

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
October 19, 2021**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order virtually at 6:00 p.m. on Tuesday, October 19, 2021. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Connie Ulmer, Sam Furgiuele (arrived at 7:07 p.m.), Virginia Roseman, Nancy LaPlaca, and Dalton George. Staff members present included Town Manager John Ward, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Planning Director Jane Shook, Finance Director Amy Davis, Fire Chief Jimmy Isaacs, Police Chief Andy LeBeau, Downtown Boone Development Coordinator Lane Moody, Administrative Support Specialist Laney Pilkington, Sustainability Coordinator and Special Projects Manager George Santucci, Cultural Resources Director Mark Freed, Assistant Planning Director Stacey Miller, and Human Resources Director Dale Presnell. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

Mr. Ward presented Council members with an update on local Covid-19 numbers, as well early voting turn-out numbers.

TENTATIVE AGENDA ADOPTION

Mr. Ward asked that Consent Agenda Item 3 - Consideration of Proclamation-Founding Fathers Faith Awareness Month be moved to Council Matters Item 1 for discussion, and noted that Council Member LaPlaca wished to remove her agenda item Council Matters Item 1 - Extreme Climate Conditions Presentation from the agenda. Upon a motion by Mayor Pro-Tem Ulmer, seconded by Ms. LaPlaca, Council voted to approve the agenda as amended.

Vote: Aye: Ulmer, Roseman, LaPlaca, George
 Nay: None
 Absent: Furgiuele

PUBLIC COMMENT

Ingrid Brown of Boone spoke to inform Council of her concerns with navigating her 18-wheel truck in town, specifically at the hospital where she recently had to visit due to an emergency with her mother. She indicated that she could not park the hospital even without her trailer attached, and had to park at nearby CVS, was concerned that town streets were not big-truck friendly in the event of emergency. Ms. Brown was concerned about the safety of drivers who needed to visit the hospital during a medical emergency. Mayor Pro-Tem Ulmer suggested that Ms. Brown or other truck drivers park their rigs then ride the AppalCart to the hospital if needed. Ms. Brown appreciated the thought, but noted that the hours of service of public transportation could present an issue. Ms. LaPlaca urged Ms. Brown to speak with Mr. Ward and Chief LeBeau to try to come up with a safe solution to her problem.

Jamie Goodman of Boone spoke regarding her concern with the plans submitted by developers for a Starbucks on King Street. She was specifically concerned with the impact traffic associated with the potential business would have in the area. Ms. Goodman asked whether concerned neighbors could request an independent traffic study, since she felt that the one performed by the developer was inadequate. Mr. Ward informed Ms. Goodman that the Town had already requested an independent review of the traffic study submitted, though it was not complete yet. He then outlined the process for approving or denying such a project, and noted that the Town's analysis of the traffic impact analysis had to be completed before any further action could be taken.

REQUESTED APPEARANCES

SUSAN MCCRACKEN - TRACY CIRCLE/COUNCILL OAKS/CHERRY STREET NEIGHBORS

Ms. McCracken read the following statement:

Mayor, Council Members, Town Manager Ward and Town Staff - Thank you for allowing me an opportunity to share concerns about the proposed development at the intersection of King Street/Councill Street/Tracy Circle/Eastwood for a Starbucks. This is a parcel of land that is zoned B3 and has had few successful

businesses over the past 25 years that I have lived in the neighborhood north of King Street. I use the term “neighborhood” to encompass all the residential areas that feed into the intersection where the proposed Starbucks would be - these areas include not only the immediate neighborhoods around Cherry Drive, Tracy Circle and Council Oak but also all residences located along Junaluska and Howards Knob roads. In many ways, these residential areas are a watershed that drains all traffic to the common outlet of the intersection where the Starbucks is proposed to be located.

I currently live on Tracy Circle and travel through the intersection of Council Street and Eastwood/Tracy Circle each and every day. Navigating this intersection is not for the faint of heart. First you must make an eye contact connection with the vehicles traveling east on Council Street to get permission to “jump in line” then you have to strategize to catch the light, frequently zipping through a yellow light. During high traffic times in the morning and late afternoons, the volume of traffic makes it difficult to even get out of the neighborhood.

A high volume drive through at Starbucks will most certainly generate significant additional traffic. The site plan does propose a double drive-through which might avoid traffic being backed up on King Street when vehicles enter the property but there is no mitigation strategy for vehicles that exit the business and who will naturally do so by make a right turn on Council Street and ending up at the already heavy-used, congested, and confusing intersection. The applicant’s traffic study suggested a 4-way stop on Council Street behind Earthfare where the entrance to St. Luke’s is. This solution will not be effective in addressing the congestion at the King Street intersections.

I have been in touch with nearly 60 residents in the affected neighborhoods who share my concern about increased traffic. A few folks have had some interesting ideas to address the concerns including -

1. Putting a stoplight or 4-way stop at the intersection of Cherry Street and King Street.
2. Removing the stop sign and traffic triangle at Tracy Circle/Eastwood and moving it to Council Street at the intersection, allowing Tracy Circle/Eastwood traffic to flow onto Council Street leading towards the stop light.
3. Widening eastbound King Street to establish a true left turn lane with a guarded light.
4. Re-evaluation northbound Hardin Street traffic - currently there is a left turn lane and guarded light which those of us going straight through the intersection use because there is only a left only turn and 2 lanes with a right only turn. Why is that?

I understand that this proposed business is allowed by the current UDO. I recognize the right of the applicant to develop the property in a manner that is consistent with the UDO. I also understand that the burden is on the applicant to demonstrate that the project will not make the current and future traffic situation worse. I believe it is also the responsibility of the Town to insure the safety of its residents and to make safe traffic intersections. Given the current volume of traffic in this area, the growth of our population due to the University and residential relocations, and the certainty that Starbucks wants to locate here because it will be a location that will attract customers, there is no question that traffic congestion will increase.

In close, I ask the Town staff to carefully review the plans and find viable sustainable solutions to improve traffic flow and safety in the area I have described. I believe the next step is for Planning and Inspections to provide a response to the applicant. I hope that the concerns you heard from me, that you heard from my neighbors, and that Council members have heard from other residents will be incorporated into your report to the applicant should you approve the site plan.

LANE MOODY - DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Ms. Moody presented a Downtown Boone Development Association update to Town Council members. A copy of the presentation may be viewed online at <http://boonenc.igim2.com/Citizens/Default.aspx>.

ADOPTION OF ITEMS ON THE CONSENT AGENDA

Upon a motion by Ms. LaPlaca, seconded by Mr. George, Council voted to approve the following items on the Consent Agenda:

1. Budget amendments:
 - (a) Police Department: Armory Supplies - Contributions/Donations (\$1,599)
 - (b) Public Works: Maintenance Streetlights - Misc. Revenue (\$4,155)
 - (c) General Fund: Revenue Replacement - American Rescue Funds (\$253,911) (d) General Fund Downtown Streetscapes Projects: MSD Appropriated Fund Balance (\$100,00)
2. Ordinance – Annual Christmas Parade

AN ORDINANCE DECLARING A ROAD CLOSURE FOR A HOLIDAY CELEBRATION

WHEREAS, the Boone Town Council acknowledges a long tradition of providing an annual Christmas 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 Christmas 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 11, 2021

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 _____, 2021

Attest:

The Honorable Rennie Brantz, Mayor

Nicole Harmon, Town Clerk

3. Donation of Art by Joe Czarnecki, III
4. Naming of a Town of Boone Park After Mayor Rennie Brantz

VOTE: Aye: Roseman, Ulmer, LaPlaca, George
 Nay: None
 Absent: Furguele

COUNCIL MATTERS

CONSIDERATION OF PROCLAMATION - FOUNDING FATHERS FAITH AWARENESS MONTH

Mr. Ward indicated that a variety of different groups brought proclamations forward for Council's consideration, and noted that staff did not pick and choose which ones to put before Council due to first amendment rights. Ms. LaPlaca felt that this proclamation presented issues with church and state overlap and indicated that she was not comfortable supporting it. Ms. Meade shared Ms. LaPlaca's concerns about the proclamation, and questioned its historical accuracy. Mr. George suggested, and it was the Consensus of Council, to move on to the next agenda item without taking a vote on the proclamation.

CONSIDERATION OF UPDATED SUSTAINABILITY COMMITTEE CHARGE

Mr. Santucci noted that the Sustainability Committee's charge expired recently and indicated the biggest change he was proposing to the charge was to the duties section to initiate a community climate action plan. Upon a question raised by Council Member George regarding membership, Mr. Santucci stated that the committee has had issues with students not filling out their terms and inconsistent attendance. Ms. Meade noted that there was a current mechanism in the code for the removal of a board member who missed two or three meetings. Mr. Furguele joined the meeting during this discussion. Mr. Santucci suggested that a better vetting process prior to appointing someone to a committee could be helpful to ensure that potential members could attend a sufficient amount of meetings. Upon a motion by Mayor Pro-Tem Ulmer, seconded by Ms. LaPlaca, Council voted unanimously to approve the Sustainability Committee charge as presented.

CONSIDERATION OF POSSIBLE AMENDMENTS TO UDO DEFINITION OF "FAMILY" AND OCCUPANCY REGULATIONS

Mr. Furguele indicated that he had not been able, due to a lack of internet access, to review the packet and did not feel like he had a total grasp of the materials being presented. Ms. Meade presented the suggested text for possible amendments to the UDO definition of "family" and occupancy regulations. Mr. Furguele stated his belief that occupancy rules were among the most important measures to preserve neighborhoods and that any amendment should be carefully debated. Members discussed the usage of the term "cousin" as well as the definition of a domestic partnership within the UDO. Ms. Meade discussed the idea of a student overlay district, and Mr. Furguele, expressed his concern that if areas were identified as such, they would be viewed as an invitation to further convert already challenged neighborhoods into student-only areas. Ms. Meade assured him that such an overlay would add additional requirements rather than loosening them. Ms. Meade also discussed a possible alternative to the current occupancy approach and the first alternative contained in her draft proposal by moving away from limits for a district in favor of an approach which considered, for example, the number of bedrooms. Mr. Furguele expressed his concern that if such an idea moved forward, it would undermine existing neighborhoods. He pointed out that many streets in town were inadequate to handle greater than current occupancy and any such change must consider individual street capacities. Ms. Shook suggested a phase-out approach to removing "cousins" from the UDO, since there were currently people who had sought out cousins

to sign a lease with so that they could have three people living in the same dwelling. Parking and trash collection were discussed briefly, as well as a potential student housing district. At the conclusion of discussion, it was the consensus of the Town Council to send the first alternative presented to public hearing on October 25, 2021.

REVIEW OF DRAFT ORDINANCE ESTABLISHING A HUMAN RELATIONS COMMISSION

Ms. Meade presented a draft ordinance as previously requested by Council to establish a human relations commission for the Town of Boone. Mr. Ward raised concerns about staffing such a commission and if the Council moved forward with the proposal when it would begin, citing budget concerns. Acknowledging these concerns, Mr. Furguele noted the findings from the Town's survey about inclusion and discrimination, and notwithstanding Mr. Ward's concerns, said he believed it was an important step for the Town to proceed with the creation of the committee. As to possible alternatives presented for the duration of the committee, Mr. Furguele believed that one-year duration was too short, and suggested that five years was more realistic since there would be a training period required. He did not believe the commission should be perpetual because every such committee should be reevaluated from time to time. Mr. Furguele also suggested that the Town Attorney should staff the committee. Mayor Pro-Tem Ulmer agreed. Mr. George echoed these sentiments, and stated that he felt that section B concerning the duration of the committee was perfect without the alternatives. Mr. Furguele felt that the commission membership should include reference to the LGBTQ+ community, in addition to the groups already identified, in an effort to be all-inclusive. Mayor Pro-Tem Ulmer stated that the commission should include any group who wanted to be included, adding that she thought no specific groups should be identified because by identifying one, another was excluded. Mr. Furguele suggested that the description of the composition of the commission be truncated to simply say that membership should reflect the diversity of the community. Terms were discussed, with Ms. Meade suggesting that language be added to say that high school and college-aged students may be appointed for one-year terms "at Council's discretion". Mr. Furguele made a motion to adopt the ordinance with amendments as discussed, effective immediately but with implementation delayed one month to discuss funding in November. Mr. George seconded the motion. After brief discussion, Mr. Furguele withdrew his motion and made a substitute motion to direct the Town Attorney to bring a final ordinance back in November, and to direct staff to provide a cost estimate for the committee, and that the commission should meet on a quarterly basis beginning the first of the year. Mr. George seconded the motion. Ms. Meade suggested, that in an effort to save staff time, Council could elect a secretary in addition to a chair and vice chair to prepare meeting minutes and perform other administrative tasks. Mr. Ward thought this approach might work and help address staffing issues. Mr. Furguele and Mr. George accepted Ms. Meade's suggestion for provision of a secretary as a friendly amendment. There was consensus among Council members to move forward with the creation of the commission.

VOTE: Aye: Furguele, George, Ulmer, Roseman
 Nay: LaPlaca

Mayor Brantz declared a break at 9:14 p.m. Council convened at 9:23 p.m.

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Ulmer, seconded by Ms. Roseman, Council voted unanimously to enter into closed session pursuant to:

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

Upon a motion by Ms. LaPlaca, seconded by Mr. George, Council voted unanimously to exit closed session at 9:32 p.m.

ADJOURNMENT

Upon a motion by Ms. LaPlaca, seconded by Mr. George, Council voted unanimously to adjourn the meeting at 9:33 p.m.

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor