

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
October 12, 2022**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9:00 a.m. Mayor Tim Futrelle presided. Council members present included Mayor Pro-Tem Edie Tugman, Todd Carter, Virginia Roseman, and Dalton George. Staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Deputy Public Works Director Todd Moody, Planning Director Jane Shook, Long Range Planner Jessica Mitchell, Fire Chief Jimmy Isaacs, Major Shane Robbins, Human Resources Director Dale Presnell, Deputy Public Works Director Josh Eller, Cultural Resources Director Mark Freed, Interim Finance Director Guy Miller, Downtown Boone Development Coordinator Paige Henderson, Senior Planner Mike James, Senior Planner Christy Turner, and Sustainability and Special Projects Manager George Santucci. Town Attorney Allison Meade was also in attendance. Becca Nenow joined the meeting at 10:39 a.m.

MOMENT OF SILENCE

PUBLIC HEARING - HAMPTON ANNEXATION

Mayor Futrelle opened the public hearing regarding the Hampton annexation at 9:03 a.m. Hearing no comments from the public, he closed the hearing at 9:04 a.m.

WORK SESSION

Mayor Futrelle opened public comment for those who were in the audience.

Jennifer Tyson, President of Harmony Lanes, spoke regarding the Cross Boone Connector. Ms. Tyson made some brief remarks but, due to a scheduling error, she was asked to come back with her presentation at a later meeting as a requested appearance.

Terry Lance signed up to speak regarding Hampton Annexation, but since the public hearing had been closed, he was instead asked to talk to staff outside the meeting.

Council members began their work session, which included a discussion regarding the creation of a conditional district zoning designation with a pricing formula and process to help address affordable housing. Mr. George felt that inclusionary zoning was an important factor as members moved forward with the Comprehensive Plan update and thought that the Wellness District plan was a good plan to follow. It was agreed that lobbyists' priorities would be discussed during the work session in November once members had a chance to read through proposed legislation regarding affordable housing. Mayor Pro-Tem Tugman asked to discuss the potential Boone 150th anniversary monument proposed by artist Brenda Councill. Ms. Meade stated that Council previously had indicated that it did not wish to move forward with the project until a policy was adopted in conjunction with the Public Art Commission, and there had also been discussion of an open proposal format inviting submissions from artists rather than a process driven by the request of a private citizen. Mayor Pro-Tem Tugman felt that the Strawberry Hill plaza near Daniel Boone Park would be perfect for this monument if the project moved forward, and asked whether Council might approve it there temporarily. Ms. Meade agreed that any agreement to place art could be temporary while a policy was finalized. It was the consensus of Council that the Historic Preservation Commission should review the project and give its advice and recommendations on the basis of possible temporary placement at the Strawberry Hill plaza. Ms. Meade pointed out that the agenda would need to be altered to include an item to take formal action on this matter later in the meeting. The discussion then turned to town boards, with Mr. George proposing that committees be charged with serving a specific purpose on an ad-hoc basis. Ms. Meade suggested that there might be different ways to approach this depending on the particular committee. Because of the delay involved in constituting a new committee in some cases, it might be better to modify the existing committee. She suggested that Council review committee charges and membership regularly. Mayor Pro-Tem Tugman suggested non-UDO committees met once a quarter with pared-down memberships in an effort to streamline the process. Ms. Shook felt that would be more work for staff and noted that the UDO boards were discussed annually at the planning retreat. Mayor Futrelle suggested getting a list together of all committees to discuss during the next work session. Discussion continued with Mayor Pro-Tem Tugman asking for staff to find a way to communicate better with the public. She suggested water bill inserts be sent out a couple of times each year, explaining to citizens how to become more engaged. She and Mr. Carter asked whether text alerts could be more event-driven instead of only emergency situations. Chief Isaacs cautioned against this since he believed people would often block texts or unsubscribe from the service if

texts were sent out too often. He suggested that if implemented, the text system should have two different platforms, critical alerts and non-critical alters, to address this concern.

Mayor Futrelle called a break at 10:51 a.m. Council reconvened at 11:08 a.m.

ANNOUNCEMENTS

Mayor Futrelle announced the following board vacancies:

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 regular position; One student position

SUSTAINABILITY COMMITTEE

One student position

TOURISM DEVELOPMENT AUTHORITY

One position

(Business that collect taxes)

WATER ADVISORY COMMITTEE

Five regular positions; One student position

TENTATIVE AGENDA ADOPTION

Ms. Meade suggested adding an agenda item to charge the Historic Preservation Commission with the review of the proposed Boone 150 monument. Upon a motion by Ms. Roseman, seconded by Mr. Carter, Council voted unanimously to approve the agenda as amended with the addition of Council Matters Item 2(a) to discuss charging the Historic Preservation Commission with respect to a proposed public monument.

PUBLIC COMMENT

No one was signed up to speak during public comment.

REQUESTED APPEARANCES

MICHELLE NOVACEK - ASU PROPERTY OFFICE

Nick Katers, Associate Vice Chancellor for Facilities Management at Appalachian State University, presented a PowerPoint regarding parking and the daylighting of Boone Creek at Rivers Street Peacock Lot. A complete copy of the presentation may be viewed online at <http://boonenc.iqm2.com/Citizens/Default.aspx>. He indicated that the University was working with the Army Corps of Engineers on an advanced engineering study to turn the parking lot into a greenspace similar to Durham Park. He added that the plan was to tear down the Estes House on Howard Street as part of the process but assured members that the area's topography would not change. Mayor Pro-Tem Tugman hoped this parking deck would help solve the parking issues at the Greenway

CONSTITUTION WEEK, and ask our citizens to reaffirm the ideals of the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Boone to be affixed the 12th day of October of the year of our Lord two thousand twenty-two.

MAYOR

ATTEST:

TOWN CLERK

Domestic Violence Awareness Month Proclamation 2022

WHEREAS, In the Town of Boone, N.C., in recognition of the critical work being done by domestic violence advocates and allies in service of the survivors and victims' they serve, I encourage all citizens to actively engage in the scheduled activities and events sponsored by OASIS, Inc. (Opposing Abuse with Service, Information, and Shelter, Inc.) and other organizations working toward an eradication of domestic violence; and

WHEREAS, more than 400 survivors are served by OASIS each year; and

WHEREAS, the impact of domestic violence is felt not only by individuals and families, but communities and a nation as a whole, and

WHEREAS, the Town of Boone joins with others across the state of North Carolina and nationwide in supporting domestic violence victims and survivors, the advocates and organizations who serve them, and holding offenders accountable in the Town of Boone.

NOW, THEREFORE, I, Mayor of the Town of Boone hereby do proclaim October 2022 as Domestic Violence Awareness Month.

This the 12th day of October, 2022.

Tim Futrelle, Mayor

_____(SEAL)
Nicole Harmon, Town Clerk

Ordinance _____

AN ORDINANCE DECLARING A ROAD CLOSURE FOR A HOLIDAY CELEBRATION

WHEREAS, the Boone Town Council acknowledges a long tradition of providing an annual Holiday Parade for its citizens, which is open to everyone and is provided as a benefit to the community; and

WHEREAS, the Boone Town Council acknowledges that its citizens realize a financial benefit from holding annual events; and

WHEREAS, the Boone Town Council wishes to ensure the health and safety of all participants and spectators; and

WHEREAS, the Boone Town Council acknowledges that the annual downtown Boone Holiday Parade requires approximately thirty (30) minutes to install signage, and traffic control, and also requires approximately thirty (30) minutes for removing signs, traffic control, and litter;

NOW THEREFORE BE IT ORDAINED by the Town of Boone pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a State Highway System route:

Date(s): Times:

Route Description:

Saturday, December 10, 2022

1:30 p.m. – 4:00 p.m.

**King Street (U.S. Route 421) between Hardin Street and Poplar Grove Connector, and SR 1102
(Water St. / North Water St.)**

This ordinance to become effective when signs are erected giving notice of the limits and times of the parade, and implementation of adequate traffic control to guide through vehicles around the parade route.

Adopted this _____ day of _____, 2022

Attest:

The Honorable Tim Futrelle, Mayor

Nicole Harmon, Town Clerk

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TOWN OF BOONE RESOLUTION
Application for North Carolina Department of Commerce
Rural Transformation Grant Fund
Rural Engagement & Investment Program
“Town Hall Public Restroom Project”

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

WHEREAS, the Town of Boone Town Council fully supports the proposed project, Town Hall Public Restroom Project, which will result in the renovation of the Town Hall storage room being repurposed into a public restroom with an external entrance at 567 W. King Street, Boone, NC 28607.

WHEREAS, the Town of Boone Town Council wished to pursue a formal application for the Downtown Revitalization program the amount of \$200,000 from the North Carolina Department of Commerce, Rural Transformation Grant Fund, Rural Engagement & Investment Program and,

NOW, THEREFORE, BE IT RESOLVED, by the Town of Boone Town Council:

That the Town of Boone is authorized to submit a formal application to the North Carolina Department of Commerce, Rural Transformation Grant Fund, Rural Engagement & Investment Program in order to provide assistance to benefit the Town of Boone’s Town Hall Public Restroom Project.

That this Resolution shall take effect immediately upon its adoption.

Adopted this the 12th day of October, 2022, in Town of Boone, North Carolina.

Tim Futrelle, Mayor
Town of Boone

ATTEST:

COUNCIL MATTERS

CONSIDERATION OF CASES HEARD AT SEPTEMBER 26, 2022 PUBLIC HEARING

Ms. Shook presented Case PL05995-081822: Hampton General Use Zoning Map Amendment. Mr. George made a motion, which was seconded by Ms. Roseman, to approve the amendment to the Town's zoning map to R1 and that it is consistent with the Town's Comprehensive Plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.3.3 Housing and Neighborhoods (A), (C), (C)(1), and (H). The motion carried unanimously. Ms. Roseman made a motion to approve Ordinance PL-5995-081822 and believes approval is reasonable and in the public interest because it will bring the property in harmony with the neighboring land use. Mr. George seconded the motion, which was unanimous.

Ms. Shook presented Case PL05979-081222: Portofino Hotel Conditional District Zoning Map Amendment. Ms. Shook noted that an error in the staff report but the project **was** within the allowed height requirements. Mr. George asked for clarification that no other use would be permitted besides a hotel with this amendment. Ms. Shook confirmed that Mr. George was correct. Ms. Roseman made a motion, which was seconded by Mayor Pro-Tem Tugman that the amendment to the Town's zoning map is consistent with:

Comprehensive Plan Policy 2.1.1 Economic Development (A), (B), (C), (D), (E), and (F); Comprehensive Plan Policy 2.1.2 Commercial Development (F), and (I); Comprehensive Plan Policy 2.1.5 Downtown (A), (B), (C), (D), (E), and (F). The motion carried unanimously. Mr. Carter made a motion to approve Ordinance PL05979-081222 and believes approval is reasonable and in the public interest because the plan would enhance the area greatly and mitigate environmental issues. Ms. Roseman seconded the motion, which was unanimous.

Ms. Shook indicated that Case PL05764-060822: Yates Family Properties, LLC Conditional District Zoning Map Amendment had been withdrawn by the applicant but that the Planning Commission's recommendation on the case was located on page 55 of the packet.

PUBLIC HEARING & ADOPTION OF ORDINANCE -HAMPTON VOLUNTARY CONTIGUOUS ANNEXATION

Ms. Roseman made a motion to approve the proposed ordinance as presented with an effective date of October 12, 2022. Mr. George seconded the motion which carried unanimously.

Please return to:
Town of Boone Planning & Inspections Department
Attention: Annexation
680 West King Street, Suite
C Boone, North Carolina
28607

Ordinance Number: 22-22

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BOONE, NORTH CAROLINA *(Barney and Delores Hampton)*

WHEREAS, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held by WebEx, a video conferencing software, on April 13, 2022, after due notice by the Watauga Democrat on March 30, 2022; and

WHEREAS, the Town Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boone, North Carolina
that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Boone, as of October 12, 2022.

DESCRIPTION FOR LOT 6 KELLER ACRES FOR ANNEXATION more particularly described as follows: A parcel of land lying on the northwest side of the end of W. Donnie's Drive, being the lands conveyed to Barney S. Hampton and wife Delores by deed recorded in Book of Records 950 at page 425 as shown on plat recorded in Plat Book 11 at page 68 of the Watauga County Public Registry, bounded on the northeast by John Hoyt Edmisten (Lot 5), on the south east by W. Donnie's Drive, David H. Domermuth (Lot 3) and James L. Hamby (Lot 8), on the southwest by Gregory William Schneider (Lot 7) and on the west by John W. Freyler (Lot 9) as surveyed by Donald H. McNeil, P.L.S., L-2809, survey no. 22145, dated August 1, 2022 as BEGINNING on an existing monument in the eastern line of Lot 9 of Kellwood Subdivision as conveyed to John W. Freyler by deed recorded in Book of Records 1907 at page 668 (P.B. 9 pg. 04) and also being the western corner of Lot 5, the lands conveyed to John Hoyt Edmisten by deed recorded in Book of Records 695 at page 367 (P.B. 11 pg. 68); thence with the southwestern line of Lot 5, South 39 degrees 07 minutes 15 seconds East 205.64 feet to an existing 5/8 inch rebar found on line in the western right of way of W. Donnie's Drive; thence continuing said line and course for 22.50 feet to a point in the center line of said right of way and in the western line of Lot 3, the lands conveyed to David H. Domermuth by deed recorded in Book of Records 406 at page 443 (P.B. 11 pg. 68); thence with the center line of W. Donnie's Drive, South 50 degrees 52 minutes 45 seconds West, passing the northern corner of Lot 8, lands conveyed to James L. Hamby by deed recorded in Book of Records 135 at page 59 (P.B. 11 pg. 68) at 32.48 feet, a total of 282.48 feet to an existing 5/8 inch rebar in the northeastern line of Lot 7, lands conveyed to Gregory William Schneider by deed recorded in Book of Records 2054 at page 837 (P.B. 11 pg. 68); thence with the line of Lot 7, North 39 degrees 07 minutes 15 seconds West 81.46 feet to an existing monument in the southeastern line of the aforesaid Lot 9; thence with the eastern line of said Lot 9 and the City Limits of the Town of Boone, North 23 degrees 26 minutes 20 seconds East 318.29 feet to the BEGINNING and covering an area of 1.004 acres as calculated by the coordinate geometry method. Bearings relative to Plat Book 11 at page 68 and all distances being horizontal measurements.

Section 2. Upon and after October 12, 2022, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Boone and shall be entitled to the same privileges and benefits as other parts of the Town of Boone. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Boone shall cause to be recorded in the office of the Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Adopted this 12th day of October, 2022.

Tim Futrelle, Mayor

ATTEST:

APPROVED AS TO FORM:

Nicole Harmon, Town Clerk

Allison Meade, Town Attorney

Ms. Roseman made a motion to charge the Historic Preservation Commission with providing advice with respect to any element of the proposed monument in the Strawberry Hill plaza that they deem relevant for Council's consideration. Mr. George seconded the motion, which carried unanimously. Ms. Meade reiterated that this was not approval of the project, but a preliminary step, and suggested that the discussion also include the Cultural Resources Advisory Board. Mayor Pro-Tem Tugman indicated that she would bring the matter to the Cultural Resources Advisory Board for discussion next month.

APPOINTMENT TO HUMAN RELATIONS COMMISSION

Mr. George noted that he was impressed with all applicants and asked staff to issue a press release when the board was fully staffed and operational. Ms. Roseman nominated Ms. Christian for a three-year term, Ms. Brewer and Mr. Yow for a two-year term, and clarified that current student member Kukral would hold a one-year term, and current member Ms. Buck would hold a three-year term. Hearing no further nominations, Mayor Futrelle called for a vote on all three applicants.

VOTE: Aye: All
 Nay: None

Ms. Meade indicated that she would work with staff on a training program and reach out to the State Board for guidance.

APPOINTMENT TO BOONE TDA

Ms. Roseman nominated Mr. Lamonds and Ms. Moretz for reappointment to their respective seats. Hearing no further nominations, Mayor Futrelle called for a vote on both nominations.

VOTE: Aye: All
 Nay: None

Mr. Lamonds and Ms. Moretz's terms will expire on October 31, 2025.

TOWN MANAGER UPDATE

Mr. Carter left the meeting at 12:06 p.m. Town Manager Amy Davis introduced the Town's new grant writer and indicated that she was currently working on a grant for public restrooms at Town Hall. She then updated Council members on the following topics:

1. TDA agreed to purchase a meridian barrier system at the 2023 Boonerang event.
2. Boone was selected to host the 2023 Main Street Directors meeting.
 3. The installation of the new trashtrout was postponed due to the weather. The staff has been working with the High Country Council of Governments to receive grant funding to address flooding at the Boone Mall.
4. Upcoming Cultural Resources events include "Boone Reads Together" at the library on Friday, "Sacred Sounds" on Saturday, Cemetery tours every Friday in October and Halloween, Boone Boo! indoor concerts at the Jones House, and the Daniel Boone Forum at Appalachian Theatre.
5. Leaf Pick-up Route: The Town of Boone Public Works Department will begin residential leaf pick-up on October 17, 2022. Leaf collection trucks will run daily routes through December 16, 2022. 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 or questions, please contact the Town of Boone Facilities Maintenance Division at (828) 268-6230.
6. Clawson-Burnley Parking Lot: The Street Department has been working with a contractor to pave the parking area at Clawson-Burnley Park this week. Most of the stormwater run-off from this lot will be directed to the wetland area to be cleaned before entering the river. Wetlands are among the most effective stormwater controls regarding pollutant removal and habitat value. Parking space stripping is taking place today and will complete this much-needed upgrade.

7. Street Resurfacing: Street resurfacing has been completed on the following streets:
 1. Poplar Summit
 2. Oakdale Drive
 3. Laurel Drive
8. AMI Meter System: Staff is continuing to install the new type of water meter, with 1,562 or 22% installed to date. Additionally, remote functionality equipment is now being utilized and assessed for the next steps. New meter installation will continue as funding allows.
9. CDBG-I ~ Deck Hill Water storage tank replacement: Staff anticipates submittal of our bid and design package to the State for approval by the end of the calendar year. Once the project plans and submittal package have been finalized, we will continue the purchase negotiation with the property owners.
10. Water and Sewer Capital Improvements Plan: Staff is currently working with an on-call design professional to develop comprehensive water and sanitary sewer capital improvements plan (CIP) that will provide us with information and planning resources regarding future infrastructure needs.
11. Church Street Water Storage Tank - Rehab Project: This project is currently under construction and on schedule.
12. Jimmy Smith WWTP - UV Treatment System replacement installation: McGill Associates, PA, is currently working with staff to finalize project details, bid solicitation and procurement, project administration, and inspection. The Town directly purchased the replacement UV system during the last budget cycle utilizing grant funds made available to us through the American Recovery Act. The installation phase of this project is funded in the current budget cycle and is planned for this fall.
13. Ricky L. Miller Water Treatment Plant - North Carolina Area Wide Optimization "Gold Star" Award: The North Carolina Division of Water Resources has honored 66 water treatment plants for surpassing federal and state drinking water standards in 2021. The division's Public Water Supply Section awarded the facilities the prestigious N.C. Area Wide Optimization Award, which is part of a state effort to enhance the performance of existing surface water treatment facilities.
Additionally, for 2021, the state recognized 16 facilities with the "Gold Star" honor, an award for systems that have received the N.C. Area Wide Optimization Award for ten or more consecutive years.

BOARD LIAISON REPORT

Ms. Nenow indicated that the TDA had contracted with Destination by Design and was working on grant for accessibility at Howard's Knob Park.

Mayor Pro-Tem Tugman applauded staff for working so hard to train the newly appointed Community Appearance Commission members.

Ms. Roseman added that the Historic Preservation Commission was doing a lot for community, and will begin working on its priority list now that the Boone 150 event is wrapping up.

CLOSED SESSION

Upon a motion by Ms. Roseman, seconded by Mr. George, Council voted unanimously to enter into closed session at 12:23 p.m. pursuant to:

1. N.C. Gen. Stat. § 143-318.11(a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s).
2. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims.

Upon a motion by Ms. Roseman, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to exit closed session at 1:20 p.m.

ADJOURNMENT

The meeting was adjourned at 1:22 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor