

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
September 13, 2023**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 12:11 p.m. on Wednesday, September 13, 2023 in the Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council member present included Mayor Pro-Tem Edie Tugman, Todd Carter, Virginia Roseman, Dalton George, and Becca Nenow. Staff present included Town Manager Amy Davis (remote), Town Clerk Nicole Harmon-Church, Public Works Director Todd Moody, Planning Director Jane Shook, Fire Chief Jimmy Isaacs, Police Chief Andy Le Beau, Finance Director Guy Miller, Planner Jessica Mitchell, Downtown Boone Development Director Lane Moody, Cultural Resources Director Mark Freed, Deputy Public Works Director Josh Eller (remote). Sustainability and Special Projects Manager George Santucci. Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

ANNOUNCEMENTS

Mayor Futrelle announced the following board vacancies:

BOARD OF ADJUSTMENT

One regular position, Three alternate positions

COMMUNITY APPEARANCE COMMISSION

Four regular positions, One student position

CULTURAL RESOURCES ADVISORY BOARD

One student position

HISTORIC PRESERVATION COMMISSION

One regular position

PLANNING COMMISSION

One regular position

SUSTAINABILITY COMMITTEE

One regular position

TENTATIVE AGENDA ADOPTION

Upon a motion by Mayor Pro-Tem Edie Tugman, seconded by Todd Carter, Council voted unanimously to adopt the agenda as presented.

REQUESTED APPEARANCES

JONATHAN MILLER - REQUEST TO REPEAL VEHICLE FEE

Jonathan Miller of Boone requested that the Town repeal the \$30 vehicle tax because, in his opinion, vehicles were taxed at every turn: at purchase, when repaired, fuel, and property tax. He stated that he owned a vintage vehicle, and the tax was currently about half the value of the vehicle. Mr. Miller was grateful to see that funds were being allocated for Howard Street repairs and enhancements. He asked that three questions be answered: whether funds received by the Town from this tax were allocated in the spirit of Statute 20.97, whether the tax was being collected with equity, and what the funds collected were being used for and if they were being used for street and sidewalk repairs, if they were the best repairs. Mayor Futrelle expressed that it would be helpful to receive a report from staff that would help to answer these questions before having further discussion. Mayor Pro-Tem Tugman stated that the Town's budget was small, and that it received very little by way of tax revenue comparatively, and that the funds received by the Town from this tax were used to improve streets and sidewalks. Councilmember George agreed with Mayor Pro-Tem Tugman and Mr. Miller's statements regarding

Howard Street but indicated that he believed the tax value not being assessed proportionally was an issue of the general assembly. Councilmember Carter was concerned with placing staff in a bind by asking them to prepare this report and stated that he did not see any way the Town could afford to address this based on the current budget. Mayor Futrelle indicated that no decision on this would be able to be made on this before the next fiscal year. Councilmember Roseman indicated that she was most interested in finding out more information on the equity piece. She indicated that she was happy to pay the tax since it was used for the betterment of the community, but believed that people should be taxed where they reside 51% of the time. Councilmember Nenow agreed about equity and asked whether it was possible not to tax vintage cars registered in Boone town limits.

PUBLIC COMMENT

No one was signed up for public comment.

ADOPTION OF ITEMS ON CONSENT AGENDA

Upon a question raised by Councilmember Nenow, Mayor Futrelle indicated that the timing of holiday parade would remain the same this year as in recent years and take place in the afternoon. He added that the Cultural Resources Advisory Board thought it would be too difficult to pull off a nighttime parade this year due to logistics and other planning issues, but hoped to start process for a trial run next year.

Mayor Futrelle announced that some community members had approached him who did not feel comfortable with some of the language in the proposed Hispanic Heritage Month proclamation. He added that he was asked to present the possibility that the proclamation be tabled until additional conversations could be held to allow further inclusion. Councilmember Carter stated that this proclamation was put forward and worked on by members of the Human Relations Commission and suggested that Council propose a special meeting of the Human Relations Commission to include it in the discussion of this matter. Councilmember George was of the opinion that the Human Relations Commission was the most well-represented committee in the Town. He noted that its meetings were always open to the public. He added that it was unfortunate that this discussion did not happen earlier and encouraged interested parties to participate. Mayor Pro-Tem Tugman made a motion to table the Hispanic Heritage Month proclamation to a future Council meeting for consideration until the Human Relations Commission determined that it was representative and inclusive of all, including those outside the commission. Councilmember Nenow seconded the motion. Councilmembers George and Carter and Mayor Pro-Tem Tugman abstained with the knowledge that it counted in the affirmative. Mayor Pro-Tem Tugman asked that Councilmember Carter alert Council as to when the special meeting was to take place.

Upon a motion by Councilmember Carter, seconded by Councilmember George, Council voted unanimously to approve the following items on the consent agenda:

1. Road Name Change – High School Drive to Mountaineer Ridge Drive
2. Stormwater Planning Grant Transmittal Package
3. Holiday Parade Ordinance
4. Budget Amendment
 - a. Fire Department :
(TO)Capital Outlay – Other Equipment 010-500-350-574000 – 30,360.24 (FROM)Misc. Revenue
– 010-000-000-489900 – (30,360.24)

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 9, 2023

1:30 p.m. – 4:00 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 _____, 2023

AttestThe Honorable Tim Futrelle, Mayor _____

Nicole Harmon, Town Clerk

COUNCIL MATTERS

MAYOR'S REPORT

Mayor Futrelle stated that the High Country Council of Government, Economic Development Commission, and Boone Tourism Development would meet later this month and would update members when he had relevant information. Mayor Pro-Tem Tugman asked that Mayor Futrelle please report on the municipal/county consortium specifically.

TOWN ATTORNEY UPDATE

Town Attorney Allison Meade and Planning Director Jane Shook updated Council on the status of the Comprehensive Plan update project. Director Shook stated that staff and Attorney Meade had been working with the Quantum team to schedule kick-off meetings for October 23 and 24. She added that these meetings would include site visits, mapping, and meetings with leadership and other initial public input.

BOARD LIAISON REPORT

Councilmember Carter reported that the Human Relations Commission had moved its regular meetings to the third Wednesday of each month at 5:30 p.m.

Councilmember Roseman indicated that she has not been able to attend meetings regularly this month but that the Historic Preservation Commission had recently discussed Dana Folk Way, was well-received, and would be presented to Council soon.

Mayor Pro-Tem Tugman stated that the Downtown Boone Development Association had a good annual meeting, which included welcoming two new members. She added that NC Mainstreet representatives had visited the area and would return soon for training.

Councilmember George noted that the Community Appearance Commission had not met recently. He added that Ed Miller with New River Light and Power recently did a presentation for the Sustainability Committee, which he found to be helpful.

Councilmember Nenow announced that the Parks and Recreation Commission was currently working on a list of priorities in the area and that, based on communications received, they would be looking to expand outdoor recreation, including potentially a disc golf course.

2023 BOONERANG MUSIC & ARTS FESTIVAL STAKEHOLDER REPORT

Cultural Resources Director Mark Freed, Downtown Boone Development Director Lane Moody, and Watauga Arts Council Executive Director Amber Bateman gave a presentation regarding the 2023 Boonerang Music and

Arts Festival stakeholder report. A complete copy of the report can be found at https://boonenc.iqm2.com/Citizens/Detail_Meeting.aspx?ID=3589

Mayor Pro-Tem Tugman stated that she had heard that staff was only looking at holding the festival for three years. Director Freed answered that there had been questions about the vitality of this event being held downtown, but that staff was working to answer those questions by talking to businesses downtown and other partners while exploring other locations. Director Freed stated that it would be detrimental to the festival to change locations in 2024.

After presenting the DBDA survey results, Director Moody expressed that she felt the event was successful in ways that could not be measured by everyone's bottom lines. Councilmember Carter noted that many comments he was hearing were of the "King Street vs. Howard Street" variety, and asked that staff look into ways to get festival-goers to patronize King Street. Councilmember Roseman left the meeting at 1:24 p.m.

Councilmember George asked that the following emails be included in the record (entered as received):

*"Dear Mayor Futrelle, Town Manager Davis, and members of the Town Council,
Thank you for this opportunity to share my opinion on Downtown Boone's streetfest Boonerang.
After many years of wanting to put together an event that celebrates the town's creativity and hospitality, I am excited to see how Boonerang has been embraced by "Boonerangers" and the local community.
Mark Freed, his staff, and volunteers do a great job putting together an outstanding lineup of performers and vendors that are of interest to both locals and visitors from out of town. The promotion and marketing of the event create excitement and buzz that are far reaching.
At the Mast Store, we view this event as a community event - one that brings together everyone for fun, great music, and tasty festival food. The timing is good because it is building foot traffic during an otherwise slower period of time. We definitely noticed an increase in the number of people in year two.
We are in a unique position to see the impact of festivals on sales. This year, as you may have heard from others, our sales were slightly down from the same period last year, but when compared to stores in other communities that are good mirrors for us, those two locations in our family of stores were also lagging in sales. We believe sales are being affected by many factors, not the least of which was the possibility of a recession, high interest rates, etc. at the time of the festival. Also, just because our sales are down doesn't mean that the festival isn't having a positive festival day impact on another business in the downtown area.
Overall, Boonerang is a success on so many levels. It brings people downtown who may also visit at a later time (we've already had this happen when a couple who came to Boonerang shared they were at the festival and just had to return again because "they love this town"). It is an event that can continue to grow and have all of its elements - communication, promotion, participation, etc. - improve over time. And it is an event that brings both visitors and locals together in a positive manner. The publicity and exposure that we get from an event like this is priceless and you can not put a number on it.*

I hope that Boonerang will continue to build on its successes in downtown Boone and will grow into one of the area's top events.

*Kendra S Sink
General Manager
Mast General Store
630 W. King Street
Boone, NC 28607
828-262-0000"*

"Dear Mayor and Town Manager Davis,

I understand that Mark Freed will be presenting Boonerang 2023 survey results to both the Boone Town Council and the Boone TDA this month. I will be traveling and unable to attend so have included comments for consideration for future Boonerang events. These are offered in the spirit of planning successful future Boonerang events. They are based on my experience as a Downtown Boone business member and from comments I have heard from a variety of community members.

First I want to make clear that I believe that Boonerang is a great music festival and offer the following comments to make it even better.

The Date:

Though the third weekend of June may have been “slower” in the past, which is one of the reasons that this weekend was selected, over the last several years this weekend has become busy with tourism. It is also Father’s Day weekend which makes it hard for town staff that need to work the event to celebrate Father’s Day (heard this expressed by town staff). Perhaps the first weekend in June would be an alternative date as this is still a slower weekend. I am sure Wright Tilley with the TDA could assist with identifying the slower weeks and weekends for tourism.

Location:

Though a street festival in downtown Boone sounds like a great idea, many businesses in downtown Boone commented that their sales were negatively impacted for Boonerang 23, our business included. Big events in downtown or ASU including football game days does not mean it will be good for local businesses. People come primarily for the event and not to visit our local businesses. Lost revenue for a business is generally never recaptured. The best events for businesses downtown are time limited events that draw people downtown such as concerts on the lawn at the Jones House, parades, First Friday events, App Theatre events, etc. These type of events bring people downtown who then stay and play downtown supporting our local businesses. When parking is hard to find such as during big events people not attending the event don’t come downtown. I heard a visitor comment that they chose not to come downtown the day of Boonerang due to parking. So the point here is big events downtown don’t usually benefit local businesses and keep others not attending the event from coming downtown due to parking. If Boonerang is going to continue the same format and grow, perhaps another location that will not impact local businesses such as the Mayors Park or even the fairgrounds should be considered. The Mayors park is next to the ASU lot that has lots of parking as does the fairgrounds.

Funding Transparency:

As this is a Town of Boone event supported by tax dollars it is important for Boonerang to have a clear and detailed budget that shows what the Town is contributing (including in kind) and the additional funds needed for the current year’s festival. I was taken back that \$60,000 of funds from Boonerang 2023 have been set aside for next year. Sounds like more funds than were needed were raised this year.

As a local business that pays property taxes and MSD taxes and collects the sales tax from which the town benefits, I want to understand the need for additional funding from those paying taxes. I also heard this from other businesses. Those paying taxes that support this music festival need to understand why additional funds are needed and how they will be used.

Also, vendor fees need to be similar to other festivals and not require both a sponsorship and a percentage of sales. I do not have any issue doing a vendor sponsorship or a percentage of sales, but the requirement to do both was excessive. After covering our costs including payroll costs, cost of goods sold, fixed costs, the sponsorship, the 15% of sales and sales tax, we did not even break even. Typically at festivals we pay 10% of sales to the event. Our local businesses need to benefit from events.

Also, if sponsorships are needed, sponsors need to know how the sponsorship will be recognized and any benefits that come with doing a sponsorship.

Event Logistics:

Event logistics were problematic this year. Everything from communication, where to set up, some areas being too crowded, inadequate internet service (so we were offline when collecting credit card payments, which when we went to capture the payments when we were back online at the end of day, we had a number of credit card charges that had insufficient funds). Input from stakeholders early on needs to be a part of the planning process. Boonerang has been a successful music festival so an event coordinator may now be needed.

Again, I love Boonerang and believe it is a great music festival for Boone. I offer these comments in the spirit of planning future successful events and to hopefully minimize negative impacts to our local businesses that make Boone such a special place to live and visit.

Please feel free to reach out if you have any questions.

Respectfully,

Lynne Mason

Lost Province Brewing Company

Sent from my iPhone

Lynne Mason”

Director Freed announced that there would be a “Boonerang International” component to the festival in 2024. Councilmember Nenow commented on the convenience of the festival and how important walkability and accessibility to AppalCart stops were since alcohol was a component of the festival. She asked how in-house alcohol sales would affect vendors next year if this change occurred. Director Freed answered that the reasons staff was exploring this shift had to do with providing a better patron experience and leveling the playing field for participating breweries by having all local beers available in one spot rather than having some in “favored” spots. He added that other reasons for exploring in-house alcohol sales included safety and bookkeeping. Councilmember Roseman re-entered the meeting at 1:42 p.m.

APPOINTMENT TO COMMUNITY APPEARANCE COMMISSION

Planning Director Shook suggested that Council explore the possibility of combining the Community Appearance Commission with the Planning Commission due to a recent lack of participation by board members. She noted that there was never an issue recruiting and obtaining Planning Commission members and that meetings for that board had been cut back to every other month. Ms. Shook added that Community Appearance Commission members would appreciate the opportunity to work on text amendments and other planning-related issues, and the consolidation would help lessen staff's workload. She stated that applicant Tait had expressed a willingness to join the Planning Commission instead if Council planned to explore this possibility. Attorney Meade supported Director proposal and noted that she would look at the statutes to see if the Planning Commission could also become the Town's Community Appearance Commission. She added that the Town was not required to have a Community Appearance Commission at all and believed the consolidation would make for a stronger Planning Commission. Councilmember George nominated Adrian Tait to serve on the Planning Commission. Hearing no further nominations, Mayor Futrelle called for a vote:

VOTE: Aye: All
 Nay: None

Mr. Tait's term will expire on June 30, 2026.

APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

Councilmember George nominated Charles Smyth. Hearing no further nominations, Mayor Futrelle called for a vote:

VOTE: Aye: All
 Nay: None

Charles' term will expire on June 30, 2025.

APPOINTMENT TO HUMAN RELATIONS COMMISSION

Councilmember Roseman nominated Sean Morris to serve in the open student seat on the Human Relations Commission. Hearing no further nominations, Mayor Futrelle called for a vote:

VOTE: Aye: All
 Nay: None

Sean's term will expire on September 13, 2024.

Mayor Futrelle declared a break at 1:59 p.m. Council reconvened at 2:11 p.m.

PLANNING MATTERS

CONSIDERATION OF CASE HEARD AT THE JULY 24, 2023 PUBLIC HEARING

Planner Jessica Mitchell presented a request for discussion regarding Case PL05640-040822 Lighting Design Standards - UDO Text Amendment. She stated that part of the reason this item was on the agenda was to ask for

additional time to prepare text and to have further discussion. Planner Mitchell presented Council with the Planning Commission's recommendations and noted it did recommend approval. She went over non-conformities and the tiered system for requiring conformance of non-conforming developments. Attorney Meade noted that a disadvantage in some cases was that the requirements would make rehabilitation or expansion of developments more expensive, and thus discourage development upgrades. She added her opinion that it was not a good idea to handle enforcement of sunsetting ordinance regulations on a complaint-only basis. Mayor Futrelle asked the best way was for properties to meet continuity without staff having to micro-manage. Attorney Meade answered that she would be cautious of the sunsetting option and suggested that Council be conservative in its approach by considering only a mandate to turn lights off if they did not meet standards while not requiring upgraded replacements. Councilmember George indicated that Council should look into ways to remedy some of the ill-favored lighting that has recently been installed on properties in town, such as at the new car wash on Blowing Rock Road. Mayor Pro-Tem Tugman was of the opinion that it was a property owner's choice to either come into compliance with the new regulations or unplug its lighting. Councilmember Carter stated that the time frame for which property owners come into compliance should be left up to staff since they knew what was manageable and what was not. After brief discussion, staff agreed to bring back text at a later date with the changes discussed.

CLOSED SESSION

Upon a motion by Council member George, seconded by Councilmember Roseman, Council voted unanimously at 2:55 p.m. to enter into closed session 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(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 located at 155 WYN Way, Boone, NC 28607, by purchase, option, exchange, or lease.

Upon a motion by Councilmember George, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to exit closed session at 3:40 p.m.

Upon a motion by Councilmember Carter, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to move back into open session at 3:43 p.m.

Upon a motion by Councilmember Carter, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to recess the meeting until 5:00 p.m.

REQUESTED APPEARANCES CONTINUED

SUSAN MCCRACKEN AND QUINT DAVID - OVERPOPULATION OF DEER INSIDE TOWN LIMITS

Susan McCracken and Quint David gave a presentation regarding the overpopulation of deer inside Town limits. A complete copy of the presentation can be found at https://boonenc.igmp2.com/Citizens/Detail_Meeting.aspx?ID=3589. Discussion commenced regarding the possibility of signing the town up with the N.C. Wildlife Commission to participate in the Urban Archery season. Councilmember Carter asked what staff and Council could do now to promote bow hunting in Town limits to cut back on the deer population. Quint answered that Chapel Hill had a guide that the Town could mimic and distribute to get the word out about bow hunting in town limits. Susan added that Wilkes, Bald Head, Pinehurst, and Stanley County also had ordinance against feeding deer that the Town could use to create its own. Mayor Pro-Tem Tugman asked about restrictions and assistance programs for processing and disposing of carcasses. Susan indicated that there was a meat processing plant in Ashe County, but hunters should dispose of the carcass at the Watauga County Landfill if the deer would not be processed for meat. Councilmember

Roseman indicated that she would like to hear the position of a resident who has allowed someone to hunt on their land. A suggestion was made to shut down the Greenway Trail for a day or other Town-owned land near Council Oaks to allow hunters access to the property. Staff noted that the Town did not own the property the on which the Greenway Trail was located. Councilmember George added that he had recently read about a town that hired sharpshooters to hunt on public property. He also questioned whether the 2018 Constitutional amendment regarding the right to hunt and fish would play into hunting regulations in the Town. Councilmember George suggested that he had heard a theory that if the Town were to ban the feeding of wildlife, it could open the door to lawsuits since the argument could be made that people could be using the food to bait animals to hunt.

A break was declared at 5:55 p.m. Council reconvened at 6:12 p.m.

Mayor Futrelle suggested a public hearing on the matter and suggested that staff explore the possibility of hiring sharpshooters to hunt on public property as needed. Councilmember Carter expressed support for staff exploring the Town participating in Urban Archery season in 2024. Direction was given to Manager Davis to explore the process of participating in the Urban Archery season, as well as a sharp shooting program.

PUBLIC COMMENT

No one signed up for this public comment session.

ADJOURNMENT

Councilmember Nenow exited the meeting at 6:22 p.m. Upon a motion by Councilmember George, seconded by Councilmember Carter, Council voted to adjourn the meeting at 6:23 p.m.

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

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor