

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
September 14, 2022**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9:00 a.m. on Wednesday, September 14, 2022. Mayor Tim Futrelle presided. Town Council members present included Mayor Pro-Tem Edie Tugman, Becca Nenow, Todd Carter, Dalton George, and Virginia Roseman. Staff members present included Town Manager Amy Davis, Communications Specialist Laney Pilkington, Public Work Director Rick Miller, Deputy Director of Public Works Todd Moody, Fire Chief Jimmy Isaacs, Police Chief Andy LeBeau, Assistant Chief Shane Robbins, Community Resource Officer Kat Eller, Interim Finance Director Guy Miller, Planning and Inspections Director Jane Shook, Deputy Director of Planning and Inspections Stacey Miller, Environmental Planner Brandon Wise, Long Range and Special Projects Planner Jessica Mitchell (virtual), GIS Coordinator Chris Miller (Virtual), Sustainability and Special Projects Manager George Santucci, Cultural Resources Director Mark Freed (virtual), and Human Resources Director Dale Presnell (virtual). Town Attorney Allison Meade attended.

MOMENT OF SILENCE

ANNOUNCEMENTS

Mayor Futrelle began by congratulating Amy Davis again for her new position, and asked if she had any announcements. Ms. Davis introduced to Council Guy Miller as the Interim Finance Director. With no other announcements from Davis, Mayor Futrelle gave recognition to Spanish Heritage Month, which would begin on September 15 and end on October 15.

Mayor Futrelle then asked to amend the agenda to include an item to discuss dates for the initial Comprehensive Plan meeting. Mayor Pro-Tem Tugman made the motion to amend the current agenda and add the following item: Discussion Regarding the Initial Meeting Date for the Comprehensive Plan, to the Council Matters section of the current agenda. Councilmember Roseman seconded the motion. Upon the motion of Mayor Pro-Tem Tugman, seconded by Councilmember Roseman, Council unanimously approved to amend the agenda. Mayor Futrelle then announced the board vacancies for the month.

POSITIONS OPEN

BOARD OF ADJUSTMENT

Two regular positions, one alternate position

COMMUNITY APPEARANCE COMMISSION

One regular position

CULTURAL RESOURCES ADVISORY BOARD

Two regular positions, one student position

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Two Council appointed positions

HISTORIC PRESERVATION COMMISSION

One student position

HUMAN RELATIONS COMMISSION

Five positions

PLANNING COMMISSION

One student position

SUSTAINABILITY COMMITTEE

One student position

TOURISM DEVELOPMENT AUTHORITY

Two positions
(One business that collects tax; one business that promotes tourism)

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

Upon the motion of Councilmember Roseman, seconded by Mayor Pro-Tem Tugman, Council unanimously approved to adopt the amended agenda as presented.

PUBLIC COMMENT

Brenda Councill, artist of the proposed Boone 150th Commemorative Sculpture, came forward and asked for action regarding the sculpture, stating that the community outreach for the project has been limited but the support has been large. Ms. Councill asked Council to take action before the end of the Sesquicentennial year, and asked that the sculpture be put in front of the Historic Downtown Post Office where the current bike rack is placed.

Jasmine ShoShanna, a private business owner and homeowner in Boone, expressed discontent regarding labor in Boone, stating that she felt that laborers are not able to live in Boone without supplemental income. She went on to express dismay regarding the current \$500.00 per year fee for Airbnb's within the corporate limits of the Town of Boone, stating that the permit fee is too expensive. Dave Denny, husband to Jasmine ShoShanna, agreed with Ms. ShoShanna stating that the permit fee for Airbnb's is overkill, and explained that building permits are not that expensive in comparison.

Jim Lane, a resident near Village on the Green, came as a representative of the Village on the Green and Chase Hill neighborhoods to express dismay regarding the proposed Yates Development, citing that impacts on the current community and impacts on the environment the proposed development could bring are of the main concern. He went on to explain that the current road that leads to the neighborhoods is narrow, with potholes and no shoulders, which make it unsafe for the citizens currently living in the neighborhood. If the proposed development is approved, he explained that these problems would grow. Finally, he added that the proposed development would remove trees, which would cause extensive erosion and flooding issues, the creek would be contaminated due to construction, and private property would be destroyed because of construction. Mr. Lane urged Council to consider this, and not allow the Yates Development to be approved at the next public hearing, stating that he had received around 100 signatures against the proposed development.

Frieda Greene expressed support for the proposed Boone 150th Commemorative Sculpture, stating that she and her husband have been longtime residents of the Boone Community.

REQUESTED APPEARANCES

BRENDA COUNCILL - BOONE 150TH COMMEMORATIVE SCULPTURE PROJECT

Ms. Councill asked the Council again if they would take action in regards to the proposed sculpture. She restated that all funds had been raised, and that multiple requests for contribution has been received after the project was fully funded. Councilmember Roseman asked if Amber Bateman would like to provide comment, as she is part of the ad hoc 'Arts Policy and Placement Committee'. Ms. Bateman agreed, but reminded Council that she was speaking as a member of the aforementioned Committee, not as the Watauga Arts Council Director. Ms. Bateman summarized what the Committee had discussed in regards to this project, and said that they recommended the sculpture to be placed at the Downtown Boone Post Office where the bike rack is currently placed. Ms. Bateman also stated that she had every intention to go to the Historic Preservation

Commission first, however with Ms. Council requesting to appear before Council, the recommendation was expedited. Ms. Meade asked if the Arts Policy and Placement Committee had worked on the public arts policy in which the Committee was charged with. Ms. Bateman said that they were working on the policy, and said that she would like to ask if Council would set aside funds for a professional consultant in order to finalize the policy. Ms. Meade asked if Ms. Bateman would be willing to submit an agenda item for the next Town Council Meeting in order to discuss this further, in which Ms. Bateman agreed. Mayor Futrelle asked if Ms. Bateman could clarify. Councilmember Roseman explained that as the council liaison, she wanted to inform Council that the aforementioned Committee had created a frame for the policy, but they would like the Town to allocate funds in order to hire a professional consultant to help finalize the policy. Councilmember Carter asked if Ms. Bateman could bring three bids regarding hiring a consultant to the next Town Council meeting. Ms. Bateman agreed. Ms. Meade suggested that the Committee send the draft policy to both her and Ms. Shook instead of hiring an outside consultant to reduce costs. Ms. Bateman agreed, and reiterated that she had every intention of going before the Historic Preservation Commission with this information beforehand, like she was originally tasked to do. Mayor Pro-Tem Tugman asked Ms. Council how she was solicited for this project. Ms. Council said that the Cultural Resources Department had asked members of the community to come forward with ideas for a commemoration of the Boone 150. She then stated that she met with Mr. Freed in February, discussed several possibilities, and that she and Mr. Freed felt that the current proposed project was doable. Mayor Pro-Tem Tugman then asked what she meant by "...given support by town representatives." which was found inside the agenda packet for the meeting. Ms. Council explained that she was given the go ahead by the Cultural Resources Department. Ms. Moretz asked Council if this project should be subjected to the proposed public arts policy, because this piece was commissioned beforehand. Ms. Meade said that they would need to discuss further regarding the information given. With no further comments, Mayor Futrelle thanks Ms. Council and Ms. Bateman for their comments and asked to move to the next requested appearance.

JIM HAMILTON - WATAUGA COUNTY COOPERATIVE EXTENSION

Mr. Hamilton began by thanking the Town for listening. He went on to explain that he was coming to the Town Council in regards to the proposed "Kill and Chill" meat processing plant, and what was needed from the Town of Boone. He then asked if Mr. Bob Shipley of Shipley Farms Beef, to come and share his experience as a local farmer. Mr. Shipley thanked Council, and explained that many shortages were found during the COVID-19 pandemic, including shortages of available USDA-certified meat processing centers. He went on to say that the proposed "Kill and Chill" facility would be located in Watauga County at the current landfill. Not only would this facility reduce the amount of carbon released into the atmosphere by commuters, who beforehand would have to drive an upwards of 2 hours in order to process meat, but would also help support local farmers in their quest to farm cattle. Mr. Hamilton said that they had received multiple commitments for the project, including funding from the Golden LEAF foundation. Mr. Hamilton went on to say that, he is coming to the Town to ask for infrastructure support, which included water/sewer taps. Mr. Rick Miller said that it would be possible; however, there is a current hurdle in the Town Code, which would need to be resolved beforehand. Mayor Pro-Tem Tugman asked what the current cost estimates were. Mr. Hamilton said that in 2020, they were looking at two to three million dollars; however, with the increase in cost for supplies, he was not sure. He then stated that they had yet to put the project out to bid, but that they were working with a consultant and were within 30 days of a rough estimate. Mayor Pro-Tem clarified that they were requesting a wastewater pump, grease station, and grinder pump, as well as significant water to the facility from the Town of Boone. Mr. Hamilton confirmed, and that he discussed with Mr. Santucci the possibility of installing a solar array at the facility. Councilmember Roseman asked if this facility would help reduce the price of local meats to the citizens of Boone and Watauga County. Mr. Shipley said that this facility would allow more farmers in the area to "get into the business", which would increase agri-tourism, as well as the availability of local meats. Councilmember George thanked Mr. Hamilton and Mr. Shipley for the report, and that he was excited to be keeping money on the mountain. Councilmember Roseman expressed concern regarding the potential aroma from the facility. Mr. Shipley asked if Mr. Gray Shipley could explain. He agreed, and explained that the aroma is due to feedlots a majority of the time, and this facility due to its size would not have feedlots. Additionally, this facility would be processing on average 15-40 animals a day, in comparison to thousands a day bigger facilities process. Ms. Meade said that in order to contribute to this process, they would need to revise the Town Code and possible UDO amendments, which could take months. Mr. Hamilton and Mr. Shipley thanked the Council, and said that they looked forward to working with them in the near future.

ADOPTION OF ITEMS ON CONSENT AGENDA

Upon the motion made by Councilmember Roseman, seconded by Councilmember Carter, Council voted unanimously to adopt the consent agenda. The following resolutions were approved:

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Town of Boone has need for and intends to conduct a study in a project described as a water infrastructure assessment, and

WHEREAS, The Town of Boone intends to request State grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BOONE:

That the Town of Boone, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That Amy Davis, Interim Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the study of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants pertaining thereto.

Adopted this the 14th day of September, 2022, at Boone, North Carolina.

Signature

Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting clerk of the Town of Boone does hereby certify: That the above resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Boone Town Council duly held on the _____ day of _____, 20____; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.

(Signature of Recording Officer)

(Title of Recording Officer)

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Town of Boone has need for and intends to conduct a study in a project described as a sewer infrastructure assessment, and

WHEREAS, The Town of Boone intends to request State grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BOONE:

That the Town of Boone, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That Amy Davis, Interim Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the study of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants pertaining thereto.

Adopted this the 14th day of September, 2022, at Boone, North Carolina.

Signature

Mayor

CERTIFICATION BY RECORDING OFFICER

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(Signature of Recording Officer)

(Title of Recording Officer)

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Town of Boone has need for stormwater planning and assessment and proposes to address this need through a project that will map stormwater infrastructure, assess its condition, and develop a plan for

maintenance and capital improvements, and

WHEREAS, The Town of Boone intends to request State grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BOONE:

That the Town of Boone, the Applicant, will arrange financing for all remaining costs of the project, if the amount approved for a State grant award is insufficient to cover project costs.

That the Applicant will ensure that all proposed activities in the Town's application for funding to DEQ will be carried out.

That the Applicant will seek to implement the recommendations and act upon the findings of the completed assessment and plan.

That the Applicant will make good faith effort to secure funding for implementation of the recommendations of the completed plan either by seeking external funding or budgeting Town revenues through the Town's annual budget ordinance or capital improvement planning process.

That Tim Futrelle, Mayor of Boone, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the completion of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants pertaining thereto.

Adopted this the 13th day of September, 2022 at Boone, North Carolina.

(Signature of Chief Executive Officer)

Mayor, Town of Boone

(Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Boone does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Boone duly held on the 13th day of September, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September, 2022.

(Signature of Recording Officer)

Town Clerk, Town of Boone

(Title of Recording Officer)

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Town of Boone has need for and intends to engineer and construct a project described as Upper Hardin Creek Stream Restoration and Daniel Boone Drive Culvert Replacement, and

WHEREAS, The Town of Boone intends to request State grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BOONE:

That the Town of Boone, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof. That the Applicant will ensure trained Public Works staff and adequate funding from the Town's General Fund will provide for proper operation, maintenance, and administration of the system upon completion of construction.

That Tim Futrelle, Mayor of Boone, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in construction of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants pertaining thereto.

Adopted this the 13th day of September, 2022 at Boone, North Carolina.

(Signature of Chief Executive Officer)

Mayor, Town of Boone

(Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Boone does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Boone duly held on the 13th day of September, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September, 2022.

(Signature of Recording Officer)

Town Clerk, Town of Boone

(Title of Recording Officer)

Mayor Futrelle called for a break at 10:38 a.m. and Council reconvened at 10:55 a.m.

COUNCIL MATTERS

TOWN MANAGER UPDATE

Ms. Davis updated Council on the work of the town staff, beginning with the official Town of Boone social media accounts, managed by Ms. Laney Pilkington, Communications Specialist. The Town of Boone's official social media accounts have grown considerably. Facebook has increased to 5,396 followers as of September 12, which is a 224.5% increase from the year before. Instagram has doubled in followers, to now having 3,196 followers as of September 12. The Town of Boone's website has had 215,893 new users since its launch in November 2021.

Sustainability, Public Works, and Planning & Inspections tabled at the King Street Market in September, where over 70 people learned about sustainable initiatives the Town of Boone is pursuing, as well as information regarding flood management. Over 100 reusable bags were handed out, as well as composters, water saving kits, and flood management information. Sustainability staff Mr. George Santucci and Ms. Pilkington from Administration served meals at F.A.R.M. Cafe, alongside Councilmember Nenow on September 7. A new Trash Trout is expected to be delivered and installed on September 30, weather permitting. Additionally, on September 28 at 6:00pm, AppalCART will be hosting a ribbon-cutting ceremony for the Electric Bus in which the Town of Boone helped contribute towards.

The Public Works department hosted the Boone Clean up Day, Fall Litter Sweep, and Free Pick-Up Weeks, in conjunction with the statewide "Fall Litter Sweep 2022" campaign. Volunteers collected approximately 400 pounds of trash and recycling from the streets and streams of the Town of Boone. Downtown sidewalk construction is continuing, with Greene's Construction planning to continue sidewalk work on North Water Street to Straight Street, and plan to be finished within the next two weeks. 95% of the sidewalk replacement is complete on South Depot Street, with a small section in front of the Beasley Media Complex remaining. Facilities Maintenance will begin construction of a new sidewalk from Linney Street to North Water Street this week.

Facilities Maintenance has completed the installation of 330 feet of sidewalk from the parking area to the stage area at the Daniel Boone Native Gardens, while also providing a newly constructed ADA compliant restroom within the gardens. An ADA compliant parking space was also installed.

Street resurfacing has been completed on the following streets: Gragg Street, Park Street, Dotson Drive, Quail Street, Dove Circle, Pheasant Ridge Road, Robin Lane, and Horn in the West Drive, beginning from Highway 321 to the intersection of Horn in the West Drive and Oak Street. The following streets are set to be resurfaced within the next month: Poplar Summit, Franklin Drive, Laurel Drive and Oakdale Drive.

Ms. Davis informed Council that there would be a "Town-Gown" meeting with Appalachian State University. Councilmembers George, Tugman, Carter, and Mayor Futrelle expressed interest in attending the meeting. Ms. Davis noted that a public meeting notice would need to be provided, and asked Ms. Pilkington if she or Ms. Harmon could create the notice. Ms. Pilkington agreed, and said that she would inform Ms. Harmon. Ms. Davis then asked if Chief Andy LeBeau would like to come and introduce the newest staff members of the Boone Police Department. Chief LeBeau agreed, and introduced Officer Holly Swofford and Officer Cory Held, as well as their newest social work intern,

RESULT:	APPROVED [UNANIMOUS]
AYES:	George, Carter, Tugman, Nenow

TOWN ATTORNEY UPDATE

Ms. Meade began by providing an update on traffic in public roads from drive-throughs, namely on Highway

321 at Starbucks and Bojangles, and asked if Council wanted her to continue to pursue this with the help of Planning and Inspections and Public Works. Council gave consent. She went on to explain that there are parking and queuing requirement, and added that within the current UDO, all queuing is meant to stay on the property. Ms. Meade went on to say that with the previous discussion held, earlier during the day in regards to the proposed meat processing facility, issues arose around water and sewer service. Ms. Meade prefaced this with a problem with Appalachian State University, wanting sewer service to their water treatment facility on Rainbow Trail. Under the current ordinance, she explained, service cannot extend without a petition for annexation, which Appalachian State cannot do. Ms. Meade recommended that Council consider looking at the current ordinance, because there could be circumstances in which annexation is not possible, or it could be a detriment to the Town itself. Mayor Pro-Tem Tugman asked for clarification. Mr. Rick Miller said that Appalachian State is looking at attaching to the Town's sewer system at their water treatment facility, with no expense to the Town. Ms. Meade added that it would require system development fees and would double the cost because they were outside town limits. Ms. Meade went on to say that, it could possibly be the same set up for the proposed meat-processing facility. Mayor Pro-Tem Tugman asked how much of an increase it would cause to the operations already set in place. Mr. Miller said that they are currently at 65%-70% capacity, and that they would have to look at expansion at 80%. However, he explained, with the potential addition of these two facilities it would not be an issue. Councilmember Carter said that he was in favor with what Ms. Meade proposed in regards to the meat processing plant.

Ms. Meade then went on to ask about previous discussions regarding a work session prior to Town Council meetings. She said that if added, public comment would be added after the work sessions, which she estimated to last about two hours. She went on to say that, it would be a more informal session, in which Council could discuss items that do not necessarily involve the citizens in-depth to help streamline the meetings. Councilmember Carter asked how feasible it would be to have the first monthly meeting set to be a work session and the second monthly meeting set as a "business" meeting. Ms. Meade said that it could be tight in regards to agenda preparation. Councilmember Carter said that he was not sure how he felt about a work session at the beginning of each meeting, and felt the meetings could still run long with this work session added. Councilmember Roseman added that originally, the intent was to have one long Town Council meeting on the second Wednesday of the month, with the knowledge that it would go long. She added that she was not opposed to add a work session at the beginning. Ms. Meade said that they could have a trial work session at the beginning of the next meeting. Councilmember George said that he was not opposed to a trial session, but that he would recommend they still have a meeting at 6:00pm so that the public had more of an opportunity to participate. Mayor Futrelle suggested that they have a trial work session from 9am to 11am during the October 12, 2022 Town Council meeting, and Council agreed. With no further discussion, Mayor Futrelle asked for board liaison reports.

BOARD LIAISON REPORT

Councilmember Roseman and Councilmember Carter had nothing to report, with Councilmember Roseman giving her update during the request appearance from Ms. Council. However, she did add that markers that the Historic Preservation Commission had order were on their way. Mayor Pro-Tem Tugman had nothing to report, and Councilmember George reported on the Sustainability Committee. He said that since there was no quorum at the last Sustainability Committee meeting, there was nothing to report, however he did add that Councilmember Nenow, Mr. George Santucci, and Ms. Pilkington served food at F.A.R.M. Café during a Boone Buys Lunch event. He went on to say that the Community Appearance Commission would be meeting at the end of the month. Councilmember Nenow reported that a pollinator had been planted at the Jones House, and twelve Tesla Supercharging stations had been installed at the CVS. She went on to say that, the Downtown Boone Development Association had their annual meeting, and that Eric Smallwood had been hired as the new Watauga Parks and Recreation Director.

STORMWATER UPDATE & DISCUSSION

Mr. Todd Moody began by giving a brief update on stormwater projects in the Town of Boone, and the funding needed to complete these projects. The following projects were mentioned:

1. The Daniel Boone Drive culvert is in need of replacement. The expected cost was approximately \$350,000.
2. The Farthing Street culvert is also in need of replacement. However, Mr. Moody explained, that a stream runs through this culvert, and in order to properly approach the stormwater issue, two private property owners would need to be consulted, due to the stream running from private property into town property, then back into private property. The culvert would need to be expanded from 24 inches to 48 inches. Additionally, a town sewer line would need to be relocated. Due to the location of this culvert, the expected cost to the Town would be \$50,000, and the expected cost to the private property owner would be \$200,000. Ms. Meade asked why the cost was so high. Mr. Moody and Mr. Miller explained that the proposed \$50,000 did not account for the cost of labor, while the \$200,000 did. They also explained that it was costly due to the cost of pipe and how it was built in the past.
3. Owen Drive was in need of a replaced stormwater pipe, which would cost roughly \$30,000, with the replacement pipe accounting for \$10,000 of those dollars. Mr. Moody ended with explaining to Council that there were many streets in need of new stormwater pipes and infrastructure, with each smaller project costing between \$5,000 and \$10,000.

Mr. Moody added that within the past five years, the Town had invested roughly \$500,000 in stormwater infrastructure improvements, and that they were working with the High Country Council of Governments on grants for stormwater capital improvements in order to make a comprehensive stormwater plan. Councilmember George asked if the Department of Transportation was receptive when discussing these issues. Mr. Moody said they were, however they may not have the funds to work on the issue immediately. Mr. Brandon Wise added that the stormwater infrastructure for the Town of Boone ran through multiple entities, including public and privately owned properties, and the Town could not force someone to work on someone else's property. He added that privately owned areas with stormwater culverts, like the culvert at New Market Center, needed to be upsized; however, the cost was too much of a burden. Mr. Wise went on to say that, the rate of discharge from the stormwater pipe is an issue, as well as aging infrastructure causing some water to look "red". However, he added that many of these stormwater issues are in privately owned lots. Councilmember Roseman asked if the Town could work on private property if a safety issue arose. Ms. Meade said they could. Mr. Santucci added that the reason the Town was built on and around streams was due to the geographic location; valleys often have streams throughout. Mr. Santucci then went on to give a brief description of proposed and completed stream restoration and daylighting projects, including the grant that Council approved to be submitted for the Boone Creek near the Boone Mall. Councilmember George thanked Mr. Santucci. With no further discussion, Council moved to the next agenda item.

DISCUSSION OF TRANSPORTATION COMMITTEE INFORMATION

Mr. Miller began by giving a brief update in regards to the Transportation Committee and the discussion previously held. Mr. Miller explained that the Transportation Committee was changed to an ad hoc committee, due to difficulties meeting with all members of the committee and having quorum at meetings. He asked if Council wanted to transition to committee from ad hoc to regularly scheduled meetings. Mr. Miller added that the Transportation Committee was involved with the Bike and Pedestrian Plan for the Town of Boone, and that it could be beneficial to have in regards to the comprehensive plan. Councilmember Roseman agreed, and added that she personally felt it would be beneficial to have public participation when revising the comprehensive plan. Councilmember Carter disagreed in regards to the Transportation Committee, and felt that he would rather have more people present at the comprehensive plan meetings instead of meeting just to meet. Councilmember George agreed, and said that staff time could be used more efficiently instead of facilitating committees that do not have a set purpose anymore. He added that he would like to see more time spent reaching out to the community at large, and wanted to look at other committees, outside the sanctioned committees, to see if they could be tasked with specific goals. Councilmember Carter agreed, and add that they needed to let staff do what staff did best. Councilmember George went on to day that it was not conducive to community outreach if a committee was just a group of people sitting in a group with no goal in place.

FURTHER CONSIDERATION OF REDESIGNING BOONE POLICE VEHICLES

Chief LeBeau gave a brief overview regarding the events that took place on King Street Saturday, September 9. He then thanked Public Works for cleaning King Street afterwards of the litter in which the crowd has left. Councilmember Carter asked how many people were stuck on King Street when the crowd emerged, and Chief LeBeau said there were a number of cars stuck on King Street, due to the time of the emergence. Councilmember Carter asked if there was a way to make a plan to mitigate the effects of these celebrations after football games. Chief LeBeau stated that with the addition of more home football games, his staff is prepared to handle the excitement. Chief LeBeau mentioned that many community partners came to help during the event on King Street, including App Police. Councilmember George thanked the Public Works department for cleaning the street, and expressed disappointment in the students for their littering. Mayor Futrelle thanked Chief LeBeau. Chief LeBeau added that they planned to bring in other officers from other agencies the following weekend, in order to ensure safety for all. Moving on, Chief LeBeau began discussing the redesign of the Boone Police Vehicles and the contest that ensued. He thanked Ms. Pilkington for social media publicity and technological help, Major Robins with his involvement, and Officer Eller for her willingness to begin the project. Officer Eller then came and spoke about the process of the project, and the gifts in which community organizations donated for the prize for the contest. Officer Eller added that the Boone Area Chamber of Commerce donated a prize basket, and that the Town of Boone would be donating a \$200 gift card, however, she noted that the prize package was still a work in progress. Ms. Meade asked that the winner of the contest sign a document that explains that rights to the art chosen would become property of the Town of Boone. Council agreed, with the allowance that the artist may put their art in their portfolio, and that they may use it with permission from the Town. Ms. Meade agreed. Councilmember Roseman then asked if the Council would be willing to add an additional \$1,000 to the prize package out of the General Fund balance. Major Robbins then showed a PowerPoint Presentation, which documented the five submissions, which the Boone Police Department felt, would be appropriate, and then asked Council to choose which one they liked most. Council discussed the options, and Councilmember Roseman asked if they would be able to modify a submission to fit what they needed. Major Robbins said that they could, with permission from the artist. Councilmember Roseman then suggested that they choose submission #4, and modify it slightly. Council agreed. Councilmember Roseman made the motion that the Town of Boone increase the financial contribution to the prize package to \$1,000 for the artist picked for the police. Mayor Pro-Tem Tugman made a friendly amendment to the proposed motion. Mayor Pro-Tem motioned to increase the prize package from \$200 to \$500, with the additional \$300 sourced from the General Fund Balance. Councilmember Roseman asked for a friendly amendment that the full funding for the prize package come fully from the General Fund Balance. Mayor Pro-Tem Tugman accepted the amendment. Upon the motion from Mayor Pro-Tem Tugman, seconded by Councilmember Roseman, the motion to increase the prize package from \$200 to \$500, with the prize package fully funded from the General Fund Balance, passed unanimously.

Mayor Futrelle called for a break at 1:15 p.m. and Council reconvened at 1:30 p.m.

CONSIDERATION OF THE CAFE PORTOFINO BUILDING

Ms. Mitchell began by stating the following: On June 8, 2022, Town Council discussed the options of relocating the offered building and made consensus to request input from the HPC. The Historic Preservation Commission (HPC), on August 2, 2022, discussed the existing Café Portofino building for Town Council's request to provide consensus on the historical value and additional facts of the building. The HPC has offered information that the following elements are not historic or original to the building:

1. Bar area on the southwest corner historic or original to the based on aerial images from the 1950 Palmer Blair Collection,
2. Apartments and two staircases to the apartments,
3. Plywood cladding, and the
4. Front shed roof porch on the Rivers Street side

The HPC offered the advice that if the historic parts were to be moved somewhere else, the non-historic elements (listed above) would need to be removed without there being a loss to the integrity of the building or damaging the historic elements. Further, the HPC noted that the significance of the building is its "historical significance", not its architectural significance. The historical significance of the building corresponds to the building's association with the tobacco trade and as the last remaining building in Boone

for this trade. HPC members gave their opinion that the worth is in the actual value of the property more so than the building, and the building might not be worth moving. Moreover, based on the information provided to the HPC during the Certificate of Appropriateness case, there is concern that removing elements and attempting to move the building would have a greater possibility of the building falling apart. The final consensus by the HPC on the Café Portofino building is that the only value to moving the structure was the commercial value of the structure. To represent Boone's tobacco trade history, the Town has a Burley tobacco scale that could be refurbished and placed in the Downtown area. Cultural Resources would need to be involved if it is desired to utilize this Burley tobacco scale. Ms. Mitchell asked for Council's opinion. Councilmember George thanked Ms. Mitchell, and Council agreed with the decision from the HPC. Mayor Futrelle asked if there were any additional updates she would like to share. Ms. Mitchell added that the project is moving forwards at the Café Portofinos site, with a conditional district approval for the site scheduled for the next public hearing.

CONSIDERATION AND DISCUSSION OF OUTDOOR DINING REGULATIONS, POLICIES & FEES

Ms. Shook began by thanking Council for rescheduling the Initial Comprehensive Plan meeting. After a brief discussion, the date of September 29, 2022 at 9:00am was scheduled for the Initial Comprehensive Plan meeting. Moving on, Ms. Shook briefly discussed how the outdoor dining regulations were handled during the COVID-19 pandemic, and during the State of Emergency order. Once the State of Emergency order was lifted, enforcement began again. However, she explained, that all businesses who were in violation were given notice beforehand. Ms. Shook continued by saying that there were many factors in regards to outdoor dining, including the need for a zoning permit, adequate parking and bathroom facilities, and correct system development fees. Councilmember George asked Ms. Shook if she had heard from other communities about issues similar to these. Ms. Shook had not, due to the nature of this problem arising from the COVID-19 pandemic. Councilmember Carter added that he was happy that the Town was looking at past regulations before 2020, and looking to see what had changed due to the pandemic and if regulations would need to be changed. He then asked about what businesses could do if they received a large fee from the system development fees. Mr. Miller said that the best way to do that would be to modify the Town Code regarding system development fees, and that the current system was fees based off seats. Ms. Meade asked Mr. Miller if they could schedule a meeting to discuss system development fees in regards to picnic tables. He agreed, and added that the code was set to be reevaluated this year. Mr. Stacey Miller gave a brief explanation to Council about building codes and plumbing. He added that all seasonal outdoor seating should be counted towards occupancy, and that the plumbing code states that anything outside counts towards the occupancy of the business as well. Mayor Pro-Tem Tugman asked if a business closed a percentage of their seats inside, and if dining outside, would there be an additional charge in regards to system development fees. Mr. Miller said that as long as they are within the previously accepted seat, they are free to do what they want. Ms. Shook asked Council if they would want to look into making the process easier, as well, as if they would like to choose not to place businesses in violation at the current moment. Ms. Meade reminded Council that they do not have the authority to stop system development fees. Ms. Shook clarified and asked if Council would like to choose not to place businesses in violation of the UDO. Ms. Meade expressed concern regarding the suspension of any ordinance. After further discussion, Council directed staff; including Ms. Shook and Mr. Miller, to meet with Ms. Meade to discuss outdoor dining regulations further later.

APPOINTMENT TO HUMAN RELATIONS COMMISSION

Councilmember Roseman nominated Laura Buck to the vacant regular position on the Human Relations Commission. She also nominated Zannah Kukral to the vacant student position on the Human Relations Commission. Both nominations passed with consensus.

APPOINTMENT TO PLANNING COMMISSION

Councilmember George nominated Scott Boyd to the vacant student position on the Planning Commission. The nomination passed with consensus. Ms. Shook asked if dates and times of meetings could be added to the student board application. Ms. Pilkington agreed.

CLOSED SESSION

Upon a motion by Councilmember Roseman, seconded by Mayor Pro-Tem Tugman, Council voted unanimously 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. 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.

Upon the motion by, seconded by, Council voted unanimously to exit closed session.

POTENTIAL ACTION FOLLOWING CLOSED SESSION

ADJOURNMENT

Upon the motion by, seconded by, Council voted unanimously to adjourn the meeting.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor