

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
September 17, 2020**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order electronically at 6:00 p.m. on Thursday, September 17, 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, Planning Director Jane Shook, Police Chief Andy LeBeau, Downtown Boone Development Coordinator Lane Moody, Cultural Resources Director Mark Freed, and Fire Chief Jimmy Isaacs. 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

One Board appointed position
One Council appointed position

HISTORIC PRESERVATION COMMISSION

One regular position
One student position

PLANNING COMMISSION

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

Mr. Ward urged Council members to seek out applicants interested in serving on the Board of Adjustment, since the committee was at an all-time low rate in membership. He explained that low membership on the board could affect voting requirements in a hearing. Mr. Ward also introduced Mike James as Senior Planner and believed him to be a good fit for the department and the Town.

TENTATIVE AGENDA ADOPTION

Mr. Ward noted that the applicant for the Community Appearance Commission withdrew his application, so no action would be needed on item four. Upon a motion by Ms. LaPlaca, seconded by Mayor Pro-Tem Clawson, Council voted unanimously to approve the agenda as presented.

PUBLIC COMMENT

Bob Meier of Doe Ridge Pottery spoke regarding the need for public restrooms downtown. Mr. Meier stated that there were people who were relieving themselves in public places on a regular basis due to the lack of restrooms, and believed that the Covid-19 crisis had only exacerbated the problem since fewer businesses made their restrooms available for public use. He believed that attractive public restrooms needed to be made available in a central spot downtown, and that they needed to be a stand-alone project.

David Jackson of the Boone Area Chamber of Commerce provided members with an update on area business projects. In response to the discussion on Tuesday regarding the creation of a potential stormwater municipal service district along the main corridor of Town, Mr. Jackson believed that conversation should be re-energized. He stated that stormwater issues have plagued the area for many years and felt that input should be gathered in an attempt to improve safety and infrastructure. Mr. Jackson added that public restrooms were a hot topic in the downtown area, and that if actions were taken, they needed to be communicated effectively. He stated that in terms of a business recovery plan, he believed that while the idea had its merits, it may be too far downstream in the process of finding why businesses were struggling and being able to provide solutions to them. Mr. Jackson added that the feedback received by the Chamber indicated that the process of how to establish a business remained unclear, and added that there was a perception by some that the downtown was failing and stated that this was not accurate. Mr. Jackson suggested the creation of an ad-hoc committee led by the Chamber and the DBDA to examine business conditions in downtown Boone. He added that the committee would work with stakeholders in the business community, as well as Town staff and would report back to Council. Mr. Jackson suggested that the committee should be comprised of 7 to 11 people from the Chamber and DBDA staff, members of the MSD business community, Town staff and Council members, a resident of the area and a student representative. He hoped to talk with Town departments directly on how they interface with businesses and what ideas they have to improve those relationships if given the opportunity. Mr. Jackson said that he would also talk to businesses about their concerns, and hoped that the third-party communication would encourage businesses to open up more about their concerns. He added that the goal of the committee was to improve efficiency and communications and to create a healthy relationship between the Town and the business community. Mr. Jackson felt that if this committee focused on downtown at the start, it could move to other areas and topics later on. He also suggested the Town hire a communications officer to communicate public information, as well as some of the great positive projects the Town has taken on, such as the LED light conversion.

The following comments were emailed to the Town Manager and requested that they be entered into the record:

“Hi, my name is Aidan Malone and I speak on behalf of all living organisms with deep concern for the future of the planet and the local Boone community. With January 2020 being the hottest January, in Earth's modern history we are in a climate crisis, with an unprecedented amplification of climate change and ecological breakdown. I am concerned for the future of generations and the overall wellbeing of the planet. It burdens my heart to imagine the catastrophic changes and ecological breakdown that will afflict the communities I deeply cherish. Places like Boone, Linville gorge, Elk knob, and my hometown Wilmington which rests 30 feet above sea level, are all at risk to undergo extreme and rapid destruction of the natural environment and the environmental services our local economy depends on. I share my concern for people who will be disproportionately affected by human influenced climate change and toxic or environmentally degraded areas. The NC Environmental Quality clean Energy Plan states that we must **“Reduce electric power sector greenhouse gas emissions by 70% below 2005 levels by 2030 and attain carbon neutrality by 2050.”** Boone currently uses 1% clean energy and this is an unattainable goal with our current energy structure, we have 10 years. The report also states that we must **“Accelerate clean energy innovation, development, and deployment to create economic opportunities for both rural and urban areas of the state.”** (NC Environmental Quality, Clean Energy Plan)

The time is now for climate action - a transition to clean energy is inevitable, but justice is not. That's why we are pushing for

1.FAIR Net metering, rooftop solar programs and democratic energy use.

2.NRLP and BREMCO present a climate energy plan publishing their energy mix, and future plans to address climate and reduce GHG.

3. Develop energy efficiency programs to reduce energy consumption, and make energy grids more efficient, affordable and economical.

4. Invest and continue to develop community oriented sustainability programs to make Boone cleaner, safer, more resilient and keep it beautiful. These demands are simple, economically profitable and would benefit the entire community. The demands will help fight climate change, provide jobs and opportunities for community cooperation and provide democratic avenues for people to improve their quality of life.

When you imagine your family, friends and Boone community, Where do you see Boone and climate neutrality in 2040?

It has been said that, ‘The whole is greater than the sum of its parts’ so let's work together as a community to be a pristine model for Sustainable cities around the world, otherwise we will fall behind. ”

“As a student at Appalachian State and a member of this community, I support the request for New River Light and Power, and Blue Ridge Electric to give presentations to the town council. These presentations should include the utilities' future plans to address and take accountability for their roles in the climate crisis. Our community's reliance on fossil fuels for electricity is contributing to a disastrous outcome. I encourage the town council to follow the suggestions of climate scientists and take more drastic action to reduce greenhouse gas emissions, using carbon neutrality frameworks that meet much earlier dates than 2050. We are nowhere close to meeting the minimum goals of NC Executive Order 80, to reduce our emissions by 40% by 2025, as compared to 2005 levels. New River Light and Power, and BREMCO have a large role in this, for example, purchased electricity produces the highest lone GHG emissions at App State. New River, being university owned, has a responsibility to transition away from fossil fuel reliance now, and beginning the NTE contract in 2022. The town should also consider our rights, as members of this community, to have a say in how our resources are sourced. Therefore, New River and BREMCO should be pushed to change their solar rates, to incentivize rooftop and community solar, rather than making solar economically inefficient. The current rates for solar in our community perpetuates the elitist nature of environmentalism. This is done by making environmental solutions more expensive and increasing the socioeconomic divide in opportunities for environmental stewardship. Not only could low-income households not afford solar because of our utilities' rates, but even those who could afford to install solar are discouraged economically because of utility rates. Additionally, this limits our town's economy and job opportunities, as solar industries could be required to function locally and benefit members of our community by hiring local individuals. The town could also create opportunities to benefit from community and rooftop solar installation in and around Boone. At a time where COVID-19 is severely affecting our local economy, solar jobs should be considered as a solution. Lastly, these utilities are functioning as non-transparent institutions. They do not give community members access to resources and information necessary to understand our community's environmental footprint. This must change, as an effort towards democracy. The town should consider our rights to this information, knowing how our everyday resources are produced and the impacts of that production scale. I hope the town will consider these points, while deciding on proposals related to New River and BREMCO. Your town trusts that you will make the right decisions to protect the lives and rights of future generations, to live happily on our planet and in our community. Please, do not let us down. Please, do not ignore the recommendations of thousands of climate scientists. Please address the social and environmental injustices that are perpetuated by these utilities and institutions. Please use your elected positions to protect our futures. Caitlyn Daas”

“The world is falling apart. However, we have the power to change that. Boone is an amazing place to live, and if we want to keep it that way, we have to get ahead of the game. Clean Energy is the future. New River Light and Power should be given a chance to present. The council is lucky to have an energy expert on its side. Why are you all not listening? Sometimes I feel as if Boone is stuck. We are not moving forward, we are at a standstill. The pandemic is reason to pause and reflect on the future. Boone should do the same. Climate Change is happening all around us. As we sit in the comfort of our own homes right now, while the rain of yesterday's category two hurricane falls on our roof, we need to make change. Chase Scott”

COUNCIL MATTERS

TOWN MANAGER UPDATE

Mr. Ward gave an update on the local and state Covid-19 cases and noted that there would be weekly testing of ASU students, faculty and staff throughout the remainder of the semester. Mr. Ward indicated a quicker turn

around on test results even though there was an increase in cases in some areas. He added that Gov. Cooper announced the reopening of schools on October 5th. Mr. Ward stated that Town operations had seen little impact and applauded them for being diligent in their response during the pandemic. Mr. Furguele expressed concern in the lag in the reporting of cases on the state health department website than what were shown on that of the local health department website. Mr. Ward answered that his understanding was that there was some lag time due to the way the information on the website was populated. He added that there was also confusion in terms of ASU numbers due to the fact that students sometimes were residents of and were listed as a resident of a neighboring County. Mr. Furguele stated that he was concerned that the people who were reporting statistics to the state from the County health department were intentionally underreporting information in order to present a more beneficial picture than what was reality. He stated that other counties seemed to match the information on the Johns Hopkins site whereas local numbers did not.

Census update: Deadline is September 30, 2020; as of September 1, North Carolina had the 10th lowest response rate. Mr. Furguele asked whether the census committee had been active in meetings. Mr. Ward replied that the committee had met virtually and had followed through on all of the requests from the census bureau. Mr. Furguele asked whether measures had been taken to reach the immigrant population. Mr. Ward stated that he had provided information to both regional census staff and Watauga County census staff, as well as many of the same individuals that Police Department staff worked with to reach the same population to help make contact. Mr. Ward indicated that the immigrant population seemed to be lagging behind when compared to the rest of the response rates.

Election update: The Town will be offering free 30-minute parking in front of the County Administration building to accommodate and encourage early voters. Polls will be open on election day from 6:30 a.m. until 7:30 p.m. and noted that some polling sites have changed due to Covid-19 restrictions.

Lighted Speed Limit Signs: Mr. Ward indicated that he has requested pricing quotes and would be bringing back more information. He added that staff was not able to obtain grant funding for these signs since much of the grant funding was diverted to Covid-19 relief.

SolSmart update: UDO review is complete and will be sharing it with Planning staff soon. Once complete, the program will provide remote training for staff on easing solar restrictions within our jurisdiction. As the Town meets certain benchmarks, it has the potential to become a certified SolSmart community.

Public Works has placed signs along the Greenway trail reminding users to social distance.

Howard Street: Application has been completed and waiting on funds to be freed up in October with the new federal budget cycle, and once that occurs, the loan can be processed. Upcoming redevelopment and increased interest in the area substantiates the need to move forward with the project.

Ketamine usage: In response to a question received recently, Mr. Ward reported that the Police Department and local EMS have not been using Ketamine and have no plans to do so. Mr. Furguele noted that this drug was employed in the death of a young man in Rochester, and that there was some speculation that that was the cause of his death. Mr. Ward indicated that the Boone Police Department tried to use de-escalation tactics and planned to continue down that course.

Food Plan update: All departments have been advised of the adoption of the 10% Food Campaign, and many places where annual flowers have been planted downtown have been replaced with edible plants with plans for more. Sign options to promote the High Country Food Hub have been explored, as well as both Farmer's Markets and staff will work with NCDOT to expand that concept. Mr. Ward reported that the Food Hub was able to hire a paid manager, though he was not sure where the funding for that position came from.

Highway 105 Sidewalk : The Facilities Maintenance Department has replaced over 800' of deteriorated sidewalk, 150' of curb & gutter, and updated 2 curb ramps to meet current ADA standards. The majority of this work has been between High School Drive and Wilson Drive.

Pavement Crack Sealing: A total of 3.6 tons of "Hot Pour Crack Sealant" has been applied to various Town streets as part of our ongoing pavement preservation efforts. Crack sealing provides protection against water intrusion which is the leading cause of pavement failure.

Downtown Sidewalks: The Facilities Maintenance Department will be replacing curb ramps and sidewalk at the intersection of King Street and Burrell Street (near Mellow Mushroom) beginning the week of September 21st. These upgraded ramps will meet current ADA standards with detectable warning domes. Work in this area is expected to last 2 weeks.

Street Resurfacing: The Street Department will begin resurfacing of the following streets on September 24th, weather dependent. Grand Blvd., Orchard Street, Iris Lane, and Wallace Circle. Hodges Street is scheduled for milling and resurfacing the week of September 28th.

LED Street Light Conversion: The Traffic Operations Division has installed 24 new LED fixtures along Highway 321. We have an additional 50 fixtures ordered that will be installed in the next few weeks to complete LED conversion along this corridor.

Hwy. 194 Sidewalk: The Town has secured 2 of 4 needed easements for sidewalk infrastructure along Hwy. 194. Watauga County Schools and KSC Properties, LLC have already granted easements to the Town. We are still in communication with Perkinsville Baptist Church and hopeful to come to an agreement. Covid-19 has definitely had an effect on their ability to meet with members to discuss this easement. The managing member of Laurel Place, LLC has confirmed he isn't willing to sign the easement because of concerns with the proposed signalized crosswalk location. This location was chosen by the North Carolina Department of Transportation and is the only location they will consider.

Perkinsville Easements: The Town was recently granted two easements from Mr. Vance James of Founders Investments, LLC. The first easement is for storm water drainage related to installation of new curb & gutter and sidewalk along Perkinsville Drive. The second easement is for sidewalk installation the entire length of his property along Perkinsville Drive. Mr. James granted these easements at no cost to the Town. We're still working to obtain 2 additional easements from an adjoining property owner to complete sidewalk on this street.

Leaf Pick-Up Route: The Town of Boone Public Works Department will provide residential leaf pick up per neighborhood beginning October 19, 2020 through December 18, 2020. Leaves should be placed curbside and free of all other debris. It is not necessary to call to schedule a pick up. For current route information, please contact the Town of Boone Facilities Maintenance Division at (828) 268-6230 .

Upper Junaluska Water Storage Tank Rehabilitation: Rehabilitation work is currently underway with substantial completion expected by September 23rd 2020.

CDBG - Deck Hill Water storage tank replacement: Preliminary Engineering report will be completed and submitted to NCDEQ by the end of September.

Mr. Ward stated that at the end of August, staff was notified concerning a change in the process at the landfill. Traditionally, in the past Republic has taken the Town residential waste to the landfill, and as the trucks crossed the scales, the Town was billed directly by the County. In August, the County changed that process so that whatever came across the scales, that was the company that got billed. He added that this would have potentially resulted in the charge of an administrative fee by Republic Services which would have increased our costs and potentially pushed the Town over budget. Mr. Ward indicated that since this change was being made early on in the initial budget cycle the County had agreed to hold off on that change until the beginning of July of 2021. He added that this was a significant time frame because it was also the timeframe that the existing solid waste collection contract would need to be extended. Mr. Ward noted that he had talked with McGill and Associates earlier this week and was moving forward with a proposal to hash out the business modeling for the Queen Street parking deck. He added that the Town would want to have a series of meetings with the County in order to find out what their needs were for the courthouse.

Mr. Ward then gave an update regarding withholdings for the employee portion of social security taxes. He stated that subsequent guidance from the Secretary of the Treasury was released a week ago which led staff to believe the Town should not participate in the program. Mr. Ward indicated that staff would notify employees of the decision next week.

NRLP Solar Array was currently on hold and deferred to Ed Miller who would be attended a later meeting for more details.

With the reorganization of two open positions at Town Hall, Mr. Ward announced that he planned to move forward with creating a position that focused on sustainability, special projects and grants.

TOWN ATTORNEY UPDATE

Ms. Meade stated that staff has had several recent applications to install new poles in the NCDOT right of way for 5G wireless facilities, and believed that more could be anticipated to be in town right of ways, potentially. She indicated that she and staff had talked with NCDOT staff about these applications, and found that both NCDOT manuals and the Town's own ordinances strongly disfavor the installation of new poles. Ms. Meade added that they did favor installation of what were called stealth or sort of hidden and camouflaged small wireless facilities and the use of existing poles so as to minimize the visual clutter on the streets of the Town. She added that often, providers made representations that they needed to have new polls installed and that the existing polls were insufficient, but that the problem was that while the Town would like to look critically at these applications and would like to offer comments to NCDOT, she did not believe there was the expertise on Town staff to evaluate these claims by the providers. Ms. Meade asked whether Council would be interested in having staff research and potentially speak with some potential consultants, which were specialists engineers who worked in the world of wireless infrastructure, with the aim of identifying a provider, or two who could potentially be retained as independent consultants, and then to provide that expertise to the Town to evaluate critically these applications. Mr. Furgiuele was in favor of this approach since the General Assembly had, in various areas, made it impossible for the Town to question the opinions of experts on behalf of different companies, as well as giving the Town an opportunity to increase its knowledge and ability to talk with providers and the consultants.

In response to his earlier update, Mr. Ward offered clarification on the differences in the local Covid-19 statistics. He stated that the local jurisdiction was actually submitting higher numbers than what the state was reporting because of the use of two different types of tests and the turn around time associated with the results for each. Mr. Furgiuele felt that it was not a matter of testing in terms of the number of reported deaths, and indicated that he was learning about the number of deaths on Facebook before they were acknowledged by the local health department. He further noted that the number was definitely still not the same as what was being shown at the state level. Mr. Ward cautioned that the information found on Facebook was often being reported without being confirmed by a death certificate from the health department.

BOARD LIAISON REPORT

Mr. Ward agreed with Mayor Pro-Tem Clawson to share information from the TDA meeting that had occurred yesterday. He indicated that the TDA budget was based on a 40% reduction in hotel motel/tax, and that it appeared that the trend still indicated high numbers. Mr. Ward noted that the area still had extremely high numbers being reported by Airbnbs, because people felt safer renting a cabin in the woods or a single room that was separated from a normal living situation. He added that in August, the Airbnb submissions for hotel/motel tax exceeded those reported in 2019.

Mr. Furgiuele reported that at the most recent DBDA meeting, Bob Meyer from Doe Ridge Pottery spoke to express his concerns with the lack of public restrooms downtown. He added that there was general support and

concern expressed across the board for the Town to be working toward a permanent solution for the lack of bathrooms downtown.

Ms. LaPlaca announced new Chairperson Brooke Kornegay on the Sustainability Committee. She added that Ms. Kornegay had a lot of experience in sustainability, and noted that the board discussed its three top priorities will be moving forward. She indicated that she would wait for the committee to submit them in writing before announcing them, but indicated that they there was a long discussion about what the priorities would be.

APPOINTMENT TO SUSTAINABILITY COMMITTEE

Mr. Furguele nominated Nikolai Speight to serve on the Sustainability Committee. Hearing no further nominations, Mayor Brantz called for a vote.

VOTE: Aye: All
 Nay: None

Mr. Speight's term will expire on June 30, 2023

CONSIDERATION OF CASES HEARD AT THE AUGUST 24, 2020 PUBLIC HEARING

Pl 04085- 72720 Creation of E4 Education Child Care Zoning District

Ms. Shook indicated that the first change in the packet was a typo, and that on the ordinance portion text regarding temporary classrooms had been changed to educational zoning district. She presented other changes as indicated in the packet. Mr. Furguele commended staff and the University for working together on this, and noted that when the proposal for the expansion of the daycare center came forward initially, he was really concerned about the effects of a rezoning. He added that he was now very comfortable with the solution that had been reached, and that childcare centers that were operated by universities and colleges were unique and merited a different zoning district. Mayor Pro-Tem Clawson echoed Mr. Furguele's comments, as did Ms. LaPlaca and Ms. Ulmer. Mr. Hicks stated that he also wanted to echo the comments, and added that he was happy the Town and University could work together on this and that a solution that satisfied everyone was able to be found instead of getting boxed into the black and white decisions.

Mr. Furguele made a motion that the proposed amendment of the Town's zoning ordinance is consistent with the Town's comprehensive plan and other adopted plans of the Town that are applicable and that with the changes that were adopted by the Planning Commission for the original draft and the language change, about the stacking of cars that was drafted after the Planning Commission meeting, he believed that it was consistent with the Town's comprehensive plan policy 2.1.1 a, that the Town shall protect and enhance a high quality of life; that it is consistent with 2.1.1 I: The presence of ASU and Caldwell Community College and Technical Institute should be recognized as necessary and important resources for area businesses; 2.3 d d that coordinated inter -governmental and university Town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development should be encouraged; 2.1.1 e 1 2 the Town should continue to look for ways to make development regulations and permit procedures more predictable and timely; And that pertains because of the ability to make this by right rather than forcing a further submission to the board of adjustment for special use permit or the Town for conditional district zoning; and comprehensive policy 2.3.2, a 1 community character that accounts for assessments of critical locations in community deserving special attention by the zoning ordinance in light of their high visibility traffic impacts strategic location, or other unique features. Mayor Pro-Tem Clawson seconded the motion which carried unanimously. Mr. Furguele made a second motion that the Town Council approves the proposed amendment to the Town zoning ordinance and believes approval is reasonable and in the public interest because is it is consistent with many of the adopted policies of the comprehensive plan during the various deliberations related to the efforts by the university to expand their

daycare; there were many comments heard about the critical need in the community; the quality of the childcare that was provided by the University was reportedly high; and because the University was one of the major employers in the Town of Boone, it is particularly important that Council support the workforce of the University through its zoning ordinance to the extent that it could; and it preserves the balance that we always strive protect the Town's low density residential neighborhoods. Mayor Pro-Tem Clawson seconded the motion which carried unanimously.

CONSIDERATION OF ORDINANCE TO EXTEND CORPORATE LIMITS - ASU BOARD OF TRUSTEES OF THE ENDOWMENT FUND

Case PL04083. NP 1 04084 ASU Child Development Center General Use Zoning Map Amendment

Ms. Shook reminded members that there were hand-written public comments that were received after the public hearing that were forwarded to them prior to tonight's meeting. Ms. Meade questioned whether the annexation should not proceed before the zoning matter so there were no questions about the authority of the Town Council to extend zoning to the parcels. Ms. Shook answered that in her opinion, she did not believe there was any question that the Town had the authority to do so. She added that in most cases, the applicant would want to confirm the zoning of the parcel before annexation occurred because they could withdraw their petition up to Council's vote. Upon Mr. Furguele's request, Ms. Shook summarized the hand-written public comments received. She indicated that one commenter lived on Grandview Heights right across from the University and had concerns. The commenter was fine with the extension of the daycare but did not want to see any extra student parking or housing. Ms. Shook added that the writer had concerns about trash on her property that came from the University's property across the street. Ms. Shook indicated that a second commenter had no objections overall to the enlargement of the Development Center, but since there was a chain of emails back and forth in which she and the writer discussed opportunities at which she could participate, Ms. Shook considered it public comment. Ms. Shook then presented the recommendations handed down by the Planning Commission. Mr. Furguele made a motion that the proposed amendment to the Town zoning map is consistent with the Town's comprehensive plan and other adopted plans of the town that are applicable because I believe that the rezoning is consistent with comprehensive plan policy 2.1.1 economic development, subsection D, which reads, economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas," Comprehensive Plan policy 2.3 D coordinator in our governmental and university town planning for urban area, land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged. and the comprehensive plan policy 2.3.3 a, the protection and rehabilitation of viable neighborhoods, shall be encouraged to ensure their continued existence as a major housing source; and as a reflection of the area's image as an attractive, highly livable community. Mayor Pro-Tem Clawson seconded the motion which carried unanimously. Mr. Furguele then made a second motion that the Town Council approves the proposed amendment of the Town's zoning map and believes approval is reasonable and in the public interest because the action works to achieve a dual purpose of protecting the residential neighborhoods in the area from more intense incompatible development as well as meeting the needs of the University to expand its childcare capacity for the large workforce that is in place. Mayor Pro-Tem Clawson seconded the motion which was unanimous.

Ms. Shook presented the Ordinance to Extend Corporate Limits - ASU Board of Trustees. Mr. Furguele asked why the effective date was drafted as immediately or June 30, 2021 and whether this property was tax exempt. Ms. Shook answered that staff did not feel like they should make that choice, and that since this had no reason why the ordinance should not be effective immediately. Mr. Ward added that he thought it was important for Council to go ahead and make this effective immediately so that ASU could move forward with construction and to avoid any possible uncertainty about the jurisdiction of planning over the project. Ms. LaPlaca made a

motion to approve the ordinance with the effective date beginning immediately. Ms. Ulmer seconded the motion which carried unanimously.

Mayor Brantz declared a break at 7:50 p.m. Council reconvened at 8:02 p.m.

CONSIDERATION OF UPDATED PLANNING & INSPECTION ANNUAL WORK PLAN

After brief discussion, it was the consensus of Council that staff amend the work plan by adding SolSmart project, small cell wireless text and noted that projects would be grouped together unless they did not have a common group, in which case they would be placed in chronological order, and then bring the document back to Council next month.

RESULT:	CONSENSUS
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REQUEST FOR TOWN COUNCIL TO CREATE A SUSTAINABILITY SCHOLAR POSITION

Ms. LaPlaca made a motion to move the request forward as submitted, naming Ms. Jennings as a "Sustainability Scholar" appointed to the Sustainability Committee. Ms. Ulmer seconded the motion. Mr. Furguele expressed concern with the Sustainability Committee explicitly naming somebody for the position, and believed there may be other people as well who would be interested in applying for that position. He believed that if Council was going to create such positions, that they should be non-voting members and that there be multiple positions with the public having an opportunity to apply for them so that there was an equal reach out to the community. Mayor Brantz asked about the description about credit, where it was earned and whether there was a any cost involved. Ms. Shook responded that the term credit meant that she would be recognized for her work. Ms. LaPlaca indicated that the board had discussed having student members from different schools, and acknowledged that there might be some other students interested from other schools and that it would be great to have them come forward. But, Ms. LaPlaca continued that so far, Ms. Jennings was the only student that had come forward. Mr. Furguele stated that he was looking for fairness, and felt that just because somebody came to Council and asked to participate in a committee, should not automatically mean that the person should be given the position. He added that he admired Ms. Jennings for having the idea but that he would not want to limit the number of positions and the Town should at least create a number of sustainability scholars that would match the number of elementary schools that in Town. Mr. Furguele noted that he was always concerned when Council did not use any process whatsoever to make sure that others had a chance to apply as well, but indicated that he would support it if Council agreed to expand the number of sustainability scholars to match the number of elementary schools. Ms. Shook stated that the idea was to be able to expand the committee as previously discussed and noted that the High School had a sustainability committee themselves, as well as students that participate in other sustainable organizations that might be interested. She recommended that Council allow staff to notify the schools in Town limits and let them know about the positions so that they could apply to the Town Council. Ms. LaPlaca asked that Council take a vote on Ms. Jennings' appointment and called the question. Ms. Ulmer seconded this. Mr. Furguele asked about including the Christian academy in Town, and clarified that he was not suggesting appointing high school students. Mr. Furguele offered a friendly amendment that Council create three sustainability scholar positions as non-voting members along the lines that had been included in the action request, and that Council move forward on the appointment of the applicant from Two Rivers Community School, but that staff then contact the two other elementary schools in Town, Hardin Park and Grace Academy, and make them aware that there would be two positions available if they had students who had an interest in participating and ask staff to nominate students from each of those schools. Ms. LaPlaca stated that she did not want to add complexity to this topic and did not want to add extra

work for staff. She then suggested that Mr. Furgiuele bring this matter forward at next month's meeting. Mr. Furgiuele then asked the Town Attorney whether it was appropriate for Council to create positions on Town committees and not make them available for solicitation or application. Mayor Pro-Tem Clawson expressed some concern with not advertising the positions and indicated that she had never seen positions created this way. Ms. Meade stated that she had never seen board positions created in this fashion. She believed that a Town board gaining a member through just through the efforts of a single person to get on that committee and approach that committee to try to get on the committee was a bad precedent to set on this or across any other committees of the Town. She agreed that the right way to proceed would be for Council to approve the special type of position on this particular committee and to advertise it in a way that gave other people a chance to apply as well. Ms. LaPlaca stated that the reason that Ms. Jennings came forward was because of climate change and that the reason why all the kids in high school and the young kids were starting to get so active was because they were very worried. She believed that to shut Ms. Jennings out and not vote on this was incredibly mean spirited and petty. She then called the question and made a motion to move the request forward as submitted. Ms. Ulmer previously seconded the motion.

VOTE: Aye: Ulmer, LaPlaca
 Nay: Hicks, Furgiuele Clawson

Mr. Furgiuele then made a motion that Council create three sustainability scholars for elementary school students and to ask the three elementary schools in Town to designate a student to serve on the committee. He added that he had no objection to accepting Ms. Jennings as the nominee of Two Rivers Community School and to accept her as the sustainability scholar for Two Rivers, but to direct staff to notify the other two schools and give them an opportunity to nominate two other young people to this same position. Mayor Pro-Tem Clawson seconded the motion. Mr. Hicks asked whether this would include middle school students as well. Mr. Furgiuele clarified that his motion included students through eighth grade. Mr. Hicks then asked if a school were unable to designate a nominee, if one of the other schools could nominate more than one. Mr. Furgiuele stated that he was fine with that, although he would rather just wait and see. Mayor Pro-Tem Clawson suggested a friendly amendment to propose that these spots be open to seventh or eight graders. Mr. Furgiuele accepted this amendment, as well as Mr. Hicks' suggestion that if within two months, there was no nomination from one of the two remaining schools that staff would contact the other two schools to see if either of them would have an additional person that they would want to nominate. Mayor Pro-Tem Clawson accepted both amendments and the motion carried unanimously.

CONSIDERATION OF SUSTAINABILITY DRAFT TOOLKIT

Ms. Shook thanked the Sustainability Committee, and previous members Harvard Ayers and Quint David in particular for their work on this item. Ms. LaPlaca and Mr. Furgiuele thanked staff for their work on this item. Mr. Furgiuele stated that there was a lot of resistance from many when the Committee was asked to go through this process, and believed in spite of this that the discussions with the departments themselves were valuable. He hoped that these sustainability practices would become part of the ethic of Town employees and eventually part of the personnel policy. Mr. Ward stated that his plan was to tie this to performance evaluations, and noted that he needed help from the Council to try to get back to using more digital data storage and spending less on copiers and printing materials. Mr. Hicks then made a motion to approve the toolkit, with Ms. LaPlaca seconding. The motion was approved unanimously. Mr. Furgiuele stated that just as long-serving staff members who retired were recognized by Council with resolutions, Council should recognize long-serving committee members such as Mr. David and Mr. Ayers who had contributed so much through their committee work to the Town. Ms. LaPlaca stated that Council had to remember climate change and emissions were the biggest problems today, and noted that Council did not need an inventory to know where those emissions came from.

She thanked staff and the committee for their work on the project, but felt that the real issues were not being addressed. Ms. Ulmer replied that although the approach was slower, the Town was moving forward, such as with the AppalCART's recent purchase of electric buses.

REQUEST FOR PRESENTATIONS BY NRLP AND BREMCO AND SUPPORT FOR RESOLUTION

Ms. LaPlaca presented a request for presentations by NRLP and BREMCO, as well as for support for a resolution. At the conclusion of the presentation, Mr. Furgieuele asked whether the Town currently had open projects with NRLP. Mr. Ward confirmed this fact. Mr. Furgieuele asked whether Mr. Ward had any concerns that if New River sent a representative to present to Council, and they perceived that they were being attacked, whether that would have any negative consequences for the Town's relationship with them on projects like Howard Street, for example. Mr. Ward answered that in regards to the Howard Street project, NRLP had offered and been a major partner in the design and engineering to be able to install the overhead power lines underground, which amounted to approximately \$175,000 to date, with more to come. Mr. Ward added that the other component of that relationship was that there was still a possibility that they would work with the Town in order to install a fairly large solar installation. Mr. Ward clarified that if the word attack was used, then he would have concerns. Mr. Furgieuele was concerned about the tone of the resolution, which he found to be adversarial and condescending. He added that while he supported the idea, he was afraid that if that same tone was displayed toward New River Light and Power and Blue Ridge Electric as had been directed towards Council itself by the proponent of the resolution, that the Town could end up in an even worse place. Ms. LaPlaca responded that she has had many meetings with NRLP and that it was frustrating to try to make changes and see nothing happen. Mayor Pro-Tem Clawson was concerned with the tone of the presentation and did not want all the hard work of the Town Manager with NRLP on the Howard Street project to be lost. Mr. Ward noted that a different approach could be used, such as accessing grant funds to assist NRLP, and believed that narrowing the focus may get everyone one step closer. Mr. Furgieuele clarified that he had no concern about the scope of the request and thought that the issues which were identified were worthy of discussion, whether they could be done in one or multiple presentations. Mr. Furgieuele asked whether it would be possible for members to prepare written questions that the Town Manager would then submit to NRLP and BREMCO. Mr. Ward stated that he would be glad to help enhance communication between the groups any way he could. Ms. LaPlaca stated that she would appreciate if Mr. Ward would do that and would appreciate if other people would also submit questions. Ms. LaPlaca suggested that she withdraw this item and get together with Mr. Hicks and Mr. Ward and draft something that was more along the lines of what was discussed.

CONSIDERATION OF CHANGES TO BOA RULES OF PROCEDURES

Ms. Meade presented a request for changes to the Board of Adjustment rules of procedure. She noted that previously, applicants could choose between a short and a long agenda item, and applicants who chose the short agenda item, which supposedly was just a 15 minute presentation, got to jump ahead in line. Ms. Meade explained that the procedure had not worked out that way in that the so called short agendas often went just as long as the other items which was unfair to those who did not choose the shorter agenda. Mr. Furgieuele felt that there had been plenty of time to experiment with this procedure and that Council should respect the request of the board on this. Mayor Pro-Tem Clawson made a motion to approve the request as submitted. Mr. Hicks seconded the motion, which carried unanimously.

CONSIDERATION OF ADDITIONAL CHANGES TO THE GIFT POLICY GOVERNING COUNCIL & COMMITTEE MEMBERS

Ms. Meade presented changes to the gift policy governing Council and Committee members. Mayor Pro-Tem Clawson made a motion to approve the changes as presented. Ms. LaPlaca seconded the motion which carried unanimously.

CONSIDERATION OF PROPOSED UDO AMENDMENTS REGARDING SIGNS

Ms. Meade asked members to think about how they would propose to deal with temporary signs that were in the public right of way. She indicated that right now, these signs included campaign signs, work for hire signs, yard sale signs, and the like that people placed out by the road. Ms. Meade stated that she would like to discuss next month how to deal with those types of signs. She believed there to be three possibilities: One would be to allow all of them; One would be to allow none of them; and one would be a middle ground option that raised some legal difficulties, but might still nonetheless be doable carefully, which would be to allow non-commercial signs. Ms. Meade indicated that these would include political signs, but would not allow commercial signs. She clarified that these would not include for profit or nonprofit such as yard sale signs and farmers market signs. Ms. Meade stated that Council could not under Supreme Court law, prohibit temporary signs in people's yards no matter what Council decided to do with signs in the public right of way.

REQUEST THAT EACH TOWN DEPARTMENT MAKE RECOMMENDATIONS TO HELP SUPPORT SMALL BUSINESSES IN MSD

Mr. Furgiuele read the following request:

"In approximately August 2018 the town council endorsed an investigation into the creation of a "small business rescue plan," but referred the issue to the DBDA for its recommendations. The only recommendation by the DBDA was that the town increase parking. As recognized in the Comprehensive Plan, Boone's downtown is the heart of the commercial community and the key to maintaining the "small town feel" of Boone. Over the years, there have been dramatic changes in the downtown with many small business failures and several businesses having located outside the downtown area. Whereas in the late 1980s and 1990s there were many businesses which met the needs of the residents of Boone, such as a bank, hardware store, pharmacy, appliance store, general grocery store, general clothing store, garden supply store, shoe store, several hair-cutting salons, etc., most or all of those are now gone. With Covid-19, more businesses have now closed. I am not satisfied that there are no other steps

which can be taken within town operations to make business start-ups more affordable and ongoing businesses more stable. I am therefore asking that the town council request that each department within the town think about how its own operations, fees, practices etc., can be adjusted to improve the stability of downtown small businesses, and for each department to report back in October at the regular council meeting with recommendations and suggestions."

Mr. Furgiuele stated that after listening to Mr. Jackson's presentation earlier in the meeting, he would like to alter his request since he believed what Mr. Jackson laid out was a better approach. Mr. Furgiuele proposed a committee of the Chamber of Commerce comprised of 7 to 11 members from the MSD including some people who have departed the downtown area, and a student. He suggested that the committee be empowered to have conversations with Town department heads, but asked that Mr. Jackson come back with a more specific proposal which would identify who would be on this committee. He also asked that the Town Manager ask department heads to cooperate with the committee if approved. Mr. Furgiuele then made a motion that Mr. Ward make available any key staff needed to meet with this group, whether it be a Chamber of Commerce Group or a Town committee. Mayor Pro-Tem Clawson seconded the motion. Ms. Meade suggested that Council might find it

unnecessary to have an actual town committee with all the requirements for staff time and work and suggested that this be a Chamber of Commerce led committee with staff being authorized to cooperate as needed. Mr. Jackson indicated that this was his intention and that he would come back next month with a proposal. He asked that he be allowed to discuss with Mr. Ward and a couple other members of staff about how the sustainability process went with department heads so that could be factored in. Mr. Furgiuele restated his motion to endorse

the proposal made by Mr. Jackson and that if the committee is Chamber led, that key town personnel be made available.

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

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Mr. Furgiuele, Council voted unanimously to enter into closed session at 10:51 p.m. pursuant to:

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.

Upon a motion by Ms. Ulmer, seconded by Ms. LaPlaca, Council voted unanimously to exit closed session at 11:30 p.m.

ADJOURNMENT

Upon a motion by seconded by Council voted unanimously to adjourn the meeting at 11:32 p.m.

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor