

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
October 15, 2020**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order electronically at 6:05 p.m. on Thursday, October 15, 2020. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Loretta Clawson, Sam Furgiuele, Connie Ulmer, Nancy LaPlaca and Dustin Hicks. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Planning Director Jane Shook, Finance Director Amy Davis, Police Chief Andy Le Beau, Downtown Boone Development Coordinator Lane Moody, Deputy Public Works Director Todd Moody, and Cultural Resources Director Mark Freed. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

Mayor Brantz welcomed all in attendance. Mr. Ward noted that today was the last day to be counted in the 2020 Census with approximately 70% counted locally.

Mayor Brantz 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

TENTATIVE AGENDA ADOPTION

Upon a motion by Ms. LaPlaca, seconded by Mayor Pro-Tem Clawson, Council voted to approve the agenda as presented.

VOTE: Aye: All
 Nay: None

PUBLIC COMMENT

Craig Jennings stated that he was not aware of the measures being taken by the DBDA to recommend banning food trucks from the downtown area, and believed that the survey which the DBDA previously sent out was one-sided. He asked that the agenda item be tabled until further discussion could be held, and referenced a Change.org petition which had been started against the potential action of banning food trucks in the downtown area. Mr. Furgiuele asked that further discussion on the matter be held until Council reached the agenda item later in the meeting.

Michael Behrent spoke as an ASU faculty member about his concerns about the COVID-19 situation on campus. He believed that the situation had come to the point where a high number of students were regularly testing positive for COVID-19. Mr. Behrent noted that the decision for the school to remain open was imposed by the Board of Governors, and believed that the decision was having a negative impact on the community at large. Ms. LaPlaca asked for Ms. Meade's advice on what could be done by the Town in this situation. Ms. Meade answered that it depended on what exactly was proposed, and noted that the Town did not have jurisdiction over ASU operations. Mr. Furgiuele suggested that the Town invite ASU administration and potentially others to the November meetings to discuss COVID-19 measures.

Matt Silverberg of Boone stated that he owned property which neighbored property owned by the Town and that recently a tree from the Town's property had fallen onto his roof causing \$4,300 in damage. He added that he had previously talked with former Safety and Risk Officer Terry Story about other trees on the Town's property potentially falling onto his property and causing damage. Mr. Silverberg stated that he had also arranged for BREMCO to cut another tree on the property due to damage it had caused to power lines when it fell. He asked Council to have Town staff cut approximately 8-10 trees on Town property which he viewed to be a threat to his property. In the alternative, Mr. Silverberg asked for permission to cut the trees himself. Ms. Meade suggested that she visit the site along with Deputy Public Works Director Todd Moody and Town Arborist Brian Johnson and report back to Council. It was the consensus of Council to move forward in this direction.

ADOPTION OF ITEMS ON CONSENT AGENDA

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to approve the following items on the consent agenda:

1. Planning Retreat Minutes January 22, 2020
2. Town Council Regular Meeting Minutes April 21, 2020
3. Town Council Special Meeting Minutes May 7, 2020
4. Town Council Regular Meeting Minutes May 19, 2020
5. Town Council Emergency Meeting Minutes May 23, 2020
6. Town Council Special Meeting Minutes June 4, 2020
7. Town Council Regular Meeting Minutes June 16, 2020
8. Town Council Regular Meeting Minutes June 18, 2020
9. Town Council Regular Meeting Minutes July 14, 2020

VOTE: Aye: All
 Nay: None

COUNCIL MATTERS

TOWN MANAGER UPDATE

Mr. Ward updated Council on the following topics:

1. COVID-19 Update: Mr. Ward read the numbers of local cases, and noted that the numbers reflected ASU

cases as well. In terms of cost recovery, Mr. Ward stated that the Town had been reimbursed for \$250,000 to date, and expected the amount to exceed \$300,000.

2. Flashing Speed Limit Signs: Mr. Ward noted staff had researched the purchase of these signs as directed by Council, and that the cost would be approximately \$4-5,000 per sign plus the cost of software. He indicated that there was an option for a solar battery on the signs and that he planned to discuss this purchase during the FY 2021/22 budget discussion and would pursue grant funding in the mean time.

3. Public Utilities: Upper Junaluska Water Storage Tank Rehab Project: Rehabilitation work is complete with project close out paperwork and certifications under review; CDBG - Deck Hill Water Storage Tank Replacement: The Preliminary Engineering report has been submitted to NCDEQ and is currently under review. Staff along with our project engineer and HCCOG are working through the site development and environmental review.

4. Public Works: Downtown Sidewalks: The Facilities Maintenance Department has completed installation of brick paver sidewalk and ADA compliant curb ramps at the corner of West King Street and Burrell Street. Green's Construction is continuing installation from Vidalia Restaurant moving west to Rams Rack and will proceed as long as weather permits; Street Resurfacing:

Orchard Street, Iris Lane, Wallace Circle, Westridge Lane, and most of Grand Blvd. have been resurfaced. Our contractor's milling machine broke down and is currently being repaired. When it's running again, the remainder of Grand Blvd. and Hodges Street will be completed; Hunting Hills Bridge Replacement: The Public Works Department was notified in May by NCDOT that all design work should be suspended until further notice due to the department's cash flow problems. We've now been given permission to proceed with design work which is currently at 75% completion.

5. Queen Street Parking Deck: Mr. Ward indicated that a meeting was scheduled with the County and designer to discuss parking space usage. Mr. Furgiuele asked whether public restrooms would be included in the design of the parking deck, which Mr. Ward confirmed.

6. Grant Update: Boone Police Department has secured two grants, one for \$2,500 for equipment, and one multi-jurisdictional grant for the purchase of hemorrhage control kits. Cultural Resources staff was awarded an \$8,000 grant from the NC Arts Council for its music program. Work was also being done on a critical government infrastructure grant for use during disaster.

7. Sustainability and Grants Coordinator job has been posted and applications were coming into Human Resources.

8. Public Restrooms: Mr. Ward announced that from September 21-27, the Jones House saw 418 visitors for the restrooms and the next weeks saw 640, and 553. He believed that opening the Jones House for public restroom usage showed that the Town was responsive to public demand and thanked Cultural Resources staff for being available. Mr. Ward reported that to purchase a single stall restroom trailer would cost around \$50,000. He indicated that staff was exploring a lease option that could be placed at the backside of King Street on Howard Street.

9. Mr. Ward stated that he would be emailing members a draft Emergency Operating Procedure manual for Council's review, and asked them to incorporate this into their thoughts regarding resiliency planning.

10. Howard Street: Meeting on Thursday

11. Raley Parking Deck: 2 grants have been awarded to New River Conservancy for the daylighting of the stream, but noted that the design has been delayed due to COVID-19.

12. Surplus Property: Mr. Ward noted that there have been several visits, and a meeting with a large developer last week regarding the surplus property located at 1500 Blowing Rock Road. He added that staff had a capital improvements meeting with Withers Ravenel staff.

TOWN ATTORNEY UPDATE

Ms. Meade stated that the Board of Adjustment had reviewed language in the UDO for accessory apartments and had discovered many issues. She stated that with Council's agreement she would work with staff on revisions to correct the issues. She also provided information to Council members concerning motion procedures set forth in Chapter 35 and Robert's Rules, as well as refreshing members on other proper meeting procedures. She explained that once an item was placed on the agenda, it could not be removed without approval of the Council, though if no member offered a motion, the item would be considered as having been disposed of.

BOARD LIASON UPDATE

Ms. LaPlaca stated that the Sustainability Committee had recommendations to Council which would be discussed later in the night's agenda.

Mr. Furgiuele noted that the DBDA had recently discussed regulation regarding smoking and vaping in Town, and planned to bring their recommendations to the November Council meetings.

CONSIDERATION OF BUDGET AMENDMENTS

Upon a motion by Ms. LaPlaca, seconded by Mayor Pro-Tem Clawson, Council voted to approve the following budget amendment:

Police Department -Travel Training (Contributions/Donations) \$2,500

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

CONSIDERATION OF PROPOSED ASU POLICE JURISDICTION AGREEMENT

Chief Le Beau and Ms. Meade presented a draft agreement between the Town of Boone and ASU Police Department which would extend the jurisdiction of the ASU police within the Town in certain circumstances. Chief Le Beau indicated that it was not the intent of the agreement for citizens to be subject to routine traffic stops by ASU Police Department. Ms. Meade added that under state law Boone Police Department had jurisdiction on campus, but ASU Police Department did not have jurisdiction within the Town outside of campus and ASU-owned or leased properties in the absence of such an agreement for extended jurisdiction. She clarified that this agreement would authorize ASU officers to exercise law enforcement powers if they were investigating a crime that happened off campus that somehow ended up off campus and in Town as long as they gave notice to Boone Police Department. Ms. Meade added that the agreement would also allow on duty ASU officers to react if a threat occurred in their presence which threatened public safety, and that ASU officers would be able to make arrests at the Boone Police Department if needed. She explained that ASU Police Department would remain liable for their officers regardless of whether they were on campus or off campus. Mr. Furgiuele questioned the need for this agreement since he thought the Town already had a mutual aid agreement with ASU Police Department. Chief Le Beau responded that this agreement would simply allow for additional assistance between the two departments. Mr. Furgiuele stated that he believed this agreement modified things, and asked what the need was for Number 6 in the agreement. Chief Le Beau answered that he believed this language helped to simplify operations. Ms. Meade suggested that she could review the mutual aid agreement, which Mr. Furgiuele agreed to and asked that she report back to Council. He also asked about the need for Number 5 in the agreement. Ms. Meade answered that the language contained in Number 5 was included to allow for persons who were brought in for questioning and or to the magistrate's office to be arrested by the ASU police. Mr. Furgiuele asked whether the Town was authorized to permit an arrest on County property, as authorized in the proposed agreement. Ms. Meade was of the opinion that since the magistrate's office was located within the Town limits, the Town had jurisdiction. Mr. Furgiuele expressed concern with Number 3 of the agreement since it potentially dealt with enforcement of local ordinances, such as the noise ordinance and asked whether noise complaints received on campus were referred to ASU Police Department. Chief Le Beau indicated that officers had not had many issues like this, and that the departments had handled past issues at Legends jointly since Boone Police Department had jurisdiction in those areas. Chief Le Beau added that ASU Police Department was often more effective in dealing with such issues since they were able to involve Student Affairs. Mr. Furgiuele worried that it was not a part of ASU Police Department training to be familiar with Town ordinances, and stated that he would be more comfortable if changes were made to the language. Ms. Meade agreed that clarifications should be made since ASU officers could not write Town citations. Mr. Furgiuele added that he had only positive interactions in the past with ASU officers, but that he did have concerns with the language in Number 2 in that there were no exclusions. He was concerned that ASU officers were not subject to the Town's personnel policy and that the Town had no control over their actions. Mr. Furgiuele added that if the police committee moved forward, ASU Police Department should

participate in committee discussion. Council member Hicks asked whether cadet officers at ASU were trained by police already on staff. ASU Police Chief Stevens answered that officers were admitted to a police development program and were supervised by trained officers. In addition, Chief Stevens added that they were not permitted to drive patrol cars. Mr. Hicks agreed that ASU Police Department should be part of police committee discussions. Mayor Pro-Tem Clawson expressed some concern with the agreement, since the Town was not always aware of what was going on at ASU. Ms. Ulmer felt that the two departments worked well together. Mr. Furguele stated that he was not against the agreement, but believed that they often outlived the personnel who created them and suggested that the agreement be tabled until November to allow Ms. Meade time to review the mutual aid agreement and clarify language within the ASU agreement. Ms. LaPlaca stated that she supported the agreement as-is, but she would also support tabling the agreement until November. Mr. Furguele then made a motion to table the discussion of the agreement until the November regular Town Council meetings to allow the Town Attorney time to review the mutual aid agreement between the Town and ASU and to make revisions to clarify the language within the agreement pursuant to comments made during earlier discussion. Mayor Pro-Tem Clawson seconded the motion.

Mayor Brantz called for a break at 8:04 p.m. Council reconvened at 8:17 p.m.

Since Rev. Hunt was now on the call, Mr. Furguele made a motion, which was seconded by Mayor Pro-Tem Clawson to amend the agenda to discuss the request to move forward with the creation of a police committee, and then to return to the agenda with Item 7. The motion passed unanimously.

RESULT:	TABLED [UNANIMOUS]	Next: 11/17/2020 6:00 PM
MOVER:	Sam Furguele, Council Member	
SECONDER:	Loretta Clawson, Mayor Pro-Tem	
AYES:	Clawson, Furguele, Ulmer, LaPlaca, Hicks	

REQUEST TO MOVE FORWARD WITH CREATION OF A "POLICE COMMITTEE"

Mr. Furguele suggested that since the meeting had progressed so quickly, this item should be held until the scheduled time so that Rev. Hunt would be available to speak. He then made a motion to hold this item until Rev. Hunt arrived on the call or until after the discussion of Item No. 7. Mayor Pro-Tem Clawson seconded the motion. Council member Hicks logged out of the meeting at 7:20 p.m. He logged back in at 7:22 p.m.

Mr. Furguele yielded the floor to Rev. Hunt for discussion of his request to move forward with the creation of a police committee. Rev. Hunt stated that he had worked with many community members including Yolanda Adams, black and brown ASU students and staff members, Junaluska community members, Small & Mighty Acts members and ASU Athletics members regarding the police committee. The goals discussed were transparency on the part of the local law enforcement officers, and working to help the public understand the law enforcement process. He suggested that the committee take about six months to identify goals and objectives, as well as to educate and give feedback to Town Council as to how decisions were made within law enforcement and complaints against the Police Department were filed. Rev. Hunt noted that in his research, he discovered that governing boards did not often provide oversight for other law enforcement agencies, and expected the same for this committee. He suggested that the committee be comprised of seven community members, three students, and two council member representatives, and that the committee be referred to as a "community evaluation board". Rev. Hunt stated that he had committee members in mind, but that they wished to be named off record due to potential safety issues. Mr. Furguele asked whether Rev. Hunt envisioned this to be a committee where Council members participated as liaisons, or a Town operated committee, and how the committee would be staffed. Rev. Hunt answered that community members wanted to partner with the Town in a way similar to the proposed Chamber of Commerce committee previously discussed, and envisioned the Town appointing two Council member liaisons. Mr. Ward asked Council to consider limiting staff involvement if possible. Ms. Meade explained the difference between a Town operated committee and a committee in which Council members were merely liaisons such as the AppalCart board. Ms. LaPlaca stated that she respected the privacy of potential members, but asked if she could confirm with Rev. Hunt privately if someone she knew was a potential member. Rev. Hunt stated that he would share the committee membership with Council members. Ms. Meade reminded Council members that any communication sent via email or text message, etc.

would become public record. Ms. LaPlaca asked whether she could receive the information from Rev. Hunt via speaking to him verbally. Ms. Meade responded that she could. Mr. Furguele stated that he fully endorsed the citizens committee and felt that Council should support the appointment of Council liaisons and should authorize staff to provide information and cooperation as needed. Mayor Pro-Tem Clawson agreed, and felt that Rev. Hunt had brought back a wonderful idea. Mayor Brantz asked whether staff had any concerns. Mr. Ward indicated that he had no concerns if Council chose to move forward in this direction. Ms. Ulmer felt that there were people who may be interested in serving on the committee other than those affiliated with ASU. Rev. Hunt agreed and stated that there were other community members who would be involved. Council member Hicks thanked Rev. Hunt for his work on the committee and asked about the next steps to move forward. Ms. Meade stated that Council would need to make motions or come to consensus in order to move forward. Mr. Hicks asked whether Council members who were not appointed as liaisons could attend the meetings to listen. Ms. Meade answered that they could attend only to listen, but if they intended to participate, the meeting would have to be noticed as a special Town Council meeting. Mr. Furguele asked whether Rev. Hunt intended for the meetings to be open to the public. Rev. Hunt indicated that the initial meetings would not be open to the public. Mr. Furguele made a motion to endorse the Town's cooperation with a community committee along the lines outlined in Rev. Hunt's proposal with the plan to designate two Council members as liaisons and to authorize staff and the Town Attorney to work with the committee as needed as resources. Council member Hicks seconded the motion. Mr. Furguele felt that the committee should not be held to an exact number of members and should be given some flexibility. Mayor Pro-Tem Clawson and Ms. Ulmer stated that they both had someone in mind who would be interested in serving on the committee. The motion carried unanimously. Discussion continued, with Ms. Ulmer stating that she had not thought about which Council members should be nominated, but felt that the committee had a purpose and that Council members should nominate other members based on what action that member would take while on the committee. Mayor Pro-Tem Clawson stated that Mr. Furguele had experience and felt he should serve on the committee. Council member Hicks wondered if the committee members should choose the Council liaisons they would like to serve. Mr. Furguele felt that liaisons should be appointed tonight, and stated that if comments made by Ms. Ulmer were directed toward him, then he asked not to be appointed. Ms. Ulmer stated that they were not, and that she only wanted members to think about the intention of the committee. Mayor Pro-Tem Clawson and Rev. Hunt agreed that Council should move forward with appointing liaisons at the night's meeting. Rev. Hunt added that Council members should appoint liaisons who were committed to work with the committee and would represent the Town in mutual conversation. Mr. Furguele suggested that members see which of them were interested and move forward from there. Mayor Pro-Tem Clawson stated that she had health issues and did not feel she had the time to dedicate to the committee and declined to serve. Ms. LaPlaca also stated that she already had enough obligations and declined to serve. Mr. Furguele, Mr. Hicks and Ms. Ulmer all expressed an interest in serving. Ms. Ulmer stated that she was unsure how much of a commitment she would be able to make. She questioned what qualified Mr. Furguele to serve as a liaison, and he responded that he was an attorney, had worked for decades in legal services and had represented many vulnerable people, he had initiated the annual police forum and he had proposed the committee. Since Mr. Hicks and Ms. Ulmer had expressed great interest in serving, however, he indicated that he did not want to stand in the way of the committee moving forward, and did not want to create conflicts among Council members regarding who would serve on this committee, Mr. Furguele yielded his chance at a position. Mr. Hicks felt that he did not have as much experience as Mr. Furguele and stated that it might not be necessary for him to be a member over Mr. Furguele. Ms. LaPlaca felt that Mr. Hicks' presence as a young person would be beneficial to the committee, to which Ms. Ulmer agreed. Mr. Furguele made a motion to nominate Ms. Ulmer and Mr. Hicks to the committee. Ms. LaPlaca seconded the motion.

RESULT:	APPROVED [4 TO 1]
MOVER:	Sam Furguele, Council Member
SECONDER:	Nancy LaPlaca, Council Member
AYES:	Clawson, Furguele, LaPlaca, Hicks
NAYS:	Ulmer

CONSIDERATION OF THE USE OF PLANT-BASED PROPANE TO POWER TOWN VEHICLES

Mike Phillips of Alliance Autogas presented information in support of the use of plant-based propane to power Town vehicles and police department vehicles in particular. A complete copy of the presentation can be found at http://boonenc.igq2.com/Citizens/Detail_Meeting.aspx?ID=2259. Mr. Ward noted that without a budget specifically for sustainability projects, this approach would be the best way to move forward, though he acknowledged it was not a perfect solution. Ms. LaPlaca asked how much of the propane was plant based versus oil and gas. Mr. Phillips indicated that the propane fuel was 100% renewable propane. After brief discussion, Ms. LaPlaca made a motion to table this item until additional research could be done on the topic. Council member Hicks seconded the motion.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Nancy LaPlaca, Council Member
SECONDER:	Dustin Hicks
AYES:	Clawson, Furgiuele, Ulmer, LaPlaca, Hicks

CONSIDERATION OF CASES HEARD AT THE SEPTEMBER 28, 2020 PUBLIC HEARING

Case PL03547-020420 Kensington Gate Conditional District Zoning Map Amendment

Mr. Furgiuele was logged out of the meeting at 9:45. He logged back into the meeting at 9:47 p.m. Ms. Shook presented the Planning Commission's recommendations on the above case and noted that it recommended approval. Mayor Pro-Tem Clawson made a motion, which was seconded by Ms. LaPlaca, that the proposed amendment to the Town's zoning map was consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that were applicable because it complied with: Comprehensive Plan Policy 2.1.1 Economic Development D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas. K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population. Comprehensive Plan Policy 2.3 The Community A. Urban type development within the Urban Growth Area shall meet appropriate Town standards. Comprehensive Plan Policy 2.3.1 Community Appearance A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged. Comprehensive Plan Policy 2.3.2 Community Character E. New Development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area and supportive, whenever possible, of Boone's original community character as a High Country small town. Comprehensive Plan Policy 2.3.3 Housing & Neighborhoods E. Factors in determining preferred locations for high density residential development shall include: close proximity to university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses. H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas.

VOTE: Aye: All
 Nay: None

Mayor Pro-Tem Clawson made a second motion, which was seconded by Ms. LaPlaca, to approval the proposed amendment to the Town's zoning map and believed that approval was reasonable and in the public interest because the completion of the project finished a project that was delayed by the 2008 recession and met a perceived need for senior housing in Boone that was presently lacking. Mayor Pro-Tem Clawson amended this motion and the previous motion to include that approval would be contingent upon all conditions included within staff's report. Ms. LaPlaca accepted the amendment to both motions.

VOTE: Aye: All
 Nay: None

Case PL04195-090820 Administrative Mechanisms Modifications - UDO Text Amendment

Ms. Shook presented amendments made to Article 2 of the UDO to re-organize and align text with NC General Statutes, and clean up language regarding board membership. Mr. Furgiuele felt that in regards to Board of Adjustment membership, which the draft terminated immediately if the person moved out of Town, that if a member has heard all the evidence on a case, they should continue to serve on the board until that case has been concluded. Ms. Shook clarified that there was a provision for a member to continue to serve until their vacancy had been filled, Ms. Meade adding that an alternate could also serve until the position had been filled. Mr. Furgiuele suggested that the vacancy be filled with the new term beginning after the case had concluded, and expressed his view that otherwise, people should be required to be Town residents to hear and decide cases before the Board of Adjustment. Brief discussion ensued regarding a three-year term for Planning Commission members. Ms. Meade suggested this be a blanket policy, with Ms. Shook asking whether these changes would be effective retroactively or immediately. Mr. Furgiuele believed the changes should be effective retroactively. Ms. Meade indicated concern about the impact this might have on the Board of Adjustment. Ms. Shook clarified that only one member would be immediately affected and it was agreed the changes should be retroactive. Ms. Ulmer made a motion, which was seconded by Ms. LaPlaca, that the proposed amendment with the changes discussed including alternative 2, to the Town's zoning ordinance was consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that were applicable because it complied with: Comprehensive Plan Policy 2.3.4 Public Involvement A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public. D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action. Comprehensive Plan Policy 2.1.1 Economic Development E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

VOTE: Aye: All
 Nay: None

Ms. Ulmer made a second motion, which was seconded by Ms. LaPlaca to approve the proposed amendment to the Town's zoning ordinance, with the changes included, and believed approval was reasonable and in the public interest because it encouraged public involvement in Town affairs, encouraged student civic involvement as well, and encouraged public service that assisted in economic development.

VOTE: Aye: All
 Nay: None

CONSIDERATION OF MCLAUGHLIN VOLUNTARY ANNEXATION (VFW DRIVE)

Ms. Shook presented the annexation request for Thomas and Joan McLaughlin at 229 VFW Drive. Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to approve the Resolution Directing the Clerk to Certify the Sufficiency of the Petition, the Certificate of Sufficiency, and the Resolution Fixing the Date for Public Hearing, with the Public Hearing being set for December 15, 2020 at 6:00 p.m.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
(McLaughlin)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on September 2, 2020 by the Town Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Boone deems it advisable to proceed in response to this request for annexation;

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

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.

ATTEST:

Mayor

Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31
(McLaughlin)**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

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

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at Council Chambers at 6:00 p.m. on **December 15 or 17th**, 2020.

Section 2. The area proposed for annexation is described as follows:

A parcel of land lying on the north side of Sunnyside Drive in Town of Boone, located approximately 520 feet from the intersection of State Farm Road and Sunnyside Drive and being a portion of the lands conveyed to Thomas M. McLaughlin and wife, Joan E. McLaughlin by deed recorded in Book of Records 349 Page 738 and being the properties being recombined on plat recorded in Plat Book 27 Page 366 and by Combination Instrument recorded in Book of Records 2098 Page 839 of the Watauga County Public Registry; bounded on the north and east by Lori Kim Dean (Book of Records 366 Page 707), on the south by D. Neil Hartley (Book of Records 1907 Page 009) and on the west by a 3.307 Acre tract, lands of McLaughlin (Plat Book 27 Page 366), as surveyed by Russell C. Shaw, P.L.S. L-2899 on April 30, 2020 as BEGINNING on a 5/8 inch rebar found at a fence post in the center of an old road, being the common corner to John Jones (Book of Records 192 Page 348) and Neil Hartley, said corner being located North 48 degrees 07 minutes 06 seconds West 15.59 feet from a 22 inch Hickory Tree; thence with the line of Hartley South 65 degrees 48 minutes 05 seconds West 17.98 feet to a calculated point in the Hartley-McLaughlin line being located North 65 degrees 48 minutes 05 seconds East 22.90 feet from an existing 3/4 inch pipe in an old road; thence leaving the Hartley-McLaughlin line and with the Town of Boone Corporate Limits line North 48 degrees 14 minutes 50 seconds West 111.64 feet to a calculated point located south of a soil road at the Hartley Cemetery, said point being located North 66 degrees 00 minutes 00 seconds East 16.01 feet from a 5/8 inch rebar set, a corner to McLaughlin; thence leaving the Town of Boone Corporate Limits line North 66 degrees 00 minutes 00 seconds East 6.99 feet to a 5/8 inch Rebar Set; thence continuing with the line of McLaughlin North 25 degrees 00 minutes 00 seconds East 30.00 feet to a 5/8 inch rebar set being a common corner to Lori Kim Dean; thence with the Dean-McLaughlin line South 39 degrees 43 minutes 35 seconds East 126.13 feet to the BEGINNING and covering an area of 0.069 acres (3,005 Sq. Ft.) as calculated by Coordinate Geometry and having bearings relative to a Plat by O. Wayne Green recorded in Plat Book 18 Page 487, and all distances being horizontal measurements.

Section 3. Notice of the public hearing shall be published in the Watauga Democrat, a newspaper having general circulation in the Town of Boone, at least ten (10) days prior to the date of the public hearing.

Mayor

ATTEST:

Town Clerk

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

RECOMMENDATION FROM DBDA REGARDING FOOD TRUCKS IN DOWNTOWN

Ms. Moody presented the results from a recent survey sent out by the Downtown Boone Development Association, and stated that members of the downtown community welcomed food trucks at certain times, but were mainly in support of brick and mortar restaurants. Ms. LaPlaca asked whether there were legal issues with limiting food trucks. Ms. Meade responded that she had not researched the topic and noted that she knew of other communities that prohibited food trucks in certain areas. Mr. Furguele felt that it was important for the Town to support downtown restaurants since they paid MSD taxes, and suggested that staff and the Town Attorney should move ahead with drafting UDO language regulating food trucks in the downtown area and throughout Town, with options for Council to consider. It was the consensus of Council to move forward in this direction.

RESULT:	CONSENSUS
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CONSIDERATION OF UPDATED PLANNING & INSPECTIONS ANNUAL WORK PLAN

Ms. Shook presented an updated Planning & Inspections annual work plan, and noted that UDO language prohibiting food trucks downtown would be considered at the January public hearing cycle. Council member Hicks asked whether there were any sustainability tasks on the work plan. Ms. Shook answered that there were currently no projects related to sustainability on the work plan.

CONSIDERATION OF UPCOMING PRESENTATIONS - COMMUNITY APPEARANCE COMMISSION

Ms. Shook presented an outline of upcoming Community Appearance Commission tasks and meetings, with Mr. Furguele suggesting that during meetings when outside experts would present information, Council members attend the presentation portion of the meeting so that all members would have the same information.

CONSIDERATION OF SUSTAINABILITY COMMITTEE RECOMMENDATIONS - COMMITTEE CHARGE

Ms. Shook presented a memo with recommendations from the Sustainability Committee as to tasks which should be incorporated into a new charge. The three tasks included energy efficiency, sustainable transportation and County/Town-wide composting. Mr. Furguele asked whether members of the Alternative Transportation Committee would be invited to participate in the portion of the discussions related to transportation. Ms. Shook confirmed that there would be overlap by the two committees in this area. Ms. LaPlaca made a motion to move forward with the proposal as presented. Ms. Ulmer seconded the motion. Mr. Furguele asked that Transportation Committee members be included as much as possible. Sustainability Committee member Brooke Kornegay confirmed that the Sustainability Committee would like to work together with all committees.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy LaPlaca, Council Member
SECONDER:	Connie Ulmer, Council Member
AYES:	Clawson, Furguele, Ulmer, LaPlaca, Hicks

CONSIDERATION OF SIGN REGULATION ISSUES

It was the consensus of Council to table this item until a later meeting due to the late hour.

RESULT:	CONSENSUS
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ADJOURNMENT

Upon a motion by Ms. LaPlaca, seconded by Ms. Ulmer, Council voted unanimously to adjourn the meeting at 11:15 p.m.

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor