

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
June 18, 2020**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order virtually at 6:10 p.m. on Thursday, June 18, 2020. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Loretta Clawson, Sam Furgiuele, Dustin Hicks and Nancy LaPlaca. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Finance Director Amy Davis, Public Works Director Rick Miller, Planning Director Jane Shook, Deputy Public Works Director Todd Moody and Cultural Resources Director Mark Freed. Council Member Ulmer joined the meeting at 6:25 p.m.

ANNOUNCEMENTS

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Brantz welcomed all in attendance and presented the following board vacancies:

BOARD OF ADJUSTMENT

Two alternate positions
One regular position

COMMUNITY APPEARANCE COMMISSION

Five positions

CULTURAL RESOURCES ADVISORY BOARD

Two positions

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Two Board appointed positions, One Council appointed position

HISTORIC PRESERVATION COMMISSION

Three positions

PLANNING COMMISSION

One position

SUSTAINABILITY COMMISSION

Three positions

TRANSPORTATION COMMITTEE

One position (Cooperative Extension)
One resident position (Alternative Transportation)

WATER ADVISORY COMMITTEE

Two positions

TENTATIVE AGENDA ADOPTION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Mr. Furgiuele, Council voted to approve the agenda as presented.

VOTE:	Aye:	Clawson, Furgiuele, LaPlaca, Hicks
	Nay:	None
	Absent:	Ulmer

PUBLIC COMMENT

Elena Stirelli of Boone thanked members for voting to mandate masks and working to protect Boone's citizens from the pandemic, but believed the enforcement aspect needed more consideration. She believed that enforcing the mask policy through policing created unnecessary tension and division between citizens and the police, as well as those who would wear masks and those who needed more encouragement. Ms. Stirelli felt that this situation brought a new opportunity to reevaluate the role of policing in Boone and consider alternatives. She ultimately felt that enforcing the mask mandate was a job more suited to a public health official than a police officer. Ms. Stirelli stated that if the Town supported a volunteer based distribution and enforcement method, she believed it would increase the number of people wearing masks and strengthen the community's trust. She was concerned about people who could not afford masks being criminally punished, and felt that there was no reason to charge citizens with a Class II Misdemeanor. Ms. Stirelli felt that the Police Department had enough to do without having to deal with enforcing the mask mandate, and that this could further alienate those who have had bad experiences with the police department in the past.

Paul Davis asked Council to base any future decisions on mask mandates on scientific data, and stated that he had been looking into CDC data which indicated over a 95% drop in deaths attributed to Coronavirus. He added that all cases had dropped 60% as of last week and that hospitalizations dropped by 65%. He found it interesting that, even though neighboring states had opened up and eased restrictions, that North Carolina's death rates were continuing to drop. Mr. Davis did not believe there was a basis for creating additional restrictions, and added that people who could not wear masks due to medical reasons, such as allergies like he had, would be discriminated against for not wearing a mask in public. He felt that if the Town's police force had enough free time to go around issuing hundreds of citations for people who were not wearing masks, then the Town had too many police officers.

John Lisk of the Capua Law Firm in Boone spoke to share the opinion of the firm, as well as their clients. He believed that everyone shared the same goal which was to try and stop the spread of COVID-19. Mr. Lisk felt that in order for any ordinance to benefit the community, it must be clear, effective and applied equally. He stated that based on the questions his law firm had received, he did not believe the ordinance was clear as to the definition of a public space, as well as the definition of what was an acceptable mask. Mr. Lisk questioned whether masks had to be worn under covered patios at restaurants, or while dining at a table with an umbrella. He believed that this law was going to be ignored and enforced inconsistently and would not be effective. Mr. Lisk added that it was not possible that masks throughout Boone would be sanitized on an equal basis, and believed that the lack of uniformity in the ordinance could make matters worse by giving people a false sense of security. He noted that the WHO's website indicated that the use of a fabric mask alone was not sufficient protect from the virus. Mr. Lisk concluded his comments by stating that he and the law firm were not anti-mask, but would like the ordinance to be drafted in a way so that it was clear, effective and applied equally, or in the alternative, should be a policy and not an ordinance.

Kenney Baughman of Boone thanked Council for their vote on Tuesday approving the mask mandate, and felt that the mandate was important protection for those who wished to approach those who were not wearing masks to ask them to do so.

Mr. Ward read the following comment into the record from Jon Dalton George: "My name is Dalton George, I am a renter and full time resident of Boone, I'd first like to apologize that I could not be there to speak myself tonight. I wanted to submit a statement in support of councilmember Furguile's resolution regarding fair housing. As an advocate for fair housing in our town, I've witnessed and heard of accounts of predatory landlords far too often. While the town's previous resolution did much to help us begin moving and advocating for fair housing there is much left to do. The passage of this resolution would show a further commitment by the council members to fair housing and aid advocacy groups in their continued fight against predatory practices. The Fair Housing Taskforce of Boone is behind this resolution wholeheartedly and hope our council members are too."

Paul Davis added that as an open carry person, if someone approached him and tried to accost him as he has seen done, that could lead to very bad things happening. He strongly suggested that people leave mask mandate enforcement up to those who were trained to do so.

COUNCIL MATTERS

TOWN MANAGER UPDATE

Mr. Ward updated Council on the following topics:

Highway 194 Sidewalk

New sidewalk has been installed along the east side of Hwy. 194 from the Speedway gas station to Perkinsville drive. Staff has meet with NCDOT Maintenance concerning storm water issues that need to be resolved before continuing the sidewalk in front of Triplett & Coffey's Welding Shop. Staff will continue conversations with DOT to get this completed.

Downtown Streetscape

Green's Construction will begin installation of brick paver sidewalks between 805 and 831 W King Street the first of July through the middle of August. This work consist of brick paver installation consistent with the Downtown Streetscape Plan. Town staff will communicate and coordinate with affected property owners before and during this process to ensure conflicts are mitigated.

Sidewalk Easement Update

On March 12, 2020 the Watauga County Board of Education voted unanimously to approve a sidewalk easement agreement with the Town of Boone. This easement helps to further the Town's goal of connecting Highway 421 to Hardin Park School's entrance and is greatly appreciated.

Temporary Construction Easement

Mr. John Beuttel granted the Town of Boone a temporary construction easement for storm water drainage at 125 Grove Street. This easement is in concurrence with two additional easements on connecting properties which will allow the Town to upgrade storm water infrastructure in the Perkinsville Drive/Grove Street area.

Tree Planting Update

Within the last month, Public Works has planted 9 trees at the Water Plant, 4 at Daniel Boone Park, and 22 at the Wastewater Plant. Counting the eight new trees planted at the Greg Young Water Intake, this brings the total to 44 new trees planted this spring. He indicted that he and his sons also planted 50 along the Greenway in addition to the ones planted by Town staff.

Hunting Hills Bridge Replacement

Our engineer is close to 75% completion of Roadway and Structure design plans for the new bridge, however, the Public Works Department was notified by NCDOT that the project has been suspended with no work to be performed after May 11, 2020. This suspension is due to the Department of Transportation falling below the statutorily mandated cash floor of \$293 million and we're unsure when the project can resume.

Led Streetlights

The Street Department has utilized remaining funds in the current budget year's Streetlight Maintenance line to purchase 60 additional LED streetlights. These fixtures will be installed during July or August.

Jones House Trees

Mr. Guy Meilleur (may-er') with Historic Tree Care assessed, pruned, and installed cabling in the two maple trees on the front lawn in October of 2019. Both trees survived the winter winds with only a few small limbs coming down. We're now having issues with the two arborvitae trees on each side of the front porch shading the house causing the wood to remain wet, mildew, and rot. We would like to remove these trees and install something smaller that will allow sunlight to the house.

The North Carolina Department of Insurance has issued a check to the Town for its fire protection of buildings on ASU campus. Mr. Ward noted that with all the new construction, there was an increase in the payment over last year's amount coming in at \$263,728.

Mr. Ward indicated that downtown businesses continued to voice requests for portable restrooms to be placed downtown during the pandemic, and stated that the reason that had not been done was due to concerns with keeping them sanitized. He noted that the Town had placed a public hand washing station in the downtown area in front of FARM Cafe.

Queen Street Parking Deck Update

Mr. Ward stated that the design was approximately 30% complete and anticipated design and review to be complete by mid-July.

Community Assistance Program Update

Administration Intern Anna Twigg has worked on a number of ways to increase visibility of the program on the Town website and has streamlined the mailing to be double-sided, with information on one side and the application on the other. He indicated that staff would plan to include this mailing in water bills once students had returned to campus. Mr. Furgiuele noted that in the item later in the agenda asking for approval of an online utility sign-up program, he noticed there was not an opportunity to "opt-in" to the community assistance program. Mr. Ward was unsure whether that could be added to the program.

Rivers House

Mr. Ward stated that the Town has been unable to utilize the building due to a lack of funding. He also noted that the Boone Tourism Development Authority rented space from the County where the old tag office was located downtown, and were recently notified that they had to vacate the premises. Mr. Ward added that the TDA has had difficulty finding an appropriately sized space within the MSD and had recently approached Mr. Ward for assistance. He indicated that at the last TDA meeting, it was discussed that there was in excess of \$1,000,000 in the TDA reserve fund and asked whether Council would like him and Wright Tilley to further explore the possibility of in lieu of paying rent, utilizing Boone and Watauga TDA funds to restore the Rivers House (using private contractors), which would then serve as a Boone visitor center operated by the TDA in coordination with the Town of Boone Cultural Resources Department so that they could use the grounds if needed. Mr. Ward noted that the Town paid to have a new roof installed on the house 3-4 years ago, but that it was in need of interior restoration, HVAC and other renovations. He added that he had checked with Ms. Meade, who believed this would be an acceptable use of TDA funds. Mayor Brantz stated that the possibility should be explored, and believed it was a shame not to make use of this historic structure. Mr. Ward stated that he was aware of the deed restrictions, and believed that this project could be completed within the restrictions. Mayor Pro-Tem Clawson noted that she was the TDA liaison and was present for the discussion. She believed this to be a good project and added that it was discussed that some historic items would also be on display at the house once completed. Mr. Ward stated that the space could serve as an extension of the current art exhibits at the Jones House, or the Town could partner with Digital Watauga to display photos on rotation similar to a museum. Mr. Furgiuele was in support of the idea and was in agreement with Mayor Pro-Tem Clawson that it would be a shame because of the Town's own lack of funds to continue to watch the house deteriorate. He asked that if approved, that the restoration be under the guidance of the Historical Preservation Commission to ensure there was a voice to protect the historical integrity of the building. Mr. Ward added that if Council moved forward with the Historic District designation with the state, the Rivers property could serve as a training opportunity. It was the consensus of Council to have staff move forward on the project and gather estimates.

Mr. Ward announced that all downtown streetlights have banners with the "WWW" campaign on them (in English and Spanish) to encourage COVID-19 safety.

A press release was issued regarding questions received by the police department pertaining to "8 Can't Wait" and de-escalation techniques.

Mr. Ward stated that if approved, staff had proposed \$25,000 in the budget for masks. He indicated that many more disposable masks could be purchased, or reusable masks could be purchased through the Share Your Love campaign and a significant number would be provided to the Hospitality House. Mr. Ward was concerned with creating a Town distribution center for masks since staff was busy with other projects, and asked that Council consider this partnership to allow for masks to be distributed among downtown businesses. Ms. Ulmer and Mayor Brantz were in agreement. Mr. Furgiuele supported the idea of reusable masks, and asked that some supply be reserved at Town Hall (or another central location) for those who were in need and could not afford a mask. Mr. Furgiuele asked whether the DBDA logo could be used on the masks. Mr. Ward answered that that would increase the turn around time to three to four weeks. Mayor Pro-Tem Clawson felt that people would discard the reusable masks as well and asked that they be picked up. Mr. Ward assured her that Public Works staff would address that each morning. It was the consensus of Council to move forward with reusable masks.

Mr. Ward shared the most recent State of Emergency declaration which would be signed and posted on the Town of Boone's website. The changes included the recent mask mandate approved on Tuesday. Mr. Furgiuele asked that text be changed to read "office, in an area" in order to make things more clear. He added that the text should read children "10 and under". Ms. Ulmer asked whether the masks were ready to be distributed once this mandate went into effect. Mr. Ward indicated that they would not be until the budget was approved and masks were ordered and arrived. Mr. Furgiuele believed that the mandate was drafted in a way that made it possible for people to improvise until they could obtain a mask, and noted that penalties would not go into effect for three weeks which should allow time for masks to be distributed. Mr. Hicks asked to substitute the term "physical or mental condition" for the current term "behavioral condition". Mr. Furgiuele added that he read a lot of medical records, and believed the appropriate term to be behavioral condition. Mr. Ward responded that Ms. Meade used the term behavioral condition to be consistent with other documents. Mr. Furgiuele suggested adding the word "health" between the words behavioral and condition. Mr. Hicks agreed and suggested that the age limit be increased to 12 years of age similar to the cities of Asheville and Raleigh. Mr. Furgiuele felt that changing the age limit would be a substantive change, which would be inappropriate action at the night's meeting. Ms. Ulmer and Mayor Pro-Tem Clawson agreed with Mr. Furgiuele. Mr. Ward noted that under State statute, any regulations under §166A19.31(h) were required to carry a misdemeanor penalty. Mr. Hicks wondered how Raleigh and Asheville removed that provision in their declarations. Mr. Ward was unsure and stated he was going by Ms. Meade's legal Council. Mr. Furgiuele reiterated that the declaration was not on the agenda for substantive changes, but agreed with a recent statement by the Governor that if the mandate was not going to be enforced, it was not worth having. He added that he had complete confidence in Town police to enforce the mandate and did not believe they would be heavy handed in doing so. Mr. Hicks clarified that police and others were exempt from wearing masks if their jobs required. After brief discussion concluded, Mr. Hicks reiterated that he did not believe a mandate necessitated a misdemeanor charge. He also asked that a Frequently Asked Questions document be posted and distributed.

BOARD LIAISON REPORT

Mayor Brantz reported that HPC continued to work on Historic District guidelines and the Junaluska historic marker.

Mayor Brantz declared a break at 7:47 p.m. The meeting reconvened at 8:00 p.m.

Mr. Furgiuele reported that the CAC would be meeting next week virtually.

Ms. Ulmer reported that the AppalCART board would be meeting again on the 22nd.

CONSIDERATION OF APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

Mayor Pro-Tem Clawson nominated Bettie Bond for reappointment to the HPC. There being no further nominations, Mayor Brantz called for a vote.

VOTE: Aye: All
 Nay: None

Ms. Bond's term will expire on June 30, 2023.

CONSIDERATION OF APPOINTMENT TO PLANNING COMMISSION

Mr. Furgiuele nominated Ms. Shay for reappointment to the Planning Commission and noted that she had outstanding experience and brought knowledge to the commission.

VOTE: Aye: All
 Nay: None

Ms. Shay's term will expire on June 30, 2024.

CONSIDERATION OF APPOINTMENT TO SUSTAINABILITY COMMITTEE

Mr. Furgiuele nominated Ms. Cirone to serve on the Sustainability Committee. There being no further nominations, Mayor Brantz called for a vote.

VOTE: Aye: All
 Nay: None

Ms. Cirone's term will expire on June 30, 2023.

CONSIDERATION OF APPOINTMENT TO TRANSPORTATION COMMITTEE

Mr. Furgiuele asked Ms. LaPlaca, since it was indicated on his application that he knew her, whether Mr. MacGregor had any background knowledge in alternative transportation, since that was the previous directive given. Ms. LaPlaca did not know if he had experience in alternative transportation, but indicated that he was a dedicated and articulate young man, and felt that he deserved to be on the committee. Mr. Furgiuele stated that he would support Mr. MacGregor's application, but that since there was another vacant position, he hoped that Council would insist on experience in alternative transportation in the next nominee. Mayor Pro-Tem Clawson nominated Mr. McGregor. There being no further nominations, Mayor Brantz called for a vote.

VOTE: Aye: All
 Nay: None

Mr. MacGregor's term will expire on June 30, 2023.

CONSIDERATION OF APPROVAL OF BUDGET AMENDMENTS

Upon a motion by Mr. Furgiuele seconded by Mayor Pro-Tem Clawson the following budget amendments were approved unanimously:

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

CONSIDERATION OF APPROVAL OF ONLINE UTILITY SIGN-UP PROGRAM

Ms. Davis presented information on a proposed online utility sign-up program which would allow customers to sign up for service and pay for their deposit online. She indicated that the development fees up front were approximately \$6,000 with an annual fee of \$5,100, and the program would be cloud based. Ms. Davis confirmed that it would be possible to include an opt-in check box for the Community Assistance Program to the program. She noted the importance of cutting down on foot traffic at Town Hall during the pandemic. Upon

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Nancy LaPlaca, Councilwoman
SECONDER:	Connie Ulmer, Council Member
AYES:	Clawson, Furguele, Ulmer, LaPlaca, Hicks

“At the last regular meeting of the Town Council, we instructed John Ward to reach out to Senator Ballard and Representative Russell concerning their interest and possible dates for an open forum on landlord-tenant practices. This was in follow up to the resolution which we adopted several months ago outlining some of the practices in Boone which we found were unfair, if not illegal. Representative Russell has indicated that he prefers and plans to participate in a forum coordinated with the Boone Chamber of Commerce and Senator Ballard responded, but wanted to confer with the NC Attorney General’s office to determine what proof of the practices had been submitted to that office. With people possibly returning to town in the next few months, I think that now waiting for public forum before offering policy suggestions for possible amendments to state law, is too slow a process. Therefore, I believe that we should adopt the attached resolution which outlines at least some limited actions which we believe they should initiate to attempt to amend North Carolina law.”

WHEREAS, assuming that ASU reconvenes on-campus classes in the late summer

or fall of 2020, there will be many people again seeking rental housing in Boone so that time is of the essence in attempting to address some of the practices involved; and

WHEREAS, there are amendments to State law which would clarify the rights of landlords and tenants, generally imposing a minimal burden on landlords, and as a result of that clarification reduce the possibility of unfair or predatory practices;

NOW, THEREFORE, BE IT RESOLVED that the Boone Town Council respectfully requests that Boone's representatives to the North Carolina General Assembly, the Honorable Senator Deanna Ballard and the Honorable Representative Ray Russell, initiate amendments to the North Carolina Residential Rental Agreements Act and the North Carolina Tenant Security Deposit Act, as appropriate, to provide as follows.

1. That landlords renting four or more units in total (a number which makes a landlord subject to the federal Fair Housing Act) that at the time a prospective tenant inquires into the possibility of renting a living unit or portion thereof must provide the prospective tenant, before any payments may be accepted by the landlord, with a written disclosure which in plain English and in accordance with a uniform format directed by statute (such as the disclosure requirements for finance charges under the federal Truth-in-Lending Act) lists all fees which will be charged in connection with the application process, all charges which will be made if the application is accepted, and all fines or penalties associated with violations of rules or regulations incorporated into and associated with the lease, and as to each such charge or fee, indicates whether such charge or fee may be refunded, under what circumstances it will be refunded, and which charges or fees are nonrefundable;
2. That landlords are prohibited from charging a non-refundable fee which is not used in its entirety for the purpose stated by the landlord, so that, for example, if the landlord charges a fee for the purpose of obtaining a credit check on an applicant, the landlord must actually spend the entirety of the money collected for that purpose;
3. That landlords who require the parents of a tenant, or other person or persons, to guarantee the performance of a tenant, are prohibited from requiring those guarantors to guarantee the performance of other tenants in a living unit with whom they have no familial connection;
4. That landlords who charge fines or penalties to tenants for violating rules or regulations incorporated by reference into a lease or tenancy are prohibited during the term of the lease from modifying the rules or regulations which give rise to such fines or penalties, or the amounts of such fines or penalties;
5. That when a rental unit is in a flood zone, a landlord must disclose in a written notice in at least 16 point type, separate from other lease or application materials and before the lease is signed, that the living unit is in a flood zone, that the landlord will not accept responsibility for damage to or destruction of the tenant's property by flooding (unless the landlord accepts responsibility); that renter's flood insurance is available; and to the extent known, the years in which actual flooding has occurred of the rental unit; and
6. That a violation of any of the foregoing by a landlord shall be considered an unfair and deceptive trade practice.

After a question raised by Ms. Ulmer, Mr. Furguele clarified that this resolution would not apply to state owned dormitories, and believed laws to already exist which controlled landlord-tenant practice across the state.

He did not believe this resolution, if followed up on by the Attorney General and General Assembly would require changed practices as much as to clarify charges and create a uniform way to disclose these charges. Ms. Ulmer agreed, but was confused in that she thought the described practices should be illegal. Mr. Furgiuele answered that unfortunately most of the practices were not illegal but that he believed the predatory behavior of landlords was a widespread problem in North Carolina. He added that he believed that there were many landlords in Boone who were honest and forthcoming about fees, but many others who were not. Mr. Hicks shared that he was recently required to find a guarantor on a lease he signed for a new apartment, even though he was not a student. He also suggested adding a provision in the resolution that would require a landlord to disclose whether the property was located in a 100 year flood zone and so on. Mr. Furgiuele accepted that suggestion. Mr. Furgiuele and Ms. Ulmer were briefly disconnected from the meeting. Ms. Ulmer then expressed concern at how this has been allowed to go on for so long. Mr. Furgiuele answered that the laws were written in the 1970-1980's in the way they were because landlords had a loud voice in Raleigh and they provided only modest protections for tenants. He believed that although there were provisions to protect tenants such as smoke detectors, the law was controlled by those who had wealth, which was largely landlords. Ms. LaPlaca logged off at 9:00 p.m. and logged back on at 9:03 p.m. Mr. Furgiuele asked if this was approved, to add the resolution onto the agenda for Monday's Public Hearing to add Mr. Hicks' suggestion and to allow him to clean up the language. Mr. Ward added that Town code already required some of the things listed in the resolution, and felt that the proposed resolution may help address the fact that this is often overlooked. After a statement made by Mr. Ward from planning staff, Mr. Furgiuele clarified that landlords would only be required to disclose floods if they were aware of them and that they would not be required to do any research into past flooding. He added that he believed that by adding the text of this resolution into state law, it would mean that violating it would be committing unfair and deceptive trade practices. Mr. Furgiuele made a motion to adopt the sense of the resolution presented but delay final action and add this to the Public Hearing agenda on June 22, 2020 to allow time to add in Mr. Hicks's suggestion regarding flood plains and to clean up the language. Mayor Pro-Tem Clawson seconded the motion. Mr. Hicks asked whether a notice could be included on the document that flooding may be occurring more frequently or something to that effect. Mr. Furgiuele accepted that as a friendly amendment that the designation of how often flooding is predicted to occur suggested by the label of each level of flood is not a reflection of how often the flooding actually occurred. Ms. Shook added new flood maps were scheduled for this year or next, but that everything had been delayed and indicated that Council may want to look into amending its own ordinance in terms of flood plains. Mr. Furgiuele restated his motion to adopt the sense of the resolution presented but delay final action and add this to the Public Hearing agenda on June 22, 2020 to allow time to add in Mr. Hicks's suggestion regarding flood plains and to clean up the language, and that a notice be included that the flooding designation was not a reflection of how often flooding actually occurred. He added that he would not want to address ordinance amendments at this time.

VOTE: Aye: All
 Nay: None

REQUEST TO RESCHEDULE POLICE FORUM

Mr. Furgiuele stated that he proposed the police forum originally in 2018 because it was his perception that despite Boone being a small town, most residents had little knowledge of the workings of the Police Department. During his campaign for Town Council, he indicated that he had a number of questions posed to him regarding local law enforcement policy and was shocked that he was unable to answer most of them. During the first year of the forum, Mr. Furgiuele stated that he posed around 60 questions and that he was rightly criticized that it was not possible to answer that many questions in a public forum. He added that some criticized him for his questions having a tone for what they saw as distrust, but he stated that then and now, he has great respect and confidence in the department and its leadership, as well as the officers themselves. Mr. Furgiuele believed that then and now, dialogue and transparency both lead to improvement in any operation and that talking about uncomfortable subjects would lead to focused discussions and improved practices. He stated that he considered the first forum to be a huge success because of the willingness of the department to engage in discussion, and their positive attitude. Mr. Furgiuele noted that although he had served as the Town attorney for thirteen years, he was surprised at how much he learned during the forum and how little he knew about how the police force had done things, such as its outreach into the immigrant community, the significant training police officers receive in de-escalation techniques, and avoidance of lethal force, the strides our department has taken to diversify itself relative to gender, race and background of its personnel, and the many projects law

enforcement personnel have participated in to help build community relations. He added that the more press releases and information that gets shared, the better. Mr. Furgiuele stated that in 2019, he pared down his questions, but believed that both years, he was the only member of Council to submit questions and there were few from the public. He added that though this year's forum had to be cancelled, that in light of the deaths of George Floyd and Rayshaud Brooks, it was extremely important to reschedule the forum. Mr. Furgiuele stated that he had listed his questions in his action request, but asked to alter his initial request in two ways. First, Mr. Furgiuele asked that if the forum was rescheduled that there be an opportunity for the public and other Council members to submit written questions to the Town Clerk with a deadline of a week in advance of the forum. He also proposed that Council create a committee which would be presided over by the Mayor, and similar to the Water Committee, would be comprised of all five Council Members along with six residents of Boone. The committee would be staffed by the Town Manager, the Police Chief and any other staff they wanted to designate. The committee's purpose would be to serve as an ongoing forum and discussion of these important issues. He proposed that the committee be of unlimited duration and that each Council Member and the Mayor be given the power to nominate one member for the committee to serve a three year term. If the committee continued beyond three years, subsequent terms would be staggered. Once comprised, Mr. Furgiuele asked that the committee be charged with focusing on discussion of the 8Can't Wait areas of concern, specifically what steps the department has already taken and discuss ways the department might improve performance and increase public awareness of its performance. Mr. Furgiuele stated that in 2003 in an operation conducted by the Watauga County Sheriff's Department in which Boone Police participated, a 22 year old African American man from Hickory wanted on a warrant was shot and killed in the parking lot of the Department of Social Services. He stated that because he had confidential information about some of the events that surrounded this, he conferred with the North Carolina State Bar Association as to whether he could even bring this up. Mr. Furgiuele indicated that he was told he could, but that he could not share those confidential details. Mr. Furgiuele read an excerpt from a Greensboro newspaper giving an account of the situation: "Christian Griggs, 22, was killed Tuesday night, April 19, 2003, after a standoff lasting more than 4 hours. Griggs was indicted by Catawba County jury in a September robbery. Officers shot Griggs in the parking lot of the Watauga County Social Services building. Griggs, who had been threatening to kill himself, was shot when they saw him point a handgun in their direction. The SBI has been called in to investigate the shooting. The Sheriff's Department and SBI could not provide details on Friday as to how many shots were fired or whether Griggs had fired at police. The standoff deteriorated when the suspect stepped out of the car and held a pistol to his head according to the Watauga Democrat which had a photographer at the scene. Deputies yelled at the suspect to drop his weapon and lay down. A few minutes later shots were fired and the suspect fell to the ground according to the photographer." Mr. Furgiuele felt that this account raised some questions about whether or not it was necessary to kill Mr. Griggs given the discrepancies between accounts of the photographer and the sheriff's department. Mr. Furgiuele recalled little public reaction to this incident, but believed that today it would be different. He added that there were few or no police officers on the force today who worked on the force then. Mr. Furgiuele stated that he was not accusing anyone on the police department of doing anything wrong, but believed that we would all be naive to believe that what has happened elsewhere could not happen here. He added that if that same exact event occurred today there would be a different reaction because there was a different recognition of these issues. Mr. Furgiuele stated that he did not bring this matter up to open a wound, and reiterated that he had enormous respect for the police department. He added that part of the mission of this committee should be to get the word out about the good things our police department was doing. Mr. Furgiuele made a motion to reschedule the police forum and for Council members and members of the public to submit questions. He stated that if there were too many questions submitted, he would withdraw his questions so that others had a chance to ask questions. Mr. Furgiuele stated that the second part of his motion was to create the committee as discussed. Mayor Pro - Tem Clawson seconded the motion. Mr. Hicks indicated that he had been in conversation with many people, specifically Black in Boone, regarding a police advisory committee, which would oversee such things as the hiring of police, and that they had hoped this would be one of the avenues Council would explore. He noted that they wanted assured representation from marginalized communities. Mr. Furgiuele clarified that he was not proposing an oversight group at this time, and believed that the hiring of personnel was reserved to the Town Manager under state law. He added that any committee could evolve within the boundaries of the law, but felt that learning had to take place first, not just for the public, but for Council members as well. Mr. Furgiuele believed that people were making assumptions about the Town's police force that did not apply. Mayor Brantz asked Mr. Furgiuele to restate his motion which was to reschedule the annual police forum far enough in advance to allow people to submit questions to the Town Clerk, Town Manager, Mayor or Police Chief for the department to answer at the police forum. Mr. Ward asked Council to be mindful when selecting

the date because of all that is going on with the police department with COVID-19, the mask mandate and recent protests. He also asked that the deadline be extended to two weeks prior to the forum to allow the department time to prepare. Mr. Furgiuele was agreeable to a two week deadline. Mayor Pro-Tem Clawson agreed as well and noted that the Town had the best police force and believed the department needed additional funding. Chief LeBeau asked that Council schedule the forum later in July with a couple of weeks before for a deadline. Mr. Furgiuele suggested scheduling the forum for July 22 with a deadline two weeks prior on July 8 with written questions being sent to the Town Clerk. Mr. Ward was concerned about the forum being held during a time when ASU classes were adjourned. Mr. Furgiuele felt that since meetings were being held virtually it would not be an issue. Ms. Ulmer suggested an amendment that the forum be held on July 23rd with the deadline on July 9th. Mayor Pro-Tem Clawson accepted the amendment.

VOTE: Aye: All
 Nay: None

Ms. Ulmer stated that she was looking at the wrong month on her calendar. Mr. Furgiuele then withdrew his previous motion and made a new motion to hold the police forum on July 22nd at 6 p.m. with a deadline for written questions on July 8th by 5 p.m. to the Town Clerk. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

Mr. Furgiuele made a second motion according to the previously mentioned dictates to form a committee: comprised of all Council members, 6 residents of Boone with each Council member and Mayor being given the nomination authority for one person. The duration of the committee would be unlimited at this time. For resident positions, initial terms would be three years and subsequent terms would be staggered. The committee would be charged initially with learning and discussing the 8 Can't Wait areas of concern. Mayor Pro-Tem Clawson seconded the motion. Mr. Hicks wondered whether nominees would be shared prior to the meeting at which they would be selected to ensure a diversity of members. Mr. Furgiuele clarified that each member would have to be approved by Council as a whole. Mr. Ward asked if there was an anticipated time frame for populating the committee, and if so, if each Council member could forward him a short biography about their nominee, staff would consolidate nominations into one action item rather than having them trickle in until the committee has been populated. Mr. Furgiuele accepted this suggestion, and asked that nominees be considered at the July 14th meeting with biographical information being provided to the Town Manager by a week prior. Mr. Ward noted that packets were published a week prior and suggested the agenda deadline would be more appropriate. Mr. Hicks stated that he was in connection with a professor at ASU who was involved in this type of work, and thought that having her speak at the next meeting might be helpful to solidify Council's ideas. Mayor Brantz suggested she attend as a Requested Appearance at the next meeting. Mr. Furgiuele felt that it might be offensive if these experts suggestions were not taken by Council. He felt that it was hard enough to participate and would not want to insult someone by not taking their suggestions. Ms. LaPlaca stated that she appreciated what Mr. Hicks said and believed that Council should hear from experts on the topic before any committee were formed, because experts knew how to form such a committee. Ms. Ulmer agreed that Council should hearing from experts, but should hear from them during the committee. Ms. LaPlaca clarified that she meant that Council should hear from experts during the formation of the committee. Mayor Brantz reminded Council members that there was the possibility for revisiting the committees formation if needed. Mr. Furgiuele stated that he agreed with Mr. Hicks that the committee needed to have different segments represented, but that he did not want to delay starting the conversation. Mr. Hicks stated that he believed the people who were historically affected more by these topics should be fronting the committee. Mayor Brantz called for a vote.

VOTE: Aye: All
 Nay: None

REQUEST TO ADOPT RESOLUTION - USE OF MILITARY PERSONNEL IN POLICING IN NC

Mr. Furgiuele stated that this item may not be as imperative as it was when he first drafted it, but he did not believe it to be over in that there was still talk in Washington of using the US Military as opposed to the

Boone in particular.”

Mr. Furgieule made a motion to approve the resolution as read and transmitted to Governor Cooper. Ms. LaPlaca stated that of course she was not for police brutality, that it was awful what happened in Lafayette Square, and that thank God the next day everything changed. She stated added that Boone was a tiny part of a state of over 10 million people and believed this action to be overreaching and not necessary. Ms. LaPlaca added that she did not believe it was good to waste Town resources on things like this and reiterated her feeling that this resolution was overreaching. Ms. Ulmer noted that she did not like the word “reject”, and felt that military personnel presence was not something that was used lightly. She stated that she believed this resolution to be a little overreaching for the area, and was unsure that the Town had the power to reject the use of military personnel. Mr. Furgieule clarified that the Town Council represented the interests of the Town of Boone, and that protests were actively happening in the Town of Boone. He added that the National Guard was made up of people who lived in North Carolina and who were familiar with its communities, while the US Military were used to fight wars and were not to be used in domestic situations. Mr. Furgieule stated that he disagreed with Ms. LaPlaca, and indicated that no staff time had been spent in drafting the resolution, only his time, and that he would personally send the resolution to the Governor if the resolution passed. Mr. Hicks stated that this was a weird topic for him and that he had a hard time not being biased toward his own beliefs in this situation. He was concerned about a “crying wolf” situation, but at the same time, felt that this was important. Mr. Hicks suggested a clause which stated “... lead to more deaths, and will be interpreted as an effort to deter looting and rioting.” He then asked whether staff felt there were any reasons Council should not approve this resolution. Mr. Ward added that the majority of the comments he had received indicated a general perception that Boone police would need back-up if needed in a riot situation. Mr. Furgieule asked how many of the people who submitted comments actually lived in Boone, and stated that he knew Council members were stirring the pot on this topic. He added that 95% of the negative comments he received regarding the mask mandate came from people who did not live inside the Town limits. Mr. Furgieule further noted that he had not had a single person contact him in support of or against this resolution, and felt that he did not have a responsibility to respond to people outside of Town about policies within the Town of Boone. Council Member Hicks then seconded the motion. Council Member LaPlaca stated that she had been arrested for her activism and was a victim of police brutality, was afraid of crying wolf too often, and indicated that she would vote against the motion. Mayor Pro-Tem Clawson suggested that a component be added to the motion addressing the National Guard. Mr. Furgieule clarified that the resolution addressed what the federal government threatened to do, which would not pertain to the Governor or the National Guard. Ms. LaPlaca stated that she was hoping to address the issue of incorporating Roberts Rules of Order into meetings before it got too late, and pointed out that she believed Mr. Furgieule to once again have done 90% of the talking during the night’s meeting. Mayor Brantz clarified that this topic would be discussed at next month’s meeting, since this month’s agenda was full. Mr. Furgieule noted that Ms. LaPlaca ran her campaign on climate change in Boone, and so far had not put a single item on the agenda addressing it. He admitted that he did a lot of the talking during the meeting that night because all five of the initiated Council items were ones that he initiated. Mr. Furgieule added that if Ms. LaPlaca wanted to talk then she should present things to Town Council for discussion. He felt that Ms. LaPlaca attacked him at every meeting, and that he did not care what she thought of him. Mr. Furgieule believed her attacks on him were unwarranted in every instance and felt that Ms. LaPlaca did nothing on Council but constantly attack him. Mayor Brantz called the meeting to order and asked members to avoid making personal attacks before calling for a vote.

VOTE: Aye: Hicks, Furgieule, Clawson
 Nay: Ulmer, LaPlaca

ADJOURNMENT

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. LaPlaca, Council voted to adjourn the meeting at 10:21 p.m.

VOTE: Aye: All
 Nay: None

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor