

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
August 20, 2020**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order electronically at 6:05 p.m. on Thursday, August 20, 2020. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Loretta Clawson, Sam Furgiuele, Connie Ulmer, Nancy LaPlaca and Dustin Hicks. Staff members present included Town Manager John Ward, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Police Chief Andy Le Beau, Planning Director Jane Shook, Finance Director Amy Davis, Downtown Boone Development Coordinator Lane Moody, Deputy Public Works Director Todd Moody, Planner Christy Turner, Fire Chief Jimmy Isaacs and Human Resources Director Dale Presnell. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

Mayor Brantz welcomed all in attendance and announced the following board vacancies:

BOARD OF ADJUSTMENT

Two alternate positions
One regular position

COMMUNITY APPEARANCE COMMISSION

Four regular positions
One student position

CULTURAL RESOURCES ADVISORY BOARD

Two regular positions
One student position

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Two Board appointed positions
One Council appointed position

HISTORIC PRESERVATION COMMISSION

Three regular positions
One student position

PLANNING COMMISSION

One position

SUSTAINABILITY COMMITTEE

One position

TOURISM DEVELOPMENT AUTHORITY

One resident position
One business that collects tax position

TRANSPORTATION COMMITTEE

One position (Cooperative Extension)
One resident position (Alternative Transportation)
One student position

WATER ADVISORY COMMITTEE

Two regular positions
One student position

TENTATIVE AGENDA ADOPTION

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

REQUESTED APPEARANCES

JASON BERTONCINO - WITHERSRAVENEL

Jason Bertoncino of WithersRavenel presented a concept plan for the new Town of Boone municipal complex. A complete copy of the plan can be viewed at http://boonenc.igmp2.com/Citizens/Detail_Meeting.aspx?ID=2240. Mr. Furguele asked whether all the cut and fill work indicated in the presentation could take place within the parameters of the Town's zoning ordinance. Mr. Bertoncino replied that they did believe so, and that they had looked at some basic requirements in drafting the site plan. Mr. Furguele asked about particularly in terms of the work regarding retaining walls and finishing slopes, with Mr. Bertoncino replying that they would work on grading as much as possible. He added that the only building that was proposed to be multi-story at this point in time is the police station and that the western side of that building would allow for some of the processing operations underneath the more public space above. Mr. Bertoncino suggested that Public Works also be a multi-story building. Mr. Furguele stated that one of the buildings had a capacity of 150 and 150 visitor parking spaces, which he believed to be extraordinary since most large meetings, if they were to take place at this building would have to take place in the evening. Mr. Bertoncino responded that many of those spaces were commingled when they got to the more detailed design phase that parking would potentially change. Mr. Furguele asked about the dewatering system during construction which was referenced in the geotechnical report. Mr. Bertoncino stated that there may be some springs in the rocky terrains that needed to be protected during the construction phase of the project. He added that there were no indications of any faults on the site. Mr. Furguele asked whether it was possible to preserve any of the trees on the site during the construction of the complex. Mr. Bertoncino answered that they would work with staff to try to preserve trees on the property. Mayor Brantz asked whether this project would be built in phases. Mr. Bertoncino replied that the site plan work with the cut and fill work would be done all at once and the construction of the different buildings would be phased in after that. Mayor Brantz then asked about public access to the property, and stated that it appeared to him there were three public accesses from the highway. Mr. Bertoncino confirmed that there were two public accesses from the highway. He indicated that the initial concepts included stormwater management devices and stated that if the town were so inclined there were plenty of areas to enhance in terms of wetlands. Mr. Ward added that it was his hope to potentially be able to make two Greenway connections and create a figure eight loop in this area to double the existing Greenway length. He also hoped to be able to move forward with the inclusion of rooftop solar at the complex, as well as geothermal on the site. Ms. LaPlaca asked whether this site was in the NRLP or BREMCO power district. Mr. Ward answered that it was in the BREMCO power district. Mayor Pro-Tem Clawson reminded staff and Council to remember to conserve trees when looking at these plans. Mr. Ward stated that it was his plan to strive to exceed the Town's landscaping requirements and to plant 1,000's of trees in the designated reforestation area. Mr. Furguele asked if there were no grant money obtained for this project whether staff had calculated a way to move forward with financing. Mr. Ward answered that staff had not finalized that yet, and wanted to see if Council had any major changes before moving forward. He added that there was the potential for a second ABC store, and noted that the Town received \$520,000 in revenue from the existing store. Mr. Ward suggested that according to his research, other cities in North Carolina who opened a second ABC store had not seen any decrease in sales from the original store. Mr. Furguele asked whether residents in the area near the new complex would see a reduction in premiums in homeowner's insurance for the people that lived within the fire district that would be served from that station, most of which would be outside the town limits, and asked whether staff had discussed with the County the possibility that the County would pitch in some money for that part of the project since their residents would directly benefit. Mr. Ward responded that those discussions had not yet taken place, but it was a possibility. In response to a question raised by Mr. Furguele, Mr. Ward clarified that there was not a plan to move administration offices to the complex, but the Planning and Public

Works administrative offices and to keep Town Hall and a meeting space downtown. Mr. Furgiuele made a motion to endorse the concept plan that was presented and to proceed. Mayor Pro-Tem Clawson seconded the motion. Mr. Hicks suggested a friendly amendment to put forth an effort to preserve as many of the existing trees as possible moving forward. Mr. Furgiuele accepted that amendment. Ms. LaPlaca thanked staff for looking into incorporating geothermal into the project. A vote was then taken on the motion which carried unanimously.

COUNCIL MATTERS

TOWN MANAGER UPDATE

Mr. Ward presented Council with an update on the following topics:

1. Covid-19 Cases: Mr. Ward stated that there were currently 104 active cases in Watauga County. He added that staff had been making great strides in working with student government in that off-campus violations were being reported back to the University so that they could also be dealt with through student judiciary.
2. Mr. Ward announced an increase in inspections in the planning department as well as a newly hired planner.
3. Street Resurfacing: The Street Department completed resurfacing of New Market Blvd. from Hwy. 421 to Market Hills Drive during the last week of July. The next streets planned for resurfacing are Wallace Circle, Grand Boulevard, and Orchard Street.
4. Downtown Streetscape: Greene's Construction Company is continuing progress between 805 and 831 West King Street installing brick paver sidewalks. Due to afternoon thunderstorms during the past month, completion of this section will now be sometime in September.
5. Hand Sanitizing Stations: The Town of Boone and the Downtown Boone Development Association have partnered to purchase and install 10 automatic hand sanitizing stations in our downtown district. These stations are mounted on street poles in the following approximate locations: Carolina Pizza, Jimmy John's, Jones House, southeast corner of South Depot & King Street intersection, Footsloggers, diSanti Watson & Capua, Ben & Jerry's, Speakeasy Tattoo, West of Fire Station 1, and Mellow Mushroom.
6. State Farm Bridge Rehabilitation: Contractors are continuing repair work to steel plates, beams, and concrete foundations under the bridge. This work should be completed around the end of August. Hydro-demolition of the deck, new latex modified concrete, epoxy coating, and joint replacement have been substantially completed on the top side of the bridge.
7. South Depot Street Box Culvert: Rehabilitation of approximately 58 linear feet of 5' x 6' concrete box culvert that carries Boone Creek under South Depot Street was completed July 30th by Utility Asset Management, Inc. This repair should extend the life expectancy of the culvert an additional 15 to 20 years.
8. Fall Litter Sweep: The North Carolina statewide litter sweep is traditionally held the last two weeks of September; although, due to the ongoing impact from COVID-19, the Fall Litter Sweep has been canceled this year. The Town of Boone will follow the state's protocol and cancel the Fall Litter Sweep and Boone Clean Up Day.

To maintain our dedication to town residents, they will receive an additional free curbside pickup of collected debris (household junk/bulk items, yard debris or brush) beginning Monday, September 21st through Monday, October 5th. Simply phone the Public Works Department (828)268-6230 <tel://8282686230> to schedule collection or submit your request online through the Citizens Service Request located on the Public Works page of www.townofboone.net. For more information, contact Shannon Isaacs, Community Improvement Officer Telephone (828)268-6230 <tel://8282686230 shannon.isaacs@townofboone.net>

9. Mr. Ward reported that the concept of the TDA moving into the Rivers' House was moving forward, and indicated that he had also reached out to Digital Watauga regarding a partnership to display photos on a rotating basis.

10. Jones House Lawn: Mr. Ward noted that the trees on the lawn were still healthy and that per the recommendations of the expert who evaluated the trees recently, the ivy had been removed.

11. Mr. Ward announced an online program for citizens to register gatherings or noise complaints online which would allow 911 staff to reach out via phone before sending an officer out.

12. Mr. Ward also noted that citizens also had the ability to complete applications for water and sewer service online.

13. Resiliency plan update: Staff has been working with the High Country Council of Government and have identified an Economic Development Administration grant that would assist in paying for the plan.

14. Mr. Ward announced the retirement of Safety and Risk Manager, Terry Story, and indicated that he would be moving forward with restructuring which would potentially allow a dedicated staff person for grants and sustainability. He noted that a recent restructuring within the Police Department had also been successful

Mr. Furgiuele asked whether the tree plantings had been examined at the water intake. Mr. Ward indicated that the trees were not growing as quickly as staff would have liked, but that staff would be monitoring them. Ms. LaPlaca thanked Mr. Ward and staff for their work and stated that she felt the Town was getting behind on sustainable issues. Mayor Pro-Tem Clawson asked about the visibility of signage at Town parks such as Strawberry Hill. Mr. Ward stated that he would work with Public Works to ensure that the area around the signs would be re-landscaped.

TOWN ATTORNEY UPDATE

Ms. Meade indicated that the emergency declaration had been updated to include guidance on social distancing on public side walks, and would be sent out in accordance with new public notice requirements. She stated that she had been working on changes to the UDO to reflect major changes in the legislation regarding zoning regulations. Ms. Meade noted that the changes were already in effect but that the deadline for the Town making the changes was next summer. She added that she and staff would like to work on improving the Town's enforcement regulations in terms of nuisance properties in residential areas. Ms. Meade stated that Chapel Hill had occupancy regulations and adopted a regulation to indirectly enforce as to occupancy by limiting the number of cars that could be parked at residences in their neighborhood conservation districts. She stated that they had neighborhood conservation districts just like Boone did, but subject to a lot more regulation, and they enacted a regulation allowing only four cars at various neighborhoods per zoning law, and also enforced the regulation against the owners of rental houses rather than the tenants. Ms. Meade added that this regulation was challenged to the Court of Appeals and the Court of Appeals upheld the Chapel Hill regulation, saying both it was reasonable to focus enforcement on owners rather than on transitory tenants, and also that there was zoning authority for the Town to regulate the number of vehicles rather than under the police power. Mr. Furgiuele felt that this was a good idea, especially since parking was limited in the Town, with Ms. Ulmer agreeing.

BOARD LIAISON REPORT

Ms. LaPlaca indicated that Dr. Ayers was no longer chair of the Sustainability Committee due in part to difficulties he was having with meeting technology.

CONSIDERATION OF THE DRAFT DOWNTOWN SURVEY REPORT

The next items were discussed together. Mr. Plaag and Ms. Shook presented a copy of the draft Downtown Survey Report. A complete copy of the report can be viewed at <http://boonenc.igmp2.com/Citizens/Default.aspx>. Mr. Furgiuele asked whether the report was ready to be published and if so, what the cost would be to do so. Ms. Shook responded that the document needed to be reviewed by Allison before being published if Council wished to do so. She indicated that Dr. Plaag had recently published a book at a cost of a couple thousand dollars for set up and was printed on demand. Dr. Plaag indicated that he would not necessarily treat the report the same way as his book, and believed it would be worth exploring the cost of trying to use a traditional publisher for a sort of tourist book that would be displayed in the downtown businesses. Mr. Furgiuele asked if the book, if published, would be for sale to the public. Dr. Plaag answered that he would not personally recommend publishing the survey report in its current form, because it had ridiculously complicated and detailed descriptions of buildings that the average person would not be interested in. He stated that if Council wanted to publish a document more like the designation report, he thought people might be interested in purchasing that. When asked what the Town Council could do to support this project and move it along, Dr. Plaag replied that the most important thing at this point was to direct that a strategic meeting take place, so that discussions could take place about how to do community education on this process, and what the benefits were for property owners and business owners. Mr. Ward noted Council's hesitation with holding this meeting in a virtual setting, though he indicated that the system could allow it. After brief discussion, Mayor Pro-Tem Clawson made a motion to have a strategic meeting with the Town Council, Staff, CAC, HPC and SHPO. Mr. Furgiuele seconded the motion. Dr. Plaag suggested rather than setting a specific date tonight, allowing the planning staff to reach out to SHPO and get two or three dates that could work for them and staff send out a Doodle Poll. That amendment was accepted and the motion carried unanimously.

Mayor Brantz declared a break at 8:39 p.m. Council reconvened at 8:49 p.m.

CONSIDERATION TO PUBLISH THE DOWNTOWN SURVEY REPORT**CONSIDERATION OF CAC'S RECOMMENDATIONS ON THE DOWNTOWN AREA****REQUEST FOR TOWN OF BOONE SESQUICENTIENNIAL CELEBRATION**

Ms. Turner presented a request from the Historic Preservation Commission to work with Town departments to hold a year-long sesquicentennial event in 2022. She stated that no dollar amount has been decided yet, but that staff from both the DBDA and CRAB have expressed their willingness to help with the event. She stated that a large parade was held in the 70's to celebrate the Town's bicentennial. Ms. Ulmer was concerned with planning this event in the midst of a pandemic. Mr. Ward noted that any plans would be contingent on the development of the Covid-19 pandemic, and believed staff would be safe in beginning to plan for the event. He also added that the event could involve existing First Friday events to highlight this celebration in addition to other special events. Dr. Plaag agreed, and stated that it was his hope that staff and the commission would be able to reach out to the public schools regarding Town history, potentially on a recurring basis once a month. He also hoped to partner with ASU and the County to reach a wider audience. Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to approve the request as submitted.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Loretta Clawson, Mayor Pro-Tem
SECONDER:	Connie Ulmer, Council Member
AYES:	Clawson, Furgiuele, Ulmer, LaPlaca, Hicks

CONSIDERATION OF HISTORIC LANDMARK DESIGNATION - FORMER WATAUGA COUNTY JAIL AT 140 BURRELL STREET

Ms. Turner presented a request for a historic marker to be placed at the former Watauga County Jail located at 140 Burrell Street. Dr. Plaag stated that it was a remarkable property architecturally and historically. He expressed his concern at the development around the property, and suggested that the designation would allow for additional protections. Mr. Furguele asked whether he needed to recuse himself from the vote taken on this matter and stated that he would feel more comfortable in doing so since he and his wife were the owners of this property. Ms. Meade answered that it was fine for him to do so if he wished. Mayor Pro-Tem Clawson made a motion to approve Mr. Furguele's request to be recused. Ms. Ulmer seconded the motion which carried unanimously. Mayor Pro-Tem then made a motion to approve the request as submitted. Ms. Ulmer seconded the motion.

Vote:	Aye:	Clawson, Ulmer, LaPlaca, Hicks
	Nay:	None
	Recused:	Furguele

PRESENTATION & CONSIDERATION OF THE HPC'S STATUS UPDATE ON THE BURRELL HISTORICAL MARKER

Ms. Turner and Dr. Plaag gave a presentation and status update on the Burrell historical marker. A complete copy of the presentation may be found online at <http://boonenc.igmm2.com/Citizens/Default.aspx>. In response to a question by Mr. Furguele, Dr. Plaag answered that according to some probate records from late in Burrell's life, two to three generations after Benjamin Howard, that he was still enslaved by descendants of Benjamin Howard. He added that the story of him being in this valley originated with a 1910 narrative of Colonel Isabel, and indicated that there was no earlier description of that story. Mr. Furguele expressed his concern with the many historical buildings in town that had been torn down over the years, and indicated that he was not against the idea of seeking input to identify and honor one or more individuals who had perhaps been neglected in the history of Boone. Mr. Furguele made a motion to endorse the idea with respect to Burrell to include some explanation on the Town's website on the potential new Historic Preservation page; and that the Historic Preservation Commission examine the possibility of a program to honor important figures in the African American community and to come back with recommendations of how such a person might be selected. Mr. Hicks offered a friendly amendment to include native indigenous people in the program as well. Mr. Furguele accepted this amendment. Mayor Pro-Tem Clawson seconded the motion which carried unanimously.

CONSIDERATION OF HISTORIC MARKER - COUNCILL'S STORE

Ms. Turner presented a request for a historic marker at Council's store, near the area which Town Hall was currently located on. Mr. Furguele asked if the HPC had already considered specific language and asked whether staff knew what the cost for the marker would be. Ms. Turner replied that she did not believe there would be any cost other than around \$200 for the actual monument. She added that HPC currently had funds to cover that cost. Mr. Ward confirmed that there were funds to cover the cost of the monument, but expressed concern that the site could potentially be redeveloped, though the marker could be moved if needed. Upon a motion by, Mr. Furguele, seconded by Mayor Pro-Tem Clawson, Council voted unanimously to approve the request as submitted.

REQUEST FOR THE TOWN'S WEBSITE TO PROVIDE A SECTION FOR HISTORIC PRESERVATION INFORMATION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. LaPlaca, Council voted unanimously to approve the request as submitted.

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Mr. Furgiuele, Council voted unanimously to enter into closed session at 9:49 p.m. pursuant to:

1. 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).
2. 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.
3. 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 the two lawsuits between the Town of Boone and Watauga County.
4. 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 the lawsuit brought against the Town by Barry Mallatere (W.D.N.C. 5:18-cv-00006).
5. 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 2910-70-7453-000).
6. Pursuant to N.C. Gen. Stat. § 143-318.11 (a)(6), To consider the qualifications, 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.

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted unanimously to exit closed session at 10:35 p.m.

ADJOURNMENT

Upon a motion by Ms. LaPlaca seconded by Ms. Ulmer, Council voted unanimously to adjourn the meeting at 10:37 p.m.

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor