

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
August 17, 2021**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order virtually at 6:00 p.m. on Tuesday, August 17, 2021. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Connie Ulmer, Sam Furgiuele, Virginia Roseman, Nancy LaPlaca and Dalton George. Staff members present included Town Manager John Ward, Town Clerk Nicole Harmon, Fire Chief Jimmy Isaacs, Public Works Director Rick Miller, Planning Director Jane Shook, Deputy Planning Director Stacy Miller, Sustainability and Special Projects Manager George Santucci, Finance Director Amy Davis, Police Chief Andy Le Beau, Deputy Public Works Director Todd Moody, Downtown Boone Development Director Lane Moody, Administrative Support and Specialist Laney Pilkington, Intern Adam Zebzda, Cultural Resources Director Mark Freed, Deputy Public Works Director Josh Eller, and Human Resources Director Dale Presnell. Town Attorney Allison Meade was also present.

TENTATIVE AGENDA ADOPTION

Upon a motion by Ms. LaPlaca, seconded by Mayor Pro-Tem Ulmer, Council voted unanimously to approve the agenda as presented.

PUBLIC COMMENT

Jasmine Shoshonna of Boone asked members to follow the money regarding mask mandates and read a list of funding sources whom she believed to be a conflict of interest in terms of CDC guidance.

Candy Boyle stated that she had served in the healthcare industry for thirty years, and expressed her belief that there was no proof that masks worked in protecting against the Covid-19 virus.

REQUESTED APPEARANCES

JAMES MILNER - APPALACHIAN COMMERCIAL REAL ESTATE

James Milner with Appalachian Commercial Real Estate asked Council to consider renewing the Listing Agreement for the listing of the Town of Boone's property located at 1500 Blowing Rock Road for another year. He noted that he was currently speaking to three developers regarding the property and would like to extend the agreement to have the opportunity to further pursue those inquiries. Mr. Furgiuele asked whether it would be problematic for the current Council to approve a listing agreement since there would be a new Council seated in December. Mr. Milner was agreeable to a shorter term so that the new Council was not encumbered. Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Ulmer, Council voted unanimously to extend the Listing Agreement for the Blowing Rock Road property for a period of six months with the same conditions, to expire on February 20, 2022.

COUNCIL MATTERS

CONSIDERATION OF APPROVAL OF THE THIRD JIMMY SMITH MARANON & STREET PARTY

Mr. Ward provided members with a brief update of the local Covid-19 numbers before members considered the approval of the Jimmy Smith Maranon & Street Party. Mr. Freed noted that the event was not a fundraiser, but a community event that usually brought approximately 500 people. He added that hand washing stations would be available, as well as any other precautions directed by Council. Mr. Freed indicated that food trucks would be allowed to set up along South Depot Street and that local breweries would be invited to dispense their products as well. Ms. Roseman asked whether staff would be monitoring how many people entered the food and drink section. Mr. Freed answered that staff could do this, but that if Council wished to monitor capacity, perhaps members should consider whether to cancel the event altogether as opposed to having staff try to monitor all the various points of entry into the outdoor space. Mr. Freed further noted that planning started now for the Boone BOO! celebration, but indicated that Council and/or staff could cancel in the future if numbers got higher. Mayor Pro-Tem Ulmer felt that staff should err on the side of caution in terms of these events. Mr. Furgiuele felt that the Maranon was not really a community event yet, but that Boone BOO! was more important to the community. He suggested that the Jimmy Smith Maranon be cancelled, and that Boone BOO! should move

forward for planning purposes. Ms. LaPlaca asked how the increased traffic for both the Maranon and the Boone BOO! would impact downtown businesses. Mr. Freed felt that both events brought shoppers and diners to downtown businesses. Mr. Furguele then made a motion, which was seconded by Ms. Roseman, to cancel the 2021 Jimmy Smith Maranon & Street Party, and to reevaluate holding the event in the spring. The motion carried unanimously.

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): Sunday, October 31, 2021

Times: 3:00 p.m. – 6:00 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 _____, 2021

The Honorable Rennie Brantz, Mayor

Attest:

_____, Town Clerk

CONSIDERATION OF APPROVAL OF BOONE BOO! ORDINANCE

Ms. Roseman made a motion, which was seconded by Mayor Pro-Tem Ulmer, to approve the ordinance as presented and to allow staff to move forward with the planning of the Boone BOO! with the stipulation that the event could be cancelled in the future if Covid-19 numbers got out of hand. The motion carried unanimously.

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_____, Town Clerk

CONSIDERATION OF UDO AMENDMENT REGARDING SHORT-TERM RESIDENTIAL RENTALS

Ms. Meade presented potential amendments to the UDO regarding short-term rentals. After the presentation, Mr. Furgiuele noted that he did not see any distinctions between the accessory apartment exceptions and vacation rentals, and did not see a reason to allow one and prohibit the other. Ms. Meade indicated that this was not her intent in drafting the language to draw such a distinction; rather she had intended to allow lawful use of a homestay in either situation. She stated that she would make changes in the language to make this more clear, and asked whether Council wished to move forward with sending the text to public hearing. Ms. LaPlaca said that this issue was one which required public input and before moving forward there should be opportunities for that. Mr. Furgiuele indicated that he believed Council should move forward and the public would have the opportunity for input at the public hearing to be held on the amendments, and noted there had already been

several well-attended public forums. He also noted that many people were operating these rentals in violation of the zoning ordinance, and it could potentially affect people's abilities to pay their mortgage if rental income was taken away from them. After brief discussion, Mayor Pro-Tem Ulmer made a motion, which was seconded by Mr. Furgiuele, to direct staff to work with the Town Attorney to amend the language as discussed and to send the text to a special public hearing on October 25, 2021 at 6 p.m. via WebEx. The motion carried unanimously.

DISCUSSION ABOUT MINIMAL HOUSING CODE VIOLATION PROCEDURE

Mr. George presented a request for draft language regarding retaliatory evictions in response to minimum housing code complaints, and asked that the language be displayed on the Town website. He believed that by making this information more accessible on the website, the reporting process of violations would be more efficient. Mr. Ward noted that staff was working on updating the website to include additional information such as this. Ms. Shook stated that she had spoken with Mr. George and recommended that information, such as references to helpful information on a website, be included in letters of violation. Mayor Pro-Tem Ulmer made a motion to accept Mr. George's proposal as presented. The motion died due to lack of a second. Ms. Shook indicated that she could work with staff and the Town Attorney to draft language for use in correspondence with landlords when they are in violation. Ms. Meade noted that the language could be added to the notices of violation provided to landlords, but that those were few and far between. She added that brochures were available that could be handed out by inspectors to complaining tenants. Mr. George made a motion to direct staff to work with the Town Attorney to draft concise correspondence language regarding retaliatory evictions that could be included on the Town of Boone website, as well as printed materials that could be provided by Planning staff. Ms. LaPlaca seconded the motion. Discussion ensued regarding retaliatory evictions, with Ms. Shook indicating that staff had not had many complaints of retaliatory evictions, but rather believed that many students and/or their parents will rent a living space sight unseen and then try to use minimum housing code language to get out of a lease. Mr. Furgiuele felt that there was a lot of substandard housing in Boone and that people were afraid to complain because they felt like if they did, they would be retaliated against. Mr. George restated his motion to direct staff and the Town Attorney draft a very brief and concise way to inform people of what a retaliatory eviction is and to include some information that could be distributed by staff, as well as placed on the Town website. Mr. Furgiuele stated that he would rather the motion be that the Town Attorney be directed to confer with staff about language recommendations and report back to the Council at the next regular meeting. Mr. George and Ms. LaPlaca accepted this amendment. The motion carried unanimously.

Mayor Brantz declared a break at 8:24 p.m. Council reconvened at 8:34 p.m.

UPDATE ON TOWN OF BOONE SUSTAINABILITY EFFORTS

Mr. Santucci presented a power point update on the sustainability efforts of the Town of Boone. A copy of the presentation may be viewed online at <http://boonenc.iqm2.com/Citizens/Default.aspx>.

DISCUSSION OF RENEWAL OF SUSTAINABILITY COMMITTEE

Mr. Santucci stated that the charge for the Sustainability Committee was amended several years earlier to include an expiration date, which was April 2021. Mr. Furgiuele felt that the committee term needed to be renewed, and suggested that Mr. Santucci come back with recommendations to Council as to how the committee charge could be amended to include the work he has done and plans to do in his position as Sustainability Coordinator. Ms. LaPlaca agreed that the committee should be renewed. Mr. Furgiuele made a motion, which was seconded by Mayor Pro-Tem Ulmer, to extend the committee by a period of two years and to direct Mr. Santucci to come back next month with an outline of specific tasks for Council's endorsement, as well as their potential next steps. The motion carried unanimously.

APPOINTMENT OF LIAISONS TO CAC, DBDA, SC & POLICE COMMITTEE

Ms. Roseman made a motion, which was seconded by Mr. George to appoint Ms. LaPlaca as liaison to the Downtown Boone Development Committee, Mr. George to the Community Appearance Commission and the police task force, and Mayor Pro-Tem Ulmer to the Sustainability Committee. The motion carried unanimously.

CONSIDERATION OF AMENDMENT TO TOWN CODE CHAPTER 96 REGARDING COSTS ASSOCIATED WITH STREET CLOSURES

Ms. Roseman made a motion to accept the amendment to Town Code Chapter 96 and the attached fee schedule as presented. Ms. LaPlaca seconded the motion, which carried unanimously.

**AN ORDINANCE TO AMEND THE TOWN OF BOONE
CODE OF ORDINANCES CHAPTER 96, SECTION 96.048 REGARDING FEES AND
COSTS ASSESSED FOR PETITIONS FOR THE CLOSING OF A STREET OR ALLEY**

WHEREAS, the Boone Town Council desires to modify the fees and costs assessed for a petition for closure of a street or alley pursuant to Town Code Chapter 96 ("Streets, Sidewalks and Other Public Ways; Encroachments") and N.C.G.S. § 160A-299; and

WHEREAS, the Boone Town Council is authorized to adopt this ordinance pursuant to its powers under Chapter 160A of the North Carolina General Statutes, including but not limited to its authority over town streets and sidewalks pursuant to Article 15 of Chapter 160A;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

SECTION 1. Section 96.048 of the Boone Code of Ordinances is hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference.

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this ____ day of August, 2021

Rennie Brantz, Mayor

ATTEST: _____
Town Clerk

Town of Boone
Department of Public Works Fee Schedule
 Effective ~~August~~ July 1, 2021

BRUSH, DEBRIS & LEAF PICKUP SERVICES

	SERVICE FEE	DESCRIPTION
BRUSH	\$80.00	GRAPPLE TRUCK 2 EMPLOYEES
	<u>\$50.00</u>	@25.00/HR
	\$130.00	TOTAL PER HOUR
		HALF-HOUR
	\$65.00	MINIMUM
DEBRIS	\$80.00	GRAPPLE TRUCK 2 EMPLOYEES
	<u>\$50.00</u>	@25.00/HR
	\$130.00	TOTAL PER HOUR
		HALF-HOUR
	\$65.00	MINIMUM
LEAF	\$43.00	VACUUM TRUCK 1 EMPLOYEE
	<u>\$25.00</u>	@25.00/HR
	\$68.00	TOTAL PER HOUR
		HALF-HOUR
	\$34.00	MINIMUM
DEVELOPMENT PLAN REVIEW & INSPECTION FEE		\$75.00
DEVELOPMENT RELATED RE-INSPECTION FEE (Per Trip)		\$55.00
DRIVEWAY PERMIT FEE		\$50.00
ENCROACHMENT AGREEMENT FEE		\$50.00
SIDEWALK/GREENWAY FEE-IN-LIEU FEE		
PER LINEAR FOOT OF CONCRETE SIDEWALK (5' WIDTH)		\$92.00
PER LINEAR FOOT OF ASPHALT GREENWAY (10' WIDTH)		\$65.00
PER LINEAR FOOT OF CURB AND GUTTER		\$33.00
WHEELCHAIR RAMP		\$1,350.00
<u>STREET / RIGHT-OF-WAY CLOSURES</u>		
<u>NON-REFUNDABLE PETITION FEE</u>		<u>\$500.00</u>
<u>ALL COSTS INCURRED WITH RESPECT TO PETITION</u>		<u>VARIES</u>
<u>AND CLOSURE (e.g., legal notice publication, recording fees)</u>		

UTILITY SERVICES**METER DEPOSITS**

(outside city limits deposits are double rates listed below):

Residential	\$150.00
Commercial	\$500.00
PRE-TREATMENT PLAN REVIEW & INSPECTION FEE	\$75.00
WATER & SEWER PLAN REVIEW & INSPECTION	\$75.00
PRETREATMENT FEE (previous violation)	\$100.00
BOD SURCHARGE (per pound)	\$0.376
TSS SURCHARGE (per pound)	\$0.433
BIO-SOLID SALES (per ton)	\$1.00
WTP SAMPLE CHARGE (per sample)	\$20.00
SYSTEM DEVELOPMENT FEES (per gallon):	
WATER	\$7.89
SEWER	\$7.99
CONSTRUCTION METER (temporary):	
$\frac{3}{4}$ "	\$500.00
2" or 3"	\$1,600.00
METER CONNECT/DISCONNECT/RECONNECT (each)	\$125.00
RETURNED CHECK CHARGE	\$20.00
METER RE-READ CHARGE	\$10.00
LATE PENALTY CHARGE	\$10.00
SEPTIC DISPOSAL FEE (per gallon):	
Residential	\$7.00
Commercial	\$10.00
MINIMUM FEE (each) WATER & SEWER	
(Outside city limit's minimums are double rates listed below):	
Minimum Residential $\frac{3}{4}$ " includes 0-1,000 gallons	\$14.25
Minimum Residential $\frac{3}{4}$ " includes 1,001-2,000 gallons	\$15.75
Minimum Commercial $\frac{3}{4}$ " includes first 2,000 gallons	\$21.50
Minimum Commercial 1" includes first 2,000 gallons	\$26.50
Minimum Commercial 1 $\frac{1}{2}$ " includes first 2,000 gallons	\$31.50
Minimum Commercial 2" includes first 2,000 gallons	\$31.50
Minimum Commercial 3" includes first 2,000 gallons	\$41.50
Minimum Commercial 4" includes first 2,000 gallons	\$51.50
Minimum Commercial 6" includes first 2,000 gallons	\$71.50
Minimum Commercial 8" includes first 2,000 gallons	\$91.50
DISTRIBUTION – WATER	
(Outside city limit's use is double rates listed below):	
2,001 - 4,999 gallons	\$6.15
5,000 - 9,999 gallons	\$6.40
10,000 - 14,999 gallons	\$6.65
15,000 – 19,999 gallons	\$6.90
Over 20,000 gallons	\$7.15
COLLECTION – SEWER	
(Outside city limit's use is double rates listed below):	
Residential – Over 2,000 per 1,000 gallons	\$5.50
Commercial – Over 2,000 per 1,000 gallons	\$5.75

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Ulmer, seconded by Mr. Furgiuele, Council entered into closed session at 9:51 p.m. pursuant to:

1. N.C. Gen. Stat. § 143-318.11(a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s).
2. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims.
3. N.C. Gen. Stat. § 143-318.11(a)(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 the lawsuits involving Watauga County.
4. N.C. Gen. Stat. § 143-318.11(a)(6), to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

The motion carried unanimously.

Upon a motion by Mayor Pro-Tem Ulmer, seconded by Ms. LaPlaca, Council voted unanimously to exit closed session at 10: 33 p.m.

ADJOURNMENT

Upon a motion by Ms. LaPlaca, seconded by Mayor Pro-Tem Ulmer, Council voted unanimously to adjourn the meeting at 10:34 p.m.

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor