MINUTES – BOONE TOWN COUNCIL
APRIL 9, 2025
1500 BLOWING ROCK ROAD

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order on Wednesday, April 9, 2025, at 9:02 a.m. at Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Town Council members present included Mayor Pro-Tem Dalton George, Todd Carter, Edie Tugman, and Eric Plaag. Town staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Planning Director Jane Shook, Public Works Director Todd Moody, Downtown Boone Development Coordinator Lane Moody, Sustainability and Special Projects Coordinator George Santucci, Interim Police Chief Daniel Duckworth, Finance Director Guy Miller, Communications and Grants Coordinator Laney Wise (remote), and Advanced Planning Specialist Jessica Mitchell (remote). Town Attorney Allison Meade was also in attendance.

Mayor Futrelle asked that the agenda be amended to observe the moment of silence next, followed by updates by Mr. Dull, as a requested appearance. Town Attorney Allison Meade also requested that her work session items be tabled. Council member Plaag made a motion to adopt the agenda as amended. Council member Tugman seconded the motion.

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

MOMENT OF SILENCE

A brief moment of silence was observed.

REQUESTED APPEARANCE – MATT DULL, ASSOCIATE VICE CHANCELLOR FOR FINANCE AND OPERATIONS

Mr. Dull provided an update on the traffic signal project at the intersection of NC Highway 105 and Mountaineer Ridge Drive, formerly known as High School Drive. The project has been approved by the North Carolina Department of Transportation (NCDOT), and the design for the traffic signal has been completed and reviewed.

The project is now in the bidding phase, with construction expected to begin in the summer. NCDOT will cover the full cost of the signal installation, estimated between $300,000 and $400,000.

It was noted that there would be no significant lane configuration changes, but the existing mid-block pedestrian crossing would be removed. In its place, he indicated a new pedestrian crossing and bus stop would be installed at the signalized intersection to improve safety and clarity for both drivers and pedestrians. Additionally, Mr. Dull stated the intersection will include a protected left-turn lane into the former high school property.

Next, Mr. Dull provided an update on the ongoing exploration of utilizing the Town-owned Western Youth Network (WYN) building for licensed childcare in partnership with Appalachian State University. He indicated that representatives from the university recently toured the building to assess its potential suitability for this purpose.

To operate a licensed childcare program exceeding four hours per day, Mr. Dull noted that the facility must meet the North Carolina Division of Child Development and Early Education requirements. Preliminary assessments revealed several significant challenges, including the need for approximately 75 square feet of fenced outdoor space per child, which was limited on the site outside the parking area due to the hilly terrain.

Mr. Dull added that interior modifications would be substantial. He stated the area best suited for classrooms currently contained six small offices, which would require demolition and reconfiguration into at least three compliant classrooms. Additional improvements would include the installation of toilets, sinks, a commercial-grade kitchen, a centralized fire alarm system, and full fire suppression sprinklers. The facility must also meet ADA accessibility standards, including accessible pathways between classrooms and outdoor areas.

Mr. Dull noted that AppState representatives would continue due diligence to determine the cost and feasibility of these renovations and whether the investment aligned with potential lease terms acceptable to the Town. He acknowledged concerns about the financial viability of the project but expressed appreciation to the Town Council and staff for considering the possibility, noting that access to affordable childcare remained one of the community's most pressing needs. He said further updates would be shared with the Town Manager as assessments continued.

Mr. Dull then provided an update regarding the Farmers Market’s use agreement for the Horn in the West facility and the need to coordinate facility availability during upcoming paving work. He reported that he recently met with leadership from the Farmers Market and that Appalachian State University has agreed to host the market on campus during the weeks when the Horn in the West site was unavailable due to paving. Mr. Dull believed this arrangement would ensure continued market operations during the project period.

Next, Mr. Dull indicated that the university would be requesting that the Town Council consider revising the Town’s water meter ordinance.

He noted that under the Boone Code of Ordinances Chapter 50, Section 109, each residential unit in a multifamily apartment complex required an individual water meter. Mr. Dull explained that this requirement presented significant cost and design challenges for large-scale residential developments, particularly for Appalachian State University's proposed student housing project on the 105 property, which included approximately 250 apartment units with 850 beds across five buildings. Under the current ordinance, Mr. Dull indicated the project would require 250 separate water meters and individual water service lines—one for each unit.

In contrast, Mr. Dull explained that if the project were developed on campus using the university's water system, a single meter would serve each building, resulting in only five meters total. He reported that the requirement for separate metering would increase the project cost by approximately $1.75 million, based on recent contractor estimates. When financed over 30 years, this cost could exceed $4 million. Since no state funding was allocated for this project, the financial burden would fall entirely on tenants through increased rents.

Mr. Dull requested that the Town Council consider amending the ordinance or establishing an exemption process for certain residential developments to promote cost efficiency and preserve housing affordability.

During continued discussion of the Appalachian State University housing development on the 105 property, Council member Plaag inquired whether the property would be opened to the general public for leasing if faculty occupancy failed to meet expectations, referencing concerns raised about a similar situation at the Innovation Campus.

Mr. Dull clarified that both the 105 project and Innovation Campus housing developments were financed through tax-exempt mechanisms, such as bonds or loans, which required the properties to maintain a tax-exempt purpose. As a result, neither property could be leased to the general public or marketed as general multifamily housing without jeopardizing their tax-exempt financing status. He noted that acceptable tenants would include university-affiliated individuals such as students, graduate students, faculty, or staff.

In response to a follow-up question by Council member Tugman, Mr. Dull explained that the 105 student housing project would be leased by the bedroom rather than the unit, aligning with typical student housing models. He added that rent would be all-inclusive, covering utilities such as electricity, water, and sewer.

Attorney Meade urged the Town Council to direct staff to conduct a cost-benefit analysis and bring back a proposal for amending the ordinance related to water metering in large-scale residential developments. She expressed concern that the ordinance lacked sufficient justification and created a significant barrier to affordable housing, particularly in large-scale developments like the Appalachian State University project at the former high school site.

She further noted that any benefit tied to water conservation was minimal, especially since the Town's current billing structure—based on thousand-gallon increments—was not sensitive enough to drive conservation decisions in the context of generally normal usage. She urged Council to allow staff to return with a cost-benefit analysis and potential ordinance revisions, not just for student housing but other housing types.

It was the consensus of Council to revisit the ordinance, with several noting that the costs of installing and maintaining hundreds of meters and individual systems far exceed any utility-related benefits. Mr. Dull also clarified that the required system development fees for both water ($340,729) and sewer ($345,048) had already been assessed and would be paid separately from meter-related costs, reinforcing that the issue at hand was solely the cost and practicality of meter installations.

Additionally, the long-term maintenance implications of 250 separate water systems were highlighted as a major concern, with estimates suggesting total added costs could exceed $4 million, including future maintenance. It was the consensus of Council that this ordinance should be evaluated for possible amendment.

Staff was asked to conduct a broader review of the ordinance, not limited to the Appalachian State University project, by considering potential changes that could apply town-wide. This review will include suggestions for how the ordinance might be amended to support housing affordability while maintaining necessary utility oversight.

Next, Mr. Dull reported to Town Council regarding a potential upcoming request from Appalachian State University to amend the Unified Development Ordinance (UDO) to allow for temporary university parking as a defined use. He indicated that the university was exploring this amendment in response to periodic, temporary parking needs during construction projects on university-owned properties.

Currently, he explained that the UDO did not include a definition or provision for temporary parking as permitted or conditional use. The proposed amendment would seek to define temporary university parking—intended for use by students, faculty, and staff—for finite periods (up to two years) to mitigate parking overflow into residential neighborhoods and downtown areas during campus construction.

Mr. Dull added that the university would seek to utilize existing university land or leased property, using gravel or permeable surfaces, similar to standards currently applied to temporary staging areas under the UDO. He reiterated that this was simply presented as a heads-up for Town Council, with the university intending to bring the proposal before the Planning Commission formally at a later date.

Planning Director Jane Shook clarified that the university was formally requesting Town Council's consideration to initiate a text amendment to the Unified Development Ordinance (UDO) that would allow for temporary university parking as a defined use. She noted that the intent was to align the proposed amendment with the upcoming

construction at the Highway 105/Old High School development site, which would temporarily disrupt existing parking arrangements.

Ms. Shook stated that if approved, this amendment would enable the university to establish temporary parking areas for students, faculty, and staff on university-owned property or leased land, similar to current temporary use provisions for staging areas. She emphasized that there was no current use classification for temporary parking in the UDO, making such accommodations difficult under existing regulations. Ms. Shook recommended that any consideration by Council clearly differentiate it from general temporary parking uses.

In response to a question by Council member Tugman, Mr. Dull confirmed that the request could apply not only to university-owned land but also to property leased by the university, consistent with other temporary use permissions currently allowed in the UDO.

Council was asked to consider advancing the proposed text amendment to a public hearing at an upcoming meeting, to support the university's construction timeline and mitigate off-site parking impacts. Mayor Pro-Tem George expressed interest in ensuring the conversation extended beyond the immediate construction-related needs. Should Council proceed with the amendment process, he requested that the Town initiate a broader dialogue with Appalachian State University regarding long-term parking solutions. During these discussions, it was Mayor Pro-Tem George’s goal to address the ongoing pressures that student parking places on downtown businesses, residential neighborhoods, and public amenities such as parks and greenways. He acknowledged the university’s limitations but encouraged a collaborative approach to identify mutual solutions that benefit both the campus and the broader community.

Council member Plaag emphasized the need to limit the scope of the proposed amendment to construction-related activities only. He raised concerns that the provision could otherwise be used to justify temporary parking for unrelated purposes, such as game days. Mr. Dull clarified that the intent was to support temporary parking during construction periods only, and not for one-off events. He noted that the request pertained to parking displaced by construction projects and the possibility of short-term leases with adjacent property owners during construction.

Mr. Dull noted that much of the displaced parking due to construction at the 105 site had already been reallocated to underutilized university-owned properties. However, the university also anticipated the need for additional overflow or replacement sites, particularly for its current park-and-ride location at 105, which will be unavailable during construction. Mr. Dull stated that the university was exploring options to lease land for a limited period to maintain a park-and-ride system that kept vehicles out of Boone’s downtown and central campus.

Council members reiterated support for moving the proposed text amendment forward, but emphasized the need to schedule a broader conversation with the university prior to

the public hearing, focusing on long-term parking solutions and the university's impact on downtown and public spaces. There was consensus that this broader planning dialogue should occur in advance of the next public hearing, which was currently scheduled for May, with a secondary opportunity in July.

Council expressed support for having this conversation as soon as possible, and there was general agreement to continue working collaboratively to identify strategies that balance university parking needs with broader community goals.

A brief question was raised about the projected timeline for the Peacock parking deck project, to which Mr. Dull indicated that there was no defined timeline at this time, but welcomed continued dialogue with the Town to determine future parking infrastructure plans.

REQUESTED APPEARANCES

BOB OLBERG – DANIEL BOONE NATIVE GARDENS

Mr. Olberg presented the Council with two photo examples of 6-foot-tall aluminum picket fences with a gate. He indicated that the plan would be to install a similar 8-foot tall fence with two gates. Mr. Olberg asked for the Council's permission to install this fence around 280 feet of the garden property instead of the previously approved fencing. He noted that the fencing was removable should the need arise. Council member Plaag gave a brief overview of local landmark guidelines and believed that this example would align, but noted that he could not control what a state reviewer would say. He added that while the gardens were not yet designated as a local landmark, that was the goal for the future. Upon a motion by Council member Carter, seconded by Council member Tugman, the Council voted to approve the request as presented.

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

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Futrelle announced the following board vacancies:

BOARD OF ADJUSTMENT
Two regular positions, three alternate positions

CULTURAL RESOURCES ADVISORY BOARD
Three vacant positions

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION
One Council-appointed position

HISTORIC PRESERVATION COMMISSION
Two regular positions

HUMAN RELATIONS COMMISSION
Four regular positions

PLANNING COMMISSION
One student position, One regular position (renter)

SUSTAINABILITY COMMITTEE
One student position

APPROVAL OF PROCLAMATIONS AND RESOLUTIONS

Mayor Futrelle read the following proclamation into the record:

Week of the Young Child Proclamation

Whereas, the future of the Town of Boone and Watauga County depends on the healthy development and education of our youngest citizens, and the foundation for a prosperous community is built on the nurturing of our children, from birth to age eight; and

Whereas, the **National Association for the Education of Young Children (NAEYC)** has declared the **Week of the Young Child** to be a time for celebrating early learning, young children, and their families, and recognizing the essential role that early childhood educators play in the development and well-being of children in our community; and

Whereas, early childhood programs play a critical role in ensuring that children begin life with the tools they need to succeed—social skills, academic readiness, and emotional resilience—and support families in their important role as their child's first teacher; and

Whereas, research consistently shows that the early years of a child's life are the most significant in shaping future success, and investing in the early development of children provides lifelong benefits to individuals and society as a whole; and

Whereas, we recognize the commitment of **families, educators, and community members** in supporting young children through partnerships, providing positive experiences that support healthy development, and fostering a culture of inclusion and belonging; and

Whereas, the **Week of the Young Child** reminds us that high-quality early childhood education should be accessible to all children, regardless of background or ability, and

that all children deserve to grow up in an environment where their physical, emotional, and intellectual needs are met with love, care, and respect;

Now, Therefore, I, Tim Futrelle, Mayor of Boone, NC, do hereby proclaim the week of April 5-11, 2025, as the **Week of the Young Child** in Watauga County, North Carolina. I encourage all citizens to recognize the importance of early childhood education and celebrate the contributions of the children, families, and educators who shape the future of our community.

This is the _____ day of April, 2025.

_____

Tim Futrelle, Mayor

ATTEST:

_____(SEAL) Nicole Harmon-Church, Clerk

Council member Carter read the following proclamation into the record:

Child Abuse Prevention Month 2025 Proclamation

WHEREAS, children are our state's most vulnerable members as well as our state's most valuable resources, helping to shape the future of North Carolina; and

WHEREAS, positive childhood experiences (PCES)—like loving caregivers and safe, stable, and nurturing relationships—can help mitigate trauma and the negative impact of adverse childhood experiences (ACES) to promote the social, emotional, and developmental well-being of children; and

WHEREAS, childhood trauma can have long-term psychological, emotional, and physical effects throughout an individual's lifetime and impact future generations of their family; and

WHEREAS, childhood trauma, including abuse and neglect, is a serious problem affecting every community, and finding solutions requires input and action from everyone; and

WHEREAS, children who live in families with access to concrete economic and social supports are less likely to experience abuse and neglect; and

WHEREAS, nurture positive childhoods and preventing child maltreatment is possible because of the partnerships created between families, prevention advocates, child welfare professionals, education, health, community, and faith-based organizations, businesses, law enforcement agencies, and local, state, and national governments; and

WHEREAS, we acknowledge that in order to solve the public health issue of abuse and neglect we must work together to change hearts and mindsets through storytelling and sharing, center the needs of families, break down bias and barriers, and inspire action from expected and unexpected partners; and

WHEREAS, we are committed to advancing equitable, responsive, and effective systems that ensure all children and families are healthy and thriving; and

WHEREAS, we recognize the need to prioritize kids and invest in more prevention initiatives like home visiting and family-strengthening policies, economic supports, and

community-based child abuse prevention programs at the national, state, and local levels; and

WHEREAS, thousands of working class families rely on friends, family and neighbor care for their children because it is often more affordable than out of home child care centers, and whereas, the loving child care provided by family members, friends and neighbors supports healthy brain development in young children and helps them to build resilience, we recognize the value of adults who care for young children each day in a home setting.

NOW, THEREFORE, I Tim Futrelle, Mayor of the Town of Boone, North Carolina, do hereby proclaim April as CHILD ABUSE PREVENTION MONTH in Boone, North Carolina and urge all citizens to recognize this month by building a narrative of hope for children and families through collaboration and the creation of an ecosystem of primary prevention that does not currently exist in this country.

This is the ____ day of April, 2025.

_____

Tim Futrelle, Mayor

ATTEST:

_____(SEAL)

Nicole Harmon-Church, Clerk

Upon a motion by Council member Carter, seconded by Mayor Pro-Tem George, Council voted to approve the following:

1. Resolution of Support – Intersection Improvements at US421 and SR 1655 (Landfill Road), including Innovation Drive
2. Proclamation – Week of the Young Child
3. Proclamation – Child Abuse Prevention Month

4. Proclamation – Sexual Assault Awareness Month

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

WORK SESSION

BOONE NEXT DISCUSSION

Staff invited Council to review proposed text changes in the Land Use and Development section of the Boone Next plan and offered to answer any related questions. Council Member Plaag suggested revising the final bullet point under “Neighborhood One.” He recommended replacing “grocery stores” with “small grocers/bodegas” to better reflect neighborhood-scale businesses. In the same section, where the text stated that buildings up to three stories were to be located up to the sidewalk, he proposed revising this to allow more flexibility, citing the hotel project at the former Portofino's location as an example where being directly adjacent to the sidewalk may not be appropriate. He suggested inserting the word “usually” or similar language to provide flexibility.

Town Attorney Meade noted that she had not completed her final review of the use language and would revisit it after edits were made.

Council Member Plaag voiced discomfort with the phrasing in the “Walkable Mixed Use” section, particularly the statement that new street and alley grids “will be established” during redevelopment. He suggested that this language may need to be softened or reconsidered by using “may” instead of “will”.

Council Member Plaag also noted that the public may misinterpret the phrase “ground floors being permeable” and suggested simplifying the language to emphasize features such as transparent windows and doors.

Council Member Plaag raised questions about the terminology used in the manufacturing and distribution category, suggesting that “light industrial” might better reflect the Town’s intent, especially given that heavy industrial uses were not desired within town limits. He acknowledged that while some may associate “industrial” with warehousing and trucking, the term “distribution” may better communicate modern logistics uses.

Next, he referenced the example of artisan and craft-based industries, such as Watauga Wood Products, and suggested that the language clarify that the Town was not targeting heavy manufacturing. Staff confirmed that such uses were meant to be addressed under different classifications and noted that qualifying language had already been added in other sections.

Mayor Pro-Tem George expressed agreement with the edits suggested by Council Member Plaag and appreciated the level of detail. The conversation then moved to the section on small towns with mid-sized city conditions. Council Member Tugman pointed out that residents were notably absent from the list of traffic users in the document, which otherwise included commuters, visitors, students, and regional travelers. She suggested that residents be explicitly mentioned. Planning Director Shook noted that residents were captured in the document introduction.

Additional feedback focused on clarifying technical language within the plan, with Council Member Plaag suggesting adding parenthetical references or citations for terms such as “annexation criteria,” “opt-in zoning,” and “density bonuses” to help readers better understand the document. Staff confirmed that some definitions already existed in a preceding chapter and agreed that any missing terms could be added or cross-referenced as needed. Council Member Tugman also suggested revising the opening sentence, “Boone is a beautiful mountain town,” by adding a descriptive adjective such as “distinct” or “exceptional” to better reflect the Town’s unique character.

Staff confirmed they would incorporate the suggested changes and send a revised draft to Council. The next step would be to submit edits to the consultant for integration with both the revised text and land use map. Two options were proposed: (1) return to the Planning Commission for a briefing on the revisions prior to public comment, or (2) proceed directly to a public hearing. It was the consensus of Council to move the revised document forward to a special Public Hearing on June 23.

DISCUSSION OF BLOWING ROCK ROAD MSD

Manager Davis stated that, in light of the damages during Hurricane Helene to many businesses along the Blowing Rock Road/321 corridor, she did not recommend moving forward with assessing a new Municipal Service District tax this year. Mayor Pro-Tem George agreed, noting that many businesses along this corridor suffered a total loss due to hurricane damage. It was the consensus of Council to delay this project until the next fiscal year.

Mayor Pro-Tem George indicated that he had recently had a brief discussion with members of the Junaluska community about the dedication of Dana Folk Way. He stated that it would mean a lot to community members if the Town followed through with this project. Manager Davis reported that, during her last conversation with Mr. and Mrs. Folk, she was under the impression they would not be willing to attend a dedication ceremony and noted that Mr. Folk had significant health issues. She asked whether Council wished to continue with the project, considering the Folks were not in support. Mayor Futrelle did not believe moving forward with the project would be appropriate. At the same time, Attorney Meade was of the opinion that, even though the Folks were not interested in participating, Mr. Folk was still an essential part of the community’s history. Mayor Pro-Tem George encouraged members to speak to Junaluska community members, and Manager Davis indicated she would contact Mrs. Folk and report back.

PUBLIC COMMENT

There were no speakers signed up for public comment.

LISTENING SESSION FOR CONSTITUENT CONCERNS REGARDING THE CURRENT FEDERAL ADMINISTRATION

There were no speakers signed up for the listening session. Council requested the sessions continue through May at both meetings of the month near the beginning of the agenda.

Mayor Futrelle declared a break at 10:31 a.m. Council reconvened at 10:43 a.m.

APPROVAL OF ITEMS ON CONSENT AGENDA

Upon a motion by Council member Carter, seconded by Mayor Pro-Tem George, Council voted to approve the following items on the Consent Agenda:

1. Budget Amendment

   Public Works:

   Explanation: To cover the initial cost of drum dryer replacement at the Jimmy Smith Waste Water Treatment Plant.

TO:	Capital Outlay - Other Equipment	030-700-805-574000	$200,000.00
	Transfer to Water/Sewer Fund	032-700-000-598030	$200,000.00
FROM:	Appropriated Fund Balance	032-700-000-499900	$200,000.00
	Sewer Capital Reserve Contribution	030-000-000-498032	$200,000.00

2. Lease Agreement – Bonnie Brown
3. Lease Agreement – Kingswood Condominium Association, Inc.
4. Minutes

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

PLANNING MATTERS

REQUEST FOR SCHEDULING AN UNVEILING CEREMONY FOR THE BOONE CEMETERY INTERPRETATIVE PANELS

It was the consensus of the Council to hold an unveiling ceremony for the Boone Cemetery Interpretive Panels on May 2 at 5:00 p.m., in conjunction with the Downtown Boone First Friday event. Ms. Mitchell stated that a tour of the cemetery would be offered following the ceremony. She also noted her intention to invite representatives from the Junaluska Heritage Association and the Appalachian State University History Department to participate in the event. Additionally, the Council agreed that Historic Preservation Commission Chair Smyth would deliver a brief speech during the ceremony.

COUNCIL MATTERS

LICENSE AGREEMENT – WATAUGA COUNTY FARMER'S MARKET

Council reviewed the proposed license agreement for the Watauga County Farmers Market, with Attorney Meade confirming that the agreement presented was consistent with previous years, with the only change being the extension of the agreement term.

Attorney Meade reported that the revised agreement now spanned a three-year term instead of two, and a new provision was added requiring the Farmers Market to present an annual report to the Town Council each January. This addition aimed to maintain annual communication and allow for discussion of any concerns, even though the agreement itself would not require annual renewal.

Mayor Pro-Tem George recalled that during earlier discussions, there had been mention of potentially moving to a five-year agreement. While he expressed openness to that idea personally, he acknowledged that the three-year term represented an improvement over the previous two-year term. He further noted that no specific request for a longer term had been made by the Farmers Market, nor had any issues related to grant eligibility or similar matters been raised, which may have contributed to the decision not to extend the term to five years. Attorney Meade did not believe there was Council direction or justification for altering the lease to reflect a five-year term.

Concerns were raised regarding minor inconsistencies in the agreement language. Council Member Plaag pointed out that under the "Term" section, the document referenced only two periods, where the agreement actually covered three years. It was suggested that this language be corrected to reflect all three periods. Another concern was raised about the phrasing in the "Scope of License" section. Specifically, it was

noted that the agreement stated the premises “may be used” by the licensee for certain purposes, and it was suggested that “must be used” might be more appropriate. Attorney Meade explained that the intent of the language was to list permissible uses without requiring that all be utilized. For example, she stated the licensee might choose to operate the market without including food trucks, and the agreement was written to accommodate such flexibility. However, it was acknowledged that this intent may not be clearly conveyed in the current wording and could benefit from revision.

Further discussion addressed whether nonprofit organizations were currently authorized to table at the market under the license. Council Member Plaag noted that non-profit groups had previously tabled at the market. It was noted that the Farmers Market utilized a tiered system for nonprofit participation. However, concerns were raised that the current license did not expressly permit nonprofit tabling and that such activities may not qualify as "incidental uses" under the existing language.

Attorney Meade stated that nonprofit tabling was incidental and consistent with the nature of the Farmers Market operations. Council member Plaag contended that the language defining incidental use was too narrow and specific to cover nonprofit tabling. To resolve this, Council Member Plaag suggested amending the license agreement either by adding nonprofit tabling as a fourth permitted use or by revising the section listing primary uses to include nonprofits explicitly.

The conversation concluded with Council Member Plaag expressing concern about the lack of monetary consideration in the agreement. He noted that, unlike the lease for Daniel Boone Native Gardens, which included nominal consideration (e.g., $1), the Farmers Market and SAHA license agreements included no formal consideration. This raised questions about consistency and the appropriateness of allowing the use of Town property without a defined exchange of value. Council Member Plaag expressed concern that providing access to Town property at no cost might violate Article I, Section 32 of the North Carolina Constitution—the "emoluments clause". Council Member Plaag argued that while entities like SAHA and the Daniel Boone Native Gardens clearly provided public educational benefits, it was less clear what specific public benefit the Farmers Market offered. As currently structured, the market functioned mainly as a platform for for-profit vendors to sell their goods, raising the question of whether it met the threshold of a qualifying public service. To address this concern, Council Member Plaag suggested that formally including nonprofit tabling in the license agreement could establish a clear public benefit and could allow organizations providing educational materials or information about public services to participate, thus strengthening the legal justification for not charging a fee. He acknowledged uncertainty over whether the Town would need to charge market-rate rent or if a nominal fee (such as $1) would suffice, but maintained that, in its current form, the agreement might be constitutionally problematic. In response, Council Member Carter respectfully disagreed, asserting that the Farmers Market already provided clear public benefits. He noted that Blue Ridge Women in Agriculture was on-site regularly, educating attendees about the “Double Up Food Bucks” program, and that the market actively supported SNAP users in accessing fresh, local food.

Additionally, educational programming was incorporated into every market event, often centered around specific themes that included children's music, health education, or community activities. Council Member Carter also emphasized that various nonprofits—such as Farm Café, Casting Bread, Hospitality House, and the Hunger and Health Coalition—were already involved with the market. These groups provided food assistance, educational outreach, and collected goods for community food pantries. From this perspective, Council Member Carter argued that the public service component was already present and well-integrated into the Farmers Market's operations. Council members and Attorney Meade generally agreed. Upon a motion by Council Member Carter, seconded by Mayor Pro-Tem George, Council voted to approve the license agreement with the additions offered by Council Member Plaag, which would be written into the agreement by Attorney Meade at a later date.

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

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION ANNUAL REPORT

Downtown Boone Development Coordinator Lane Moody gave an annual report per the Town of Boone agreement. Highlights from the update included:

- The Town regained its Main Street Accreditation for 2025, based on efforts completed in 2024.
- The organization has also reinstated its 501(c)(3) nonprofit status, restoring full operational standing.
- On March 25, the Town hosted John Schallert as part of a Main Street programming initiative focused on helping businesses and communities differentiate themselves from nearby towns like Blowing Rock and Ashe County.
- Boone was one of eight North Carolina communities to host this training and was honored with the Hospitality Award from the Main Street program.
- Boone was selected to host the North Carolina Main Street Directors Meeting from August 4–7, 2025.
- Recent events and projects include: A Downtown Restaurant Week, Multiple public art installations, a variety of training sessions tailored to different business types (retail, restaurants, etc.), and a well-received professional headshot session for downtown business owners.
- Staff held an informal meeting with businesses directly impacted by the ongoing Howard Street construction project.
- A dedicated landing page on the Downtown Boone website is being developed to provide construction updates, parking information, and other resources. Additional wayfinding signage is also being planned to support navigation during construction.
- Boone staff are working to establish a communication rhythm during the construction project and encourage businesses to be patient and provide feedback as the Town refines its approach.

- In response to a question by Council member Plaag, Ms. Moody confirmed that once the project is complete, Howard Street will be entirely one-way from Appalachian Street to Burrell Street.
- Howard Street Groundbreaking Ceremony will take place on April 14.

REQUEST FOR DIRECTION – RIVERS HOUSE TRAIL PLANS

Manager Davis indicated that the Historic Preservation Commission recommended a different trailhead location for the Rivers property than what was initially approved, and asked whether Council wished to follow their recommendation or keep as-is. Planning staff gave a brief recap of the Historic Preservation Commission meeting at which Jordan Sellers expressed support for amending the plan. Upon a motion by Mayor Pro-Tem George, seconded by Council Member Carter, Council voted to approve the updated trailhead plans.

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

CONSIDERATION OF LETTER OF SUPPORT FOR S. FOX

Manager Davis presented a letter of support for Blowing Rock Town Manager Shane Fox to serve on the North Carolina League of Municipalities Board of Directors. Upon a motion by Mayor Pro-Tem George, seconded by Council Member Tugman, Council voted to approve the letter as presented.

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

REQUEST TO SCHEDULE BUDGET RETREAT

Manager Davis reported that staff just received valuation numbers from Watauga County last Thursday. She stated that the first set of numbers was more than anticipated, followed by a second set that decreased by millions of dollars. Finance Director Guy Miller noted that the County had been trying to determine valuations based on hurricane damage and was also working with a new tax collector, and attributed the mix-up to these factors. He added that incorrect numbers were a county-wide issue this year. It was the consensus of Council to hold the annual budget retreat on May 22, 2025, beginning at 9:00 a.m. at Town Council Chambers.

APPOINTMENT TO ABC BOARD

Mayor Pro-Tem George nominated Jacqueline Dunbar for reappointment to the ABC Board. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Ms. Dunbar's term will expire in April 2028. Council member Plaag made a motion that the ABC Board charge be amended to allow a board member to serve for no more than three consecutive terms, contingent on state statute, with a roll-off term of one calendar year. Mayor Pro-Tem George seconded the motion.

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

APPOINTMENT TO HUMAN RELATIONS COMMISSION

Council Member Carter nominated Tori Rodriguez for a two-year term on the Human Relations Commission. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Tori's term will expire on April 9, 2027.

APPOINTMENT TO PLANNING COMMISSION

Council members expressed concern at the lack of detail and perceived lack of interest in the application presented. Council Member Tugman was also concerned that the applicant may not be available to serve year-round. Planning Director Shook noted that this was always a concern of a student applicant, and suggested that if the Council was looking specifically for a planning student or a student with a local government background, the application may need to be altered to request this. No nomination was made and no vote was taken on this application.

MAYOR REPORT

Mayor Futrelle indicated his support for the Howard Street groundbreaking ceremony scheduled for April 14.

TOWN MANAGER REPORT

Town Manager Davis updated members on the following topics:

- Due to staffing changes, Combs, Tenant, and Carpenter will no longer be able to audit a unit this size. They will handle year-end close-out operations. Staff plans

to publish a request for proposals next week and hopes to bring options back to Council for consideration in May.

- Council Chambers remodel plans are moving forward, and staff plans to bring back quotes later this month.
- There is a Helene aid package that allocates funding to local governments to bridge the gap where FEMA refuses repairs to infrastructure. Staff plans to utilize Town lobbyists to assist with the Hunting Hills intake project and the catwalk at the Winkler's Creek Reservoir, both coming in at approximately $1 million each.
- Manager Davis informed members of HB765, which would limit housing regulations at the local government level. Lobbyists have been informed that the Town of Boone opposes this bill.
- Staff is still waiting on SB Christy Co. to re-survey the Bolick property.
- Staff spearheaded two streambank planting days at the Elizabeth Young Community Gardens and Casey Lane, planting approximately 1,000 trees.
- Staff recently met with North Carolina Land and Water Fund representatives at Clawson Burnley Park. The representative was reportedly pleased with the way things looked.
- The 2025 Earth First Friday was a success.
- The Town of Boone and the Historic Preservation Commission met their responsibilities as certified local governments in the preservation program
- Staff requested that the Public Hearing date in May be changed to May 19 at 6 p.m. due to the Memorial Day holiday.

BOARD LIAISON REPORTS

Council Member Tugman updated members on the Downtown Boone Development Association. She reported that new banners had been ordered for downtown and that the Doc Watson statue needed to be appraised for insurance purposes. She noted that green striping at EV Chargers had been discussed and would continue to be discussed at future meetings with input from staff. She stated that, on behalf of the DBDA, and as liaison to the TDA, she had asked the Boone TDA Director to support the cost of creating signage, etc. for the Howard Street project. She was reportedly told by the director that this request would have to come out of the Town's portion of TDA funds, and he refused to take the matter before the board. Council Member Tugman stated that she planned to meet with Director Tilley and the Boone TDA Chair to inquire why this project was not tourism-related and why they would not assist. Mayor Pro-Tem George believed Council had a right to question the use of these funds, and stated that, moving forward, Council should appoint people more supportive of the Town to serve on the Tourism Development Authority. Council Member Tugman agreed and took issue with the fact that the TDA had funding to pay influencers to come to the area but refused to assist the Town with projects like Howard Street or downtown restrooms. Mayor Futrelle suggested that a second Council member meet with Council Member Tugman, Director Tilley, and Attorney Meade. After brief deliberation, Council Member Plaag agreed to meet with Council Member Tugman, Attorney Meade, and TDA Director Tilley to discuss this matter.

Mayor Pro-Tem George applauded a recent presentation by Council Member Carter, who gave the Sustainability Committee a presentation on the Elizabeth Young Community Gardens.

Council Member Carter reported that a Human Relations Commission member recently attended a housing event and would be presenting a report at the April 16 meeting. He stated that the budget was being discussed by the AppalCart board and noted that the second electric bus had been delayed.

CLOSED SESSION

Upon a motion by Mayor Pro-Tem George, seconded by Council Member Plaag, Council voted at 12:30 p.m. to enter into closed session pursuant to:

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

2. N.C. Gen. Stat.§ 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council, and obtain legal advice,
consider and/or give instructions to the attorney concerning one or more potential legal claims.

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

Upon a motion by Council member Tugman, seconded by Mayor Pro-Tem George, Council voted to exit closed session at 1:24 p.m.

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

Mayor Futrelle adjourned the meeting at approximately 1:26 p.m.

_____ _____

Tim Futrelle, Mayor Nicole Harmon-Church, Clerk