Town of Boone
Town Council
Regular Meeting
5:00 PM Council Work Session
6:00 PM Public Comment and Regular Business
5:00 PM, October 28, 2026
Town Council Chambers
1500 Blowing Rock Road

1. Call to Order
2. Moment of Silence
3. 5:00 p.m. Council Work Session
   A. Discussion Regarding the CDBG-DR Workforce Housing for Ownership Program Application and Potential Next Steps
4. 6:00 p.m. Regular Business Agenda and Public Comment
5. Announcements
6. Public Comment
7. Tentative Agenda Adoption
8. Requested Appearances
   A. Chelsea Garrett - Jeremiah's Italian Ice
   B. George Brudzinski - High Country MOAA
9. Approval of Items on Consent Agenda
   A. Engineering Services Agreement — McGill Associates
   B. Consideration of Resolution of Support for the Blue Ridge Conservancy's Application to the NCDOT's Integrated Mobility Division Grant Program
   C. Monthly Financial Report
   D. Approval of Budget Amendments
   E. Approval of Minutes
10. Planning Matters
    A. Consideration of September 28, 2026, Public Hearing Cases
    B. Consideration and Selection of Historic Preservation Commission Chair and Vice-Chair

C. Consideration and Selection of Planning Commission Chair and Vice-Chair

11. Council Matters

A. Discussion Regarding Enforcement of Town Ordinances on Oak Street and in Neighborhoods Surrounding Strawberry Hills

B. Consideration to submit a Conditional District Zoning Map Amendment Application for 155 WYN Way

12. Closed Session

A. N.C. Gen. Stat.§ 143-318.11(a)(1), to review, approve, and seal closed session minutes from Council's prior closed session(s).

B. 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.

C. N.C. Gen. Stat.§ 143-318.11(a)(6), to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee, or prospective public officer or employee.

13. Potential Action Following Closed Session

14. Adjournment

Town of Boone
Agenda Item Action Request Form

This form must be completed and attached to all supporting documentation for items to be included in the Town of Boone Council agenda. One (1) form per agenda item.

Submitted By: Laney Wise, Grants Coordinator/Communications

Department: Administration

Contact Phone: (828) 268-6200

Email: laney.wise@boonenc.gov

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Discussion

Item Title: Discussion Regarding the CDBG-DR Workforce Housing for Ownership Program Application and Potential Next Steps

Summary of Information: Town staff requests a discussion be held by Council regarding potential next steps for the CDBG-DR Workforce Housing for Ownership Program application process.

Town of Boone
Agenda Item Action Request Form

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Submitted By: Nicole Harmon, Town Clerk

Department: Administration

Contact Phone: 828.773.9943

Email: cgarrett@dealmoseley.com

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Action

Item Title: Chelsea Garrett - Jeremiah's Italian Ice

Summary of Information: CDZ Order A25-0115 for JSeventeen7, LLC (operating as Jeremiah's Italian Ice) provides that the drive-through hours are temporarily approved for 6:00 p.m. until close on weeknights and open all weekend (6 p.m. Friday until close on Sunday). The applicant may return to the Council for review of these hours no earlier than June 1, 2026.

We are requesting review and expansion of the drive-through hours. Having operated for 10 full months, we have not observed or been informed of any unreasonable traffic or back-ups into Grove Street caused by the drive-through during drive-through operating hours. We continue to be committed to preventing such back-ups from occurring. Note, we have a method for taking orders from the queue line on an iPad and can direct traffic to circle on the outer lane and/or form 2 lanes and merge at the curve into 1 lane for window ordering. We have only used the iPad a handful of times at most since opening. We waited until we had a good system, an idea of our busiest times, and fully trained employees before requesting expansion. Thank you for your consideration.

Town of Boone
Agenda Item Action Request Form

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Submitted By: Nicole Harmon, Town Clerk

Department: Administration

Contact Phone: 828.963.3475

Email: gbrudzinski@skybest.com

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Action

Item Title: George Brudzinski - High Country MOAA

Summary of Information: Upon completion of the Veterans Memorial on King Street in 2018, the High Country Chapter of the Military Officers Association of America (MOAA) presented the Town of Boone with a $15,000 contribution designated for future upkeep and maintenance of the memorial (see attached minutes). The full amount remains available.

The High Country MOAA has approached staff with a request to install a granite reflection bench on Town-owned property adjacent to the memorial, providing visitors with a place to sit and reflect. The proposed bench will measure 72" x 14"x 2" and include granite legs and a backrest.

The total cost of the bench, including fabrication, engraving, delivery, and permanent installation, is $5,307. The High Country MOAA has agreed to provide the initial $2,700 deposit and coordinate the purchase and installation of the bench.

Staff requests Council's consideration of authorizing the expenditure of $5,307 from the existing Veterans Memorial maintenance fund, payable to the High Country MOAA, to

cover the full cost of the bench. MOAA will be responsible for remitting payment to the vendor and coordinating the project.

Supporting attachments include the proposed bench design and placement information.

MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
August 14, 2018

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order on Tuesday, August 14, 2018 at 6:00 p.m. in the Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Rennie Brantz presided. Council Members present were Mayor Pro-Tem Loretta Clawson, Lynne Mason, Sam Furgiuele, Connie Ulmer and Marshall Ashcraft. Staff present included Town Manager John Ward, Town Clerk Nicole Worley, Public Works Director Rick Miller, Police Chief Dana Crawford, Cultural Resources Director Pilar Fotta, Planning Director Jane Shook and Human Resources Director Dale Presnell. Town Attorney Allison Meade was also present.

ANNOUNCEMENTS

Mayor Brantz announced that the Town of Boone had recently acquired its Bee City USA certification.

TENTATIVE AGENDA ADOPTION

Town Manager John Ward announced that there were no additions or deletions to the agenda.

PUBLIC COMMENT

Jeannine Underdown-Collins and John Paul-Pardy, both members of the Cruzin' Committee, announced that Chandler Concrete planned to donate concrete to be used in constructing the skatepark. Council Member Furgiuele suggested that Council consider recognizing Chandler Concrete in the form of a permanent feature of the park in appreciation of this donation.

David Bryan introduced himself as a local builder and aspiring developer, adding that he would like to establish a cottage development on Chestnut Drive for single family houses in the $350,000 and under range. He noted that system development fees imposed by the Town would increase the cost of each home approximately $7,000 and that the sidewalk requirements the Town currently has in place are, in his opinion, ridiculous.

REQUESTED APPEARANCES

HIGH COUNTRY CHAPTER-MILITARY OFFICERS ASSOCIATION OF AMERICA

Colonel Ben Covington of the High Country Chapter of Military Officers Association of America thanked Council for their support on the newly constructed Veterans Memorial. Captain Fred Schmitt of the HCCMOAA presented certificates of appreciation to staff. Lieutenant Colonel George Brudzinski of HCCMOAA presented Council with a check in the amount of $15,000 to be placed in an account to be used for future upkeep and maintenance of the memorial.

APPROVAL OF ITEMS ON CONSENT AGENDA

Upon a motion by Council Member Furgiuele, seconded by Council Member Ulmer, Council voted to approve the following items on the Consent Agenda:

-Minutes of Regular Town Council Meeting - June 19, 2018 6:00 p.m.
-Minutes of Regular Town Council Meeting - June 21, 2018 6:00 p.m.
-Minutes of Regular Town Council Meeting - July 17, 2018 6:00 p.m.
-Minutes of Regular Town Council Meeting - July 19, 2018 6:00 p.m.

VOTE: Aye: All
Nay: None

COUNCIL MATTERS

CONSIDERATION OF CASE PL01607-062918 COOPER-GENERAL USE ZONING MAP AMENDMENT

Planning Director Shook noted that Case PL01607-062918 Cooper - General Use Zoning Map Amendment was heard at the July 23, 2018 Public Hearing and that the Planning Commission recommended approval. Council

TRI COUNTY MONUMENTS

809 Statesville Rd. / PO Box 613
North Wilkesboro, NC 28659

(336) 838-1789

tcm@embarqmail.com

Dear MOAA (Military Officers Association of America)

Tri County Monuments would like to say thank you for giving us the opportunity to be a part of this meaningful project. We personally would like to say THANK YOU to all the Men and Women who have and are serving this great Country.

This quote covers the complete creation, custom engraving, delivery and permanent installation of one custom-sized Gray Granite Park Bench with backrest & legs to be installed on King Street in the Town of Boone adjacent to the Watauga County Veteran's Memorial. The dimensions are 72" x 14" x 2". The assembly method that we would be doing is a high-strength Do-Mo permanent two-part epoxy bonding. The bench components are fused together permanently. Disassembly is not possible without destroying the granite. We can do Do-Mo epoxy of the bench legs directly to the designated street-level surface. This installation creates a permanent, ultra-secure bond. If you ever choose to relocate or remove the bench in the future, the removal process will result in damage to the underlaying surface material. The cost of the Custom Gray Granite Bench is $4960.00 plus tax $347.00 making the project total $5307.00. Because this is a special-order size, estimated production and delivery will take 4-5 months from the date of deposit. A ½ down payment is required to initiate the special order. The remaining balance is due upon arrival and installation.

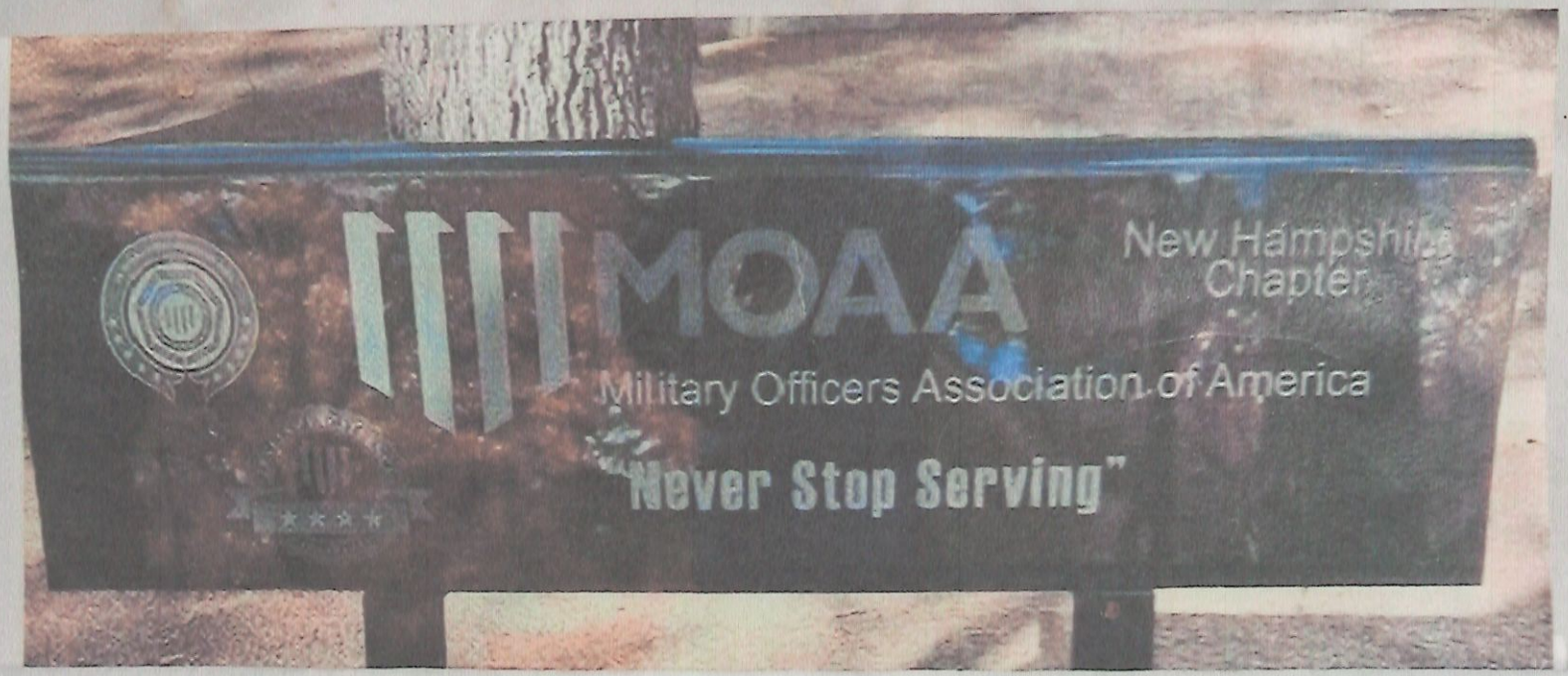
Again, Tri County Monuments would like to say thank you for giving us this opportunity.

Sincerely,

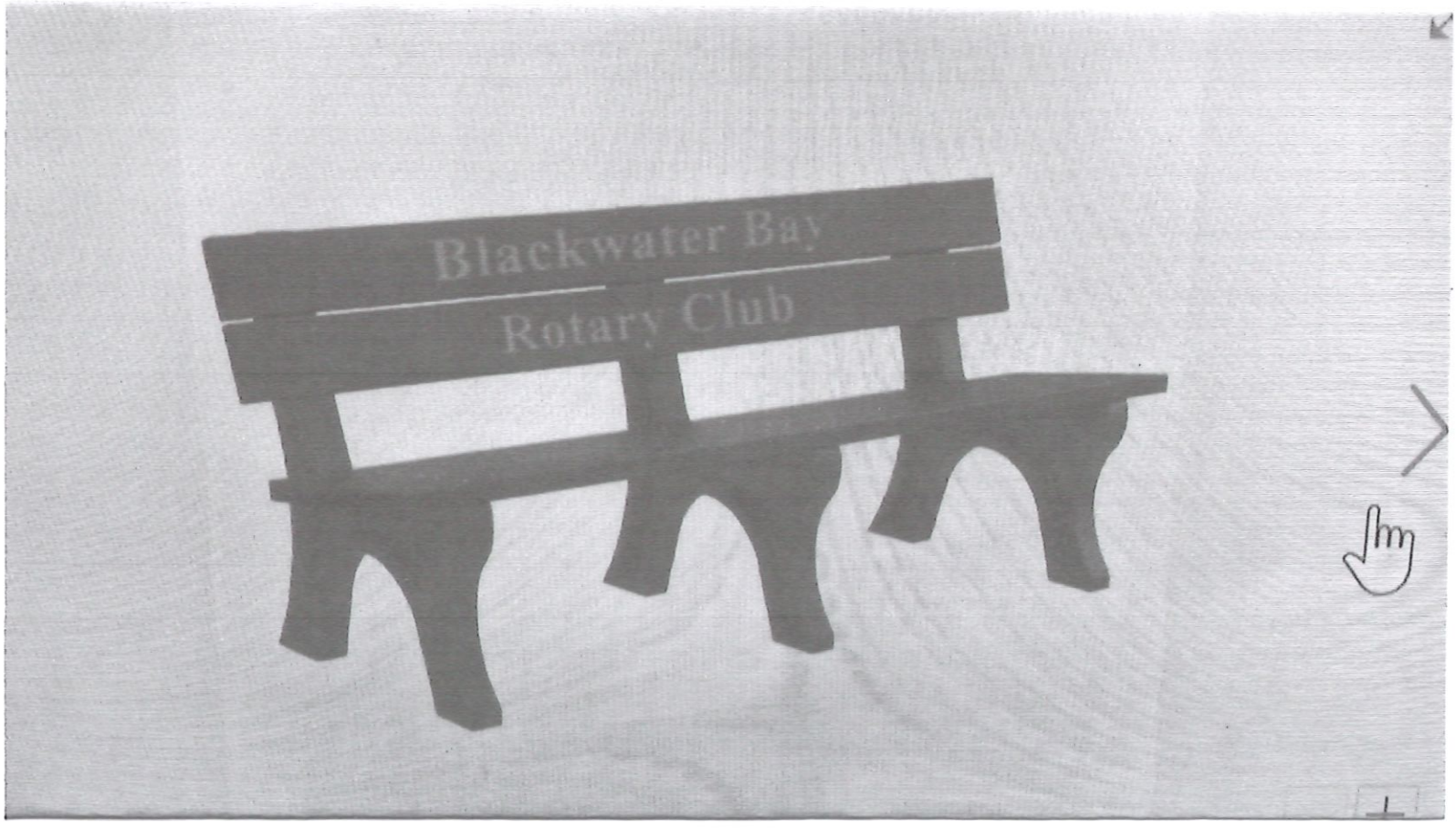
Lisa Peters

Lisa Peters

Tri County Monuments


MOAA
New Hampshire
Chapter
Military Officers Association of America
"Never Stop Serving"


BELOVED SON, BROTHER, HUSBAND,
FATHER, GRANDFATHER & FRIEND
"FAMILY'S ARE FOREVER"


Blackwater Bay
Rotary Club



Town of Boone
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Submitted By: Joshua Eller, Deputy Director of Public Works

Department: Public Utilities

Contact Phone: 828.268.6250

Email: josh.eller@boonenc.gov

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Action

Item Title: Engineering Services Agreement — McGill Associates

Summary of Information: Resulting from our recent request for qualifications solicitation for the Fairway Drive and Hospital Area Water System Improvements project, our review panel selected McGill Associates. Enclosed is an Engineering Services Agreement between the Town of Boone and McGill Associates for $230,500, funded through the SL 2023-134 Directed Appropriations Act Funds; therefore, the Town will incur no expenses. Staff recommends approval of this agreement.

AGREEMENT FOR ENGINEERING SERVICES

This AGREEMENT, made and entered into this the _____day of _____ **2026** by and between **the Town of Boone** (OWNER) and McGill Associates, P.A. (ENGINEER).

WHEREAS, the OWNER proposes to do certain work toward the accomplishment of the Project entitled **Fairway Drive and Hospital Area Water System Improvements**, and

WHEREAS, the ENGINEER desires to provide professional services in accordance with this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and benefits contained herein, it is hereby mutually understood and agreed as follows:

SECTION 1 - GENERAL SERVICES

The ENGINEER shall:

1.1 The ENGINEER shall, as directed by the OWNER, provide professional engineering services for the OWNER in appropriate phases of the PROJECT; serve as OWNER's professional engineering representative for the Project; and shall give professional consultation and advice to OWNER during the performance of the services hereunder.

1.2 The ENGINEER shall provide appropriate personnel required in performing the Project unless otherwise provided herein. Such personnel shall not be employees of or have any contractual relationship with the OWNER. All appropriate services rendered hereunder shall be performed by the ENGINEER or under his supervision and the personnel engaged in the Project shall be fully qualified under North Carolina law to perform such services. None of the services covered by this Agreement shall be subcontracted without the prior approval of the OWNER.

1.3 The ENGINEER shall assist the OWNER in pursuing approvals and permits from appropriate governmental authorities having jurisdiction over the Project, unless otherwise agreed to herein.

1.4 The ENGINEER shall seek and obtain authorization from the OWNER or the OWNER's assignee before proceeding with the Project, or before performing any Additional Services as described in Section 3, or before performing any other services which would not be included in the fee for

Basic Services set forth in Section 6 hereof, subject to OWNER's right to terminate as herein provided.

1.5 The ENGINEER shall comply with appropriate existing federal, state and local laws and regulations regarding equal employment opportunity. The ENGINEER is further obligated to include appropriate requirements hereunder in any subcontract written by him in association with this Agreement.

SECTION 2 - BASIC SERVICES

2.1 PRELIMINARY

2.1.1 Consult with the OWNER to determine the OWNER's requirements for the project and to discuss the possible phasing, coordination, approvals and other preliminary matters.

2.2 DESIGN AND PERMITTING PHASE

2.2.1 PROJECT DESCRIPTION: The scope of the project is water line improvements as described in the Town of Boone's 2026 Phase 2 Capital Improvements Plan (CIP). The Watauga Medical Center and nearby residential customers are currently served by 6-inch or smaller water lines that have experienced leaks and are in need of upgrades. One of these water lines is an asbestos-cement line located outside of the public street right-of-way. The Town's 2026 CIP recommends rerouting this water line segment to the Fairway Drive right-of-way and creating a looped system by connecting two noncontiguous water lines on Fairway Drive between US Highway 321 and south of Summer Place Drive. This will result in approximately 5,600 linear feet of upgraded 8-inch diameter water line and a looped system to provide capacity to meet future water demands. Additionally, the CIP recommends upgrading approximately 1,850 linear feet of 6-inch water line to 8-inch diameter along West Virginia Street and Johnson Street, near the Watauga Medical Center.

2.2.2 Consult with the OWNER to determine the OWNER's requirements for the project and to discuss the possible phasing, coordination, approvals and other preliminary matters.

2.2.3 Perform topographical survey of the project site. All work is assumed to be within existing public rights-of-way or the OWNER's existing easements or properties.

2.2.4 Prepare 30% Site Design drawings for the project and submit to the OWNER for review.

2.2.5 Prepare 60% design drawings for the project and submit to the OWNER for review.

2.2.6 If required, coordinate any subsurface and/or geotechnical investigations or similar types of testing and analysis needed for proper design within the initial scope of the project. Note that the costs of the subsurface

and/or geotechnical investigations would be paid separately and directly by the OWNER to the geotechnical testing company.

2.2.7 Prepare drawings, specifications and contract documents to the 90% level and submit to the OWNER for review. Prepare an updated project cost estimate based on the 90% design documents.

2.2.8 Assist the OWNER in pursuing approval of the design documents from such governmental agencies as have jurisdiction over the project or any portion thereof. This includes preparing a permit and Authorization to Construct application to the North Carolina Department of Environmental Quality (NCDEQ) – Public Water Supply Section. Permit fees to be paid separately by the OWNER.

2.2.9 Provide plans and specifications to assist the OWNER in pursuing encroachment agreements, from public bodies necessary for satisfactory construction of the project. An encroachment agreement from the North Carolina Department of Transportation (NCDOT) is anticipated to be required.

2.2.10 Prepare the final bid documents, contract documents, technical specifications and construction drawings to detail the character and scope of the work including design functions, surveying, and coordination for construction sequencing of the project based on comments received from the 90% review.

2.2.11 Submit the plans and bid documents to the North Carolina Division of Water Infrastructure (DWI) by the milestone date set out in the Letter of Intent to Fund and make all reasonable attempts to respond to comments to gain DWI approval to bid.

2.2.12 Prepare 100% complete drawings, specifications and contract documents and submit to the OWNER for final approval for bidding.

2.3 BIDDING AND AWARD PHASE

Note: This Agreement is based on all work being included in one (1) single construction contract. One (1) bid period and bid opening is assumed. If multiple bid openings are required, the ENGINEER will be compensated as described in Section 3, Additional Services.

2.3.1 Assist the OWNER in advertising, receiving, opening and evaluating bids.

2.3.2 Coordinate public bid advertisement issuances. Actual publication costs to be paid separately by the OWNER.

2.3.3 Coordinate the distribution of bid documents to prospective bidders.

2.3.4 Respond to bidder questions and prepare and coordinate issuance of Addenda as required.

2.3.5 Consult with and advise the OWNER as to the acceptability of contractors who submit bids and provide documentation to assist the OWNER in selecting the lowest responsive, responsible bidder for the contract.

2.3.6 Assist the OWNER in the preparation of the Notice of Award to the selected contractor for each construction and procurement contract.

2.3.7 Submit bid information to DWI by the milestone date set out in the Letter of Intent to Fund and make all reasonable attempts to respond to comments to gain approval to award.

2.3.8 Assist the OWNER in the final preparation and execution of construction contracts and in checking Performance and Payment Bonds and Insurance Certificates for compliance.

2.4 CONSTRUCTION PHASE

2.4.1 Schedule and attend a preconstruction conference with the OWNER, the Contractor and all other applicable parties to assure discussion of matters related to the project, including setting contract dates.

2.4.2. Submit fully executed construction contracts to DWI.

2.4.3 Review and approve shop drawings, O&M manuals, diagrams, illustrations, brochures, catalog data, schedules and samples, the results of tests and inspections and other data which any Contractor is required to submit, and receive and review schedules, guarantees, bonds and certificates of inspection which are to be assembled by the Contractor(s) in accordance with the Contract Documents.

2.4.4 Provide periodic project observation to monitor the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the Contract Documents, and during such visits and on the basis of on-site observations by an experienced and qualified professional, keep the OWNER informed of the progress of the work, endeavor to guard the OWNER against defects and deficiencies in the work of the Contractor(s) and disapprove or reject any work failing to conform to the Contract Documents. This Agreement is based on an assumed construction time of **180** calendar days and further assumes that site visits will be made once per week on average for the construction period, for a total of up to 25 site visits.

2.4.5 Prepare change orders as required and require special inspection or testing of the work if necessary.

2.4.6 Coordination construction materials testing as required. Materials testing will be included in the bid documents and be paid by the Owner through the Construction Contract.

2.4.7 Based on on-site observations as an experienced and qualified professional and on review of the Contractor applications for payment and supporting data, determine the amount owing to the Contractor(s) and approve to the OWNER payment to the Contractor(s) in such amounts; based on such observations and review, that the work has progressed to the point indicated and that to the best of his knowledge, information and belief the quality of the work is in accordance with the Contract Documents.

2.4.8 Conduct site visits, when necessary, for the start-up and testing of equipment in accordance with the Contract Documents.

2.4.9 Conduct a final site visit with applicable parties to determine if the project has been completed in accordance with the Contract Documents and if each Contractor has fulfilled his obligations as appropriate thereunder so that the ENGINEER may recommend for approval to the OWNER final payment to each Contractor.

2.5 POST-CONSTRUCTION PHASE

2.5.1 Prepare for the OWNER a set of reproducible record prints of drawings showing those changes made during the construction process, based on the marked-up prints, drawings and other data furnished to the ENGINEER.

2.5.2 Prepare the Engineer's certification for completion of the project and submit the certification on behalf of the OWNER to the appropriate agencies.

2.5.3 Provide or make available to the OWNER appropriate project files and information required to complete project closeout.

SECTION 3 - ADDITIONAL SERVICES

If Authorized by the OWNER, the ENGINEER will furnish or obtain from others additional services of the following types which are not considered Basic Services under this Agreement.

3.1 Funding Administration services.

3.2 Additional services resulting from significant changes in general scope of the Project or its design including, but not limited to, changes in size, complexity, OWNER's schedule, or character of construction.

3.3 Revising previously approved studies, reports, design documents, drawings or specifications, when such revisions are due to causes beyond the control of the ENGINEER.

3.4 Preparing or assisting with additional funding applications.

3.5 Preparing engineering reports for the funding agency or any other agencies.

3.6 Providing bidding services related to multiple bidding periods and bid openings.

3.7 Preparing documents for alternate bids requested by the OWNER for work which is not executed or documents for out-of-sequence work.

3.8 Providing field surveys and legal descriptions to assist the OWNER in obtaining any right-of-way easements or real property from private bodies, entities, or persons necessary for satisfactory construction of the project.

3.9 Services in connection with change orders to reflect changes requested by the OWNER if the resulting change in compensation for Basic Services is not commensurate with the additional services rendered.

3.10 Additional or extended services during construction made necessary by prolongation of the construction contract or default by the Contractor under any prime construction contract if such construction contract is delayed beyond the original completion date.

3.11 Preparing to serve or serving as a witness for the OWNER in any litigation, condemnation or other legal or administrative proceeding involving the Project.

3.12 Payment of bid advertisement publication fees, permit application fees, or any other fees.

3.13 Design revisions needed to accommodate changes requested by the OWNER during easement acquisitions, or after design alignments have been previously agreed upon by the OWNER.

3.14 Additional services in connection with the Project, including services normally furnished by the OWNER and services not otherwise provided for in this Agreement.

3.15 Preparation of flood studies, flood map revisions, environmental impact statements, archaeological surveys, wetlands delineations, US Fish and Wildlife Service formal consultation, or any other environmental surveys or investigations not specifically described in the Basic Services.

3.16 Assisting the OWNER in assuring that the warranty period for the construction work is complied with.

3.17 Geotechnical investigations or other geotechnical work.

3.18 Assisting the OWNER with the OWNER Responsibilities described in Section 4 of this Agreement.

SECTION 4 - OWNERS RESPONSIBILITIES

The OWNER shall:

4.1 Provide full information as to his requirements for the Project.

4.2 Assist the ENGINEER by placing at his disposal all available information pertinent to the Project including previous documents and any other data relative to evaluation, design and construction of the Project.

4.3 Furnish the ENGINEER any existing data and information for property boundary, easement, right-of-way, topographic and utility surveys; zoning and deed restriction; all of which the ENGINEER may rely upon in performing his services under this Agreement.

4.4 Guarantee access to and make all provisions for the ENGINEER to enter upon public and private property as required for the ENGINEER to perform his services under this Agreement.

4.5 Examine all studies, reports, sketches, estimates, specifications, drawings, proposals and other documents presented by the ENGINEER and render decisions and comments pertaining thereto within a reasonable time so as not to delay the services of the ENGINEER.

4.6 Pay for all costs incident to obtaining bids or proposals from Contractors, including bid advertisement publication costs.

4.7 Provide such legal, accounting and insurance counseling services as may be required for the Project, and such auditing services as may be required to ascertain how or for what purpose any Contractor has used the monies paid to him under the construction contract.

4.8 Designate a person to act as OWNER's representative with respect to the work to be performed under this Agreement; and such person shall have complete authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions with respect to materials, equipment, elements and systems pertinent to the services covered by this Agreement.

4.9 Give prompt notice to the ENGINEER whenever the OWNER observes or otherwise becomes aware of any defect in the Project.

4.10 Bear costs associated with permit application fees, and furnish approvals and permits from appropriate governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project, subject to the obligations of the ENGINEER outlined in Section 1.3 of this Agreement.

4.11 Furnish and/or direct the ENGINEER to provide necessary Additional Services as stipulated in Section 3 of this Agreement or other services as required.

4.12 Funding administration.

4.13 Bear all costs incident to compliance with the requirements of this Section 4.

SECTION 5 - PERIOD OF SERVICES

5.1 Unless this Agreement has been terminated as provided in paragraph 7.1, the ENGINEER will be obligated to render services hereunder for a period which may reasonably be required for the services described herein. The ENGINEER may decline to render further services hereunder if the OWNER fails to give prompt approval of the various phases as outlined. Upon receiving a written authorization to proceed, the ENGINEER shall provide the OWNER with a written schedule of completion for the services so authorized.

5.2 If the design or construction of the Project is delayed significantly for reasons, including costs of construction, beyond the ENGINEER's control, the various rates of compensation provided for elsewhere in this Agreement shall be subject to renegotiation. It is expressly understood by all parties to the Agreement that a delay of several months may occur between completion of design and commencement of construction. This shall not be considered significant.

SECTION 6 - PAYMENT TO THE ENGINEER

6.1 PAYMENT FOR BASIC SERVICES

6.1.1 The OWNER will pay the ENGINEER for Basic Services as outlined in Section 2 shown below. All fees are **lump sum** unless otherwise noted.

▪ Preliminary, Design and Permitting Phases (Sections 2.1 and 2.2)	$110,000
▪ Bidding and Award Phase (Section 2.3)	$25,000
▪ Construction and Post-Construction Phases (Sections 2.4 and 2.5):	$95,500
TOTAL	**$230,500**

6.2 PAYMENT FOR ADDITIONAL SERVICES

6.2.1 The OWNER will pay the ENGINEER for Additional Services as outlined in Section 3 an amount based on actual time spent and expenses incurred by principals and employees of the ENGINEER assigned to the Project in accordance with the ENGINEER'S most recent Basic Fee Schedule, should any of these services be requested by the OWNER.

6.3 TIMES OF PAYMENT

6.3.1 The OWNER will make prompt monthly payments in response to the ENGINEER's monthly detailed statements for all services rendered under this Agreement. Payments are due within thirty (30) days of receipt of invoice.

6.4 GENERAL

6.4.1 If the OWNER fails to make any payment due the ENGINEER on account of his services and expenses within sixty (60) days after receipt of the ENGINEER's bill therefor, the ENGINEER may, after giving seven (7) days written notice to the OWNER, suspend services under this Agreement until he has been paid in full all amounts due him on account of his services and expenses.

6.4.2 If the Agreement is terminated at the completion of any phase of the Basic Services called for under Section 2, progress payment to be made to the ENGINEER on account of services rendered shall constitute total payment for services rendered. If this Agreement is terminated during any phase of the Basic Services, the ENGINEER shall be paid for services rendered on the basis of his reasonable estimate of the portion of such phase completed prior to termination. In the event of any termination, the ENGINEER will be paid for any unpaid reimbursable expenses.

6.4.3 If, prior to termination of this Agreement, any work designed or specified by the ENGINEER, under Section 2, is suspended in whole or in part for more than three (3) months or is abandoned, after written notice from the OWNER, the ENGINEER shall be paid for services performed prior to receipt of such notice from the OWNER as provided in paragraph 6.4.2 for termination during any phase of his service.

6.4.4 The ENGINEER shall be entitled to adjust annually the Basic Fee Schedule utilized for ENGINEER's services with respect to payment for Additional Services.

SECTION 7 - GENERAL CONDITIONS

7.1 TERMINATION

7.1.1 Either party may terminate the Agreement for cause upon fourteen (14) calendar days advance written notice, if the other party has not cured or taken reasonable steps to cure the breach giving rise to termination within said fourteen (14) day notice period.

7.1.2 OWNER may terminate the Agreement with respect to part or all of the services for its own convenience upon providing written notice of the same. After receipt of a notice of termination, except as otherwise directed, ENGINEER shall stop work on the date of receipt of notice of termination or other date specified in the notice and place no further order or subcontracts for materials, services, or facilities except as necessary for completion of such portion of the work as is not terminated. Upon termination in part, ENGINEER agrees to complete such services as are directed by OWNER.

7.1.3 Upon termination for whatever reason, OWNER will pay ENGINEER for all costs incurred and fees earned by ENGINEER, its vendors and subcontractors to the date of termination, as well as such additional fees and costs as are subsequently incurred at OWNER's direction. OWNER will not be responsible to pay cancellation charges of vendors and subcontractors; demobilization costs; or anticipatory or unearned profits, unabsorbed overhead, opportunity costs, or other consequential damages.

7.1.4 Termination under this section shall not waive any right or claim to damages which OWNER may have with respect to work performed by ENGINEER, and OWNER may withhold any payment due to ENGINEER for the purpose of setoff until such time as OWNER can determine the exact amount of damages due OWNER because of the breach and/or pursue any cause of action which it may have by law or under this Agreement on account of such work.

7.2 OWNERSHIP OF INSTRUMENTS OF SERVICE:

7.2.1 All reports, plans, specifications, field data and notes and other documents, including all documents on electronic media, prepared by the ENGINEER in performance of this Agreement (each an "Instrument of Service") shall remain the property of the ENGINEER. The ENGINEER does grant to the OWNER a limited license for its exclusive use of the Instruments of Service for the project for which they were created. In the event of termination of this Agreement and upon full payment of fees owed to ENGINEER,

ENGINEER shall make available to OWNER copies of all documents prepared for or on behalf of OWNER, including but not limited to reports, field data, notes, plans and specifications for its limited use on the project for which they were generated. In no event may the Instruments of Service be assigned by the OWNER without the prior written permission of the ENGINEER .

7.3 DISPUTE RESOLUTION

7.3.1 OWNER and ENGINEER agree to negotiate all disputes between them in good faith for a period of 30 days from the date of notice prior to invoking the procedures of paragraph 7.3.2 or other provisions of this Agreement, or exercising their rights of law. If the parties fail to resolve a dispute through negotiation, then either or both may invoke the procedures of paragraph 7.14 of this Agreement.

7.3.2

7.4 ESTIMATES

7.4.1 Since the ENGINEER has no control over the cost of labor, materials, or equipment, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions, his estimates for cost for the Project provided for herein are to be made on the basis of his experience and qualifications and represent his best judgement as a design professional familiar with the construction industry, but the ENGINEER cannot and does not guarantee that proposals, bids or the Project construction cost will not vary from cost estimates prepared by him.

7.4.2 If the lowest bona fide proposal or bid exceeds the established Project construction cost limit, the OWNER will (1) give written approval to increase such cost limit, (2) authorize negotiating or rebidding the project within a reasonable time, or (3) direct the ENGINEER to modify the drawings and specifications as necessary to bring the Project construction cost within the cost limit. The providing of such service shall be the limit of the ENGINEER's responsibility in this regard and having done so, the ENGINEER shall be entitled to payment for his services in accordance with this Agreement.

7.5 INSURANCE; LIMITATION OF LIABILITY; WAIVER OF CONSEQUENTIAL DAMAGES

7.5.1 ENGINEER shall at all times maintain the following minimum insurance coverages:

a) Professional negligence insurance: $1,000,000 per claim.

b) Commercial general liability: $1,000,000 per claim, $2,000,000 aggregate;

c) Automobile Liability: $1,000,000 Combined Single Limit. Coverage shall include liability for Owned, Non-Owned and Hired automobiles. Coverage for Hired and Non-Owned Auto Liability may be satisfied by way of endorsement to the Commercial General Liability policy or separate Auto Liability policy.

d) Worker's Compensation & Employers Liability: Worker's compensation insurance in accordance with North Carolina General Statute Chapter 97 and employer's liability of no less than $1,000,000 each accident.

7.5.2 ENGINEER agrees to endorse OWNER as an Additional Insured on the Commercial General Liability, Auto Liability and Umbrella Liability policies if being used to meet the standard of the General Liability and Automobile Liability. ENGINEER agrees to provide a Certificate of Insurance evidencing that all coverages, limits and endorsements required herein are maintained and in full force and effect, and Certificates of Insurance shall provide a minimum thirty (30) day notification to OWNER by the insurer if ENGINEER receives a non-renewal or cancellation notice from the insurer or notice that coverage no longer complies with the insurance requirements herein. The Certificate Holder address should read: Town of Boone, Post Office Drawer 192, Boone, NC 28607.

7.5.3 ENGINEER may satisfy the minimum liability limits required above under an Umbrella or Excess Liability policy, in which event the Annual Aggregate limits shall not be less than the specified limits for required policies. ENGINEER agrees to endorse OWNER as an 'Additional Insured' on the Umbrella or Excess Liability, unless the Certificate of Insurance states the Umbrella or Excess Liability provides coverage on a 'Follow-Form' basis. ENGINEER agrees to cause each subcontractor employed by ENGINEER to purchase and maintain insurance of the type specified herein, unless the ENGINEER's insurance provides coverage on behalf of the subcontractor. Evidence of subcontractor insurance shall be made available to OWNER upon request.

7.5.4 ENGINEER's liability to OWNER for damages will, in aggregate, not exceed the ENGINEER'S insurance coverages as required herein. This limitation of liability will apply whether ENGINEER's liability to OWNER arises under breach of contract or warranty; tort, including negligence; strict liability; or statutory liability, and shall include ENGINEER's directors, officers, employees and subcontractors.

7.5.5 Both OWNER and ENGINEER hereby waive any right to pursue claims for consequential damages against one another, including any claims for lost profits.

7.5.6 NOTHING IN THIS SECTION SHALL BE UNDERSTOOD TO LIMIT OR OTHERWISE AFFECT ENGINEER'S INDEMNIFICATION OBLIGATIONS WITH RESPECT TO THIRD-PARTY CLAIMS AS SET FORTH HEREIN.

7.6 SUCCESSORS AND ASSIGNS

The OWNER and the ENGINEER each binds himself and his partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither the OWNER nor the ENGINEER will assign, sublet or transfer his interest in this Agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than the OWNER and the ENGINEER.

7.7 SEVERABILITY AND WAIVER

7.7.1 If any provision of this Agreement, or application thereof to any person or circumstance, is found to be invalid then such provision shall be modified if possible, to fulfill the intent of the parties as reflected in the original provision, the remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by the law.

7.8 GOVERNING LAW

7.8.1 The law of the State of North Carolina shall govern this Agreement and the legal relations of the parties.

7.9 ENTIRE AGREEMENT

7.9.1 This Agreement constitutes the entire agreement between the OWNER and ENGINEER and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented or modified by a duly executed written instrument.

7.10 CHANGE ORDERS

7.10.1 ENGINEER will treat as a change order any written or oral order (including directions, instructions, interpretations or determinations) from OWNER which request changes in the Agreement or ENGINEER's scope of work. ENGINEER will give OWNER written notice within ten (10) days of receipt of any communication it considers to be a Change Order, together with notice of any resulting increase in ENGINEER's fees or costs. ENGINEER is not authorized to engage in any work resulting in an increase in its fees or costs unless and until both parties have agreed upon and executed a written Change Order. ENGINEER shall have no responsibility or liability for any damages or delays incurred by OWNER as a result of ENGINEER'S not undertaking any such additional work until a written Change Order has been executed by OWNER and ENGINEER.

7.11 ASSIGNMENT AND THIRD PARTIES

7.11.1 Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than OWNER and ENGINEER, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of OWNER and ENGINEER and not for the benefit of any other party. Neither OWNER nor ENGINEER shall assign, sublet, or transfer any rights under or interests in this Agreement without the written consent of the other which may or may not be granted in that party's sole discretion. However, nothing contained herein shall prevent or restrict ENGINEER from employing independent subcontractors as ENGINEER may deem appropriate to assist in the performance of services hereunder, subject to the prior notification and approval of OWNER, which approval shall not be unreasonably withheld. In no event may subcontractors' fees exceed 20% of the overall fees charged for any particular project without the advance written approval of OWNER.

7.12 SURVIVAL

7.12.1 Each party's obligations and liabilities, including but not limited to, its indemnification obligations, and its rights and remedies with respect thereto, shall survive completion or termination of this Agreement.

7.13 NO WAIVER

7.13.1 No waiver by either party of any default by the other party in the performance of any provision of this Agreement shall operate as or be construed as a waiver of any future default, whether like or difference in character.

7.14 DISPUTE RESOLITION; JURISDICTION & VENUE

7.14.1 OWNER and ENGINEER agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement, including any Change Order, or the breach thereof ("Disputes") to mediation by a mutually agreed certified NC Superior Court Mediator. The mediation shall be conducted on a confidential basis and shall be completed within 90 days. If such mediation is unsuccessful in resolving a Dispute, then (1) the parties may mutually agree to another dispute resolution method of their choice (binding or non-binding), or (2) either party may seek to have the Dispute resolved by a court of competent jurisdiction.

7.14.2 THE EXCLUSIVE VENUE FOR LITIGATION OF ANY DISPUTE SHALL BE THE STATE AND FEDERAL COURTS HAVING JURISDICTION IN WATAUGA COUNTY, NORTH CAROLINA. EACH PARTY HEREBY CONSENTS TO THE JURISDICTION OF SAID COURTS, WAIVES ANY OBJECTION TO THE JURISDICTION AND VENUE OF SAID COURTS, AND AGREES THAT ANY DISPUTE MUST BE BROUGHT EXCLUSIVELY IN SAID COURTS.

7.15 INDEMNIFICATION

7.15.1 ENGINEER agrees to indemnify and hold harmless OWNER, and OWNER's officers, officials, agents, contractors, and employees from any losses, damages, and judgments (including reasonable ENGINEER'S, expert, and attorneys' fees, court costs, and other expenses incurred in defense of the claim or action) arising from any third-party claim or action, provided that any such losses, damages, or judgment is attributable to (a) ENGINEER's failure to perform its obligations under this Agreement; (b) bodily injury, sickness, disease, or death, or injury to or destruction of tangible property, including the loss of use resulting therefrom, but only to the extent caused by any negligent, reckless or intentional act(s) or omission(s) of ENGINEER or ENGINEER's officers, directors, members, partners, agents, employees, or subcontractors; (c) any claim that the ENGINEER or an employee, agent or subcontractor of the ENGINEER is an employee of OWNER, including but not limited to claims relating to worker's compensation, failure to withhold taxes and the like; (d) ENGINEER's violation of any law (including, without limitation, immigration laws); or (e) the violation, misappropriation or infringement of any copyright, trademark, patent, trade secret or other proprietary rights with respect to ENGINEER's services or any products or deliverables provided by ENGINEER to OWNER pursuant to this Agreement.

Furthermore, to the extent permitted by law, OWNER agrees to indemnify, defend and hold ENGINEER, its agents, employees, officers, directors and subcontractors harmless from any and all claims, and costs brought against ENGINEER which arise in whole or in part out of the failure by the OWNER to promptly and completely perform its obligations under this agreement, and as assigned in the Contract Proposal "Scope of Services", from the inaccuracy or incompleteness of information supplied by the OWNER and reasonably relied upon by ENGINEER in performing its duties or for unauthorized use of the deliverables generated by ENGINEER and for any acts of negligence cause by the actions of the OWNER, its employees and or agents which subjects the ENGINEER to any third party liability as a result of said actions.

7.16 NOTICES

7.16.1 Requests for payment shall be sent as follows:

Town of Boone
ATTN: Accounts Payable
PO Drawer 192
Boone, NC 28607
Copy to: josh.eller@boonenc.gov

All other notices provided under this Agreement shall be sent by certified mail or by email as follows:

Town of Boone:
Town Manager
PO Drawer 192
Boone, NC 28607
dale.presnell@boonenc.gov

To be effective, a copy of all such notices (whether sent by mail or email) shall be provided simultaneously to:
josh.eller@boonenc.gov

ENGINEER:
McGill Associates
P.O. Box 2259
Asheville, NC 28802
mark.cathey@mcgillassociates.com
828-252-0575

7.17 COMPLIANCE WITH LAW

7.17.1 ENGINEER agrees to comply with all current applicable federal, state, and local law, codes, regulations, and standards in its performance pursuant to the Agreement.

7.18 APPLICABILITY OF NORTH CAROLINA PUBLIC RECORDS LAW

7.18.1 Notwithstanding any other provisions of this Agreement, this Agreement and all materials submitted to OWNER by ENGINEER are subject to the public records laws of the State of North Carolina and it is the responsibility of the ENGINEER to properly designate materials that may be protected from disclosure as trade secrets under North Carolina law as such and in the form required by law prior to the submission of such materials to OWNER. ENGINEER understands and agrees that the OWNER may take any and all actions necessary to comply with federal, state, and local laws and/or judicial orders and such actions will not constitute a breach of the terms of this Agreement. To the extent that any other provisions of this Agreement conflict with this paragraph, the provisions of this section shall control.

7.19 COUNTERPARTS

7.19.1 This Agreement (and any amendments or modifications thereof) may be executed in several counterparts, each of which shall be deemed an original and all of which shall together constitute one and the same instrument. Facsimile and/or electronic copies of the executed counterparts shall have the same legal effect as the originals.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first written above.

ENGINEER:
McGILL ASSOCIATES, P.A.

By: _____
Mike Waresak, PE
Senior Project Manager

By: _____
Mark Cathey, PE
Vice President/Regional Manager

OWNER:
TOWN OF BOONE

By: _____

Name: Hank Perkins
Title: Town Manager

Town of Boone
Agenda Item Action Request Form

This form must be completed and attached to all supporting documentation for items to be included in the Town of Boone Council agenda. One (1) form per agenda item.

Submitted By: Laney Wise, Grants Coordinator/Communications

Department: Administration

Contact Phone: (828) 268-6200

Email: laney.wise@boonenc.gov

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Approval

Item Title: Consideration of Resolution of Support for the Blue Ridge Conservancy's Application to the NCDOT's Integrated Mobility Division Grant Program

Summary of Information: Last October, Council directed staff to work with Blue Ridge Conservancy (BRC) to identify potential grant opportunities to fund a feasibility study exploring a connection between Rivers House Park and Howard Knob Park. BRC is requesting Council's approval of the attached resolution of support to submit a grant application to the NCDOT Integrated Mobility Division's Paved Trails and Sidewalk Feasibility Studies Grant Program. If awarded, the grant would help fund the development of the feasibility study.

A RESOLUTION OF THE TOWN OF BOONE IN SUPPORT OF AN APPLICATION TO THE NCDOT PAVED TRAILS AND SIDEWALK FEASIBILITY STUDIES GRANT PROGRAM FOR THE NORTHERN PEAKS STATE TRAIL – DOWNTOWN BOONE TO HOWARD KNOB FEASIBILITY STUDY

WHEREAS, the North Carolina Department of Transportation (NCDOT) Integrated Mobility Division offers the Paved Trails and Sidewalk Feasibility Studies Grant Program to help communities evaluate paved trail and sidewalk projects; and

WHEREAS, the Northern Peaks State Trail is a North Carolina State Trail and is identified in the Great Trails State Plan; and

WHEREAS, the proposed study would evaluate a connection of approximately 3 to 3.5 miles from Rivers Park in Downtown Boone to Howard Knob County Park; and

WHEREAS, this connection is identified in or aligns with local and regional plans, including the 2014 Boone Pedestrian and Bicycle Plan, the 2017 Northern Peaks State Trail Master Plan, the 2022 Howard Knob Master Plan, and the 2025 Boone Next Comprehensive Plan; and

WHEREAS, the study would identify ways to improve pedestrian and bicycle access between downtown Boone, Appalachian State University, the Junaluska neighborhood, and Howard Knob County Park; and

WHEREAS, the grant program requires a 20% local match, which is expected to be provided by one or more of the following organizations: Blue Ridge Conservancy, the Town of Boone, Watauga County, and/or other organizations; and

WHEREAS, the Town of Boone recognizes the value of this study to the residents and visitors of the Town of Boone.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Boone that:

1. The Town of Boone supports the application by Blue Ridge Conservancy to the NCDOT Paved Trails and Sidewalk Feasibility Studies Grant Program for the Northern Peaks State Trail – Downtown Boone to Howard Knob Feasibility Study.
2. The Town of Boone supports the partnership among Blue Ridge Conservancy, the Town of Boone, Watauga County, and the High Country Council of Governments in carrying out the study.

Adopted this _____ day of _____, 2026.

_____
Dalton George, Mayor

ATTEST:

_____
Nicole Harmon, Town Clerk

Town of Boone
Agenda Item Action Request Form

This form must be completed and attached to all supporting documentation for items to be included in the Town of Boone Council agenda. One (1) form per agenda item.

Submitted By: Guy Miller, Director of Finance

Department: Finance

Contact Phone: 828.268.6200

Email: guy.miller@boonenc.gov

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Information/Action

Item Title: Monthly Financial Report

Summary of Information: The October 2026 Financial Report is attached for Council's review.

	Period Actuals	YTD Actuals	YTD Budget	Variance	% Of Budget
REVENUES - GENERAL FUND					
CURRENT YEAR TAXES	-	-	(10,755,499.00)	(10,755,499.00)	-
PRIOR YEAR TAXES	-	-	(50,000.00)	(50,000.00)	-
TAX PENALTIES & INTEREST	-	-	(25,000.00)	(25,000.00)	-
NCVTS TAXES	-	(34,158.99)	(377,645.00)	(343,486.01)	9.05
TAX REFUNDS	-	-	1,000.00	1,000.00	-
GROSS RECEIPTS TAX	(6,201.46)	(6,201.46)	(70,000.00)	(63,798.54)	8.86
MUNICIPAL VEHICLE TAX	-	(15,060.00)	(160,000.00)	(144,940.00)	9.41
PRIOR YEAR TAX REFUNDS	-	-	500.00	500.00	-
LOCAL SALES TAX 1% (39)	(216,120.56)	(216,120.56)	(2,231,715.00)	(2,015,594.44)	9.68
LOCAL SALES TAX 1/2% (40)	(84,938.79)	(84,938.79)	(884,460.00)	(799,521.21)	9.60
LOCAL SALES TAX 1/2% (42)	(106,400.54)	(106,400.54)	(1,095,460.00)	(989,059.46)	9.71
LOCAL SALES TAX 1/4% (44) - ELIMINATED	1.96	1.96	-	(1.96)	-
LOCAL SALES TAX - MEDICAID HOLD HARMLESS	(67,127.78)	(67,127.78)	(694,570.00)	(627,442.22)	9.66
SOLID WASTE DISPOSAL TAX	-	-	(17,150.00)	(17,150.00)	-
BUSINESS LICENSE	-	(120.00)	(1,700.00)	(1,580.00)	7.06
ROOM OCCUPANCY TAX	(93,346.88)	(93,346.88)	(650,000.00)	(556,653.12)	14.36
ROOM OCCUPANCY TAX - ADMIN	(5,794.47)	(15,640.26)	(70,000.00)	(54,359.74)	22.34
LOCAL VIDEO PROGRAMMING REVENUE	-	-	(93,040.00)	(93,040.00)	-
UTILITIES FRANCHISE TAX	-	-	(1,241,800.00)	(1,241,800.00)	-
TELECOMMUNICATIONS SALES TAX	-	-	(87,800.00)	(87,800.00)	-
BEER & WINE TAX	-	-	(84,125.00)	(84,125.00)	-
ABC REVENUES	-	-	(650,000.00)	(650,000.00)	-
ABC BOARD - LAW ENFORCEMENT	-	-	(46,000.00)	(46,000.00)	-
STATE FUNDS - POWELL BILL	-	-	(605,000.00)	(605,000.00)	-
PYMT IN LIEU OF TAXES - APPALACHIAN STUDENT HSING	-	-	(183,890.00)	(183,890.00)	-
NC DOT	-	(22,512.00)	-	22,512.00	-
FEMA REIMBURSEMENT	-	-	(175,000.00)	(175,000.00)	-
DEPARTMENT OF JUSTICE (FED FUNDS)	-	-	(275,000.00)	(275,000.00)	-
CBP - TREASURY FEDERAL FUNDS	-	-	(1,000.00)	(1,000.00)	-
BUILDING & SIGN PERMIT FEES	(5,835.00)	(48,383.71)	(200,000.00)	(151,616.29)	24.19
COURT COSTS FEES & CHARGES	-	-	(1,000.00)	(1,000.00)	-
PARKING VIOLATION PENALTIES	(79,444.70)	(194,173.10)	(1,040,000.00)	(845,826.90)	18.67
PENALTIES - PLANNING & INSPECTIONS	(7,002.64)	(25,399.55)	(60,000.00)	(34,600.45)	42.33
SOLID WASTE FEE	(26,642.00)	(77,379.50)	(337,000.00)	(259,620.50)	22.96
CIVIL ORDINANCE VIOLATIONS	(10.00)	(110.00)	(200.00)	(90.00)	55.00
POLICE FEES	(260.00)	(1,742.00)	(5,000.00)	(3,258.00)	34.84
FIRE PROTECTION CHARGES - ASU	-	-	(265,000.00)	(265,000.00)	-
FIRE DEPARTMENT - MISC. FEES/PERMITS	(2,575.00)	(14,752.78)	(60,000.00)	(45,247.22)	24.59
PUBLIC WORKS FEES	(395.00)	(53,566.50)	(3,000.00)	50,566.50	1,785.55
INTEREST EARNED ON INVESTMENTS	-	-	(1,000,000.00)	(1,000,000.00)	-
INTEREST EARNED ON POWELL BILL	-	-	(65,000.00)	(65,000.00)	-
LIBRARY LOT PARKING	-	(2,730.00)	(7,500.00)	(4,770.00)	36.40
TRACY CIRCLE PARKING	-	(6,350.00)	(6,200.00)	150.00	102.42
CONSTRUCTION PARKING PERMITS	(360.00)	(3,474.00)	(12,000.00)	(8,526.00)	28.95
EMPLOYEE PARKING PERMITS	(10.00)	(280.00)	(200.00)	80.00	140.00
HORN IN THE WEST PARKING	(3,465.00)	(79,215.00)	(204,000.00)	(124,785.00)	38.83
JONES HOUSE PARKING	-	(7,660.00)	(12,500.00)	(4,840.00)	61.28
QUEEN STREET LOT PARKING	-	(31,555.00)	(69,000.00)	(37,445.00)	45.73
BOOT FEES	(50.00)	(350.00)	(2,300.00)	(1,950.00)	15.22
KING & WATER STREET PARKING	(12.00)	(12.00)	-	12.00	-
PARKING METERS	(12,778.84)	(42,393.76)	(625,000.00)	(582,606.24)	6.78
OFF STREET PARKING METERS	-	-	(300,000.00)	(300,000.00)	-
SALE OF SURPLUS PROPERTY	-	-	(60,000.00)	(60,000.00)	-
CONTRIBUTIONS/DONATIONS	(6,100.00)	(21,300.00)	(17,000.00)	4,300.00	125.29
CONTRIBUTIONS/DONATIONS - CULTURAL RESOURCES	-	-	(1,500.00)	(1,500.00)	-
BOONERANG-CONTRIBUTIONS/DONATIONS	(2,000.00)	(112,770.00)	-	112,770.00	-
RENTAL INCOME	(937.50)	(12,813.50)	(71,000.00)	(58,186.50)	18.05
LICENSE FEES (TOWN PROPERTIES)	-	(2,573.99)	(4,000.00)	(1,426.01)	64.35
RENTAL - JONES HOUSE	-	-	(2,500.00)	(2,500.00)	-
CULTURAL RESOURCES FEES	(8,597.00)	(11,097.00)	(35,000.00)	(23,903.00)	31.71
MISCELLANEOUS REVENUE	(58,731.50)	(90,241.21)	(465,415.00)	(375,173.79)	19.39
LOAN PROCEEDS	-	-	(1,146,267.00)	(1,146,267.00)	-
TRANSFER FROM TOWN FACILITIES CAPITAL RESERVE	-	-	(136,850.00)	(136,850.00)	-
TRANSFER FROM WATER & SEWER FUND	-	-	(516,935.00)	(516,935.00)	-
TRANSFER FROM SEPARATION ALLOWANCE TRUST	-	-	(182,915.00)	(182,915.00)	-
TRANSFER FROM MSD	-	-	(93,314.00)	(93,314.00)	-
TRANSFER FROM TOB RURAL FIRE TAX	-	-	(1,294,482.00)	(1,294,482.00)	-
APPROPRIATED FUND BALANCE	-	-	(1,100,000.00)	(1,100,000.00)	-
REVENUES - GENERAL FUND TOTAL	(795,134.70)	(1,501,947.90)	(29,926,432.00)	(28,424,484.10)	5.02

	Period Actuals	YTD Actuals	YTD Budget	Variance	% Of Budget
EXPENSES - GENERAL FUND					
Dept 400: GOVERNING BODY	3,930.17	28,866.62	129,416.00	100,549.38	22.31
Dept 401: ADMINISTRATION	68,983.78	946,830.11	1,763,918.00	817,087.89	53.68
Dept 402: FINANCE	23,781.43	138,251.61	1,012,057.00	873,805.39	13.66
Dept 403: TAX COLLECTIONS	140.00	1,412.71	218,130.00	216,717.29	0.65
Dept 404: LEGAL	-	33,027.50	135,200.00	102,172.50	24.43
Dept 406: FIRE STATION #1	-	3,136.27	63,825.00	60,688.73	4.91
Dept 407: BLOWING ROCK ROAD BUILDING	477.23	20,170.22	69,010.00	48,839.78	29.23
Dept 408: BROWN BUILDING	673.19	34,517.66	256,135.00	221,617.34	13.48
Dept 409: JONES HOUSE	1,330.20	6,861.35	59,205.00	52,343.65	11.59
Dept 410: TOWN HALL BUILDING	1,851.77	24,237.85	117,795.00	93,557.15	20.58
Dept 411: SPECIAL PROGRAMS & PROJECTS	1,012,260.70	2,686,623.99	2,815,560.00	128,936.01	95.42
Dept 412: SUBSIDIES & ALLOCATIONS	-	123,800.00	131,300.00	7,500.00	94.29
Dept 413: PROFESSIONAL MEMBERSHIPS	-	37,431.00	42,935.00	5,504.00	87.18
Dept 414: GIS / IT	8,507.79	95,167.84	256,474.00	161,306.16	37.11
Dept 415: FIRE STATION #2	607.95	1,695.82	21,000.00	19,304.18	8.08
Dept 417: DOWNTOWN POST OFFICE	879.73	7,732.37	112,400.00	104,667.63	6.88
Dept 418: CULTURAL RESOURCES	15,601.51	149,926.51	538,968.00	389,041.49	27.82
Dept 420: FIRE STATION #3	356.36	1,481.03	15,000.00	13,518.97	9.87
Dept 490: NON-DEPARTMENTAL/DEBT SERVICE	-	-	755,745.00	755,745.00	-
Div 300: POLICE DEPARTMENT	201,990.03	1,059,750.95	6,801,990.00	5,742,239.05	15.58
Div 350: FIRE DEPARTMENT	180,942.95	1,002,298.25	6,146,963.00	5,144,664.75	16.31
Div 360: PLANNING & INSPECTIONS	58,175.94	288,442.95	1,598,946.00	1,310,503.05	18.04
Div 400: PUBLIC SERVICES & ENGINEERING	12,594.03	79,984.18	507,449.00	427,464.82	15.76
Div 401: STREET DEPARTMENT	47,049.79	404,219.27	2,174,124.00	1,769,904.73	18.59
Div 402: PARKING OPERATIONS	14,918.43	106,571.09	586,039.00	479,467.91	18.18
Div 403: POWELL BILL	26,010.36	792,135.49	610,000.00	(182,135.49)	129.86
Div 404: FLEET MAINTENANCE	6,564.69	83,431.32	486,234.00	402,802.68	17.16
Div 405: FACILITIES MAINTENANCE	62,844.09	374,949.52	1,832,914.00	1,457,964.48	20.46
Div 406: SANITATION	51.12	26,907.65	350,000.00	323,092.35	7.69
Div 407: RECYCLING	37.29	26,046.92	317,700.00	291,653.08	8.20
EXPENSES - GENERAL FUND TOTAL	170,069.80	1,894,245.44	6,864,460.00	4,970,214.56	27.59
REVENUES - NARCOTICS ENFORCEMENT					
APPROPRIATED FUND BALANCE	-	-	(32,600.00)	(32,600.00)	-
REVENUES - NARCOTICS ENFORCEMENT	-	-	(32,600.00)	(32,600.00)	-
EXPENSES - NARCOTICS ENFORCEMENT - TOTAL					
EXPENSES - NARCOTICS ENFORCEMENT	-	205.60	32,600.00	32,394.40	0.63
REVENUES - WATER/SEWER FUND					
PENALTIES - CIVIL (WWTP)	-	(600.00)	(5,000.00)	(4,400.00)	12.00
PUBLIC UTILITY FEES	(230.00)	(690.00)	(750.00)	(60.00)	92.00
INTEREST EARNED ON INVESTMENTS	-	-	(250,000.00)	(250,000.00)	-
WATER SALES	(468,300.27)	(1,304,038.03)	(5,113,756.00)	(3,809,717.97)	25.50
SEWER CHARGES	(462,714.25)	(1,252,038.43)	(5,012,556.00)	(3,760,517.57)	24.98
WATER - LABOR & MATERIAL CHARGES	(13,798.07)	(24,310.46)	(125,000.00)	(100,689.54)	19.45
SEWER - LABOR & MATERIAL CHARGES	(3,397.62)	(5,255.57)	(25,000.00)	(19,744.43)	21.02
CONNECTION/RECONNECTION/DISCONNECTION FEES	(520.00)	(7,400.00)	(20,000.00)	(12,600.00)	37.00
SEPTIC TANK DISHCHARGE FEE	(37,534.25)	(116,283.00)	(430,000.00)	(313,717.00)	27.04
SALE OF BIOSOLIDS	-	-	(1,000.00)	(1,000.00)	-
SYSTEM DEVELOPMENT FEES - WATER	(4,734.00)	(11,835.00)	(75,000.00)	(63,165.00)	15.78
SYSTEM DEVELOPMENT FEES - SEWER	(4,794.00)	(11,985.00)	(75,000.00)	(63,015.00)	15.98
OTHER CHARGES	-	-	(1,000.00)	(1,000.00)	-
NSF/RETURNED CHECK CHARGES	-	(125.00)	(500.00)	(375.00)	25.00
METER CHECK/METER RE-READ CHARGES	(12,340.00)	(43,190.00)	(75,000.00)	(31,810.00)	57.59
LATE PAYMENT PENALTIES	-	20.00	(75,000.00)	(75,020.00)	(0.03)
SALE OF SURPLUS PROPERTY	-	-	(50,000.00)	(50,000.00)	-
MISCELLANEOUS REVENUES	(560.00)	(13,120.00)	(358,399.00)	(345,279.00)	3.66
LOAN PROCEEDS	-	-	(150,000.00)	(150,000.00)	-
WATER CAPITAL RESERVE CONTRIBUTION	-	-	(487,000.00)	(487,000.00)	-
SEWER CAPITAL RESERVE CONTRIBUTION	-	-	(800,000.00)	(800,000.00)	-
REVENUES - WATER/SEWER FUND TOTAL	(1,008,922.46)	(2,790,850.49)	(13,129,961.00)	(10,339,110.51)	21.26
EXPENSES - WATER/SEWER FUND					
Div 801: PUBLIC UTILITIES (ADMIN)	37,563.00	192,216.44	1,793,181.00	1,600,964.56	10.72
Div 802: WATER OPERATIONS	66,382.81	380,461.94	2,294,889.00	1,914,427.06	16.58
Div 803: SEWER OPERATIONS	47,477.39	233,326.24	1,318,638.00	1,085,311.76	17.69
Div 804: WATER TREATMENT PLANT	64,729.14	292,151.12	1,798,685.00	1,506,533.88	16.24
Div 805: WASTE WATER TREATMENT PLANT	126,431.68	491,355.63	3,224,539.00	2,733,183.37	15.24
Div 806: UTILITY BILLING & COLLECTIONS	23,068.58	100,875.21	500,022.00	399,146.79	20.17
Div 890: NON-DEPARTMENTAL/DEBT SERVICE	-	-	2,200,007.00	2,200,007.00	-
EXPENSES - WATER/SEWER FUND TOTAL	365,652.60	1,690,386.58	13,129,961.00	11,439,574.42	12.87

	Period Actuals	YTD Actuals	YTD Budget	Variance	% Of Budget
REVENUES - HEALTH INSURANCE FUND					
INSURANCE REVENUE - COBRA	-	(1,930.00)	(500.00)	1,430.00	386.00
INSURANCE REVENUE - RETIREE %	(2,282.27)	(13,897.26)	(71,864.00)	(57,966.74)	19.34
INSURANCE REVENUE - GENERAL FUND TRANS	(152,063.68)	(452,950.36)	(1,925,012.00)	(1,472,061.64)	23.53
INSURANCE REVENUE - WATER/SEWER FUND TRANS	(46,131.62)	(139,415.68)	(589,035.00)	(449,619.32)	23.67
MISCELLANEOUS REVENUE	-	-	(14,050.00)	(14,050.00)	-
REVENUES - HEALTH INSURANCE FUND TOTAL	(200,477.57)	(608,193.30)	(2,600,461.00)	(1,992,267.70)	23.39
EXPENSES - HEALTH INSURANCE FUND					
EXPENSES - HEALTH INSURANCE FUND TOTAL	226.00	680,112.40	2,600,461.00	1,920,348.60	26.15
REVENUES - MUNICIPAL SERVICE DISTRICT					
CURRENT YEAR TAXES	-	-	(299,650.00)	(299,650.00)	-
NCVTS TAXES	-	(292.40)	(4,500.00)	(4,207.60)	6.50
LOCAL SALES TAX 1%	(6,720.06)	(6,720.06)	(29,400.00)	(22,679.94)	22.86
LOCAL SALES TAX 1/2% (40)	(2,641.09)	(2,641.09)	(12,600.00)	(9,958.91)	20.96
LOCAL SALES TAX 1/2% (42)	(3,308.42)	(3,308.42)	(14,700.00)	(11,391.58)	22.51
LOCAL SALES TAX 1/2% (44)	0.06	0.06	-	(0.06)	-
LOCAL SALES TAX 1/4% (40 MEDICAID REPL)	(2,087.27)	(2,087.27)	(10,500.00)	(8,412.73)	19.88
MUNICIPAL SERVICE DISTRICT - REVENUES TOTAL	(14,756.78)	(15,049.18)	(371,350.00)	(356,300.82)	4.05
EXPENSES - MUNICIPAL SERVICE DISTRICT					
MUNICIPAL SERVICE DISTRICT - EXPENSES TOTAL	6,887.20	43,132.31	371,350.00	328,217.69	11.62
REVENUES - RURAL FIRE SERVICE DISTRICT					
CURRENT YEAR TAXES	-	-	(1,398,133.00)	(1,398,133.00)	-
PRIOR YEAR TAXES	-	-	(5,000.00)	(5,000.00)	-
TAX PENALTIES & INTEREST	-	(156.87)	(1,000.00)	(843.13)	15.69
NCVTS TAXES	-	(10,575.37)	(80,000.00)	(69,424.63)	13.22
LOCAL SALES TAX 1% (39)	(56,048.34)	(56,048.34)	(600,000.00)	(543,951.66)	9.34
INTEREST EARNED ON INVESTMENTS	-	-	(50,000.00)	(50,000.00)	-
SALE OF SURPLUS PROPERTY	(11,700.00)	(11,700.00)	(10,000.00)	1,700.00	117.00
RURAL FIRE SERVICE DISTRICT - REVENUES TOTAL	(67,748.34)	(78,480.58)	(2,144,133.00)	(2,065,652.42)	3.66
EXPENSES - RURAL FIRE SERVICE DISTRICT					
RURAL FIRE DISTRICT - EXPENSES TOTAL	2,101.74	73,320.64	2,144,133.00	2,070,812.36	3.42

	CAPITAL RESERVE FUND BALANCES	As of 09/30/2026
013-419-000	SANITATION CAPITAL RESERVE	19,118.32
014-421-000	PARK/GREENSPACE	132,598.53
016-421-000	CAPITAL RESERVE - LAND	68.25
017-420-000	TOWN FACILITIES CAPITAL RESERVE	648,617.70
018-420-000	RAW WATER LAND RESERVE	209.41
019-420-000	SIDE WALK CAPITAL RESERVE	76,293.48
031-700-000	WATER CAPITAL RESERVE	2,867,857.21
032-700-000	SEWER CAPITAL RESERVE	1,338,408.59
033-700-000	WATER & SEWER INFRASTRUCTURE	212,770.91
052-451-000	RURAL FIRE - CAPITAL RESERVE	1,193,079.00
053-420-000	CAPITAL RESERVE - FIRE STATION 4	1,756,453.00

BANK ACCOUNT BALANCES	As of 09/30/2026
Operating Account	
First Horizon - Checking	2,328,277.63
Investment Accounts	
First Horizon - CDARS-ICS	11,546,593.13
First Horizon - MMSA	13,319,807.37
First Horizon - Fire Department MMSA	38,104.33
First Horizon - Cemetery Acct	3,005.00
First Horizon - USDA Reserve	1,610,756.61
NCCMT - General Fund	4,678,988.18
NCCMT - E-911	29,814.17
NCCMT - Narcotic Enforcmement	12,593.80
NCCMT - NARC Justice/Federal	49,312.69
NCCMT - Sanitation Capital Reserve	20,041.47
NCCMT - Park & Greenspace	3,293.05
NCCMT - Grants	389.67
NCCMT - Capital Reserve Land	71.55
NCCMT - Facilities Capital Reserve	1,013.22
NCCMT - Raw Water Land Reserve	219.51
NCCMT - Water and Sewer Fund	1,159,445.50
NCCMT - Water Capital Reserve	1,262,003.19
NCCMT - Sewer Capital Reserve	559,370.24
NCCMT - Rural Fire Service District	27,130.93

HOWARD STREET PROJECT	
Original Budget	15,495,998.00
Expenditures paid to 09/30/26	9,626,705.52
Encumbrances	6,407.89
Balance remaining 09/30/2026	5,862,884.59

Town of Boone
Agenda Item Action Request Form

This form must be completed and attached to all supporting documentation for items to be included in the Town of Boone Council agenda. One (1) form per agenda item.

Submitted By: Guy Miller, Director of Finance

Department: Finance

Contact Phone: 828.268.6200

Email: guy.miller@boonenc.gov

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Action

Item Title: Approval of Budget Amendments

Summary of Information: Finance Department:

TO:	Regular Salaries	010-500-300-501101	$88,250.00
	FICA Tax	010-500-300-508101	$5,222.00
FROM:	Miscellaneous Revenue	010-000-000-489900	$73,472.00

Explanation: To recognize payment from SBI and appropriate funds for Local Law Enforcement Bonus Program.

Public Works:

TO:	Contracted Services	030-700-801-577000	$1,070,400.00
	Capital Outlay - Other Equipment	030-700-803-57400	$478,000.00
FROM:	Appropriated Fund	030-000-000-499900	($1,548,400.00)

Balance

Explanation: Appropriate funding to cover grant-reimbursable water & sewer projects.

TOWN OF BOONE
ADMINISTRATIVE BUDGET AMENDMENT
FY 2026-2027

DATE: October 15, 2026
TO: Town Council
FROM: Guy Miller, Finance Director

I hereby request that the following BUDGET AMENDMENT be approved:

	LINE ITEM DESCRIPTION	ACCOUNT	AMOUNT
TO:	Regular Salaries	010-500-300-501101	$68,250.00
	FICA Tax	010-500-300-508101	$5,222.00
FROM:	Miscellaneous Revenue	010-000-000-489900	$73,472.00

EXPLANATION/JUSTIFICATION:
To recognize payment from SBI and appropriate funds for Local Law Enforcement Bonus Program

AUTHORIZATION: **APPROVED:** _____ **DISAPPROVED:** _____

_____ _____
Town Clerk Date

This form should only be use for Administrative Budget Amendments. All Requests must be made in round numbers.

Heather Brown - EXTERNAL EMAIL - SBI Local Law Enforcement Bonus Program - Payment Confirmation

From: Local LE Bonus 2026 <LocalLEBonus2026@ncsbi.gov>
To: "shane.robbins@boonenc.gov" <shane.robbins@boonenc.gov>, "Kayla.Trivette...
Date: 10/9/2026 6:52 AM
Subject: EXTERNAL EMAIL - SBI Local Law Enforcement Bonus Program - Payment Confirmation

Dear Boone Police Department Contacts,

The North Carolina State Bureau of Investigation (SBI) is pleased to confirm that a check has been issued to **Town of Boone** on behalf of **Boone Police Department** for the 2026 Local Law Enforcement Bonus Program.

Payment Details

Agency:	Boone Police Department
Invoice/Reference Number:	LEA0042
Certified Sworn FTEs:	39.
Base Bonus Amount:	$68,250.00
Employer Social Security and Medicare (FICA):	$5,221.32
Total Check Amount:	**$73,471.32**

The total check amount is based on the eligible sworn FTEs certified by your agency and includes the base bonus funding plus the employer portion of FICA associated with those bonus payments.

The check has been mailed to the remittance address provided by your agency and will include **LEA0042** as the payment reference to assist with identification and reconciliation.

Final Program Reconciliation

During the week of October 19, 2026, SBI will send the final planned program form. Your agency will be asked to provide information and supporting documentation necessary to reconcile the amount distributed by SBI with the bonuses actually paid to eligible officers.

Additional instructions will be provided with the reconciliation request. Please retain the payroll documentation supporting the bonus payments for submission at that time.

We appreciate the assistance of your agency's authorized, payroll, and finance contacts throughout this process. The cooperation of participating agencies has been essential to the timely administration and distribution of these funds.

Questions may be directed to LocalLEBonus2026@ncsbi.gov.

Thank you for your continued cooperation.

North Carolina State Bureau of Investigation
Local Law Enforcement Bonus Program

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Heather Brown - EXTERNAL EMAIL - Local Law Enforcement Bonus Program – Additional FAQs on 401(k) and Tax Withholding

From: Local LE Bonus 2026 <LocalLEBonus2026@ncsbi.gov>
Date: 10/9/2026 5:58 AM
Subject: EXTERNAL EMAIL - Local Law Enforcement Bonus Program – Additional FAQs on 401(k) and Tax Withholding
Bc: Heather Brown

Good morning,

The North Carolina State Bureau of Investigation (SBI) would like to provide additional clarification regarding two frequently asked questions related to the Local Law Enforcement Bonus Program.

1. How should the bonus payments be treated for 401(k) purposes?
The State's authority regarding retirement treatment applies to State-administered retirement provisions. Neither the State nor SBI can determine how these bonus payments should be treated under an individual agency's 401(k) plan.

The entity responsible for processing payroll should review its applicable retirement plan provisions and consult with its plan administrator, as necessary, to determine the appropriate 401(k) treatment.

2. What taxes should be withheld from the bonus payments?
The bonus payments are considered taxable compensation and are subject to applicable federal and North Carolina income tax withholding requirements, as well as applicable Social Security and Medicare taxes.

The county, municipality, or other entity responsible for processing payroll must apply the appropriate withholding and reporting requirements in accordance with IRS and NCDOR guidance. Agencies should consult their payroll administrators or tax professionals as needed to ensure the bonuses are processed and reported correctly.

Additional Reminder
SBI is responsible for administering the distribution of bonus funds to eligible law enforcement agencies in accordance with the legislation. The county, municipality, or other governmental entity responsible for processing payroll on behalf of the law enforcement agency is responsible for ensuring bonus payments are properly processed, including applicable retirement contributions, tax withholding, and payroll reporting requirements.

SBI does not determine the specific payroll deductions or withholding methods applicable to individual employees or local governmental entities. Questions regarding these matters should be directed to the appropriate payroll administrator, retirement plan administrator, or tax professional.

Thank you for your continued cooperation with the Local Law Enforcement Bonus Program.

SBI Executive Team

Local Law Enforcement Bonus Program
LocalLEBonus2026@ncsbi.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

STATE OF NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
3320 GARNER RD
RALEIGH NC 27610

66-1059
531

000007409
Date: **10/06/26**

PAYABLE AT PAR THROUGH FEDERAL RESERVE SYSTEM
STATE TREASURER, RALEIGH, NC
Void After One Year

PAY SEVENTY-THREE THOUSAND FOUR HUNDRED SEVENTY-ONE AND 32/100

$73,471.32

TO THE ORDER OF

TOWN OF BOONE
P O DRAWER 192
BOONE NC 28607

AUTHORIZED SIGNATURE

⑈000007409⑈ ⑆053105941⑆ 1⑈000⑈368⑈

STATE OF NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
3320 GARNER RD, RALEIGH NC 27610

000007409

DATE	INVOICE/CREDIT MEMO #	HANDLING	INVOICE AMOUNT	DISC	NET AMOUNT
10/05/26	LEA0042 Local Law Enforcement Bonus Program		$73,471.32	$0.00	$73,471.32
	TOTALS		**$73,471.32**	**$0.00**	**$73,471.32**

TOWN OF BOONE
PAYMENT RECEIPT
BOONE
North Carolina

NC SBI
Receipt #: 01-140461 10/13/26 10:37:41

19 MISC. (G/L ENTRY REQUIRED) $73,471.32
00 010-000-000-489900
010-000-000-489900
NC SBI

010·000·000·489900

Paid by Check: $73,471.32

STATE #:

AMOUNT TENDERED $73,471.32
CHANGE DUE $0.00

Please keep this receipt for your records as proof of payment.

TOWN OF BOONE
TOWN COUNCIL BUDGET AMENDMENT REQUEST
FY 2026-2027

DATE: September 15, 2026

TO: Mayor & Town Council

FROM: Todd Moody, Public Works Director

Todd Moody
Signature

I hereby request that the following BUDGET AMENDMENTS be approved by the Boone Town Council:

	LINE ITEM DESCRIPTION	ACCOUNT NO.	AMOUNT
TO:	Contracted Services	030-700-801-577000	$1,070,400.00
	Capital Outlay - Other Equipment	030-700-803-574000	$478,000.00
FROM:	Appropriated Fund Balance	030-000-000-499900	($1,548,400.00)

EXPLANATION/JUSTIFICATION: Appropriate funding to cover grant-reimbursable water & sewer projects.

Date

Town Clerk

Town of Boone
Agenda Item Action Request Form

This form must be completed and attached to all supporting documentation for items to be included in the Town of Boone Council agenda. One (1) form per agenda item.

Submitted By: Nicole Harmon, Town Clerk

Department: Administration

Contact Phone: 828.268.6200

Email: nicole.harmon@boonenc.gov

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Action

Item Title: Approval of Minutes

Summary of Information: Attached for Council's consideration and approval are the October 14, 2026, regular Town Council meeting minutes.

MINUTES- BOONE TOWN COUNCIL
REGULAR MEETING
OCTOBER 14, 2026

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order on Wednesday, October 14, 2026, in the Boone Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Dalton George presided. Town Council members present included Mayor Pro-Tem Todd Carter, Virginia Roseman, Adrian Tait, and Anne Pruitt. Town staff present included Interim Town Manager Hank Perkins, Town Clerk Nicole Harmon, Grants Coordinator/Communications Laney Wise, Public Works Director Todd Moody, Planning Director Jane Shook, Downtown Development Director Lane Moody, Cultural Resources Director Mark Freed (remote), Major Jon Houck, Police Chief Daniel Duckworth, Commercial Zoning Administrator Amy Snider (remote), and Town Attorney Allison Meade.

MOMENT OF SILENCE

A brief moment of silence was observed.

ANNOUNCEMENTS

Mayor George announced the following board vacancies:

BOARD OF ADJUSTMENT
Three alternate positions

CULTURAL RESOURCES ADVISORY BOARD
One student position

PLANNING COMMISSION
One regular position

TENTATIVE AGENDA ADOPTION

Upon a motion by Council Member Pruitt, seconded by Mayor Pro-Tem Carter, Council voted to approve the agenda as presented.

VOTE: Aye: Pruitt, Carter, Roseman, Tait
Nay: None
Absent: Ball

REQUESTED APPEARANCES

Informal Discussion of Proposed Zoning Request for Ridgehouse Development

Derek Goddard spoke on behalf of the developer regarding the proposed development along the Highway 105 bypass and requested feedback from Council on what would be necessary to gain Council support for the project. Mayor Pro-Tem Carter asked whether the developer intended to pursue annexation, and Mr. Goddard confirmed that annexation was desired.

Council Member Pruitt noted that Council had approved approximately 1,700 residential beds within the past year that had not yet come online. She expressed concerns about declining university enrollment, the number of available rental properties, and the lack of single-family housing, and asked whether additional apartments were needed and whether any market studies had been conducted. Mr. Goddard responded that his clients viewed the project as a wise economic decision and that the development was not necessarily intended to target students.

Council Member Tait discussed traffic concerns but indicated that the surrounding area appeared to have sufficient capacity to accommodate additional traffic. He also inquired whether the developer anticipated requesting stormwater variances, and Mr. Goddard acknowledged that some variance requests would likely be necessary. Mr. Goddard further explained that while the developer had experience with big-box retailers and other large developments, the developer preferred residential development for this property.

Mayor George expressed a preference for housing geared toward young professionals and individuals rather than students and noted the potential for increased traffic pressure on the outskirts of Town. Mayor Pro-Tem Carter indicated that the location was appropriate for higher-density housing but stated that he would not support a development utilizing a rent-by-the-bedroom model. He also emphasized the importance of public transportation access for residents who rely on AppalCART.

Council Member Roseman expressed disappointment with the lack of green space in the proposal but acknowledged the property's potential for expansion of the Town limits. She agreed with Mayor Pro-Tem Carter that she would not support a rent-by-the-bedroom development.

Ms. Meade noted that site work was underway and that the developer could proceed with construction under County jurisdiction without Town approval. She emphasized that increasing the overall housing supply could contribute to a more affordable and accessible housing market. She also sought clarification regarding the developer's need for additional information from the Town Council as it decided between annexation versus proceeding without annexation. Mr. Goddard reiterated the developer's interest in annexation and clarified that the grading activity was not associated with a specific proposed use.

Mayor George further suggested that, should the development be student-oriented, consideration be given to reducing parking requirements.

Ian Robinson – Howard Street Redirection Proposal

Mr. Robinson presented a proposal to reverse the planned direction of one-way traffic on Howard Street, allowing vehicles to travel from South Depot Street toward Appalachian Street rather than from Appalachian Street toward South Depot Street. Mr. Robinson referenced his longstanding ties to the downtown area and expressed concerns regarding the current design, particularly the limited connectivity of Appalachian Street, which only connects to King Street. He suggested that reversing the traffic flow would better accommodate connections from Rivers Street, improve pedestrian safety, and support downtown businesses. He also noted that parallel parking along Howard Street was positioned on the left side, which was unusual, and referenced a 2005 traffic study that considered alternatives consistent with his proposal. Mr. Robinson emphasized that traffic performance should not be the sole consideration in determining the street's configuration and reported that feedback from affected businesses had been largely supportive.

Council Member Roseman expressed support for the proposal, stating that she believed it would provide a more natural traffic pattern for the downtown area. However, she emphasized the importance of understanding the potential impacts on traffic signals at Depot Street. Mr. Robinson responded that both previous traffic studies had determined that the various configurations could adequately accommodate traffic. Council Member Roseman noted that traffic conditions had changed significantly since those studies were conducted. Mr. Robinson encouraged Council to consider implementing the proposed change sooner rather than later to minimize impacts on businesses, suggesting that the configuration could be reversed if necessary.

Mayor George acknowledged the complexity of the proposal, including coordination with the North Carolina Department of Transportation (NCDOT), bicycle lanes, and other design considerations. Mr. Moody explained that the project had undergone two traffic studies, received

approval through USDA Rural Development and the State Engineer, and was already under construction, with pavement striping underway. He clarified that both studies had recommended the currently approved traffic direction and that the bicycle lane configuration could not simply be reversed. Mayor George further noted that reversing the traffic flow would eliminate the protected left-turn lane.

Mr. Robinson reiterated his concerns regarding traffic circulation, noting that Appalachian Street was frequently used as a loading zone by downtown businesses, creating traffic obstructions. He also explained that vehicles entering from Rivers Street, which accounted for a significant portion of traffic, would be required to make three right turns to access the eastern portion of Howard Street under the current configuration.

Ms. Meade expressed personal sympathy for the concerns raised but advised that the Town was legally obligated to proceed with the project as contracted, particularly given the ongoing construction contracts and USDA financing involvement. She recommended completing and closing out the existing project before evaluating potential modifications as a separate design project. Mayor Pro Tem Carter agreed, acknowledging the value of the proposal but recognizing that changes could not reasonably be made at the current stage.

Council Member Pruitt emphasized that the original intent of the Howard Street improvements was to create a more pedestrian-friendly environment rather than encourage additional vehicular traffic. She questioned the need to reconsider a design that had undergone extensive planning, particularly while construction was underway.

Mayor George suggested that Council Member Tait raise the matter at an upcoming Rural Planning Organization (RPO) meeting. Council Member Roseman expressed hope that an additional traffic study would be conducted following completion of the project and reiterated that she had not supported the current design.

Amber Bateman – Watauga Arts Council

Ms. Bateman of the Watauga Arts Council presented regarding a proposed bench installation along the Greenway Trail, with assistance from the Public Works Department. Council Member Roseman asked that the artist provide additional materials for future repairs. Mr. Moody noted that the proposed location was subject to flooding and indicated that an encroachment agreement would be necessary. Ms. Meade recommended including maintenance requirements in the agreement, as well as provisions requiring the applicant to cover removal costs at the end of the bench's useful life. Ms. Bateman agreed, noting that the concrete pad could subsequently be used for another installation.

Council Member Tait inquired about future streambank restoration efforts, and Mr. Moody confirmed that restoration was anticipated and could necessitate relocating the bench. Mayor George suggested considering an alternative location for the installation.

Ms. Meade inquired about applying an anti-graffiti coating. Ms. Bateman indicated that graffiti was not expected to be a significant concern but agreed to explore the option.

It was the consensus to proceed with the proposal.

Mayor George declared a break at 9:59 a.m. Council reconvened at 10:06 a.m.

PUBLIC HEARING - CDBG PROJECT CLOSEOUT (DECK HILL WATER TANK REPLACEMENT)

Mayor George opened the public hearing at 10:06 a.m. High Country Council of Governments Senior Planner Kelly Coffey read the following statement:

Town of Boone
CDBG-I project #19-I-3102
Closeout Public Hearing October 14, 2026

The purpose of this public hearing is to give an opportunity for citizen input concerning the closeout of the Boone CDBG-I project #19-I-3102. The CDBG-I program provided funds to replace the Deck Hill water tank.

The Town of Boone was awarded a total of $2,000,000 in Community Development Block Grant-Infrastructure (CDBG-I) funds from the North Carolina Department of Environmental Quality (NC DEQ). The original scope of work consisted of demolishing and replacing the existing 500,000-gallon Deck Hill water tank with a 500,000-gallon pre-stressed concrete tank. The existing tank was over 50 years old and deteriorating.

The CDGB-I funding can assist only areas where at least 51% of the homes are considered low- and moderate-income (LMI).

The entire Town of Boone benefited from the project. The Town is considered LMI per the most current US Census data. Approximately 12,866 people were assisted with CDBG-I funds, with an estimated 10,116 (or 78.63%) residing in low-and moderate-income households.

The Town elected to change the desired water tank type from pre-stressed concrete, as originally designed, to glass-fused or welded steel because the original bid came in over budget and the welded steel option was less expensive and less time-consuming to build. The Town also decided to separate the demolition, site grading/preparation, and associated utility work from the water

tank construction, soliciting these bids separately and creating two separate construction contracts.

The budget originally consisted of $1,969,800 for public water improvements and $30,200 for administration. A budget revision was approved to transfer $3,000 from the public water improvements line item to the administration line item. This correction was needed to resolve an oversight that occurred when administration funds were previously budgeted. This change resulted in $1,966,800 for public water improvements and $33,200 for administration.

The demolition contract was awarded for $399,000. The tank construction contract was awarded for $1,120,000 for a total construction cost of $1,519,000. A change order was approved to increase the tank construction contract by $21,843.30 for rock excavation. The subsurface rock encountered was not evident during geotechnical borings conducted prior to the project, as these areas were under the existing tank footprint and only accessible upon demolition of the existing tank. Rock excavation was necessary to complete installation of the new tank foundation and below-grade piping penetrations. A second change order was approved for the demolition contract to pay for additional stone that was needed for the gravel pad around the tank. This increased the contract price by $10,182.55.

Seven time extensions were requested and approved.

1. The engineers concluded that due to site constraints and topography, a subsurface investigation by a specialty subcontractor was necessary, which delayed completion of the bid and design package.
2. Access to surrounding property not currently owned by the Town was required to complete the subsurface investigation. Access was delayed by extremely slow negotiations with the landowners.
3. The delay in getting permission to access the surrounding property again affected the project's milestone dates. Further, the contractor's driller was months behind due to site access issues they were experiencing. An extension of the bid and design package submittal deadline was approved.
4. The contractor struggled to find a drilling subcontractor with the correct equipment, as his regular driller was months behind, which delayed completion of the field work.
5. A major obstacle to moving the project forward was communicating with the multiple property owners (heirs) who owned the land surrounding the water tank, necessitating further extension.
6. Negotiations with the property owners continued to delay the project. Milestone dates were extended, and a property easement was eventually secured.
7. In light of the fact that the project had to be rebid, the milestone date for advertising the project, receiving bids, and submitting bid information was extended, as well as that for executing the construction contract.

The project is complete and came in under budget. Final project financial outlays are as follows:

	$ 31,500.00	land acquisition
	$ 3,000.00	planning
	$ 30,200.00	administration
	$1,924,364.75	engineering & construction
Total	$1,989,064.75	CDBG funds received and expended

Of the $2,000,000 award, there is a total of $10,935.25 remaining. These funds will be deobligated – returned to NC DEQ –to be used for future CDGB-I programs.

The final project accomplishment has been the construction of a 500,000-gallon welded steel water storage tank. The tank serves as the main water distribution system control tank and provides system storage for the southeastern portion of the distribution system. The new tank is essential for meeting peak demands, fire suppression, and the overall operation of the entire water distribution system.

The benefit of the project on low- and moderate-income persons is that they will have a safe and reliable supply of drinking water.

Hearing no comments, Mayor George closed the public hearing at 10:14 a.m.

PUBLIC COMMENT

Kathy Williamson of Watauga County expressed concerns regarding proposed amendments on the upcoming ballot and their potential impacts on municipalities throughout North Carolina. She encouraged voters to educate themselves about the amendments and consider voting against them, warning that their passage could significantly reduce funding available to Watauga County and local governments. Ms. Williamson questioned how municipalities would address budget shortfalls, potential service reductions, and unforeseen emergencies with diminished financial resources. She emphasized that residents would ultimately feel the effects of reduced funding and stressed the importance of preserving local control.

David Welsh of Boone expressed concerns regarding the saturation of the student rental market, noting that the supply of rental housing continued to increase while demand declined due to decreasing enrollment at Appalachian State University. He referenced three major developments underway and expressed concern that the proposed Highway 105 Bypass project would ultimately target student renters due to the financial incentives for developers. Mr. Welsh, who said he has relied on rental income since 1992, said he was experiencing longer vacancy periods for the first time in decades. He cautioned that additional student housing developments could negatively

impact local property owners who depend on rental income, particularly those with older rental properties. He encouraged Council to use whatever authority it had to advocate for affordable housing rather than additional student-oriented developments, questioning the fairness of benefiting large developers at the expense of established local property owners.

Ryan Abrams of Boone expressed concerns regarding inadequate lighting throughout Town, particularly during nighttime hours. He noted that many residents walk after dark and that poor visibility makes it difficult for motorists to see pedestrians. Mr. Abrams stated that approximately 80% of pedestrian fatalities in North Carolina occur at night and emphasized that improving intersection lighting should be a priority if the Town was committed to promoting walkability and pedestrian safety.

APPROVAL OF ITEMS ON CONSENT AGENDA

Upon a motion by Council Member Roseman, seconded by Council Member Tait, Council voted to approve the following items on the consent agenda:

- Water Loss Audit Project – Cavanaugh PSA
- Work Management Software Systems
- Engineering Services Agreement for New River Hills Lift Station – Hazard Mitigation Project
- Ordinance – Holiday Parade Road Closure
- Budget Amendments

  Police Department:

  TO: Amory Supplies 010-500-300-519200 $6,000.00
  FROM: Contributions/Donations 010-000-000-482200 ($6,000.00)
  Explanation: Funds donated by Back our Blue Watauga for the purchase of rifle slings and weapon lights. Any remaining funds will be used at the Chief's discretion as requested by the donor.

  Governing Body:

  TO: Professional Services 010-400-000-509100 $42,000.00
  FROM: Appropriated Fund
  Balance 010-000-000-499900 $42,000.00

  Explanation: To appropriate funds for Town Manager search/hiring process.

- Minutes: September 23, 2026, Regular Town Council Meeting

VOTE: Aye: Roseman, Tait, Pruitt, Carter
Nay: None
Absent: Ball

Council Member Pruitt suggested reviewing the special event permit fee structure to better reflect costs incurred by the Town for events that involve the closure of Town-maintained streets. She emphasized the importance of encouraging community events while minimizing undue financial and operational burdens on Town departments. Mayor George recommended scheduling a work session for further discussion.

COUNCIL MATTERS

Consideration of Council Meeting Schedule

Due to the upcoming holidays, Council agreed to cancel the regular Town Council meetings on November 11 and 25 and schedule a special meeting on November 18, 2026, at 9:00 a.m. The Council also decided to cancel the regular meeting scheduled for December 23, 2026.

CDBG-DR Workforce Housing for Ownership Program Discussion

Ms. Wise and Ms. Shook presented information regarding the Community Development Block Grant Disaster Recovery (CDBG-DR) Workforce Housing Grant Program following a meeting with the High Country Council of Governments (HCCOG). They indicated that staff could prepare a competitive application for the WYN property, with potential reimbursement-based funding ranging from $2 million to $5 million. Staff reported that they had consulted with Municipal Engineering on preparing a site plan, estimated to cost up to $10,000, and discussed the potential use of modular housing units with the Watauga Housing Council. Ms. Shook indicated that potential challenges included site accessibility, the feasibility of transporting modular units to the property, and necessary road improvements, which would not be eligible for grant funding. If awarded, staff stated the Town would need to secure a construction loan to finance the project before receiving reimbursement.

Interim Town Manager Perkins expressed concerns regarding the numerous unknowns, particularly financing and the potential impact on the proposed Public Works building, which remained a critical priority. He noted that financing would involve the Local Government Commission (LGC) and require consideration of available equity versus borrowed funds. With a commitment required by the end of December, he cautioned against jeopardizing the Public Works project. However, he acknowledged that pursuing the application could provide valuable experience even if the Town ultimately elected not to proceed.

Mayor Pro-Tem Carter supported moving forward with the application process and obtaining an engineering plan, noting that additional funding opportunities could arise in the future. He also acknowledged existing staff workloads and commitments.

Ms. Meade expressed reservations about proceeding with engineering plans before conducting a comprehensive analysis of the property's highest and best use, particularly in relation to the surrounding neighborhood. Ms. Shook explained that staff had visited the site, reviewed its topography, and evaluated potential development options within the Town's capabilities. Ms. Meade emphasized that proceeding directly to engineered plans would bypass important considerations, including financial feasibility, long-term maintenance costs, and the potential need for ongoing Town subsidies to maintain the units and enforce affordability requirements. She recommended prioritizing implementation of the Boone Next Plan town-wide to ensure the most effective use of staff time and resources and questioned whether the necessary analysis could reasonably be completed within the next two months.

Council Member Pruitt agreed with concerns regarding staff capacity. Council Member Tait supported continuing the planning process but expressed reservations about rushing to meet the current grant cycle. Ms. Shook emphasized that the funding was a one-time opportunity, while Ms. Wise acknowledged that future opportunities might arise but were not guaranteed.

Ms. Meade asked about the flexibility of the grant requirements, noting that the Town could be bound by the project as submitted. Ms. Shook explained that HCCOG had indicated the program differed from the traditional CDBG process and suggested proceeding with the prescreening application to determine whether modifications would be permitted after submission.

Council Member Roseman expressed concern about potentially foregoing $2 million or more in available funding and noted that the Town's healthy fund balance could allow it to pursue both the workforce housing project and the Public Works building. Mayor Pro-Tem Carter agreed that the Town would likely need to take a more active role in developing affordable housing rather than relying solely on private developers. He supported advancing to the pre-screening phase, provided there was sufficient flexibility to modify or withdraw the project if necessary. He also noted the current administration's willingness to direct funding toward western North Carolina and expressed interest in pursuing the opportunity while acknowledging potential limitations in staff capacity.

Ms. Wise clarified that the pre-screening phase involved submitting an application and indicated that including a site plan would strengthen the submission. She reiterated that approximately $10,000 would be needed for engineering services. Ms. Meade suggested that the engineering assessment evaluate the property's highest and best use in a manner compatible with the surrounding neighborhood. Council Member Tait recommended exploring alternative development concepts as part of the engineering process. Ms. Shook cautioned that expanding

the scope could require additional funding and time and potentially jeopardize the application deadline.

Council Member Roseman suggested using Affordable Housing funds for the engineering work and moved to authorize expenditures of up to $25,000 from those funds for the engineering work. Mayor Pro-Tem Carter seconded the motion. Following discussion, Ms. Meade advised that the Town's Mini-Brooks Act policy authorized the Town Manager to approve professional services contracts up to $50,000. Mayor Pro-Tem Carter suggested amending the motion to authorize Interim Town Manager Perkins to proceed under that authority, and Council Member Roseman accepted the amendment.

VOTE: Aye: Roseman, Carter, Pruitt, Tait
Nay: None
Absent: Ball

MAYOR REPORT

Mayor George announced a winter weatherization workshop at the Watauga County Agricultural Center today, sponsored by the Sustainability Committee.

TOWN MANAGER REPORT

From the Human Resources Department, Mr. Perkins reported that a representative from Empower Retirement provided information to employees regarding retirement benefits, and the North Carolina League of Municipalities (NCLM) conducted defensive driving training for employees.

The Police Department continues preparations for accreditation through mock assessments, with an official site visit scheduled for December. The department extended a conditional offer of employment to a former intern. The department's weight room is nearing completion and is expected to be fully operational during the week.

Public Works reported that leaf collection would take place from October 15 through December 18. Milling and paving have been completed on Appalachian Street, South Depot Street, and Burrell Street.

Planning and Inspections has delivered a Town-owned property digest and digital map.

TOWN ATTORNEY REPORT

Ms. Meade followed up on the item raised at the prior Council meeting by Mayor George with respect to municipal ordinances addressing payment of rent for unhabitable premises. She explained that North Carolina landlord-tenant law allows tenants to seek rent abatement when they live in uninhabitable conditions. However, tenants must pursue relief through a small claims action. She referenced similar ordinances adopted by Asheville, Durham, Charlotte, Pineville, and Pittsboro, noting that Charlotte's ordinance dated back to 2007. The proposed amendment would be to the Town's Minimum Housing Ordinance and would prohibit landlords from collecting rent for premises deemed uninhabitable. While the Town would not have authority to directly enforce the provision or impose penalties, Ms. Meade indicated the amendment would be intended to strengthen tenants' ability to seek relief in private actions. Ms. Meade emphasized that the Town's most effective means of addressing substandard housing conditions would be ensuring adequate staffing and resources to respond to minimum housing complaints. It was the consensus of Council for Town Attorney Meade to work with staff to develop proposed ordinance language for future consideration.

Mr. Perkins referenced the earlier public comments regarding the proposed constitutional amendments, acknowledging the significance of its potential impacts on local governments. He noted that the details of any resulting implementation plan, including its scope and timeline, remained unknown.

BOARD LIAISON REPORT

Council Member Pruitt reported that the Downtown Boone Development Association (DBDA) had adjusted the hours for BOO! and expanded the associated road closures.

Council Member Roseman reported that she had been asked to serve on the Parks and Recreation board as a citizen representative. Ms. Meade indicated that she did not anticipate any issues with the appointment but would look into it.

Mayor Pro-Tem Carter provided an update on AppalCART's electric buses, noting that the manufacturer of the Proterra bus had declared bankruptcy, making replacement batteries unavailable. As a result, he stated the bus would be offered for sale. He reported that three new all-electric New Flyer buses being purchased through the State Transportation Improvement Program (STIP) were expected to arrive the following fall, with two additional double-decker buses anticipated in September 2027. He also referenced the success of the recent Local Government Works event and announced the upcoming Domestic Violence Awareness Month event.

Council Member Tait reported that the Economic Development Commission (EDC) had discussed a potential partnership with Appalachian State University involving the Impact Hub initiative. The partnership would explore establishing a university liaison to help address community issues.

ADJOURNMENT

With no further discussion, Mayor George adjourned the meeting at 11:27 a.m.

_____ _____

Nicole Harmon, Town Clerk Dalton George, Mayor

Town of Boone
Agenda Item Action Request Form

This form must be completed and attached to all supporting documentation for items to be included in the Town of Boone Council agenda. One (1) form per agenda item.

Submitted By: Jane Shook, Director of Planning & Inspections

Department: Planning & Inspections

Contact Phone: 828.268.6960

Email: jane.shook@boonenc.gov

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Action

Item Title: Consideration of September 28, 2026, Public Hearing Cases

Summary of Information: The following cases were heard at the September 28, 2026, Public Hearing: Case A26-0515 Khulaqi Parcel - General Use Zoning Map Amendment & Case A26-0521 Clement Street Apartments, LLC — Conditional District Zoning Map Amendment.

The Planning Commission met immediately after the public hearing and made recommendations on both cases.
Attached:
1. September 28, 2026 Planning Commission draft meeting minutes
2. Case A26-0515 Khulaqi Parcel — General Use Zoning Map Amendment Revised Staff Report
3. Case A26-0521 Clement Street Apartments, LLC - Conditional District Zoning Map Amendment Revised Staff Report

TOWN COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING AND PLANNING COMMISSION MEETING MINUTES
MONDAY, SEPTEMBER 28, 2026, 6:00 PM
1500 BLOWING ROCK ROAD

COUNCIL MEMBERS PRESENT: Mayor Dalton George, Mayor Pro Tem Todd Carter, Anitra Ball, Anne Pruitt, Virginia Roseman, and Adrian Tait

PLANNING COMMISSION MEMBERS PRESENT: Chair Frank Veno, Myles Harrison, Declan King, David Luther, and Frida Paz-Miranda

PLANNING COMMISSION MEMBERS ABSENT: Garrett Kight

PLANNING STAFF PRESENT: Jane Shook-Director of Planning & Inspections, Brandon Wise-Deputy Director of Planning & Inspections, Amy Snider-Zoning Administration Manager, and Brenda Henson-Board Clerk

OTHER TOWN STAFF OR REPRESENTATIVES PRESENT: Allison Meade-Town Attorney

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Call to Order

Mayor George called the Town Council to order at 6:00 p.m. Chair Veno called the Planning Commission to order at the same time. The meeting was held in the Town Council Chambers at 1500 Blowing Rock Road, Boone.

Moment of Silence

A moment of silence was observed.

Approval of Meeting Minutes

Council Member Pruitt made a motion, seconded by Council Member Roseman, to approve the July 27, 2026, Public Hearing minutes.

VOTE: Aye – 5
Nay – 0

The motion passed.

Commission Member Paz-Miranda made a motion to approve the July 27, 2026, Public Hearing/Planning Commission meeting minutes with a correction on page 9 of the minutes that would reflect her relaying Jeff Younce's question of whether the development would require widening of the neighborhood roads and where the funding would come from to obtain right-of-way acquisitions. The motion was seconded by Commission Member Harrison.

VOTE: Aye – 5
Nay – 0
Absent – 1 (Kight)

The motion passed.

PLANNING COMMISSION MEETING

Chair Veno called a break from 7:27 p.m. to 7:38 p.m.

Chair Veno stated that when taking votes, he would like each Planning Commission member to voice their for-or-against vote individually to make it easier for everyone to understand.

Discussion and Recommendation on Case(s) Heard at the Public Hearing

Case A26-0515 Khulaqi Parcel – General Use Zoning Map Amendment

Abdulrahman Yasser Khulaqi has submitted a General Use Zoning Map Amendment application to rezone a portion of the property located on US Hwy 421 S (Watauga County PIN 2920-09-4335-000) from R3 Multiple-Family Residential to B3 General Business with Corridor District Overlay.

Commission Member King stated that he saw no reason the entire parcel should not be zoned B3. Commission Member Paz-Miranda and Chair Veno agreed.

Vote 1

Commission Member Luther made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's current comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following from Boone Next:

Planning Principle 1: Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits. It is preferable to accommodate growth in locations within the existing town limits that are appropriate for, can support, and would be enhanced by new development. Infill and redevelopment will occur in a strategic manner that considers community needs like provision of and access to goods, services, transit, and quality public space.

Policy 1.5.3: Guide Growth Using the Growth Management Tiers Map: The Growth Management Tiers Map serves as a guide for development and investment decisions. The map's purpose is to ensure Boone accommodates growth consistent with the Boone Next Planning Principles, intentionally directs growth to desired areas, manages the pace of development, and aims for fiscal balance. This map is intended to be used when considering zoning and development approvals, utility service extensions, annexations, incentives, and capital investments. This map should be used in coordination with the Utility Service and Annexation Criteria. The Growth Management Tiers Map will be updated from time to time to reflect changing planning conditions.

Policy 4.4.1: Promote Use of Existing Resources: Promote infill, redevelopment, and adaptive use as a way to maximize use of existing services, infrastructure, and utilities.

The rezoning would match the walkable mixed-use designation on the Future Land Use Map along the corridor.

Commission Member Harrison seconded the motion.

VOTE: Aye – 5
Nay – 0
Absent – 1 (Kight)

The motion passed.

Vote 2

Commission Member Luther made a motion, seconded by Commission Member King, that the Planning Commission recommends approval of Ordinance A26-0515 within Staff Report Exhibit A and approval is reasonable and in the public interest because this amendment unifies a split-zoned parcel whose R3 portion cannot be developed on its own since the lot is below the R3 minimum of 20,000 square feet, it

matches the B3 zoning on the adjoining parcels along a commercial corridor, and the full range of B3 uses is compatible with the neighboring hotel, commercial, and manufacturing uses, with required buffers addressing the apartment to the south.

VOTE: Aye – 5
Nay – 0
Absent – 1 (Kight)

The motion passed.

Case A26-0521 Clement Street Apartments – Conditional District Zoning Map Amendment

Clement Street Apartments, LLC submitted a Conditional District Zoning Map Amendment application to rezone property at 138 Clement Street (Watauga County PINS 2910-15-2928-000 and 2910-15-2953-000) from B3 General Business to Conditional District R3 Multiple-Family Residential District with a site-specific development plan for Use 1.11 Multi-Family Dwelling (Up to 30 bedrooms). The request is for a 12-unit, 18-bedroom multi-family dwelling.

Commission Member King acknowledged the need for family housing. He noted the discussion regarding bathroom access and renting by the unit. Commission Member King said students pushed people out of housing because split leasing gave them more buying power. He felt that, to give families a better chance of renting these units, conditioning by-the-unit leases would be a better option than trying to dictate the interior layout.

Commission Member Paz-Miranda agreed with Commission Member King, noting that such a condition could allow families and young professionals an opportunity to rent these units.

Commission Member Luther noted that Boone was growing. He also noted that students and fraternities were not protected classes. Commission Member Luther wanted to ensure the Commission did not limit the owner's ability to use the land as needed to maintain a commercial interest, while also not creating a way to rent individual bedrooms. He said he was less concerned that the development would significantly change the neighborhood, noting it would provide a transition from commercial uses to the residential neighborhood. Commission Member Luther said the developer and property manager were local. He felt this was a wonderful project that included ADA units and used an existing building. However, the proposal could use a little bit more work. Commission Member Luther said he would like to see conditions requiring the apartments to be rented by the unit rather than by the bedroom, stormwater mitigation addressed, landscaping installed, and parking situated so cars would not back out onto Clement Street. He asked whether the applicant would install a sidewalk along Clement Street. Mr. Wise replied that the applicant would be required to install a sidewalk.

Commission Member Paz-Miranda asked whether the approval could include conditions requiring the lease to prohibit parties and address trash and noise control.

Commission Member King felt that those items were enforcement issues.

Commission Member Luther asked Ms. Butler what other properties she or her mother managed. Ms. Butler replied that they managed The Brookes on Faculty Street and King Street Apartments on King Street.

Commission Member Luther asked whether the development would have a dumpster. Ms. Butler indicated there would be a dumpster with an enclosure. Commission Member Paz-Miranda asked where the dumpster would be located. Ms. Butler replied that the dumpster location had not been fully mapped out. She did not realize she would be required to submit a full scope of the development at this meeting. Ms. Butler proposed locating the dumpster at the back of the property, straight back from the entrance.

Commission Member Luther suggested conditions requiring shielded, downward-directed exterior lighting, buffers planted where possible, and preservation of all existing trees. Mr. Wise noted that the UDO required shielding and downward angling of the exterior lighting.

Chair Veno mentioned the bathroom configuration. He did not like the idea of not having a public-access bathroom in certain apartments, preferring one bedroom with its own private bathroom and the other bedroom sharing a common bathroom.

Commission Member Paz-Miranda felt the proposed bedroom/bathroom design was probably the best way to arrange the units without losing square footage in the living spaces. She stated that as long as the unit was rented as a whole, families and young professionals would have more chances to obtain a unit.

Commission Member Harrison noted that while the bathroom configuration might encourage renting by the bedroom, the requirement to rent the unit should alleviate that issue.

Commission Member King did not see the bathroom configuration as an issue, noting that neither Boone Next nor the public commented on that topic.

Ms. Butler said that if the second bathroom had to provide common access, they would probably have to change the units to two bedrooms and one bathroom due to design constraints.

Commission Member Luther said he wasn't particularly concerned about the awkwardness of someone having to go through another person's bedroom to use the bathroom, but was more interested in providing housing opportunities for young professionals or families.

Ms. Butler said it was fairly standard to have two bedrooms and two bathrooms of nearly equal size, whether you were near a college or renting to families. She noted that because of the development's proximity to campus, some students would likely live there, but renting by the unit should help move the town in the direction it was trying to go.

Mr. Wise reminded Commission members that the requested deviation to remove the requirement for a common-access bathroom applied only to the upper-floor two-bedroom units. He noted that the first-floor units were two-bedroom units with one common-access bathroom. Mr. Wise also reminded members that the applicant had to agree to any conditions.

Chair Veno mentioned a stormwater mitigation condition and asked the applicant whether she would accept a condition to install a system. Ms. Butler replied that they could look into it. She explained that the development would not change the existing impervious area, so she was hoping they would not have to install stormwater mitigation. Ms. Butler expressed concern that the system cost could make or break the project.

Commission Members Luther and King felt the Commission lacked enough detail at this meeting to impose a stormwater mitigation condition.

Commission Member Luther did wish to impose a condition to preserve the existing trees. Ms. Butler agreed to that condition.

Commission Member Luther suggested a condition that the four parking spaces along Clement Street be reoriented so that vehicles did not back out into the street.

Jane Shook, Director of Planning & Inspections, suggested the applicant work with Mr. Wise on parking solutions that would eliminate vehicles backing out onto Clement Street while retaining adequate parking and proper locations for solid waste and recycling.

Chair Veno felt this was a good development plan and liked that it would reuse an existing building. He acknowledged neighborhood concerns that students were loud, partied, and created trash. Chair Veno felt that landlords should be held responsible for their tenants.

Ms. Shook asked the applicant if she would accept a condition that the development would rent by the unit, not by the bedroom. Ms. Butler felt that this condition could be accommodated, if imposed.

Vote 1

Commission Member Luther made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's current comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following from Boone Next:

Planning Principle 1: Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits. It is preferable to accommodate growth in locations within the existing town limits that are appropriate for, can support, and would be enhanced by new development. Infill and redevelopment will occur in a strategic manner that considers community needs like provision of and access to goods, services, transit, and quality public space.

Policy 1.2.2: Infill Development Enhances the Town: Infill development is important because it directs growth away from natural areas, but it must be done well. Infill development shall enhance and not detract from the building character of the town by replicating key elements of Boone's cherished historic design features (like building scale, proportion, setbacks, character) with high quality, pedestrian-oriented design and providing public goods like plazas, wide sidewalks, public art, and affordable spaces for living, artists, and small businesses. Rules for new development should avoid financially incentivizing displacement of vulnerable populations.

Policy 1.3.4: Encourage Reuse and Rehabilitation: Support and encourage adaptive reuse and rehabilitation of existing homes and buildings. Where appropriate, minimum building code standards should be applied in a manner compatible with historic preservation efforts.

Policy 4.4.1: Promote Use of Existing Resources: Promote infill, redevelopment, and adaptive use as a way to maximize use of existing services, infrastructure, and utilities.

The development will provide multi-family housing as a primary use in the walkable mixed-use designation.

Commission Member Paz-Miranda wished to amend the motion to add:

Planning Principle 7: Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning. Neighborhoods may include a variety of land uses (residential, commercial, civic, and recreational areas), building types, and housing types. They may have an identifiable center that offers basic services such as cafes, childcare, specialty stores, and grocery options. Neighborhoods will support a variety of travel options and be well-connected to adjacent neighborhoods and parks. They will seamlessly integrate the members of diverse, multi-generational communities living in proximity to one another.

Commission Member Luther accepted the amendment.

Commission Member Paz-Miranda seconded the motion.

VOTE: Aye – 5

Nay – 0

Absent – 1 (Kight)

The motion passed.

Vote 2

Commission Member Luther made a motion, seconded by Commission Member King, that the Planning Commission recommends approval of Ordinance A26-0521 within Staff Report Exhibit A and approval is reasonable and in the public interest as an adaptive reuse that adds housing within walking distance of a campus without new impervious surface, and that replaces the full range of B3 commercial uses with a residential use of lower traffic and noise impact, subject to the following conditions:

1. Where there is a conflict between the original application information and the plans (received on June 10, 2026), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO. For application elements not depicted on the plans but included in the written materials provided by the applicant and considered at the public hearing held on July 27, 2026, those details shall be considered part of the approved plan except as may be specifically provided otherwise in these conditions or was represented otherwise by the applicant at the public hearing.
2. Any commitments and representations concerning the proposed development made by the applicant at the public hearing shall also become a condition of the permit and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details, and specifications meeting the requirements of the Town Code, UDO, Building Code, and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.
4. Units shall be leased by the unit, not by the bedroom.
5. Provide parking that does not impede traffic on Clement Street, including those spaces that back into the street.
6. The applicant must work with town staff on a solid waste collection plan that defines the container location and collection access before site plan approval.
7. Existing trees on the site must be retained.

VOTE: Aye – 5
Nay – 0
Absent – 1 (Kight)

The motion passed.

Other Matters

Planning Commission Vice-Chair

Commission Member King nominated Frank Veno as the Planning Commission Chair. Commission Member Luther seconded the nomination.

VOTE: Aye – 5
Nay – 0
Absent – 1 (Kight)

The motion passed.

Commission Members Paz-Miranda and King applied for the Vice-Chair position and provided brief statements regarding their desire to hold the office. Commission members struggled to choose between the two candidates.

Commission Member Luther nominated Frida Paz-Miranda as the Planning Commission Vice-Chair. Chair Veno asked if there were any other nominations. Commission Member King nominated himself as Vice-Chair.

VOTE FOR PAZ-MIRANDA:
Aye – 4
Nay – 0
Abstain – 1 (Paz-Miranda)
Absent – 1 (Kight)

The motion passed.

VOTE FOR KING:
Aye – 4
Nay – 0
Abstain – (King)
Absent – 1 (Kight)

The motion passed.

Ms. Shook explained that the nominations would be forwarded to Town Council for their final selection of Chair and Vice-Chair.

Website

Ms. Shook announced that the town's website would include a form allowing the public to email Planning Commission members. She explained that the emails would go to members' personal email addresses, which would not be shown on the website. If members chose to reply by email, their personal email address would then be visible to the recipient. Ms. Shook reminded Commission members that they could only speak for themselves in any email response and could not act on behalf of the Commission.

Mr. Wise noted that the October meeting would likely be a Planning Commission meeting without Town Council present. If Commission members felt the need to discuss the contact form further, they could do so at the October meeting.

Adjournment of Planning Commission

With nothing further, Chair Veno adjourned the meeting at 8:46 p.m.

_____ _____

Frank Veno, Planning Commission Chair Brenda Henson, Board Clerk

DRAFT

Staff Report
Town Council
October 28, 2026
Case A26-0515 Khulaqi – General Use Zoning Map Amendment

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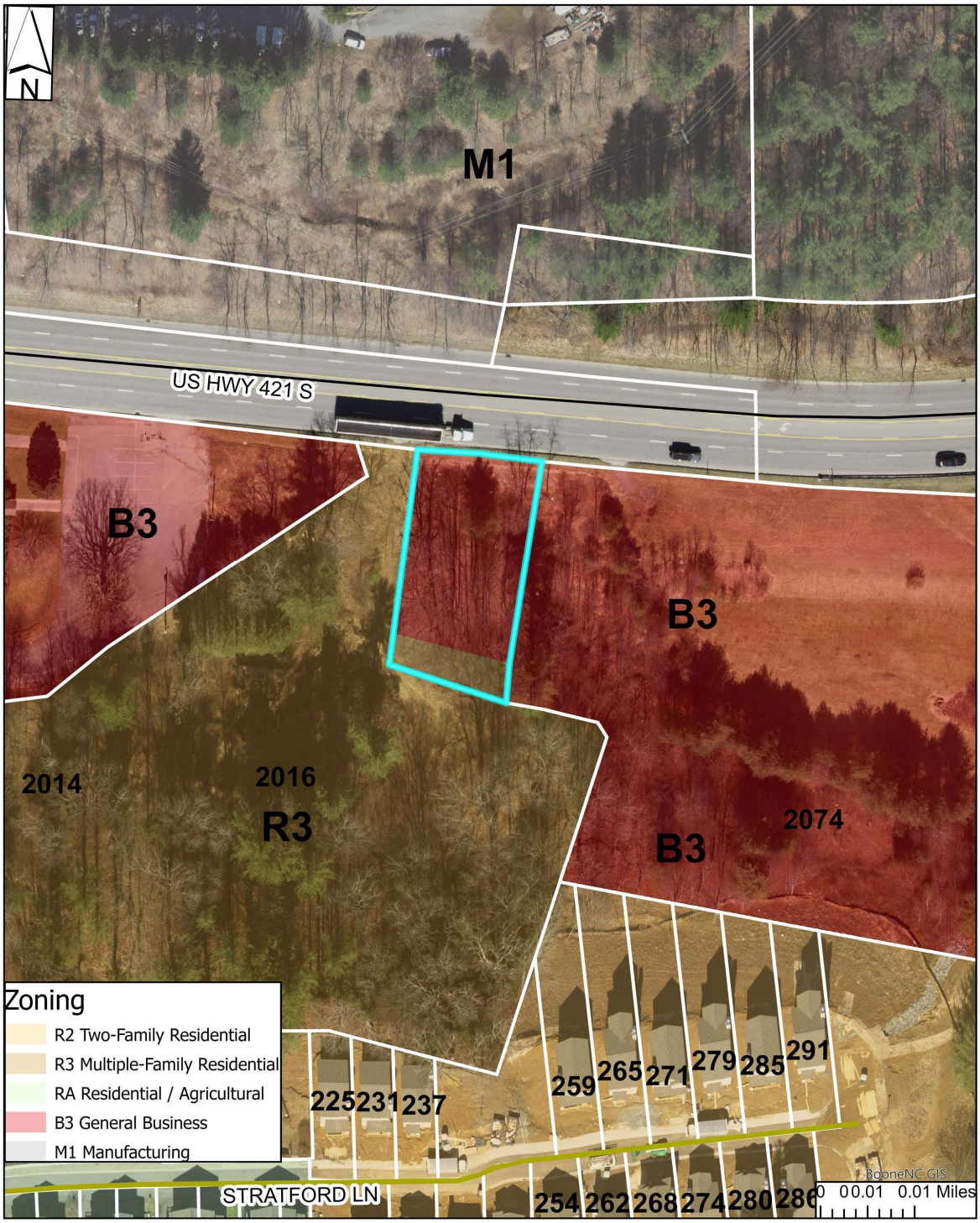

N
M1
US HWY 421 S
B3
B3
2014
2016
R3
B3
2074
Zoning
R2 Two-Family Residential
R3 Multiple-Family Residential
RA Residential / Agricultural
B3 General Business
M1 Manufacturing
225 231 237
259 265 271 279 285 291
STRATFORD LN
254 262 268 274 280 286
BooneNC GIS
0 0.01 0.01 Miles

Request

Abdulrahman Yasser Khulaqi has submitted a General Use Zoning Map Amendment application to rezone a portion of the property located on US Hwy 421 S (Watauga County PINs: 2920-09-4335-000) from R3 Multiple-Family Residential to B3 General Business with Corridor District Overlay. The property is outlined in blue on the map above.

Case Exhibits

The applicant did not submit any exhibits for this request. Staff generated materials are the Staff Report, Staff Exhibit 1, and the ordinance included as Staff Report Exhibit A.

Exhibit #	Items
Staff Report Exhibit A	Ordinance #A26-0515

Parcel Information

Parcel Specifics

Property Owner	Abdulrahman Yasser Khulaqi
Address	TBD US Hwy 421 South
Watauga County PIN(s)	2920-09-4335-000
Use	Vacant, undeveloped
Size	0.311 ac
Access	US Hwy 421 South
Steep or Very Steep Slope	No

Existing Zoning/Extraterritorial Jurisdiction (ETJ)History

Watauga County PIN(s)	2920-09-4335-000
Existing Zoning	(Split-zoned) B3 General Business/R3 Multiple-Family Residential with Corridor District Overlay

Requested Zoning

District Descriptions	**B3 General Business with Corridor District Overlay** The B3 General Business District is primarily intended to accommodate a wide range of office, restaurant, retail, service, and multi-family residential uses in a mixed-use environment. The regulations for this district are intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses. **Corridor District Overlay**

	The corridor districts are established overlay district intended to protect the main thoroughfares though Town. **US Hwy 421 East:** Beginning at the intersection with US Hwy 321 (Hardin Street) and extending east along the centerline of US Hwy 421 to the farthest extent of the Town's planning jurisdiction. This Corridor District includes both the old two-lane portion of US Hwy 421 and the new four lane portion of US Hwy 421 located in the Town's extraterritorial jurisdiction.

Existing Site Characteristics

The parcel is an approximate 0.311-acre site. The site's access would be from US Hwy 421 S. It is a vacant lot on the west side of a hotel under construction and on the east side of a multi-family apartment development.

The elevation along the northern portion of the property at US Hwy 421 S is approximately 3104'. From that point, the site has little rise, roughly 12' in elevation overall. Supporting photos are provided below.

Photo 1



Photo 2



Photo 3



Photo 4



Zoning and Use of Adjacent Properties

	District	Use
North	M1 Manufacturing with Corridor District Overlay	Manufacturing, Retail
East	B3 General Business with Corridor District Overlay	Hotel

South	R3 Multiple-Family Residential with Corridor District Overlay	Multi-Family apartments
West	B3 General Business/R3 Multiple-Family Residential with Corridor District Overlay	Religious Assembly

North:



East:



South:



West:



Zoning Comparison Analysis

Standards Comparison

R3 Development Standards	B3 Development Standards
Minimum Gross Land Area: 20,000 square feet (0.46 ac)	Minimum Gross Land Area: 5,000 square feet (0.11 ac)
Minimum Lot Width: 80 feet	Minimum Lot Width: 50 feet
Minimum Street Frontage: 64 feet	Minimum Street Frontage: 40 feet

Minimum Livability Space: .40	Minimum Livability Space: .27
Minimum Setbacks 1. Street: 20 feet 2. Interior: 13 feet	Minimum Setbacks 1. Street: 20 feet 2. Interior: 17 feet
Maximum Building Height: 3 stories	Maximum Building Height: 3 stories/45 feet (primary) – 4 stories/56 feet (secondary)
Occupancy: One (1) family or up to four (4) unrelated persons (see Section 14.04) per dwelling unit. A dwelling occupied by a family (but not by unrelated persons) may also have two (2) roomers.	Occupancy: One (1) family or up to four (4) unrelated persons (see Section 14.04) per dwelling unit. A dwelling occupied by a family (but not by unrelated persons) may also have two (2) roomers.

Staff Note: With the parcel being approximately 0.311 ac, it would be under the minimum gross land area of 20,000 ft2 for a R3 zoning classification but would meet the B3 standard of 5,000ft^2. The lot meets other intensity standards as listed for both the R3 and the B3 zones.

Use Comparison

The applicant has requested for a B3 General Business District with Corridor District Overlay.

Use #	Use	R3	B3	Reference
1.0 Household Living				
1.06	Duplex (one duplex building per lot)	P		
1.07	Duplex (more than one duplex building per lot)	L		15.03
1.08	Townhouse (up to 30 bedrooms)	L		15.03
1.09	Townhouse (31-100 bedrooms)	L		15.03
1.10	Townhouse (> 100 bedrooms)	CD		15.03
1.11	Multi-Family Dwelling (up to 30 bedrooms)	CD		15.03
1.12	Multi-Family Dwelling (31-100 bedrooms)	CD		15.03
1.13	Multi-Family Dwelling (> 100 bedrooms)	CD		15.03
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)	CD	L	15.04
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)		CD	15.04
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)		CD	15.04
1.17	Adult Living Community	CD		
2.0 Group Living				
2.01	Family Care Home	L		15.06
2.03	Residential Reentry, Category 1	CD		15.07
2.04	Residential Reentry, Category 2	CD		15.07
2.05	Residential Care Facility		P	
2.07	Boarding House	L	C	15.10
3.0 Transient Living				
3.02	Shelter for Homeless, Category 1	L	L	15.12
3.03	Shelter for Homeless, Category 2	CD	L	15.12
3.04	Bed and Breakfast, Category 1	L		15.13
3.05	Bed and Breakfast, Category 2	CD	L	15.13
3.06	Vacation Rental		L	15.14
3.07	Homestay Rental	L	L	15.05

Use #	Use	R3	B3	Reference
3.08	Motel		CD	
3.09	Hotel, Small		P	
3.10	Hotel, Large		CD	
3.11	Hotel, extended stay		CD	
4.0 Institutional				
4.03	Funeral Home Establishment		P	
4.04	Crematorium		CD	
4.05	Cemetery	P	P	
4.06	Post Office		P	
5.0 Government Uses				
5.01	Government Cultural Facility	CD	P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only		P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity	CD	P	
5.04	Recreation Facility, Category 1	P	P	
5.05	Recreation Facility, Category 2	P	P	
5.06	Recreation Facility, Category 3	CD	CD	
5.07	Event Venue, Category 1	P	P	
5.08	Event Venue, Category 2	CD	P	
5.09	Event Venue, Category 3		CD	
5.12	Police Substation	P	P	
5.13	Utility Facility, Town	L	L	15.16
5.14	Utility Facility, Government, Neighborhood	L	L	15.16
5.15	Utility Facility, Government, Regional	L	L	15.16
5.16	Government Facility	CD		
6.0 Non-Government Utility Facility				
6.01	Utility Facility, Neighborhood	L	L	15.16
6.02	Utility Facility, Regional		CD	15.16
7.0 Wireless Communication				
7.01	Small Wireless Collocation	L	L	15.18
7.02	Wireless Facility Collocation on Existing Wireless Support Structure or Utility Pole	L	L	15.17
7.03	Stealth Wireless Facility Attached to Existing Building or Structure	L	L	15.17
7.05	Non-stealth Wireless Facility Collocation on Electrical Transmission Towers	L	L	15.17
7.06	Stealth Wireless Support Structure	L	L	15.17
7.07	Non-stealth Wireless Support Structure	L	L	15.17
7.08	Emergency Response Communication Antenna	P	P	
8.0 Assembly				
8.01	Religious Assembly, Category 1	P	P	
8.02	Religious Assembly, Category 2	CD	P	
8.03	Religious Assembly, Category 3		CD	
8.04	Club/Lodge		CD	
10.0 Daycare				
10.01	Child Daycare, Large	L	L	15.19
10.02	Child Daycare Center		L	15.19
10.03	Adult Daycare, Large	L	L	15.19
10.04	Adult Daycare Center		L	15.19
10.05	All Other Daycare		CD	
11.0 General Sales and Service				
11.01	Kennel		CD	15.20
11.02	Veterinary Office/Hospital with Outdoor Kennels		CD	15.20
11.03	Veterinary Office/Hospital without Outdoor Kennels		P	
11.04	Financial Institution ≤ 5,000 ft^2		P	
11.05	Financial Institution > 5,000 ft^2		P	
11.06	Restaurants ≤ 3,500 ft^2		P	

Use #	Use	R3	B3	Reference
11.07	Restaurant > 3,500 ft² open to the public during 10 pm – 6 am		P	
11.08	Other Restaurants > 3,500 ft²		P	
11.09	ABC Store		P	15.66
11.10	Personal Service Establishments		P	
11.11	Retail Store up to 5,000 ft²		P	
11.12	Retail Store more than 5,000 but less than 25,000 ft²		P	
11.13	Retail Store 25,000 ft² and greater		L	15.21
11.14	Business or Professional Office		P	
11.15	Medical Office, Category 1		P	
11.16	Medical Office, Category 2		P	
11.17	Medical Office, Category 3		P	
11.18	Medical Office, Category 4		P	
11.20	Medical Emergency Response		P	
11.21	Open Air Market, Recurring		L	15.22
11.22	Vehicle Sales and Service		L	15.23
11.23	Equipment Sales and Service		L	15.24
11.24	Moped Sales and Service		P	
11.25	Boat or Marine Craft Sales and Service		L	15.25
11.26	Impound Lot/Towing Service		L	15.26
11.27	Gas Station		CD	
11.28	Car Wash		CD	
11.29	Seasonal Retail Activities and Amusements		P	
11.30	Electric-Vehicle Charging Station		CD	15.65
12.0 Recreation & Entertainment Uses				
12.01	Indoor Shooting Range		S	15.27
12.03	Indoor Theater		P	
12.04	Outdoor Theater		CD	
12.05	Event Venue, Category 1		P	
12.06	Event Venue, Category 2		P	
12.07	Event Venue, Category 3		P	
12.08	Campground and Recreational Vehicle Park		L	15.28
12.09	Coliseum		CD	
12.10	Recreation Facility, Category 1		P	
12.11	Recreation Facility, Category 2		P	
12.12	Recreation Facility, Category 3		CD	
13.0 Agriculture				
13.01	Garden, Community	L	L	15.29
13.02	Garden, Residential	L	L	15.30
13.09	Forestry	L	L	15.31
14.0 Manufacturing				
14.01	Microbrewery/Microdistillery		L	15.32
14.02	Brewpub		L	15.32
14.03	Brewery/Distillery		L	15.33
14.06	Winery		L	15.35
14.09	Machine/Welding Shop		L	15.37
15.0 Parking				
15.01	Parking Lot		L	15.39
15.02	Parking Structure	CD	L	15.40
15.03	Park and Ride Lots		L	15.39
16.0 Storage				
16.01	Self-Storage Facilities		CD	15.41
16.04	Fuel Storage Facility		L	15.67
17.0 Transportation				
17.01	Passenger Terminals	CD	CD	
17.02	Trucking or Freight Terminal ≤ 10,000 ft²		CD	

Use #	Use	R3	B3	Reference
19.0 Particular Activities Which Pose Particular Concern About Public Health				
19.01	Electronic and Internet Gaming		S	15.43
19.02	Adult Establishments		S	15.44
Allowable Accessory Uses				
A-1	Secondary suite	L	L	15.45
A-2	Home occupation	L	L	15.46
A-3	Accessory dwelling unit	L	L	15.47
A-4	Drive-through		CD	15.48
A-5	Outdoor display		L	15.49
A-6	Outdoor storage		L	15.50
A-7	Outdoor dining		L	15.51
A-8	Automated teller machine (ATM)	P	P	
A-9	Automated teller machine (ATM), freestanding	L	L	15.52
A-11	Poultry	L	L	15.54
A-12	Livestock, small	L	L	15.55
A-14	Bees	L	L	15.57
A-15	Garden, residential	L	L	15.58
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-17	Satellite receiving antennas less than 2 meters in diameter		P	
A-18	Satellite receiving antennas 2 meters and greater in diameter		S	
A-19	Helistop		S	
A-20	Swimming pools, spas, and hot tubs	L	L	15.59
A-21	Caretaker's residence		L	15.60
A-22	Vehicular gate	L	L	15.61
A-24	Chemical storage facility		CD	
A-25	Open air market, accessory	L	L	15.22
A-26	Daycare, small	P	P	
A-27	Limited structure to enable recreational use of open rooftops	CD	CD	14.03.07(F) 14.19.06(H)(8)(d)
A-28	Solar Energy System	L	L	15.64
A-29	Electric-Vehicle Charging Station	L	L	15.65
Allowable Temporary Uses				
T-1	Temporary family care structure	L	L	15.62
T-2	Temporary construction or repair dwelling	L	L	15.62
T-3	Temporary construction trailer	L	L	15.62
T-4	Temporary mobile medical unit		L	15.62
T-5	Temporary classroom		L	15.62
T-6	Temporary portable storage containers	L	L	15.62
T-7	Temporary staging		L	15.62
T-8	Temporary non-fixed site event venue		L	15.62
T-9	Carrier on wheels (cow)	L	L	15.62

Use #	Use	R3	B3	Reference
T-10	Yard sales	L	L	15.62
T-11	Itinerant merchant/peddler	L	L	15.62
T-12	Open air market, temporary		L	15.62
T-13	Temporary Use 9.01 Public Colleges and Universities		L	15.62
T-14	Temporary Disaster Relief	L		15.62

Staff Note: The blank boxes are the uses not permitted in the zoning district listed.

Intensity Comparison

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
R3	20,000 sq. ft.	80 ft.	64 ft.	.47	20 ft.	13 ft.
B3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

Building Height Comparison

Zone	Height Limitation
R3	3 stories
B3	3 stories/45’ (primary)-4 stories/56’ (secondary)

Occupancy Comparison

Occupancy Regulation (persons per dwelling unit)	Zoning District
One family or up to 4 unrelated Note: a dwelling occupied by a family (but not unrelated persons) may also have one (1) roomer.	R3 Multiple-Family B3 General Business

Staff Note: The occupancy regulation is the same for the R3 and the B3 zoning districts.

Comments from other Town Departments

In addition to the Planning review, the submitted plans were evaluated by other Town departments for compliance with applicable codes. Their comments are provided below.

Fire: The application has been reviewed with the following comments:

- No comment.

Police: The application has been reviewed with the following comments:

- No comment.

Public Works

Public Works: Services - The application has been reviewed with the following comments:

- No comment.

Public Works: Utilities - The application has been reviewed with the following comments:

- No comment.

Staff Note: If approved, the applicant will be required to submit full plans demonstrating complete compliance with the current ordinance for any zoning permit issued.

Procedural Analysis

This request involves one procedural action for zoning. The process ensures that the actions are considered holistically in light of Boone Next. The process will continue as scheduled unless delayed.

Date	Step	Guidance
September 28, 2026	Zoning Public Hearing	• A public hearing before the Council and the Planning Commission is held on zoning. • The Planning Commission provides a required zoning recommendation.
October 28, 2026	Final Council Decisions	• Council votes on zoning consideration.

General Use Zoning Map Guidance

Pursuant to UDO Subsection 9.02.01 (A)(2), any person may petition for a map amendment by submitting the required fee and a petition in such form and including such information as may be required by the Administrator.

Pursuant to UDO Subsection 9.07, in deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Council is whether the proposed amendment advances the public health,

safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Mayor and be excluded. In particular, when considering proposed general use map amendments:

A. The Council shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

B. The Council shall only consider the impact of the proposed change on the public at large.

Procedural Requirements (UDO Subsection 9.02)

Standard	Comments	Compliance
9.02.01(A)(3) Minimum Requirements(s)	• The name, address, and phone number of the applicant • A description of the land affected by the proposed amendment • A description of the proposed map change; and • In the case of a Conditional District map amendment, those items described at Section 9.09.	Yes

Conformity to Adopted Plans

Boone Next: Our Town, Our Future

Community Vision	Land Use and Development Vision
We will be a prosperous, livable, people-oriented mountain community modeling resilient growth that promotes and protects our natural resources with diverse housing options and dynamic economic opportunities. We will celebrate and build upon our community's historic foundation to leave a sustainable and equitable town for future generations.	Grounded in its historic character, Boone will be a distinct pedestrian-oriented town that is affordable, livable, human-scale, and connected through a network of walkable, mixed-use corridors and activity centers.

Planning Principles: The Boone Next Planning Principles are intended, as a collective, to provide a core vision to guide planning, zoning, and development decisions. These principles should be carefully considered with respect to all zoning map amendments, ordinance text amendments, and other development decisions as well as other town planning and policy initiatives.

Planning Principle 1

Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits.
It is preferable to accommodate growth in locations within the existing town limits that are appropriate for, can support, and would be enhanced by, new development. Infill and redevelopment will occur in a strategic manner that considers community needs like provision of and access to goods, services, transit, and quality public space.

Planning Principle 3

Encourage compact, human-scale development that integrates a vertical mix of uses (residential, commercial, office, institutional, civic, etc.) and connects with existing developed areas.
Places will be created with multiple uses in proximity to each other, perhaps on the same site and/or in the same structure. Close attention will be given to the compatibility of those uses and their surroundings. Uses will be arranged in a manner that maximizes pedestrian activity and create "communities within our community."

Planning Principle 4

Encourage development and connections that better balance the needs of pedestrians, drivers, cyclists, and transit users.
Opportunities will be sought to improve the street pattern and connectivity, thereby increasing travel options, potentially decreasing vehicle miles, reducing congestion, and improving safety.

- A connected street pattern will be the preferred network for future development and redevelopment unless prevented by streams, steep slopes, or other barriers.
- Well-connected streets will be designed with short blocks and alleys and include sidewalks and street trees to facilitate walking.
- Streets and trails will have high connectivity within and between neighborhoods and commercial districts.
- Bicycle and pedestrian trails with supporting amenities will be integrated into new development and areas undergoing redevelopment.
- Enhance connectivity to community amenities; add sidewalks, bike facilities, transit, and other pedestrian safety facilities where feasible.

Planning Principle 10

Encourage appropriate development to meet the town's urgent need for housing or other specific community needs by means of density bonuses or other mechanisms.
Encourage construction of affordable housing, public infrastructure, or other identified community needs by means of density bonuses or other incentives in appropriate areas of the town. For example, increased building height or additional units may be allowed in exchange for incorporating affordable housing units in a development.

Growth Management Tiers Map: The Growth Management Tiers Map is a policy tool intended to help Boone manage the growth of its corporate limits. The map identifies areas inside and outside the corporate limits that are likely to face development pressures, and it identifies those areas that are most appropriate for the town to consider serving by means of annexation within the next 10 to 15 years. The Growth Management Tiers Map is supplemented by and should be applied in concert with the Future Land Use Map, where applicable. The overall purposes of the map are to:

- Promote better interjurisdictional and long-range planning between and among the town, Watauga County, and utility providers.

- Encourage long-term fiscally and environmentally sustainable growth by carefully managing the extension of taxpayer-funded town services
- Encourage infill development
- Inform developers, landowners, farmers, and residents with respect to the town's priorities and approach to the growth of its corporate limits
- Provide policy guidance to town decision-makers regarding annexations, town service provision, fees and incentives, and locations for capital improvements

This property is located within the **Priority Growth Area**.

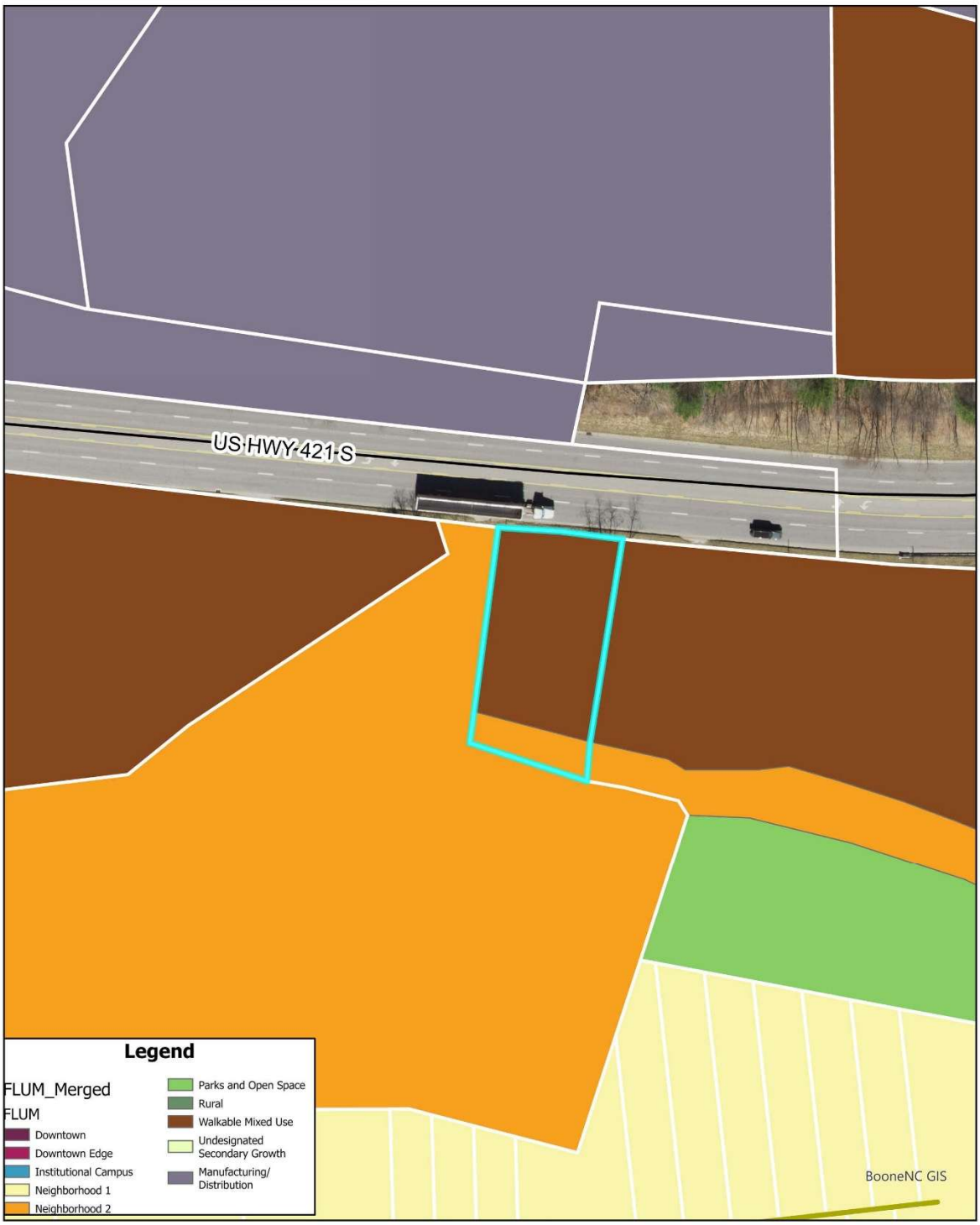
Priority Growth Area is land where growth is most encouraged; designated as Downtown, Downtown Edge, and Walkable Mixed Use on the Future Land Use Map.

Future Land Use Map

The Future Land Use Map is a critical tool intended to give shape to and help implement Boone's vision for the next 15-20 years. The map and associated land use types provide a framework for development and other land use-related decisions, including decisions on public infrastructure and transportation.

In legislative decision-making cases, Council and the Planning Commission will review Boone Next and the Future Land Use Map to ensure that the request:

- is consistent with the goals and policies set forth in this plan; and
- is consistent with the land use type as shown on the Future Land Use Map;
- and if not ensure that the requested change of zoning will not negatively impact the intent of the mapped land use type; and
- is supported by existing or planned infrastructure.



The property included in the request is mapped in the Walkable Mixed Use and Neighborhood 2 land use types. Please see below for more details on these land use types.

Description	Objectives	Primary Uses
Walkable Mixed-Use areas are envisioned as places that should evolve from existing auto-oriented patterns into green, walkable, mixed-use corridors and destinations. New street and alley grids may be established, fostering a more urban environment while maintaining a commitment to well-designed, green, and visually-engaging building patterns. Buildings in these areas are oriented toward the street and generally up to four stories in height; in some cases, on appropriately sized and located lots, they may reach up to six stories. Parking and drive aisles in the front are minimized and the majority of parking placed to the sides and rear. Ground floors should feature ample transparent windows and doors. Ground floors should create an inviting atmosphere for pedestrians by, for example, incorporating features like generous transparent windows and inviting entryways. Where appropriate, wider sidewalks and street trees enhance the pedestrian experience and promote a sense of place. The overall vision behind the Walkable Mixed-Use Land Use Type is to foster vibrant, self-	- Eliminate curb cuts on arterials through rear access parking and new alley construction and dedication - Evaluate opportunities for neighborhood scale- businesses that enhance neighborhoods with accessible resources such as cafes, small grocers/bodegas, and childcare facilities - Mixed-use buildings provide a variation in layout and size for ground floor non-residential uses - Encourage and facilitate public spaces like plazas, playgrounds, and other public amenities	- Vertical mixed-use with ground floor commercial and upper story residential and/or appropriate commercial uses; or a mix of single-use commercial and/or residential buildings within a single development - Multi-family - Limited light industrial/manufacturing uses with minimal external impacts

sufficient communities where everything is just a short stroll away – a true realization of the "15-minute city" or "city within a city" concept. Here, residents enjoy access to local businesses, services, and amenities that cater to their daily lives, while commercial spaces thrive on the support of a connected residential environment.		
Neighborhood 2 describes neighborhoods composed primarily of higher density multifamily housing in various forms and includes some buildings with ground floor nonresidential uses. Neighborhood 2 may include a variety of housing types in larger developments which could result in a mix of low- to high-density housing. These neighborhoods are suited for low- to mid-rise construction. In some cases, on appropriately sized and located lots, height may reach up to four stories, with an overall building form (height, setbacks, and density) appropriate to each neighborhood's existing character. Decisions on density and form are based on location and infrastructure availability.	- Protect, maintain, and promote affordable housing - Enhance connectivity to community amenities; add sidewalks, bike facilities, transit, and other pedestrian safety facilities where feasible - Supportive nonresidential uses where appropriate - Evaluate opportunities for neighborhood scale- businesses that enhance neighborhoods with accessible resources such as cafes, grocery stores, and childcare facilities	- Multi-family - Other lower density residential uses - Vertical mixed-use with limited ground floor commercial and upper story residential uses

Goals & Policies

Goal 1.1: A SUSTAINABLE BUILT PATTERN

Boone's interwoven natural and built environments will promote social, environmental, and fiscal sustainability while aiming to reduce auto- dependence and the roots of traffic congestion. The town will be a leader of green building design and climate responsibility.

Policy 1.1.1 Use the Future Land Use Map

Use the Future Land Use Map to guide development, growth, and conservation decisions. Additionally, use the Focus Area Plans for more detailed policy direction within each of those areas.

Goal 1.2: DEVELOPMENT TRUE TO BOONE'S VISION

Boone's development and redevelopment will enhance the best of the town's existing built environment and reinforce the vision set forth in this plan.

Policy 1.2.2: Infill Development Enhances the Town

Infill development is important because it directs growth away from natural areas, but it must be done well. Infill development shall enhance and not detract from the building character of the town by replicating key elements of Boone's cherished historic design features (like building scale, proportion, setbacks, character) with high quality, pedestrian-oriented design and providing public goods like plazas, wide sidewalks, public art, and affordable spaces for living, artists, and small businesses. Rules for new development should avoid financially incentivizing displacement of vulnerable populations.

Policy 1.2.4: Create and Enhance Gateways

Gateways can serve as visual cues that travelers are passing between and arriving in new places. New development, public infrastructure projects, and preservation efforts should consider gateways into Boone and between distinct areas within the town.

Policy 1.2.5: Use Appropriate Transitions Between Different Scales and Intensities

Use appropriate transitions between different building uses and intensities by stepping down building heights and scale from areas allowing taller buildings to primarily residential neighborhoods.

Goal 1.4: A NETWORK OF OPEN SPACE & GREEN CORRIDORS

Boone will build on its reputation as a green and outdoor city, creating and protecting an integrated network of green corridors, parks, and open spaces as well as meaningful rural and agricultural uses.

Policy 1.4.1: Protect Ecologically Valuable Areas and Corridors

Through regulations and development decisions, protect, restore, and connect ecologically valuable areas such as critical watersheds, stream buffers, wetlands, wildlife habitat, and hardwood forests. Prioritize conservation of lands adjacent and connected to existing protected areas.

Policy 1.4.2 Integrate Green Space Throughout the Built Environment

Abundant access to green space is vital to human health. Continue to thread green space throughout the built environment by growing, enhancing, and protecting the urban tree canopy like street trees, and providing natural green public spaces, neighborhood gardens, green walls, and greenways. To the extent possible, encourage native landscaping.

Policy 1.4.5: Protect Valued Mountain Viewsheds

Boone is a beautiful mountain town and must protect those viewsheds deemed most important by the Boone community.

Goal 1.5: INTENTIONAL GROWTH MANAGEMENT

Boone will manage growth thoughtfully and intentionally within its borders and at its edges to enhance the town's livability and meet the needs of a growing community.

Policy 1.5.1: Manage Growth to Balance Protection of Community Character and Natural Areas While Directing Desired Growth to Identified Centers

The town will manage growth in a manner that balances the protection of community character and natural lands while accommodating future population. Change in the community will be carefully managed to protect critical natural lands, provide a variety of housing options for a diversity of households, support economic development, support fiscal balance, ensure adequate public safety services, and utilize growth patterns that support regional and local transit services. Lands within the town's current corporate limits are priorities for infill and redevelopment. New development areas contiguous with the town and in identified activity centers should be secondary priorities for development and ahead of areas outside centers.

Policy 1.5.3: Guide Growth Using the Growth Management Tiers Map

The Growth Management Tiers Map serves as a guide for development and investment decisions. The map's purpose is to ensure Boone accommodates growth consistent with the Boone Next Planning Principles, intentionally directs growth to desired areas, manages the pace of development, and aims for fiscal balance. This map is intended to be used when considering zoning and development approvals, utility service extensions, annexations, incentives, and capital investments. This map should be used in coordination with the Utility Service and Annexation Criteria. The Growth Management Tiers Map will be updated from time to time to reflect changing planning conditions.

Goal 1.6: AN AFFORDABLE TOWN TO LIVE IN

Boone will facilitate sustainable affordable housing for low- to middle-income residents.

Policy 1.6.4: Make Daily Needs More Accessible Across Boone

Consider both the cost of housing and the cost of transportation as the town develops, recognizing that transportation costs rise as distances to daily needs like grocery stores, daycare, work, and school increase. Focus on distribution of uses and services using walkable urban design principles that make daily needs more accessible to all ages and abilities. Measure and track progress toward increasing the proportion of residents living within a comfortable 5-10 minute walk, bike, or transit ride to daycare facilities; grocery stores; parks, greenways, or playgrounds; and employment destinations.

Goal 3.1 A STRONG AND DIVERSE LOCAL ECONOMY

Boone will have a strong and diverse local economy that builds on existing economic sectors and fosters the growth of new green economic sectors.

Policy 3.1.1: Build on Boone's Existing Economic Assets

Leverage existing economic assets by promoting businesses that are actively investing in Boone and providing living wage jobs.

Policy 3.1.4: Support Boone's Small Businesses

Support Boone's independent businesses and ensure existing resources are adequately advertised to existing and prospective small business. Foster a spirit of entrepreneurship and information-sharing. Create opportunity for creating new locally-owned small businesses, including protecting and expanding the supply of small, affordable spaces in existing and new buildings.

Policy 3.1.5: Stimulate Equity in Economic Development

Support the development and growth of worker-owned businesses as a means of promoting higher wages, upward mobility, and a diversity of locally-owned services. Support growth of and collaboration with unions and unionized businesses.

Goal 3.3 A RENOWNED TOURISM DESTINATION

Boone will continue to be a tourism destination with its access to the Appalachian Mountains, the beauty of its natural surroundings, and its outstanding shopping, food, entertainment, and cultural offerings. Tourism infrastructure will have the added effect of contributing directly to the quality of life of local residents.

Policy 3.3.3: Plan for Parking

Collaborate with partners to expand access to high quality, affordable internet services.

Goal 4.4 LONG-TERM FISCAL BALANCE

Long-term fiscal balance will be achieved through land use and growth decisions that are informed by long-term fiscal impacts of development.

Policy 4.4.1: Promote Use of Existing Resources

Promote infill, redevelopment, and adaptive use as a way to maximize use of existing services, infrastructure, and utilities.

Policy 4.4.2: Proactively Manage Growth and Development

Anticipate and guide future growth and development using the planning principles, frameworks, and maps in this Comprehensive Plan to ensure that new development can be supported by town infrastructure and services while protecting open space.

Policy 4.4.3: Promote Smart Growth

Ensure new growth and development is fiscally balanced in the long run while directing more growth to areas with existing services and infrastructure. Some types of developments and land uses are necessary to the social needs of the town and do not necessarily directly improve the town's fiscal balance, such as recreation and cultural facilities or affordable housing. Encourage compact development that can be more efficiently served, especially as indicated on the Future Land Use Map.

Policy 4.4.4: Consider Community Priorities and Long-Term Impacts

Consider community priorities and long-term impacts in decision-making, with the understanding that some community priorities may not have positive fiscal impacts and some decisions may not provide short-term benefits.

Goal 5.2 SUSTAINABLE BUILDINGS, OPERATIONS, AND INFRASTRUCTURE

Boone will seek sustainable practices in buildings, operations, and infrastructure of town government and across the community.

Policy 5.2.2: Manage Growth on Boone's Edges

Intentionally manage outward growth to balance protecting community character and natural areas while directing desired growth to identified centers. Use the Utility Service and Annexation Criteria and the Growth Management Tiers Map to manage growth.

Policy 5.2.5: Sustainable and Accessible Foods

Eliminate food deserts and aim to expand the proportion of residents living within a half mile travel distance of a grocery store. Support and promote farmers markets as ways of offering fresh foods and supporting food and farmers, produced within the region. Support and promote community gardens. Support residential gardens, including in front yards, and ensure there are not unnecessary regulatory barriers.

Planning Commission Recommendation

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

First Motion and Vote: Commission Chair Veno made a motion that the proposed amendment to the Town's zoning map is not consistent with the Town's current comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following from Boone Next:

Goals & Policies

- **Goal 1.1**: A sustainable built pattern: Boone's interwoven natural and built environments will promote social, environmental, and fiscal sustainability while aiming to reduce auto- dependence and the roots of traffic congestion. The town will be a leader of green building design and climate responsibility.
- **Goal 1.2**: Development true to Boone's vision: Boone's development and redevelopment will enhance the best of the town's existing built environment and reinforce the vision set forth in this plan.
- **Policy 1.2.1**: Build the Town for People: To the extent possible, the built environment should be human-scale and pedestrian oriented rather than large-scale and auto-oriented. There are urban design characteristics that transcend eras, styles, and typologies that help to explain why Boone's beloved downtown makes human beings comfortable. Human-scale development is not defined by density, but instead by urban design that makes human beings comfortable and happy navigating streets, activity centers, and neighborhoods on foot. Human-scale built environments might consider terminating vistas at the end of streets or the width and frontage of new buildings.

- **Goal 1.3**: A preserved heritage: Boone's unique architectural and cultural history is celebrated. The town preserves historic buildings and encourages the design of new buildings and places that complement its architectural heritage.
- **Goal 2.4**: Increase mobility through capacity & access management: Ensure Boone's street network supports safe, reliable transportation for all modes by addressing growth-related challenges with strategic roadway improvements beyond traditional widening.

The motion was seconded by Commission Member King.

Vote: Aye – 6
Nay – 0
The motion passed.

Second Motion and Vote: Commission Chair Veno made a motion, seconded by Commission Member King, that the Planning Commission recommends denial of Ordinance #A26-0357 within Staff Report Exhibit A, and denial is reasonable and in the public interest because there is a lack of commitment on the part of the developer and the application is not in keeping with the spirit of neighborhood conservation. There are too many unresolved issues and there is a lack of both community support and commitment to mixed-use housing.

Vote: Aye – 6
Nay – 0
The motion passed.

Town Council – Adoption of Zoning Ordinance

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning administrator shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

Vote 1: The proposed amendment to the Town's zoning map ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

_____

_____

_____

Note 1: *describe elements of controlling land use plans and how the amendment is or is not consistent.*

Vote 2: The Town Council ☐**approves** OR ☐**denies** Ordinance A26-0515 within Exhibit A and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

_____

_____

_____

Note 2: *briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.*

Staff Report Exhibit A: Ordinance #A26-0515

ORDINANCE # A26-0515

AN ORDINANCE TO REZONE PROPERTY WITHIN THE TOWN OF BOONE

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone the property below as presented:

Address: TBD US Hwy 421 South

Watauga County PINs: 2920-09-4335-000

Property Owner: Khulaqi, Abdulrahman Yasser

Zoning: B3 General Business District with Corridor District Overlay

WHEREAS, the Boone Town Council held a duly-noticed public hearing on September 28, 2026 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.

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

SECTION 3. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this day October 28, 2026.

The Honorable Dalton George, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Staff Report has been updated with staff notes related to updated site plan and narrative supplied by the applicant prior to the October 28 Town Council Meeting. Updated notes are highlighted in blue.

Staff Report
Town Council
October 28, 2026
Case A26-0521 Clement Street Apartments, LLC– Conditional District Zoning Map Amendment

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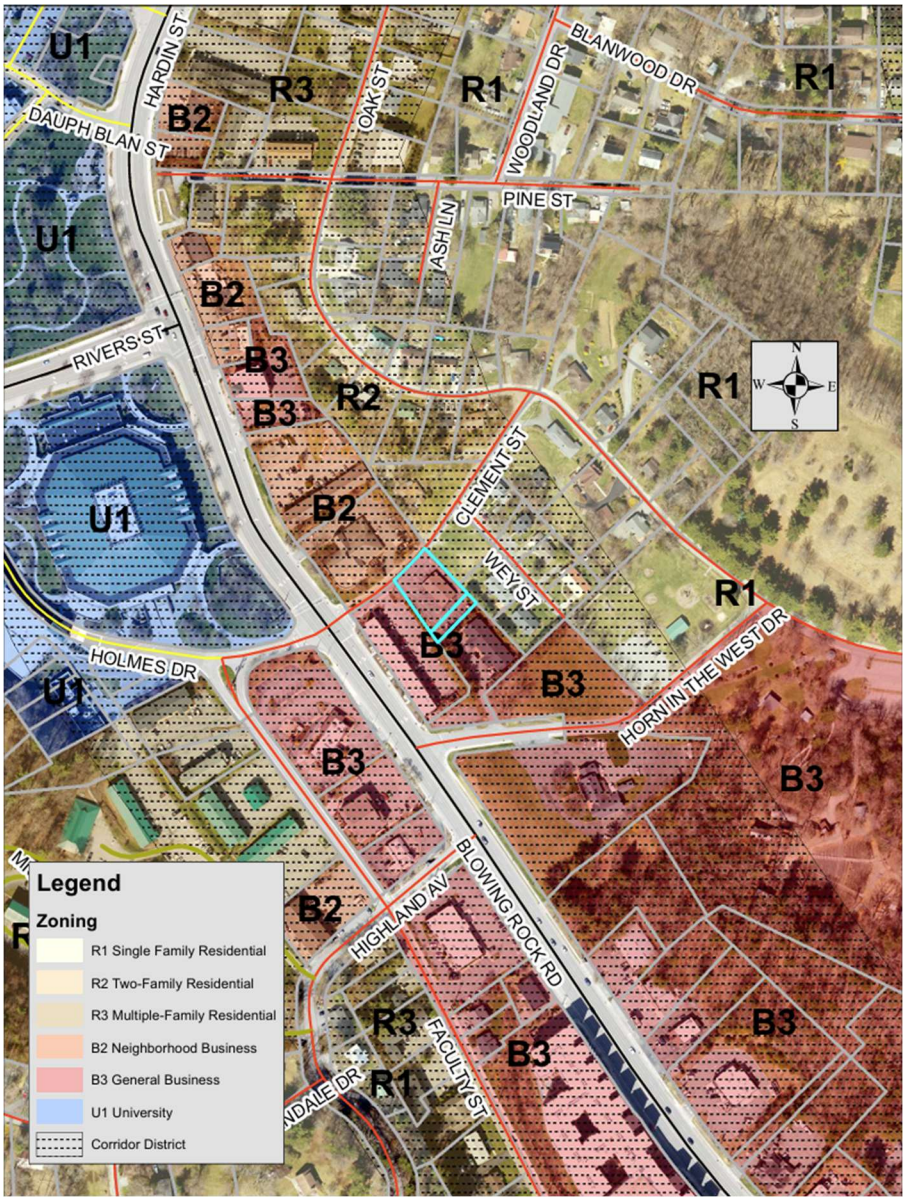


Request

Clement Street Apartments, LLC has submitted a Conditional District Zoning Map Amendment application to rezone property at 138 Clement Street. (Watauga County PINs: 2910-15-2928-000 & 2910-15-2953-000) from B3 General Business to Conditional District R3 Multiple-Family Residential District with a site-specific development plan for Use 1.11 Multi-Family Dwelling (up to 30 bedrooms). The request is for a 12-unit, 18-bedroom multi-family dwelling. The property is outlined in blue on the map above.

Requested Deviations (See Applicant Exhibit 1):

1. UDO Section 15.03.03(B): Deviation requested to remove the requirement of 25% of the units having a garage or carport.
2. UDO Section 15.03.03(C): Deviation requested to reduce the required livability space from .50 to the proposed 0.15, including balcony areas for upper floor units.

3. UDO Section 15.03.05(A): Deviation requested to remove the requirement of a common access bathroom in the upper floor two-bedroom units.
4. UDO 15.03.05(B): Deviation requested to remove the requirement of the primary bedroom to be larger and the minimum size of the bedrooms.
5. UDO 31.05.01(D): Deviation requested to reduce the required buffer yards on all three internal lot lines. The reduction is as much as 75% of the required buffer on the northeastern property boundary.
6. UDO 31.05.02: Deviation requested to remove the requirement for a street yard.

Updated Staff Note: A deviation of UDO Table 24.02 will be required if the project is approved as proposed in the updated site plan. Table 24.02 requires all 90-degree parking to have an aisle width of twenty-four feet (24'). This site plan does not meet that requirement so a deviation will have to be granted in order for the project to be approved as presented.

Case Exhibits

Applicant Exhibits (1-7) were submitted by the applicant. Staff generated materials are the Staff Report, in pack as Staff Exhibit 1, and includes Staff Report Exhibit A.

Exhibit #	Items
Applicant Exhibit 1	Applicant's Project Narrative – includes deviations, mitigations, proposed conditions, and affidavit
Applicant Exhibit 2	Supporting Materials
Applicant Exhibit 3	Site Survey
Applicant Exhibit 4	Floor Plans
Applicant Exhibit 5	Elevations
Applicant Exhibit 6	Neighborhood Meeting Notes and Notice
Applicant Exhibit 7	Geo Technical Report
Staff Report Exhibit A	Ordinance #A26-0357

Parcel Information

Parcel Specifics

Property Owner	Elvin M. Hundley	
Address	138 Clement Street	N/A
Watauga County PIN(s)	2910-15-2928-000	2910-15-2953-000
Use	Vacant	Vacant
Use Definition	Vacant	Vacant
Size	0.30 acres	0.07 acres
Access	Clement Street	N/A
Steep or Very Steep Slope	No	No

Existing Zoning:	**B3 General Business** The B3 General Business District is primarily intended to accommodate a wide range of office, restaurant, retail, service, and multi-family residential uses in a mixed-use environment. The regulations for this district are intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses. **Corridor District Overlay** The corridor districts are established overlay district intended to protect the main thoroughfares though Town. **US Highway 321:** Beginning at the intersection with US 421 (East King Street) and extending south along the centerline of US Hwy 321 to the farthest extent of the Town's planning jurisdiction.

Requested Zoning

District Descriptions	**Conditional District R3 Multiple-Family Residential District** The R3 Multiple-Family Residential District is established to provide a high-density area consisting of three or more dwelling units per lot plus limited-service use. The regulations for this district are intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

Existing Site Characteristics

The combined parcels will be an approximate 0.37-acre site. The site fronts Clement Street to the north, an undeveloped lot to the east, a three-story apartment building to the south, and Winkler Square Mixed-Use development to the west. The parcels are fully developed with an existing one-story brick building and associated parking lot. The parking lot extends to near the property boundary on all sides with small greenspaces along the south, west, and eastern property boundaries. The site is flat with no water features on the lots.

Photo 1



Photo 2



Photo 3



Photo 4



Zoning and Use of Adjacent Properties

	District	Use
North	B2 with Corridor District Overlay	Appalachian State University
East	R1 Single Family Residential	Vacant
South	B3 General Business with Corridor District Overlay	Multi-Family Dwelling (15 Units)
West	B3 General Business with Corridor District Overlay	Mixed Use Development

North:



East:



South:



West:



Zoning Analysis

To streamline staff reports and avoid restating UDO standards, this analysis focuses only on items that require attention by the Planning Commission and Town Council. Below staff have outlined limited use requirements where applicable and any staff concerns.

Any items not clearly shown, and any standards not requested for deviations, are expected to meet all applicable requirements. If approved the applicant will be required to submit full plans and specifications demonstrating complete compliance.

Limited Use Analysis

The applicant has requested Use 1.11 Multi-Family Dwelling (up to 30 bedrooms). Pursuant to UDO Article 34 Definitions, a multi-family dwelling is a building or combination of buildings on a single lot which includes three or more dwelling units. Multi-Family dwellings are subject to Limited Use Requirements as detailed in UDO 15.03.

Ordinance Requirement	Compliance
15.03.03(A): Townhouse style preferred and no one type of dwelling units, as defined by the number of bedrooms, shall comprise more than 50% of the total units.	Applicant intends to meet part of this requirement. The proposal is not a townhouse style but no one unit composes more than 50% of the total units as there are six (6) one-bedroom units and six (6) two-bedroom units.
15.03.03(B): Parking shall be limited to 2 spaces per unit; and a minimum of 25% of units shall have a garage or carport.	Deviation Requested, Applicant Exhibit 1 – Applicant is proposing no garages or carports and a minimum of one (1) parking spot per bedroom with a potential for six (6) extra spots for a potential maximum of 24 parking spots.
15.03.03(C): A livability space ratio of .50 must be met for the development. Fifty percent (50%) of the required livability space shall be designated to a defined area exclusively for the use of ground floor units. This space must consist of a common yard with accompanying private outdoor space for each ground level unit, or individual yards contiguous with the unit served. Either configuration must provide direct access from all ground floor units. The remaining livability space shall be designated for the use of the development as a whole as recreation space and shall be located so as to provide for direct auditory, visual, and physical access from the dwelling units served.	Deviation Requested, Applicant Exhibit 1 – Proposed livability space is .15 including external balconies for upper-level apartments.
15.03.03(D): On-site property management or an owner's association shall be required	Applicant intends to meet requirement. Applicant already owns and manages three other apartment buildings in town limits.
15.03.03(E): A minimum of 5% of the parcel shall be provided as recreation space for residents of the development.	Applicant intends to meet requirement. 5% of the current development would be approximately 800 square feet of recreation space.

15.03.04(A): Maximum building height shall be three (3) stories of occupied space and in no case shall the building exceed fifty feet (50') in total height including the roof or the maximum in the particular zoning district, whichever is less.	Applicant intends to meet requirement. Applicant is proposing a three-story building with a maximum height of under 50'.
15.03.04(B): If a pitched roof is proposed, the pitched roof area may be used as attic or storage space. If a flat roof is proposed, fifty percent (50%) of the roof area must be used as livability space.	Applicant is proposing a pitched roof to meet this requirement.
15.03.04(C): The front entrance of each unit on the first floor must be at ground level to the greatest extent particle.	Applicant intends to meet this requirement. Applicant proposes all first-floor units being built to ADA accessibility standards.
15.03.05(A): The bedroom to bathroom ratio of each unit within the development shall be limited as follows: 1. Efficiency unit and one (1) bedroom unit: one (1) bathroom. 2. Two (2) bedroom unit: one (1) or two (2) bathrooms, with no less than one bathroom with common access. 3. Three (3) bedroom unit: Two (2) bathrooms with no less than one (1) bathroom with common access. 4. Four (4) or more bedroom unit: Three (3) bathrooms with no less than two (2) bathrooms with common access from a hall.	Deviation requested, Applicant Exhibit 1 – The applicant is requesting a deviation of this standard in four of the six two-bedroom units. The applicant plans to meet the standard for the number of units; however, the four upper floor two-bedroom units will not have a bathroom with a common access.
15.03.05(B): In every unit with two (2) or more bedrooms, a designated master suite must be included and shall be at least twenty-five percent (25%) larger than every other bedroom and not less than 144 square feet excluding closet space.	Deviation requested, Applicant Exhibit 1 – The applicant is requesting a deviation of this standard to allow for the two-bedroom units to have two bedrooms of the same size and smaller square footage. The square footage of the bedrooms is proposed to be 108 square feet on the ground floor and 125-130 square feet on the upper floors.
15.03.05(C): Dedicated storage space of at least fifty square feet (50 ft^2) per unit must be provided for units without garages. Any storage space which is not within or attached to the building containing the units served by the space must be architecturally integrated with the development.	Applicant intends to meet this requirement.

Article 14 Zoning District Regulations

Staff Note: The minimum lot size in the R3 zoning district is 20,000 square feet. The parcels combined is approximately 16,117 square feet.

Article 21 Stormwater Management

Staff Note: There is no proposed increase in impervious surface, therefore no stormwater detention would be required to be installed as proposed. There is no stormwater proposed by the applicant and no existing stormwater detention on site.

Updated Staff Note: The applicant is proposing utilizing rain barrels at the gutter drains for the updated structure to decrease runoff velocity. There is still no proposed increase to impervious surface on this project.

Article 24 Parking

Staff Note: Per UDO Subsection 24.03.01, unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that vehicles may exit the areas without backing into a public street. The four parking spots in front of the building would not meet this requirement.

Updated Staff Note: The applicant has modified the site plan for the four parking spaces in the front of the structure to no longer back into Clement Street. However, the proposed design would require a deviation of the standard set by UDO Table 24.02, as all 90-degree parking requires an aisle width of twenty-four feet (24') which is not met with the site design.

Article 31 Landscape Standards

Staff Note: The applicant notes that landscaping along the southeastern and southwestern boundary meets requirements. Upon review of the site, staff does not believe the existing vegetation in those buffers meets the requirement of this standard. Should this project be approved with deviations as requested, no plantings would be required unless a condition is placed on the approval by Town Council.

Comments from other Town Departments: In addition to the Planning review, the submitted plans were evaluated by other Town departments for compliance with applicable codes. Their comments are provided below.

Fire: The application has been reviewed with the following comments:

- A FDC or PIV for the sprinkler system will be required if approved.

Public Works

Services - The application has been reviewed with the following comments:

- Sidewalk will be required along Clement Street.

Updated Staff Note: The applicant has revised the narrative to include the side walk along Clement Street.

Utilities - The application has been reviewed with the following comments:

- Utility plan will have to be reviewed as part of the approved plan sets if approved.

- Backflow preventor will be required if approved.

Procedural Analysis

This request involves one procedural action for zoning. The process ensures that the actions are considered holistically in light of Boone Next. The process will continue as scheduled unless delayed.

Date	Step	Guidance
September 28, 2026	Zoning Public Hearing	• A public hearing before the Council and the Planning Commission is held on zoning. • The Planning Commission provides a required zoning recommendation.
October 28, 2026	Final Council Decisions	• Council votes on zoning consideration.

Conditional District

Pursuant to UDO Subsection 9.09.01 (A), the CD process is established to provide tailored regulations to address specific circumstances or development goals. This process permits the application of additional conditions to proposed developments to ensure compatibility with neighboring uses and alignment with adopted plans or other development goals of the town, while also allowing deviations from existing standards where such serves the town's development goals. By incorporating tailored standards, the CD process offers a degree of flexibility not always achievable through a general use zoning map amendment. Specific procedural steps are mandated and applications must include more detailed information than might otherwise be required.

Procedural Requirements (UDO Subsection 9.09.02)

Standard	Comments	Compliance
9.09.02(A) Pre-Application Meeting(s)	June 1, 2026	Yes
9.09.02(B) Neighborhood Meeting: June 29, 2026		
Notice	Mailed on June 2, 2026 and posted on Town website, Exhibit 6	Yes
Location	Town of Boone Council Chambers, 1500 Blowing Rock Road	Yes
Presentation Info	Exhibit 6	Yes
Minutes	Exhibit 6	Yes
Time Limitation	The application was submitted within 6 months of the neighborhood meeting.	Yes
9.09.02(C) Application Submittal		
Allowable Uses	Exhibit 1, Project Narrative - includes Deviations, Mitigations, and proposed Conditions	Yes
Deviations		
Mitigation		

Conditions		
Affidavit	Exhibit 1, Affidavit	Yes

Conformity to Adopted Plans

Boone Next: Our Town, Our Future

Community Vision	Land Use and Development Vision
We will be a prosperous, livable, people-oriented mountain community modeling resilient growth that promotes and protects our natural resources with diverse housing options and dynamic economic opportunities. We will celebrate and build upon our community's historic foundation to leave a sustainable and equitable town for future generations.	Grounded in its historic character, Boone will be a distinct pedestrian-oriented town that is affordable, livable, human-scale, and connected through a network of walkable, mixed-use corridors and activity centers.

Planning Principles: The Boone Next Planning Principles are intended, as a collective, to provide a core vision to guide planning, zoning, and development decisions. These principles should be carefully considered with respect to all zoning map amendments, ordinance text amendments, and other development decisions as well as other town planning and policy initiatives.

Planning Principle 1
Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits. It is preferable to accommodate growth in locations within the existing town limits that are appropriate for, can support, and would be enhanced by, new development. Infill and redevelopment will occur in a strategic manner that considers community needs like provision of and access to goods, services, transit, and quality public space.
Planning Principle 2
Emphasize quality design to create an attractive, inspiring public and private realm— architecture, streetscape, corridors, gateways, and edges—that is uniquely Boone. Public areas (streetscapes, sidewalks, parks, plazas, etc.) and private areas (building facades, landscaping, parking facilities, etc.) will be planned, arranged, and designed with quality materials to celebrate a sense of place and character by balancing function, appearance, and affordability, while fostering creativity, innovation, and human-scale design that is true to Boone.
Planning Principle 3
Encourage compact, human-scale development that integrates a vertical mix of uses (residential, commercial, office, institutional, civic, etc.) and connects with existing developed areas. Places will be created with multiple uses in proximity to each other, perhaps on the same site and/or in the same structure. Close attention will be given to the compatibility of those uses and their surroundings. Uses will be arranged in a manner that maximizes pedestrian activity and create "communities within our community."
Planning Principle 5
Employ planning policies to accommodate growth while promoting an equitable town and protecting the most vulnerable residents and small businesses against economic displacement.

Planning and zoning policies and practices seek to limit the negative and undesired effects of gentrification and displacement. Current residents and small businesses that are in Boone today and want to remain here should be able to afford to stay while people who work in Boone should be able to afford to live within the town limits. Robust engagement and communication with residents and small businesses is key to promoting equitable planning in Boone.

Planning Principle 7

Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning.
Neighborhoods may include a variety of land uses (residential, commercial, civic, and recreational areas), building types, and housing types. They may have an identifiable center that offers basic services such as cafés, childcare, specialty stores, and grocery options. Neighborhoods will support a variety of travel options and be well-connected to adjacent neighborhoods and parks. They will seamlessly integrate the members of diverse, multi-generational communities living in proximity to one another.

Planning Principle 10

Encourage appropriate development to meet the town's urgent need for housing or other specific community needs by means of density bonuses or other mechanisms.
Encourage construction of affordable housing, public infrastructure, or other identified community needs by means of density bonuses or other incentives in appropriate areas of the town. For example, increased building height or additional units may be allowed in exchange for incorporating affordable housing units in a development.

Growth Management Tiers Map: The Growth Management Tiers Map is a policy tool intended to help Boone manage the growth of its corporate limits. The map identifies areas inside and outside the corporate limits that are likely to face development pressures, and it identifies those areas that are most appropriate for the town to consider serving by means of annexation within the next 10 to 15 years. The Growth Management Tiers Map is supplemented by and should be applied in concert with the Future Land Use Map, where applicable. The overall purposes of the map are to:

- Promote better interjurisdictional and long-range planning between and among the town, Watauga County, and utility providers.
- Encourage long-term fiscally and environmentally sustainable growth by carefully managing the extension of taxpayer-funded town services
- Encourage infill development
- Inform developers, landowners, farmers, and residents with respect to the town's priorities and approach to the growth of its corporate limits
- Provide policy guidance to town decision-makers regarding annexations, town service provision, fees and incentives, and locations for capital improvements

This property is located within the **Priority Growth Area**.

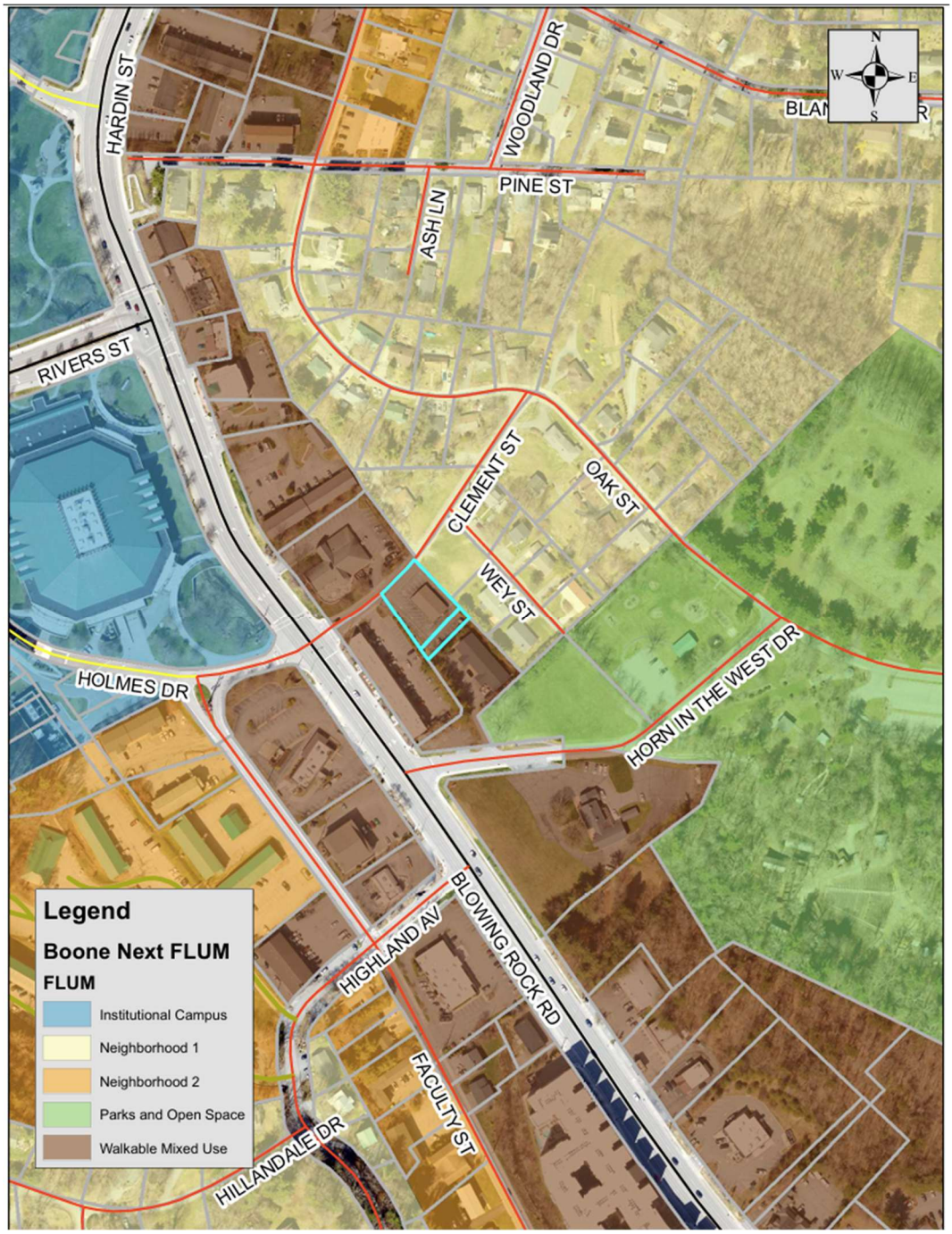
Priority Growth Area is land where growth is most encouraged; designated as Downtown, Downtown Edge, and Walkable Mixed Use on the Future Land Use Map.

Future Land Use Map

The Future Land Use Map is a critical tool intended to give shape to and help implement Boone's vision for the next 15-20 years. The map and associated land use types provide a framework for development and other land use-related decisions, including decisions on public infrastructure and transportation.

In legislative decision-making cases, Council and the Planning Commission will review Boone Next and the Future Land Use Map to ensure that the request:

- is consistent with the goals and policies set forth in this plan; and
- is consistent with the land use type as shown on the Future Land Use Map;
- and if not ensure that the requested change of zoning will not negatively impact the intent of the mapped land use type; and
- is supported by existing or planned infrastructure.



The property included in the request is mapped in the Walkable Mixed Use land use type. Please see below for more details on this land use type.

Description	Objectives	Primary Uses
Walkable Mixed-Use areas are envisioned as places that should evolve from existing auto-oriented patterns into green, walkable, mixed-use corridors and destinations.	- Eliminate curb cuts on arterials through rear access parking and new	- Vertical mixed-use with ground floor commercial and upper story residential and/or appropriate

New street and alley grids may be established, fostering a more urban environment while maintaining a commitment to well-designed, green, and visually-engaging building patterns. Buildings in these areas are oriented toward the street and generally up to four stories in height; in some cases, on appropriately sized and located lots, they may reach up to six stories. Parking and drive aisles in the front are minimized and the majority of parking placed to the sides and rear. Ground floors should feature ample transparent windows and doors. Ground floors should create an inviting atmosphere for pedestrians by, for example, incorporating features like generous transparent windows and inviting entryways. Where appropriate, wider sidewalks and street trees enhance the pedestrian experience and promote a sense of place. The overall vision behind the Walkable Mixed-Use Land Use Type is to foster vibrant, self-sufficient communities where everything is just a short stroll away – a true realization of the "15-minute city" or "city within a city" concept. Here, residents enjoy access to local businesses, services, and amenities that cater to their daily lives, while commercial spaces thrive on the support of a connected residential environment.	alley construction and dedication - Evaluate opportunities for neighborhood scale-businesses that enhance neighborhoods with accessible resources such as cafes, small grocers/bodegas, and childcare facilities - Mixed-use buildings provide a variation in layout and size for ground floor non-residential uses - Encourage and facilitate public spaces like plazas, playgrounds, and other public amenities	commercial uses; or a mix of single-use commercial and/or residential buildings within a single development - Multi-family - Limited light industrial/manufacturing uses with minimal external impacts

Goals & Policies

Goal 1.1 A SUSTAINABLE BUILT PATTERN

Boone's interwoven natural and built environments will promote social, environmental, and fiscal sustainability while aiming to reduce auto- dependence and the roots of traffic congestion. The town will be a leader of green building design and climate responsibility.

Policy 1.1.1 Use the Future Land Use Map

Use the Future Land Use Map to guide development, growth, and conservation decisions. Additionally, use the Focus Area Plans for more detailed policy direction within each of those areas.

Policy 1.1.2: Use Best Design Practices in New Development

All new growth should move Boone toward creating a network of "communities within a community" - a polycentric pattern of walkable, human-scale activity centers located within short distances of residents across the town. This pattern is key to supporting sustainability by aiming to reduce vehicle trips and their associated emissions, improving human health by supporting active utilitarian modes of transportation, and guiding growth away from natural areas. Where feasible, new growth should establish short blocks and connected rights-of-way, prominent civic spaces, stream daylighting and protected natural resources, front-facing buildings with transparent and welcoming first floors and public spaces, a diversity of housing types, income-restricted housing units, neighborhood-serving and context-sensitive nonresidential uses, rear parking and alleys, front porches (residential), and safe multimodal transportation infrastructure design.

Goal 1.2 DEVELOPMENT TRUE TO BOONE'S VISION

Boone's development and redevelopment will enhance the best of the town's existing built environment and reinforce the vision set forth in this plan.

Policy 1.2.1 Build the Town for People

To the extent possible, the built environment should be human-scale and pedestrian-oriented rather than large-scale and auto-oriented. There are urban design characteristics that transcend eras, styles, and typologies that help to explain why Boone's beloved downtown makes human beings comfortable. Human-scale development is not defined by density, but instead by urban design that makes human beings comfortable and happy navigating streets, activity centers, and neighborhoods on foot. Human-scale built environments might consider terminating vistas at the end of streets or the width and frontage of new buildings.

Policy 1.2.2 Infill Development Enhances the Town

Infill development is important because it directs growth away from natural areas, but it must be done well. Infill development shall enhance and not detract from the building character of the town by replicating key elements of Boone's cherished historic design features (like building scale, proportion, setbacks, character) with high quality, pedestrian-oriented design and providing public goods like plazas, wide sidewalks, public art, and affordable spaces for living, artists, and small businesses. Rules for new development should avoid financially incentivizing displacement of vulnerable populations.

Policy 1.2.3 Coordinate Land Use and Transportation Planning

Ensure transportation infrastructure supports walkable development and multimodal transportation options — including connections to activity centers. Important considerations include the width and design of sidewalks, street trees, physically protected bike lanes, tight curb radii at intersections, traffic calming devices, appropriate lane widths that create safer design speeds, and other features that enhance the safety and comfort of all travelers.

Policy 1.2.5: Use Appropriate Transitions Between Different Scales and Intensities

Use appropriate transitions between different building uses and intensities by stepping down building heights and scale from areas allowing taller buildings to primarily residential neighborhoods.

Goal 1.3 A PRESERVED HERITAGE

Boone's unique architectural and cultural history is celebrated. The town preserves historic buildings and encourages the design of new buildings and places that complement its architectural heritage.

Policy 1.3.4: Encourage Reuse and Rehabilitation

Support and encourage adaptive reuse and rehabilitation of existing homes and buildings. Where appropriate, minimum building code standards should be applied in a manner compatible with historic preservation efforts.

Goal 1.5 INTENTIONAL GROWTH MANAGEMENT

Boone will manage growth thoughtfully and intentionally within its borders and at its edges to enhance the town's livability and meet the needs of a growing community.

Policy 1.5.1: Manage Growth to Balance Protection of Community Character and Natural Areas While Directing Desired Growth to Identified Centers

The town will manage growth in a manner that balances the protection of community character and natural lands while accommodating future population. Change in the community will be carefully managed to protect critical natural lands, provide a variety of housing options for a diversity of households, support economic development, support fiscal balance, ensure adequate public safety services, and utilize growth patterns that support regional and local transit services. Lands within the town's current corporate limits are priorities for infill and redevelopment. New development areas contiguous with the town and in identified activity centers should be secondary priorities for development and ahead of areas outside centers.

Policy 1.5.3: Guide Growth Using the Growth Management Tiers Map

The Growth Management Tiers Map serves as a guide for development and investment decisions. The map's purpose is to ensure Boone accommodates growth consistent with the Boone Next Planning Principles, intentionally directs growth to desired areas, manages the pace of development, and aims for fiscal balance. This map is intended to be used when considering zoning and development approvals, utility service extensions, annexations, incentives, and capital investments. This map should be used in coordination with the Utility Service and Annexation Criteria. The Growth Management Tiers Map will be updated from time to time to reflect changing planning conditions.

Goal 1.6 AN AFFORDABLE TOWN TO LIVE IN

Boone will facilitate sustainable affordable housing for low- to middle-income residents.

Policy 1.6.1: Support Income-Restricted Housing

Support permanently affordable housing for low- and middle-income residents geographically located throughout the town. Prioritize permanent affordability, particularly for those at or below 60 percent of the area median income, through community land trusts, nonprofit ownership and management, the Housing Authority, town ownership, and restricted deeds and covenants. Consider programs that fund home improvements for low income homeowners in exchange for right of first refusal to purchase homes for affordable housing partners.

Policy 1.6.2: Use Innovative Tools to Expand Affordable Housing

Using incentives like density bonuses, regulations, and other strategies, strive to achieve a minimum of 5-10 percent income-restricted units in new multi-unit residential construction projects.

Policy 1.6.4: Make Daily Needs More Accessible Across Boone

Consider both the cost of housing and the cost of transportation as the town develops, recognizing that transportation costs rise as distances to daily needs like grocery stores, daycare, work, and school increase. Focus on distribution of uses and services using walkable urban design principles

that make daily needs more accessible to all ages and abilities. Measure and track progress toward increasing the proportion of residents living within a comfortable 5-10 minute walk, bike, or transit ride to daycare facilities; grocery stores; parks, greenways, or playgrounds; and employment destinations.

Goal 4.4 LONG-TERM FISCAL BALANCE

Long-term fiscal balance will be achieved through land use and growth decisions that are informed by long-term fiscal impacts of development.

Policy 4.4.1: Promote Use of Existing Resources

Promote infill, redevelopment, and adaptive use as a way to maximize use of existing services, infrastructure, and utilities.

Policy 4.4.2: Proactively Manage Growth and Development

Anticipate and guide future growth and development using the planning principles, frameworks, and maps in this Comprehensive Plan to ensure that new development can be supported by town infrastructure and services while protecting open space.

Policy 4.4.3: Promote Smart Growth

Ensure new growth and development is fiscally balanced in the long run while directing more growth to areas with existing services and infrastructure. Some types of developments and land uses are necessary to the social needs of the town and do not necessarily directly improve the town's fiscal balance, such as recreation and cultural facilities or affordable housing. Encourage compact development that can be more efficiently served, especially as indicated on the Future Land Use Map.

Policy 4.4.4: Consider Community Priorities and Long-Term Impacts

Consider community priorities and long-term impacts in decision-making, with the understanding that some community priorities may not have positive fiscal impacts and some decisions may not provide short-term benefits.

Conditions of Approval

1. Where there is a conflict between the original application information and the plans (received on June 10, 2026), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO. For application elements not depicted on the plans but included in the written materials provided by the applicant and considered at the public hearing held on July 27, 2026, those details shall be considered part of the approved plan except as may be specifically provided otherwise in these conditions or was represented otherwise by the applicant at the public hearing.
2. Any commitments and representations concerning the proposed development made by the applicant at the public hearing shall also become a condition of the permit and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details, and specifications meeting the requirements of the Town Code, UDO, Building Code, and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.
4. Any other condition agreed upon…

Planning Board Report/Recommendations – September 28, 2026

Per NCGS 160D-604(b), subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the Planning Commission for review and comment. If no written report is received from the Planning Commission within 30 days of referral of the amendment to that board, the Town Council may act on the amendment without the Planning Commission report. The Town Council is not bound by the recommendations, if any, of the Planning Commission. Per NCGS 160D-604(d), when conducting a review of proposed zoning text or map, the Planning Commission shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Commission shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Commission, but a comment by the Planning Commission that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

First Motion and Vote: Commission Member Luther made a motion that the proposed amendment to the Town's zoning map is consistent with the Town's current comprehensive plan and any other adopted plan(s) of the Town that are applicable because of the following from Boone Next:

Planning Principle 1: Prioritize thoughtfully designed development of underutilized land within the town's existing built-upon areas over development of undeveloped land on the town's outer limits. It is preferable to accommodate growth in locations within the existing town limits that are appropriate for, can support, and would be enhanced by new development. Infill and redevelopment will occur in a strategic manner that considers community needs like provision of and access to goods, services, transit, and quality public space.

Policy 1.2.2: Infill Development Enhances the Town: Infill development is important because it directs growth away from natural areas, but it must be done well. Infill development shall enhance and not detract from the building character of the town by replicating key elements of Boone's cherished historic design features (like building scale, proportion, setbacks, character) with high quality, pedestrian-oriented design and providing public goods like plazas, wide sidewalks, public art, and affordable spaces for living, artists, and small businesses. Rules for new development should avoid financially incentivizing displacement of vulnerable populations.

Policy 1.3.4: Encourage Reuse and Rehabilitation: Support and encourage adaptive reuse and rehabilitation of existing homes and buildings. Where appropriate, minimum building code standards should be applied in a manner compatible with historic preservation efforts.

Policy 4.4.1: Promote Use of Existing Resources: Promote infill, redevelopment, and adaptive use as a way to maximize use of existing services, infrastructure, and utilities.

The development will provide multi-family housing as a primary use in the walkable mixed-use designation.

Commission Member Paz-Miranda wished to amend the motion to add:

Planning Principle 7: Support the town's established neighborhoods and new residential developments through neighborhood-level engagement and planning. Neighborhoods may include a variety of land uses (residential, commercial, civic, and recreational areas), building types, and housing types. They may have an identifiable center that offers basic services such as cafes, childcare, specialty stores, and grocery options. Neighborhoods will support a variety of travel options and be well-connected to adjacent neighborhoods and parks. They will seamlessly integrate the members of diverse, multi-generational communities living in proximity to one another.

Commission Member Luther accepted the amendment.

Commission Member Paz-Miranda seconded the motion.

VOTE: Aye – 5

Nay – 0

Absent – 1 (Kight)

The motion passed.

Second Motion and Vote: Commission Member Luther made a motion, seconded by Commission Member King, that the Planning Commission recommends approval of Ordinance A26-0521 within Staff Report Exhibit A and approval is reasonable and in the public interest as an adaptive reuse that adds housing within walking distance of a campus without new impervious surface, and that replaces the full range of B3 commercial uses with a residential use of lower traffic and noise impact, subject to the following conditions:

1. Where there is a conflict between the original application information and the plans (received on June 10, 2026), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO. For application elements not depicted on the plans but included in the written materials provided by the applicant and considered at the public hearing held on July 27, 2026, those details shall be considered part of the approved plan except as may be specifically provided otherwise in these conditions or was represented otherwise by the applicant at the public hearing.
2. Any commitments and representations concerning the proposed development made by the applicant at the public hearing shall also become a condition of the permit and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details, and specifications meeting the requirements of the Town Code, UDO, Building Code, and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.
4. Units shall be leased by the unit, not by the bedroom.
5. Provide parking that does not impede traffic on Clement Street, including those spaces that back into the street.
6. The applicant must work with town staff on a solid waste collection plan that defines the container location and collection access before site plan approval.
7. Existing trees on the site must be retained.

VOTE: Aye – 5
Nay – 0
Absent – 1 (Kight)

The motion passed.

Town Council Action Required

Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning administrator shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

Vote 1: The proposed amendment to the Town's zoning map ☐**is** OR ☐**is not** consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because:

_____

_____

_____

Note 1: *describe elements of controlling land use plans and how the amendment is or is not consistent.*

Vote 2: The Town Council ☐**approves** OR ☐**denies** Ordinance A26-0521 within Exhibit A and believes ☐**approval** OR ☐**denial** is reasonable and in the public interest because:

_____

_____

_____

Note 2: *briefly explain why, factors may include (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.*

Staff Report Exhibit A: Ordinance #A26-0521

ORDINANCE # A26-0521

AN ORDINANCE TO REZONE PROPERTY WITHIN THE TOWN OF BOONE

WHEREAS, pursuant to N.C. Gen. Stat. §160D-601, the Town may amend its zoning map after giving proper public notice and holding a public hearing; and

WHEREAS, the Planning Commission and Town Council has received the request to amend the Official Zoning Map of the Town of Boone, North Carolina to zone the property below as presented:

Address: 138 Clement Street

Watauga County PINs: 2910-15-2928-000 & 2910-15-2953-000

Property Owner: Elvin M. Hundley

Zoning: Conditional District R3 Multiple-Family Residential District with a site-specific development plan for Use 1.11 Multi-Family Dwelling (up to 30 bedrooms). The request is for a 12-unit, 18-bedroom multi-family dwelling.

WHEREAS, the Boone Town Council held a duly-noticed public hearing on July 27, 2026 with respect to this rezoning request; and

WHEREAS, the Boone Town Council has taken into full consideration any information offered at the public hearing; and

WHEREAS, this Town Council has reviewed the written recommendations of the Town of Boone Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. The Boone Town Council hereby approves and adopts the modifications to the Town Zoning Map as set forth herein.

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

SECTION 3. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this day October 28, 2026.

The Honorable Dalton George, Mayor

Attest:

Nicole Harmon-Church, Town Clerk

Clement St Adaptive Reuse Project - Apartment Building
138 Clement St.
Watauga County PIN:
2910-15-2928-000, 2910-15-2953-000

Project Narrative

The property at 138 Clement St. is currently zoned B3 General Business. We are requesting a Conditional District (CD) Zoning Map Amendment to R3 Multifamily Residential (Use 1.11 Multi-Family Dwelling (up to 30 bedrooms)) to facilitate the adaptive reuse and vertical expansion of the existing building to provide twelve residential apartments. The proposal will convert the existing interior into four apartments and add two additional floors, each containing four apartments.

A key benefit of the project is the adaptive reuse of an existing structure rather than the demolition and complete redevelopment of the site, thus creating additional housing while minimizing site disturbance and construction impacts.

By making productive use of an existing developed property and its supporting infrastructure, the proposal represents a practical and efficient form of infill development. Overall, the project will increase housing opportunities while preserving and improving an existing structure and minimizing the physical impact of redevelopment on the site. Site plans and additional supporting materials are included with the application.

Pre-Application Meeting

Pursuant to UDO Subsection 9.09.02(A), the required pre-application meeting was held on June 1, 2026 with Brooke Butler, Rhett Butler, and Brandon Wise, Deputy Director of Planning and Inspections.

Neighborhood Meeting

Please see below for information on the neighborhood meeting required pursuant to UDO Subsection 9.09.02(B).

Meeting Information:	
Date & Time:	Monday, June 29, 2026 at 5:30pm
Location:	Council Chambers, 1500 Blowing Rock Road
Mailed Notice:	
Date Mailed:	June 2, 2026
Notice Info:	Notice and Address List attached
Meeting Details:	
Applicant:	Clement Street Apartments, LLC

Representatives: Brooke Butler & Rhett Butler

Minutes: Attached below.

Proposed Uses

Use 1.11 Multi-Family Dwelling (up to 30 bedrooms)

Requested Deviations

1. **UDO Subsection 15.03.03(B) Carport/Garages**

We are requesting a deviation from this standard. While no carports or garages are proposed, the development will provide at least one off-street parking space per bedroom, along with additional spaces for visitors.

This approach provides suitable parking to meet resident and guest demand without relying on on-street parking or impacting adjacent properties. The deviation is limited to type of parking and does not reduce overall parking supply. It also allows the site to be utilized more efficiently while maintaining safe and adequate vehicular access and circulation.

Given the proposed parking capacity and site-specific conditions, we believe the deviation is reasonable and will not result in adverse parking or neighborhood impacts.

2. **UDO Subsection 15.03.05(A) Common Area Access Bathrooms**

We are requesting a deviation from this standard in four of the six planned two-bedroom apartments. The two ground floor two-bedroom/one-bathroom apartments will fully comply with the standard. The requested deviation applies only to the four upper floor two-bedroom/two-bathroom apartments, which do not provide common access to a bathroom. The deviation would allow for a more efficient and functional layout of the upper-floor units. By eliminating the requirement for a bathroom to have common access from the living area, the available floor area can be allocated more effectively to the primary living spaces. This allows the units to provide larger and more functional bedrooms, increased closet/storage space, and generously sized bathrooms resulting in a higher-quality and more livable residential layout.

The proposed configuration also allows for two bathrooms in each of the upper floor two-bedroom units, with the bathrooms serving the bedrooms directly. This arrangement enhances privacy and convenience for residents while providing adequate bathroom capacity for occupants and guests.

We recognize that the intent of the standard is to provide convenient bathroom access from common areas and to avoid requiring guests to enter a private bedroom to use a bathroom. However, in this case, strict application of the standard would require additional circulation and/or reallocation of floor area that would reduce the size and functionality of the

bedrooms, closets, and bathrooms. The requested deviation allows the available area to be used more efficiently within the confines of an adaptive reuse project while still providing two bathrooms per unit and maintaining a high level of functionality and privacy.
Through countless revisions of the floor plan, while working within the confines of the existing building, we have not been able to determine how to provide common area access to one of the bathrooms while maintaining the upper-floor units as two-bedroom/two-bathroom apartments. The structural walls, existing building footprint, and stair and circulation locations fixed by the existing structure leave no practical location for a hallway-accessed bathroom without eliminating the second bathroom and substantially reducing a bedroom. The deviation therefore reflects a genuine constraint of the adaptive reuse rather than a design preference, and it allows the project to reuse the existing building, consistent with the Comprehensive Plan's priority for infill and redevelopment within the town's current corporate limits.

The deviation is also limited in scope; four of the six planned two-bedroom apartments are affected, while the two ground-floor units will remain fully compliant with the standard. We believe this represents a reasonable balance between the intent of the standard and the need to provide well-proportioned and desirable residential units.

3. UDO Subsection 15.03.05(B) Primary Suite Square Footage

We are requesting a deviation from this standard to allow for a more balanced and functional two-bedroom apartment layout. Rather than creating a significantly larger primary bedroom, we propose two similarly sized bedrooms—approximately 108 square feet on the ground floor and 125–130 square feet on the upper floors.

This configuration is intended to provide greater flexibility and functionality for residents while making more equitable and efficient use of the available floor area. We recognize that the standard may be intended to establish a clear distinction between the primary and secondary bedrooms; however, in this case, the relatively similar bedroom sizes allow for a more balanced apartment layout without compromising the overall livability or functionality of the unit. The proposed configuration also allows us to maximize the functionality of the remaining living spaces within the constraints of the adaptive reuse project. Where possible, we intend to honor the spirit of the standard by differentiating the primary bedroom in the four upper-floor two-bedroom units through the inclusion of a dedicated walk-in closet. This provides additional storage and functionality for the primary bedroom while preserving the size and usability of the secondary bedroom.
Both bedrooms in each unit will meet the square footage required for a primary bedroom. The alternative of making one bedroom at least 25% smaller by square footage than the primary bedroom would not add any livable space to the unit; it would only diminish the functionality second bedroom. Keeping both bedrooms at full size supports the Comprehensive Plan's goals of providing a diversity of housing types for a diversity of households and achieving well-designed residential housing density.

We intend this approach to meet the intent of the standard while providing a well-balanced and livable two-bedroom apartment.

4. **UDO Subsection 15.03.03(C) Livability Ratio**

We are requesting a deviation from this standard and flexibility around a proposed adaptive reuse project. To increase livability space where possible, we will be adding balconies to the front of each 2nd and 3rd story apartment as well as a covered entryway to first floor apartments.

While the project will provide less greenspace than the standard requires, we are seeking to use the available site area in a manner that provides meaningful benefits to residents. Where feasible, we will increase livability space through the addition of balconies to the front of each second- and third-story apartment, as well as covered entryways for the first-floor apartments. These features will provide residents with additional usable outdoor and semi-outdoor space, opportunities for fresh air and natural light, and improved functionality and comfort within the existing building footprint.

5. **UDO Subsection 31.05.01(D) Buffer Vegetation**

We are requesting a deviation from the required buffer vegetation standard along approximately 75% of the northeastern property boundary due to limited space created by the existing driveway configuration. This request is based on existing site constraints that make full compliance impractical without adversely affecting safe and functional access to the property.

The standard for buffer vegetation is met along the southeastern and southwestern boundaries, as well as approximately 25% of the northeastern boundary. There is insufficient space to install the required buffer vegetation along the remaining northeastern boundary without obstructing or restricting the driveway exit, which could impact safe and functional access to the property. The requested deviation is limited to the area where full compliance is not feasible due to these existing site constraints, while the required buffering is maintained wherever adequate space is available. We have planned for the retention of all trees and buffer vegetation currently in place and for the clean-up and landscaping of the far East corner of the property.

6. **UDO Subsection 31.05.02 Street Yards**

We are requesting a deviation from the standard, pursuant to UDO Subsection 31.05.02(G), due to the unique site constraints created by the location of the entry and exit driveways and the associated sight triangle requirements. Given the configuration of the site, there is not sufficient space to provide the required tree plantings outside of the sight triangle while also maintaining safe and functional access to the property. Additionally, the existing frontage consists of impervious surfaces to the property line.

Even though a large portion of the property line facing Clement Street serves as points of ingress and egress, a sidewalk with a roll curb can be poured where required. A roll curb will allow vehicles to continue to enter and exit the site while establishing a visually defined pedestrian travel way along the Clement Street frontage, consistent with the UDO's sidewalk requirement for new multi-family development and the Comprehensive Plan's direction to add sidewalks and pedestrian safety facilities where feasible.

Mitigation

The proposed rezoning from B3 (General Business) to R3 (Residential) is intended to facilitate the adaptive reuse of an existing structure for residential purposes. The proposed use is expected to be substantially more compatible with the surrounding residential character of the area than many of the commercial uses currently permitted under the B3 zoning designation.

Traffic and Noise: The proposed residential use is anticipated to generate less traffic, noise, and overall activity than a number of uses permitted under the existing B3 zoning. It is also expected to have a lower impact than the last known commercial use on the property, which was a pool hall. Residential occupancy typically generates more consistent and less intensive activity than a commercial entertainment use, particularly with regard to evening traffic, customer turnover, deliveries, and amplified or congregational noise. As a result, the rezoning is not expected to create a greater traffic or noise burden on surrounding properties and may provide an overall reduction in these impacts.

Lighting: The property will have shielded exterior lights to provide adequate lighting for the parking area and tenants. Lighting for the parking area, walkways, bicycle parking, and building entrances will use full cut-off, shielded fixtures directed downward and positioned to illuminate only necessary areas, avoiding unnecessary glare or light trespass onto neighboring residences, consistent with UDO Article 27. This also responds directly to the light pollution question raised at the neighborhood meeting.

Stormwater: The project will not increase the property's impervious surfaces beyond those existing prior to construction, because the vertical expansion occurs within the existing building footprint. To mitigate effects of roofline runoff, rain barrels can be placed at gutter downspouts to capture runoff and reduce the flow of stormwater from the gutters. This water-harvesting approach is consistent with the Comprehensive Plan's support for low impact development and green stormwater management.

Building Design and Materials: The building will consist of at least 25% brick and stone, consistent with the minimum exterior material standard in UDO Subsection 25.06.04. Where non-stone and non-brick materials are used, the siding will be Hardie board (fiber cement), and siding colors will not be white or black. Preferred colors have been noted in submitted renderings. Please not that these renderings are not meant to be perfectly representational of the building or parking as it fits in the space. The elevation drawings will show a gable roof; a pitched roof is permitted for multi-family buildings under UDO Subsection 15.03.04(B), and the roof materials will be selected from the acceptable roof materials in UDO

Subsection 25.06.04(D). These choices support the Comprehensive Plan's direction that infill development use high quality design and materials and enhance, rather than detract from, the town's building character.

Solid Waste Screening: Trash receptacles will be placed in an area with proper shielding from road view. We have worked with waste services to determine the placement that best balances serviceability with removal from road view, and the enclosure will be screened in accordance with UDO Subsections 22.13.01 and 31.05.05 and finished to be architecturally compatible with the building.

Bicycle Parking: The property will have a bike rack as shown on the existing site map, meeting the bicycle parking standards of UDO Section 24.09. Providing bicycle parking supports the Comprehensive Plan's goal of encouraging mobility choice through walking and biking and reducing auto-dependency.

Adaptive Reuse and Environmental Impact: A primary objective of the proposal is to achieve the project through adaptive reuse of the existing structure rather than new construction. Reusing the existing building allows the property to be returned to productive residential use while minimizing the environmental impacts associated with demolition, construction waste, new building materials, and the development of previously undeveloped land. This approach preserves existing resources and infrastructure and supports a more sustainable form of development.

Neighborhood Compatibility: The proposed R3 zoning is intended to support a residential use that is more consistent with the surrounding neighborhood than the property's current commercial zoning designation. Rather than introducing a more intensive commercial activity, the proposal would transition the property to a residential use while retaining and improving an existing structure. The project can therefore provide a reasonable and compatible use of the property while reducing potential impacts associated with commercial activity.

Consistency with the Comprehensive Plan: The project advances several goals of Boone Next. It provides infill housing on land within the current corporate limits, which the plan identifies as a priority for infill and redevelopment while creating a transition property between mixed-use and residential areas; it reuses an existing structure, consistent with the plan's support for green building practices and recycled resources; it adds sidewalk and bicycle facilities that support walking and biking; and it uses quality materials and design so that infill enhances the town's character.

Overall, the requested rezoning represents a reduction in potential intensity of use, promotes the adaptive reuse of an existing structure, and provides an opportunity to return the property to a productive residential use with comparatively limited impacts on surrounding properties. The proposal is intended to be a responsible, sustainable, and neighborhood-compatible redevelopment of an already developed site.

Conditions

The applicant proposes the following conditions:

1. A sidewalk with a roll curb will be installed along the Clement Street frontage where required.

2. Rain barrels will be placed at gutter downspouts, and impervious surface area will not be increased beyond pre-construction conditions.

3. The building will have a gable roof, as shown on the elevation drawings.

4. Trash receptacles will be located in an enclosure screened from road view, with placement coordinated with waste services.

5. The building exterior will consist of at least 25% brick and stone.

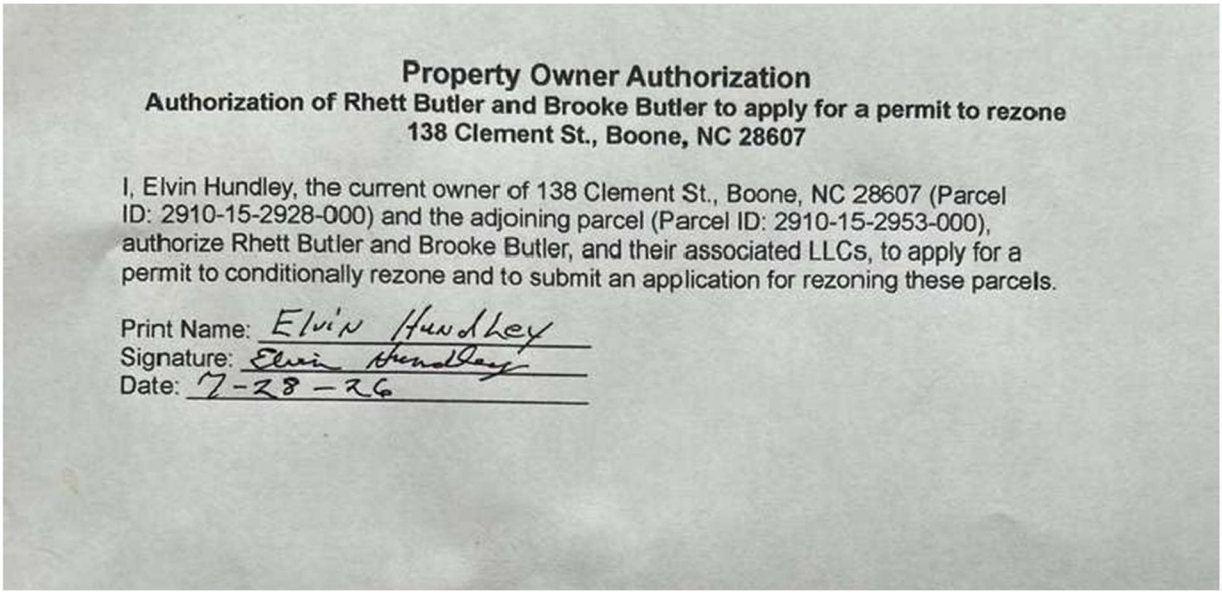
6. A bike rack will be provided as shown on the site map.

7. Where non-brick and non-stone materials are used, siding will be Hardie board (fiber cement) in colors other than white or black.

8. All exterior lighting will use shielded, full cut-off fixtures providing adequate lighting for tenants.

Current Property Owner Authorization

Authorization from current owner, Elvin Hundley, for Rhett Butler & Brooke Butler to apply for rezoning of 138 Clement St.



Property Owner Authorization

Authorization of Rhett Butler and Brooke Butler to apply for a permit to rezone 138 Clement St., Boone, NC 28607

I, Elvin Hundley, the current owner of 138 Clement St., Boone, NC 28607 (Parcel ID: 2910-15-2928-000) and the adjoining parcel (Parcel ID: 2910-15-2953-000), authorize Rhett Butler and Brooke Butler, and their associated LLCs, to apply for a permit to conditionally rezone and to submit an application for rezoning these parcels.

Print Name: Elvin Hundley
Signature: Elvin Hundley
Date: 7-28-26

Affidavit

See next page.

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA
AFFIDAVIT OF ACCEPTANCE OF CONDITIONS
CONDITIONAL DISTRICT ZONING MAP AMENDMENT #A26-0521

The Affiants, having been first duly sworn now depose and say:

1. My name is Rhett Butler. I am over eighteen years of age. I am competent to make this Affidavit and I have personal knowledge of the facts stated herein, and such facts are true and correct.

2. I am duly authorized to execute and deliver this affidavit and otherwise act on behalf of the Clement St. LLC in connection with its above-referenced rezoning application (the Application") to the Town of Boone (the "Town") for the property located on 138 Clement St., Boone, Watauga County PIN: 2910-15-2928-000 and 2910-15-2953-000 (the Property").

3. This affidavit is submitted pursuant to Town of Boone Unified Development Ordinance Subsection 9.09.02(C), for the purpose of the Applicant acknowledging the following:

    a. All zoning conditions are voluntarily proposed based solely on the applicant's independent judgment; and

    b. The applicant is not relying on any statements from Town staff, Council, or Planning Commission members regarding zoning conditions; and

    c. Other interested parties in the rezoning process may rely on the validity of the proposed development proposal including any agreed upon conditions; and

    d. All future property owners will be bound by the proposed development approval, including any agreed upon conditions and any commitments or representations made by the applicant.

Further Affiant sayeth not, this the 11th day of August, 2026.

Rhett Butler

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

I certify that Rhett Butler personally came before me this day and acknowledged that s/he is representative of Clement St. LLC, and that by authority duly given and as the act of such entity, s/he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal this 11th day of August, 2026.

Emily Evans
Notary Public

(Official Stamp or Seal)



Emily Evans
Printed Name of Notary Public

My Commission Expires: April 6, 2030

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA
AFFIDAVIT OF ACCEPTANCE OF CONDITIONS
CONDITIONAL DISTRICT ZONING MAP AMENDMENT #A26-0521

The Affiants, having been first duly sworn now depose and say:

1. My name is Brooke Butler. I am over eighteen years of age. I am competent to make this Affidavit and I have personal knowledge of the facts stated herein, and such facts are true and correct.

2. I am duly authorized to execute and deliver this affidavit and otherwise act on behalf of the Clement St. LLC in connection with its above-referenced rezoning application (the Application") to the Town of Boone (the "Town") for the property located on 138 Clement St., Boone, Watauga County PIN: 2910-15-2928-000 and 2910-15-2953-000 (the Property").

3. This affidavit is submitted pursuant to Town of Boone Unified Development Ordinance Subsection 9.09.02(C), for the purpose of the Applicant acknowledging the following:

    a. All zoning conditions are voluntarily proposed based solely on the applicant's independent judgment; and

    b. The applicant is not relying on any statements from Town staff, Council, or Planning Commission members regarding zoning conditions; and

    c. Other interested parties in the rezoning process may rely on the validity of the proposed development proposal including any agreed upon conditions; and

    d. All future property owners will be bound by the proposed development approval, including any agreed upon conditions and any commitments or representations made by the applicant.

Further Affiant sayeth not, this the 11th day of August, 2026.

Brooke Butler

STATE OF NORTH CAROLINA
COUNTY OF ~~WATAUGA~~ Mecklenburg

I certify that Brooke Butler personally came before me this day and acknowledged that s/he is representative of Clement St. LLC, and that by authority duly given and as the act of such entity, s/he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal this 11th day of August, 2026.

Notary Public

(Official Stamp or Seal)

Ashley L McCloud
Notary Public
Mecklenburg County, North Carolina
My Commission Expires September 23, 2029

Ashley L. McCloud
Printed Name of Notary Public

My Commission Expires: 09/23/2029

138 Clement St. Rezoning - Neighborhood Meeting

Date: 6/29/2026
Location: Council Chambers, 1500 Blowing Rock Rd.
Hosted by: Brooke Butler & Rhett Butler

Attendees:
Joni Horine
Anne Wilson
Rachel Muller
Richard Muller
Lam Khan Kual
Tih Tih Kual
Bonnie Berkowicz
Michael Berkowicz
Brad Bodin
Allison Bodin
Kathie Senft
Karen Yates

Questions Asked:
- How many planned units and bedrooms?
- How tall will it be?
- Could we build what we want now without rezoning?
- Will there be a lot of light pollution?
- Will it cause traffic?
- Will we manage it?
- Do we already own the land?
- What is the planning schedule/ is it a done deal?

Promises:
- Building will not be 4 stories (max. 3).

Major Concerns:
- The majority of the meeting was spent discussing several houses in the neighborhood on Oak St. that seem to exceed the occupancy limits, have large parties, and cause neighborhood disturbances.

Schedule of Drawings

ARCHITECTURAL

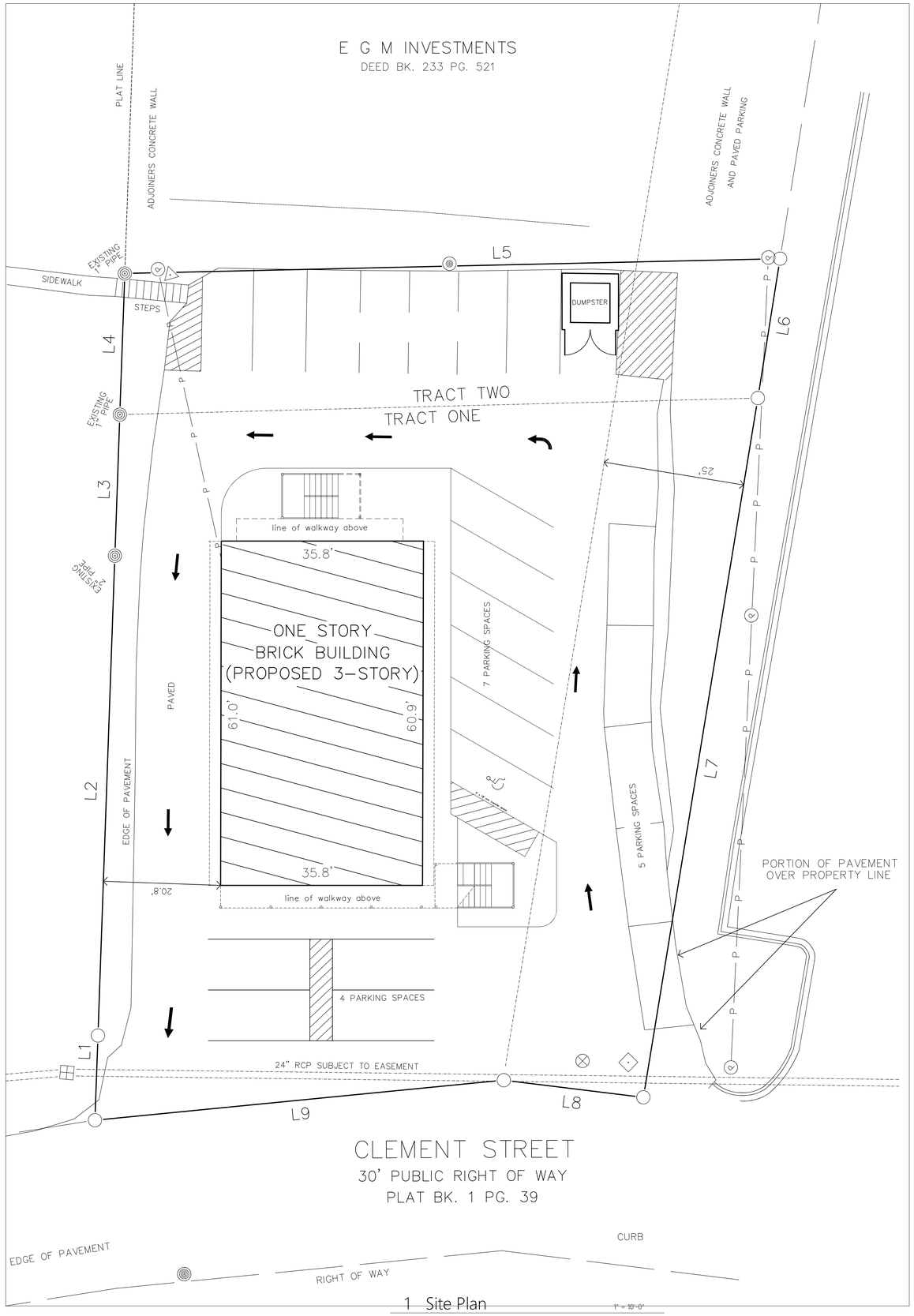
G1.0	Cover Sheet
G1.1	Existing Floor Plans
G1.2	Existing Exterior Elevations
A1.0	Lower Level Floor Plan
A1.1	Upper Level Floor Plan
A1.2	Lower Level Power Plan
A1.3	Upper Level Power Plan
A2.0	Exterior Elevations
A2.1	Exterior Elevations
A4.0	Interior Elevations

STRUCTURAL

S0	Structural General Notes
S1	Foundation Plan
S2	Main Level Ceiling Framing Plan
S3	Upper Level Ceiling Framing Plan
S4	Roof Framing Plan
S5	Structural Framing Details
S6	Structural Framing Details

Clement Street Apartments

138 Clement Street Boone, North Carolina



1 Site Plan 1" = 10'-0"

SHEEDY WATTS design

1501 E 7th Street Suite 5
Charlotte North Carolina 28204
704 763 2219

Consultants

Clement Street Apts

138 Clement Street
Boone NC

For Review
Not for Construc

Revisions

Date: Oct 15, 2026
Drawn by: CW RS
Checked:

Cover Sheet

G1.0



1 North Elevation 1/4" = 1'-0"



2 West Elevation 1/4" = 1'-0"

SHEEDY WATTS
design

1501 E 7th Street Suite 5
Charlotte North Carolina 28204
704 763 2219

Consultants

Clement Street Apts

138 Clement Street
Boone NC

For Review
Not for Construc

Revisions

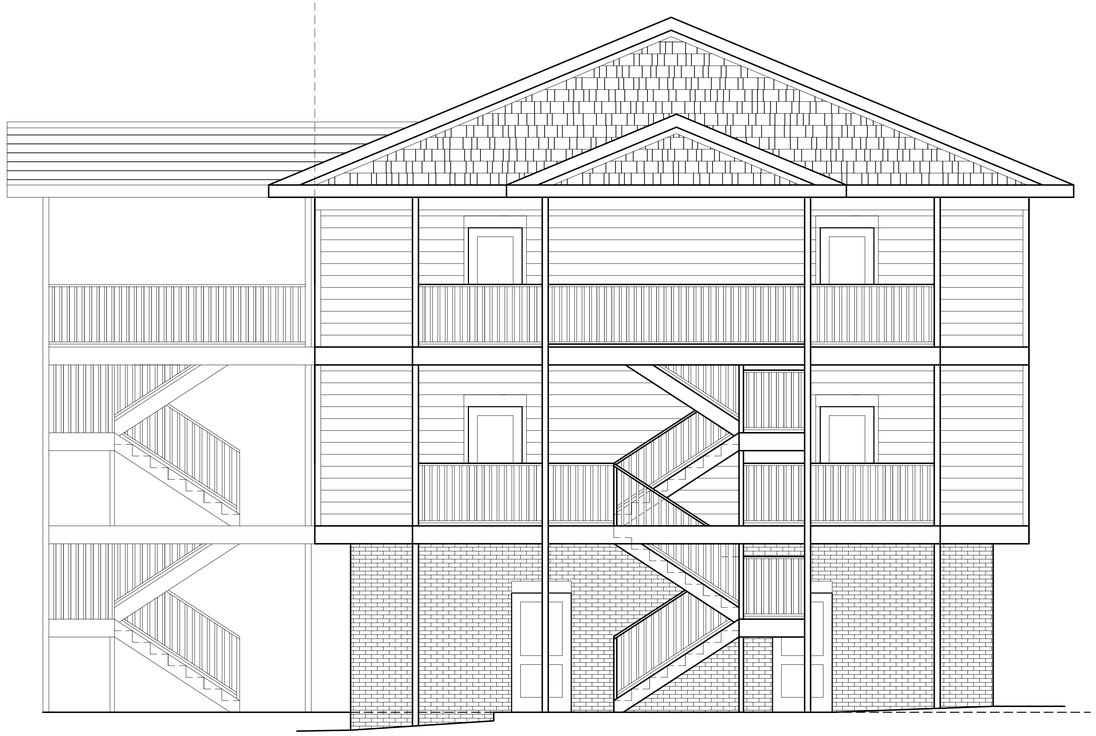
Date: Oct 15, 2026
Drawn by: CW RS
Checked:

Exterior Elevations

A2.0

SHEEDY
WATTS
design

1501 E 7th Street Suite 5
Charlotte North Carolina 28204
704 763 2219



1 South Elevation 1/4" = 1'-0"



2 East Elevation 1/4" = 1'-0"

Consultants

Clement Street Apts

138 Clement Street
Boone NC

For Review
Not for Construc

Revisions

Date: Oct 15, 2026
Drawn by: CW RS
Checked:

Exterior Elevations

A2.1





Town of Boone
Agenda Item Action Request Form

This form must be completed and attached to all supporting documentation for items to be included in the Town of Boone Council agenda. One (1) form per agenda item.

Submitted By: Amy Snider, Zoning Administration Manager

Department: Planning & Inspections

Contact Phone:

Email: amy.snider@boonenc.gov

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Action

Item Title: Consideration and Selection of Historic Preservation Commission Chair and Vice-Chair

Summary of Information: Pursuant to UDO Subsection 2.04.04(A), in or about July of each year, the Commission will accept and review applications from the current membership for Chair and Vice-Chair positions in order to forward a recommendation on these positions to Council. Upon receipt of the Commission's recommendations, Council shall review the submitted applications and the Historic Preservation Commission recommendations before designating the Chair and the Vice Chair. The people so designated shall serve in these capacities for terms of one (1) year, with eligibility for unlimited re-appointment.

The Historic Preservation Commission met on October 6, 2026, and reviewed the applications submitted for the Chair and Vice-Chair positions. Mr. Vardell Smythe, the current Commission Chair, was the sole applicant for Chair, and Commission Member Bennie Gaetano was the sole applicant for Vice-Chair. The HPC unanimously voted to recommend both applications to Council for consideration.

Staff requests Council's consideration of the attached applications to select the Historic Preservation Commission Chair and Vice-Chair.

Historic Preservation Commission Chair/Vice-Chair Application

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ◆ Boone, North Carolina 28607
Phone (828) 268-6960 ◆ Email: planning@boonenc.gov ◆ www.boonenc.gov

Board Member Information (Please see Board Secretary if needed for term information)

Name (Print):
C. Vardell Smyth

Date Appointed:
09-13-2023

Date Term Expires:
06-30-2028

Number of Terms Served:
2

Position Sought: X Chair ☐ Vice-Chair

Questions

1. **Orientation & Training**
   A. Have you completed the Historic Preservation Commission orientation?
      X **Yes** ☐ **NO**
   B. If no, are you willing to attend orientation (2-3 hour commitment) prior to participating as Chair or Vice-Chair?
      ☐ **Yes** ☐ **NO**
2. **Comprehensive Plan & Other Adopted Plans**
   A. Are you familiar with the Town's current Comprehensive Plan and other adopted Plans as listed on the Planning and Inspections website under the "Ordinances, Plans & Studies" heading?
      X **Yes** ☐ **NO**
   B. If no, are you willing to take the time to review these documents in order to familiarize yourself with the intent and content of these plans prior to participating as Chair or Vice-Chair?
      ☐ **Yes** ☐ **NO**
3. **Unified Development Ordinance**
   A. Are you familiar with the Town of Boone's Unified Development Ordinance, specifically Articles 1 General Provisions, Article 2 Administrative Mechanisms, Article 4 Permits and Article 5 Quasi-Judicial Procedures and Article 8 Historic Preservation Standards?
      X **Yes** ☐ **NO**
   B. If no, are you willing to take the time to review these Articles in order to familiarize yourself with the intent and content of these Articles prior to participating as Chair or Vice-Chair?
      ☐ **Yes** ☐ **NO**
4. **Historic Preservation Commission Rules of Procedure**
   A. Are you familiar with the Rules of Procedure for the Historic Preservation Commission?
      X **Yes** ☐ **NO**
   B. If no, are you willing to take the time to review this Guide in order to familiarize yourself with the intent and content prior to participating as Chair or Vice-Chair?
      ☐ **Yes** ☐ **NO**
5. **Please explain why you wish to obtain this appointment:**

I believe the HPC plays an important and beneficial role in the community, and I am content to continue to serve as the Chairperson.

Historic Preservation Commission Chair/Vice-Chair Application

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ◆ Boone, North Carolina 28607
Phone (828) 268-6960 ◆ Email: planning@boonenc.gov ◆ www.boonenc.gov

Board Member Information (Please see Board Secretary if needed for term information)

Name (Print): Bennie Gaetano

Date Appointed: (second term) 6/10/2026

Date Term Expires: 6/30/2029

Number of Terms Served: 1

Position Sought: ☐ Chair ☒ Vice-Chair

Questions

1. **Orientation & Training**
   A. Have you completed the Historic Preservation Commission orientation?
   ☒ **Yes** ☐ **NO**
   B. If no, are you willing to attend orientation (2-3 hour commitment) prior to participating as Chair or Vice-Chair?
   ☐ **Yes** ☐ **NO**
2. **Comprehensive Plan & Other Adopted Plans**
   A. Are you familiar with the Town's current Comprehensive Plan and other adopted Plans as listed on the Planning and Inspections website under the "Ordinances, Plans & Studies" heading?
   ☒ **Yes** ☐ **NO**
   B. If no, are you willing to take the time to review these documents in order to familiarize yourself with the intent and content of these plans prior to participating as Chair or Vice-Chair?
   ☐ **Yes** ☐ **NO**
3. **Unified Development Ordinance**
   A. Are you familiar with the Town of Boone's Unified Development Ordinance, specifically Articles 1 General Provisions, Article 2 Administrative Mechanisms, Article 4 Permits and Article 5 Quasi-Judicial Procedures and Article 8 Historic Preservation Standards?
   ☒ **Yes** ☐ **NO**
   B. If no, are you willing to take the time to review these Articles in order to familiarize yourself with the intent and content of these Articles prior to participating as Chair or Vice-Chair?
   ☐ **Yes** ☐ **NO**
4. **Historic Preservation Commission Rules of Procedure**
   A. Are you familiar with the Rules of Procedure for the Historic Preservation Commission?
   ☒ **Yes** ☐ **NO**
   B. If no, are you willing to take the time to review this Guide in order to familiarize yourself with the intent and content prior to participating as Chair or Vice-Chair?
   ☐ **Yes** ☐ **NO**
5. **Please explain why you wish to obtain this appointment:**

The Historic Preservation Commission has supplemented my education and given me the opportunity to put my learning in practice. As vice chair, I want to further my experience working in local government. As the second longest running member on the board currently, I feel like I have the experience necessary for the vice-chair position.

Historic Preservation Commission Roster as of October 8, 2026

Five (5) members

1 Member	**Pierce Hall** 1st Term 199 Windy Dr., Apt. 7 Cell: 828-280-8727 Email: hallps@appstate.edu Appointed: 09-09-26 Expires: 06-30-27	Council Member Liaison	**Virginia Roseman** 125 Cherrybrook Ln. Cell: 828-964-8854 Virginia.roseman@boonenc.gov
2 Member	**Romy (Bennie) Gaetano** 1st Term 243 Jefferson Rd. Cell: 704-699-4415 Email: romy8lucia@gmail.com Appointed: 07-09-25 Reappointed: 06-10-26 Expires: 06-30-29	P & I Staff	Amy Snider, Zoning Administration Manager amy.snider@boonenc.gov David Pedersen, Board Clerk david.pedersen@boonenc.gov
3 Member	**Charles Vardell Smyth, CHAIR** 2nd Term 172 Cherrybrook Ln. Cell: 919-418-0201 Email: HPC@cvsmyth.com Appointed: 09-13-23 Reappointed: 06-11-25 Expires: 06-30-28		
4 Member	**Adelia Daly** 1st Term 176 Rhododendron Ln. Cell: 828-406-2043 Email: adelia.daly5@gmail.com Appointed: 09-23-26 Expires: 06-30-27	Town Attorney	**Allison Meade** PO Box 292 184 N. Water St., Ste. 6 Office: 828-865-5555 ameade@meade-law.com
5 Student Member	**Phoebe Howerton** 1-year Term 144 Poplar Grove Rd, Apt 525 Cell: 910-596-8418 Email: howertonpk@appstate.edu Appointed: 08-12-26 Expires: 06-30-27		

1. 3-year staggered terms (except for ASU student who serves a 1-year term)
2. Terms expire on June 30
3. Members can serve no more than 3 consecutive terms

Town of Boone
Agenda Item Action Request Form

This form must be completed and attached to all supporting documentation for items to be included in the Town of Boone Council agenda. One (1) form per agenda item.

Submitted By: Jane Shook, Director of Planning & Inspections

Department: Planning & Inspections

Contact Phone: 828.268.6960

Email: Jane.Shook@boonenc.gov

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Action

Item Title: Consideration and Selection of Planning Commission Chair and Vice-Chair

Summary of Information: Pursuant to UDO Subsection 2.02.03, in or about July of each year, the Commission shall accept and review applications from the current membership for Chair and Vice-Chair positions and forward a recommendation on these positions to Council. Upon receipt of the Commission's recommendations, Council shall review the submitted applications and the Planning Commission recommendations before designating the Chair and the Vice-Chair. The members so designated shall serve in these capacities for terms of one (1) year, with eligibility for unlimited re-appointment. Vacancies in these offices shall be filled for the unexpired terms only. The Chair and Vice-Chair may take part in all deliberations and vote on all issues.

The Planning Commission met on September 28, 2026, and reviewed the applications submitted for the Chair and Vice-Chair positions. Mr. Veno, the current Commission Chair, was the sole applicant for the Chair position. The Planning Commission unanimously voted to recommend Mr. Veno to Council for appointment as Chair.

Commission Members King and Paz-Miranda each submitted an application for the Vice-

Chair position. After discussion, the Planning Commission decided to forward both applications to Council for consideration and selection of the Vice-Chair.

Staff requests Council's consideration of the attached applications to select the Planning Commission Chair and Vice-Chair.

Planning Commission Chair/Vice-Chair Application

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ▯ Boone, North Carolina 28607
Phone (828) 268-6960 ▯ Email: planning@boonenc.gov ▯ www.boonenc.gov

Board Member Information (Please see Board Secretary if needed for term information)

Name (Print): Frank Veno

Date Appointed: 6/21/2018

Date Term Expires: 6/30/2027

Number of Terms Served:

Position Sought: (Chair) Vice-Chair

Questions

1. **Orientation & Training**
   A. Have you completed the Planning Commission orientation?
   ☑ **Yes** ▯ **NO**
   B. If no, are you willing to attend orientation (2-3 hour commitment) prior to participating as Chair or Vice-Chair?
   ☐ **Yes** ▯ **NO**
2. **Comprehensive Plan & Other Adopted Plans**
   A. Are you familiar with the Town's current Comprehensive Plan and other adopted Plans as listed on the Planning and Inspections website under the "Ordinances, Plans & Studies" heading?
   ☑ **Yes** ▯ **NO**
   B. If no, are you willing to take the time to review these documents in order to familiarize yourself with the intent and content of these plans prior to participating as Chair or Vice-Chair?
   ▯ **Yes** ▯ **NO**
3. **Unified Development Ordinance**
   A. Are you familiar with the Town of Boone's Unified Development Ordinance, specifically Articles 1 General Provisions, Article 2 Administrative Mechanisms, Article 4 Permits, and Article 9 Amendments?
   ☑ **Yes** ▯ **NO**
   B. If no, are you willing to take the time to review these Articles in order to familiarize yourself with the intent and content of these Articles prior to participating as Chair or Vice-Chair?
   ☐ **Yes** ▯ **NO**
4. **Robert's Rules of Order**
   A. Are you familiar with Robert's Rules of Order?
   ☑ **Yes** ▯ **NO**
   B. If no, are you willing to take the time to review this Guide in order to familiarize yourself with the intent and content prior to participating as Chair or Vice-Chair?
   ☐ **Yes** ▯ **NO**
5. **Please explain why you wish to obtain this appointment:**
   Please see attached

S:\Boards\PC\Chair & Vice-Chair Application\PC_Chair&Vice-Chair_Application_07072026.docx

RECEIVED
JUL 22 2026
BY:

I have been serving as Chair of the Planning Commission for the past year. I have also served as Vice-Chair and a board member for a total of eight years. I feel that this combined experience has qualified me to lead in this position.

When I was initially asked to serve on the Planning Commission I took the position with the purpose of wanting to give back to the community that has provided my family and I a vibrant and wholesome place to live and thrive. During my time on the board I gained insight into the administrative mechanisms that have made Boone the prosperous and unique place that it is and always aspires to be. It was also during my tenure that I was able to see first hand the hard work and dedication that goes into making this community what it is, especially the work of the Planning Department, the Town Council and the various committees that inform and advise these offices.

Another motivation for me to continue as Chair is that I've always appreciated the spirit of cooperation and mutual respect that have defined the present and past committees with whom I have had the pleasure of working with. I would like to be able to encourage present and future members with that respectful and democratic way of dealing with each other and the work put before us. That also means encouraging and working with all to participate in advancing the goals and ideals put forth in BooneNext, our comprehensive town plan.

Planning Commission Chair/Vice-Chair Application

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C Boone, North Carolina 28607
Phone (828) 268-6960 Email: planning@boonenc.gov www.townofboone.net

Board Member Information (Please see Board Secretary if needed for term information)

Name (Print): **Declan King**

Date Appointed: **September 2025**

Date Term Expires: **August 2028**

Number of Terms Served: **1**

Position Sought: Chair **Vice-Chair**

Questions

1. Orientation & Training

A. Have you completed the Planning Commission orientation?

Yes **NO**

B. If no, are you willing to attend orientation (2-3 hour commitment) prior to participating as Chair or Vice-Chair?

Yes **NO**

2. Comprehensive Plan & Other Adopted Plans

A. Are you familiar with the Town's current Comprehensive Plan and other adopted Plans as listed on the Planning and Inspections website under the "Ordinances, Plans & Studies" heading?

Yes **NO**

B. If no, are you willing to take the time to review these documents in order to familiarize yourself with the intent and content of these plans prior to participating as Chair or Vice-Chair?

Yes **NO**

3. Unified Development Ordinance

A. Are you familiar with the Town of Boone's Unified Development Ordinance, specifically Articles 1 General Provisions, Article 2 Administrative Mechanisms, Article 4 Permits, and Article 9 Amendments?

Yes **NO**

B. If no, are you willing to take the time to review these Articles in order to familiarize yourself with the intent and content of these Articles prior to participating as Chair or Vice-Chair?

Yes **NO**

4. Robert's Rules of Order

A. Are you familiar with Robert's Rules of Order?

Yes **NO**

B. If no, are you willing to take the time to review this Guide in order to familiarize yourself with the intent and content prior to participating as Chair or Vice-Chair?

Yes **NO**

5. Please explain why you wish to obtain this appointment:

Planning Commission serves an important role in shaping the conversation around local issues and advocating for the best interests of those who live in the Town of Boone. Effective administration of the Planning Commission is essential for the body to inhabit its greatest possible utility. Planning Commission is in a transitional phase, with the departure of Mrs. Pruitt and Mr. Tait (and the impending departure of Mr. Mileski), and I believe I have the experience and energy necessary to help incoming members understand board member duties: making motions, the CD process, and the "conversation shaping" role of a PC member. As Vice Chair, I would continue to encourage the board to focus on the goals and policies included in Boone Next, as the comp plan remains the most up-to-date record of our community's vision for itself. This focus on the comprehensive plan provides the basis for Planning Commission's legitimacy as a true community body. I will be present at all meetings in person this summer (pending illness or act of god) and plan on the same for fall 2026 and beyond as we add new members. As Vice Chair, I feel confident that I could discharge these duties myself as well as be an effective "mover" of the meeting alongside or in the absence of Mr. Veno when needed. I would love to continue the work PC has done in my time on the board in this role.

Planning Commission Chair/Vice-Chair Application

Town of Boone Planning & Inspections Department
680 W. King Street, Suite C ◆ Boone, North Carolina 28607
Phone (828) 268-6960 ◆ Email: planning@boonenc.gov ◆ www.townofboone.net

Board Member Information (Please see Board Secretary if needed for term information)

Name (Print):
Frida Paz-Miranda

Date Appointed:
06/23/25

Date Term Expires:
06/26/28

Number of Terms Served:
1

Position Sought: ☐ Chair ☑ Vice-Chair

Questions

1. Orientation & Training

A. Have you completed the Planning Commission orientation?

☑ **Yes** ☐ **NO**

B. If no, are you willing to attend orientation (2-3 hour commitment) prior to participating as Chair or Vice-Chair?

☐ **Yes** ☐ **NO**

2. Comprehensive Plan & Other Adopted Plans

A. Are you familiar with the Town's current Comprehensive Plan and other adopted Plans as listed on the Planning and Inspections website under the "Ordinances, Plans & Studies" heading?

☑ **Yes** ☐ **NO**

B. If no, are you willing to take the time to review these documents in order to familiarize yourself with the intent and content of these plans prior to participating as Chair or Vice-Chair?

☐ **Yes** ☐ **NO**

3. Unified Development Ordinance

A. Are you familiar with the Town of Boone's Unified Development Ordinance, specifically Articles 1 General Provisions, Article 2 Administrative Mechanisms, Article 4 Permits, and Article 9 Amendments?

☑ **Yes** ☐ **NO**

B. If no, are you willing to take the time to review these Articles in order to familiarize yourself with the intent and content of these Articles prior to participating as Chair or Vice-Chair?

☐ **Yes** ☐ **NO**

4. Robert's Rules of Order

A. Are you familiar with Robert's Rules of Order?

☐ **Yes** ☑ **NO**

B. If no, are you willing to take the time to review this Guide in order to familiarize yourself with the intent and content prior to participating as Chair or Vice-Chair?

☑ **Yes** ☐ **NO**

5. Please explain why you wish to obtain this appointment:

I have years of experience as a grassroots organizer and activist where I was in positions where I had lead meetings, and moderated them to continue good faith conversation where every member has a chance to offer their insights, opinions, and values. I am reaching my first year term on the planning commission board and I have learned so much as well as expressed different perspecitives on issues that face our community. I would like to continue serving my community and continue my journey in public service with all of the knowledge, care and experience that I have.

Planning Commission Private Roster as of September 14, 2026
7 Members

1	**Frank Veno, Chair** **3rd Term** 524 Grand Blvd. 828-719-7151 frank.veno@gmail.com Appointed: 06-21-18 Reappointed: 05-20-21 Reappointed: 06-12-24 Expires: 06-30-27		5 - Student	**Myles Harrison** (Student Rep) **1-year Term** 293 Madison Ave. 608-469-9125 mylesedward@gmail.com Appointed: 05-13-26 Expires: 06-30-27
2 - Renter	**Frida Paz-Miranda** **1st Term** 184 Winter Dr., Lot 49 828-719-1150 frida.paz11@gmail.com Appointed: 06-11-25 Expires: 06-30-28		6	**David Luther** **1st Term** 139 Sunnyside Dr. 336-681-8435 davidhluther@gmail.com Appointed: 05-13-26 Expires: 06-30-29
3	**Declan King** **1st Term** 565 Yosef Dr., Apt Y 980-701-1731 kingdj3@appstate.edu Appointed: 09-10-25 Expires: 06-30-28		7	**Vacant** **1st Term** Appointed: Expires: 06-30-27
4	**Garrett Kight** **2nd Term** 508 Green St. 704-663-9572 garrettkight@gmail.com Appointed: 05-08-24 Reappointed : 06-10-26 Expires: 06-30-29		P & I Staff	Brenda Henson, Board Clerk brenda.henson@townofboone.net Jane Shook, Director of Planning & Inspections jane.shook@townofboone.net

1. **3-year staggered terms (except for student who serves a 1-year term)**
2. **Terms expire on June 30**
3. **Members can serve no more than 3 consecutive terms**

Town of Boone
Agenda Item Action Request Form

This form must be completed and attached to all supporting documentation for items to be included in the Town of Boone Council agenda. One (1) form per agenda item.

Submitted By: Dalton George, Mayor

Department: Town Council

Contact Phone: 828.268.6200

Email: dalton.george@boonenc.gov

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Action

Item Title: Discussion Regarding Enforcement of Town Ordinances on Oak Street and in Neighborhoods Surrounding Strawberry Hills

Summary of Information: Mayor George requests a discussion regarding the enforcement of Town ordinances on Oak Street, specifically those relating to noise, parking, and trash management.

Town of Boone
Agenda Item Action Request Form

This form must be completed and attached to all supporting documentation for items to be included in the Town of Boone Council agenda. One (1) form per agenda item.

Submitted By: Jane Shook, Director of Planning & Inspections

Department: Planning & Inspections

Contact Phone: 828-268-6960

Email: Jane.Shook@boonenc.gov

Date of Council Meeting to consider this item: 10/28/2026

Council Action Requested: For Action

Item Title: Consideration to submit a Conditional District Zoning Map Amendment Application for 155 WYN Way

Summary of Information: Consideration of the proposed Conditional District (CD) Zoning Map Amendment project narrative for 155 WYN Way. Council can review and provide feedback on the request, based on the October 19th neighborhood meeting. Staff intends to submit the application for consideration at the November 23, 2026, Public Hearing. Staff will upload the draft project narrative once it has been completed.

Project Name
155 WYN Way
Watauga County PIN: 2901-81-6198-000

Project Narrative

The Town of Boone is submitting a Conditional District (CD) Zoning Map Amendment application requesting to rezone 155 WYN Way from R1A Single Family with Accessory Dwelling and R1 Single-Family Residential to Conditional District R1 Single-Family Residential.

This Conditional District request consists of a site-specific development proposal to allow the Town of Boone to use the property for governmental and community-serving purposes. The property is currently split zoned R1 and R1A. The Town is requesting this rezoning to allow the following governmental uses: 5.02 Government Neighborhood Cultural Facility-Indoor Activity Only, 5.07 Event Venue, Category 1, 5.16 Government Facility, 13.01 Community Garden, and A-29 Accessory Electric Vehicle Charging. Rather than rezoning the property to a nonresidential zoning district, the request is to maintain the status quo of the underlying zoning of the property while, by means of a site-specific Conditional District, allowing limited government uses similar to the past uses of the property by WYN and in harmony with the surrounding residential uses.

If approved, the request would allow adaptive reuse of the existing structure on the property for uses such as Town offices, meeting and training spaces, public meeting rooms, community gathering areas, educational programming, cultural exhibits, and small-scale community events. The facility could also accommodate partnerships with community organizations, public workshops, civic engagement activities, and other functions that support the delivery of municipal services and enhance the quality of life for Boone residents.

Pre-Application Meeting

Pursuant to UDO Subsection 9.09.02(A), the required pre-application meeting was held on September 23, 2026 with Jane Shook, Director of Planning and Inspections.

Neighborhood Meeting

Please see below for information on the neighborhood meeting required pursuant to UDO Subsection 9.09.02(B).

Meeting Information:	
Date & Time:	Monday, October 19, 2026; 5 p.m.
Location:	155 WYN Way
Mailed Notice:	
Date Mailed:	September 24, 2026
Notice Info:	Notice and address list attached
Meeting Details:	
Applicant Representatives:	• Mayor Dalton George • Council Member Anitra Ball • Council Member Virginia Roseman • Council Member Adrian Tait
Minutes:	Attached

Proposed Uses

List all requested principal, accessory, and temporary uses from UDO Appendix B, Sections B1.01-B1.03.

1. 5.02 Government Neighborhood Cultural Facility, Indoor Activity Only

   A government cultural facility which does not exceed 5,000 square feet. A government cultural facility is a building owned or operated by a government entity in which objects of interest or performances in the fine arts, humanities, or sciences are displayed, preserved or presented for exhibition or education of the general public.

2. 5.07 Event Venue, Category 1

   A facility for meetings and gatherings, such as reunions, weddings, conventions, anniversaries, and other similar ceremonies take place within fully enclosed buildings.

3. 5.16 Government Facility

   A building, structure, or use of land, excluding the other uses specifically listed in Government Uses 5.0, operated by a governmental entity that is used to provide government services such as administration of a political subdivision of the State, or centralized operations of cultural resources, fire protection, law enforcement, planning and zoning, public utilities, or public works.

4. 13.01 Community Garden

   Areas of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal or group use, consumption or donation.

   15.29.01 A community garden must meet the parking requirements of Article 24 but must provide no fewer than two (2) off-street parking spaces.

   15.29.02 A five foot (5') undisturbed buffer shall be provided along the perimeter of the cultivated area.

   15.29.03 In low density residential districts, users are restricted to residents within a ¼ mile of the community garden.

   15.29.04 A community garden shall be placed or designed to minimize impacts to adjacent properties, including run-off of water and chemicals.

5. A-29 Accessory Vehicle Charging

   15.65 Electric Vehicle Charging Stations, Accessory (A-29)

   A. General Requirements

      1. An electric vehicle charging station shall only be installed in standard-size parking space(s).
      2. Every electric vehicle charging station and associated parking space(s) shall be installed outside of the public right-of-way.
      3. Wheel stops, bollards, or other barriers shall be placed between the electric vehicle charging space and the equipment unless the equipment is designed to be impact resistant. Alternatively, there shall be a minimum distance of two (2) feet between the curb and the electric vehicle charging equipment.

a. The installation of an electric vehicle charging station and any protective measures shall not reduce the size of the parking space.

b. Any cords shall be retractable or have a place to hang the connector and cord sufficiently out of the electric vehicle charging space.

c. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

4. Electric vehicle charging station equipment may encroach 20% into any required landscape buffer provided the equipment shall be placed outside of the critical root zone for any tree.

5. The costs associated with the installation of an electric vehicle charging station shall not trigger compliance with or otherwise be counted in the calculations set forth at Subsection 7.05.02.

B. Electric Vehicle Charging Stations (Accessory Use, A-29) installed as accessory uses are exempt from any appearance, landscaping, or stormwater requirement.

Requested Deviations

List all requested deviations by Section/Subsection. For each requested deviation, please provide an explanation of the deviation and how the requested deviation would result in a development that is equal to or exceeds the quality and intent of the requested zoning district's established standards while remaining in alignment with adopted plans or other development goals of the town.

1. Deviation (1): Deviation to allow the following uses within the Conditional District R1 Single-Family residential zoning 5.07 Event Venue, Category 1 and Use 5.16 Government Facility.

i. UDO subsection from which deviation is requested:

UDO subsection 14.05.02 R1 Permissible Uses

ii. Applicable standard from which deviation is requested (describe):

Pursuant to Table 14.05.02, R1 Permissible Uses:

Uses 13.01 Community Garden and A-29 Accessory Electric-Vehicle Charging Station are allowed by right in the R1 zoning district, provided that the uses meet the normal requirements of the Ordinance plus the additional requirements designed to address the specific impacts of the use (see details in section above).

Use 5.01 Neighborhood Cultural Facility, Indoor Activity Only is permissible in the R1 Single-Family zoning district through the Conditional District approval.

However, Use 5.07 Event Venue, Category 1 and Use 5.16 Government Facility are not identified as permissible uses within the R1 district. The requested deviation is limited to the allowance of these uses while retaining the property's underlying R-1 zoning classification.

iii. Nature/extent of the requested deviation:

The requested deviation from the permitted use standards is limited to the allowance of these site-specific governmental uses within the existing structure and site development. No deviation is requested from the underlying R1 zoning classification. Rather than rezoning the property to a nonresidential zoning district, the request is intended to maintain the existing residential zoning of the surrounding area while allowing limited government

uses through a site-specific Conditional District. Additionally, the proposed uses would provide flexibility for the Town to adaptively reuse the existing building as a public asset while preserving opportunities for community access and engagement.

iv. Explanation of compatibility/consistency with the UDO and applicable plans:

The requested deviation is consistent with the intent of the UDO and the vision, planning principles, goals, and policies within Boone Next. The request is an adaptive reuse of an exiting building for governmental purposes that also will serve the community while maintaining the property's underlying zoning designation and preserving compatibility with the surrounding neighborhood.

The request is in alignment with Planning Principle 1 by reinvesting in existing developed site rather than new construction and Planning Principle 11 by preserving and enhancing a vacant space to meet the needs of the community.

The request is also consistent with Policy 1.3.4, Encourage Reuse and Rehabilitation Support and encourage adaptive reuse and rehabilitation of existing homes and buildings and Policy 4.4.1, Promote Use of Existing Resources Promote infill, redevelopment, and adaptive use as a way to maximize use of existing services, infrastructure, and utilities.

Further the request supports Boone's Next's Government and Public Services Goal 4.2 High-Quality Public Services and Facilities that states Boone will provide high-quality public services and facilities that meet the needs of all Boone residents.

Mitigation of Impacts

For properties within 300 feet of any residentially zoned area, specify how the development is designed to effectively mitigate potential impacts. Address the following, at a minimum: noise, lighting, traffic, environmental concerns, and any other potential adverse effects based on site characteristics.

The proposed use of the property is intended to serve municipal and community related functions. These activities are generally compatible with the neighboring residential uses and are expected to operate in a manner that supports public service delivery while maintaining community character. The property has historically accommodated community-oriented activities, including the Watauga Youth Network, and the proposed uses are similar in nature. The request involves the adaptive reuse of an existing Town owned facility and is not anticipated to create significant adverse impacts related to noise, lighting, traffic, or environmental concerns.

Additionally, the property will remain under Town ownership and is subject to ongoing public oversight and accountability, which provides an additional mechanism to ensure compatibility with surrounding properties and responsiveness to community concerns.

Conditions

Describe in detail any conditions (e.g., limitations of activities or operations, extra mitigation efforts, inclusion of affordable or workforce housing units, etc.) that the applicant is voluntarily offering as part of this application.

1.

Affidavit

Attached. NOTE: The attached Affidavit is required for submission. In the event the proposal is ultimately approved, an additional and more detailed Affidavit memorializing all matters agreed by the applicant as conditions for approval will be required, and this Affidavit will be filed as an attachment to the CD Order of approval.

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

AFFIDAVIT OF ACCEPTANCE OF CONDITIONS

TOWN OF BOONE CONDITIONAL DISTRICT ZONING MAP AMENDMENT

The Affiants, having been first duly sworn now depose and say:

1. My name is William Henry Perkins. I am over eighteen years of age. I am competent to make this Affidavit and I have personal knowledge of the facts stated herein, and such facts are true and correct.

2. I am duly authorized to execute and deliver this affidavit and otherwise act in connection with its above-referenced rezoning application (the Application") to the Town of Boone (the "Town") for the property located on 155 WYN Way, Watauga County PIN: 2901-81-6198-000 (the Property").

3. This affidavit is submitted pursuant to Town of Boone Unified Development Ordinance Subsection 9.09.02(C), for the purpose of the Applicant acknowledging the following:

    a. All zoning conditions are voluntarily proposed based solely on the applicant's independent judgment; and

    b. The applicant is not relying on any statements from Town staff, Council, or Planning Commission members regarding zoning conditions; and

    c. Other interested parties in the rezoning process may rely on the validity of the proposed development proposal including any agreed upon conditions; and

    d. All future property owners will be bound by the proposed development approval, including any agreed upon conditions and any commitments or representations made by the applicant.

Further Affiant sayeth not, this the 28th day of October, 2026.

William Henry Perkins, Interim Town Manager

[NOTARY ON FOLLOWING PAGE]

STATE OF NORTH CAROLINA

WATAUGA COUNTY

I certify that William Henry Perkins personally came before me this day and acknowledged that he is the Interim Town Manager of the Town of Boone, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal this 28th day of October, 2026.

(Official Stamp or Seal)

_____

Notary Public

_____

Printed Name of Notary Public

My Commission Expires: _____