

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
January 19, 2021**

CALL TO ORDER

A regular meeting of the Town Council was called to order electronically on Tuesday, January 19, 2021 at 6:02 p.m. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Loretta Clawson, Sam Furgiuele, Connie Ulmer, Nancy LaPlaca and Dustin Hicks. Staff members present included Town Manager John Ward, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Deputy Public Works Director Todd Moody, Downtown Boone Development Coordinator Lane Moody, Planning Director Jane Shook, Human Resources Director Dale Presnell, Police Chief Andy Le Beau, Cultural Resources Director Mark Freed, Sustainability and Special Projects Manager George Santucci, Program Coordinator Marsha Owens and Fire Chief Jimmy Isaacs. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

Mayor Brantz welcomed all in attendance. Chief Le Beau read the following resolution of appreciation for Sgt. Mat Stevens. Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted unanimously to approve the resolution as presented.

RESOLUTION

The members of the Boone Town Council, meeting in regular session on January 19, 2021, do hereby adopt and pass the following resolution:

WHEREAS, the following person has served the citizens of Boone for over 25 years:

Police Sergeant Mathew Stevens began employment with the Town of Boone in 1995. Sergeant Stevens is a veteran of the US Coast Guard. He started his career with the town of Boone Police Department as a tele-communicator, served as a patrol officer, was promoted to detective and in 2014, Mat was promoted to Detective Sergeant. Sergeant Stevens became Boone PD's first Forensic Digital Technician and contributed greatly to the professionalism of the police department. Sergeant Stevens is a graduate of the 250th session of the FBI National Academy. Mat was known for his quirky emails and witty sense of humor that will be missed by all. Mat Stevens is retiring with a total of 25 honorable years of law enforcement service. Mat departs with the fond affection of all of his co-workers and his service to the town of Boone is greatly appreciated.

WHEREAS, Sergeant Mathew Stevens retired on January 01, 2021, after serving the Boone Police Department in an exemplary fashion; and

WHEREAS, his contribution in the service of the Town of Boone and its citizens will always be appreciated;

NOW, THEREFORE, BE IT RESOLVED, that Police Sergeant Mathew Stevens shall be awarded his Police badge and a service weapon as follows:

Glock, Model 26, 9 MM, Serial # AEUE451

Furthermore, a copy of this Resolution shall be given to Sergeant Mathew Stevens

Adopted this the 19th day of January, 2021,

Rennie Brantz, Mayor

ATTEST:
Nicole Harmon, Town Clerk

TENTATIVE AGENDA ADOPTION

Mr. Ward noted that since the resolution of appreciation for Sgt. Stevens had been approved during Announcements, that it could be removed from the Consent Agenda. Upon a motion by Ms. Ulmer, seconded by Mayor Pro-Tem Clawson, Council voted unanimously to approve the agenda as amended.

PUBLIC COMMENT

Paul Davis spoke regarding the bicycle helmet item later on the agenda. He pointed out that according to Wikipedia, the number of bike fatalities had been the same since the 1960's, with helmet laws coming into effect after that. He believed that essentially, helmet laws had made no difference in fatalities overall. Mr. Davis noted that there had been studies that indicated 25% or more people would not bike if they had to wear a bicycle helmet, which meant that less people were exercising, which was not good for society as a whole. In regards to head injuries, Mr. Davis noted that 48% were in cars, 26% could be attributed to leisure activities, and 13% were as a result of motorbike accidents. He then expressed his hope that this amendment would pass and thanked Council for their time.

Voris Williams of Watauga County and treasurer of the LGBTQ Democrats of Watauga County spoke on behalf of their membership in favor of an LGBTQ Non-Discrimination Ordinance which was to be discussed later in the meeting. They stated that the organization had been working with the Equality in North Carolina group who were getting these types of ordinances proposed and adopted across North Carolina, with the first being in Hillsboro last week.

Elena Storelli commented in favor of the proposed discussion on a LGBTQ non-discrimination ordinance, and stated that she believed such an ordinance would make a huge difference for LGBT citizens of Boone and would bring the community a giant step closer to being able to be themselves in public spaces, workplaces and classrooms. She added that an ordinance such as this being passed in Boone was something she could not have imagined being passed in 2016, but was something that gave her a great deal of joy and hopefully would bring just a little bit of peace as well.

Mr. Ward called on Ginger Walker to speak but she was unavailable. He then called on Eric Halverson, who spoke in favor of an LGBTQ non-discrimination ordinance. He stated that there were many LGBTQ people in Boone, and hoped that this ordinance would make it easier for them to be supported and be protected in the Town. Mr. Halverson added that he was glad to see the Council not tolerating discrimination in any form, and pushing back on any bigotry and discrimination, as well as supporting the diversity in this Town.

Ginger Walker then spoke regarding the LGBTQ non-discrimination ordinance, stating that it brought her much comfort and great hope to the LGBTQ plus community, as well as other marginalized communities who faced discrimination. She offered her assistance to the Town and thanked Council for their efforts in the matter.

REQUESTED APPEARANCES

ANGELA MCMANN - WESTERN YOUTH NETWORK

Ms. McMann was not available for the meeting, so Mr. Ward read the proclamation. Upon a motion by Mr. Furguele, seconded by Mayor Pro-Tem Clawson, Council voted unanimously to approve the proclamation as presented.

Thank Your Mentor Day and Mentoring Month Proclamation

WHEREAS, January 2021 will mark the 21st anniversary of National Mentoring Month, an annual campaign to recruit volunteer mentors for young people.

WHEREAS, National Mentoring Month celebrates the benefits of youth mentoring across the country. Every day in communities across the country, caring adults volunteer their time with mentoring programs to create

consistent and supportive relationships to young people. At its most basic level, mentoring is successful in real life because it guarantees a young people has an adult to turn to and that they have a guiding hand to help them in dealing with day-to-day challenges. At a more complex level, there is a powerful mentoring effect that ultimately makes our communities stronger and;

WHEREAS, Quality mentoring programs are proven to build relationships that help improve school attendance and academic achievement, promote responsible decision-making, and provide skills to better navigate relationships at school, socially and at home and;

WHEREAS, in 2020, volunteers in Western Youth Network's Mentoring program spent more than 2,933.8 hours with youth in Watauga County totaling more than **\$79,799.36** of donated time to benefit our community; and

WHEREAS, "Boone Thank Your Mentor Day" (January 29) promotes three ways to honor your mentor (1) contact your mentor directly to express your appreciation; (2) pass on what you received by becoming a mentor to a young person in your community; and (3) write a tribute to your mentor for posting on www.WhoMentoredYou.org; and

WHEREAS, the Town of Boone is dedicated to realizing the promise and power of mentoring.

NOW THEREFORE, I, Rennie Brantz, Mayor of the town of Boone, as a demonstration of the value of volunteerism to this community, do hereby proclaim January 25th, 2020 as "BOONE THANK YOUR MENTOR DAY" and January 2020 as Mentoring Month, celebrated by the Town of Boone, and urge our citizens to recognize this day, to consider mentoring a young person in their community, and to celebrate this month with appropriate ceremonies, activities, and programs.

This the 19th day of January, 2021.

Mayor

ATTEST:

Town Clerk

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furgieue, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Clawson, Furgieue, Ulmer, LaPlaca, Hicks

ADOPTION OF ITEMS ON CONSENT AGENDA

Upon a motion by Mr. Furgieue, seconded by Ms. Ulmer, Council voted unanimously to approve the following items on the Consent Agenda:

- a. July 16, 2020 Regular Town Council Meeting Minutes
- b. August 18, 2020 Regular Town Council Meeting Minutes
- c. August 20, 2020 Regular Town Council Meeting Minutes
- d. September 15, 2020 Regular Town Council Meeting Minutes
- e. September 17, 2020 Regular Town Council Meeting Minutes
- f. November 17, 2020 Regular Town Council Meeting Minutes
- g. November 19, 2020 Regular Town Council Meeting Minutes
- h. December 15, 2020 Regular Town Council Meeting Minutes
- i. December 17, 2020 Regular Town Council Meeting Minutes

COUNCIL MATTERS

CONSIDERATION OF AMENDMENTS TO PERSONNEL POLICY

Mr. Presnell presented proposed amendments to the personnel policy in an effort to pick up where federal policy pertaining to Covid-19 leave ended on December 31. Mr. Furgiuele asked whether with all the new variations of the virus that were being discovered, the policy would need to be amended to make sure those tendencies were covered. For example on the first page under a(1), (2), and (3), he suggested staff add a different term that would cover the new variations. Mr. Furgiuele also questioned why the policy permitted paying an employee a full day's pay for reasons one, two, and three on page two of the policy, but only two thirds of the employees' pay for reasons four and five. Mr. Furgiuele then stated he was unclear about the need for a doctor's note in some situations and not others as indicated in the policy in section D, and objected to the policy automatically expiring when the Governor's emergency order expires. He felt that the Governor did not react as quickly as he might have initially and believed that this should be under local controls, since things could be different locally. Mr. Presnell answered that staff could easily expand upon the Covid-19 wording. He indicated that the 2/3 math used for pay rates in items four and five were taken from the original policy, and could be changed at Council's direction. Ms. Meade pointed out the with respect to documentation, it was required prior to approval of leave, not necessarily before taking the leave. Mr. Ward noted that staff had been impacted in almost every department and he wanted to make sure that they were moving forward by both taking care of the employees and protecting those employees that were currently on the work site. He added that he was in full support of the recommendation that an employee receive full pay, and indicated that this could be accommodated within the budget. Mr. Hicks then made a motion to approve the amendments to the personnel policy as amended. Mr. Furgiuele confirmed whether this motion included the suggested amendment to remove the amendment that the policy would automatically expire with the Governor's order. Mr. Hicks confirmed that the motion did include this amendment. Ms. Ulmer seconded the motion, which passed unanimously.

I. Town of Boone Emergency Sick Leave Expansion (a Temporary Policy). This policy is authorized by the Town Manager, based upon authority granted by Town Council under Section 8, Emergency Modifications, of the Town's personnel policy. For the purpose of this policy, Covid 19 also includes any Covid variant.

A. Reasons for Leave

An employee may take Town of Boone Emergency Paid Sick Leave if he or she is unable to work (or telework) for one of the following reasons:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by their healthcare provider to self-quarantine because they are infected with or have been exposed to COVID-19 or because they are at high risk of complications from COVID-19;
3. The employee is showing symptoms of COVID-19 and is seeking but has not yet received a medical diagnosis;
4. The employee is caring for an immediate family member who is subject to a federal, state or local quarantine or isolation order related to COVID-19 or has been advised by their healthcare provider to self-quarantine for COVID-19 related reasons;
5. The employee is caring for his or her child because the child's school or childcare facility has been closed or the childcare provider is no longer available because of a COVID-19 related reason.

B. Duration/Compensation

Full-time employees are entitled to up to 80 hours of Town of Boone Emergency Paid Sick Leave. Part-time employees are entitled to Town of Boone Emergency Paid Sick Leave for up to the number of hours the employee works, on average, over a two-week period.

Town of Boone Emergency Paid Sick Leave is paid at the employee's regular pay rate for leave for reasons to a maximum of \$511 per day (\$5,110 total).

C. Leave Rules

To qualify for this leave, an employee must have obtained a vaccine for Covid 19, if a vaccine has been available to him/her, unless taking the vaccine was not recommended due to a medical condition. (No part of this policy is intended to conflict with rules set forth in the American's With Disabilities Act or Title VII of the Civil Rights Act.) Documentation will be required prior to the approval of emergency sick leave.

Employees may elect to use Town of Boone Emergency Paid Sick Leave before using other accrued paid leave. Any hours taken under the Federal Emergency Sick portion of the FFCRA will be deducted from the available hours under the Town of Boone Emergency Paid Sick Leave policy.

D. Requesting Emergency Paid Sick Leave

Employees wishing to take Town of Emergency Paid Sick Leave are required to notify their supervisor and the Director of Human Resources in advance if possible, and in any event within one business day of the first day of absence.

1. An employee wishing to take Emergency Sick Leave for any reason must contact the human resource department (828-268-6203) to receive a Town of Boone Emergency Sick Leave form to be completed.
2. For reasons 1, 2 and 3 above, employees will be required to provide a doctor's note electronically to confirm the visit/contact; where possible the note must be provided within one business day of the initial visit.
3. Employees will be asked to provide documentation of care for an immediate family member. Employees caring for a family member under reason 4 will need to provide a doctor's note with the form to qualify for these provisions.
4. If an employee has already provided documentation for dependents because they are covered under the Town of Boone's benefits (medical or dental) they will not have to resubmit this information. They need only supply the name or names of the dependents on the form for verification purposes.
5. If the employee's dependents are not already documented as covered under the Town of Boone's standard benefits program, eligibility documentation will need to be provided. Acceptable documentation could include, but is not limited to:
 - a. Birth certificate(s)
 - b. Adoption/legal guardianship documentation
 - c. Marriage license
6. Employees who stay home for any reason must contact their supervisors via established departmental protocols.

E. Retaliation

The Town will not retaliate against employees who request or take leave in accordance with this policy.

F. Expiration

This policy expires at such time as may be determined by the town manager or by Town Council. Town of Boone Emergency Paid Sick Leave does not carryover from one year to the next. Any unused balances will lapse after this date. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dustin Hicks
SECONDER:	Connie Ulmer, Council Member
AYES:	Clawson, Furguele, Ulmer, LaPlaca, Hicks

CONSIDERATION OF SEWER TAP - MAPLE RIDGE ROAD/KNOLLWOOD DRIVE

Mr. Miller presented a request from Mr. Howard Neufield for a sewer tap at the corner of Maple Ridge Road and Knollwood Drive due to ordinance changes which have taken place since the removal of the ETJ. He stated that in his research, he did not see how the ordinance could allow for Council to even consider granting the request the way the ordinance was currently written. Ms. Meade agreed with Mr. Miller's assessment, and noted that the hardship provisions in the code did not apply in this situation and that the Council could not legally authorize an exception without violating a Town ordinance. She noted that the provisions only applied to single family and duplex homes that were built by May 2018 or had a failing septic system, but in this case, the lot was vacant and a septic system could be installed. She noted that the property owners did not want to install a septic system since the sewer lines were so close to the property and because all their neighbors in the area were connected, as well as the fact that they would have to cut down trees. Ms. Meade did not believe that Council would want to set a precedent of granting one off exceptions to the ordinance but added that this did appear to be a very unique situation. She added that she believed that a very narrowly crafted exception could be drawn within the ordinance. Ms. Meade explained that she understood that the area surrounding this lot to be 15 or 17 homes in this particular subdivision that were connected to sewer, but one or two lots that had not been built on yet. She added that these properties were in the former ETJ, and that this property was unable to annex since it was not contiguous to the Town limits and satellite annexations were, under current law, not possible for properties that were part of a subdivision. Ms. Meade added that right now, State law was drawn so broadly when it came to subdivisions that it seemed to her that this lot would be considered part of a subdivision that could not be annexed without the whole subdivision being brought into the Town limits. Mr. Miller pointed out that there were few properties that this exception would pertain to, and that since the Town no longer had the ETJ, they were mostly located outside the Town limits. He noted that should Council choose to amend the ordinance, there would be no issue to tap into the sewer lines though. Mr. Miller indicated that there may be one subdivision that may or may not have a vacant lot near Caldwell Community College that this could pertain to. Mr. Furguele asked whether there were any restrictive covenants since part of the reason for not providing water or sewer services to un-zoned areas was that that had the capacity to destroy neighborhoods by enabling incompatible development that could not otherwise occur. He added that he did not think that Council should make changes without first having a discussion with the Water Use Committee. Ms. Meade answered that there were restrictive covenants, which were functionally equivalent to deed restrictions, that allowed only single family use on the property. The property owner, Mr. Neufield emphasized that he and his wife would have previously hooked this property up to the system, but their family circumstances changed, then the ETJ was removed and they were unable to do so. He stated that he was an ecologist and believed that part of the allure to the property was that it was heavily wooded, and if a septic field was required to be installed, a substantial number of the trees would have to be removed, and noted that issues could arise with neighbors if there was ever a septic failure due to the size of the lot. Ms. Meade confirmed after reviewing the deed that the restrictions required that this was a residential only lot and could only have one single family dwelling built on the lot. Ms. LaPlaca made a motion that Council allow the exception. Ms. Meade then advised her that an exception without a modification to the ordinance was not legal. Ms. LaPlaca then modified her motion to direct the drafting of an amendment to the ordinance that would, as narrowly as possible, permit this sewer hookup to be made. Mr. Hicks seconded the motion. Mr. Furguele was logged out of the meeting at 7:07 p.m. He logged back in at 7:07 p.m. and the motion was restated. Mr. Hicks offered a friendly amendment that the matter first be sent to the Water Use Committee for discussion. A meeting of the Town Council/Water Use Committee was scheduled

electronically prior to the Public Hearing on Monday, January 25, 2021 beginning at 5:00 p.m. The motion passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy LaPlaca, Council Member
SECONDER:	Dustin Hicks
AYES:	Clawson, Furgiuele, Ulmer, LaPlaca, Hicks

DISCUSSION REGARDING RECYCLING AT MULTIFAMILY DEVELOPMENTS

Ms. Meade stated that her research regarding recycling at multifamily developments determined that there was not authority for the Town to require recycling at these places. She stated that the Town could attempt to do more to incentivize recycling at the developments, perhaps by further subsidy, or further education campaigns. Mr. Ward felt it might be appropriate to hold discussion of these topics until budget meetings since there were additional costs involved. Ms. Meade added that it was her understanding from talking to staff that most multifamily development owners were inclined to offer recycling because the Town subsidized it, and that space was a significant obstacle to many of them. She added that when the UDO was changed in 2011, it did impose a mandate that space be set aside for recycling containers, so while the Town may not be able to actually mandate recycling, the Town can mandate that future developments have to set aside space for recycling containers, and as of 2011 it has done so. Ms. Owens agreed that these statements were accurate, and noted that she often reaches out to landlords in the past to make them aware that the program exists, and that the Town encourages them to come participate. Mr. Furgiuele asked whether Council had the authority to require that landlords disclose in their leases and maybe on their application forms that they did or did not support recycling. Ms. Meade answered that she was unsure but would have to research the topic. Ms. LaPlaca asked whether this matter was something that Mr. Santucci would be available to assist with. Mr. Ward answered that if Council wished to change Mr. Santucci's focus, they could do so, but noted that the Town already had dedicated staff for this type of matter. He added that if anything came across Mr. Santucci's desk that pertained to this matter, he could certainly share it with Ms. Owens to assist her in her duties.

AMENDMENTS TO TOWN CODE CHAPTERS 71 AND 100 - BICYCLE HELMETS

Ms. Meade presented changes to Town Code Chapters 71 and 100 regarding bicycle helmets, and noted that there was an error in Section Two that should include a statement that the ordinance would be effective today. In response to a question raised by Ms. Ulmer, Ms. Meade responded that the Town would not be liable for accidents involving those under 21 even though helmets were required by the Town. Mr. Furgiuele made a motion to approve the code amendments with the changes to Section Two as noted by Ms. Meade. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: Furgiuele, Clawson, Ulmer
 Nay: LaPlaca
 Abstain: Hicks

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**AN ORDINANCE TO REVISE CHAPTERS 71 AND 100 OF THE TOWN OF BOONE
CODE OF ORDINANCES RELATING TO BICYCLE HELMET REQUIREMENTS**

WHEREAS, the Boone Town Council believes that bicycle helmets are important safety equipment for bicyclists and should be worn by all bicyclists to protect themselves from head injury;

WHEREAS, the Boone Town Council also believes it appropriate for adults to determine for themselves whether and when to wear bicycle helmets;

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

SECTION 1. Chapters 71 and 100 of the Boone Code of Ordinances are hereby amended as follows (additions being underlined in blue, deletions struck through ~~in red~~, and moved text being shown in green):

CHAPTER 71: BICYCLE SAFETY

**§ 71.01 SPECIAL PROVISIONS FOR NON-MOTORIZED WHEELED VEHICLES,
INCLUDING BICYCLES, SKATEBOARDS AND THE LIKE.**

(A) Skateboards, skates, and similar devices. The following provisions govern the operation of non-motorized vehicles other than bicycles, including but not limited to roller skates, in-line skates, skateboards, coasters, scooters, and toy vehicles (collectively referred to hereafter as "skating device") on any public right-of-way or on any property open to the public or used by the public for pedestrian or vehicular purpose:

(1) No person may ride a skating device upon any roadway, except while crossing a street at a crosswalk, except that a person may ride upon a roadway upon all of the following conditions:

- (a) The roadway has a posted speed limit of 20 mph or less;
- (b) The road is not a through street; and
- (c) The rider yields to all vehicular traffic and pedestrians.

(2) No person riding a skating device may attach himself or herself or the skating device to any moving motor vehicle.

(3) A person may ride a skating device upon a sidewalk only upon the following conditions:

(a) The rider must yield to all pedestrians. Pedestrians shall at all times have the right of way upon a sidewalk. In the case of any doubt of safe and untouched passage by a pedestrian, a person riding a skating device shall stop or dismount such device until the pedestrian passes.

(b) Riding a skating device is prohibited on the sidewalks adjacent to King Street from Water Street to Appalachian Street.

(B) Bicycles. The following provisions govern the operation of bicycles on any public right-of-way, including roads, sidewalks, and greenways.

- (1) Helmets and other equipment must be used as provided at § 71.02 herein.
- (2) Bicycles may only be ridden on public sidewalks if:

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- (2) Bicycles may only be ridden on public sidewalks if:

(c) ASTM bicycle helmet standards; or

(d) Subsequent amendment(s) to the bicycle helmet standards described above.

(3) No person operating a bicycle on a public right-of-way or on any property open to the public or used by the public for pedestrian or vehicular purposes shall allow anyone four years old or younger and weighing 40 pounds or less to ride as a passenger on the bicycle, other than in a seat which shall adequately retain the passenger in place and protect the passenger from the bicycle's moving parts; or else astride a regular seat of a tandem bicycle.

(4) No person operating a bicycle on a public right-of-way or on any property open to the public or used by the public for pedestrian or vehicular purposes shall allow anyone under the age of 21 to ride as a passenger unless the passenger is wearing a helmet as defined in division (B)(2) above or else in an enclosed trailer or other device which meets or exceeds current nationally recognized standards of design and manufacture for the protection of the passenger's head from impacts in an accident without the need for a helmet.

(Ord. passed 12-16-19)

§ 71.99 PENALTIES.

A violation of any provision of this chapter shall constitute an infraction and the offender shall be subject to a fine of \$50, except that a first violation of § 71.02(B)(2), (3) or (4) shall be dismissed if the person charged submits proof within ten days that equipment meeting the standards in § 71.02(B)(2), (3) or (4) has been acquired for use by the operator or passenger.

(Ord. passed 12-16-19)

CHAPTER 100

§ 100.01 RULES AND REGULATIONS GOVERNING THE USE OF TOWN PARKS, INCLUDING THE TOWN GREENWAY.

(A) Definition. For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning:

TOWN PARK. Includes not only the land itself, but recreational facilities and equipment, playgrounds, athletic facilities and equipment, spectator areas, greenways and walking trails, bodies of water used for sporting events, recreational activities, fitness or athletic training areas, picnic areas, shelters and parking areas, signage and all other areas, natural features, facilities, and improvements associated with the park.

(B) The following acts are prohibited in all town parks:

(1) Marking, defacing, disfiguring, injuring, tampering with, displacing or removing any structure, equipment or facilities;

(2) Damaging, cutting or removing any tree, plant or flower;

(3) Depositing any trash or litter, except in receptacles placed for that purpose;

(4) Driving any motorized vehicle, except for motorized wheelchairs, except in areas paved for that purpose or parking areas designated for that purpose;

(5) Consuming or possessing alcoholic beverages;

(6) Possessing a firearm or other dangerous weapon, except by duly authorized law enforcement officers, a public safety employee of the town so authorized by the Town Manager, or an individual who has been issued a permit authorizing the legal carrying of a concealed handgun, who may carry such handgun except in the parks identified in § 100.03 and in the case of athletic fields, except during the periods designated; but as to those parks in which possession of a duly authorized concealed handgun is prohibited, may nevertheless secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on his or her motor vehicle even if it is parked in a designated parking area of the park;

(7) Entering, using or remaining within a park between 30 minutes after sunset and 30 minutes before sunrise;

(8) Entering, using or remaining within a park when it has been closed and a sign to that effect is posted at the entrance to the park;

(9) Disturbing or unreasonably interfering with another person who is using the park;

(10) Possessing or using fireworks or any other types of explosive device;

(11) Camping except in areas specifically designated for that purpose; or

(12) Allowing any animal to be at large.

(C) Unless otherwise prohibited by ordinance and so posted, a person (hereinafter "rider") may ride a bicycle, roller skates, in-line skates, skateboard, coaster, toy vehicle or similar non-motorized vehicle so long as the rider complies with all of the following requirements:

(1) A rider must yield to pedestrians. Pedestrians shall at all times have the right-of-way upon the sidewalk. In the case of any doubt of safe and untouching passage by a pedestrian, a rider shall stop or dismount the device until the pedestrian has passed;

(2) A bicycle rider under the age of 21 must wear a helmet meeting the requirements of § 71.11 of this code;

(3) A rider shall not engage in tricks or other maneuvers involving wheels leaving the ground, except in areas specifically designated for such activity (i.e., a skateboard park as defined in § 100.02 herein); and

(4) A rider shall not ride upon any area other than a sidewalk or greenway path. By way of example only, there shall be no riding upon stairs, courtyards, covered pavilions, gazebos tables, and railings.

(D) The Director of Public Works or his or her designee shall post these rules and regulations at each town park.

(Prior Code, § 102.01) (Ord. passed 8-19-2004; Ord. passed 9-17-2013; Ord. passed --) Penalty, see § 100.99

SECTION 2: This Ordinance shall be effective upon its adoption.

Adopted this 19th day of January, 2021.

Rennie Brantz, Mayor

ATTEST: _____
Town Clerk

RESULT:	ADOPTED [3 TO 1]
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Clawson, Furgiuele, Ulmer
NAYS:	LaPlaca
ABSTAIN:	Hicks

CONSIDERATION OF APPROVAL OF RESOLUTION - HCCOG CHARTER

Mr. Ward stated that the High Country Council of Governments had updated its charter, and that it was required to have 2/3 of its membership to approve the attached resolution of support in order to do so. He indicated that since the Town had received so much support from the COG through the years, he wanted to the Town to be one of the municipalities who approved this resolution. Mr. Furgiuele asked the meaning behind the reference made to "minority organizations" in the original charter. Mayor Brantz stated that he had learned as liaison to the HCCOG liaison for the previous three years that this reference was made regarding smaller organizations that did not have large numbers and was not referencing racial distinction. He also clarified that non-governmental organizations could join the Council of Governments. Mr. Furgiuele also asked what the dues were for the Town to be a part of this organization. Mr. Ward believed that they were approximately \$7,000 per year and noted that they had recently gone up due to census counts. Mayor Pro-Tem Clawson then made a motion to approve the resolution as presented. Mr. Furgiuele seconded the motion, which was approved unanimously.

WHEREAS, the High Country Council of Governments was originally chartered in 1974, when created by the Counties of Alleghany, Ashe, Avery, Mitchell, Watauga, Wilkes, and Yancey, then as "Region D Council of Governments"; and

WHEREAS, since formed, the High Country Council of Governments has adopted bylaws, and from time-to-time amended both its Charter and bylaws; and

WHEREAS, the High Country Council of Governments has grown by adding municipalities, and its governance has evolved to include regular monthly meetings of the full board where all member counties and municipalities have voting representatives; and

WHEREAS, the Executive Board and management of the High Country Council of Governments have undertaken to update and modernize its Charter, with the proposed amended Charter attached hereto; and

WHEREAS, by Charter, two-thirds of the participating governmental units must approve of any Charter amendment; and

WHEREAS this Town's Council has had opportunity to review the changes contained within the proposed amendments to the Charter attached hereto, and finds that those changes accurately reflect, modernize, and improve the High Country Council of Governments' ongoing organization and operations and should be approved and adopted;

NOW, THEREFORE, BE IT RESOLVED by the Boone Town Council that the attached amended Charter for the High Country Council of Governments should be adopted and approved.

Adopted this the 19th day of January, 2021.

Rennie Brantz, Mayor

Attest:

_____(SEAL)
Nicole Harmon, Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Loretta Clawson, Mayor Pro-Tem
SECONDER:	Sam Furgieuele, Council Member
AYES:	Clawson, Furgieuele, Ulmer, LaPlaca, Hicks

CONSIDERATION OF LGBTQ NON-DISCRIMINATION ORDINANCE

Mr. Hicks presented his request for Council's consideration of an LGBTQ non-discrimination ordinance, and stated that since HB 142 had expired, the Town now had the opportunity to provide further protections for people that did not have adequate protections. He added that he knew firsthand and from others, that there was a lot of strategizing that went on with the LGBT community when trying to navigate different things like where to apply for jobs, or to get housing. He clarified that he was not proposing an ordinance right now, and noted that he had contacted Equality N.C. and that they were willing to provide with the Town both legal support, and also help to figure out what kind of ordinance the Town should put forward. Mr. Hicks stated that he learned today that the County was also working on establishing their own LGBT non discrimination ordinance. He proposed that Council move forward to work with the County and Equality N.C. to figure out what the options were for creating a local ordinance to protect LGBT folks, and in the future, to consider whether or not the Town should pursue other protections of different kinds. Ms. LaPlaca stated that she fully supported the proposal, and thanked Mr. Hicks for bringing it forward. Mr. Furgieuele stated that he was against discrimination on any terms and agreed with the proposal and that Ms. Meade should give Council an analysis on the topic. He added that he would want the Town's personnel policies to be evaluated to make sure that they were adequate in ensuring non-discrimination, as well as an assessment of the Town's parameters of authority. Mayor Pro-Tem Clawson did not believe anyone should be discriminated against and believed that it was sad that the Town was at this point. Ms. Ulmer cautioned that this was a heavy topic and would not be easy to take on. Mr. Furgieuele stated that the Town could not tolerate discrimination, and to the extent Council could eradicate discrimination within its own operation within the Town, he believed it should, though he agreed Council would have to understand what it was doing and what the consequences were. He asked that Ms. Meade provide analysis of the Town's personnel policies, its operations and services, and its legal authority for an ordinance that would control business practices throughout the Town by other entities. In terms of working with the County, Mr. Furgieuele stated that the County had not exactly been welcoming to the Town council about meeting or participating in any way, and he expressed concern that by participating in a joint undertaking, the Town would end up with something less adequate than what it might adopt on its own. Mr. Hicks felt that Council would not necessarily be tied to the County's choices, but since Equality N.C. would already be working with them, it would be wise for Council to also, though he would not be opposed to a separate meeting if necessary. Mr. Furgieuele indicated that he would prefer to obtain Ms. Meade's analysis before meeting with Equality N.C. Ms. Meade stated that she would want to operate independently, but would, for her own edification, reach out to both the County to see what they're doing and what they had in mind through the County Attorney's office, and also reach out to Equality N.C. as a resource. Mr. Hicks then made a motion that Ms. Meade review options for a local non-discrimination ordinance with various options for protections, and looking over the examples that had been recently passed to remote municipalities, as well as coordinating with the County, and being in conversation with Equality N.C. on what resources they could offer. Mr. Furgieuele seconded the motion which carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dustin Hicks
SECONDER:	Sam Furgieuele, Council Member
AYES:	Clawson, Furgieuele, Ulmer, LaPlaca, Hicks

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Mr. Hicks, Council voted unanimously to enter into closed session at 7:47 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.
3. 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 the lawsuits involving (1) Watauga County, and (2) Travelers' insurance.
4. N.C. Gen. Stat. § 143-318.11 (a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease (PIN 2911-33-9240-000 and PIN 2900-79-5183-000).

Upon a motion by Ms. LaPlaca, seconded by Ms. Ulmer, Council voted unanimously to exit closed session at 8:30 p.m.

ADJOURNMENT

Upon a motion by Ms. LaPlaca and seconded by Ms. Ulmer, Council voted unanimously to adjourn the meeting at 8:33 p.m.

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor