

**MINUTES – SPECIAL MEETING
BOONE TOWN COUNCIL
May 21, 2024**

CALL TO ORDER

A special meeting of the Boone Town Council was called to order on Tuesday, May 21, 2024 at 6:00 p.m. at the Watauga County Public Library located at 140 Queen Street in Boone. Mayor Tim Futrelle presided. Council members present included Mayor Pro-Tem Dalton George, Edie Tugman, and Eric Plaag (remote). Town staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Planning Director Jane Shook, Deputy Planning Director Brandon Wise, and Public Works Director Todd Moody. The purpose of the meeting was to hold an informational meeting with Junaluska area community members regarding upcoming changes to the RR Residential Rehabilitation zoning district as well as to discuss community concerns.

MOMENT OF SILENCE

CONVERSATION/DISCUSSION WITH JUNALUSKA AREA COMMUNITY

Mayor Futrelle welcomed all in attendance and stated that Council members Carter and Roseman would not be in attendance. He indicated that he and the Council members in attendance were there to listen to the neighborhood's concerns and to use the mechanisms in place to address the issues at hand as best they could.

Planning Director Jane Shook introduced herself and thanked everyone who attended the meeting. She stated that she and Deputy Director Brandon Wise met with a group from the community a couple of weeks ago to review potential changes to the RR zoning district and to listen to concerns from citizens in the Junaluska community. According to Director Shook, staff took those concerns back to Council, resulting in the meeting being held presently. Everyone in the room took a moment to introduce themselves before Director Shook went over the proposed changes to the RR zoning district. She explained how to access the Town's zoning map and indicated on the map everyone who received an invitation to the meeting. Director Shook briefly explained each zoning designation in the area before she clarified the changes being proposed to the RR zoning district, including renaming the district to R1C Compact Neighborhood Residential District and revising the district description. She then highlighted the proposed changes listed in the staff report, including the reduction of the minimum lot width from 70' to 35', minimum street frontage from 56' to 28', minimum livability space from 48' to 27', minimum interior setbacks from 13' to 10' and noted that no changes were made to the list of permissible uses. Director Shook acknowledged that there was concern that a 10' setback would mean that potential construction would be closer to property lines. She noted that at the same time this discussion was taking place, a home was constructed in the neighborhood. She stated that currently, the maximum height in this zoning district is three stories and has been for more than twenty years. Director Shook added that this property owner simply took advantage of that building height allowance, and it came as a shock to the residents that a house could be built this tall. The fact that the neighborhood voiced its concerns to Council, Director Shook continued, caused Council to create the second text amendment on the agenda to revise the building height requirements in the RR zoning district. She added that staff then assessed RR properties, which included 16 single-family residences that were one-story, seven that were one-story with a basement, and one, the new construction, that was three stories. Of the two-family residences, whether a duplex or accessory apartment, there was one one-story with a basement, one with one and a half stories with a basement, and then the church, which has a basement and the bell tower. Director Shook explained the public hearing process and noted that residents did not have to do anything if the changes were adopted, just to continue operating the way they currently did. She indicated that any new construction would have to meet the standards in place at the time of construction.

Susan Keefe with the Junaluska Heritage Association asked whether another three-story house would be allowed to be built with the newly revised R1C text if it passed. Director Shook clarified that the R1C text amendment did not regulate height but that the next text amendment on the agenda would. She assured residents that it was the goal of Town staff and Council that another home similar to the three-story one being discussed would never be allowed to be built in the area again.

Katie Mack, community member, indicated that she had noticed that several of the properties in the neighborhood did not have parking. She added that because the streets were narrow, it was hazardous to walk in the area, and asked if the text amendment made any allowance for vehicles and parking. Director Shook answered that parking for residential neighborhoods was handled in a different section in the UDO and that two off-street parking spaces were required for every new home construction according to current regulations.

Lynne Patterson asked whether the zoning district name change would impact the neighborhood's ability to receive grant funding. Director Shook indicated that she was not aware that the district designation would impact the eligibility for CDBG or similar funding.

Dana Folk, community member, expressed concern with neighbors at 122 and 136 Carolina Avenue parking in their yards, as well as the inconsistency in zoning along Carolina Avenue. Director Shook stated that there had not been any zoning changes in that area since at least 2000. She speculated that the entire area was zoned RR and that when the Town of Boone constructed a parking lot in the area, the zoning was bisected, resulting in the OI zoned piece that Mr. Folk was referring to. Mr. Folk continued by stating that most people in the Junaluska neighborhood felt that the Town could do whatever it wanted. He added that a man who recently built a house on Junaluska who was bragging that he "got past the Town ordinances" by hiring an architect and engineer and did not believe the process was appropriate. Director Shook explained the current process for single-family homes throughout the Town of Boone and noted that they were allowed by right. She stated that as long as an applicant met the ordinance requirements, staff was required to issue a permit. Director Shook stated that an applicant could obtain a variance from the Board of Adjustment if requirements were not met. She was unsure what the builder Mr. Folk was referring to might be alluding to but promised to look into it. Mayor Futrelle added that staff and Council did their best to shape policy and ensure it was a level playing field, but noted that there were bad-faith actors that sometimes circumvented regulations. Mr. Folk added that residents did not feel they were being informed and indicated that he had found out about the night's meeting from a property owner in Nashville. Director Shook stated that staff had sent out more than 100 mailings and tried to move as quickly as possible after the meeting at the church was held.

Carolyn Grimes, a community member, communicated her love of the community and felt that she and others had to protect what they owned. She expressed a desire for the community to be recognized and felt the neighborhood was often left out of communication. Ms. Grimes was troubled by the number of large trucks using Junaluska to get to the top of the mountain because residents did not want the trucks on Cherry Drive. She was upset that no one informed the community of this change in the traffic pattern, and the newly constructed three-story house which she considered a misfit. Council member Tugman added that as soon as she became aware of the new construction, she immediately contacted Director Shook to ask why it was allowed to be built. She stated that Director Shook reminded her that this construction was allowed in the RR district. She noted that the applicant had initially applied to build a two-story house and added on a basement. Director Shook agreed and added that the information required on a permit application for a single-family home was less detailed than what was required for a commercial permit. She stated that she did not know the property owner's intent but that the permit application was modified and allowed. Council Tugman then clarified that no one on Cherry Drive that she was aware of decided to divert trucks to Junaluska and noted that as a resident of Cherry Drive, she saw them as much now as she ever has. She added that staff had installed signage at the bottom of both hills but that it had not done much to help the situation. Council member Plaag added that he lived on the gravel portion of Junaluska Road and that trucks had routinely been a problem since he had lived there, as well as the fact that NCDOT did not routinely plow the road. He stated that he had complained to the NCDOT for the past ten years about these concerns and noted that the Town has no say in compelling the NCDOT to impose regulations like the signage found at Cherry Drive. Council member Plaag was grateful to Public Works for placing signage on the Town-owned streets adjacent to the North Street and Junaluska Road intersection. Carolyn Grimes stated that she was a former NCDOT employee, and added that in her time working for NCDOT, there was confusion around whether the Town or the State owned Junaluska Road so the common practice was that whoever received the call was supposed to maintain it at that time. She stated that she had heard from a former Council member that Cherry Grove residents did not want the trucks on their road. Council member Plaag noted that he believed Junaluska Road to be plowed occasionally because Wyn Way was Town maintained and staff would drop the blade en route as a courtesy to the community. Greg Horton of the community did not believe Town staff plowed until they got to Wyn Way because there was a Town-owned building on that road. Mayor Futrelle noted that the Town only recently purchased the building. Public Works Director Moody indicated that it would likely depend on how much snow was on the street and stated that staff would likely have to plow some roads to get to others if there was a lot of snow on the street. He added that it also depended on the driver and noted that it was not the Town's responsibility to maintain Junaluska Road since it was not a Town-owned street. Director Shook explained that just because a road was inside the Town of Boone did not mean it was Town-maintained and owned. Council member Tugman stated that this was why the Town had no say in what happened on King Street or Highway 105 because they were state-maintained roads. Mr. Horton asked why the Town could not maintain the roads for the people since they paid Town taxes. Mayor Futrelle indicated that he would take note of

the concerns expressed regarding Junaluska Road and pass them along to the Rural Transportation Board, of which he is a member. Mayor Pro-Tem George emphasized that the Town did not always get things right but that the zoning name change was proposed because Council felt that the community was not comfortable with the current language and wanted to make it more in line with what the community is, which is a community where folks live, and within this, some restrictions that aimed to protect it. He added that he felt that the local press sometimes dropped the ball when getting information out to the public and offered his phone number to anyone who wanted it. Council member Tugman added that the text amendment was designed so that the community could remain the way it was and that if the whole RR area were changed to R1 as some had suggested, most homes would be non-compliant. Pastor Mike Mathes referred to the Tenth Commandment, which is "Thou Shalt Not Covet Thy Neighbors House." He believed that everyone had a responsibility to respect the rights of others, and noted the commandment forbids against damaging the property of others. Pastor Mathes added that the Junaluska community was not designed to make money but to love. He stated that the community's people were passive and that Council had the chance to put their foot down and make sure that the same development that happened in Sugar Mountain did not happen in Junaluska.

Peggy Lane of the Junaluska Heritage Association stated that she had heard from a community member that a neighbor had asked to install a transformer in the church parking lot. Pastor Mathes answered that he had not been asked but did hear that this person had asked previous Pastor Morris Hatton, though he had not yet confirmed this. Pastor Mathes added that the church owned two lots next to the church and that the homeowner next door had designated them as their parking without asking. The unidentified homeowner was in the audience and indicated that she had previously arranged with the realtor that purchasing her home was contingent including this parking.

Ms. Lane added that the house at the corner of Church and North Street had sparked much discussion and was concerned about the amount of traffic coming onto Church Street. She noted that the home was listed as a single-family residence and asked about the rules as to how many unrelated people could live in the house and who would enforce this regulation. Director Shook answered that occupancy was enforced by the Planning and Inspections department and stated that one family or two unrelated people could live in the home. She briefly explained the parking sticker program for rental properties in Neighborhood Conservancy Districts and how the stickers were used as a tool to control occupancy. Director Shook indicated that a rental registry was not allowed by state law and that enforcement was often difficult. Ms. Lee then asked whether the property could be used as an AirBnB. Director Shook responded that the property could be used as a homestay, meaning up to two bedrooms could be leased out for a period of no more than thirty days.

Diane Blanks, member of the Junaluska Heritage Association, asked for better communication and specifically requested that the Town consider printing the agendas for all Board of Adjustment and Town Council meetings in the newspaper.

Lynne Patterson of the community suggested that the Town implement a community outreach person.

An unnamed person asked whether the Town could send phone notifications for Town meetings. He then asked about maintaining a "grandfathered-in" status pertaining to setbacks that would only change with the next owner. Director Shook answered that if the changes were approved, properties would become legally non-conforming and would already be grandfathered in.

Greg Horton asked how long the R1C zoning designation would last. Director Shook responded that it would last until it was changed. Council member Tugman noted that the community could come forward in the future to ask for a change if it so wished. Director Shook indicated that the next steps allowed staff and Council to work together to find neighborhood preservation mechanisms within state statutes. Ms. Grimes asked for assurance that no one else would be able to build a three-story home in their neighborhood and that the community would be informed about such construction from now on. Council member Tugman took note of her concerns but noted that the difficulty was in the fact that the home was built within the current zoning regulations and, therefore, did not require a hearing or notice.

Jessie Folk, community member, asked for clarification on whether or not a three story home could be built in the neighborhood. Mayor Pro-Tem George answered that if Council adopted the second case, that text would eliminate that possibility. He then explained the two different text amendments appearing on the May 22, 2024 Council

agenda. Ms. Folk asked why the neighborhood could not be zoned R1. Council member Tugman reiterated her previous comments that this designation would leave a significant number of properties in the neighborhood non-conforming. Mayor Pro-Tem George explained that it was important that the proposed text was adopted at the May 22 meeting because developers knew the matter was being discussed and could potentially be granted a permit under the current text.

Ben Loomis with the Watauga Housing Trust indicated that they had been working to convert the home at 145 North Street back to a long-term residence and wanted to treat the land as an asset everyone managed together.

Jacob Crabtree, community member, noted that the owner of the three-story home owned four other properties in the area and asked why the Town did not require more information on what a property would be used for when someone applied for a permit. Mayor Pro-Tem George answered that it was illegal in North Carolina to tell someone they could not purchase a property for whatever reason. Council member Tugman indicated that asking for this information would be a breach of privacy, in her opinion.

Council member Plaag added that an R1C designation would encourage a buyer who wanted to build on an individual lot, and it would force them to build to the currently proposed standards. If Council were to put in an overlay of R1 over lots of properties that were then non-conforming, it would incentivize someone to buy up multiple lots, combine them, and then build a much bigger house than the three-story one just completed. He added that the proposed language was a better way to keep the kind of housing stock that was currently in the neighborhood.

Katie Mack, community member, indicated that she was informed about student rental restrictions but that cars parked everywhere around certain houses in her neighborhood, presumably belonging to student renters. She expressed disappointment in living in the community without the protections she thought she was buying into. Director Shook clarified that staff could not regulate ownership of rental properties and could not require a property to be owner-occupied. She added that parties could potentially be handled through enforcement or parking in the streets could be handled through the Police department. Council member Tugman informed Ms. Mack of a bill currently being considered by the legislature regarding student rentals and asked all interested parties to contact their representatives.

An unnamed member of the audience suggested increasing communication with the community by having staff contact Pastor Mathes and the Junaluska Heritage Association members.

Peggy Lane asked whether the text regarding height restrictions could be voted on first to ensure that Council would not run out of time. Mayor Futrelle indicated that he could not commit to an outcome but promised that the height text amendment would be heard on May 22.

ADJOURNMENT

Hearing no further discussion, Mayor Futrelle adjourned the meeting at 8:20 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor