

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
December 11, 2024**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9:00 a.m. on Wednesday, December 10, 2024, at the Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Town Council members present included Mayor Pro-Tem Dalton George, Todd Carter, Virginia Roseman, Edie Tugman, and Eric Plaag. Town staff present included Town Clerk Nicole Harmon-Church, Planning Director Jane Shook, Public Works Director Todd Moody, Sustainability and Special Projects Manager George Santucci, Police Chief Andy Le Beau, Deputy Public Works Director Justin Stines, Deputy Planning Director Brandon Wise, Finance Director Guy Miller, Lieutenant Jon Houck, Major Shane Robbins, Sergeant Scott Mackler, Captain Daniel Duckworth, Sergeant Bobby Creed, Stephanie Main, Cultural Resources Director Mark Freed, Sergeant Kat Eller, and Human Resources Director Dale Presnell. Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

ANNOUNCEMENTS

Mayor Futrelle announced the following board vacancies:

BOARD OF ADJUSTMENT

Two regular positions, three alternate positions

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

One Council-appointed position

HISTORIC PRESERVATION COMMISSION

Two regular positions

PLANNING COMMISSION

One student position

TENTATIVE AGENDA ADOPTION

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

APPROVAL OF PROCLAMATIONS AND RESOLUTIONS

Council member Plaag requested that the Resolution regarding pedestrian safety on DOT roads be amended to be sent to the current governor and the governor-elect, in addition to the general assembly. Mayor Pro-Tem George accepted this amendment to the resolution.

Upon a motion by Council member Roseman, seconded by Council member Plaag, Council voted unanimously to approve the following:

PROCLAMATION - HURRICANE HELENE SERVICE WORKERS

Mayor Futrelle expressed his thanks to service workers and linemen, in particular, for their hard work during the recent storm. He then read the following proclamation:

Proclamation of Gratitude

Honoring Service Workers in the Aftermath of Hurricane Helene

WHEREAS, the citizens of Boone experienced the devastating impact of Hurricane Helene on September 27, 2024, which brought unprecedented challenges to our community, including significant damage to homes, businesses, and infrastructure; and

WHEREAS, in the wake of this disaster, countless individuals and organizations rose to meet the challenge, demonstrating extraordinary courage, compassion, and commitment to the welfare of our town; and

WHEREAS, first responders, including firefighters, police officers, and emergency medical personnel, worked tirelessly to protect lives, provide critical care, and ensure the safety of all residents; and
WHEREAS, medical professionals, including doctors, nurses, and other healthcare workers, provided essential services, often under extraordinary circumstances, to care for those injured or in need of medical attention; and
WHEREAS, linemen and utility workers worked around the clock to restore power, communication, and essential services, ensuring the resilience and recovery of our community; and
WHEREAS, volunteers from near and far selflessly contributed their time, resources, and energy to assist with cleanup efforts, provide supplies, and offer support to those in need; and
WHEREAS, phone service providers and communication teams worked diligently to restore connectivity, keeping families and emergency teams connected during critical moments; and
WHEREAS, churches, faith-based organizations, and other community groups opened their doors to shelter the displaced, provide meals, and offer hope and encouragement during trying times; and
WHEREAS, restaurant workers, grocery store employees, and countless other essential workers ensured that our community had access to food, water, and essential goods despite challenging conditions;
NOW, THEREFORE, be it resolved that the Town Council of the Town of Boone and on behalf of its residents extend its heartfelt gratitude and deepest appreciation to all service workers, volunteers, and organizations who dedicated themselves to the recovery and well-being of our community in the aftermath of Hurricane Helene;
BE IT FURTHER RESOLVED that this proclamation serves as a testament to the strength, unity, and resilience of the people of the High Country who came together to rebuild and recover and as a reminder of the extraordinary contributions of those who know what it is to have a servant's heart.
IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Boone to be affixed on this 11th day of December 2024.

Tim Futrelle, Mayor

ATTEST:

_____(SEAL)
Nicole Harmon, Clerk

Council member Roseman stated that service industry workers were the people that held the community together during the storm and that she was thankful for everyone who participated in getting things back to normal.

RESOLUTION - PEDESTRIAN SAFETY ON DOT ROADS

Mayor Pro-Tem George stated that he submitted this resolution in response to an ongoing amount of discourse about the increased instances of pedestrians and cyclists being hit in crosswalks. He noted that there was a misconception that the Town controlled DOT roads in a way that gave more power to the Town in terms of maintenance and regulation than it truly had. Mayor Pro-Tem George acknowledged ongoing conversations with NCDOT representatives about ways to support pedestrian infrastructure and stated that this resolution was to reaffirm that fact and to invite NCDOT representatives to meet with the Town Council to find ways to improve safety and reduce the instances of pedestrian collisions.

Boone Pedestrian Safety on DOT Roads Resolution

Whereas; Nearly all of the Town of Boone's major roadways are owned, operated, and maintained by the North Carolina Department of Transportation (NCDOT);

Whereas; the Town of Boone is grateful for NCDOT's work and dedication on those roads in their district, especially in their response to Hurricane Helene relief;

Whereas; the Town of Boone has no formal control over those roads, their maintenance, regulation, or the easements connected to them but represents the thousands of residents of our Town who use them regularly;

Whereas; the Town of Boone, its staff, and its elected officials are committed to the safety of pedestrians, cyclists, and others who are traveling along our roadways;

Whereas; instances of individuals being hit in crosswalks are increasing and result in harm and, in some cases, loss of life, which is a cause of grave concern;

Whereas; NCDOT has received numerous requests, both formally and informally, from Town Staff, electeds, organizations, and more, asking for more attention and investment in multi-modal transportation safety measures;

Whereas; the Town of Boone stands ready to have meetings, public input periods, and more, to help NCDOT better understand the concerns shared across our Town;

Whereas; NCDOT has the ability to fund projects that would improve intersections, aid in walking and cycling, upgrade signals related to crosswalks, and change the timing of lights at intersections to better accommodate those who are not traveling by car;

Whereas; the Town of Boone requests that NCDOT examine intersections across the Town and remedy the issues that are leading to the collisions mentioned earlier and implement best practices to ensure our major roadways are more pedestrian and cyclist-friendly;

Now, Therefore, Be it Resolved that the Town of Boone sends this resolution to NCDOT representatives, Governor Roy Cooper, Governor-Elect Josh Stein, and those who represent us in the General Assembly in order to represent the interests and concerns of those many residents in our jurisdiction.

Adopted by vote of the Town Council on the 11th day of December, 2024.

Mayor Tim Futrelle

ATTEST:

_____(SEAL)
Nicole Harmon-Church, Town Clerk

PROCLAMATION - WREATHS ACROSS AMERICA

Mayor Futrelle read the following resolution into record:

PROCLAMATION

Designating December 14, 2024 - National Wreaths Across America Day

WHEREAS, Wreaths Across America is a national nonprofit organization founded in 2007 to continue and expand the annual wreath-laying ceremony at Arlington National Cemetery begun by Maine businessman Morrill Worcester in 1992.

WHEREAS, Wreaths Across America's mission is to REMEMBER the fallen, HONOR those who serve, and TEACH the next generation about the true cost of freedom.

WHEREAS, Wreaths Across America is made up of more than 4,700 participating locations across the country run by dedicated volunteers looking to share the mission to Remember, Honor, and Teach, through annual wreath-laying ceremonies each December and awareness and education events throughout the year.

NOW, THEREFORE, I, Tim Futrelle, Mayor of the Town of Boone, do hereby proclaim December 14, 2024, as **NATIONAL WREATHS ACROSS AMERICA DAY** in the town of Boone and extend thanks and appreciation to our veterans and Gold Star Families for their service and sacrifice and to Wreaths Across America for bringing this honor to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the town of Boone on the 11th day of December 2024.

Tim Futrelle, Mayor

ATTEST:

Nicole Harmon-Church, Clerk

RESOLUTION OF APPRECIATION - A. LE BEAU

Council members reflected on Police Chief Andy Le Beau's dedication to the Town of Boone, emphasizing his leadership, integrity, and genuine care for the community. Mayor Futrelle noted the difficulty in expressing adequate appreciation for Chief Le Beau's contributions, highlighting his loyalty, commitment, and ability to foster a supportive environment. Other council members echoed these sentiments, emphasizing Chief Le Beau's unassuming presence and his pivotal role in cultivating one of the finest police departments in the state. He then read the proclamation into the record:

RESOLUTION OF APPRECIATION

WHEREAS, Andy Le Beau will retire from the Town of Boone, North Carolina, on December 31, 2024; and,

WHEREAS, he was hired as a Police Officer for the Town of Boone in December 2002. Andy was then promoted to Senior Police Officer in January 2004, Master Police Officer in July 2005, Police Sergeant in 2007, Patrol Lieutenant in 2008, then Police Captain in 2010. In 2013, Andy's title was changed to Police Operations Captain, and he remained in this position until May 2020, when he was appointed Interim Police Chief. Andy was promoted to Police Chief in July 2020, and we will remain forever grateful for his leadership in this role.

WHEREAS, Andy has always shown great dedication and genuine concern for the citizens of the town, town employees, and Town Council; and,

WHEREAS, he has been an honest, loyal, and committed public servant to the town.

THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BOONE, NORTH CAROLINA, HEREBY EXPRESSES ITS sincere appreciation and gratitude to Andy Le Beau for his contributions to the Town of Boone.

BE IT FURTHER RESOLVED that the Town Council extends to Andy Le Beau and his family blessings for good health and best wishes for the future.

Adopted by unanimous vote of the Town Council on the 11th day of December 2024.

Mayor Tim Futrelle

ATTEST:

_____(SEAL)
Town Clerk Nicole Harmon-Church

Mayor Pro-Tem George highlighted Chief Le Beau's exceptional contributions to the community, emphasizing that he was more than a chief of police but truly the people's police officer. He noted that Chief Le Beau's leadership qualities and ability to spot and nurture talent had resulted in the development of remarkable officers. Mayor Pro-Tem George expressed confidence in the town's future due to the strong foundation built by Chief Le Beau's dedication and preparation of new leadership.

Council Member Roseman shared her admiration for Chief Le Beau's genuine character, describing him as someone who "wears his heart on his sleeve." She appreciated his positive outlook and heartfelt support during a personal time of need, expressing her deep gratitude.

Council Member Carter reflected on Chief Le Beau's remarkable kindness and love for others, qualities he would deeply miss. He was glad that Chief Le Beau would continue to remain in the community and praised him for his integrity, compassion, and leadership even before taking on the role of Chief. Council Member Carter fondly referred to him as a true "man of Boone."

Attorney Meade shared her appreciation for Chief Le Beau's management of the police department, noting that her minimal involvement as Town Attorney was a testament to the Chief's efficiency and success in leading the department.

Council Member Plaag commended Chief Le Beau's calm and composed demeanor, especially during challenging situations. He admired the Chief's ability to remain steady and not succumb to frustration, which he believed was a hallmark of great leadership.

Council Member Tugman praised Chief Le Beau for his humility and consistency, acknowledging that he exhibited the same approachable and sincere nature in both professional and community settings. She expressed her gratitude for the Chief's numerous contributions to the Town.

Chief Le Beau addressed the Council, thanking them for their steadfast support of the police department over the years. He reminded everyone that the department's success was a cumulative effort and did not happen overnight. Referencing the values of justice, kindness, and humility as described in Micah 6:8 from the Bible, Chief Le Beau attributed the department's achievements to embracing these principles. He concluded by praising the officers for their teamwork and professionalism, emphasizing that the department's success was a shared accomplishment.

RESOLUTION OF APPRECIATION - S. MACKLER

Mayor Futrelle read the following resolution into the record:

RESOLUTION OF APPRECIATION

WHEREAS, Scott Mackler will retire from the Town of Boone, North Carolina, on December 31, 2024; and,

WHEREAS, Scott was hired as a Police Officer for the Town of Boone in November 2000. He was then promoted to Senior Police Officer in July 2003, Master Police Officer in July 2006, and will finish out his career with us as a Sergeant, a role he has been in since February 2009; and

WHEREAS, Scott has always shown great dedication and genuine concern for the citizens of the town, town employees, and Town Council; and,

WHEREAS, he has been an honest, loyal, and committed public servant to the town.

THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BOONE, NORTH CAROLINA, HEREBY EXPRESSES ITS sincere appreciation and gratitude to Scott Mackler for his contributions to the Town of Boone.

BE IT FURTHER RESOLVED that the Town Council extends to Scott Mackler and his family blessings for good health and best wishes for the future.

Adopted by unanimous vote of the Town Council on the 11th day of December 2024.

Mayor Tim Futrelle

ATTEST:

_____(SEAL)
Town Clerk Nicole Harmon-Church

Council members also expressed their gratitude to Sergeant Mackler for his unwavering dedication to the department over the years and his significant role in the evolution of the Town of Boone police force. Chief Le Beau praised Sergeant Mackler as a faithful and skilled officer, referencing a specific incident in which Sergeant Mackler demonstrated exceptional leadership. Last year, a citizen reported suspicious activity involving an armed individual, and Sergeant Mackler led his shift to the scene, successfully confronting and de-escalating the situation before it escalated further. Chief Le Beau thanked Sergeant Mackler for his outstanding service, as well as his partner, Connie, for her support. He noted that the department would greatly miss Sergeant Mackler.

Captain Daniel Duckworth echoed these sentiments, commending Sergeant Mackler for his unwavering commitment and dedication to the department over the years.

REQUESTED APPEARANCES

KIMLEY-HORN - PRESENTATION OF SIDEWALK & GREENWAY FEASIBILITY STUDY REPORT

John Moore of Kimley-Horn consultants presented the Sidewalk & Greenway Feasibility Study results. A complete copy of the report can be viewed online at <https://boonenc.iqm2.com/Citizens/default.aspx>. Mayor Futrelle highlighted potential budget constraints in the upcoming fiscal year due to Hurricane Helene and asked whether this was considered during the design process. Mr. Moore explained that many areas where changes were proposed did not show visible damage from the hurricane, so it did not affect the design, in his view. Mr. Moore noted the high costs involved in a proposed Winkler's Creek pathway, particularly due to environmental, security, and creek-crossing challenges. Council member Plaag inquired about previously failed ideas from the NCDOT, such as the "Super Street" concept. Mr. Moore responded that improvements along Highway 105 were not proposed since an existing multi-use path was already present on one side. Instead, the plan focused on facilitating safer crossings, suggesting intersection improvements and supplemental signage, such as "No Right on Red" advisories. He added that the NCDOT could implement changes independently in the future. Council member Plaag suggested that solving the Super Street problem would require a tunnel or pedestrian bridge at a significant cost.

Further discussion continued when Council member Plaag pointed out that the current speed limit in the Greenway Road area was 20 mph, but drivers often exceeded it. He then suggested the implementation of speed tables might slow traffic to the intended speeds. Mr. Moore shared that this idea was rejected due to objections from the Fire Department and concerns from Public Works about maintenance. Public Works Director Todd Moody added that Greenway Road traffic volume made speed tables impractical. In terms of bike paths, Mr. Moore stated that the plan included bike lanes in specific areas, but that could change if needed. Director Moody noted that some areas noted in the plan already had 10-foot-wide sidewalks accessible to bicycle traffic. Council member Roseman expressed a preference for building pathways by streams to showcase the area's natural beauty, though she acknowledged feasibility issues. She emphasized prioritizing the heavily used bike/pedestrian path over Winkler's Creek near the mall. Attorney Meade, speaking as a cyclist, mentioned feeling safer on the bridge but expressed concerns about crossings, particularly at Faculty Street onto Highway 105. She advocated for better crossing infrastructure.

Discussion concluded with a motion by Council member Carter to adopt the proposed plan as a town plan. Council member Plaag seconded the motion, which carried unanimously.

ROBERT OELBERG - DANIEL BOONE NATIVE GARDENS

Bob Oelberg gave a presentation on behalf of Daniel Boone Native Gardens in regards to a deer fence. A complete copy of the presentation can be viewed online at <https://boonenc.iqm2.com/Citizens/default.aspx> Bob and Rebecca Hutchins expressed gratitude for the work Town staff is doing with the ongoing construction of the stage. Bob highlighted an ongoing issue with deer, explaining that without fencing, it was impossible to maintain an attractive garden since deer were drawn to colorful plants. He noted the garden was maintained by volunteers, making it disheartening to see their work destroyed by deer. Council member Plaag initiated a discussion about the local landmark designation, expressing concerns about potential reactions from the local landmark office due to certain regulations regarding the fence. Council member Carter inquired about the proposed budget, with Mr. Oelberg confirming that the estimated cost for the project was \$28,900. To Council member Plaag's comment, he also explained that a removable black guardrail atop the retaining wall would be used to attach the fence, ensuring minimal impact on existing structures.

Council member Roseman voiced opposition to installing a fence but acknowledged relief that it would be removable. Council member Tugman asked if the budget for this project came from the funds awarded to the parks through the Tourism Development Authority (TDA) and whether the remaining funds were allocated for stage construction. Mr. Oelberg confirmed this was accurate. Council member Plaag raised concerns about the fence potentially increasing deer populations in other areas, referencing complaints about similar situations with the Stanley property fence. He was also concerned that this would encourage people to erect fences to keep deer off of their property. Attorney Meade and Deputy Planning Director Wise clarified that residents could currently erect fences up to 9 feet high without a zoning permit. Council member Plaag reiterated that the project might lead to further complaints as deer moved to other locations.

Mayor Pro-Tem George expressed admiration for the preservation of native plant material at the Stanley property and the project's accessibility to the public, noting that human activities inevitably displaced wildlife. He supported the Daniel Boone Native Garden fence project as an appropriate and effective use of funds. Council member Carter agreed that an arboretum should showcase plants and align with efforts to enhance the property and its surroundings. Council member Plaag clarified that he was not opposed to the project but emphasized the potential consequences. Mr. Oelberg concluded by stating that the motivation for his volunteer work was to create a more attractive garden that inspired homeowners to use native plants, which could significantly benefit nature on many levels.

SETH NORRIS - GENESIS GYM, LLC

Seth Norris, owner of Genesis Gym, addressed Council regarding a significant financial challenge related to system development fees (SDFs). Mr. Norris explained that despite only renting space to open his gym, he was informed of a \$33,000 system development fee. While he understood how the fees were assessed, he highlighted that the state's estimation assumed a usage of 50 gallons of water per day, regardless of the number of users. Mr. Norris stated that he surveyed gym owners across the state and found that the highest reported usage was 16 gallons per day in Salisbury. While staff identified some credits, reducing the fee to \$26,000, this amount still represented 10% of his total project cost. He emphasized the disproportionate impact on small businesses and urged Council to consider a creative solution for such cases. He warned that the high fees could discourage small businesses like his from opening while enabling larger competitors to enter the market. Seth also noted the financial burden of effectively paying the fee twice, as outlined in documents provided to the Council.

The attorney accompanying Mr. Norris acknowledged the difficulty of finding language in the ordinance to grant exemptions but encouraged Council to consider future ordinance changes that honored community needs. Mr. Norris pointed out that while the Town Manager had discretion to waive up to \$3,000 in other water/sewer fees, similar flexibility could be beneficial in other areas. Mayor Futrelle expressed respect and support for small business owners but cautioned against comments that might misrepresent the current policy. Attorney

Meade stated that Council legally lacked discretion to waive or reduce such fees. She noted that other small business owners had encountered similar issues and that any change needed to be made to the overall rate structure. She suggested that Council consider revisiting the policy during the budget process but stressed the challenge of balancing fairness with budgetary needs.

Mayor Pro-Tem George stated that he appreciated Mr. Norris for identifying a potential flaw in the Town's ordinance and proposed exploring the creation of a new business category or alternative solution. Attorney Meade clarified that current SDF rates could not distinguish between small and large businesses and that staff consistently applied the most specific category for fitness centers based on state guidance. Council member Carter questioned the methodology used to determine fees, including factors such as square footage and plumbing fixtures, and asked if different categories could be considered in this instance. Attorney Meade recommended that Mr. Norris contact local representatives to advocate for changes at the state level. He noted that he had already reached out to Representative Ray Pickett, and shared the financial reality that, unless resolved, his business might be forced to relocate to the county. Council member Plaag suggested involving the Chamber of Commerce to discuss potential incentives and legal considerations that could support local businesses.

Mayor Futrelle declared a break at 11:15. Council reconvened at 11:25.

WORK SESSION

WORK SESSION DISCUSSION - VARIOUS ITEMS

Attorney Meade presented several draft policies, including public participation, public comment, requested appearances, and an email policy. She noted that the proposed public comment policy would not apply to quasi-judicial meetings or UDO boards but would cover other Town meetings. Attorney Meade indicated that the policy provided guidance for in-person and remote speakers. Council member Plaag expressed opposition to limiting the number of speakers or allocating less than an hour for public comment. Council member Roseman questioned whether a second public comment session later in meetings should continue. Attorney Meade agreed to clarify these things in the policy and suggested making the policy visible with handouts and wall postings.

Regarding requested appearances, the draft made clear that these were privileges, not rights, and may be granted at the Council's discretion. Council member Plaag suggested that presentations should be relevant and actionable by the Town government, while Mayor Pro-Tem stated he was comfortable allowing the Mayor discretion for more abstract topics. The consensus was to leave the policy as written, granting staff discretion. Council member Plaag further suggested limiting requested appearances to outside businesses and to ensure all Town business went under Council matters. There was consensus from Council to direct Attorney Meade to make the discussed changes and bring back drafts at a future meeting for adoption.

Next, Attorney Meade presented updates to empower boards to create subcommittees while ensuring compliance with open meetings laws. Council member Plaag asked if staff should first decide whether sufficient funding existed to support subcommittees before the subcommittee was allowed to move forward. Mayor Pro-Tem George emphasized caution in assigning staff to subcommittees, suggesting a mechanism to involve the Town Manager or Council in the decision. Council member Carter stressed the importance of subcommittees to meet objectives. He suggested allowing the town manager to decide whether there is adequate funding and requiring the appropriate liaison to give a report regarding the subcommittee in their board liaison report. Mayor Pro-Tem George recommended exploring voting liaisons due to potential conflicts with the Town Code. Planning Director Jane Shook noted discomfort with not being involved in subcommittees for Unified Development Ordinance (UDO) boards. Attorney Meade agreed to revise the draft, consult with staff, and address UDO board concerns. Council member Plaag moved to authorize subcommittees or working groups for the Sustainability Committee and the Human Relations Commission and proper notifications were sent to the Town Clerk. The motion was seconded by Council member Carter and approved unanimously.

Council also discussed the status of the recently discussed Junaluska pathway. Attorney Meade reported no documentation indicating that the easternmost 15-foot parcel and adjoining parcels were deeded away. She stated that the meets and bounds listed in the deed were contradictory to what was listed in the tax listing, which

was not unusual. She indicated that she believed the Town retained ownership of the easternmost 15-foot right-of-way and suggested staff review the possibility of using the property for a trail, request a survey of the property, and consult with an attorney for a final review of the land documents for accuracy. Public Works director Moody noted that Public Works could potentially fund this project immediately.

Attorney Meade then reminded Council members about public records laws, particularly regarding emails and simultaneous communications, referencing a recent court case.

APPROVAL OF ITEMS ON CONSENT AGENDA

Upon a motion by Council member Plaag, seconded by Mayor Pro-Tem George, Council voted unanimously to approve the following items on the consent agenda:

1. NCDEQ-DWI Grant for Howard Street Project W&S Upgrades - Acceptance Resolution
2. Policy Prohibiting Viewing or Saving Pornography on Town Networks & Devices
3. Budget Amendment:
 - a. Police Department

Police Department:

TO: Advertising 010-500-300-527001 \$311.25

FROM: Sale of Surplus Property 010-000-000-481200 (\$311.25)

Unclaimed property auction proceeds are returned to the Police Department to cover the cost of advertising per NCGS Chapter 15 article 2

4. Annual Meeting Notice
5. Minutes
 - a. October 2, 2024 Emergency Town Council Meeting
 - b. October 9, 2024 Emergency Town Council Meeting
 - c. October 16, 2024 Special Town Council Meeting
 - d. October 23, 2024 Regular Town Council Meeting
 - e. November 13, 2024 Regular Town Council Meeting

PLANNING MATTERS

CONSIDERATION OF CASE HEARD AT THE NOVEMBER 25, 2024 PUBLIC HEARING

Case A24-0917 Emergency Disaster Relief Uses – UDO Text Amendment

Planning Director Shook presented Case A24-0917 Emergency Disaster Relief Uses – UDO Text Amendment and indicated that the Planning Commission recommended approval.

Council member Plaag made a motion to approve the proposed amendment to the Town's zoning ordinance and that it is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with:

Comprehensive Plan Policy 2.3.3 Housing and Neighborhoods

A. The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.

F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

Comprehensive Plan Policy 2.2.4 Public Safety

D. The Town shall place renewed emphasis on enforcement of the state building code and flood prevention regulations to avert or minimize loss of life and property during natural disasters.

Mayor Pro-Tem George seconded this motion and noted in response to a comment on the coverage of this matter that Planning staff had been working twelve-hour days in response to damage from the storm and got the text amendment before Council quickly. The motion carried unanimously.

Council member Plaag made a second motion to approve Ordinance No. A24-0917 to the Town's zoning ordinance, and that approval is reasonable and in the public interest because the need for more infrastructure to support natural disasters and the effects on the public was identified during the most recent disaster and required to change to allow the town to respond efficiently and effectively to those public needs. Council member Roseman seconded the motion which passed unanimously.

CONSIDERATION OF PLANNING RETREAT DATE

It was the consensus of Council to schedule the annual Planning retreat on February 6, 2025 at 9 a.m. at Council Chambers located at 1500 Blowing Rock Road in Boone.

COUNCIL MATTERS

REQUEST FOR FLOOD ZONE SIGNAGE

Council member Plaag introduced a discussion about flood zone warning signs, noting his experience encountering tsunami warning signs on the West Coast. While some people found such signage discomfoting, he emphasized their value in helping residents plan for emergencies. He highlighted that during neighborhood walks with Planning staff, it became apparent that many residents were unaware they lived in flood zones. He also mentioned that new, unapproved flood maps might alter some of the proposed streets and suggested exploring a Unified Development Ordinance (UDO) amendment to address this issue. Council member Plaag also proposed incorporating these considerations into any relevant grant applications.

Public Works Director Todd Moody reported that the Town could produce signs in-house at a cost of approximately \$75 per sign for materials. However, he noted there were 15 private roads on which the Town had no authority to install signage. Council member Plaag agreed, acknowledging that his initial research did not account for the distinction between public and private roads. Public Works Director Moody added that since 2017, ten Town-owned locations have had flood-related signage installed, though they would likely need to be replaced after the recent hurricane. He noted that the town could absorb the cost of these materials. He also noted that some installations on state-maintained roads would require encroachment agreements with the North Carolina Department of Transportation (NCDOT).

Council member Plaag moved to direct staff to begin the installation of flood zone awareness signs on Town-maintained streets, working with NCDOT to secure any required agreements with the understanding that the list should be revised to reflect what the new flood mapping suggested those areas would be and to remove any private streets, which any potential UDO amendments would capture; He also proposed that Planning staff be directed to add to their workflow drafting a text amendment that would require flood warning signage to be installed by private property owners as described in the proposal included in the Council meeting packet. Council member Carter seconded the motion. After a brief discussion, Council member Plaag withdrew the second part of his motion, and Council member Carter accepted. The motion was approved unanimously.

APPOINTMENT TO DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Mayor Pro-Tem George excused himself from the meeting at 12:47 p.m.

Council member Tugman stated that the applicant appeared to have an interest in serving on the board and nominated Stephanie Boozer to serve on the Downtown Boone Development Association. Hearing no further nominations, Mayor Pro-Tem called for a vote.

VOTE: Aye: Tugman, Plaag, Roseman
 Nay: None
 Abstain: Carter
 Absent: George

Mayor Pro-Tem George returned to the meeting at 12:50 p.m.

Stephanie's term will expire on December 31, 2027.

BOARD LIAISON REPORT

Council member Roseman announced that SAHA was moving forward with their projects; Watauga County Parks and Recreation Board would be meeting today and holding a holiday potluck; Historic Preservation Commission working on verbiage for the Stoneman's Raid historical marker.

Council member Tugman gave Downtown Boone Development Association updates regarding the upcoming Holiday Parade, and the 2025 Antler's and Acorns music festival. She expressed a desire to discuss redundancies in Tourism Development Authority grants and Town agency grants during the upcoming TDA budget workshop.

Council member Plaag expanded on the Downtown Boone Development Association update by reporting concerns about traffic back-ups at Appalachian Street near Raley Hall during the Howard Street construction. He asked for further information from staff so that he could report back to the board. Council member Plaag then reported that the Sustainability Committee enjoyed a presentation by Craig Hughes with AppalCart regarding a small vehicle designed like a train that could be used to transport tourists to and from hotels since they often did not use the busses. He reported that the Committee received updates on the invasive species inventory and solar work performed by the intern and viewed the solar handbook draft, which he expected would be coming to the Council in the near future.

Mayor Pro-Tem George announced attending his first meeting as ABC Board liaison last week and noted that he was optimistic and improving that relationship.

CLOSED SESSION

Upon a motion by Council member Roseman, seconded by Council member Plaag, Council voted unanimously to enter into closed session at 12:57 p.m. pursuant to:

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

Upon a motion by Council member Plaag, seconded by Council member Tugman, Council voted unanimously to exit closed session at 1:17 p.m.

ACTION FOLLOWING CLOSED SESSION

In continued open session, Planning Director Shook spoke to an item that she had intended to raise in the earlier open session concerning the Town's application for an "Our State, Our Homes" program application. She updated Council that both the Town's application and the application of Watauga/Ashe County/Watauga Housing Council had scored very highly and the School of Government had contacted her about a possible collaborative application. Ms. Shook noted that she had responded that it would be excellent if both applications could be chosen however, should that not be possible, that the Town would like the opportunity to consider the collaborative application. She indicated to Council that she was seeking authority to proceed with a collaborative effort if needed. After discussion, Ms. Roseman moved to grant such authority, and Ms. Tugman seconded. After additional discussion, the motion was passed 4-1, with Mr. George voting nay.

ADJOURNMENT

Upon a motion by Mayor Pro-Tem George, seconded by Council member Carter, Council voted unanimously to adjourn the meeting at 1:27 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor