated that there was a strip of sidewalk near Harris Teeter and another strip near Staples where the concrete was badly busted up, and it would be challenging to navigate a wheelchair. He asked what was stopping staff from completing the repairs. Director Moody answered that crews have had other priorities over the summer. He noted that Council could contract this work to an outside agency at a cost. Mayor Pro-Tem George stated that a district tax for Blowing Rock Road should be explored.

### **WORK SESSION ITEM - DISCUSSION OF WINKLER'S CREEK RESERVOIR**

Manager Davis noted that Council had received copies of the recent Winkler's Creek Reservoir property appraisal. Attorney Meade added that the idea of this agenda item was to get general direction as to what Council wanted to do, if anything, about the reservoir property. She briefly explained the appraisal, which came in at \$2.5 million fair market value and \$1.9 million conservation easement value. Attorney Meade stated that Council's options were to do nothing with the property, to sell it for the most money possible to a buyer who would place the property in a conservation easement, or to explore placing the property in a conservation easement itself and continue to retain ownership of the property for use by the public. She indicated that she had engaged in limited discussion with a local land conservancy group about the possibility of working with the NC Land and Water Trust and a local conservancy group to enable the Town to keep the property and subject some or all of the parcel to a conservation easement while realizing some funding as a result. Attorney Meade added that, in the latter case, the funding that might be realized might be half or less than half that might be obtained from selling the property to a private owner who would put a conservation easement on it. She finished her comments by noting that the public did not hold many such large undeveloped tracts and that such tracts could be seen as priceless. Council member Plaag noted that the Historic Preservation Commission had not yet evaluated the historic dam on the property. Manager Davis stated that the appraiser was aware of the dam and that the Historic Preservation Commission assessment would not change his appraisal. She added that according to the appraiser, a historic easement would be redundant from the perspective of the appraisal and that passive recreation, such as walking or hiking, was a possibility for the property. Mayor Pro-Tem George echoed Attorney Meade's hesitations to sell Town property if the return was not great. Council member Tugman recalled speaking at the public hearing about the proposed bike park's need for Public Works to be housed in a building that the Town owned and felt that placing the property in a conservation easement would achieve this goal. She added that members had been contacted more than once about the property since it had come into the public purview. Council member Tugman expressed concerns about the Town's liability for trespassers on the property unless properly secured. Attorney Meade stated that the Town did not have liability for trespassers as the property was clearly posted against trespassing. Council member Roseman stated that a conservation easement, including the historic dam, was very important and suggested keeping part of the property and selling part with a conservation easement requirement. Council member Plaag asked whether there were deed restrictions on any parcels that made up the tract of property. Attorney Meade answered that there were none of which she was aware. Council member Plaag agreed with Mayor Pro-Tem George's hesitations to sell the property, and that, given the implications of a conservation easement, the Town would probably end up with half of the expected return. From a public sentiment standpoint, he was concerned that there was a lot of interest from neighboring properties for the property to be placed in a conservation easement. He did not believe it would sit well with the neighbors if the property was sold off and subsequently developed. It was the consensus of Council for staff to proceed to explore assistance from the NC Land and Water Trust for a conservation easement on the property as well as to invite the Blue Ridge Conservancy and a local conservancy group to speak regarding passive recreational use and the annual audit process of a conservation easement. Attorney Meade offered to speak with Blue Ridge Conservancy Director Charlie Brady about coming to speak with Council regarding these issues as well as grant opportunities. Council member Plaag noted the educational opportunities that could be had with this property.

### **WORK SESSION ITEM - US 421/POPLAR GROVE ROAD CONNECTOR ROUNDAOUT**

Public Works Director Todd Moody read an email from Transportation Planner David Graham explaining that High Country Council of Governments staff was finalizing the High Country RPO 2026-2035 STIP Priority Needs List for local input point allocation and had met with NCDOT staff to identify projects that had the best chance of getting funded with the limited funding available for this prioritization cycle. As a result, it appeared that the US 421/Poplar Grove Road Connector roundabout project had the best chance of getting funded due to the project score, cost, and available funding. Unfortunately, the roundabout project falls just outside local input point allocation on the priority needs list of 61 projects. Mr. Graham inquired whether the Town would be receptive to transferring local input points from the US 421 Daniel Boone Parkway Section A project for the US 421 Poplar Grove Road Connector roundabout project. The email continued to say that the Daniel Boone Parkway project had a cost of \$247,700,000 and was unlikely to get funded. Director Moody noted that Watauga County Commissioners decided to wait until the Town Council made a decision. Council member Roseman felt the roundabout needed to be implemented to allow traffic to flow in and out of town and expressed support for the project. Director Moody was conflicted about whether it would help or slow traffic flow. He added that if approved, staff would have to relocate, at NCDOT's cost, an underground water pump station located at this intersection, but he was unsure where. Mayor Pro-Tem George favored the idea of a roundabout, though he was troubled that staff did not have a place for the pump station. Council member Plaag expressed discomfort with supporting this project without seeing plans for how the surrounding properties would be impacted. Director Moody stated that while he had not seen any plans, he was sure there would be impacts to the surrounding properties. Manager Davis indicated she traveled through that area daily and was unsure if a roundabout would assist with the traffic congestion. Council member Roseman felt strongly that the issue needed to be addressed either by roundabout or stop light. Mayor Pro-Tem George was concerned with the potential size of the roundabout since it would have to accommodate tractor-trailers and agreed that it was difficult to make a judgment call without seeing plans. Council member Plaag was apprehensive about what he perceived as a major character-changing element in the middle of the downtown interface and potentially losing businesses such as Galileo's, Miller Industries, and residences on Green Street. To clarify Mayor Pro-Tem George's point regarding the scale of the roundabout, Manager Davis indicated that a single lane would be 120 feet across. Council member Tugman agreed that character was important as Council looked at how Boone would develop over the next ten to fifteen years and stated that she did not support the project. Council member Plaag suggested banking the Section A project points for another project to accomplish more in the future. Brief discussion ensued before Council member Tugman made a motion that the proposition to reallocate points from the Daniel Boone Parkway Section A project to the Poplar Grove connector roundabout project not be supported. Council member Plaag seconded the motion. Mayor Pro-Tem George noted that he was not a fan of either project but noted that his vote against the reallocation was because he did not understand the impact the roundabout would have on neighboring properties. Mayor Pro-Tem George asked that staff communicate to the High Country Council of Governments and NCDOT that they should provide as much information as possible before a decision was needed for future projects. Council member Roseman expressed her support for the roundabout and stated that she not be voting in favor of the motion.

VOTE:           Aye:     Tugman, Plaag, George  
                  Nay:     Roseman  
                  Absent: Carter

### **WORK SESSION ITEM - DISCUSSION OF POSSIBLE REFINEMENTS OF WINDOW SIGN REGULATIONS**

Attorney Meade and Planning Director Shook requested Council's consideration of possible changes to the sign ordinance to allow for new technology and the de minimis use of scrolling lights or other signs that were generally prohibited because of their potential distraction and danger to motorists in situations where such signs were not visible by motorists and did not pose a substantial risk. She added that technology was rapidly progressing, and there would always be signage developments that did not fit Town ordinances but might fit the de minimis approach. Attorney Meade referenced a kiosk with internally-lit real estate signs in the windows of a real estate firm in the Shadowline shopping center. Director Shook added that they also had tablets in the window that were changeable from the inside and had a contemporary window sign. Attorney Meade noted that the internally-lit signs were strictly speaking in conflict with the Town's ordinances and added that there was a small scrolling sign near Coyote Kitchen with text that scrolled so quickly it was hard to read. She said that if the code were strictly applied such signs would be prohibited even though they were viewable only to

pedestrians and might have a minimal effect in terms of the code's intention to avoid distracted drivers and light pollution. Attorney Meade suggested she and staff work on a simple provision that called out a de minimis effect category that could be determined by an administrator when a particular window sign did not cause a distraction. Council member Roseman agreed that the real estate signs mentioned were not eyesores and that if signs did not add to the light pollution or distract traffic, it should be up to planning staff to regulate. Mayor Pro-Tem George also supported staff making those judgment calls, as discussed. Attorney Meade clarified that by law, true discretion could not be given to administrators but had to be cabined and subject to careful standards. Mayor Pro-Tem George suggested Attorney Meade and staff work on draft language and bring it back for the Council's consideration. Council member Tugman asked what this meant in terms of the regulations on the square footage of signs. Attorney Meade answered that with respect to kiosks, an exception would need to be carved out for internal illumination since it was so weak it would not be a reasonable distraction to cars. She added that these standards were not subject to black-and-white rules and that she and staff were proposing to adjust the rules to add balance. Council member Tugman was concerned that these types of signs did not add to Boone's desired character and indicated that she was not in favor of moving forward. Council members Plaag and Roseman, as well as Mayor Pro-Tem George, expressed support for staff drafting language as described above, and staff indicated they would do so and bring it back at a later date.

Mayor Futrelle declared a break at 10:55 a.m. Council reconvened at 11:10 a.m.

### **APPROVAL OF ITEMS ON CONSENT AGENDA**

Upon a motion by Council member Roseman, seconded by Mayor Pro-Tem George, Council voted to approve the following items on the Consent Agenda:

#### 1. Budget Amendments:

Fire Department

|       |                                |                    |               |
|-------|--------------------------------|--------------------|---------------|
| TO:   | Capital Outlay Other Equipment | 010-500-350-574000 | \$21,910.77   |
| FROM: | Misc. Revenue                  | 010-000-000-489900 | (\$21,910.77) |

Alternative method for ERCCS System requirements at Skyline Terrace apartments.

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#### 2. Revised Fee Schedule

#### 3. Ordinance – Boone BOO!

#### 4. Minutes:

- a. Planning Retreat – January 29, 2024
- b. Housing Retreat – February 5, 2024
- c. Town Council Regular Meeting – June 12, 2024
- d. Town Council Regular Meeting – June 26, 2024
- e. Town Council Regular Meeting – July 10, 2024
- f. Town Council Regular Meeting – July 24, 2024

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

### **PLANNING MATTERS**

## **CONSIDERATION OF REVISED DRAFT TEXT FOR THE STONEMAN'S RAID INTERPRETATIVE PANEL**

Advanced Planning Specialist Jessica Mitchell presented the Council with a revised draft text for the Stoneman's Raid Interpretative Panel. Council member Plaag stated that he had a few concerns and wanted the panel text to be factually accurate and clear. He offered the following amendments:

Riding from the west on the morning of March 28th, 1865, the first of almost 6,000 of General Stoneman's Union ~~Cavalry~~ Forces, led by Maj Myles Keogh's 12th Kentucky Union Volunteer Cavalry entered ~~the town~~ Boone, which had a population less than 1,000.

~~They~~ The Home Guard surprised the Confederate Home Guard, who had been assembled at the James W. Councill House, which stood directly in front of you. They fired on the advancing Union Cavalry, who returned fire, ~~quickly ending the conflict with m~~ Many remaining Home Guard ~~fleeing~~ fled toward Howard's Knob, and the conflict ended quickly. Ultimately two Home Guard were killed, five injured, and 68 taken prisoner. Stoneman's forces, which included at least 13 Union loyalists from Watauga and surrounding counties, reported no casualties.

Union ~~Cavalry~~ troops continued to pour into town for the rest of the day, with Gen Stoneman requisitioning the Councill house for his headquarters.

Most of Stoneman's cavalry quickly moved out of the mountains, with orders to avoid battles, and "dismantle the country," destroying rail lines and materials that could be used by the then retreating Confederate Army, and to liberate Union Prisoners held in the Confederate prison in Salisbury.

On April 6th, Col. George W. Kirk's 2nd and 3rd NC Mounted Infantry arrived and occupied Boone for several weeks, with orders to blockade Deep, Sampson, and Watauga Gaps to control major routes through the mountains.

Three Union soldiers of the 3rd NC Mounted Infantry who died from disease are buried at the Boone Cemetery, half a mile southeast.

Council member Plaag noted that the word count would remain the same and, in response to a question raised by Mayor Pro-Tem George, that the panel should focus on the event, not the individuals who participated. He explained that space considerations, complications over variant spellings of the participant's last names, and the forthcoming cemetery panels had all been considerations in leaving off surnames on the Stoneman's Raid marker. He added that other forthcoming interpretive efforts, such as the Downtown Boone Walking Tour project by the Watauga County Historical Society, would be a better opportunity to provide that additional information and context. Council member Roseman reminded Council of a previous conversation Council had regarding the installation of an informational QR code on the panel. Ms. Mitchell answered that the Civil War Trails Program did not recommend placing a code on the panel due to the material used to construct it but indicated that it may be possible to place a separate code nearby. She added that she would clarify the possibilities with Civil War Trails Program staff. Council member Tugman suggested creating a phone application and adding the marker as an additional spot on the current historic Boone walking tour. Council member Roseman then made a motion to approve the revised draft text as revised. Council member Plaag seconded the motion.

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

## **BRIEF DISCUSSION REGARDING PROPOSED UDO CHANGES FOR THE SEPTEMBER PUBLIC HEARING**

Planning Director Jane Shook presented the following proposed UDO changes for the September Public Hearing:

1. Revise Subsection 21.03.09(D) and associated regulations to capture smaller storms up to the 25-year 24-hour storm.
2. Revise the following items related to occupancy:
  - a. Currently Uses 1.14-1.16 Multi-Family Dwellings in Mixed Use are allowed in the WD Wellness District, however, we currently have them in the “No Residential Uses Allowed” portion of B1.06 Complete Occupancy Table and do not list any occupancy regulations in Section 14.23 WD Wellness District. Research indicates that an occupancy limit wasn’t set at the time of adoption.
  - b. The E2 Educational District is established to provide for appropriate uses by colleges or universities outside of the ASU main campus, which uses may include residential uses. However, as previously discussed, the occupancy of the district which was modeled after the B3 General Business District is limited to 2 unrelated. Staff recommends either the “One-family or up to 4 unrelated” as allowed in the R3 and B3 zoning districts or the “no occupancy limitations” as allowed in the U1.
  - c. As discussed at the retreat earlier this year, Section 15.03.05(D) limits the occupancy of any multi-family dwelling unit built under 15.03 to two unrelated persons. As discussed at the retreat, the occupancy of the zoning districts were not changed, just the occupancy for the multi-family uses. This regulation is hard to enforce and report on as we have to know when a development was built to report the occupancy limitations (not go by the zoning district as with any other use). Additionally, the unintended consequence is that the developments since the adoption have been primarily 1-2-bedroom units.
3. Article 25 Community Appearance Standards revisions:
  - a. Roofs: Limit the color of publicly visible roofs and coping materials to dark and earth tone colors.
  - b. Building Façade Color – Staff concerned on the number of “light colors” being used that aren’t stark white but still meet LRV value.
  - c. Materials – Rework to address more contemporary materials; make decisions on most commonly used materials that are not brick or rock such as vinyl siding, standing seam or corrugated metal, composite materials, etc.
  - d. Features: remove “trellises” as a feature
4. Staff will provide an update on the ongoing work associated with the Transportation Impact Analysis (TIA).

Occupancy limitations were discussed first, with Attorney Meade asking for clarification as to why occupancy limitations would exist in E2 zoning districts since there were no grandfathered properties in the E2 zoning district. She did not see any reason for the town to be concerned about how the university developed each particular dwelling unit. In terms of multi-family housing, Attorney Meade was unsure why Council would want to limit multi-family occupancy to four unrelated occupants if there was demand. She added that, outside of low-density neighborhoods, she did not understand the need for the occupancy limitations presented. Council member Plaag expressed concern at not having occupancy limits because he had previously lived in places as a student where the practice was to rent a three-bedroom house or apartment and place 10-12 tenants in it. Attorney Meade suggested a more refined way to address this issue would be to limit the occupancy to two people per bedroom. Director Shook indicated that the UDO had occupancy limitations to control that type of situation already. Council member Plaag reiterated that he was concerned about potential density issues and what the impact would be if the university continued to buy property adjacent to low-density neighborhoods, then rezone to E2, and then have high-density dorm rooms next to residential areas. Mayor Pro-Tem George expressed his support for raising the occupancy limit for four unrelated occupants to encourage more housing stock. He believed staff could mitigate issues by utilizing the Complete Occupancy Table in the UDO. Council member Roseman thought the E2 zoning district should be modeled after the B3 zoning district and cohesive in occupancy rates.

After further brief discussion, the Council decided to increase Items 2b and 2c from 2 unrelated to 4 unrelated, and the remainder of the items should move forward as presented.

### **RECOMMENDATION & SELECTION OF HISTORIC PRESERVATION COMMISSION CHAIR & VICE-CHAIR**

Council member Roseman made a motion to approve the applications as presented. Council member Plaag seconded the motion.

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

### **COUNCIL MATTERS**

#### **APPOINTMENT TO HISTORIC PRESERVATION COMMISSION**

Council member Roseman nominated Aiden Basinger to serve in the student seat on the Historic Preservation Commission. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Aiden's term will expire on June 30, 2025.

### **TOWN MANAGER REPORT**

Manager Davis briefly updated Council on the following topics:

- 1,410 structures have been inventoried as a part of the ongoing stormwater inventory.
- The Hardin Creek restoration project is scheduled to conclude this week.
- Stadium Drive – Sanitary Sewer Project: Construction of the sanitary sewer main on Stadium Drive has been completed on schedule. The project included replacing 110 linear feet of an 8” clay sewer main with a new 12” PVC main.
- Paving / Resurfacing: The Town has completed the resurfacing of the following streets: Appalachian Drive, University Circle, Rhododendron Lane, Megan Lane, and Wickham Square.
- Stormwater Upgrades: The Street Department installed 180’ (ft) of stormwater pipe and two structures on Dogwood Road near Briarwood Drive to mitigate issues with runoff in that area.
- Salt Storage Building: The new salt storage building has been completed. The new 3250-square-foot building can hold approximately 1200 tons of salt.
- The closing on the property located off of U.S. Highway 421 took place on August 5<sup>th</sup>. Public Works Director Moody is currently drafting an RFQ for engineering services.

### **TOWN ATTORNEY REPORT**

Attorney Meade noted a recent Court of Appeals case that may have a minor effect on Town operations regarding emergency and remote meetings. She explained that a North Carolina county had a vacancy in its sheriff’s department and the board met on December 1 and decided they could wait until their regular meeting on December 6 to handle the matter. Later, on December 5, an emergency meeting was called with one hour of notice at which three of the seven commissioners attended in person, and one attended remotely, which was how they reached a quorum. She explained that the commissioners voted three to one in favor of naming the interim sheriff as the permanent sheriff, and the next day, during the regular meeting at which the seven commissioners were present, they reversed the prior action and voted for a different person to be sheriff. The court found that the emergency meeting was not justified and further that the remote commissioner could not make quorum. Attorney Meade stated that this resulted in litigation, with the county ultimately losing. She added that there was no justification for an emergency meeting in this case, so that portion of the decision clearly was proper. Attorney Meade indicated that the Court of

Appeals decided that the remote meeting to gain quorum was also invalid and that no action was valid, citing that the emergency law enacted during COVID-19 no longer applied since the state of emergency had expired. Due to this fact, Attorney Meade explained that a quorum could not be met through a remote member, and the vote of that potential remote member was not necessarily valid. She noted that she had already advised and the Town was already under the practice of not counting on a remote member as making quorum for Council meetings and that if there was a vote that relied on the vote of a remote member, whether to make a majority or super majority, that vote should either be postponed until everyone was able to meet in person or should be ratified when all Council members were able to meet in person. Attorney Meade stated that this decision did suggest that the Planning Commission needed to begin to utilize the same practice as Council by not relying on a remote member to make a quorum or to make a determining vote. She clarified that accommodations could continue to be made for remote participation for health reasons as long as enough members were present in person to reach quorum. Upon a question raised by Council member Plaag, Attorney Meade stated that it was not necessary to codify this and that the Town's actual practice is what would be at issue in any potential lawsuit. She clarified that even though a vote could be considered invalid due to remote participation, that did not mean that discussion involving a remote member was invalid.

### **BOARD LIAISON REPORT**

Council member Plaag stated that he was not able to attend the EDC meeting in July but noted that he did not believe they were able to take action due to the lack of quorum. He then announced Downtown Boone Development Association highlights, which included members' attendance at an NC Mainstreet conference, approval of a façade incentive grant for South End Brewing, and an increase in façade grant award to \$7,500 (which was retroactively applied to South End Brewing).

Council member Tugman indicated that the Cultural Resources Advisory Board met earlier in the week and announced a new vacancy. She also announced recent officer appointments and gave an update on the public art policy. Council member Tugman outlined upcoming events, including Doc Watson Day, Jones House music lessons, and jam sessions. She added that staff was soliciting volunteers for the annual Boone BOO! Haunted house. Council member Tugman was pleased to announce that this year's Christmas parade would take place at night and that staff was working on the logistics of this new development. Boonerang went well and relayed that most retailers discussed increased business during the festival. No issues were reported with beer distribution and sizeable donations from festival revenue were awarded to various non-profits. In closing, Council member Tugman indicated that the Tourism Development Authority had not met since her last report but stated that she and Manager Davis planned to discuss the Town's priorities for TDA this fiscal year's funds soon.

Mayor Pro-Tem George stated that the Sustainability Committee had communicated with an e-bike and scooter rental company. Council member Plaag added that there was discussion about what areas of Town were appropriate for these types of vehicles and noted that the committee was less interested in scooters than bikes. Mayor Pro-Tem George stated that this would be a test program of approximately six months if approved. Council member Roseman was in favor of the idea of including neighborhoods in the plan but was concerned about safety in terms of sidewalks. She added that not everyone was able to ride a bicycle and asked to keep scooters in the plan as well. Council member Plaag noted that scooters were apt to feel more haphazard to non-users, with Mayor Pro-Tem George agreeing that many communities reporting the removal of scooters due to users playing on them. He finished by noting that the committee was split on the decision.

Council member Roseman apologized to members for allowing her liaison position on the Watauga County Parks and Recreation board to fall to the side due to her busy schedule. She said she had remedied the situation and looked forward to attending upcoming meetings. Council member Roseman added that the SAHA season recently ended and that she planned to participate in an end-of-season board meeting on Monday. Council member Roseman finished by announcing the new appointments for the Historic Preservation Commission.

### **ADJOURNMENT**

Upon a motion by Mayor Pro-Tem George, seconded by Council member Plaag, Council voted to adjourn the meeting at 12:42 p.m.

VOTE:           Aye:     George, Plaag, Roseman, Tugman

Nay: None  
Absent: Carter

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Nicole Harmon, Town Clerk

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Tim Futrelle, Mayor