MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
MAY 14, 2025

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9:00 a.m. on Wednesday, May 14, 2025, in the Boone Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council members present included Todd Carter, Virginia Roseman, Edie Tugman, and Eric Plaag. Staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Planning Director Jane Shook, Public Works Director Todd Moody, Deputy Planning Director Brandon Wise, Sustainability and Special Projects Manager George Santucci, Interim Police Chief Daniel Duckworth, Cultural Resources Director Mark Freed, Human Resources Director Dale Presnell (remote), and Downtown Boone Development Coordinator Lane Moody. Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

A brief moment of silence was held.

Council Member Carter made a motion to amend the agenda by rearranging the order of items to move Public Comment before the Listening Session, to remove item number four under Planning Matters, and to move the Work Session to follow Council Matters. Council Member Plaag seconded the motion.

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

ANNOUNCEMENTS

Mayor Futrelle announced the following board vacancies:

BOARD OF ADJUSTMENT
Four regular positions, three alternate positions

CULTURAL RESOURCES ADVISORY BOARD
Two vacant positions

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION
One Council-appointed position

HISTORIC PRESERVATION COMMISSION
Three regular positions

HUMAN RELATIONS COMMISSION
Three regular positions

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

SUSTAINABILITY COMMITTEE
Two regular positions, three student positions

PUBLIC COMMENT

There were no speakers signed up for regular public comment.

LISTENING SESSION FOR CONSTITUENT CONCERNS REGARDING THE CURRENT FEDERAL ADMINISTRATION

Donna Lisenby thanked Council members for their time and referenced the Declaration of Independence in her remarks. She compared President Trump's actions to those of King George III, referring to him as a tyrant. She concluded by inviting members to attend No King's Day in Boone on June 14th.
Cindy Darcy emphasized the importance of Diversity, Equity, and Inclusion (DEI) and shared that she had retired as an Exceptional Children (EC) teacher during the COVID-19 pandemic. Ms. Darcy stressed the need for continued DEI support beyond graduation and reminded the Council that individuals were not the enemy in this situation and deserved a seat at the table.

L.A. Middlesteadt expressed concern that the checks and balances that once made America exceptional were fading. She emphasized the importance of due process as guaranteed by the Fifth Amendment and voiced alarm over what she perceived as its erosion. Ms. Middlesteadt also raised concerns about the rollback of environmental protections, cuts to the VA and Head Start programs, and what she described as blatant corruption in government.

Margaret Butler shared that Congresswoman Virginia Foxx had encouraged everyone to remember law enforcement on this day, which she agreed was important, noting that laws must be in place in order to be enforced. She expressed fear about her daughter potentially losing her job and discussed how the situation could impact her entire family, including her disabled grandson and elderly mother. She emphasized that these issues and the political climate would affect everyone.

Amber Bateman of the Watauga Arts Council, speaking on behalf of the local arts community, urged the Council to adhere to the guidelines established last year to allocate 40% of outside agency funding to the arts. She expressed concern and

disappointment that the guidelines were not followed in the previous funding cycle and emphasized the importance of supporting the arts. Council Member Carter, who had been involved in last year's reorganization efforts, clarified that the guideline set aside *up to* 40% of the total outside agency funding amount for the arts, not a guaranteed 40%.

Hilda Downer, Poet Laureate and mother of a master fiddler, encouraged the Council to consider providing the Watauga Arts Council with adequate funding to ensure it can flourish and continue supporting the local arts community.

Edie Tugman, speaking as a citizen of Boone, read a letter from the Episcopal Migration Ministries, highlighting the organization's work with refugees and its relevance to the Council's discussions regarding the turmoil in the current political climate.

Virginia Roseman, speaking as a citizen of Boone, emphasized that everyone deserved representation and encouraged attendees to voice their concerns not only to the Town Council but also to other government agencies. She reminded the audience that elected officials serve the people and stressed the importance of mobilizing and making their voices heard.

Eric Plaag, speaking as a citizen of Boone, identified himself as a historian and author who was well-versed in the erosion of rights, expressed concern that efforts were being made to confuse and disempower the public. He recommended the book *On Tyranny* by Timothy Snyder and urged individuals to speak with others directly to help them understand their rights and how to protect themselves.

Jennifer Kirby expressed her support for the ideas shared by others and agreed on the need to look for bright spots amid challenges. She referenced justsecurity.org, noting its success in winning lawsuits, and urged everyone to hold onto even the smallest hope. She cautioned that efforts to scare individuals only lead to distrust and fear among one another.

Todd Carter, speaking as a citizen of Boone, told the story of Andry José Hernández Romero, a 31-year-old gay Venezuelan asylum seeker, who was deported from the U.S. to El Salvador in March 2025 under the Alien Enemies Act. Despite having no criminal record, he was accused, based on misunderstood tattoos, of gang affiliation.

Alana Baird expressed that she felt scared and saddened by the direction the country is heading. She shared that it breaks her heart to see the impact on students at Appalachian State University, noting that more students were dropping out now than ever before.

Debra Berry encouraged members of the audience to contact representatives with concerns about the current federal administration.

TENTATIVE AGENDA ADOPTION

Upon a motion by Council Member Carter, seconded by Council Member Roseman, Council voted to approve the agenda as amended.

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

APPROVAL OF PROCLAMATIONS AND RESOLUTIONS

Council Member Roseman delivered a heartfelt speech emphasizing the importance of mental health awareness and shared that several of her loved ones had experienced mental health challenges. She then read the following proclamation into the record:

PROCLAMATION IN SUPPORT OF MENTAL HEALTH AWARENESS MONTH
TOWN OF BOONE, NORTH CAROLINA

WHEREAS, mental health is essential to everyone's overall health and well-being, and all people experience times of difficulty and stress in their lives; and

WHEREAS, mental illnesses are common and treatable, yet stigma and misunderstanding persist, discouraging many individuals from seeking the support and treatment they need; and

WHEREAS, the Town of Boone recognizes that mental health conditions are real and prevalent in our community, affecting residents of all ages, races, genders, and backgrounds; and

WHEREAS, organizations such as the National Alliance on Mental Illness (NAMI) play a vital role in raising awareness, providing education, fighting stigma, and offering resources and support to individuals and families affected by mental health conditions; and

WHEREAS, Mental Health Awareness Month, observed each May, provides an opportunity to reflect on the importance of mental health, to advocate for policies that support mental well-being, and to show compassion and support for those living with mental illness; and

WHEREAS, through public education and community engagement, the Town of Boone seeks to foster an environment where mental health is prioritized, support is accessible, and all individuals are treated with dignity and respect;

NOW, THEREFORE, I, Tim Futrelle, Mayor of the Town of Boone, North Carolina, and on behalf of the Boone Town Council, do hereby proclaim May 2025 as **Mental Health Awareness Month** in the Town of Boone, and encourage all residents to join in promoting

mental wellness, supporting those in need, and working to eliminate stigma surrounding mental illness.

This is the 14th day of May 2025.

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Tim Futrelle, Mayor

Attest:

_____

Nicole Harmon, Town Clerk

Council Member Carter read the following proclamation into the record:

TOWN OF BOONE PROCLAMATION IN HONOR ASIAN AMERICAN, NATIVE HAWAIIAN AND PACIFIC ISLANDER MONTH

WHEREAS, Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Heritage Month, observed each May, is a celebration highlighting the diverse history and cultures of Asians, Native Hawaiians, and Pacific Islanders throughout the United States. AANHPI contributions have and continue to impact American life in all aspects, from science and medicine, literature and art, sports and recreation, government and politics to activism and law; and

WHEREAS, this commemoration, first known as Asian/Pacific American Heritage Week, was signed into law as a joint resolution by President Jimmy Carter in 1978. Twelve years later, Congress expanded the observance from a week to a month. In 1992, President George H.W. Bush designated May as Asian/Pacific American Heritage Month. In 2009, during the Barack Obama Presidential Administration, this tribute was renamed Asian American and Pacific Islander Heritage Month. On April 30, 2021, President Joe Biden signed Proclamation 10189, recognizing the month of May as Asian Americans, Native Hawaiian, and Pacifica Islander Heritage Month; and

WHEREAS, the month of May was selected to acknowledge the first Japanese immigrants to America on May 7, 1843, and the completion of the first transcontinental railroad in the States by Chinese laborers on May 10, 1869, also known as Golden Spike Day; and,

WHEREAS, Asian Americans across the United States can trace their roots to more than 20 countries in East and Southeast Asia, the Indian subcontinent, and the Pacific Islands, each with unique histories, cultures and languages and North Carolina has been home to members of the Asian American and Pacific Islander communities since the mid-19th

century, when the first Chinese immigrants began to settle in the state; and

WHEREAS, throughout history, many Asian American and Pacific Islanders have faced adversity and yet, through their strength and persistence, have become leaders and trailblazers; and

WHEREAS, this year's theme, "**"A Legacy of Leadership and Resilience."** pays tribute to the AANHPI trailblazers and leaders like Lieutenant Susan Ahn Cuddy, first Korean American woman in the U.S. military and the first female Navy gunnery officer, The late Congressman Dalip Singh Saund, the first person of Asian descent to be elected to the U.S. House of Representatives in 1956, and the late Secretary of Transportation Norman Mineta who overcame racial injustice as a child of Japanese immigrants in a World War II internment camp to serve in the U.S. Army, U.S. Congress, and the Cabinet of Presidents Bill Clinton and George W. Bush, whose resilience and courage have paved the way for future generations; and

WHEREAS, the Mayor and Town of Boone Council recognizes and honors the many ways that Asian American and Pacific Islanders enrich the fabric of our town and strengthen Boone's culture while also rededicating ourselves to address the lack of equal access to opportunity that many still face; and

WHEREAS, we reaffirm that diversity is one of our greatest strengths. We also acknowledge the Asian American and Pacific Islanders leaders who have stayed in the struggle for equal justice to ensure that everyone can contribute their talents and have the opportunity to thrive; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Boone Mayor and Council do hereby proclaim May as Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Heritage Month Heritage Month and encourage all residents to celebrate our unique and vibrant history and recommit ourselves to a shared future of healthy, peaceful, safe, and sustainable communities for all.

This is the 14th day of May 2025.

_____
Tim Futrelle, Mayor

ATTEST:

_____(SEAL)
Nicole Harmon-Church, Clerk

Council Member Plaag thanked Mayor Pro-Tem George for his work on the following resolution before reading it into the record:

RESOLUTION
Designating May 16, 2025, as ‘‘Endangered Species Day’’

Whereas, plants and wildlife provide incalculable services for humankind, including health, cultural, economic, recreational, and spiritual benefits, among others;

Whereas, in the United States and around the world, more than 2,300 species are recognized as at risk of extinction now or in the foreseeable future, and many more are experiencing declines in populations and future viability;

Whereas, the planet is experiencing a biodiversity crisis, which many scientists conclude is the sixth mass extinction event, with plant and wildlife species across the globe facing heightened risk of extinction that is largely driven by human activity;

Whereas, the United States has prioritized the conservation and recovery of imperiled species by enacting the Endangered Species Act of 1973 and other landmark conservation statutes;

Whereas, conservation and protection efforts implemented under the Endangered Species Act of 1973 have successfully prevented the extinction of more than 99 percent of species designated as threatened or endangered;

Whereas, North Carolina is home to hundreds of endangered and threatened species, all of which deserve to thrive in their native habitats;

Whereas, Boone has been heavily invested in the restoration of waterways and conservation efforts, preserving habitat for threatened species like the Eastern Hellbender;

Whereas, the protection and recovery of species under the Endangered Species Act of 1973 is a remarkable success that should be celebrated:

Now, therefore, be it resolved that the Town of Boone designates May 16th, 2025 as Endangered Species Day and encourages the Town and its citizens to work towards the conservation of endangered and threatened species everywhere;

Be it further resolved that the Town of Boone sends a copy to our U.S House Representative, Dr. Foxx, and Senators Tillis and Budd showing appreciation for the federal tools provided for conservation.

This is the 14th day of May 2025.

_____

Tim Futrelle, Mayor

Attest:

_____

Nicole Harmon, Town Clerk

Council Member Plaag made a motion to approve the following documents:

1. Proclamation – Mental Health Awareness Month
2. Proclamation – Asian American, Native Hawaiian, and Pacific Islander Month
3. Resolution – Endangered Species Day

Council Member Roseman seconded the motion.

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

APPROVAL OF ITEMS ON CONSENT AGENDA

Council Member Plaag made a motion, which was seconded by Council Member Carter, to approve the following items on the Consent Agenda:

1. Letter of Support for Town Staff's Application for the NCDOT Toll Credit Pilot Program
2. Ordinance Establishing Bird Sanctuary Within the Town's Corporate Limits
3. Agreement – Downtown Boone Development Association, Inc.
4. Budget Amendments:
    a. Police Department

TO:	Advertising	010-500-300-527001	87.00
FROM:	Sale of Surplus Property	010-000-000-481200	87.00

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    b. Cultural Resources

TO:	CR Boonerang	010-418-000-549139	147,627
FROM:	Boonerang-Contributions/Donations	010-000-000-482206	147,627

5. Minutes:
    a. February 12, 2025, Regular Town Council Meeting
    b. April 9, 2025, Regular Town Council Meeting
    c. April 23, 2025, Regular Town Council Meeting

In response to a question from Council Member Tugman regarding toll credits, Public Works Director Todd Moody explained that North Carolina offers one of the best programs he has seen to help complete the PATH project. He reported that the updated project cost is $9 million and that the toll credits would cover the required local match. He expressed hope that federal funding would increase to cover the rising costs. He clarified that there are no tolls planned in Boone. The item was received as information.

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

PLANNING MATTERS

Public Hearing on Case A24-0940 Estep/Rivers Satellite Annexation

Mayor Futrelle opened the public hearing at 10:27 a.m. Council Member Plaag noted that the applicants were dear friends of his, but this fact would not affect his ability to be impartial. Hearing no comments from the audience or online, Mayor Futrelle closed the public hearing at 10:27 a.m.

Consideration of Case A25-0164 Estep/Rivers - General Use Zoning Map Amendment

Deputy Planning Director Brandon Wise presented the case and noted that an R-1 zoning designation with a viewshed overlay was recommended. Council Member Roseman made a motion that the proposed amendment to the Town’s zoning map is consistent with the Town's comprehensive plan and any other adopted plans of the Town that are applicable because of:

Comprehensive Plan Policy 2.1.1 Economic Development
D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

Comprehensive Plan Policy 2.2.2 Utilities

C. The Town shall consider the highest level of participation in the cost of providing water and sewer services within the Primary Growth Area with the next highest level of participation considered for the Secondary Growth Area.

Comprehensive Plan Policy 2.3.3 Housing and Neighborhoods
F. The affordable housing needs of area residents, particularly elderly and low to moderate income residents, shall be recognized in Town policies and actions regarding residential development.

Council Member Carter seconded the motion.

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

Council Member Roseman then made a second motion to approve Ordinance A25-0164 within Exhibit A, and that approval is reasonable and in the public interest because it will allow Boone to extend its corporate limits and bring new people into the community for more tax dollars. Council Member Carter seconded the motion. Council Member Plaag offered a friendly amendment to the motion to add that this would allow a family that has long desired to live in Boone but has not been able to afford to do so to be located within the Town limits. Council Members Roseman and Carter accepted the amendment.

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

CONSIDERATION OF ORDINANCE TO EXTEND CORPORATE LIMITS - CASE A24-0940 ESTEP/RIVERS SATELLITE ANNEXATION

Council Member Carter made a motion to approve the Ordinance to Extend Corporate Limits for Case A24-0940. Council Member Roseman seconded the motion.

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

Mayor Futrelle called for a break at 10:32 a.m. Council reconvened at 10:41 a.m.

CONSIDERATION AND APPROVAL OF AMENDMENTS TO CHAPTER 50 REGARDING WATER METERS

Town Attorney Allison Meade introduced proposed amendments to Chapter 50 in reference to a request made recently by AppState's Matt Dull regarding allowing master meters for multifamily residential units in buildings containing five or more residential

units. Attorney Meade stated the changes were minimal and aimed to remain revenue-neutral regarding rates and fees. Manager Davis noted that under the current ordinance, changes to billing would result in a loss of revenue. Ms. Meade reiterated that the amendment was drawn to be revenue-neutral. Public Works Director Todd Moody confirmed that discussions with staff indicated the same level of revenue could be maintained, but structural changes to billing formats would be necessary.

Attorney Meade briefly explained how master meters functioned. Council Member Plaag asked whether the minimum charge would differ between a 4-bedroom unit and a 1-bedroom unit. Director Moody responded that the charge would be the same for both units. Council Member Plaag expressed concern about the perceived inequity, suggesting that the ordinance unintentionally forced single tenants to subsidize larger households, such as four students living together. He added that Mayor Pro-Tem George, who was absent, had emphasized that the Town should insist on further discussion with AppState on other matters to go hand in hand with this matter, and he could not support the ordinance as presented. Attorney Meade clarified that she had not understood any such direction from Council, nor had communicated any such need to AppState. She had understood that there was full consensus to proceed with changing the master meter rules for multifamily. She noted that AppState was working under a tight deadline.

Council Member Carter asked whether considering this item at the second monthly meeting would still allow AppState to meet their timeline. Planning Director Jane Shook explained that while AppState's parking-related request had previously been delayed for further discussion, the water meter component was separate, and she agreed with Attorney Meade that Council had indicated consensus to proceed. She added that Mr. Dull had indicated AppState could monitor water usage without individual unit meters.

Council Member Carter agreed with Director Shook's recollection of events and supported moving forward with the Chapter 50 amendments. Attorney Meade noted that construction plans needed to be finalized before proceeding with bid solicitation, which is why time was of the essence for AppState. Council Member Roseman expressed uncertainty about whether the Town had the authority to regulate how landlords billed tenants within a master meter framework. Council Member Tugman agreed and supported proceeding with the motion.

Council Member Plaag referenced the meeting minutes to confirm prior discussions. Attorney Meade proposed an amendment to the ordinance language on page 169, changing "new development" to "new building". Council Member Carter moved to approve the ordinance with this amendment. Council Member Tugman seconded the motion, and Mayor Futrelle called for discussion. Council Member Roseman inquired about the potential to apply the ordinance conditions through a Conditional District. Attorney Meade responded that lawful impact-based conditions could be imposed in a CD, and although requiring single meters might be justified, it would be a high threshold. Council Member Roseman then asked if billing by room could be required; Attorney

Meade replied that she believed doing so would be beyond the Town's lawful authority. Attorney Meade clarified that the amended ordinance would apply to all incoming developments. Council Member Plaag asked whether Manager Davis' concerns had been addressed in terms of billing and revenue. Manager Davis replied that staff would find a way to make things work.

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

To break the tie, Mayor Futrelle was asked to cast a vote. Mayor Futrelle voted in favor of the amendment. Attorney Meade noted that the ordinance would have to come back to Council for consideration at the second May meeting, since an ordinance was required to be passed by a supermajority on the first reading. She added that the ordinance was only required to be passed by the majority at the second consideration.

Ordinance
#

AN ORDINANCE TO AMEND THE TOWN OF BOONE CODE OF ORDINANCES SECTION 50.109 TO MODIFY REQUIREMENTS FOR METER INSTALLATION FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT

WHEREAS, current regulations set forth at Town Code 50.109 require individual metering of all residential units in multifamily buildings;

WHEREAS, such individual metering imposes substantial additional costs of construction as well as additional costs of future maintenance and repair, both of which get passed on to residents of such units as substantially higher housing costs;

WHEREAS, the justification for requiring individual metering for residential units has been to encourage water conservation, but such water conservation is now likely minimal due to modern efficient plumbing fixtures, and the town now has significant excess capacity in its raw water intake and treatment facilities, and the town also enjoys an efficient water supply system whereby over 98% of the water that the town treats and uses is returned to the watershed from which the town draws its water; and

WHEREAS, in light of the foregoing, possible gains in water conservation from mandatory individual water metering are now heavily outweighed by the additional housing costs imposed by mandatory individual water metering;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL THAT:

SECTION 1. Section 50.109 of the Boone Code of Ordinances is hereby revised as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference.

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

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 4. This Ordinance shall be effective as of the date of adoption.

Adopted this th day of, 2025.

_____ ATTEST:

Tim Futrelle, Mayor Nicole Harmon, Town Clerk

EXHIBIT A

§ 50.109 INDIVIDUAL METERING REQUIRED; EXCEPTION FOR MASTER METERS FOR MULTIFAMILY RESIDENTIAL

(A) Policy statement. To ensure a fair distribution of system costs among its customers, it is the general policy of the town to require that every customer have its own meter and that each customer represent an individual water user, consisting of a single commercial unit or a single residential living unit. Since the town recognizes that certain current customers' water connections may not conform to this policy, the following rules seek to balance the need for implementation of this policy with the costs which might result if immediate and full compliance were required, while ensuring that customers are treated in a fair and uniform way in sharing the costs of the town's water system.

(B) Meters for commercial developments. In accordance with the following rules and at the times specified herein, each commercial unit shall have a separate meter installed, and each commercial customer's service must be separately metered at a single delivery and metering point. For purposes of this section, a commercial "unit" consists of each commercial use separately classified under the North Carolina Rate Discharge Schedule. For example, each separate bay, retail store, office, restaurant, and the like, within a shopping center or mall, and every such unit existing on a single parcel of property, is considered a separate commercial unit. A commercial "development" consists of each separate parcel of land upon which there is one or more commercial units, excluding mixed-use developments as defined herein.

(1) New water service will only be provided to a commercial unit constructed, erected or relocated at or to a location where no prior commercial unit existed if the unit is individually metered for water service. Each new unit constructed, erected or relocated is required to have its own individual meter.

(2) Before any new water service will be provided or current service maintained to an existing commercial development which has been repaired, replaced, renovated, or reconstructed, in which the total cost of all repair, replacement, renovation or reconstruction exceeds 50% of the value of the existing development, each and every commercial unit within the commercial development shall be separately metered. However, if the Administrator determines that the configuration of the existing commercial development is such that the costs involved in installing individual meters is so excessive as to significantly outweigh the interests of the town in individual metering, he may waive this requirement in whole or in part.

(a) For purposes of this section, "the total cost of all repair, replacement, renovation or reconstruction" shall be the actual cost of the repair, replacement, renovation or reconstruction. "Actual cost" includes the cost of all materials and services utilized to accomplish the repair, replacement, renovation or reconstruction, including, but not limited to sales tax, the costs of design, engineering fees, and all construction costs, whether undertaken at one time or in stages extending over a period of up to two years or such longer period as is authorized by any single special use permit, special use permit modification, building permit, or conditional zoning district approval or modification, as applicable.

(b) For purposes of this section, the "value of the existing development" shall be considered the value of the property, as determined by the Watauga County Tax Administrator and reflected in the tax

rolls of Watauga County, North Carolina, at the time the repair, replacement, renovation or reconstruction is commenced.

(3) Although an existing, non-conforming, commercial development in which separate commercial units receive water service through a single meter may continue to receive water service until such time, if any, that the development must install individual meters in accordance with this section, the minimum water and sewer fees for each meter which serves multiple commercial units shall be the amount of the minimum fees which would apply if each separate commercial unit had its own meter, sized according to the size of the water line actually serving each separate commercial unit.

(C) Meters for mixed-use developments. Mixed use developments are individual parcels of land upon which both one or more commercial units and one or more residential units exist. For purposes of this section, a "residential unit" is each separate dwelling unit, consisting of a room or group of rooms within a structure forming a single independent habitable unit and containing independent kitchen, sanitary, and sleeping facilities. Except as provided at subsection (E) below for buildings containing five (5) or more residential units, and in accordance with the following rules and at the times specified herein, each commercial unit and each residential unit within a mixed-use development shall have a separate meter installed and must be separately metered at a single delivery and metering point.

(1) New water service will only be provided to a commercial or residential unit constructed, erected or relocated in a mixed unit development at or to a location where no prior like (commercial to commercial; residential to residential) commercial or residential unit existed, if the unit is individually metered for water service. Each new unit constructed, erected or relocated is required to have its own individual meter.

(2) Before any new water service will be provided or current service maintained to an existing mixed use development in which each separate commercial and residential unit not individually metered for water service is repaired, replaced, renovated, or reconstructed, and the total cost of all repair, replacement, renovation or reconstruction of the commercial portion of the development exceeds 50% of the value of the existing commercial development, each and every commercial unit within the commercial development must be separately metered. When an existing mixed use development in which each separate commercial and residential unit not individually metered for water service is repaired, replaced, renovated, or reconstructed, and the total cost of all repair, replacement, renovation or reconstruction of the residential portion of the development exceeds 50% of the value of the existing residential development, each and every residential unit within the mixed use development shall be separately metered before any new water service will be provided or current service maintained. However, if the Administrator determines that the configuration of the existing commercial or residential portion of the development is such that the costs involved in installing individual meters is so excessive as to significantly outweigh the interests of the town in individual metering, he or she may waive this requirement in whole or in part.

(a) For purposes of this section, "the total cost of all repair, replacement, renovation or reconstruction" shall be the actual cost of the repair, replacement, renovation or reconstruction. "Actual cost" includes the cost of all materials and services utilized to accomplish the repair, replacement, renovation or reconstruction, including, but not limited to sales tax, the costs of design, engineering fees, and all construction costs, whether undertaken at one time or in stages extending over a period of up to two years or such longer period as is authorized by any single special use permit, special use permit modification, building permit, or conditional zoning district approval or modification, as applicable.

(b) For purposes of this sub-section, the "value of the existing . . . development," whether referring to the commercial portion or residential portion of the mixed use development, shall be considered the value of that particular portion of the property, as determined by the Watauga County Tax Administrator and reflected in the tax rolls of Watauga County, North Carolina, at the time the repair, replacement, renovation or reconstruction is commenced, or if the Tax Administrator has not assigned separate values to the commercial and residential portions of the property, the appraised value of the individual portions, as provided by the customer. Should the Tax Administrator not have assigned separate values and no appraisal be provided, the Administrator will pro-rate the value of each portion based upon the square footage of each portion compared to the whole development to calculate the applicable value.

(3) Although an existing, non-conforming mixed use development in which separate commercial and/or residential units receive water service through a single meter may continue to receive water service until such time, if any, that the development must install individual meters in accordance with this section, the minimum water and sewer fees for each meter which serves multiple commercial and/or residential units shall be the amount of the minimum fees which would apply if each separate commercial and/or residential unit had its own meter, sized according to the size of the water line actually serving each separate commercial and/or residential unit.

(D) Meters for residential developments. In accordance with the following rules and at the time specified herein, each residential unit shall have installed a separate meter, and each residential customer's service must be separately metered at a single delivery and metering point. For purposes of this section, a "residential unit" is each separate dwelling unit, consisting of a room or group of rooms within a structure forming a single independent habitable unit containing independent kitchen, sanitary, and sleeping facilities.

(1) New water service will only be provided to a residential unit constructed, erected or relocated at or to a location where no prior residential unit existed if the unit is individually metered for water service. Each new unit constructed, erected or relocated is required to have its own individual meter.

(2) Before any new water service will be provided or current service maintained to an existing residential development in which each separate residential unit not individually metered for water service is repaired, replaced, renovated, or reconstructed, and the total cost of all repair, replacement, renovation or reconstruction exceeds 50% of the value of the existing development, each and every residential unit within the residential development shall be separately metered. However, if the Administrator determines that the configuration of the existing residential development is such that the costs involved in installing individual meters is so excessive as to significantly outweigh the interests of the Town in individual metering, he may waive this requirement in whole or in part.

(a) For purposes of this section, "the total cost of all repair, replacement, renovation or reconstruction" shall be the actual cost of the repair, replacement, renovation or reconstruction. "Actual cost" includes the cost of all materials and services utilized to accomplish the repair, replacement, renovation or reconstruction, including, but not limited to sales tax, the costs of design, engineering fees, and all construction costs, whether undertaken at one time or in stages extending over a period of up to two years or such longer period as is authorized by any single special use permit, special use permit modification, building permit, or conditional zoning district approval or modification, as applicable.

(b) For purposes of this section, the "value of the existing development" shall be considered the value of the property, as determined by the Watauga County Tax Administrator and reflected in the tax

rolls of Watauga County, North Carolina, at the time the repair, replacement, renovation or reconstruction is commenced.

(3) Although an existing, non-conforming residential development in which separate residential units receive water service through a single meter may continue to receive water service until such time, if any, that the development must install individual meters in accordance with this section, the minimum water and sewer fees for each meter which serves multiple residential units shall be the amount of the minimum fees which would apply if each separate residential unit had its own 3/4" meter.

(E) Subsections (C) and (D) above shall not apply, and individual meters shall not be required where there are five (5) or more residential units in an existing building or proposed new building. In any such building, a single master meter may be installed and used for the residential units; provided:

1. Each such master meter arrangement shall be specifically approved in writing by the public works director or his or her designee. Once a master meter arrangement is established for any property, it may be changed to separate metering only by agreement of the public works director or his or her designee, on a time schedule convenient to the town, and only if the owner or other party responsible for the master meter bill shall cover the full cost to the town of any such change.

2. In addition to the regular utility rate based on water and sewer usage through such master meter, the minimum water and sewer fees for each meter which serves multiple residential units shall be the amount of the minimum fees which would apply if each separate residential unit had its own meter, sized according to the size of the water line actually serving each separate residential unit.

~~1.~~3. Total tap fees, installation fees, system development fees, and other town charges and fees relating to or arising from installation of new service or for improvements or any other installations relating to existing service shall be assessed at the same rates as would apply if all residential units in the building were each separately metered.

DRAFT

MINOR AMENDMENTS TO CHAPTER 70 (GENERAL PROVISIONS GOVERNING TRAFFIC TITLE VII) AND CHAPTER 72 (PARKING) OF TOWN CODE

Attorney Meade reported that conversations had taken place with parking staff regarding the fine amounts of citations being issued, and there was inconsistency with current Police Department citation amounts. Council Member Plaag mentioned hearing of a citation for a vehicle that had been charging overnight at Jaycee Park, which still listed the outdated $12 fine. Manager Davis explained that Police Department staff were still using old citation forms but were actively working to update them. Council Member Plaag pointed out that Section 70.994 regarding unpaid parking citations stated that an additional $20 penalty would be applied, but in other areas of the code, penalties accrued over time. Attorney Meade confirmed that the current language reads as a one-time penalty. Council Member Plaag proposed revising the language to establish an accruing penalty. Attorney Meade proposed a revision to the proposed ordinance, to be added at Section 72.99, as follows: “In addition to the civil penalty imposed under this chapter for any violation, an additional civil penalty of twenty dollars shall be imposed for every thirty-day period.” Council Member Plaag suggested adding this as a new subsection C.

Council Member Plaag then made a motion to approve the amended text as further amended with the additional $20 nonpayment penalty as discussed. Council Member Roseman seconded the motion.

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

AN ORDINANCE TO AMEND THE TOWN OF BOONE CODE OF ORDINANCES TO REVISE CERTAIN SECTIONS OF CHAPTERS 70 AND 72

WHEREAS, the Boone Town Council desires to modify and clarify certain provisions of the Boone Town Code relating to parking and traffic enforcement; and

WHEREAS, the Boone Town Council is authorized to adopt this ordinance pursuant to, its powers under Chapter 160A of the North Carolina General Statutes, including but not limited to its authority over town streets and sidewalks pursuant to Article 15 of Chapter 160A;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL:

SECTION 1. Sections 70.99 and 72.01 and 72.99 of the Boone Code of Ordinances are hereby amended as set forth in the attached **Exhibit A** to this Ordinance, which is

incorporated by reference. All other sections of these Chapters remain in full force and effect.

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

SECTION 3. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 5. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this 14th day of May, 2025

_____ ATTEST: _____

Tim Futrelle, Mayor Town Clerk

EXHIBIT A

CHAPTER 70: GENERAL PROVISIONS

Section

70.01 Definitions

70.02 Administration and enforcement

70.03 Accident investigation

70.04 Traffic regulation and pedestrian safety

70.05 Removal or alteration of traffic tickets

70.06 Responsibility of registered vehicle owners for violations; applicability to town and emergency personnel

70.07 (Reserved)

70.08 Towing or booting to collect unpaid citations

70.09 Appeals for citations issued under this title

70.99 Penalty

§ 70.01 - § 70.09 NO CHANGES

§ 70.99 PENALTY.

(A) *General.* Except as specifically provided otherwise elsewhere in this Title VII, a violation of this Title VII is a civil violation only, shall not constitute a criminal offense, and is subject to the general provisions of § 10.99 of this Code.

(B) *Civil penalties.*

(1) Unless specifically provided otherwise by a particular section of this Title VII, a violation of this title shall subject the offender to a penalty of $50.

(2) Civil penalties that are not voluntarily paid by the violator may be recovered by the town through a civil action in the nature of a debt.

(3) Whenever a member of the Police Department or other person authorized with the enforcement of the provisions of this title regulating the parking or operation of vehicles shall find that any of those provisions are being or have been violated by the owner or operator of the vehicle, the officer or person shall notify the owner or operator of the vehicle of the violation by conspicuously attaching to the vehicle a parking violation notice or citation in a form as the Administrator may direct.

(4) If a civil penalty imposed for a violation is not paid within 30 days of the parking violation notice or citation, an additional civil penalty of $20 shall be imposed for every

subsequent month in which the prescribed penalty for a violation is not been paid.

(5) In the event it is necessary for the town to institute a civil action to collect any civil penalty, the violator shall be responsible for all court costs and attorney's fees incurred by the town.

(6) Civil penalties are imposed pursuant to this Title VII in order to help fund the town's enforcement of its traffic and parking regulations for the benefit of the town's residents, businesses and visitors, and not to punish violators. All civil penalties imposed pursuant to this division (B) and paid to the town as herein provided shall be paid into the General Fund of the town and used to fund the town's traffic and parking enforcement operations.

CHAPTER 72: PARKING REGULATIONS

Section

72.01 Parking prohibited in certain locations

****

72.99 Penalties.

§ 72.01 PARKING PROHIBITED IN CERTAIN LOCATIONS.

(A) Parking is prohibited in the following locations. No traffic-control devices are required. No person may park or leave standing any vehicle in any of the following locations:

(1) On any sidewalk or greenway, or on the space between the sidewalk or greenway and the curb, or between the sidewalk or greenway and the street pavement, if there is no curb);

(2) On any alley or private road in a manner or under conditions as to leave available less than ten feet of the width of the street for the free movement of vehicular travel or to block the driveway entrance to any abutting property;

(3) In front of a gate or other accessway (whether closed or opened) that provides access to a town greenway, town park or other town property; and

(4) On any town-owned or town-operated property, other than within a marked-off or otherwise designated parking space.

(5) In a town-owned or town-operated leased parking space without a leased parking sticker;

(6) In any metered space without making proper payment therefor;

(7) In any space in a town-owned parking lot, garage, or other parking facility without making proper payment therefor;

(8) To the extent not otherwise more particularly described and proscribed in this Chapter, in any marked space designated by signage for certain purpose(s) and/or period(s) or duration of time for parking other than for the purpose, period, and/or duration of time authorized;

(9) In any marked-off parking space in a manner that the vehicle is not entirely within the parking space as marked-off;

(10) In a private driveway or in front of a private driveway without the permission of the property owner or tenant;

(11) Unless within a clearly marked-off parking space, within 15 feet of either direction of a fire hydrant (whether or not located in a public right-of-way) or the entrance to a fire station;

(12) In a designated fire lane;

(13) Unless within a clearly marked-off or otherwise designated parking space, within 15 feet of the intersection of curb lines or if none, then within 15 feet of the intersection of street pavement at an intersection of streets;

(14) Within an intersection or on a marked crosswalk;

(15) Unless within a clearly marked-off or otherwise designated parking space, within 30 feet of any traffic-control signal or device installed at an intersection, regardless of whether the vehicle is located within or outside of the public right-of-way;

(16) In any portion of the travel lanes of a street; *provided, however*, that this prohibition shall not apply to a vehicle stopped or parked in order to deliver goods to or collect goods from a business so long as the standing or parking of the vehicle does not cause substantial obstruction of traffic. "Travel lanes" means portions of a street intended for motor vehicle traffic and not marked, signed, or otherwise designated for parking or loading/unloading.

(17) In any portion of a street specifically designated by markings or signage as a travel lane for pedestrians and/or bicycles.

(18) In any parking space clearly marked or otherwise designated as reserved for the handicapped, whether on public or private property, unless the driver of or a passenger in the vehicle is handicapped;

(19) On a street where parallel parking is specifically permitted and marked, in any fashion other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within 18 inches of the curb or edge of the roadway;

(B) The Administrator may install no-parking signs, yellow curb markings or other traffic-control devices to indicate where parking and standing is prohibited as stated in division (A) above, but enforcement of the provisions of this section is not dependent on the installation of the devices.

(C) Parking time limits shall be enforced as indicated by signage, installed parking meters or parking lot pre-pay stations.

(D) Whenever, pursuant to division (B) or (C), the Administrator has installed signs, yellow pavement markings or other traffic-control devices clearly indicating that parking or standing within a specified area is prohibited or is allowed only at certain times or for a certain duration, no person may park any vehicle or permit it to stand contrary to the directions of those traffic-control devices.

(E) The Administrator may mark any street where parking is permitted with lines that indicate the parking space for vehicles and no person may park any vehicle outside the lines.

(F) The prohibitions in this section shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible.

(G) A vehicle parked in violation of one or more of the provisions of this section may be towed without notice to the owner, and whether or not towing is indicated by signage, if, in the discretion of Police Department or Public Works Department personnel, the vehicle presents a threat to public safety, for example, by hindering rescue vehicle access, blocking traffic, or increasing the chances of a traffic accident.

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§ 72.99 PENALTIES.

(A) ~~(1)~~ *Criminal penalties.* A violation of § 72.09 shall constitute a Class 3 misdemeanor and shall subject the offender to a fine of up to $500.

~~(2~~

(B) *Civil penalties.* Except as provided at division (A) of this section, a violation of this chapter is a civil violation only, shall not constitute a criminal offense as otherwise provided per G.S. 14-4, and is subject to the general provisions of § 10.99 of this ~~code.~~Code. Provided, however, that the following civil penalties shall apply to the following violations:

~~(a) Any~~A violation of ~~any provision of §~~ §72.01(A~~)(6) through (A)(8) of this chapter shall subject the violator to a penalty of $12.~~

1. ~~(b) Any violation of any provision of § 72.01(A)(1) through (A)(5) or (A)(9) through (A)(17~~) shall subject the violator to a penalty of $20~~.~~ except as follows:

   a. ~~(c) Any~~A violation of ~~§~~§§ 72.01(A)(4) through (A)(7) shall subject the violator to a penalty of $25.

   b. A violation of §§ 72.01(A)(12) (parking in fire lane) shall subject the violator to a penalty of $50.

   ~~a.~~c. A violation of §72.01(A)(18)~~()~~ (unlawful parking in handicapped spaces) shall subject the violator to a penalty of $100.

2. ~~(d) Any~~A violation of ~~any provision of §§~~ §§72.02 through 72.08 shall subject the violator to a penalty of $30.

3. ~~(B)~~If a civil penalty imposed for a violation is not paid within 30 days of the parking violation notice or citation, an additional civil penalty of $20 shall be imposed for every subsequent month in which the prescribed penalty for a violation is not been paid.

4. In the event it is necessary for the town to institute a civil action to collect any civil penalty, the violator shall be responsible for all court costs and attorney's fees incurred by the town

Civil penalties are imposed pursuant to this chapter in order to help fund the ~~town's~~town's enforcement of its traffic and parking regulations for the benefit of the ~~town's~~town's residents, businesses and visitors, and not to punish violators. All civil penalties imposed pursuant to this division (B) and paid to the town as herein provided shall be paid into the general fund of the town and used to fund the ~~town's~~town's traffic and parking enforcement operations.

REQUEST FOR DIRECTION REGARDING LICENSE AGREEMENT - DRABA VINTAGE MARKET

Mayor Futrelle acknowledged that the organizer of the Vintage Market was the same person who organized the Thaw Out and noted the recent accident at the Thaw Out held in Watauga County and its disruption to the community. He emphasized that this event was different and expressed concern about the Town's relationship with event organizers. Council Member Carter stated he could excuse the first Thaw Out event as a learning experience, but could not excuse a subsequent incident where someone was seriously injured. He expressed being mortified that proper safety precautions were not taken and stated he was not comfortable entering into an agreement with the organizer. Council Member Plaag echoed concerns and referenced both the original Thaw Out event and the more recent occurrence. He asked whether there had been any complaints regarding the Vintage Market. Cultural Resources Director Mark Freed stated that after the first Thaw Out, the organizer was cautious, and no issues were heard about the first Vintage Market until the second year license was being considered. He noted that SAHA had attended this same meeting on a separate matter and brought up concerns, which was the first time that staff had heard of any issues. Director Freed added that DRABA had made a contribution to SAHA in appreciation for their understanding, and last year's market went off without any complaints.
Council Member Plaag stated that one incident may represent a lesson, but a second suggests a trend, and a third establishes a pattern. Given the potential liability and the Town's sensitive relationship with Daniel Boone Park lessees, he stated he could not support moving forward. Council Member Roseman noted that while the market had grown and addressed some issues, with the current season already full of events at the park and the scheduled construction, additional activity would not be safe. She added that next year might be different. Council Member Tugman stated she was reluctant to penalize the organizer, who had successfully managed the market, but acknowledged that the infrastructure challenges made it inappropriate to consider a new license at this time.

Attorney Meade noted that Council members cited health and safety concerns for refusing the request, which was justified and sufficient. Generally speaking, however, requiring Council to choose on an ad hoc basis who gets to use the property could raise First Amendment concerns. For this reason, she recommended consideration of a temporary moratorium. She suggested the need for a formal policy with objective criteria and clearly defined parameters, allowing future decisions to be handled administratively. Attorney Meade recommended Council consider declaring an indefinite temporary moratorium until such a policy could be constructed.

Council Member Plaag moved to declare an indefinite temporary moratorium on new license agreements for Daniel Boone Park and other publicly owned venues until staff

could present a formal policy for consideration. Council Member Carter seconded the motion.

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

REQUEST TO DIRECT HISTORIC PRESERVATION COMMISSION TO PREPARE MARKERS FOR CLAWSON-BURNLEY PARK

Council Member Plaag made a motion to direct the Historic Preservation Commission (HPC) to prepare historical markers for Clawson-Burnley Park, with funding to be included in the HPC/Planning Department budget for Fiscal Year 2027. Council Member Roseman seconded the motion. Council Member Tugman expressed interest in developing a more visible entrance to the park, noting that the existing pathway sign could easily be missed. She suggested installing an archway or entrance feature similar to the one located at the Deerfield Road Greenway entrance.

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

APPOINTMENT TO CULTURAL RESOURCES ADVISORY BOARD

Council Member Plaag nominated Judith Phoenix for reappointment to the Cultural Resources Advisory Board. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Ms. Phoenix’s term will expire on May 30, 2028.

Council Member Roseman nominated Chewi Lockhart to serve on the Cultural Resources Advisory Board. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Chewi’s term will expire on May 30, 2028.

APPOINTMENT TO HUMAN RELATIONS COMMISSION

Council Member Carter nominated Jack Yordy to serve in a one-year term on the Human Relations Commission. Hearing no further nominations, Mayor Futrelle called for a vote.

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

Mr. Yordy's term will expire on May 14, 2026.

WORK SESSION

Discussion and Potential Action Regarding Ice House Alley

Council Member Plaag noted confusion among visitors to the area regarding the alleyway path behind the King Street buildings, describing its poor condition and emphasizing that it is Town-owned property. He also expressed concern about vehicles racing through the alley and nearly hitting pedestrians. He urged the Town to address safety concerns by clearly delineating the alley as a pedestrian space, recommending at a minimum that it be repaved and properly marked. Council Member Plaag also proposed doing the same on the opposite side near the HOPE building. He also stressed the need for a decision regarding the proposed naming and dedication of the alley for Dana Folk.

Council Member Carter stated that, based on community conversations, there was a strong desire to move forward with honoring Mr. Folk. Manager Davis noted she had spoken with Mrs. Folk, who expressed hesitancy but agreed to speak with Dana. While Mrs. Folk did not believe Dana would change his mind or participate, she acknowledged the community's desire to proceed and was supportive of that.

Council Member Roseman requested that Public Works install a sign alerting pedestrians about approaching vehicles and proposed painting a crosswalk in the alley. Council Member Plaag reiterated that the alley was Town-owned, and Public Works Director Toddy Moody confirmed signage could be installed immediately to enhance pedestrian safety. Director Moody also noted that the alley was scheduled to be dug up as part of the Howard Street improvements and should be repaved and marked afterward.

Council Member Tugman expressed concern about naming the alley in its current condition, suggesting that doing so could be seen as disrespectful. She emphasized the importance of improving the space before assigning it a commemorative name. Director Moody responded that resurfacing could be scheduled within the budget once the

Howard Street project was completed and that signage improvements could proceed in the interim.

Council Member Plaag expressed the importance of recognizing “Ice House Alley” and offered to write a marker report at no cost to expedite the process, rather than placing it on the Historic Preservation Commission’s workload. Council Member Roseman inquired about timing, and Director Moody stated that repairs to the alley would likely occur between July and late October. Council Member Roseman noted this would be the ideal time for the unveiling of “Dana Folk Way.”

Council Member Plaag encouraged the Downtown Boone Development Coordinator, Lane Moody, to approach adjacent building owners about submitting a Façade Incentive Grant request to cover the cost of graffiti cleanup. He added that the grant funding would cover the cost of a Certificate of Appropriateness (COA) for brick treatment to prepare the area for photographic displays. Ms. Moody stated that plans were underway to add public art to the alley, including the removal of the existing graffiti. She reported meeting with the Watauga County Arts Council and stated the project would be developed for rollout next year in conjunction with the Town’s 250th anniversary.

TOWN ATTORNEY UPDATE

In follow-up to a Council request at the last Town Council meeting, Attorney Meade confirmed there was no legal impediment to the Town providing funds or assistance to the library. Council Member Roseman emphasized the importance of the library to the community and expressed interest in making the outdoor patio space more accessible for children, recommending that the matter be considered during budget discussions.

Next, Attorney Meade clarified that, in response to questions raised regarding tree removal at the Rivers House property, Historic Preservation Commission (HPC) approval was not required for tree removal conducted administratively, provided the tree’s diameter was 25 inches or less at 4.5 feet above grade or if it had been certified as dangerous or diseased. She also indicated there was no issue with the current proposal regarding the mix of free and paid parking. Council Member Plaag noted that the lot where the former white house stood was subject to deed restrictions on paid parking; however, the area behind the house and garage was not. Attorney Meade stated that a court release could potentially be obtained if such ever became necessary.

Attorney Meade stated that amendments related to sidewalk construction and temporary construction-related blockages would be brought back soon for Council consideration. She suggested that such regulations would not need to be incorporated into the Unified Development Ordinance (UDO) review process. Planning Director Jane Shook confirmed that such practices were already in place.

Attorney Meade reported that the Boone Tourism Development Authority (TDA) was not required to maintain bylaws since it was a Town board, and that she would return with a resolution addressing the TDA. She noted that while a contract existed between the

Town and TDA, it simply reiterated requirements of the Town and TDA that were already imposed by law, and therefore seemed unnecessary and could be said to lack consideration. Council members requested Attorney Meade's attendance at the upcoming TDA meeting, where the documents would be reviewed.

Council Member Plaag raised concerns about the February 2009 agreement between the Town and TDA, noting that it has no stated term. Attorney Meade confirmed that terminating the contract would not create legal issues, as it served no current purpose and had no termination limits nor any specified duration. Council Member Plaag made a motion to terminate the February 2009 agreement between the Town of Boone and the TDA. Council Member Carter seconded the motion.

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

BOARD LIAISON REPORTS

Council Member Carter reported that the Human Relations Commission had elected officers at its most recent meeting and was planning various events.

Council Member Plaag stated that the Cultural Resources Advisory Board had discussed this week its selections for the 1872 Award: Hospitality House, Kay Borkowski, and David Jackson. He indicated that there was discussion about the ceremony taking place at North Street Park.

Council Member Tugman updated members on various DBDA matters, including the upcoming Mainstreet director meeting in Boone, Façade grants, new banners, outdoor restaurant seating, Restaurant Week, and Howard Street improvements.

Council Member Roseman acknowledged her recent absence from various meetings due to personal reasons. She indicated that the Historic Preservation Commission met recently and that members would be attending a training course on May 21.

Council Member Plaag announced that the recent Boone Cemetery unveiling and subsequent tour went well and was well-attended.

TOWN MANAGER UPDATE

Manager Davis presented renovation plans for Council Chambers and noted that significant changes had not been made since 2008, when the carpet was replaced. Council Member Roseman suggested that vinyl would be a more cost-efficient choice than granite or quartz. Council Member Carter noted that these renovations were being done to enhance the public space that other entities were allowed to use and could be proud to do so. Council Member Plaag broke down the cost to $3,000 per year and felt that $60,000 was a completely reasonable amount given the amount of time that goes

between renovations. Council Member Tugman was in agreement that the proposed design elements represented the local geography and would not be outdated in twenty years.

Council Member Plaag asked for an update regarding Ziegler Trucking at Daniel Boone Park. Manager Davis indicated they had moved off the lot to the National Guard Armory property, though they were still working in the area.

CLOSED SESSION

Council Member Tugman made a motion to enter into closed session at 12:26 p.m. pursuant to:

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

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

Council Member Roseman seconded the motion.

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

Council Member Roseman made a motion at 1:04 p.m. to exit closed session. Council Member Tugman seconded the motion.

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

ADJOURNMENT

Mayor Futrelle adjourned the meeting at approximately 1:06 p.m.