

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
August 10, 2022**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 9:00 a.m. at Boone Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council members present included Mayor Pro-Tem Edie Tugman, Todd Carter, Virginia Roseman, Dalton George and Becca Nenow. Staff present included Interim Town Manager/Finance Director Amy Davis, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Administrative Support Specialist/Communications Laney Pilkington, Fire Chief Jimmy Isaacs, Long Range Planner Jessica Mitchell, Public Works Deputy Director Todd Moody, Police Chief Andy Le Beau, Downtown Boone Development Director Paige Henderson, Cultural Resources Director Mark Freed, Deputy Public Works Director Josh Eller, Facilities Maintenance Supervisor Justin Stines, Human Resources Director Dale Presnell, and Sustainability and Special Projects Manager George Santucci. Town Attorney Allison Meade was also in attendance.

MOMENT OF SILENCE

ANNOUNCEMENTS

Mayor Futrelle announced the following board vacancies:

BOARD OF ADJUSTMENT

Two regular positions, One alternate position

COMMUNITY APPEARANCE COMMISSION One regular position

CULTURAL RESOURCES ADVISORY BOARD Two regular positions, One student position **DOWNTOWN**

BOONE DEVELOPMENT ASSOCIATION Two Council appointed positions **HISTORIC PRESERVATION**

COMMISSION One student position

HUMAN RELATIONS COMMISSION Five positions

SUSTAINABILITY COMMITTEE Three regular positions

TOURISM DEVELOPMENT AUTHORITY Two positions (One business that collects tax; One business that promotes tourism)

TRANSPORTATION COMMITTEE One position (Cooperative Extension) One resident position (Alternative Transportation) One resident position One student position

WATER ADVISORY COMMITTEE Five regular positions; One student position

TENTATIVE AGENDA ADOPTION

Upon a motion by Ms. Roseman, seconded by Ms. Tugman, Council voted unanimously to approve the agenda as presented.

PUBLIC HEARING - NORVELL BOONE, LLC

Mayor Futrelle opened public hearing for Norvell Boone, LLC at 9:09 a.m. Hearing no comments, Mayor Futrelle closed the public hearing at 9:10 a.m.

PUBLIC COMMENT

Suzanne Livesay from the Appalachian Theatre introduced herself and thanked Council for its support.

REQUESTED APPEARANCES

STEVE METCALF AND JOHN METCALF - THE POLICY GROUP

Steve Metcalf and John Metcalf (joining remotely) of the Policy Group introduced themselves and their staff. Steve Metcalf explained why he felt his firm was successful in representing the Town in its political representation needs over the last twelve years. John Metcalf was hopeful the firm could obtain funding for Howard Street and for additional fire trucks. He added that Council could expect an analysis of the upcoming elections the following day. Mr. George asked about potentially reopening discussions regarding the Town's ETJ, with Steve Metcalf indicating that the firm could take the temperature of representatives before jumping further into discussions prior to moving forward.

JENNIFER GREENE - APPALACHIAN DISTRICT HEALTH DEPARTMENT

Ms. Greene noted that Covid levels were low in the area, though metrics had changed with an increase in home testing. She added that the local health department was still offering free testing as well as free home tests to anyone who needed them. Ms. Roseman asked that Ms. Greene work with the hospital to request that the testing page on their website be more easily accessible to the public. Ms. Greene then indicated that with the new executive order expected to be issued by the Governor next week, she hoped to be able to place testing supplies at other locations such as apartment complexes. Ms. Davis stated that staff had enough tests on hand to last through September to continue with in-house staff testing. Chief Isaacs stated that they had not caught any positives from in house testing, but have confirmed positive cases. He added that having tests available for symptomatic people makes sense, but believed that the testing of non-symptomatic people was not beneficial, though there would always be unintended consequences. Mayor Futrelle added that most places were requesting that symptomatic people not come to work and take a home test, then staff could report to the workplace to confirm with a test there. Chief Isaacs stated that he was unsure that the current protocol was the best option, but that staff could have tests available for staff who wished to be tested and could work with the health department to obtain tests to send home with staff if needed. Mr. Carter was concerned that many people tested negative for several days before testing positive on day three or five. Ms. Greene stated that people should always wait five days after an exposure before testing. She added that the Town's general sick policy was important and should be reiterated to staff for Covid and other illnesses such as flu. Ms. Greene stated that she did not feel there was a spread within the Town that could be linked to the workplace, and attributed that to staff's adhering to the sick policy. Ms. Davis suggested that since the current protocol was not proving to be effective in capturing positive cases, and given the cost and fatigue on Fire staff and others, that testing should cease there was an increase in cases or unless a staff member requested to be tested. Ms. Roseman asked if it were possible for a supervisor to send an employee to be tested if they believed them to be sick. Ms. Meade believed that this should already be the practice per the Town's personnel policy. Ms. Davis believed that employees as a whole often sought out testing if they were sick whether they were vaccinated or not, with Chief Isaacs agreeing. Mr. Carter asked what the risk was for those who were not qualified for paid Covid leave to continue working while feeling ill. Chief Isaacs stated that everyone would be eligible for sick leave, but that unvaccinated employees would not be eligible for the special Covid leave. Mr. Presnell indicated he was unaware of any employee that had depleted their sick leave due to Covid, to which Ms. Davis agreed. It was the consensus of Council to discontinue testing of unvaccinated staff immediately. Ms. Davis and Mr. Presnell indicated they would work to communicate a policy to staff to this affect.

KEN SEVENSKY - BLUE RIDGE RELAY

Mr. Sevensky of Blue Ridge Relay appeared before Council as a follow-up from his presentation in July. He stated that Watauga County Commissioners gave him permission to use the parking lot and the greenway area along Brookshire park, and that a traffic control company had been hired to implement NCDOT's recommended plan along Highway 421. Mr. Carter made a motion to approve the request as presented. Ms. Tugman seconded the motion which was approved unanimously.

ADOPTION OF ITEMS ON CONSENT AGENDA

Mayor Futrelle read the following resolution:

RESOLUTION OF APPRECIATION - ANDY HARKINS

WHEREAS, Andy Harkins has served this community well in his capacity as a local insurance agent for more than thirty years; and,

WHEREAS, Andy's story with Nationwide began in 1971 when he flunked out of Clemson three times. Knowing that his parents would be receiving a letter from Clemson, Andy quickly decided it would be best to avoid moving home. The next best choice was to take a job at The Land of Oz on Beech Mountain as the Tin Man; and,

WHEREAS, it was on Beech Mountain in 1977 that Andy met his wife, Cay, who played Dorothy at the theme park; and,

WHEREAS, Andy was motivated to seek a degree at ASU after interviewing with Nationwide Insurance in 1984, but was not given the job because he did not graduate college. Two children and four years later, Andy graduated college and was offered a job with Nationwide Insurance in 1989; and,

WHEREAS, Andy has served on the North Carolina Rate Bureau for the Insurance Commissioner for several years. He has served over 2,500 families for more than 30 years with his insurance book of business in Boone, and has had a stellar reputation in the insurance community; and,

WHEREAS, Andy and Cay went on to have four children: Catharine, Lindsey, Ashley, and Emma, Sons-in-law James Milner, Jacob Ray and Kody Hopkins, and five grandchildren Ella, Peter, Merryn, Ian, and Brooks; and,

WHEREAS, for over 50 years, Andy has served this community and his family. He has been a dedicated member of Boone United Methodist Church for years and has served on multiple committees; and,

WHEREAS, Andy lives by the motto: God first, family second and work third. It has been said that everyone that knows Andy knows that he is a humble, loyal servant of this community. He serves quietly and never gets the recognition he deserves. Andy is a great friend and mentor and his friends and family are grateful for his steady hand for the last 50 years; and,

NOW, THEREFORE, BE IT RESOLVED that the Town Council for the Town of Boone does hereby express our sincere appreciation and thanks, as well as that of our citizens to Andy Harkins for his years of distinguished service to the community.

BE IT FURTHER RESOLVED that a copy of this resolution shall be given to Andy Harkins with sincere best wishes for continued success and many happy years ahead.

Adopted by unanimous vote of the Town Council on the 10th day of August, 2022.

Mayor Tim Futrelle

_____(SEAL)
Nicole Harmon, Clerk

Brief discussion was held regarding the information presented on the ICLEI contract, with Ms. Tugman suggesting the ASU design department be utilized for part of the design piece to save money. Ms. Roseman asked if this project could be paused until 2021 data was received. Mr. Santucci stated that he would suggest that ICLEI use 2021 data be used instead of the 2020 data presented.

Ms. Tugman asked how much ASU would be paying on the Army Corps project. Mr. Santucci indicated that the letter presented would not obligate Town funds at all. The next step would be a contract that would obligate Town funds. He added that it was the responsibility of the Town to figure the funding aspect of the project out, but believed that ASU was supportive and had money in their budget for this project. Mr. Santucci added that he was optimistic that ASU would fully support the match.

Mayor Futrelle noted an error on the Boone Boo Ordinance in that the event would take place on Monday, October 31, 2022 instead of Sunday.

Upon a motion by Ms. Roseman, seconded by Mr. George, Council voted to approve the following items on the consent agenda:

1. Resolution of Appreciation - A. Harkins
2. Church Street Water Storage Tank Rehab Project - Recommendation of Award - McGill Association, P.A.
3. Consideration of Design Services Proposal - McGill Associations, P.A.
4. Letter of Intent - US Army Corps of Engineers
5. Contract - ICLEI
6. Ordinance - Boone BOO!
7. Minutes: July 13 Regular Town Council Meeting;
July 27 Regular Town Council Meeting

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Adopted by unanimous vote of the Town Council on the 10th day of August, 2022.

Mayor Tim Futrelle

_____(SEAL)
Nicole Harmon, Clerk

AN ORDINANCE DECLARING A ROAD CLOSURE FOR AN ANNUAL CELEBRATION

WHEREAS, The Boone Town Council acknowledges a long tradition of providing an annual Fall Celebration for its citizens which is open to everyone and is provided as a benefit to the community; and

WHEREAS, the Boone Town Council acknowledges that its citizens realize a financial benefit from holding annual events; and

WHEREAS, the Boone Town Council wishes to ensure the health and safety of all participants and spectators; and

WHEREAS, the Boone Town Council acknowledges that the annual downtown Boone Boo! celebration requires approximately thirty (30) minutes to install signage, and traffic control, and also requires approximately thirty (30) minutes for removing signs, traffic control, and litter;

NOW THEREFORE BE IT ORDAINED by the Town of Boone pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day(s) and times set forth below on the following described portion of a State Highway System route:

Date(s):	Monday, October 31, 2022
Times:	5:00 p.m. - 8:00 p.m.
Route Description:	King Street (U.S. Route 421) between Hardin Street and Poplar Grove Connector, and SR 1102 (Water St./North Water St.)

This ordinance to become effective when signs are erected giving notice of the limits and times of the parade, and implementation of adequate traffic control to guide through vehicles around the parade route.

Adopted this 10th day of August, 2022.

The Honorable Tim Futrelle, Mayor

Attest:

_____, Town Clerk

Mayor Futrelle called for a break at 10:42 a.m. Council reconvened at 10:59 a.m.

COUNCIL MATTERS

TOWN MANAGER UPDATE

Mayor Futrelle asked that the updates from lobbyists be from Council Matters Items 11 & 12 to 4 & 5.

Jones House Summer Concerts were announced.

In conjunction with the statewide "Fall Litter Sweep 2022" campaign issued by Governor Roy Cooper for September 10th through September 24th, the Town of Boone will hold a "Fall Boone Clean-Up Day" on Saturday, September 10, 2022. Interested participants may come by the Town of Boone Public Works Department located at 321 East King Street between 8:00 am - 1:00 pm to pick up cleaning supplies. In addition, Town residents will receive an additional free curbside pickup of collected debris, (household junk/bulk items, yard debris or brush) from September 12th through September 26th. For more information, contact Shannon Isaacs at [\(828\)268-6230 <tel:8282686230>](tel:8282686230).

Greene's Construction is continuing work on the section from North Water Street to Straight Street which consists of a brick paver border sidewalk, installation of seven black streetlight poles, and the addition of an EV charger in one parallel parking space. Greene's also began the South Depot Street section around the middle of July. Both sides of the street are 90% complete between River's Street and Howard Street, as of today. The Facilities Maintenance Division completed replacement of the section in front of Shoppes at Farmer's to the King Street/Depot Street intersection in coordination with the North Carolina Department of Transportation's crosswalk upgrades.

Storm Water Improvement Projects were announced: Laurel Drive - Installed 325 feet of 36-inch pipe, 50 feet of 18-inch pipe, and 6 new structures. Tanglewood Drive - Installed 50 feet of 15-inch pipe and one structure. Deerfield Road - Replaced 80 feet of 15-inch pipe and one structure.

AMI Meter System update: Staff is continuing to install the new type water meter with 1,552 or 22% installed to date. Additionally, remote functionality equipment is being finalized and will be operational soon. New meter installation will continue as funding allows.

CDBG-I ~ Deck Hill Water storage tank replacement update: Geo-technical work results should be received very soon which will allow completion of project plans and solicitation of competitive construction bids from qualified contractors. Once project plans have been finalized, we will continue purchase negotiation with the property owners.

Water and Sewer Capital Improvements Plan update: Staff is currently working with one of our on-call design professional to develop a comprehensive water and sanitary sewer capital improvements plan (CIP) that will provide us with information and planning resources regarding future infrastructure needs.

Church Street Water Storage Tank - Rehab Project update: Pursuant to NCGS 160-A-499.4, project construction work will commence within the next 15 to 45 days and is anticipated to take 75-days or less barring inclement weather. Please contact Josh Eller at [828-268-6250 <tel://8282686250>](tel:8282686250) with any questions or concerns.

Jimmy Smith WWTP - UV Treatment System replacement installation update: McGill Associates, PA will be working with staff to finalize project details, bid solicitation and procurement, project administration and inspection. The Town direct purchased the replacement UV system during the last budget cycle utilizing grant funds made available to us through the American Recovery Act. The installation phase of this project is funded in the current budget cycle and is planned for this fall.

Mr. Carter asked for an update on the trees in the front of the Jones House lawn. Mr. Moody stated that tree experts will be assessing in the near future. Ms. Meade clarified that trees by their very nature carried risk and the law took that into consideration. Mr. Carter stated that he would like to keep the trees but that they were not healthy. Ms. Tugman indicated that Jones House staff and others would do everything possible to make sure the public was made aware if any action was taken. Mr. Carter stated that he would like to see the Antlers and Acorns event be successful and asked whether the ordinance to allow for the marquee sign at the Theatre to be changed more frequently would be completed in time for the event. Ms. Meade indicated that it was in process but that it would not be complete in time for the event. She suggested using the Town's pole banners to advertise the event instead. Mr. Moody stated that he doubted banners could be made in time for the event, and also noted that there was no policy in place for which events were advertised on the banners/poles. Mr. George added that this event was a private, for profit event. Ms. Meade suggested that the Town needed to come up

with a policy for this issue.

Streaming equipment will be installed at Council Chambers on August 22-26.

TOWN ATTORNEY UPDATE

Ms. Meade stated that Council Members would discuss this afternoon which candidates would be moving forward in Town Manager candidate interviews with Council, and indicated that interviews would be moving forward in the next couple of weeks with department heads.

With respect to expiration of the Governor's executive order on August 15, Ms. Meade indicated that meetings of advisory boards were fine to continue remotely. Quasi-Judicial boards may continue to meet remotely with the consent of all parties. With respect to Town Council meetings, Ms. Meade explained the competing views of authority for remote meetings. She added that, taking a conservative approach, as long as there was an in-person quorum, there would not be an issue with remote participation during Town Council meetings. However, if a remote attendee cast a deciding vote, it might be advisable to table or re-vote the matter in certain cases.

BOARD LIAISON REPORT

Ms. Tugman gave a report on the Cultural Resources Advisory Board, with Ms. Tugman indicating that it was the desire of the Public Arts Committee that Council members be present at some of the art installation events. Ms. Nenow stated that the DBDA was discussing the development of a vendor policy for the downtown area.

BRAD EDWARDS - JENKINS HILL GROUP

Mr. Edwards introduced himself and gave an update on clean energy bills and resources currently available to the Town.

JOHN COOPER AND NATHAN HONAKER - CONNECT C

Mr. Cooper introduced himself and gave a rundown of projects his firm has assisted with in the past. Mr. Honaker introduced himself and reminded Council of the tree ordinance that was on the table last year, he stated that he debated the legal question and made sure representatives understood that towns had discretion to regulate their own environments, and was ultimately successful in that matter. He noted that Boone would have a unique perspective and interest in upcoming regulations regarding short term rentals as well as infrastructure funding. Mr. Honaker recommended keeping the line of communication open and make concerns known in terms of Boone's interests.

CONSIDERATION OF NORVELL BOONE, LLC VOLUNTARY ANNEXATION PETITION

Mayor Pro-Tem Tugman made a motion to approve the ordinance as presented. Ms. Roseman seconded the motion which carried unanimously.

Please return to:
Town of Boone Planning & Inspections Department
Attention: Annexation
680 West King Street, Suite
C Boone, North Carolina
28607

Ordinance Number: 22-20

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BOONE, NORTH CAROLINA (Norvell Boone, LLC)

WHEREAS, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held by WebEx, a video conferencing software, on August 10, 2022, after due notice by the Watauga Democrat on July 27, 2022; and

WHEREAS, the Town Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Boone, North Carolina that:

BEGINNING at a #5 rebar located in the Eastern property line of Norvell Boone, LLC's property; and running thence with the Eastern property line, S. 19° 38' 21" W., 30.41' to a point in the Northern right of way of Snaggy Mountain Blvd., being Norvell Boone, LLC's Southeastern corner, thence running with the Southern property line of Norvell Boone, LLC, N. 79° 20' 39" W., 153.09' to a point, being Norvell Boone, LLC's Southwestern corner, thence with Norvell Boone, LLC's Western Property line, N. 19° 46' 07" E., 29.83' to a W' iron pipe, thence continuing with the Western line, N. 19° 46' 07" E., 20.17' to a point in the Western line, at its intersection with the present City Limit line of the Town of Boone, running thence with the City Limit line, S. 71° 59' 48" E., 151.17' to the point of beginning, said property containing 0.140 acres (6,077 sq. ft.), more or less, as shown on a survey prepared by Eric S. McAbee, McAbee & Associates, PA, dated February 22, 2022.

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Boone, as of August 10, 2022.

Adopted this 10th day of August, 2022.

Tim Futrelle, Mayor

ATTEST:

APPROVED AS TO FORM:

Nicole Harmon, Town Clerk

Allison Meade, Town Attorney

BOONE/BLOWING ROCK INTERCONNECT TESTING REPORT

Mr. Miller reported that testing of the Boone/Blowing Rock interconnect system took place on May 4th at 2 p.m. He stated that staff tested the Boone side of the system first, which went well. Testing with at the Foley Center with one pump yielded no water from gravity, but with two pumps yielded 15 gallons PSI. When asked by Council why staff tested at the Foley Center, Mr. Miller answered that this site was chosen during a previous meeting, and because the center was supposed to be the same elevation as the project at Bishops Ridge on the

main corridor. He indicated that water at this site yielded 90 pounds PSI with one pump and 150 pounds PSI with two pumps currently which was more than enough to support current needs. He added that staff had located an unopened valve that had been the cause of a loss of water to the Water Plant previously. Mayor Pro-Tem Tugman asked whether there were any adverse effects to the Foley Center due to this issue. Mr. Miller answered that there were not, since the center was on the main corridor and had access to water. Ms. Roseman was also concerned about a local brewery, which Mr. Miller assured her would be supported by the main corridor line as well. Mayor Futrelle asked if testing at ASU had been completed, to which Mr. Miller answered it had not, but would be completed once students returned and classes resumed.

CONSIDERATION OF REDESIGNING BOONE POLICE VEHICLES

Chief Le Beau gave a presentation regarding the rebranding of the patrol fleet. A complete copy of the presentation can be found at: <http://boonenc.igm2.com/Citizens/Default.aspx>

All were in favor of the project outline as presented, with Ms. Tugman asking that the project move forward with input from the community.

APPOINTMENT TO COMMUNITY APPEARANCE COMMISSION

Ms. Roseman nominated Barrett Connor to serve with a term expiring in 2023. Hearing no further nominations, Mayor Futrelle called for a vote.

VOTE: Aye: All
 Nay: None

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

APPOINTMENT TO TRANSPORTATION COMMITTEE

Ms. Roseman nominated Cole Reisdorf to the vacant student position on the Transportation Commission. Hearing no further nominations, Mayor Futrelle called for a vote. Before a vote was taken, Mr. Carter stated that he felt that with all the transportation and development plans coming forward, namely the Comprehensive Plan update, it would be prudent for the committee to meet more actively. Mr. Miller felt that the committee needed to have specific items in mind before scheduling a meeting. He noted that the decisions the committee made in the past were currently being made by staff and did not see a benefit to holding a meeting presently. After brief discussion, Ms. Roseman made a motion to direct staff to bring back the charge for the Transportation Committee for Council's consideration and discussion at a later meeting. Mr. Reisdorf's nomination was also tabled until after this discussion. Mr. Carter seconded the motion, which carried unanimously.

CLOSED SESSION

Upon a motion by Ms. Roseman, seconded by Mr. George, Council voted unanimously to enter into closed session at 1:20 p.m. pursuant to:

1. N.C. Gen. Stat. § 143-318.11(a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s).
2. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims.
3. N.C. Gen. Stat. § 143-318.11(a)(1)(6) to prevent the disclosure of information that is privileged or confidential pursuant to N.C. Gen. Stat. § 160A-168, and to consider the qualifications and conditions of the initial employment of a prospective employee.

Upon a motion by Mr. Carter, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to exit closed session at 3:50 p.m.

POSSIBLE ACTION FOLLOWING CLOSED SESSION

ADJOURNMENT

Upon a motion by Mayor Pro-Tem Tugman, seconded by Mr. Carter, Council voted unanimously to adjourn the meeting at 3:52 p.m.

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor