

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
July 16, 2020**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order virtually at 6:05 p.m. on Thursday, July 16, 2020. Mayor Rennie Brantz presided. Council Members present included Mayor Pro-Tem Loretta Clawson, Connie Ulmer, 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, Fire Chief Jimmy Isaacs, Police Chief Andy LeBeau. Town Attorney Allison Meade was also present.

ANNOUNCEMENTS

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

BOARD OF ADJUSTMENT

Two alternate positions
One regular position

COMMUNITY APPEARANCE COMMISSION

Four 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

TRANSPORTATION COMMITTEE

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

WATER ADVISORY COMMITTEE

Two positions

TENTATIVE AGENDA ADOPTION

Council Member LaPlaca asked to amend the agenda to allow for additional discussion regarding the rezoning of the ASU Child Development Center. Council Member Hicks seconded the motion. Mr. Furgiuele asked whether the motion intended the agenda item to be for discussion only, or for discussion and action. Ms. LaPlaca stated that if it was the will of the Council to only have discussion, she was fine with that. Ms. Meade suggested the new item be added for discussion before Item 7 was discussed which would make this new agenda item 6(a).

VOTE:	Aye:	All
	Nay:	None

Mr. Ward announced that there would be a free COVID-19 testing event scheduled for July 18th from 8:30-2p.m. at Watauga High School for Watauga County residents. Ms. Ulmer added that this testing event was a drive-through event.

Mr. Ward also announced that the summer intern, Anna Twigg, had developed a social media strategy for the Town, and created a page on the website that outlined all of the Town's sustainability accomplishments.

Ms. LaPlaca stated that on Tuesday, Council discussed Robert's Rules of Order, and clarified that specifics would be discussed at the night's meeting. Mayor Brantz stated that he did not recall that discussion, and noted that Robert's Rules were incorporated into the Town Code of Ethics already. Ms. LaPlaca noted that discussion took place on Tuesday regarding guidelines and time limits, and felt that rules needed to be put into place so that meetings did not continue on as they had been. Mayor Brantz suggested that the item be placed on the agenda for the next meeting, and agreed that it was an important issue. Mr. LaPlaca noted that there were people who were planning to speak during public comment regarding the enforcement of Robert's Rules, since it was her understanding that this would be discussed at the night's meeting.

Upon a motion by Ms. Ulmer, seconded by Mayor Pro-Tem Clawson, Council voted to approve the agenda as amended.

VOTE: Aye: All
 Nay: None

PUBLIC COMMENT

Matt Dull spoke regarding the annexation petition for the ASU Board of Trustees of the Endowment Fund, and asked that Council table the annexation petition until a determination was made on the zoning petition on the parcel. He added that given that both the University and Town Council supported the creation of additional child care spaces with the fastest possible time line, Mr. Dull stated that the University wanted to find the best way to move forward that gave the Town the greatest level of comfort so that the Childcare Development Center expansion on Poplar Grove Road could be developed. He noted that a conditional use did require the approval of the Council of the State. Because many of these offices were closed and/or teleworking due to the pandemic, the time line for consideration of a conditional use request was unknown at this point. Mr. Dull believed this route would delay the project by as much as a year, and believed that the fastest solution was a local solution and expressed a willingness to work with the Town on language for a new zoning district for educational uses similar to E-1, but limited to childcare. Mr. Dull believed this would serve a similar use to conditional use zoning and at the same time, could allow the University to correct any non-conforming uses within the corporate limits. He stated that if Council tabled the item now and gave staff a specific directive to create an E-4 district with university childcare centers as an allowable use by right, then University representatives could work with the Town Attorney and Town Staff to draft a proposed text amendment to the UDO at the next Town Council meeting. Mr. Dull stated that this would allow the project to move forward on the fastest possible timeline, and eliminate the need for a special use permit.

Eric Plaag spoke regarding Council rules and procedures and stated that he had some concerns with Ms. Twigg's presentation from Tuesday night. He noted that he was puzzled with the claim that there were currently no rules of procedure for the Boone Town Council, and indicated that Chapter 30 of the Boone Code of Ordinances laid out very detailed rules of procedure covering many of the topics outline in the report. Dr. Plaag believed that a requirement for two Council members to endorse an item before it was placed on the agenda to be chilling since no other citizen in Town faced such a requirement. As for debate, Dr. Plaag noted that the person who introduced the item was already entitled to speak first, and any member who had not yet spoken was to be recognized before a member who had already spoken. He stated that over the past six years, he had never seen an instance where a Council member was not given the opportunity to speak, and added that since the rule already existed, it was the Mayor's obligation to enforce it. Dr. Plaag stated that the Code of Ethics already required members to show respect toward one another, and again believed that the Mayor should enforce the rule. He felt that many of the perceived issues did not lie in the Town Code, but in failure to practice. Dr. Plaag expressed that he was troubled that this agenda item seemed to be directed at one Council person, Sam Furgiuele, and in his opinion unfairly so. He found Mr. Furgiuele to be the most prepared, thoughtful and probing of all Council members, and believed his principles reflected article 4-2 of the Code of Ethics. He believed that it was the job of the Mayor and members of Town Council to hold each other responsible to this requirement. Dr. Plaag stated that while he did not believe members' pay to be enough, this was what they were paid by taxpayers to do. He indicated that he was also greatly concerned about a time limit on discussion. Dr. Plaag felt that members would not be able to analyze all credible information if that information was not procured during the meeting and hearing process. He believed that the entire discussion was a knee-jerk reaction to an anonymous editorial and Council member LaPlaca's desire to muzzle Council member Furgiuele, which she made clear in her remarks on Tuesday night. Dr. Plaag stated that it was mean spirited, contrary to the Code of Ethics members were bound by and damaging to the public welfare which members

were entrusted with. He urged members to enforce the procedural rules already in place, and asked that any new rules be to move toward improving the democratic process and upholding their duties to the Town rather than undercutting both.

Chase Scott, student at ASU spoke to emphasize the importance of including younger ASU students in Council discussion and decision making. She believed that the older adults should help to empower them instead of discrediting them and pushing their voices aside. Ms. Scott stated that students needed purposeful engagement to take on future goals, and noted that the issues being taken on now were intergenerational.

Reggie Hunt, Pastor of Cornerstone Summit Church in Boone spoke to let Council know that he was present at the 2003 interaction that Mr. Furgiele brought up during the previous Council meeting regarding the police stand off with Chris Griggs. He noted that he was less than 20 yards from Mr. Griggs during the stand off, and was present for 2 of the 4 hour interaction. Pastor Hunt indicated that he was present for the FBI interviews, as well as the follow-up conversations and counseling that officers received as a result of the stand off, and noted that many officers did not discharge their weapons during the stand off. He added that he was present at Mr. Griggs' funeral and spoke to his mother at that time. Pastor Hunt wished to speak to Council regarding the perceived "Police Oversight Committee" which was on the agenda later in the meeting. He began by stating that he found the set up of the proposal interesting and that the Council member who had proposed the committee had done so without including leaders like himself, which he considered racist. Pastor Hunt stated that he had lived almost 25 years in Boone and that he had spent most of that time wondering where the Town Council actually was, in that he had not had much interaction with members in any of his endeavors. He added that action without awareness was often inaccurate, and that in order to have awareness in this matter, simply having Council members selecting committee members may not be the best format for the committee. Pastor Hunt suggested that Council consider a more in depth process that included listening to black and brown students, black and brown community leaders, and black and brown local residents in order to ask them some of the criteria for people on such a committee. Additionally, Pastor Hunt felt that black and brown leaders and citizens should host forums during which Council members should attend to simply listen. He believed that research would show that oversight committees were often independent of elected officials. Pastor Hunt stated that Council members should be as educated on these issues as what they were requiring of law enforcement personnel. He indicated that he was aware that Chief Le Beau had already established a trust with black and brown student athletes, and that conversations were in place with black and brown leaders of the faith community as well. Pastor Hunt noted that there was also some implicit biased training underway, and that education and training was a part of what he would suggest the Town take part in. He added that he would also encourage Town Council members to be a part of such education and training. Pastor Hunt was unsure if it would be effective to take policies that worked in another area and try to implement them in Boone without hearing about some of the experiences of black and brown people with law enforcement in Boone. Pastor Hunt indicated that he was disturbed by the approach for this request. He added that he was disturbed by the lack of interaction that the Town Council has had with black and brown people in his 25 years in Boone. Pastor Hunt stated that some of the issues mentioned in the last meeting were concerning and insulting, and stated that some of the things mentioned were not prevalent when speaking to black and brown students and locals. He encouraged Council to slow down the process of creating a police oversight committee, and that before they began to select and tokenize black and brown people in ways that would be perceived as political, sensational and possibly incite more of a gap, Council members should spend time speaking with black and brown leaders, citizens and students before moving forward. Pastor Hunt also encouraged members to become more aware of the training that had already taken place with law enforcement and suggested that members take training as well. He felt that members were not aware of what he had navigated through with law enforcement in his 25 years in Town, good and bad. Pastor Hunt also referenced the narrative that had been often repeated that members of the Junaluska Community did not move away from their community because they liked it was totally false. He also asked Council to include black and brown people in the process, including leaders, students, citizens and law enforcement. Pastor Hunt ended by asking members if they want to know how the stand off went with Mr. Griggs, to call him. He indicated that he was there when Mr. Griggs shot at law enforcement and added that he often felt threatened by what was going on in national news, but felt encouraged by the discussions he was having with local law enforcement. Pastor Hunt stated that he found it insulting that Council would consider this review board without talking to people of color, especially those who had spent their lives here.

Doug James of Boone spoke in favor of Robert's Rules to organize meetings and maintain a schedule and decorum. He indicated that Robert's Rules were used by most democratic organizations to manage timely meetings so as to

promote organizational productivity, and also as a way to promote civility and decorum. Mr. James added that a recent editorial in the Watauga Democrat pointed out that meetings of the Town Council had suffered regularly from the domination of the discussion by Council member Furgiuele. He found the idea that the implementation of Robert's Rules would be undemocratic to be absurd, and believed this to be the position of those who used dominating the discussion as a technique for wearing down perceived opposition to a proposal. Mr. James felt that Council discussions should be concise and respectful, and that arguments should be weighed by their strength, not by their length. He strongly encouraged Mayor Brantz to enforce Robert's Rules to insure decorum, propose reasonable time limits for speaking for the benefit of Council and for the benefit of the governing of the Town of Boone.

Bucky Black reiterated the points made by the last speaker, and stated that contrary to what he had witnessed at the night's meeting, he wanted to make clear that the Council had a reputation for contentiousness. He added that he was pleased with the way things were progressing that night and the way everyone was conducting themselves, but that in the past, the only time he had heard the Town Council brought up was when the contentiousness was being discussed. Mr. Black added that there seemed to be a disturbing trend in the Country right now that the ends justified the means, and stated that he wanted to know that the people representing him in politics were concerned with civility.

Jeff Deal was signed up to speak but was not able to join the meeting.

Pam Williamson of Boone spoke regarding potential changes to Town Council meeting procedures. She stated that she had been a progressive community member in Boone for close to 30 years and that she and the Town, and Mr. Furgiuele did not always agree on everything. Ms. Williamson referenced a time when people were upset because young women at Watauga High School were wearing clothing which exposed their bra straps. She remembered that months went into designing the language that prohibited this, and that as soon as the new rule passed, young women showed up to school wearing no bras at all. Ms. Williamson stated that she pointed this out to note that members needed to think about things pretty hard before making a decision and think about the long-term repercussions. Ms. Williamson reminded members that Robert's Rules were already incorporated within the Town Code, and suggested that if members could not muster the strength to move on from their differences with other members, that they air them out privately instead of spending Town time doing so. She felt that Mayor Brantz did a fine job as Mayor, and believed that members should be more concerned about the opinions of those they were elected to serve as opposed to the author of the recent editorial. Ms. Williamson stated that citizens were counting on members to ask as many questions as needed to make the best possible decision on an issue, and did not believe a limit should be placed on this discussion. She believed that those who were arguing to shutter discussion were trying to stop democracy instead of enhance it. Ms. Williamson felt that it was undemocratic and embarrassing to pass such a rule. She added that she was also against what she viewed as back-door negotiation in the proposal of having an item approved by one other member before being placed on the agenda. Ms. Williamson felt that it was the responsibility of Council members to bring forward minority views sometimes, and found this whole situation to be childish. She added that she wanted all members to succeed and bring good ideas to the table.

Mr. Ward read the following comment from Nicolas MacGregor: "My name is Nicolas MacGregor. Unfortunately I could not be here to day this in person, but I would like to see the council pass Roberts Rules. As you all are elected officials for our town, I find it extremely important that all members of the town council are contributing and are able to speak for equal amounts of time. This will help to ensure continuing progress for our town."

Mr. Ward read the following comment from Steve Owen: "I'm writing to express my sadness and frustration with how TOB meetings have been conducted recently. I'm sad because this is a time of profound challenges and totalizing uncertainty, where we need cooperation, not divisiveness and discord. Although I live just outside of the town limits, I pay quite a bit of property taxes to the town and of course, I shop in town. Please, mayor and town councilpersons, abide by Roberts Rules of Order. Even with our differences, we owe each other at a minimum, orderly meetings where everyone is respected."

Mr. Ward read the following comments from Jamie Goodman: "It has gradually come to my attention that there is discord on the town council, and as a long-time community member, this saddens me greatly. At a point of unrest and struggle in our world, this is the time

more than ever to be kind to one another, agree in your disagreements, and come to positive and helpful resolutions. This is a seriously uncertain time, and while there are many suggested - and often divergent - ways to handle the Covid crisis and economic downturn, the lines are sometimes blurry between what is right and what is wrong. Finger-pointing, name calling, and personal and professional attacks on one another, especially between the civil servants leading our community, is something we cannot afford. I have great affection and respect for all of you who serve on Town Council. Many of you I have known for years, some even decades. Some of you are my personal friends. And each of you has the capacity to function as rocks during this tumult. I call on you to rise above the stress within the Council, and lead us in a calm and unified manner, even when you disagree on the tactics. There are two new members of the council this year who were not a part of the Democratic party's "pre-approved" panel of nominees, council members Dustin Hicks and Nancy LaPlaca. Their resourcefulness in being elected despite this should be applauded and utilized rather than centered on as a point for derision. I'm sure they're going to make mistakes or have differing opinions, but I imagine every single person who sits on Town Council at this time has made their own share of mistakes or gone against the popular vote on at least one occasion. Council members Loretta Clawson and Sam Furguele, as well as Mayor Rennie Brantz, have been long-time members and leaders of this community, and have given much of their time to its care. I hope that each of them continues to serve as long as they are called to, and very much appreciate their sacrifices for our town. I do call on each one of them also to serve as mentors to new council members, and above all listen with compassion and grace - new ideas are not always bad ideas, and even when they're not the CORRECT idea they can often lead to a visionary solution. Our world in crisis right now needs thinking that is outside the box and facing the future. Other individuals speaking today will mention specific methods to help the Council in its functions and processes, but I wanted to speak from the heart. Please, please set aside your egos, your anger, your differences, and become the leaders I know each and every one of you is capable of being. Now is your opportunity to move forward as a team. I sincerely hope you will take it."

Mr. Ward read the following comments from Kathryn Cahow: "My name is Kate Cahow. I am a resident of Watauga County, and have been wanting to get on board some of the zooming City Council meetings, but just haven't had the time. I believe that at this particular time, not only in our little town of Boone, but in our country and across the globe, it is urgent that we strive to come together to solve problems and create an environment of open communication in which we can all feel we are contributing to the common good. Due to the Coronavirus and all the mandates that have sprung up around it, especially during a time of such divisiveness in our country, it is that much more critical that we find a way to work together through peaceful discourse, and endeavor to take on issues that are highly impactful for our community."

As someone who has been involved in community groups over the past few decades of my 62 years, I was surprised and somewhat appalled to learn that our City Council meetings do not employ Robert's Rules to govern its meetings and record the group's decisions. The lack of these - or at least some similar procedural manual - could allow for meetings to be non-productive, to say the least.

I have heard that something of this nature is currently happening in our Town Council, and that some members are feeling they have little say in what happens and is discussed in these meetings. In order to nip this problem in the bud sooner than later, I highly recommend that the Council join the world of Robert's Rules of Order, and begin applying this set of rules that has been used for over 100 years to govern the meetings of church groups, county commissions, homeowners associations, nonprofit associations, professional societies, school boards trade unions and more.

Mr. Ward read the following comments by Sandra Diaz: "As someone who has worked in the town of Boone for over 10 years and lives in Watauga County, I'd like to speak up in favor of the Town Council in adopting Robert's Rules of Order. I understand we live in challenging times, with many contentious decisions needing to be made. As a result, these meetings can get contentious and challenging, with members having to fight for space to speak, while others may not realize how much space they are taking up. In order for the process to be fair, and for everyone to have a voice and be heard, implementing Robert's rules would seem to make the most sense. I am glad that everyone has strong opinions on the best way to serve us, but let's make sure we institute rules that promote respect, a listening attitude and open hearts and minds."

Mr. Ward read the following comment from Scott Johnson: "The purpose of this letter is to highlight the disturbing trends and behavior I have seen recently and over the past year from the council, particularly from one specific member. I have asked that this letter be read out loud so that all members can hear my deep concerns regarding this certain member. Having attended many Town Council meetings, and I am disgusted at the behavior of Councilman Sam Furguiele. Councilman Furguiele has not only been explicitly rude to many members on the council, but particularly nasty to one of my most admired heroes in my lifetime, and in my opinion one of the most effective council members in this current administration, Councilwoman Nancy LaPlaca. Our democracy was founded on the utilitarian principles of common good, inclusion, free speech, and the right to life, liberty, and the pursuit of happiness. I do not believe Councilman Furguiele has lived up to that standard through the constant attempts to attack other members, particularly councilwoman LaPlaca.

One great example of this behavior is the mischievous act to pass a resolution to limit the discussion items and agenda of what is allowed and not allowed to be discussed by the Town of Boone Sustainability Committee. This is an infringement upon free speech, particularly councilwoman LaPlaca because one of her big goals is to enact policies to facilitate the growth of clean energy infrastructure, and this is one of the biggest reasons town of Boone residents, particularly students came together to elect such a candidate, and councilman Furguiele's behavior to deliberately infringe upon that agenda is not only dishonorable, and disgusting, but it is anti-democratic. It is like he doesn't even believe in Climate Change or value a clean energy transition, imagine that in 2020!

Another example of the disgusting behavior displayed by councilman Furguiele is the inability to allow his fellow council members time to speak while in session. Many times have meetings been held for more than 4 hours to only have other members speak for 30 minutes of that 4 hours; the rest is taken up by councilman Furguiele. Not only is this anti-democratic and show the inability of councilman Furguiele to shut up, but the elongated meeting has increased the workload for the members of the Town of Boone Staff who already were overwhelmed with a heavy workload. Councilman Furguiele is only ONE (and mention I capitalized one) of the FIVE (and mention I capitalized five) members of this elected body, and should not be taking up 95% of the conversation. Most likely to the dismay and surprise of councilman Furguiele this is not a dictatorship, this is a democracy! Allow your fellow members to be able to speak good grief! They were elected too, all of them, Loretta, Connie, Dustin, and Nancy. Let them speak Sam!

And as for mischievous acts taking place in the Town of Boone, I would like to cast attention to Pam Williamson, who often singlehandedly chooses the makeup of the council through distributing her notorious "Pam's Progressive Picks" pamphlets which town residents and particularly students benignly support because of the inclusion of the label "Progressive". In my opinion, and the opinions of many other students, not only is the inclusion of the word Progressive a disgrace, but it is a SHAM (and yes, mention that is also capitalized)! To have a democratic party that basically chooses its candidates when they are supposed to be DEMOCRATIC of all things is utterly disgusting. And just to mention, if Pam was so Progressive why didn't she choose Nancy LaPlaca, one of the most progressive members on council to be on these picks? Because they aren't progressive, period. Yes, Pam's Picks is communicated to be independent of the Democratic Party, however, this standard often falls QUITE short. Being the leader of the Democratic Party of Watauga County and also being the leader of this so-called independent entity is

OBVIOUSLY a conflict of interest, maybe not within the recognized legal confines of the law, but when you have one person in charge of two entities that possess the factors to present a conflict of interest, not only is this dishonest, but this reflects the same behavior we see at the federal level from our policymakers, and particularly the Trump Administration.

Oh and while you are reading this, I want to mention it is ironic how much the behavior of councilman Furguiele relates to that of President Donald J. Trump. Yes, I said it, I conceptualize him as the epitome of BLUE MAGA, where he constantly ignores other members in the administration, complains and whines when he doesn't get his way, and displays rude, and often absurd behavior for an elected official. And quickly diverting back to Pam, the quiet, and often opaque woman who often lurks in the shadows like an apparition not seen in the room, she is the one that is, in fact, ground zero of this whole chauffer, through her deployment of Pam's Picks, undermining democracy as a leader of this organization as well as the Watauga County Democratic Party. It is highly plausible, and almost certainly the case that only one candidate has beaten this anti-democratic system, and that is councilwoman Nancy LaPlaca. The point I am driving at here is that one person should not have the unilateral power to determine who sits on Town Council, especially when that person is in charge of the Watauga County Democratic Party, I mean it is like 1968 with the McGovern-Fraiser Convention over again! Pam Williamson has the ability to "hire and fire" in a hidden way certain members of the council by picking and unpicking them when it comes time for re-election. I mean why do you think that members feel the need to be harmonious with such a system when their re-election is in Jeopardy? And of course, the bestie of Ms. Williamson is councilman Furguiele, who often continues the work of animosity toward those members who were originally not supported by her.

The boldness of this letter may be incredibly intimidating or upsetting, well then good, this letter achieved its goal, because watching the unfair treatment come from fellow Democrats is utterly deplorable. Starting with the unnecessary animosity toward certain councilmembers, the restriction of other members' chance at re-election, as well as the stifling of speech by certain members who were fairly elected (despite the dismay of certain individuals, and we know who those individuals are Pam Williamson) on council has driven previous members away who were some of the most effective councilmembers in history. I cannot remain silent when it comes to this entire situation because of the unfair treatment of all members on the council, particularly the behavior seen from councilman Furguiele toward councilwoman LaPlaca, as well as the unfair systemic discrimination by Pam Williamson, the Town of Boone residents deserve better. So if you didn't catch my overall message, to Sam I say please give your fellow members the chance to speak during council (and no don't argue with that, it is a fact) and stop being so nasty to all members, particularly toward councilwoman LaPlaca. And to Pam, I am calling for the separation of Pam's Picks from the Watauga County Democratic Party, an ACTUAL (yes mention that is capitalized) ACTUAL separation of the two whether that means resigning from the Dems, or ending Pam's Picks, it is a conflict of interest to be the leader of both, and if our country stands for anything, it stands for leadership that is honest, just, and fair.

To all of you, I truly wish you all stay safe during this difficult time, even those I have called out in this letter, and I hope you take my words into strong consideration because enough is enough, and what is in the darkness shall be brought to light, and ooooooh honey is that light shining more than ever. The one and only, Scott Johnson.:

REQUESTED APPEARANCES

MATTHEW OETTING - MCGILL AND ASSOCIATES

Mr. Ward noted that after undergoing the bidding process, McGill and Associates were selected to provide conceptual design services for a downtown parking deck on the Queen Street lot as agreed upon by the Town of Boone and the Watauga County Commissioners with costs being split between the two parties. He noted that he had already forwarded this information to County Manager Deron Geouque and expected McGill and Associates to make a similar presentation to County Commissioners in the near future. Mr. Oetting presented conceptual plans (a complete copy of the presentation can be viewed online at <http://boonenc.igq2.com/Citizens/Default.aspx>). Mayor Brantz asked approximately how long the construction time would last on this project. Based on the ASU Stadium area parking deck project, Mr. Oetting estimated that the project would take 1-1 1/2 years. Ms. LaPlaca asked Mr. Ward his feelings on the two options. Mr. Ward confirmed that this project would be prefabricated, with Mr. Oetting answering that it would be. He continued that it had been a significant amount of time since there had been a sizeable increase in parking in downtown Boone, and added that there was a need for parking at the courthouse complex. Mr. Ward added that

there was an economic benefit to having the courthouse downtown, and believed that it would be beneficial for the Town and County to work on this partnership. He noted that it was beneficial that the Town owned the Queen Street lot land, which seemed to have been the prohibiting factor in many other prior instances. Mr. Ward stated that his recommendation would be to further explore a business model since there were other variables at play than just the visuals that were presented at the night's meeting. He added that the Town was currently monitoring parking near the courthouse that was Town of Boone property but posted for County use. Mr. Ward further noted that the parking area behind the library was managed by the Town of Boone because those spaces offset the spaces which were set aside for courthouse parking. He stated that the proposed deck could serve a variety of purposes, and that in order to honor the demand, Council should consider the modeling for the larger deck. Mr. Ward noted that even with the larger deck, it would still remain below the North Street Park and would not make a major impact into the neighborhood. He added that staff would have to be creative for those who utilized the permit parking on Queen Street during construction. In terms of dirt removal during the construction process, Mr. Ward stated that excess dirt could be removed to the Bolick property. He stated that he recommended business modeling of both sizes of structures, and have a conversation with Watauga County. Mr. Furguele stated that if the Town was going to do something this prominent, it should be looking at Option 1. He believed that whatever the current parking needs were, the future needs were only going to increase. Mr. Furguele hoped that as soon as possible the neighborhood would be involved in the discussion regarding the proposal, and would like to see direct invitations go to neighbors a couple of blocks in each direction. Mr. Hicks echoed Mr. Furguele's comments regarding the involvement of neighbors on the project. Mr. Ward noted that there were ways to incorporate tree plantings into the project, as well as live plantings on or near the columns to soften the harshness of the structure. Mayor Pro-Tem Clawson asked whether the front was the only part of the structure that had the brick and whether Option 1 was similar to the ASU parking deck. Mr. Oetting confirmed that only the front of the building was bricked and that this option was almost identical to the ASU deck. In response to a question raised by Mayor Brantz, Mr. Ward responded that he would like to begin exploring a business model after discussing needs with the County. Ms. Ulmer was concerned that traffic could increase with the construction of a parking deck. Ms. LaPlaca was in favor of moving forward, especially since the models presented would not put a burden on the Town's stormwater infrastructure. It was the consensus of Council to allow Mr. Ward to move forward with discussions with the County regarding business models and the parking needs of both parties and to schedule a future meeting when the timing was right to do so.

RESULT:	CONSENSUS
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APPROVAL OF ITEMS ON CONSENT AGENDA

CONSIDERATION OF APPROVAL OF BUDGET AMENDMENTS

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. LaPlaca, Council voted unanimously to approve the following items on the consent agenda:

1. Budget Amendment - Planning & Inspections - Maintenance -Vehicles (Misc. Revenue (\$1,019)

COUNCIL MATTERS

TOWN MANAGER UPDATE

1. Mr. Ward updated members on Covid-19 numbers in the area and around the state, as well as announced upcoming local testing events. He added that work is being done to prepare for students returning to classes, and noted that the state would be in Phase II for three additional weeks per the Governor's announcement earlier.
2. Upper Junaluska Water Storage Tank Rehabilitation Project: Recommendation of award received from project engineer and approved by Council on 7/14.

3. **CDBG - Deck Hill Water Storage Tank Replacement Project:** Project engineering services selection recommendation will be forthcoming to Council for approval. Required workshops to be attended by select staff and Town Manager July, 20th & 21st.
4. **New Market Boulevard:** The Public Works Department has been working the past month to replace over 1700" of curb & gutter, 300' of sidewalk, 8 storm water inlets, and 6 curb ramps on New Market Blvd. This street is scheduled to be resurfaced from New Market Center entrance to Market Hills Drive the week of July 27th.
5. **Street Resurfacing:** The Street Department has resurfaced Hill Street, Olancho Avenue, Russell Drive, and a portion of Meadowview Drive over the past month.
6. **Downtown Streetscape:** Greene's Construction has begun installation of brick paver sidewalks between 805 and 831 W King Street. We expect construction to be completed on this section by the end 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.
7. **Edible Plants:** The Landscape Division has recently been coordinating with the Watauga County Food Council to install edible plants in our downtown flower beds. We now have Lemon Balm, Thyme, Sage, and blueberry bushes in 7 different beds. These herbs are perennial and should continue growing for several years.
8. **Jones House Sidewalk:** As we conducted the self-evaluation of Town facilities for our ADA Transition Plan, the front lawn area was identified as a priority since no route existed for wheelchair access. The Facilities Maintenance Department has installed a new ramp and brick paver sidewalk from the rear parking lot to the front lawn to address this issue. This project also resolved drainage issues and standing water at the rear entrance. New handrail on the ramp and landscaping of the disturbed areas will be complete in the coming weeks. Additionally, the two arborvitae trees on each side of the porch have been removed. Replacement plantings will be installed while our Landscape crew is on-site repairing areas damaged during sidewalk construction.
9. **Hand Sanitizer Stations:** The Town has ordered 10 automatic outdoor hand sanitizing stations to be placed around our downtown area on street light poles. The stations will be black metal enclosures with English and Spanish decal instructions for use. These commercial stations have just recently become available for use outdoors.
The Downtown Boone Development Association board recently voted to approve \$3,000 toward the purchase of these sanitizers with the Town covering the remainder of the cost.
10. Received communication from New River Conservancy that the second grant that would allow for the complete redesign and daylighting of Boone Creek was awarded. He stated that the Town would not only need to partner with New River Conservancy, but with ASU as well to build the parking deck near Howard Street.
11. **Howard Street Project:** The final item that was required by the USDA loan for Howard Street arrived today. The detailed financial analysis had to be completed independent of the Town's regular auditor, and would be forwarded to the USDA tomorrow to complete the loan application. Mr. Ward hoped to be able to report back to Council a timeline for the loan and bidding at next month's meeting. In the interim, Mr. Ward noted that staff had completed painting and striping to try to help with some safety issues in the area.

Mr. Ward thanked staff and especially Fire Chief Isaacs for their hard work during the pandemic.

TOWN ATTORNEY UPDATE

Ms. Meade updated Council on the following topics:

1. Ms. Meade noted that the Governor's executive order was due to expire tomorrow, but that it had been extended for another three weeks. She explained that this extension would include the face covering mandate as well as other mandates in the executive order. Ms. Meade expected that the order would be extended at least in part even further.
2. Ms. Meade added that Watauga Schools had recently announced that per the Governor's plan which was to allow a hybrid model of socially distanced, in school learning, and remote learning, Watauga Schools would be planning to have each student come to school two days a week and do remote learning three days a week. She noted that provisions were being made for students who wished to participate in 100% remote learning.
3. Ms. Meade stated that Ms. Shook had polled Board of Adjustment members as to their thoughts on in-person meetings versus remote meetings. Ms. Meade noted that generally speaking, members were able to participate remotely and were willing to, but had concerns about the practicality of conducting hearings remotely. She suggested distinguishing between the type of matters the board would hear, including administrative appeals which may be difficult to handle in a remote setting. Ms. Meade indicated that she was not comfortable with a matter going forward in person, and did not believe it was safe to hold meetings in person, even socially distanced, and added that she did not believe that a remote setting was good for administrative appeals. She added that if the matter involved a variance or a special use permit, then a remote platform could work. Ms. Meade felt that given how long the pandemic could go on, the Town should at least try to address matters such as special use permits and variances via remote platform. It was the consensus of Council to return to this discussion after the conclusion of the Outside Agency Funding presentations.

OUTSIDE AGENCY FUNDING APPLICANT PRESENTATIONS

The following non-profit organizations gave presentations in support of their applications for Outside Agency funding for fiscal year 2020/21. The presentations may be viewed online at http://boonenc.igmm2.com/Citizens/Detail_Meeting.aspx?ID=2231.

1. The Children's Playhouse
2. Watauga County Parks and Recreation
3. Community Care Clinic
4. LIFE Village
5. Western Youth Network
6. Friends of the Watauga County Library
7. Mountain Alliance
8. Hospitality House
9. Hunger and Health Coalition
10. Southern Appalachian Historical Association
11. OASIS
12. Blue Ridge Women in Agriculture
13. Watauga County Project on Aging

The Watauga Humane Society applied for funding but were unavailable to give a presentation.

In the spirit of cooperation, Mr. Furgiuele suggested funding the County agencies in a nominal amount and noted that hearing the presentations made him proud to live in Boone. He noted that the library had made its restrooms public during a time that even the Town could not make its restrooms available to the public, which was a valuable service it was providing. Mr. Furgiuele proposed the following: \$1,000 in funding to Watauga County Parks and Recreation, LIFE Village, Watauga County Project on Aging, \$2,000 to the Watauga County Humane Society, \$3,000 to the Friends of the Watauga County Library and reduce funding to \$8,000 for SAHA due to the reduction in services just for this year. Mr. Furgiuele stated that the remaining organizations could then be funded at 90.8% of the amount they were funded at last year or as follows: The Children's Playhouse: \$3,632; Community Care Clinic: \$19,068; Western Youth Network: \$7,264; Mountain Alliance: \$7,264; Hospitality House: \$22,700; Hunger and Health Coalition: \$13,620; OASIS: \$11,804; Blue Ridge Women in Agriculture: \$13,620. He explained that this total would leave \$28 unaccounted for, and suggested that it be divided up among the organizations. The final totals proposed were as follows:

Organization	Amount Allocated in FY 20/21
The Children's Playhouse	3,634
Watauga County Parks & Rec	1,002
Community Care Clinic	19,070
LIFE Village, Inc.	1,002
Western Youth Network	7,266
Friends of the Library	3,002
Mountain Alliance	7,266
Hospitality House	22,702
Hunger & Health Coalition	13,622
Southern Appalachian Historical Association	8,002
Watauga County Project on Aging	1,002
OASIS	11,806
Watauga Humane Society	2,002
Blue Ridge Women in Agriculture	13,622

In the alternative, Ms. Ulmer suggested increased funding to the organizations who

appeared to be struggling the most per paperwork. She was also concerned that the Town might be funding organizations who were already sufficiently funded. Mayor Brantz and Mayor Pro-Tem Clawson felt that all the applicants could use additional funding and were doing good work. Ms. LaPlaca agreed, and suggested that members focus on the organizations that were serving people. Mr. Hicks agreed with Mr. Furgiuele's approach, as well as Ms. LaPlaca's approach to funding organizations who served people. Mayor Pro-Tem Clawson felt that Mr. Furgiuele's was the best approach and believed that all the applicants were deserving of funding. Ms. Ulmer made a motion to accept Mr. Furgiuele's proposal as presented. Mayor Pro-Tem Clawson seconded the motion. Mr. Hicks stated that if more funding became available, that members would target organizations that served people. The motion passed unanimously.

Discussion returned to Board of Adjustment meeting with Ms. Meade explaining that even if Council approved meetings tonight, it would be September at the earliest before Planning could try the first case by video conferencing. She noted that staff has had applications pending for variances and special use permits since February and March, and that applicants were unable to move forward with plans until Council approved a schedule. Mr. Furgiuele felt that the Town should move forward with Board of Adjustment meetings along the lines that Ms. Meade had previously outlined, but voiced concerns with the ability of the public to participate due to potential technical problems. If Council decided to move forward, Mr. Furgiuele requested that no decision be made and concluded at the scheduled hearing but that the hearing be left open and the decision made at the following meeting so that people who might have tried to get through and could not could submit written comments that could be shared with the board and be made part of the record. At the subsequent meeting, Mr. Furgiuele explained that an opportunity would be given to the applicant to respond to any comments that had been received. Ms. Meade responded that she had concerns with written comments along the lines of what Mr. Furgiuele had suggested in that the parties were entitled to cross examination, and that she

would be concerned about written comments under the procedural due process for these hearings. She added that another solution could be explored, such as a video conferencing facility set up by staff and utilized one at a time by those who did not have access to their own equipment. Mr. Furgiuele further suggested that a staff person publish a cell phone number that a person could text if they were having technical difficulties during the hearing. It was the consensus of Council to move forward with Ms. Meade's proposal.

Ms. Ulmer reported that the AppalCART had been discussing routes, as well as mask procedures on buses.

Ms. LaPlaca stated that the two topics that the Sustainability Committee had been charged with had been completed, and noted that committee members had their own ideas of what they would like to do next. Ms. LaPlaca asked whether the resolution proposed by Mr. Furgiuele, without notice to the committee, and passed by the previous Council to amend the charge of the committee had to be lifted before the committee could begin to discuss other sustainability related topics. She suggested that Council leave to the committee what topics they wanted to discuss. Ms. Meade answered that as a result of the action taken by Council last year resulting in a written, formal charge, there would need to be additional action taken by Council. Mr. Furgiuele responded by saying that the previous action taken was in response to Ms. LaPlaca, prior to being on Council, pushing the Town to try to use its "clout" to arrange for net metering to encourage solar use in Town. He added that the original request was for the committee to use its expertise to evaluate the contract with New River Light and Power in regards to the solar array on Blowing Rock Road. Mr. Furgiuele stated that the second part of the charge was to direct the committee to meet with department directors to address sustainability within the Town so that the committee could come back with recommendations to Council for ways to improve the efficiency of Town departments. He indicated that the committee had not yet completed that task, and noted that there had been a lot of resistance and name calling from some committee members. Mr. Furgiuele stated that the intention of the second piece of the charge was to attempt to get the committee to focus on the internal operations of the Town, then to return to its own discussion. He added that the change was not his mandate, but that he made the motion and that it was adopted unanimously and supported by Council member Ashcraft, the other liaison to the Sustainability Committee. Ms. Shook indicated that after its upcoming meeting, the committee will have completed the proposal made by Mr. Furgiuele.

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

APPOINTMENT TO COMMUNITY APPEARANCE COMMISSION

Mr. Furgiuele nominated Jason Selong for reappointment to the Community Appearance Commission. Hearing no other nominations, Mayor Brantz called for a vote:

VOTE:	Aye:	All
	Nay:	None

Mr. Selong's term will expire on

APPOINTMENT TO SUSTAINABILITY COMMITTEE

Mr. Furgiuele made a motion to expand the committee by two members to allow for all five applicants to be appointed. Mr. Hicks seconded the motion. He clarified that Mr. Reynolds be appointed to a one-year term, Ms. Nesbitt to a two-year term and those who were reapplying be appointed to three-year terms. Mr. Hicks accepted the clarification. Ms. LaPlaca felt that it was time to bring some young people onto this board. Ms. Shook noted that each time the committee was raised, the quorum was raised as well. She also noted that there were members on the board who had served two terms, which was the limit, but that since they were serving the remainder of an existing term, they had not yet six years and asked for direction on how to proceed if the members were reappointed and hit the six year limit. Mr. Furgiuele amended his motion to stated that the

quorum requirements would stay the same as they were, and believed that the more experienced members on the board were valuable in ways different from younger members. Mr. Hicks accepted this amendment.

Ms. Nesbitt and Mr. Reynolds' terms will expire on June 30, 2021. Mr. Scarborough and Mr. Prickett's terms will expire on June 30, 2023.

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

CONSIDERATION OF ORDINANCE TO EXTEND CORPORATE LIMITS - ASU BOARD OF TRUSTEES OF THE ENDOWMENT FUND

Upon a motion by Mr. Furguele, seconded by Mayor Pro-Tem Clawson, Council voted unanimously to table this item as requested by ASU. After Ms. Meade pointed out that the item added by Ms. LaPlaca to discuss the zoning issue regarding the ASU daycare center needed to be discussed first, Mr. Furguele withdrew his motion.

Ms. LaPlaca had asked to add an item to discuss the zoning issue regarding the ASU daycare center, but believed that it could be rescheduled for next month if appropriate.

Mr. Furguele suggested that Council have a brief discussion to give staff direction on how to resolve the zoning issue so that the matter would not fall behind on the schedule for advertising and hearings. Ms. Shook noted that Mr. Dull had suggested the Council consider creating a new E4 zoning district that would be limited to university daycare uses and permitted by right. Ms. LaPlaca asked whether Council could vote on a new zoning district since it had not been properly noticed. Ms. LaPlaca agreed, and stated that Council would instead need to provide direction to staff to draft proposed UDO amendment language to create the new zoning district which would then come back to Council after the Public Hearing. Mr. Furguele was in support of this suggestion, and stated that it was similar to the approach taken with senior and cottage housing. Ms. Shook noted that the University was in a time crunch and asked if Council would consider scheduling a special hearing at the Planning Commission meeting in August. There was a consensus among members to move forward with Ms. Shook's suggestion. Mr. Furguele made a motion to table the annexation request by the ASU Board of Trustees of the Endowment Fund to await the outcome of the zoning district determination. Mayor Pro-Tem Clawson seconded the motion, which carried unanimously.

CONSIDERATION OF REVISIONS TO TOWN CODE CHAPTER 152 RENTAL PROPERTY REQUIREMENTS

Due to the late hour, Mr. Furguele stated that he would prefer to table the discussion regarding the creation of a police committee until August. Ms. Shook added that in regards to potential revisions to Chapter 152 regarding flood notices, the Town Planning Department participated in a community rating system which allowed citizens to receive flood insurance at a discount based upon the points received by the Town. She stated that staff usually sent out an annual notice regarding tenant notification, but that they had held off this year to see if the vote on this item would result in a change to the points received. Ms. Shook noted that the notice was due before Council's August meeting and though it could be resent, there would be a cost associated with doing so. Mr. Furguele then made a motion to suspend the Council's rule to end meetings at 11:00 p.m. to allow for discussion on this matter. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: Furguele, Clawson, Hicks, LaPlaca
 Nay: None
 Abstain: Ulmer

Mr. Furguele presented minor edits to the text, and questioned why the Town would limit a landlord's duty to disclose prior flooding of a rental property when the landlord had actual knowledge of a flood. He felt that property owners may be unaware of flood damage that occurred prior to their taking ownership, and felt more

comfortable not having a time limit. Ms. Ulmer made a motion to approve the text as amended. Mr. Hicks seconded the motion, which carried unanimously.

CONSIDERATION OF CREATION OF POLICE COMMITTEE

It was the consensus of Council to table this item until the August Town Council meeting.

RESULT:	CONSENSUS
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ADJOURNMENT

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. LaPlaca, Council voted unanimously to adjourn the meeting at 11:24 p.m.

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor