

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
September 11, 2024**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9:00 a.m. on Wednesday, September 11, 2024 in 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, Todd Carter, and Virginia Roseman. Staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Planning Director Jane Shook, Deputy Planning Director Brandon Wise, Grants Coordinator Laney Wise, Public Works Director Todd Moody, Police Chief Andy Le Beau, Lieutenant Jon Houck, Sustainability and Special Projects Manager George Santucci, Finance Director Guy Miller, Downtown Boone Development Coordinator Lane Moody (remote), Cultural Resources Director Mark Freed, and Human Resources Director Dale Presnell. Town Attorney Allison Meade was also in attendance. Council member Plaag joined the meeting via WebEx at 10:00 a.m.

MOMENT OF SILENCE

Mayor Futrelle recognized those who lost their lives in the terrorist attacks on September 11, 2001.

ANNOUNCEMENTS

Mayor Futrelle announced the following board vacancies:

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 student position

TENTATIVE AGENDA ADOPTION

Upon a motion by Mayor Pro-Tem George, seconded by Council member Roseman, Council voted to approve the agenda as presented.

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

APPROVAL OF PROCLAMATIONS AND RESOLUTIONS

Mayor Futrelle read the following proclamation into the record:

Whereas, the Friends of the Watauga County Public Library is celebrating its 50th anniversary in 2024, and

Whereas, the Friends of the Watauga County Public Library raises funds to support equipment, supplies, and services for the library not provided by state or local governments, promotes the use of the library, supports the library in developing services to benefit the community, and aids in meeting the facilities needs of the library, and

Whereas, in each of the previous six fiscal years, Friends of the Watauga County Public Library has contributed an average of \$30,000 to the library, and

Whereas, Friends of the Watauga County Public Library contributes to the purchase of books, audiobooks, and DVDs to library programs, including free Monday matinees, Repair Hub, Volunteer Income Tax Assistance, nine Little Free Libraries, the Summer Reading Program for children, and many special programs for children and adults that enable free and equal access to the library as a community resource for reading, thinking, learning, and living,

NOW THEREFORE LET IT BE RESOLVED that the Town of Boone Council hereby offers its gratitude, recognition, and continued support of the efforts of the Friends of the Watauga County Library on its 50th anniversary.

IN WITNESS WHEREOF, I, Tim Futrelle, Mayor of the Town of Boone, have hereunto set my hand this eleventh day of September 2024.

Tim Futrelle, Mayor

ATTEST:

_____(SEAL)
Nicole Harmon-Church, Town Clerk

Mayor Pro-Tem George applauded the Friends of the Watauga County Public Library. He noted that, as a former member, he was aware firsthand of all the hard work and dedication its members poured into the organization. Upon a motion by Council member Roseman, seconded by Mayor Pro-Tem George, Council voted to approve the proclamation as presented.

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

PUBLIC COMMENT

Brad Farrington of Grand Boulevard in Boone appeared via WebEx to thank Planning and Inspections staff for the recent increase in engagement and enforcement of the Neighborhood Conservation District ordinances and noted that it was the best enforcement he and his family had experienced since moving to the area in 2010. He expressed further gratitude for the proposals presented later in the agenda regarding protections for all Boone neighborhoods, not just those within Neighborhood Conservation Districts. Mr. Farrington indicated that he and his family looked forward to hearing additional details about the initiatives and hoped those initiatives would have Council's full support. Lastly, Mr. Farrington stated that he believed there were deficiencies in the Town's UDO regarding Neighborhood Conservation Districts and the general protection of neighborhoods that needed the attention of Council. He added that when he last appeared before Council in February, he presented the issues he and his family continue to experience that prevent them from enjoying what the NCD ordinance was designed to promote. Mr. Farrington stated that he also presented to Council a comprehensive NCD amendment proposal that directly addressed UDO deficiencies and that was based on Chapel Hill's NCD ordinances that had prevailed in North Carolina courts against legal challenges. He was discouraged to see nothing in the agenda packet proposals regarding NCD ordinance amendments or UDO amendments for Council to take action on. Mr. Farrington called on Council to utilize its authority to the UDO text amendment process using the amendment text provided last February. He asked that the maximum number of vehicles allowed on a lot beyond just the number of vehicles in front of a house be addressed with clear NCD parking sticker deadlines and dates of validity, design requirements

for parking spaces, aisles, driveways, and turning spaces for lots with three or more dwelling units that contain many more vehicles than a typical residence. Mr. Farrington also asked for greater protection for tenants within Neighborhood Conservation Districts and greater accountability for negligent landlords. He finished his comments by thanking members for taking the time to discuss and consider possible action regarding Neighborhood Conservation Districts.

WORK SESSION

APPROVAL OF ITEMS ON CONSENT AGENDA

Upon a motion by Council member Roseman, seconded by Council member Carter, Council voted to approve the following items on the Consent Agenda:

1. Ordinance - Annual Holiday Parade
2. Submission of Grant Application and Resolution of Support to Rural Community Capacity Implementation Program
3. Budget Amendment:
 - a. Downtown Boone Development Association:
TO: Downtown Streetscapes Projects 010-411-000-549105 \$15,000.00
Transfer to General Fund 050-450-000-598010 \$15,000.00
FROM: Municipal Service Districts Projects 050-450-000-553104 (\$15,000.00)
Transfer from MSD 010-000-000-498050 (\$15,000.00)
Transfer for brick sidewalk installation downtown
4. Minutes:
 - a. August 14, 2024 Regular Town Council meeting
 - b. August 28, 2024 Regular Town Council meeting

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

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AN ORDINANCE DECLARING A ROAD CLOSURE FOR A HOLIDAY CELEBRATION

WHEREAS, the Boone Town Council acknowledges a long tradition of providing an annual Holiday Parade 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 Holiday Parade 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): Times:

Route Description:

Saturday, December 14, 2024

5:30 p.m. – 8:00 p.m.

**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 _____, 2024

Attest:

The Honorable Tim Futrelle, Mayor

**RESOLUTION OF SUPPORT FOR THE APPLICATION TO THE NORTH
CAROLINA DEPARTMENT OF COMMERCE RURAL COMMUNITY
CAPACITY PROGRAM**

WHEREAS, The Town of Boone Town Council has indicated its desire to assist in development efforts within the Town of Boone; and

WHEREAS, The Town of Boone Town Council fully supports the proposed project, Rebranding Boone, which will result in the development of an updated Town-wide logo, branding and marketing guide, updated vision statement, and updated photography; and,

WHEREAS,

The Town of Boone Town Council approves the request to pursue a formal application for the Rural Community Capacity Implementation Program for \$45,000 from the North Carolina Department of Commerce: Rural Transformation Grant Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Town of Boone Town Council:
That Town of Boone staff is authorized to submit a formal application to the North Carolina Department of Commerce: Rural Transformation Grant Fund to assist in benefitting the Town of Boone's Rebranding Boone Project.

This Resolution shall take immediate effect upon its adoption.

Adopted this the 11th day of September, 2024, in the Town of Boone, North Carolina.

Tim Futrelle,
Mayor of the Town of Boone

Attest: Nicole Harmon, Town of Boone Town Clerk

PLANNING MATTERS

AM might want to put off until full council. Table until 25

DISCUSSION & POSSIBLE ACTION REGARDING NEIGHBORHOOD CONSERVATION DISTRICTS

Council member Plaag joined the meeting at 10:00 a.m. via WebEx. It was the consensus of Council to table this matter until the next regular meeting on Wednesday, September 25, 2024 at 6 p.m. to allow for full attendance and participation.

COUNCIL MATTERS

UPDATE ON COMMUNITY CARE PROGRAM

Police Chief Andy Le Beau and Lieutenant Jon Houck introduced the Town's new social worker, Sierra Burgess, and gave a brief background on the new embedded social work program the Town has just implemented in conjunction with the Mediation and Restorative Justice Center. Sierra will respond to community issues dealing with mental health, substance abuse, homelessness, and domestic violence issues in Boone. Council members welcomed Sierra onboard and expressed gratitude and support for the program.

2024 BOONERANG MUSIC & ARTS FESTIVAL POSTMORTEM REPORT

Cultural Resources Director Mark Freed gave the postmortem report for the 2024 Boonerang Music and Arts Festival. The complete report can be viewed online at https://boonenc.iqm2.com/Citizens/Detail_Meeting.aspx?ID=3803

APPOINTMENT TO ABC BOARD

Council member Roseman nominated Mayor Pro-Tem George to serve as the Council representative member on the ABC Board. Mayor Pro-Tem George graciously accepted this nomination and noted that he recruited the application before Council on the agenda. When asked whether he needed to recuse himself from the vote, Attorney Meade responded that he did not. Council member Roseman then nominated Will Burrows to fill the other vacant seat on the board. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Dalton and Will's terms will expire in September 2027.

APPOINTMENT TO CULTURAL RESOURCES ADVISORY BOARD

In reviewing the applications, Council member Roseman stated that she believed it to be important to have student representation on Town boards. Council member Carter agreed and noted that he had worked with the applicant briefly on a work presentation and found it to be well done. Council member Carter then nominated Nathan Asher to serve in the student seat on the Cultural Resources Advisory Board. Hearing no further nominations Mayor Futrelle called for a vote.

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

Nathan's term will expire on September 30, 2025.

APPOINTMENT TO DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

It was the consensus of Council to delay consideration of this item until the Downtown Boone Development Association liaisons were in attendance. The application was tabled until the September 25, 2024 6:00 p.m. meeting.

APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

Mayor Pro-Tem George raised concerns regarding the eligibility of applicants for UDO-related boards. He highlighted the issue of applicants potentially changing their voter registration merely to meet board requirements rather than showing genuine political engagement. Attorney Meade emphasized the complications that arise when an applicant lists a different address on their application compared to their voter registration, particularly noting that Macy had applied for two different boards, which could lead to further conflicts. Council Member Plaag expressed reservations about appointing either applicant, pointing out their lack of involvement in local politics, which he felt was essential for those driving impactful boards. Attorney Meade reiterated that while the board couldn't dictate where applicants should register to vote, having applicants registered in a different county raised concerns about their residency claims. Planning Director Shook confirmed that the staff had verified the voting registrations of both applicants, finding that they were registered to vote elsewhere, which rendered them ineligible for the boards in question.

APPOINTMENT TO PLANNING COMMISSION

After confirming her voting and residency, Council member Roseman nominated Anne Pruitt to serve on the Planning Commission. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Anne's term will expire on June 30, 2027.

MAYOR REPORT

Mayor Futrelle announced that he would be attending the upcoming annual banquet at the High Country Council of Governments and would attend the North Carolina League of Municipalities upcoming board retreat to give opening remarks.

TOWN MANAGER REPORT

Town Manager Davis updated Council on the following:

1. Chief Le Beau will be retiring in December.
2. Quantum, the consultant company hired to modify the Comprehensive Plan, contacted staff last week to reschedule upcoming meeting dates to allow additional time to draft documents. Staff will bring a proposed new schedule back at the next regular meeting.
3. Staff recently worked with AppState to submit a charging and fueling infrastructure grant. The infrastructure would be installed on campus and publicly available without fees or permit costs if awarded.
4. Stormwater inventory is ongoing, with 1,952 structures listed so far-553 more than proposed.
5. Water Line Replacement- Utility Operations plan to start constructing a water line replacement project along Martin Luther King Street. The project will begin the first week of October and will take approximately 30 days.
6. AMI Meter System-Staff is continuing to install the new AMI water meters, with 2,230 which is equivalent to 37% installed to date.
7. Storm water improvements-The street department installed one catch basin and one hundred fifty feet of pipe on Hidden Valley Circle to help alleviate a stormwater issue.
8. Fall Litter Sweep / Boone Clean-Up Day -In conjunction with the North Carolina Statewide Fall Litter Sweep, the Town of Boone will hold a "Fall Boone Clean-Up Day" on Saturday, September 14, 2024. Interested participants may come by the Public Works Department at 321 East King Street between 8:00 a.m. and 1:00 p.m. to pick up supplies.
9. Howard Street – A bid opening was held but no bids were returned. Staff plans to put back out to bid and hold another opening on October 10. She assured members that USDA Rural Development representatives said that it was not unusual to receive no bids on the first round of a project like this.

BOARD LIAISON REPORT

Council member Plaag updated members on the recent annual meeting of the Downtown Boone Development Association. He applauded the presentation regarding various ways the community could do a better outreach and draw visitors to Boone through the DBDA. DBDA Coordinator Lane Moody echoed this statement and praised the Tourism Development Authority for their update and presentation on how the TDA worked. Council member Plaag then gave a recap of the recent Economic Development Commission meeting presentation regarding training, construction projects, and how the County, Town, local businesses, and AppState could do a better job of partnering to ensure the needs of the community were being met.

Council member Carter indicated he was out of town for the recent AppalCart meeting and hoped to restart the Human Relations Commission in October.

Council member Roseman noted the recently appointed student member and two current vacancies on the Historic Preservation Commission. She then announced that SAHA and architect Bill Dixon met with staff to discuss the first steps of moving forward with construction made possible with funds allocated by the state. She noted that the funds have to be used by October 2025 but that an extension may be needed as well as additional funding. Virginia said that estimations confirmed it would cost \$2.4 million to complete the water and sewer lines and the work under the amphitheater. She announced an upcoming SAHA meeting on October 3, as well as an upcoming meeting of the

Watauga County Parks and Recreation Board on October 9, which she hoped to attend.

Mayor Pro-Tem George did not give any updates but echoed Council member Plaag's sentiments of the informative Downtown Boone Development annual meeting.

At the request of Council member Plaag, Mayor Futrelle gave a brief summary of a meeting held last week at the Boone Chamber of Commerce with AppState, the Town, and Watauga County regarding parking. He indicated that there was a lot of agreement on all sides and that he was encouraged by the discussion in general. Mayor Futrelle acknowledged that there was a lot of work that needed to go into collaborating on the issue but was motivated by the benefits of collaboration between the three entities

CLOSED SESSION

Upon a motion by Council member Roseman, seconded by Mayor Pro-Tem George, Council voted unanimously to enter into closed session at 10:39 a.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.

ADJOURNMENT

Mayor Futrelle adjourned the meeting.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor