MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
November 8, 2023

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 12:00 p.m. on November 8, 2023 in the Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council members present included Mayor Pro-Tem Edie Tugman, Todd Carter, Virginia Roseman, Dalton George, and Becca Nenow. Staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Sustainability and Special Projects Manager George Santucci, Public Works Director Todd Moody, Planning Director Jane Shook, Finance Director Guy Miller, Downtown Boone Development Coordinator Lane Moody, Lt. Lance Wills, Deputy Public Works Director Justin Stines (remote), Deputy Public Works Director Josh Eller (remote), Cultural Resources Director Mark Freed, Planner Mike James (remote), Deputy Planning Director Stacey Miller (remote). Town Attorney Allison Meade was also present.

MOMENT OF SILENCE

ANNOUNCEMENTS

Mayor Futrelle commended the Police Department for its work to thwart a potential shooter at the Boone Saloon last evening. Lt. Lance Wills applauded Sgt. Scott Mackler and the other quick-thinking officers on shift.

Mayor Futrelle announced the following board vacancies:

BOARD OF ADJUSTMENT
One regular position, Three alternate positions

COMMUNITY APPEARANCE COMMISSION
Four regular positions, One student position

CULTURAL RESOURCES ADVISORY BOARD
One student position

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION
One Council-appointed position

PLANNING COMMISSION
One vacancy

SUSTAINABILITY COMMITTEE
One regular position, one student position

TOURISM DEVELOPMENT AUTHORITY
One position (a business that collects tax)
One restaurant Owner/Operator
One resident

TENTATIVE AGENDA ADOPTION

Upon a motion by Mayor Pro-Tem Edie Tugman, seconded by Councilmember George, Council voted to approve the agenda as presented.

VOTE:	Aye:	Tugman, George, Carter, Nenow
	Nay:	None
	Absent:	Roseman

Councilmember Roseman entered the meeting at 12:07 p.m.

PUBLIC COMMENT

No one was signed up for public comment.

PUBLIC HEARING - WVS INVESTMENTS, LLC

Mayor Futrelle opened the public hearing at 12:08 p.m. Hearing no comments, Mayor Futrelle closed the public earing at 12:09 p.m.

REQUESTED APPEARANCES

NICK KATERS - APPALACHIAN STATE UNIVERSITY FACILITIES MANAGEMENT

Nick Katers and Matt Dull gave an update on ASU projects. Mr. Katers thanked Town Council and staff for their collaboration on the Boone Creek daylighting project and work on addressing invasive species throughout town. He hoped to continue to work with the Town regarding remote parking opportunities to help with sustainability within the university and the town.

Councilmember Carter asked for an example of surface parking. Mr. Dull answered that the lots at Mountaineer Recreation Center were surface lots. Councilmember George stated that at last year's Town and Gown meeting, J.J. Brown indicated that there were vacancies on campus and asked whether or not this was the case. Mr. Dull stated that this was not exactly the case in that there were some vacancies during the Covid-19 pandemic, but there were no significant vacancies now and added that the Sleep Inn building was overflowing. Councilmember Roseman thanked App State for trying to help with the local housing crisis and stated that she was concerned with traffic at the old high school property on Highway 105 and the impact on neighborhoods by traffic cutting across to campus. Councilmember Roseman added that she wanted to ensure App State got an accurate traffic impact analysis for the project. Mr. Dull responded to a question raised by Councilmember Roseman by adding that the housing on Highway 105 would be student-focused apartments, 2 and 4 bedrooms, similar to University Highlands. He said that it would be less dense with no residential hall towers and more garden-style apartment complexes. Mr. Dull indicated that a traffic impact analysis still needed to be done. Mr. Katers added that the NCDOT agreed that the red light needed reinstalling at App State's expense and noted that the infrastructure was still there from when the old high school was open. A complete copy of the presentation can be found online at https://boonenc.iqm2.com/Citizens/default.aspx.

LANE MOODY - DOWNTOWN BOONE DEVELOPMENT COORDINATOR

Coordinator Moody gave a presentation that included updates on quarterly activities per the agreement between the Town of Boone and the Downtown Boone Development Association. A complete copy of the presentation can be found at https://boonenc.iqm2.com/Citizens/default.aspx.

MAYOR'S REPORT

Mayor Futrelle updated Council on the following topics: Council of Governments survey results: priorities included childcare and economic development. Will be having a meeting with staff, High Country Council of Government representatives, and state officials regarding stormwater next week. The Rural Transportation meeting is coming up, and the Boone Tourism Development Authority will meet next week. Mayor Futrelle asked Public Works Director Todd Moody to provide a brief update on the Howard Street project. Director Moody indicated that he did not have specific dates to announce but that the water/sewer and sediment permit applications had been sent to the state for approval. Once they are returned, those applications will be resubmitted to the USDA Rural Development division for their review, which Director Moody estimated would take approximately sixty days upon receipt. After the USDA has approved these applications, the Town can advertise for bids, which would take another 30-45 days. Director Moody stated that a pre-bid meeting/bid opening would then take place, with the winner going to the Local Government Commission for approval, which would take approximately thirty days. Once this has been completed, everything would come back to Council for approval, which could take up to thirty days. Next, Director Moody said the submission would be resubmitted to USDA Rural Development for award concurrence for 45 days. A pre-construction meeting and notice to proceed would then take place, which would take approximately 30 days.

Director Moody indicated that everything with the project was on the right track, that staff was just going through the process. Manager Davis added that so much of the process was out of the Town's control.

TOWN MANAGER REPORT

Town Manager Davis reported on the following topics:

-Town Hall Restrooms: staff will be asking for $27,000 in surplus TDA funds next week which would be used for this project. Director Wright Tilley has given a positive reaction on this initiative so far.
-Grants: the Town has been awarded the following grants recently: (a) NCDOT grant for paved trails in the amount of $118,000 (b) NCDOT grant for 75 bike helmets (c) Walmart communications grant for $1,000, (d) NCDOT grant for carbon reduction and sidewalks in the amount of $10,000 (e) NCLM $10,000 grant for safety upgrades to Town hall (f) $41,000 grant from NC Agricultural Center for environmental enhancements to supplement the New River Conservancy stormwater work in the area of the Mooselodge on Deerfield Road (g) NCDOJ grant in the amount of $69,000 for de-escalation training
-Deer overpopulation: Manager Davis stated that she has researched a support program mentioned by Councilmember Carter and was told by a USDA representative that this program provided support in another state, but was not offered in North Carolina. Manager Davis announced that the state biologist would be attending a future meeting to discuss his perspective on the issue and answer questions.
-Creation of a new MSD: Manager Davis stated that she has concluded after extensive research that a new MSD along Blowing Rock Road would be the best approach moving forward. She plans to bring an item forward in January to schedule a public hearing. Manager Davis indicated that the stormwater management aspect would be the only acceptable option due to residences along Blowing Rock Road which were located within the right of way. She added that this project would include the daylighting of the creek.
-Cultural Resources: Manager Davis announced the following upcoming events: Festive First Friday, Dec. 1; Holiday Parade, Dec. 9; Indoor Concert, Dec. 10.
-Public Works: AMI Water Meter System: Staff is continuing to install new water meters with 1,645 or 28% installed as of today. Additional infrastructure procurement is being researched, and new meter installation will continue as funding allows; Jimmy Smith WWTP - UV Treatment System Replacement Project: Construction is now underway with substantial completion expected by the end of the month, weather permitting. **S**treet Resurfacing:
The Street Department has milled and resurfaced the following streets during the past few months:

1. Franklin Drive
2. Ferncliff Road
3. Dogwood Road - Section from Briarwood Drive to Poplar Hill Drive
4. Stadium Drive - Section from Dogwood Road to Tanglewood Drive
5. Cherry Drive - Section from King Street to the Eastbrook/Westbrook Drive intersection.
6. Moretz Street
7. Skyview Drive
8. Oakwood Drive
9. Eastridge Drive

Storm Water Projects: The Street Department has installed a new storm water system on VFW Drive which includes 500 feet of pipe and 6 catch basin structures. This system will address concerns for a number of residents in that area; Leaf Pick-up Route: The Town of Boone Public Works Department began residential leaf pick-up on October 16, 2023. Leaf collection trucks will run daily routes through December 15, 2023. 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.
-Fire Department: the state issued a burning ban beginning at 5 p.m. and the Town is in step to follow the same regulations.
Manager Davis concluded her update by thanking the Police Department for their response to the recent issue at Boone Saloon.

TOWN ATTORNEY UPDATE

Attorney Meade updated Council on the following:

-WYN property: Attorney Meade indicated that the radon and pest inspections on the property came back clean, and noted that the contractor's report awaits. She noted that staff was looking into uses including but not limited to a potential daycare, elderly housing, and affordable housing options for the property.
-Comp plan logo - After a brief review of potential logos for the new Comprehensive Plan update, Council directed staff to ask the firm to come back with additional options that included alliteration, combination of the blue and green colors presented, and potentially combining "Blueprint Boone" and "Boone in Balance".

BOARD LIAISON REPORT

Councilmember Carter reported that the Appalcart's electric bus was not operational and was waiting on a part. The bus will be docked until the part comes in. He stated that ridership for the year was approaching pre-pandemic numbers, though the organization was operating at a deficit. Councilmember Carter noted that next budget session, the organization planned to present a 3% per year increase over the next five years to solidify current ridership.
Councilmember Roseman reported that the Human Relations Commission had expressed a desire for a unique celebration for within the week of Hanukkah instead of being included in the Christmas celebration at the Jones House during the tree lighting like last year. She added that the Commission also would like members of Council who are available to attend a January reading of Holocaust names at ASU. Councilmember Roseman stated that the commission planned to introduce a proclamation in support of the Islam faith in April. She added that the Commission recently received training from State Human Relations Commission to learn mediation skills. Councilmember Roseman announced that the Historic Preservation Commission would be bringing the Boone Cemetery interpretive panels presentation to Council in December for its consideration. She added that the HPC was still working with DBDA to promote Dana Folk Way.
Councilmember George did not have an update, but asked when the Community Appearance Commission would fold into the Planning Commission. Ms. Shook indicated that it would take some time to prepare a text amendment, but that her research has indicated that it was safe to move forward.
Councilmember Nenow announced that the Sustainability Committee recently reviewed the Climate Action Plan and planned to send to Council for consideration soon. She added that the Committee reviewed the charter and had a productive meeting. Councilmember Nenow indicated that the new Watauga Recreation Center Director was introduced at the most recent Parks and Recreation Committee meeting.

PLANNING MATTERS

CONSIDERATION OF WVS INVESTMENTS, LLC VOLUNTARY ANNEXATION PETITION (TBD FIELDSTONE DRIVE)

Councilmember George made a motion, which was seconded by Councilmember Carter to approve the ordinance as presented.

VOTE:	Aye:	George, Carter, Roseman, Tugman
	Nay:	None
	Absent:	Nenow

Councilmember Nenow returned to the meeting at 1:58 p.m.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BOONE, NORTH CAROLINA (WVS Investments LLC) 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 June 9, 2022, after due notice by the Watauga Democrat on May 25, 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 June 9, 2022. 0.381 ACRE DESCRIPTION A parcel of land lying and being in New River Township, Watauga County, North Carolina, and being a portion of Lot 12 & Lot 13 Fieldstream Subdivision, Phase One; and being shown in Plat Book 10 at page 189 Watauga County Registry; and being more particularly described as follows: Begin at an iron stake located along the eastern boundary of

the Watauga County Board of Education parcel, said beginning point being the northwest corner of said Lot 13, and also being the southwest corner of Lot 14; thence with said Lot 14 southern boundary S83□03'00"E, passing through an iron stake at 127.80' and continuing 25.00' for a total distance of 152.80' to a computed point along the center of Fieldstream Drive (Privately Maintained 50' R/W); thence leaving said Lot 14 and with the center of said Fieldstream Drive the following three courses and distances: (1) S13□42'00"W 35.62' to a computed point; (2) S07□55'00"E, 55.77' to a computed point; and (3) S22□27'00"E, passing through a computed point at 37.04', said computed point being the northeast corner of said Lot 12, and continuing 17.00' for a total distance of 54.04' to a computed point at the Town of Boone Corporate Limits; thence leaving said Fieldstream Drive and with said Town of Boone Corporate Limits N67□14'29"W, 188.52' to a computed point along said Watauga County Board of Education eastern boundary; thence with said Board of Education eastern boundary N01□31'55"E, 85.38' to the point of beginning and containing 0.381 acres or 16,608 square feet as computed by coordinate geometry by A. Brian Christie, PLS L-4265. Description date June 12, 2023. Adopted this 8th day of November, 2023. Tim Futrelle, Mayor ATTEST: APPROVED AS TO FORM: Nicole Harmon, Town Clerk Allison Meade, Town Attorney

CONSENT AGENDA

Councilmember George asked for clarification on the amendment to the system development code. Attorney Meade explained that a new state law had directed a reduction in the state's schedule of water flow rates with respect to the rate used for residential units. The reduction (from 120 to 70 gallons/day) reflected the efficiency of modern plumbing fixtures. As a result, she recommended that Council adopt an amendment to the water flow schedule the Town used to calculate SDF fees, which is based upon the same state schedule. She added that the amendment would result in lower system development fees for residential construction. Public Works Director Todd Moody added that it would have an impact and that rates may have to be adjusted in the near future. Attorney Meade noted that the amendment had the salutary effect of making residential building more affordable, and reminded Council that water and sewer rates would come back to Council for consideration next fiscal year per the previous rate study.

In terms of the proposed easement agreement for the Watauga County Parking Deck, Attorney Meade clarified that the County would be building sidewalks on Queen Street and Water Street and the Town would give a soil nails easement and a small footer encroachment installed along the eastern boundary. The terms of these latter two easements would terminate when the use of the building was terminated.

Upon a motion by Councilmember Roseman, seconded by Mayor Pro-Tem Tugman, Council unanimously approved the following items on the consent agenda:

1. Proclamation – National American Indian Heritage Month
2. Proclamation – Armanti Edwards Day
3. Minutes – October 11, 2023 Regular Town Council meeting
4. Budget Amendments:

Police:

To:	Overtime	010-500-300-501201	$9,641.00
	Maintenance-Vehicles	010-500-300-525301	$3,873.00
From:	Misc. Revenue	010-000-000-489900	($13,514.00)

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FY 2022/2023 to FY 2023/2024 Re-encumbrances

FY 2022/2023 TO FY 2023/2024 RE-ENCUMBRANCE						
PO Number	Vendor Number	Vendor Name	PO Date	GL Distribution	PO description	Encumbered
7649	07570	CED	5/20/2022	010-401-000-549114	EV CHARGER INSTALLATION SUPPLIES	$ 5,580
7959	26653	COLLABORATIVE SOLAR, LLC	5/26/2023	010-401-000-549114	SOLAR PV SYSTEM INSTALLATION	$ 38,500
7818	16787	EVERETT CHEVROLET, INC.	11/16/2022	010-401-000-549114	23 CHEVY BOLT EV 5DR WGN 2LT	$ 29,795
7848	23820	ICLEI	2/16/2023	010-401-000-549114	CLIMATE SERVICES	$ 16,449
7921	00742	MOUNTAINEER ELECTRIC & GENERATOR SYSTEMS	5/9/2023	010-406-000-525101	EMERGENCY REPAIR GENERATOR	$ 2,000
7909	00139	M-PRINTS, INC.	5/3/2023	010-409-000-549121	SUMMER CONCERT TSHIRTS	$ 1,869
7974	06529	AT-NET SERVICES INC.	6/13/2023	010-411-000-549102	UPGRAGE SERVER,IPRINT & FIREWALL	$ 57,548
		DOWNTOWN STREETSCAPE PROJECT	6/30/2023	010-411-000-549105	DOWNTOWN STREET PROJECTS	$ 9,236
		STORMWATER ASSESSMENT	6/30/2023	010-411-000-549109	STORMWATER ASSESSMENT FUNDS	$ 55,568
		AFFORDABLE HOUSING	6/30/2023	010-411-000-549115	AFFORDABLE HOUSING FUNDS	$ 209,650
		BOLICK PROPERTY MUNICIPAL COMPLEX	6/30/2023	010-411-000-549119	BOLICK PROPERTY DEVELOPMENT	$ 965,376
		DANIEL BOONE PARK	6/30/2023	010-411-000-549122	PARK MAINTENANCE FUNDS	$ 5,164
		HOWARD STREET PROJECT	6/30/2023	010-411-000-549124	HOWARD STREET PROJECT FUNDING	$ 3,261,931
		TREE PLANTING PROJECT	6/30/2023	010-411-000-549128	TREE PLANTING PROJECT	$ 10,437
		UDO/COMP PLAN UPDATE	6/30/2023	010-411-000-549134	UDO/COMP PLAN UPDATE	$ 74,017
		VETERANS MEMORIAL PROJECT	6/30/2023	010-411-000-549135	MAINTENANCE FUNDS FOR MEMORIAL	$ 22,439
		GROVE STREET CONNECTOR PROJECT	6/30/2023	010-411-000-549137	GROVE STREET PROJECT RESERVE	$ 400,000
		ROOM OCCUP TAX - TORISM RELATED PROJ	6/30/2023	010-411-000-549140	TOURISM RELATED PRIORITIES	$ 247,591
7949	22622	McGUIRE MECHANICAL INC.	5/25/2023	010-415-000-525101	REPAIR HVAC SYSTEM	$ 3,000
7978	844	ZAMBELLI FIREWORKS	6/30/2023	010-418-000-545001	FIREWORKS DISPLAY	$ 8,500
7941	00105	LAWMEN'S SAFETY SUPPLY, INC.	5/24/2023	010-500-300-511220	SAFARILAND ARMOR	$ 3,369
7927	18910	NIGHTLINE INC.	5/12/2023	010-500-300-516300	COMMUNICATION HEADSETS	$ 26,410
7919	19319	GLOBAL PUBLIC SAFETY	5/8/2023	010-500-300-516400	REMARK 16 PATROL VEHICLES	$ 23,669
7864	06529	AT-NET SERVICES INC.	3/10/2023	010-500-300-525201	MICROSOFT SERVER	$ 2,285
7783	26460	JOHNNYS BODY SHOP	9/20/2022	010-500-300-525301	REPAIR 6256,6543,6316,6267	$ 1,805
7833	19319	GLOBAL PUBLIC SAFETY	1/18/2023	010-500-300-573100	UPFIT FOR 5 PATROL UNITS	$ 72,419
7793	20550	PERFORMANCE AUTOMOTIVE GROUP, INC.	10/3/2022	010-500-300-573100	5-DODGE DURANGOS	$ 210,454
7843	7393	MOTOROLA SOLUTIONS, INC.	2/10/2023	010-500-300-574000	MOTOROLA APX800XE,APX8500,APX450	$ 29,755
7585	05258	MOTOROLA	4/1/2022	010-500-301-574100	SYTEM UPGRADES	$ 82,095
7961	17785	MARLOW WHITE	5/26/2023	010-500-350-511201	CLASS A FULL UNIFORMS	$ 6,000
7819	00786	MOUNTAIN TEK TECHNICAL RESCUE	11/17/2022	010-500-350-511220	DRY SUIT,WETSHOES,GLOVES,DUFFLE	$ 114
7868	01269	NAFECO	3/22/2023	010-500-350-511220	COATS,PANTS & SUSPENDERS	$ 34,420
7869	20132	MOBILE COMMUINICATIONS AMERICA, INC.	3/22/2023	010-500-350-514110	HAVIS DOCKING STATION FOR IPAD	$ 2,004
7820	04812	NEWTON'S FIRE AND SAFETY	11/17/2022	010-500-350-514110	15' PIECES OF 5" HOSE	$ 1,170
7902	04812	NEWTON'S FIRE AND SAFETY	4/21/2023	010-500-350-514110	TIPS,SHUTOOFS,BOOSTER NOZZLES	$ 22,667
7925	01269	NAFECO	5/12/2023	010-500-350-515950	VAPOR SUITS,COVERALLS,BOOTS	$ 10,132
7963	12764	NC FOREST SERVICE	5/26/2023	010-500-350-515950	CLASS A FOAM	$ 4,486

7585	05258	MOTOROLA	4/1/2022	010-500-350-525201	SYSTEM UPGRADES	$ 56,920
7938	04812	NEWTON'S FIRE AND SAFETY	5/19/2023	010-500-350-525201	SUPPLY HOSES	$ 2,880
7681	19940	RESCUE SOUTH	6/7/2022	010-500-350-525201	R&M TO RESCUE BOAT MOTORS	$ 2,000
7950	21732	C&C FIRE APPARATUS,INC.	5/25/2023	010-500-350-525301	PARTS FOR APPARATUS REPAIR	$ 9,000
7960	11005	DIAMOND BACK TRUCK COVERS	5/26/2023	010-500-350-525301	BEDCOVERS	$ 4,647
7895	04812	NEWTON'S FIRE AND SAFETY	4/13/2023	010-500-350-525301	HOOKS,DISPLAY,HARNESS,KITS	$ 4,356
7544	19319	GLOBAL PUBLIC SAFETY	1/7/2022	010-500-350-573300	UPFIT FOR F-250 EXTENDED CAB	$ 10,590
7828	19319	GLOBAL PUBLIC SAFETY	12/28/2022	010-500-350-573300	FORD F150 UPFIT	$ 12,619
7655	00152	HAMPTON'S BODY SHOP, INC.	5/24/2022	010-500-350-573300	PAINT CAB OF FORD F2-250	$ 2,000
7954	00152	HAMPTON'S BODY SHOP, INC.	5/26/2023	010-500-350-573300	PAINT CAB OF F150	$ 4,000
7474	21494	MODERN FORD OF BOONE	9/14/2021	010-500-350-573300	2022 FORD F-250 EXT CAB 4X4	$ 35,278
7811	21494	MODERN FORD OF BOONE	10/27/2022	010-500-350-573300	3 2023 FORD F150 4X4 POWERBOOST	$ 46,000
7879	00435	MOTOROLA SOLUTIONS, INC.	3/29/2023	010-500-350-574000	MOTOROLA 8500 & 6500 RADIOS	$ 16,154
7924	07393	MOTOROLA SOLUTIONS, INC.	5/12/2023	010-500-350-574000	MOTOROLA APX XE MULTI RADIOS	$ 55,728
7857	00140	DELL MARKETING, L.P.	3/3/2023	010-500-360-516200	DELL LATITUDE 5430 & DESK DOCK	$ 5,461
7956	00140	DELL MARKETING, L.P.	5/26/2023	010-500-360-516200	DELL LATITUDE 5430 & DESK DOCK	$ 2,883
7818	16787	EVERETT CHEVROLET, INC.	11/16/2022	010-500-360-573100	23 CHEVY BOLT EV 5DR WGN 2LT	$ 29,795
7623	04346	KIMLEY-HORN & ASSOCIATES, INC.	5/5/2022	010-600-400-577000	TIA ORDINANCE TASK ORDER #1	$ 3,268
7955	01829	RAMEY KEMP & ASSOC., INC.	5/26/2023	010-600-400-577000	PARKING DECK TIA REVIEW	$ 5,000
7964	01292	HIGH COUNTRY COMMUNICATIONS, INC.	5/30/2023	010-600-401-516300	RADIOS NX3820HGK	$ 1,995
7874	26525	TRAFFIC CONTROL DEVICES, LLC	3/23/2023	010-600-401-525110	SIGNAL UPGRADE DRS DR/DEERFIELD	$ 67,598
7922	26604	JMT ENGINEERING	5/10/2023	010-600-401-525205	HUNTING HILLS BRIDGE REPLACEMENT	$ 180,988
7665	00050	MILLERS SUPPLY, INC.	5/26/2022	010-600-401-525207	STORM DRAIN SUPPLIES/FARTHING ST	$ 36,797
7911	00050	MILLERS SUPPLY, INC.	5/3/2023	010-600-401-525207	CULVERT REPLACEMENT ON GREENWAY	$ 45,700
7883	07570	CED	3/30/2023	010-600-401-525210	SATIN FINISH POLE ARM	$ 2,450
7620	10837	MCGILL ASSOCIATES P.A.	5/3/2022	010-600-401-574805	HUNTING HILLS SLOPE FAILURE	$ 189,000
7047	10837	MCGILL ASSOCIATES P.A.	5/18/2020	010-600-401-577000	HUNTING HILL SLOPE TASK ORDER	$ 30,492
7976	140	DELL MARKETING, L.P.	6/29/2023	010-600-402-516200	DELL PRECISION 3460	$ 1,583
7964	01292	HIGH COUNTRY COMMUNICATIONS, INC.	5/30/2023	010-600-405-516300	RADIOS NX3820HGK	$ 2,660
7786	02085	MORETZ PAVING	9/21/2022	010-600-405-525110	RESURFACING GREENWAY LOOP	$ 9,000
		APPROPRIATED FUND BALANCE		010-000-000-499900	GENERAL FUND - FUND BALANCE	$ (6,834,746)
7292	23892	HIGH COUNTRY COG	4/6/2021	030-700-801-577000	HCCOG CONTRACT ADMIN DECK HILL	$ 10,000
7171	10837	MCGILL ASSOCIATES P.A.	9/3/2020	030-700-801-577000	ESA FOR CDBG-I DECK HILL TANK PROJECT	$ 216,700
7524	10837	MCGILL ASSOCIATES P.A.	11/29/2021	030-700-801-577000	AWIA PROJECT	$ 4,000
7089	00432	MUNICIPAL ENGINEERING INC.	6/17/2020	030-700-801-577000	NC DOT PROJECT U-5810	$ 7,833
7923	19131	RAFTELIS	5/12/2023	030-700-801-577000	WATER/SEWER RATE & FEE STUDY	$ 34,993
7711	24427	PARKS FORD	7/1/2022	030-700-802-573300	F-350 CHASSIS SUPER CAB	$ 65,161
7317	10837	MCGILL ASSOCIATES P.A.	4/21/2021	030-700-802-577000	AWIA PROJECT	$ 46,375

7735	24427	PARKS FORD	7/20/2022	030-704-008-573300	2022 F-350 CHASSIS 4WD SUPER CAB	$ 72,945
7805	10036	WATAUGA BUILDING SUPPLY, INC.	10/26/2022	030-704-008-574001	MATERIALS FOR EQUIPMENT SHED	$ 60,440
7127	21857	CTR UTILITY REHAB, LLC	11/23/2020	030-704-008-577000	LIFT STATION & MANHOLE REHABS	$ 7,050
7694	10570	IRON MOUNTAIN CONSTRUCTION CO.	2/10/2023	030-704-008-577000	AERIAL SEWER REPLACEMENT	$ 49,804
7324	10837	MCGILL ASSOCIATES P.A.	11/29/2021	030-704-008-577000	AMHA PROJECT	$ 0
7894	10256	NIX, PUTSER, & ASSOCIATES, INC.	4/13/2023	030-704-008-577000	SCADA REMOTE ACCESS	$ 7,000
7580	10746	SMART ELECTRIC COMPANY INC.	3/3/2022	030-704-004-582001	SOUTH FORK HYDRAULIC CONTROLS	$ 6,285
7850	22520	SCHENCK PROCESS LLC	3/3/2023	030-704-008-574000	MULTI-DUTY AIRLOCK	$ 11,947
7915	25535	GILBERT ENGINEERING CO	5/5/2023	030-704-008-574001	JUNIPER SMITH WWTP UV SYSTEM REP	$ 455,230
		APPROPRIATED FUND BALANCE		030-000-008-499000	WATER/SEWER - FUND BALANCE	$ (1,054,680)
7794	26148	4 GUYS INC	9/20/2022	054-454-008-573300	RESCUE TRUCK	$ 699,957
7545	10519	GLOBAL PUBLIC SAFETY	1/7/2022	054-454-008-573300	UPFIT FOR F-450 CREW CABS	$ 24,052
7831	21494	MOREHOUSE FORD OF BOONE	10/27/2022	054-454-008-573300	2 2023 FORD F150 4X4 POWERBOOST	$ 92,000
7924	07233	MOTOROLA SOLUTIONS, INC.	5/12/2023	054-454-008-574000	MOTOROLA APX XE MULTI RADIO	$ 11,146
				054-454-008-499000	RURAL FIRE - FUND BALANCE	$ (827,155)
7457	10837	MCGILL ASSOCIATES P.A.	8/24/2021	060-424-008-582001	WEDGED DURON UV SYSTEM	$ 21,450
7606	25235	VSUI-SEWER EAST, LLC	4/22/2022	060-424-008-575000	SS OUTFALL INSPECTION	$ 133,564
					APP - FUND BALANCE	$ (155,014)

5. Audit Contract Amendment
6. Term Extensions for On-call Professional Services Firms
7. Amendment to System Development Fee Code §50.113(J)

Ordinance #

AN ORDINANCE TO AMEND THE TOWN OF BOONE CODE OF ORDINANCES SECTION 50.113(J) REGARDING WASTEWATER DESIGN FLOW RATE FOR RESIDENTIAL USES

WHEREAS, the state legislature has adopted House Bill 600, Session Law 2023-137, which, at section 18, provides, that the state's wastewater design flow rates are revised to a maximum of 75 gallons per bedroom for residential dwellings; and

WHEREAS, Boone's system development fees are calculated based on the state's wastewater design flow rates, 15A NCAC 02T .0114;

WHEREAS, the Boone Town Council desires to revise the town's system development fee ordinance to conform to the aforesaid revision of the state's residential wastewater design flow rate;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

SECTION 1. Section 50.113(J) of the Boone Code of Ordinances is hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference.

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this _____ day of _____, 2023

_____ ATTEST:
Tim Futrelle, Mayor Town Clerk

§ 50.113 SYSTEM DEVELOPMENT FEES.
* * * * *

A. (1) The following system development fee shall be paid for connections to the town municipal water and sewer systems based on the customer's calculated anticipated daily flow rate converted to Equivalent Residential Units (ERUs). The system development fee shall be the same regardless of the customer's location inside or outside the municipal limits of the town.

TABLE 1

15A NCAC 02T .0114 WASTEWATER DESIGN FLOW RATES

- This rule shall be used to determine wastewater flow rates for all systems covered by this section unless alternate criteria are provided by a program specific rule and for flow used for the purposes of 15A NCAC 02H.0105. These are minimum design daily flow rates

for normal use and occupancy situations. Higher flow rates may be required where usage and occupancy are atypical, including, those in paragraph (e) of this rule. Wastewater flow calculations must take hours of operation and anticipated maximum occupancies/usage
into account when calculating peak flows for design.

- In determining the volume of sewage from residential dwelling units, the flow

rate shall be as provided pursuant to N.C.G.S. §143-215.1(f3) (currently ~~120~~ 75 gallons per day per bedroom~~. The minimum volume of sewage from each dwelling unit shall be 240~~
and 75 gallons per day ~~and~~ per each additional bedroom ~~above two bedrooms shall increase the volume by 120 gallons per day~~). Each bedroom or any other room or addition that can reasonably be expected to function as a bedroom shall be considered a bedroom
for design purposes. ~~When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.~~

- The ~~following table~~ wastewater design flow rates ~~derived from~~set forth at 15A NCAC 02T .0114 (as such may be amended from time to time), provided below, shall be

used to determine the minimum allowable design daily flow of non-residential wastewater facilities. It is recognized that the design flow figures in 15A NCAC 02T.0114 may be
questioned for any given establishment/use; however, these are the figures developed by the state and are the figures the town must use in seeking permits from the state. Design
flow rates for establishments not identified below shall be determined using available flow data, water-using fixtures, occupancy or operation patterns, and other measured data.

8. Easement Agreement for Watauga County Parking Deck Property

Prepared by and return to: DI SANTI CAPUA & GARRETT, PLLC 118 North Depot Street, PO Box 193 Boone, NC 28607

EASEMENT AGREEMENT

STATE OF NORTH CAROLINA **COUNTY OF WATAUGA**

THIS EASEMENT AGREEMENT (this "Agreement") is made this the ____ day of November, 2023 by and between the Town of Boone**,** a North Carolina municipal corporation (hereinafter referred to as "Boone") and Watauga County, a North Carolina Body Politic (hereinafter referred to as "Watauga"). Boone and Watauga are collectively referred to as the "Parties." The designation Boone and Watauga, as used herein, shall include said Parties, their heirs, successors and assigns, and shall include singular, plural, masculine or feminine, as required by context.

Recitals

B. Boone is the owner of Water Street, Queen Street and Cross Street as shown at Plat Book 2 at Page 58 and Plat Book 29 at Page 468, Office of the Register of Deeds of Watauga County.

C. Watauga is the owner of a 0.718 acre lot (Watauga County tax parcel number 2900- 79-9983-000) located adjacent to Water Street, Queen Street and Cross Street, Town of Boone, Watauga County, North Carolina (the "Property"), and conveyed to Watauga by that certain instrument recorded at Book of Records 2004, Page 52 and as shown at Plat Book 16 at Page 005 (0.717 acres) and Plat Book 29 at Page 468 (0.718 acres) Office of the Register of Deeds for Watauga County, North Carolina.

D. Watauga has agreed to grant to Boone a perpetual non-exclusive easement to use, repair, improve, replace, and maintain a pedestrian sidewalk located or to be located on the Watauga's Property as shown as Easement 1, 1,721 sq. ft., Plat Book 29 at Page 468 as well as for the use of the easement for pedestrian traffic by the public, pursuant to this Agreement.

E. Boone has agreed to grant to Watauga a soil nail construction easement located or to be located on Boone's property as shown as Easement 2, 3,828 sq. ft., Plat Book 29

DI SANTI CAPUA & GARRETT, PLLC
118 North Depot Street, PO Box 193
Boone, NC 28607

Page 1 of 4

at Page 468 and as described on the Exhibits attached hereto.

E. Boone has agreed to grant to Watauga a footing easement located or to be located on Boone's property as shown as Easement 3, 308 sq. ft., Plat Book 29 at Page 468.

NOW, THEREFORE, for and in consideration of $10.00 and the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties covenant and agree as follows:

F. **Recitals Incorporated Herein**. The above recitals are incorporated in and made a part of this Agreement as fully as if set forth verbatim herein.

G. **Grant of Permanent Easement**s

- Watauga hereby grants, bargains, sells and conveys to Boone a perpetual, non- exclusive easement over Easement 1, 1,721 sq. ft. as a "Permanent Sidewalk Easement Area" for the purpose of operating, maintaining, improving, replacing, and repairing a pedestrian sidewalk in the Easement area for use by the public, as well as any necessary retaining walls or related infrastructure and appurtenances and drainage improvements (collectively, the "sidewalk improvements"). The Easement is hereby dedicated in perpetuity to Boone and to the common use of the public, and shall constitute a covenant running with the land in perpetuity for the benefit of Boone, its successors and assigns. By execution of this Agreement and acceptance of the Permanent Sidewalk Easement, Boone accepts such dedication on behalf of its citizens and the public.
- Boone hereby grants, bargains, sells and conveys to Watauga a soil nail construction easement located or to be located on the Boone's property as shown as Easement 2, 3,828 sq. ft., Plat Book 29 at Page 468 and as described on the Exhibits attached hereto. This Easement 2 is hereby dedicated to Watauga County for so long as the structure (parking deck) currently being constructed on the Property is in existence. Upon demolition of such structure, Easement 2 shall automatically expire and terminate. By execution of this Agreement and acceptance of the soil nail construction easement, Watauga accepts such dedication. *Provided, however*, that while Easement 2 shall terminate and expire at such time as the parking deck currently being constructed is demolished, neither Watauga nor its successors in interests shall be required to remove the soil nails located in the easement area.
- Boone hereby grants, bargains, sells and conveys to Watauga a footing easement located or to be located on Boone's property as shown as Easement 3, 308 sq. ft., Plat Book 29 at Page 468. This Easement 3 is hereby dedicated to Watauga County for so long as the structure (parking deck) currently being constructed on the Property is in existence. Upon demolition of such structure, Easement 3 shall automatically expire and terminate. By execution of this Agreement and acceptance of the footing easement, Watauga accepts such dedication. *Provided, however*, that

DI SANTI CAPUA & GARRETT, PLLC
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Boone, NC 28607

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while Easement 3 shall terminate and expire at such time as the parking deck currently being constructed is demolished, neither Watauga nor its successors in interests shall be required to remove the footings located in the easement area.

THIS DOCUMENT HAS BEEN PREPARED WITHOUT TITLE EXAMINATION

IN WITNESS WHEREOF, the Parties have executed this Easement Agreement on the dates shown below.

Town of Boone

By:
Tim Futrelle, Mayor

Attested By: _____(SEAL) Nicole Harmon, Clerk, Town of Boone

STATE OF NORTH CAROLINA COUNTY OF WATAUGA

I, a Notary Public of the County and State aforesaid, certify that **Nicole Harmon** personally appeared before me this day and acknowledged that she is the Clerk for the Town of Boone, a North Carolina municipality, and that by authority duly given and as an act of the Town of Boone, the foregoing instrument was signed in its name by its Mayor**, Tim Futrelle**, and attested by her as the Town Clerk.

Witness my hand and official stamp or seal, this ____ day of November, 2023.

_____
Notary Public

_____
Printed Name of Notary Public

My Commission Expires:

DI SANTI CAPUA & GARRETT, PLLC
118 North Depot Street, PO Box 193
Boone, NC 28607

Watauga County, A North Carolina Body Politic

By:
Larry Turnbow, Chair, Watauga County Board of Commissioners

Attested By: _____(SEAL)
Anita Fogle, Clerk, Watauga County Board of Commissioners

STATE OF NORTH CAROLINA COUNTY OF WATAUGA

I, a Notary Public of the County and State aforesaid, certify that **Anita Fogle** personally appeared before me this day and acknowledged that she is the Clerk for the Town of Boone, a North Carolina municipality, and that by authority duly given and as an act of Watauga County, the foregoing instrument was signed in its name by its Chair**, Larry Turnbow**, and attested by her as the Clerk Watauga County Board of Commissioners

Witness my hand and official stamp or seal, this ____ day of November, 2023.

_____
Notary Public

_____
Printed Name of Notary Public

My Commission Expires:

DI SANTI CAPUA & GARRETT, PLLC
118 North Depot Street, PO Box 193 Boone,
NC 28607

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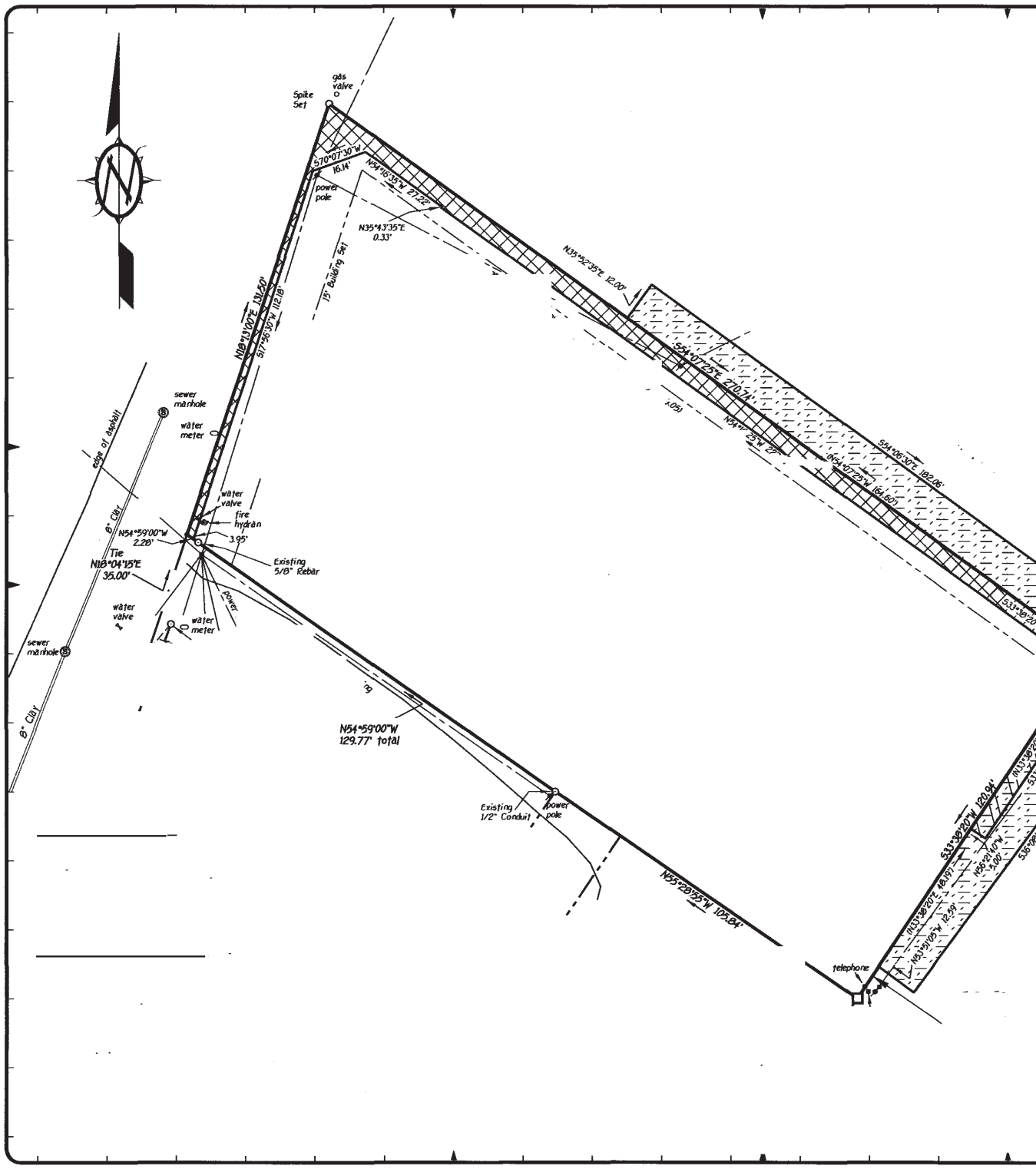

9. Request to Cancel December 27, 2023 Regular Town Council Meeting

COUNCIL MATTERS

APPOINTMENTS TO HISTORIC PRESERVATION COMMISSION AND SUSTAINABILITY COMMITTEE

Councilmember Nenow stepped out of the meeting briefly. Councilmember George suggested appointing applicant Carter immediately, then appointing applicant Williamson when Chairman Plaag is sworn in as a Councilmember in December. Planning Director Shook proposed both applicants start at the January regular HPC meeting to allow member Watkins to finish a current project. Councilmember Roseman nominated Krystal Carter and Jerry Williamson to serve on the Historic Preservation Commission beginning in January.

Councilmember George nominated Michael Weiss to serve on the Sustainability Committee.

Hearing no further nominations, Mayor Futrelle called for a vote on the three applicants.

VOTE: Aye: Roseman, George, Carter, Tugman
Nay: None
Absent: Nenow

CLOSED SESSION

Upon a motion by Councilmember George, seconded by Councilmember Roseman, Council voted unanimously at 2:10 p.m. to enter 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 one or more potential legal claims.
3. Pursuant to N.C.Gen.Stat. §143.318.11(a)(5),To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Upon a motion by Councilmember Roseman, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to exit closed session at 3:01 p.m.

ADJOURNMENT

Mayor Futrelle adjourned the meeting at approximately 3:02 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor