

**MINUTES – SPECIAL MEETING
BOONE TOWN COUNCIL
December 4, 2023**

CALL TO ORDER

A special meeting of the Boone Town Council was called to order at 9:00 a.m. on Monday, December 4, 2023 at 9:00 a.m. in the Town 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, Public Works Director Todd Moody, Planning Director Jane Shook, Special Projects Planner Jessica Mitchell, Environmental Planner Brandon Wise, Major Shane Robbins, Deputy Public Works Director Justin Stines (remote), Human Resources Director Dale Presnell (remote), Sustainability and Special Projects Manager George Santucci, Cultural Resources Director Mark Freed (remote), and Deputy Planning Director Stacey Miller. Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

TENTATIVE AGENDA ADOPTION

Mayor Pro-Tem Tugman made a motion, which was seconded by Councilmember George to approve the agenda as presented.

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

PUBLIC HEARINGS

Public hearings for the following cases were opened 9:02 a.m.:

1. Casa Rock, LLC Voluntary Annexation
2. Catherine Folk Voluntary Annexation
3. Warren & Ruby Boyette Voluntary Annexation

Hearing no comments from the public, Mayor Futrelle closed the public hearings at 9:04 a.m.

REQUESTED APPEARANCES

DAVID JACKSON - BOONE CHAMBER OF COMMERCE

Boone Area Chamber of Commerce President David Jackson came before Council to propose a UDO amendment regarding window signage. He indicated that he had heard from several people regarding this matter and gave examples of current signage that the proposed new guidelines would impact. Mr. Jackson suggested a compromise regarding illuminated signage to allow it to remain as long as the signs did not take up a certain percentage of available window space and that it be monitored via a permitting process. Councilmember George was concerned about the challenges presented by a potential new permitting system and noted that businesses would likely be upset by having to go through another permitting process. Mr. Jackson said that this permit was just one of several permits a business owner would be required to get and thought it would be better than eliminating the signs. In response to a question raised by Councilmember Nenow, Mr. Jackson answered that in his research, he noted that three businesses had more than one illuminated sign and added that many businesses had the signs turned off at night. Mayor Pro-Tem Tugman stated that her issue with the matter was that if Council gave an inch before they knew it, a mile was gone. If there was any way around regulations or compromise, Mayor Pro-Tem Tugman thought that people would figure it out. Councilmember Carter stated that he did not want to punish all businesses in an attempt to stop other intrusive illuminated signs. Councilmember George suggested that the matter be postponed for a month or two in an effort to find a compromise. Mayor Futrelle agreed with this suggestion. Planning Director Jane Shook suggested allowing one additional illuminated sign up to a specific square footage with no permit needed. She added that building inspectors could simply measure the signs to ensure compliance. Director Shook also suggested delaying the discussion of the matter until the Planning Retreat. Councilmember George made a motion to postpone this matter until the beginning of February. Councilmember Carter seconded the motion.

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

APPROVAL OF ITEMS ON CONSENT AGENDA

Councilmember George asked that Item 3: Request by ASU to Discharge Water into Town of Boone Collection System be removed from the Consent Agenda and moved to the first item under Council Matters. He then made a motion, which was seconded by Mayor Pro-Tem Tugman, to approve the following items on the Consent Agenda:

1. Town Council Regular Meeting Minutes October 25, 2023
Town Council Regular Meeting Minutes November 8, 2023
2. Budget Amendment
TO: Maintenance - Vehicles 010-500-300-525301 \$13,350.00
FROM: Miscellaneous Revenue 010-000-000-489900 (\$13,350.00)
3. Authorization to Apply for Grant - Daniel Boone Dr. Culvert Repair
4. Resolution Honoring Dr. Rennie William Brantz
5. Boone Cemetery Interpretative Panels Project for the Final Revised Panel Text & Images for Two Interpretative Panels & One Rules Sign

Councilmembers George and Carter thanked staff for their work on various items before Historic Preservation Commission Chair Plaag read the Resolution Honoring Dr. Rennie William Brantz to the Town of Boone HPC into the record:

Resolution Honoring The Service of Dr. Rennie William Brantz to the Town of Boone's Historic Preservation Commission

Whereas, Dr. Rennie William Brantz, born in Hartford, Connecticut, and raised in Nebraska and Kansas, attended Doane College in Nebraska and received a Ph.D. in German History from The Ohio State University, was a resident of Boone from his assumption of a teaching position at Appalachian State University in 1974 until his death in October 2023;

Whereas, Dr. Brantz, a professional historian, pioneered important university programs, including Freshman Seminar, European Summer Study, and the Center for Judaic, Holocaust and Peace Studies;

Whereas, Dr. Brantz began a second career as a public servant, was elected to the Boone Town Council in 2003, and served continuously in that capacity until he became Mayor beginning in 2015;

Whereas, as a historian and town official, Dr. Brantz was especially concerned with the appearance of Boone and spearheaded the creation of Boone's Historic Preservation Commission, serving on said Commission as a Member and a Town Council Liaison from its inception in 2007 until his retirement from public office in 2021;

Whereas, Dr. Brantz, in his position with the Historic Preservation Commission, was instrumental in the purchase of the downtown Post Office, the establishment of walking tours, the designation of local historic landmarks, the placement of various historical markers, and the study and establishment of the downtown Historic District; and

Whereas, a marker to Sir Christopher Wren, the architect who rebuilt London after the Great Fire of 1663 had destroyed two-thirds of the city, advised readers "that if you seek his monument – look around you,";

Now, therefore, be it the members of the Historic Preservation Commission remind Town Council that Dr. Brantz's monument may be found in the changes to the downtown that he influenced and ask Council to formally acknowledge Dr. Brantz's leadership in recognizing and preserving the built environment of downtown Boone. This the ____ day of November, 2023.

Eric Plaag, Chair ATTEST:

_____(SEAL) Marlene Crosby, Board Secretary

Mayor Futrelle sang the praises of former Mayor Brantz and noted that this resolution and a resolution to be presented to Council for its consideration at a later date would be presented to members of former Mayor Brantz's family.

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

COUNCIL MATTERS**REQUEST BY ASU TO DISCHARGE WATER INTO TOWN OF BOONE COLLECTION SYSTEM**

Councilmember George acknowledged that he had voiced some concerns when Council initially voted to amend the code to allow for the extension of services outside of the annexed corporate boundaries of the Town in terms of consistency of Town services. He indicated he did not believe he could support this matter because of the extension of services and connections to property outside the Town without annexation. Councilmember Carter made a motion, which was seconded by Councilmember Nenow, to approve the request by ASU to discharge water into the Town of Boone collection system. Mayor Pro-Tem Tugman stated that the Town had considered several issues about its relationship with ASU and that it felt as though every time the university needed something, the Town curtsied. She communicated that the town did its best to find a middle ground and that every time a moderate agreement could not be reached, the town had to bow to pressure because of the power the university vests in the legislature. Mayor Pro-Tem Tugman confirmed that ASU was paying dearly for this privilege, and at any point in time, if the Town found this arrangement to be impairing the Town's ability to manage its sewer treatment facility, the Town reserves the right to stop the situation. She noted that she was conflicted about the situation and hoped that the University would develop its own system in the future with the capacity necessary to meet its needs. Councilmember Carter read aloud the letter from Wastewater Treatment Plant staff approving the request. He focused on the language affirming the University's promise to coordinate with the neighborhood POA to mitigate disruptions while pipe installation work occurs. He added that the revenue from this agreement would be \$265,986 the first year and \$4,226 per year after that, which may not sound like a lot, but that the Town was struggling to find money to pay for things following the tax distribution change. Regarding the effect the road work would have on the neighborhood, he asked who would make sure this happened. ASU Engineer Dan Gryder confirmed that he would manage the project, would ensure all of the requirements outlined were met and that Public Works would be kept informed. Councilmember Nenow acknowledged that the Town's current system could handle this demand but was concerned about the increases in the University's demands over time. She indicated that she and Councilmember George had toured the Town's Wastewater Treatment Plant and were told that when it came time to expand the system, it would be costly to do so. Councilmember Nenow wanted to ensure that the funds the Town would be receiving from ASU for this agreement were satisfactory for future needs. Attorney Meade explained that the System Development Fees to be paid are legally bound and obliged to be used only for capital improvements. She added that the point of System Development Fees was to ensure that future improvements could be handled concerning capacity. Mayor Pro-Tem Tugman asked how the fees listed in the agreement were calculated. Public Works Director Todd Moody answered that the first year funding of \$265,000 included both System Development Fees and an average annual sewer rate added together. He continued by saying that moving forward in a year or two, that fee would be just a sewer rate, which was doubled. He explained that the doubled amount was calculated on 1,000-gallon discharge rate for commercial sewer. Mayor Pro-Tem Tugman asked when the Innovation Campus was developed in the future, and the classrooms, labs, and additional dwellings were built, whether or not these would become part of this wastewater treatment process. Public Works Director Todd Moody indicated that would be a separate process and would be charged separately. He added that the system was currently a little over 50% capacity and that it would be a number of years before 80% was reached. Director Moody clarified that 80% capacity was where the Town was required under state law to undertake expansion. Hearing no further discussion, Mayor Futrelle called for a vote.

VOTE: Aye: Carter, Nenow, Tugman
 Nay: George
 Absent: Roseman

Public Comment

Susan Owens (Faculty Street Townhomes) thanked the Planning Commission, specifically Dr. Plaag, for seeing this development for what it is and for denying the conditional use permit. She indicated that she was a stakeholder in the 2009 Comprehensive Plan amendment process and that when Marriott was proposed to be built in her backyard, she did not want it. Ms. Owen added that everyone worked very closely for a long time to

create a win-win outcome for the developer and the neighborhood. It was Ms. Owen's opinion that the proposed development as it stands now is a win for the developer and a loss for the neighborhood. Attorney Meade clarified that the Planning Commission did not deny or reject the conditional use permit as stated by Ms. Owens and noted that the Commission only had the power to make recommendations to Council. She added that Council was not bound by any recommendations given by the Planning Commission.

Emily Stalling (Faculty Street Townhomes) stated that the hill on which the proposed development was originally created by the Linville Valley Railroad, better known as the Tweetsie Railroad. She indicated that the track ran by the hill and that the trees on the hill were close to or over 100 years old.

Ms. Stalling said that her husband, a former developer, built over 9 million square feet of space and that the first thing mentioned by the developer was how this would improve the neighborhood and the standard of living.

Tim Harris (Faculty Street Townhomes) agreed with both previous speakers and thanked the Planning Commission for its difficult decision. Mr. Harris thought that the decision needed to be a win-win and did not appear to be so now.

Shirley Harris indicated that her comments had already been addressed.

Davis Hankins (Faculty) was of the opinion that the proposed density was incompatible with the average density of the area and suggested moving 3-4 more units to the northwest corridor of the lot to leave some trees and to make sure the development took place further away from R1 property lines.

Mr. Davis also expressed environmental stability concerns and indicated that he had a letter attesting to this from the High Country Energy Solutions president.

David Brumfield (Pleasants/Delmar Street) stated that when the RS1 zoning district was adopted as a buffer on Delmar Street, it was there to protect the neighborhood. Now, it seemed to Mr. Brumfield that Council was moving the line back into the neighborhood. He did not believe the Planning Commission considered the density of the area. He indicated that three properties surrounded him, two zoned R1 and one zoned R2, with no commercial properties next to these two lots. He asked that Council not sacrifice the neighborhoods and compromise by requiring a condition use permit.

Candy Boyle (Pleasants/Delmar Street) stated that she had nothing to add that Mr. Brumfield had not already addressed. She clarified that she was asking for a no vote on the Delmar Street development and requested that Council keep the density as it already was.

Jasmine Shoshanna (Pleasants/Delmar Street) asked Council to vote no on the proposed development or delay the vote. She stated that according to Town Code.

Alan Crees of Municipal Engineering spoke on behalf of the property owner and applicant. He reminded Council that they were required to look at all potential uses that could happen with a general rezoning request. He noted that the current zoning allowed for a church with a large parking lot, which could have much more runoff than five tiny homes. Mr. Crees added that each tiny home had a maximum footprint of 800 square feet, but three single-family homes would have significantly more. He asked that Council balance the needs of the Town in their decision.

Donald Thrasher (Pleasant/Delmar Street) stated that the proposed development was not on a slope but that everything from that lot down drops thirty feet to a floodplain within two blocks. He added that anything on that level lot went downhill through his property. Mr. Thrasher was also concerned about traffic and noted that Watauga High School dumped many of its students there in the evenings.

Phyllis Thrasher (Pleasant/Delmar Street) was concerned that there was not enough notice of this project given to residents and stated that of the 17 people who spoke regarding the development at the Public Hearing, 12 were against it. She asked that Council consider denying or delaying to allow for a traffic study the culvert to be replaced.

CONSIDERATION OF CASES HEARD AT THE NOVEMBER 27, 2023 PUBLIC HEARING

Case A23-0449 CasaRock, LLC -General Use Zoning Map Amendment

Councilmember George made a motion that the proposed amendment to the Town's zoning map 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 2.2.2 Utilities D. Water and sewer services shall not be extended to properties in the Rural Area (outside the Urban Growth Area). Exceptions to this policy may include the provision of services to other local governments, cooperative agreements on major economic development initiatives, and extensions needed to address imminent public health problems or related environmental hazards. 2.3.3 Housing & Neighborhoods B. The protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community. I. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas. Councilmember Carter seconded the motion.

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

Mr. George made a second motion to approve Ordinance A23-0449 and that approval is reasonable and in the public interest because it is in the best interest of the Town to grow its housing stock and it is compatible with services that already exist in the area.

Councilmember Carter seconded the motion.

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

Case A23-0451 Catherine Folk – General Use Zoning Map Amendment

Councilmember George made a motion that the proposed amendment to the Town's zoning map to zone the property R1A is consistent with the Town comprehensive plan and any other adopted plans of the Town that are applicable because the amendment is consistent with 2.3.2 Community Character B. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area. F. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town. 2.3.3 Housing & Neighborhoods A. The protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community. H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas. Mayor Pro-Tem Tugman seconded the motion.

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

Councilmember George made a second motion to approve Ordinance A23-0451 and that approval is reasonable and in the public interest because it protects another part of the Junaluska neighborhood, brings more of that community into Town limits, it is in line with services that are there and grows the Town's corporate boundaries.

Councilmember Carter seconded the motion.

VOTE: Aye: George, Carter, Tugman, Nenow

Nay: None
Absent: Roseman

Case A23-0120 Boyette, Warren & Ruby – General Use Zoning Map Amendment

Councilmember Carter made a motion that the proposed amendment to the Town's zoning map 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 2.2.2 Utilities B. Water and sewer services shall be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Growth Area shall receive first priority for the provision or enhancement of water and sewer services. C. The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area. 2.3.3 Housing & Neighborhoods A. The protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community. H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas. Councilmember George seconded the motion.

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

Councilmember Carter made a second motion that the Town Council approve Ordinance A23-0120 and believes approval is reasonable and in the public interest because annexation will bring another parcel into the Town limits and will make the process consistent with surrounding parcels.

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

Case A23-0149 – Faculty Street Townhomes Conditional District Zoning Map Amendment

Councilmember George stated that he was leaning toward a no-vote on this project. He asked that as the Council navigated the current housing crisis that everyone remember the human element. Councilmember George added that though a potential development might increase traffic and make it more difficult for someone to park, approving a project might mean that someone else would have a roof over their head. Discussion regarding the project continued Mayor Pro-Tem Tugman made a motion to deny the proposed amendment and that the proposed amendment to the Town's zoning map is not consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because it conflicts with 2.3.1 Community Appearance B. The significance of street trees in providing visual relief, summer cooling, improved air quality and livability shall be recognized through public policies and actions to encourage their planting and maintenance. 2.3.2 Community Character E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town. 2.3.3 Housing & 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. E. Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers; access to major thoroughfares and the transit system; the availability of public services and facilities; and compatibility with adjacent land uses. 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. H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas. She added that she appreciated that the developers came forward with an amendment

to their project but did not believe this to be the best site plan for this property. Councilmember Nenow reiterated the idea of a win-win for all parties.

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

Councilmember Carter made a second motion that the Town Council denies Ordinance A23-0149 and believes denial is reasonable and in the public interest because the development proposal for this particular site is not in scale, either for the parcel itself or for the surrounding R1 neighborhood. In addition, there are significant environmental and stability concerns that will occur as a result of carving into the earth. Mayor Pro-Tem Tugman seconded the motion.

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

Case A23-0317 Bryan Pleasants General Use Zoning Map Amendment

Councilmember George indicated that he had been to the property and walked it over. Councilmember Carter noted that the images that the Thrashers held up during public comment were not in the packet and therefore Council was not allowed to consider them. Attorney Meade stated that since this case was a general rezoning, the Council had to think of it in terms of anything could be built there. She added that Council members could not think of potential site plans of what was proposed by the developer, and noted that after a general rezoning the developer could proceed by right in the new district. Councilmember Nenow stated that she felt college students could press their limits in terms of occupancy, but indicated that she could not vote in favor due to all the neighbors asking for a denial or delay. Councilmember George was of the opinion that R1s zoning was only part of the solution to the local housing crisis and noted that he did not hear of frat parties in tiny homes. He indicated that he leaned toward approval although he had been hesitant toward many rezonings. Councilmember Carter stated that he was a renter in this neighborhood and that he had lived there prior to the R1s designation. He was of the opinion that the current zoning has had a positive impact on the neighborhood and stated that there had to be more affordable homes for professionals. Mayor Pro-Tem Tugman stated that she found the need for housing and density to be conflicting. She was of the opinion that the neighborhood did not appreciate the impact of Watauga High School and that was folded into this matter. Mayor Pro-Tem Tugman stated that the water runoff issue was a significant issue. She appreciated the comments of the neighborhood residents and expressed a desire to do better about buffers in commercial environments, but stated that she did not intend to be able to support this project. Councilmember Nenow expressed interest in a delay. Director Shook welcomed a delay but noted that the things that were requested to be delayed were not required for general use, such as a traffic analysis. Attorney Meade stated that this was a general rezoning and that a delay could not accomplish anything since promises could not be made with respect to development. Councilmember Carter made a motion that the proposed amendment to the Town's zoning map 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 2.1.1 Economic Development A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long term component of an economic development strategy. D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas. 2.3.3 Housing & 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. Councilmember George seconded the motion.

VOTE: Aye: Carter, George, Nenow
 Nay: Tugman
 Absent: Roseman

Councilmember Carter made a second vote to approve Ordinance A23-0317 and that approval is reasonable and

in the public interest because it enhances living space for the whole town and makes another area for affordable housing. Councilmember George seconded the motion.

VOTE: Aye: George, Carter, Futrelle
 Nay: Tugman, Nenow
 Absent: Roseman

Case A23-0428 Greene, George & William General Use Zoning Map Amendment

Councilmember George made a motion that the proposed amendment to the Town's zoning map 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 2.3.2 Community Character A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area. E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town. 2.3.3 Housing & 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. H. The overall housing unit density for proposed infill residential development or redevelopment should be compatible with the average density of existing areas. 2.1.1 Economic Development D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas. Councilmember Carter seconded the motion.

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

Councilmember George made a second motion to approve Ordinance A23-0428 and believes approval is reasonable and in the public interest, because it will add housing and infill development, it is not dense on a corridor that has a lot of traffic and uses the parcel most effectively. Councilmember Carter seconded the motion.

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

SELECTION OF PLANNING COMMISSION CHAIR & VICE-CHAIR

Councilmember George nominated Adrian Tait to serve as Chair of the Planning Commission and nominated Frank Venio as Vice-Chair of the Planning Commission. Hearing no other nominations, Mayor Futrelle called for a vote.

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

CONSIDERATION OF COMPREHENSIVE PLAN PROCESS BRANDING & SCHEDULING DATE FOR PUBLIC KICK-OFF EVENT

Planning staff presented proposed Comprehensive Plan branding and asked for Council's input. It was the consensus of Council to move forward with the "Boone Next" tagline with the colors developed by staff with the original artwork developed by Quantum. Attorney Meade asked that the quotations be removed in place of italics if emphasis was needed, and that the font size be increased for the reference to "Comprehensive Plan" at the bottom. Discussion ensued regarding the themes of equity, livability, and resiliency throughout the plan.

The kick-off event was scheduled for January 18, 2024 at 6:00 p.m. at Hardin Park Elementary School, with a back-up date of January 30, 2024 at 6:00 at Hardin Park Elementary School.

SCHEDULING OF 2024 PLANNING RETREAT - THURSDAY, JANUARY 11, 2024; 9 A.M.

It was the consensus of Council to schedule the 2024 Planning Retreat on Thursday, January 11, 2024 at 9:00 a.m. at Town Council Chambers.

REQUEST TO SCHEDULE ANNUAL BUDGET RETREAT

It was the consensus of Council to schedule the annual budget retreat for February 20, 2024 at 9:00 a.m. at Town Council Chambers. Councilmember Nenow stepped out of the meeting at 11:14 a.m.

CONSIDERATION OF VOLUNTARY ANNEXATION PETITIONS - STEP 2 (FINAL VOTE)

CLOSED SESSION

Upon a motion by Councilmember George, seconded by Councilmember Carter, Council voted to enter into closed session at 11:16 a.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 claims.

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

Councilmember Nenow returned to the meeting at 11:17 a.m.

Councilmember George made a motion, which was seconded by Councilmember Carter, to exit closed session at 11:17 a.m.

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

Upon a motion by Councilmember George, seconded by Councilmember Carter, Council voted to approve the following annexation ordinances as presented and effective December 4, 2023:

1. Case A23-0120: Warren and Ruby Boyette, Queen St. (Watauga Co. PIN: 2901-51-8665000)
2. Case A23-0160: CasaRock, LLC, 112 Paul Critcher Rd. (Watauga Co. PINs: 2920-30-7460000 and 2920-30-9457-000)
3. Case A23-0238: Catherine Folk, 372 Junaluska Rd. (Watauga Co. PIN: PIN 2901-81-2705000)

Ordinance 23-09

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BOONE, NORTH CAROLINA

(Warren and Ruby Boyette)

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 on December 4, 2023, after due notice by the Watauga Democrat on November 15, 2023; and

WHEREAS, the Town Council finds that the petition meets the requirements of G.S. 160A-31;

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the Town of Boone and of the area proposed for annexation will be best served by annexing the area described;

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 December 4, 2023:

A parcel of land located on the east side of Queen Street and approximately 100 feet northeast of the intersection of Queen Street and Gladys Street and bounded on the north by the Town of Boone (deed book 767 page 509), and Town of Boone (Book of Records 70 Page 158), on the east by Jimmy Maran Sigmon and wife, Keva Wilson Sigmon (Book of Records 54 Page 798), on the south by Robert Gerald Wellemeyer and Howard Dane Wellemeyer (Book of Records 2304 Page 621) as surveyed by Alexander W. Crowe PLS L-5337 on June 28, 2023 as BEGINNING on an existing 1/2 inch rebar having NCGS NAD '83 (2011) coordinates of Northing: 911,868.13'; Easting: 1,205,965.95' and located South 41 degrees 42 minutes 18 seconds East 49.92 feet from an existing 1/2 inch rebar a corner to Town of Boone, said BEGINNING corner also being further located North 27 degrees 40 minutes 06 seconds West 1,130.28 feet from NGS Monument "BURRIS"; thence from the BEGINNING and with the line of the Town of Boone South 41 degrees 48 minutes 30 seconds East 144.00 feet to a computed point in the Town of Boone Corporate Limits line (per survey recorded in Plat Book 9 Page 259) said point being further located North 89 degrees 14 minutes 57 seconds West 2,140.74 feet from Town Monument #3 (Plat Book 9 Page 259), thence with the Town of Boone Corporate Limits Line North 89 degrees 14 minutes 58 seconds West 83.76 feet to a computed point, thence leaving the Town Corporate Line and with the line of Wellemeyer North 31 degrees 14 minutes 50 seconds West 10.97 feet to an existing 1/2 inch rebar, thence continuing with the Wellemeyer line South 56 degrees 57 minutes 51 seconds West 16.73 feet to a computed point, thence continuing with the Town Corporate Line North 89 degrees 14 minutes 58 seconds West 34.21 feet to a computed point, said point being further located South 89 degrees 14 minutes 58 seconds East 884.59 feet from Town Monument #2, thence leaving the Town Corporate Limits line and with the western line of Boyette North 03 degrees 19 minutes 74 seconds East 72.01 feet to a 5/8 inch rebar set, thence with the southern line of the Town of Boone (deed book 167 page 509) North 48 degrees 06 minutes 37 seconds East 50.38 feet to BEGINNING and covering an area of 0.195 acres as calculated by coordinate geometry and having bearings relative to NCGS NAD '83 (2011) and all distances being horizontal measurements.

Section 2. Upon and after December 4, 2023, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Boone and shall be entitled to the same privileges and benefits as other parts of the Town of Boone. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Boone shall cause to be recorded in the office of the Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Adopted this 4th Day of December, 2023. Tim Futrelle, Mayor

Limits Line North 89 degrees 14 minutes 58 seconds West 83.76 feet to a computed point, thence leaving the Town Corporate Line and with the line of Wellemeyer North 31 degrees 14 minutes 50 seconds West 10.97 feet to an existing 1/2 inch rebar, thence continuing with the Wellemeyer line South 56 degrees 57 minutes 51 seconds West 16.73 feet to a computed point, thence continuing with the Town Corporate Line North 89 degrees 14 minutes 58 seconds West 34.21 feet to a computed point, said point being further located South 89 degrees 14 minutes 58 seconds East 884.59 feet from Town Monument #2, thence leaving the Town Corporate Limits line and with the western line of Boyette North 03 degrees 19 minutes 74 seconds East 72.01 feet to a 5/8 inch rebar set, thence with the southern line of the Town of Boone (deed book 167 page 509) North 48 degrees 06 minutes 37 seconds East 50.38 feet to BEGINNING and covering an area of 0.195 acres as calculated by coordinate geometry and having bearings relative to NCGS NAD '83 (2011) and all distances being horizontal measurements.

Section 2. Upon and after December 4, 2023, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Boone and shall be entitled to the same privileges and benefits as other parts of the Town of Boone. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Boone shall cause to be recorded in the office of the Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Adopted this 4th

Day of

December, 2023.

Tim Futrelle,

Mayor

Ordinance 23-10

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BOONE, NORTH CAROLINA

WHEREAS, the Town Council has been petitioned under G.S. 160A-58.1 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 on December 4, 2023, after due notice by the Watauga Democrat on November 15, 2023; and WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Boone;
- b. No point on the proposed satellite corporate limits is closer to another municipality than the Town of Boone;
- c. The area described is so situated that the Town of Boone will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Boone; and

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the Town of Boone and of the area proposed for annexation will be best served by annexing the area described;

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-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Boone, as of December 4, 2023:

Tract 1: Being a portion of those two same parcels of land conveyed by Ralph Estes and Edith Estes his wife, to The Edith M. Estes Revocable Living Trust as recorded in Record Book 594 at Page 518 and Record Book 594 at Page 522, both of the Office of the Register of Deeds of Watauga County, North Carolina and more particularly described as follows: BEGINNING on a 3/4 Inch iron pipe set at a fence corner, a common corner of Dallas Greene (Record Book 903 at Page 737), The Edith M. Estes Revocable Living Trust (Record Book 594 at Page 518) and The · The Edith M. Estes Revocable Living Trust (Record Book 594 at Page 522); thence with Greene's line, North 86 deg. 13 min. 10 sec. East 42.76 feet to a point, corner to lot 2, (a 1828 acre tract), and runs thence with the line of lot 2, thence South 12 deg. 36 min., 16 sec., East 119.71 feet to a point in the margin of Camprock Road; thence South 12 deg. 36 min. 16 sec. East 38.67 feet to a point in the center of Deerfield Road, near the intersection of said Deerfield Road with Camprock Road; thence with the margin of said Deerfield Road, North 83 deg. 34 min. 50 sec. West 84.75 feet to a point in said Deerfield Road, corner to Dallas Greene (Book 903 at Page 737); thence North 02 deg. 48 min. 29 sec, East 24.73 feet to a point in the margin of said Deerfield Road and In the line of said Dallas Greene; thence continuing with said Greene line North 02 deg. 48 min. 29 sec. East 117.70 feet to the point of BEGINNING1 containing 0.215 acres, and being lot 1 as shown on plat prepared by Leslie Cole, P.L.S. P.A. on 6/22/2004, Project EstesEM.pro.

Tract 2: BEGINNING at an iron stake on the east margin of a driveway leading to Burl Huff's residence and on the north margin of Deerfield Road, and runs up the east margin of said driveway, North 10 deg. East 21.5 feet to an iron stake; thence North 66 deg. East 171.3 feet to an iron stake; thence with Burl Huff's line, South 74 deg. East 24 feet to an iron stake, Huffs corner; thence continuing with said Huff's line South 5 deg. 45 min. West 121.7 feet to an iron stake on the north margin of Deerfield Road, said Huff's southwest corner; thence up the north margin of said road North 80 deg. 30 min. West 102.00 feet to a stake; thence continuing with North margin of said Deerfield Road, North 74 deg. West 71.5 feet to the BEGINNING, containing 12,454.5 Square feet, more or less.

Section 2. Upon and after December 4, 2023, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Boone and shall be entitled to the same privileges and benefits as other parts of the Town of Boone. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Boone shall cause to be recorded in the office of the Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Adopted this 4th Day of December, 2023.

Ordinance 23-11

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BOONE, NORTH CAROLINA

(Catherine Folk)

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 on December 4, 2023, after due notice by the Watauga Democrat on November 15, 2023; and WHEREAS, the Town Council finds that the petition meets the requirements of G.S. 160A-31;

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the Town of Boone and of the area proposed for annexation will be best served by annexing the area described;

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 December 4, 2023:

BEGINNING on an old iron stake in the G. Claude Danner, Jr. line and corner to Harrison B. Grimes, and runs thence North 21 degrees West 134 feet to an iron stake in the margin of Junaluska Turnpike Road; thence with the margin of said road, South 79 degrees 25 minutes West 75.42 feet to a stake; thence leaving said road, South 43

degrees West 95 feet to a stake near the east margin of said road; thence South 49 degrees East 50 feet to an iron stake; thence South 19 degrees East 50 feet to an iron stake; thence South 13 degrees 21 minutes West 22.70 feet to an iron stake, corner to Harrison B. Grimes; thence North 25 degrees East 36.93 feet to an iron stake; thence North 65 degrees 52 minutes East 21.42 feet to an iron stake; thence North 14 degrees 18 minutes East 5.20 feet to a stake; thence North 65 degrees 40 minutes East 89.64 feet to the BEGINNING, containing 20,100 square feet, more or less, according to plat and survey by James A. Dugger, RLS May 26, 1970 and being a part of Lots 10, 11, 12, 13, and 14 of the Mrs. W. A. Deaton Subdivision.

Section 2. Upon and after December 4, 2023, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Boone and shall be entitled to the same privileges and benefits as other parts of the Town of Boone. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Boone shall cause to be recorded in the office of the Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Adopted this 4th

Day of

December, 2023.

Tim Futrelle,

Mayor

Upon a motion by Councilmember George, seconded by Councilmember Carter, Council voted to re-enter into closed session at 11:16 a.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 claims.

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

Upon a motion by Councilmember George, seconded by Councilmember Carter, Council voted to exit closed session at 12:53 p.m.

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

POTENTIAL ACTION FOLLOWING CLOSED SESSION

ADJOURNMENT

Mayor Futrelle adjourned the meeting at 12:55 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor