

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
August 19, 2021**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order electronically at 6:00 p.m. on Thursday, August 19, 2021. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Connie Ulmer, Sam Furgiuele, Dalton George, Nancy LaPlaca and Virginia Roseman. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Finance Director Amy Davis, Police Chief Andy Le Beau, Planning Director Jane Shook, Fire Chief Jimmy Isaacs, Deputy Public Works Director Josh Eller, Deputy Planning Director Stacy Miller, Cultural Resources Director Mark Freed, Deputy Public Works Director Todd Moody, Human Resources Director Dale Presnell and Sustainability Coordinator and Special Projects Manager George Santucci. Town Attorney Allison Meade was also present.

ANNOUNCEMENTS

Mr. Ward began the meeting with a brief Covid-19 update. Mayor Brantz then announced the following board vacancies:

BOARD OF ADJUSTMENT

One regular position; Two alternate positions

COMMUNITY APPEARANCE COMMISSION

One regular positions; One student position

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

One board appointed position

HISTORIC PRESERVATION COMMISSION

Four regular positions; One student position

SUSTAINABILITY COMMITTEE

One student position

TRANSPORTATION COMMITTEE

One position (Cooperative Extension)

One resident position (Alternative Transportation)

One resident position

One student position

WATER ADVISORY COMMITTEE

Five regular positions; One student position

TENTATIVE AGENDA ADOPTION

Mr. Ward indicated that Mayor Pro-Tem Ulmer had reached out to him about the possibility of Mr. George taking over her role as liaison on the Sustainability Committee. He suggested that this be added to Council Matters, along with an item allowing Jennifer Greene with the Watauga County Health Department to give a presentation on Covid-19. Mr. Furgiuele then made a motion, which was seconded by Ms. Roseman, to add the two items suggested by Mr. Ward to the agenda as the first two items under Council matters. The motion carried unanimously.

PUBLIC COMMENT

Two people were signed up to speak during public comment, but were unavailable when their names were called.

ADOPTION OF ITEMS ON CONSENT AGENDA

Upon a motion by Ms. LaPlaca, seconded by Mayor Pro-Tem Ulmer, Council voted unanimously to approve the following items on the consent agenda:

May 20, 2021 Regular Town Council Meeting
June 4, 2021 Special Town Council Meeting
June 15, 2021 Regular Town Council Meeting
June 17, 2021 Regular Town Council Meeting

July 13, 2021 Regular Town Council Meeting
July 15, 2021 Regular Town Council Meeting

COUNCIL MATTERS

TOWN MANAGER UPDATE

Mr. Furgiuele indicated that members had received information from a psychologist from Appalachian State University which recommended children under 12 be exempt from wearing masks. He then asked Ms. Meade to confirm that the childcare center at ASU would not fall under the control of the Town of Boone, even though it was within the Town limits, and asked how many licensed childcare operations were within the Town of Boone. Mr. Furgiuele noted that some of the resources provided by the psychologist did in fact recommend against masking children under 6, including the World Health Organization and that although that recommendation was from last year, it continued to be endorsed by the European Union. Mayor Pro-Tem Ulmer said that she had read all the references in the email, and that people disagreed about masking. Ms. Greene stated that it was CDC guidance that children two and older wear masks. Ms. Meade responded that the Town of Boone did not have control over state entities, which the ASU childcare center was. Dr. Ousika, who originally sent out the information being referenced, was on the call and asked members to consider excluding children under twelve from the mask mandate. Staff responded that there were approximately twelve childcare facilities in the Town limits, not including the pre-k facilities at Hardin Park or the ASU facility. Mr. Furgiuele then made a motion to ask Ms. Greene to contact the NCDHHS on behalf of the Town of Boone to ask whether the agency felt it would be prudent for the Town to maintain a mask mandate for children five and under, and whether there would be support for relaxing the mandate when Boone dropped in level of cases. Mr. George seconded the motion, which carried unanimously.

Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Ulmer, Council voted unanimously to appoint Mr. George as liaison to the Sustainability Committee in place of Mayor Pro-Tem Ulmer.

Mr. Ward updated Council on the following matters:

1. Utilities maintenance crews will begin repair and replacement work over approximately 350 feet of six-inch sewer line service on Cherrybrook Lane beginning August 23. The work is expected to take approximately 7-10 days.
2. Automated meters are continuing to be installed to replace old meters. To date, approximately 1,164 meters have been installed, which is approximately 20% of Town meters. Staff is currently revisiting all options for potential data gathering and system communication point locations and construction options.
3. The Jimmy Smith WWTP was featured in the Plant Spotlight section of the summer edition of the NC Currents magazine that was produced by the American Water Association. The plant has also been moved to reduced monitoring requirements due to the exceptionally performing facility ranking that it received.
4. Boone Clean-up Day and Fall Litter Sweep will take place in conjunction with the statewide fall litter sweep 2021 campaign issued by Governor Cooper for September 11 through September 25. The town of Boone will hold fall Boone cleanup day on September 11, 2021. Interested participants may come by the town of Boone Public Works Department located at 321 East King Street between eight and one to pick up cleaning supplies. All volunteers are encouraged to follow proper COVID-19 safety guidance. This includes wearing face masks and gloves at all times and maintaining six foot social distance. Anyone who has been recently diagnosed or exposed to COVID-19 should refrain from participating. In addition, town residents will receive an additional free curbside pickup of collected debris, household junk bulk items yard debris or brush September 13 through September 24. For more information or to schedule a pickup, please call 268-6230. We'll also be sharing that on social media. Upcoming road closures shadow line drive on August 22, 2021. Shadowline Drive will be closed periodically between 6:30 in the evening and 5:00 in the morning for asphalt milling and resurfacing. Construction will continue beyond August 22. With intermediate road closures nightly until the project is complete. Meadow view drive on August 25, 2021. Meadowview Drive from Highway 321. Near Friendship Honda to Greenway Road will be closed periodically between the hours of 6:30 in the

evening and 5:00 in the morning for asphalt milling and resurfacing and construction. Work will continue beyond the 25th with intermittent road closures unlikely until the project is complete. Access to all residences and businesses will be maintained at all times. All construction is weather dependent, and motorists are encouraged to use alternate routes during this time. Thank you for your patience as we work to maintain and improve the safety and quality of our streets. Any questions can be directed to the Boone Street Division at 268- 6230.

5. Highway 194 sidewalk project, the Public Works Department has completed the installation of 720 feet of stormwater pipe, 15 catch basin structures and 870 feet of curbing and sidewalk. The North Carolina Department of Transportation has installed the hawk signal, which will be operational after the required traffic markings can be painted.
6. Greene's construction will work to complete installation of the brick paver sidewalks on North Depot Street by the end of August. The Town will then install five new streetlight poles on the west side of North Depot and schedule asphalt milling and resurfacing around the middle of September. The next area for sidewalk replacement is in the area of 603 West King Street, the Greene/Wilcox building, which will begin the first week of September.
7. The new Town website will include an option for translation to different languages.
8. Staff will be partnering with the Boone Rotary Club to provide Luke Combs concert parking at the Daniel Boone Park in a fundraiser format, in which the park would be the recipient of 50% of the funds received.

Mr. Furgiuele asked whether Mr. Ward anticipated being able to break ground on the Howard Street project before the end of the year. Mr. Ward answered that he was unsure of a schedule until a contractor for the project had been determined.

Mr. Ward pointed out that since the requirement had been implemented for unvaccinated employees to be tested once per week, additional employees had become vaccinated. He then recommended that Council not move forward with a vaccination mandate for employees at this time. Members were all appreciative of staff who had gotten vaccinated or who had submitted to weekly testing in an effort to keep others safe during the pandemic.

TOWN ATTORNEY UPDATE

Ms. Meade updated Council on the two lawsuits with the County. In regards to the sales tax case, Ms. Meade indicated that it was on appeal and would be for some time. As to the water allocation easement case, she stated that the case went to mediation a number of weeks back, and that mediation resulted in some discussions about a possible settlement. Ms. Meade noted that at this point, the mediation remained open while the parties engaged in good-faith settlement discussions. She stated that as soon as she had a specific proposal, she would be speaking to Council about it in closed session. Ms. Meade anticipated that if the case did not settle in the next one to two months, the Town would have its motion to dismiss heard by the Court.

Ms. Shook asked for guidance on how Council would like to address outside seating areas at restaurants as listed in UDO Section 14.03.062. She stated that many times, outdoor dining structures were not attached to the principal structure, which was not allowed per the UDO, while attached decks and structures were. Mr. Furgiuele stated that he did not see any policy reason why the two should be treated differently, and that he supported amending the UDO to allow detached structures, particularly in the downtown zoning district, so long as other requirements were met. Ms. Roseman then made a motion to direct Planning staff to develop verbiage to bring back to Council to amend the UDO so that non-conforming establishments of restaurants could come into compliance with UDO Section 14.03.062, and so that future restaurants would be able to partake of the same opportunity. Mr. George seconded the motion, which carried unanimously.

Ms. Meade gave an update regarding her research on a potential human relations commission. She stated that out of the numerous commission's she had researched, that there were three basic models. Larger cities had equity officers who handled the formal complaint process. In the smaller cities like Boone, Ms. Meade stated that there were no equity officers and no discrimination ordinances, but rather human relations commissions that made recommendations back to the board. She added that those commissions were often given the power to engage in investigating complaints and attempting conciliation on a voluntary basis, but that in some cities such

investigations were expressly not authorized. Ms. Meade stated that she had not yet talked to other cities to get their feedback on these committees, but if Council still wished, she would do so. Mr. Furgiuele asked whether Ms. Meade got any sense of the composition and staffing of the commissions, particularly in the smaller communities similar to Boone in size. Ms. Meade answered that in Lexington, the Council appointed the members of the Commission, but in Morganton, the members were appointed to the Commission by the Mayor, with representatives from the local high school and the local public safety department for example. Mr. George added that he was excited to see what additional information Ms. Meade came up with in her research, such as how commission members were trained. Mr. Ward noted that he was concerned with staffing a human relations commission, and asked Council to keep this in mind as they moved forward in future discussions. Mr. Furgiuele stated that he felt this initiative was important for Boone, and that based on the responses the Town had received from its survey, there are many people who felt they were not treated equally. He felt the staffing issue could be addressed. Ms. Meade said that in the smaller towns, it appeared that staffing was provided by the town's human resources officer. It was the consensus of Council to have Ms. Meade continue her research and come back to Council at a later date with additional information.

BOARD LIAISON UPDATE

Mayor Pro-Tem Ulmer reported that Appalcart was implementing a new phone application to make it easier to use the buses.

APPOINTMENT TO COMMUNITY APPEARANCE COMMISSION

Ms. Roseman nominated Christy Cook to the Community Appearance Commission. Hearing no further nominations, Mayor Brantz called for a vote.

VOTE: Aye: All
 Nay: None

Ms. Cook's term will expire on June 30, 2022.

APPOINTMENT TO SUSTAINABILITY COMMITTEE

Mr. Furgiuele nominated Brian Crutchfield to serve on the Sustainability Committee. He noted his long history of community service and connection to BREMCO, adding that such a connection could be critical in achieving the Town's climate goals. Hearing no further nominations, Mayor Brantz called for a vote.

VOTE: Aye: All
 Nay: None

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

CONSIDERATION OF CASES HEARD AT THE JULY 26, 2021 PUBLIC HEARING

Ms. Shook presented Cases PL0483-070721 & PL04894-070721 Blue Ridge Tourist Court & Motel Local Historic Landmark Designation Map Amendment for Council's consideration. Mr. Furgiuele made a 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 they are consistent with: Comprehensive Plan Policy 2.1.1 Economic Development C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective; D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas; Comprehensive Plan Policy 2.3.2 Community Character A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area. B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged. C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged. D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning

area shall be discouraged. E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area. Ms. Roseman seconded the motion, which carried unanimously.

Mr. Furgiuele made a second motion to approve the proposed amendment of the Town's zoning map and to designate the property as a local historic landmark because it is a unique opportunity to preserve an important part of Boone's past, and this action will ensure that the property will be protected in perpetuity. He added that it was the first time in his memory that a developer sought to preserve a historic structure and rather than tear it down, recondition it to recover its historic appearance. Mayor Pro-Tem Ulmer seconded the motion, which carried unanimously.

Ms. Shook presented case PL04797-06921 Watauga County Courthouse Conditional District Zoning Map Amendment for Council's consideration. Ms. LaPlaca stated that she appreciated the County agreeing to explore solar on the courthouse roof, which it had told the Planning Commission it would do. Mr. Furgiuele asked whether there were any requirements in the condition for the County to actually install solar, which Ms. Shook confirmed that there were not, and that the County would have to submit documentation that they had explored the possibility of installing solar. Chelsea Garrett, who identified herself as the attorney for the County, interrupted the discussion and indicated that the County Manager and Ed Miller with New River Light and Power have had discussions regarding the possibility of solar panels on the roof of the courthouse. Mr. Geouque indicated that the County was more than willing to explore potentially installing solar on the courthouse roof through a partnership. Ms. Garrett stated that the roof leaked and it was important to replace it with a pitched roof because of the expense of replacing a flat roof which she claimed would be prone to leaking. Questions from the Council suggested that the current roof had been left in place much longer than the recommended period. Mr. Furgiuele expressed discomfort with the increase in height of the roof, and noted that there had been many contradictions in testimony offered by the County, its attorney and witnesses during the public hearing and before the Council that evening. He expressed concern about the proposals lack of consistency with the historical standards, and he endorsed the observations of Dr. Plaag, vice-chair of the Planning Commission. He added that he believed that the Board of Adjustment had wrongly approved the variance request by the County and that any hardship was of its own making and unrelated to property. Ms. Roseman stated that she was in support of the project, because it would enhance the beauty of the downtown area, was in harmony with the buildings surrounding it, and would provide a better safety net for the building architecturally. Ms. Roseman made a 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 they are consistent with Comprehensive Plan Policy 2.1.5 Downtown A. A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place; Comprehensive Plan Policy 2.3.2 Community Character A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area. E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town. The following conditions apply: 1. Where there is a conflict between the application information and the plans (plan received June 15, 2021) the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO. 2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated. 3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits. 4. The applicant is to explore the use of solar applications to the roof structure. 5. The final design would mimic the photo elevations shown from the Board of Adjustment packet and that the building elevation drawing in the public hearing packet was not representative of the actual roof. The Town Council also approves the amendment of the Town zoning map and believes approval of the rezoning of the property is reasonable and in the public interest because the new roof structure seems to be the most logical way to protect the public facility and records of Watauga County. The following conditions apply: 1. Where there is a conflict between the application information and the plans (plan received June 15, 2021) the plans control. Insignificant deviations may be permitted to comply with the

requirements of the UDO. 2. Any commitments and representations concerning the proposed development made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated. 3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits. 4. The applicant is to explore the use of solar applications to the roof structure. 5. The final design would mimic the photo elevations shown from the Board of Adjustment packet and that the building elevation drawing in the public hearing packet was not representative of the actual roof. Ms. LaPlaca seconded the motion.

VOTE: Aye: Roseman, LaPlaca, Ulmer
 Nay: Furguele, George

DESIGNATION OF BOARD OF ADJUSTMENT CHAIR & VICE CHAIR

Mr. Furguele nominated Andy Brooks as Chair of the Board of Adjustment and David Welsh as Vice President. He noted that Mr. Welsh was very capable of acting as chair, but since his final term ended in 2022, and Mr. Brooks had many years of potential remaining service, for continuity purposes it made sense to him to appoint Mr. Brooks. Hearing no further nominations, Mayor Brantz called for a vote.

VOTE: Aye: All
 Nay: None

Mayor Brantz declared a break at 8:40 p.m. Council reconvened at 8:54 p.m.

DESIGNATION OF HISTORIC PRESERVATION COMMISSION CHAIR & VICE CHAIR

Ms. Roseman made a motion to approve the request to designate Eric Plaag as President and Bettie Bond as Vice President of the Historic Preservation Commission. Mr. Furguele seconded the motion, which carried unanimously.

CONSIDERATION OF MOVING HISTORIC PRESERVATION COMMISSION MEETING TIME & DATE

Upon a motion by Mayor Pro-Tem Ulmer, seconded by Mr. Furguele, Council voted unanimously to approve the request to move the Historic Preservation Commission meetings to the first Tuesday of each month at 6 p.m. beginning in October.

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Ulmer, seconded by Ms. Roseman, Council voted unanimously to enter into closed session at 9:05 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. Pursuant to N.C. Gen. Stat.§143.318.11 (a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease (PIN 2911-33-9240-000).

Upon a motion by Mayor Pro-Tem Ulmer, seconded by Ms. LaPlaca, Council voted unanimously to exit closed session at 9:17 p.m.

ADJOURNMENT

Upon a motion by Ms. LaPlaca, seconded by Mayor Pro-Tem Ulmer, Council voted unanimously to adjourn the meeting at 9:18 p.m.

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor