

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
August 14, 2018**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order on Tuesday, August 14, 2018 at 6:00 p.m. in the Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Rennie Brantz presided. Council Members present were Mayor Pro-Tem Loretta Clawson, Lynne Mason, Sam Furgieuele, Connie Ulmer and Marshall Ashcraft. Staff present included Town Manager John Ward, Town Clerk Nicole Worley, Public Works Director Rick Miller, Police Chief Dana Crawford, Cultural Resources Director Pilar Fotta, Planning Director Jane Shook and Human Resources Director Dale Presnell. Town Attorney Allison Meade was also present.

ANNOUNCEMENTS

Mayor Brantz announced that the Town of Boone had recently acquired its Bee City USA certification.

TENTATIVE AGENDA ADOPTION

Town Manager John Ward announced that there were no additions or deletions to the agenda.

PUBLIC COMMENT

Jeannine Underdown-Collins and John Paul-Pardy, both members of the Cruzin' Committee, announced that Chandler Concrete planned to donate concrete to be used in constructing the skatepark. Council Member Furgieuele suggested that Council consider recognizing Chandler Concrete in the form of a permanent feature of the park in appreciation of this donation.

David Bryan introduced himself as a local builder and aspiring developer, adding that he would like to establish a cottage development on Chestnut Drive for single family houses in the \$350,000 and under range. He noted that system development fees imposed by the Town would increase the cost of each home approximately \$7,000 and that the sidewalk requirements the Town currently has in place are, in his opinion, ridiculous.

REQUESTED APPEARANCES

HIGH COUNTRY CHAPTER-MILITARY OFFICERS ASSOCIATION OF AMERICA

Colonel Ben Covington of the High Country Chapter of Military Officers Association of America thanked Council for their support on the newly constructed Veterans Memorial. Captain Fred Schmitt of the HCCMOAA presented certificates of appreciation to staff. Lieutenant Colonel George Brudzinski of HCCMOAA presented Council with a check in the amount of \$15,000 to be placed in an account to be used for future upkeep and maintenance of the memorial.

APPROVAL OF ITEMS ON CONSENT AGENDA

Upon a motion by Council Member Furgieuele, seconded by Council Member Ulmer, Council voted to approve the following items on the Consent Agenda:

- Minutes of Regular Town Council Meeting - June 19, 2018 6:00 p.m.
- Minutes of Regular Town Council Meeting - June 21, 2018 6:00 p.m.
- Minutes of Regular Town Council Meeting - July 17, 2018 6:00 p.m.
- Minutes of Regular Town Council Meeting - July 19, 2018 6:00 p.m.

VOTE: Aye: All
 Nay: None

COUNCIL MATTERS

CONSIDERATION OF CASE PL01607-062918 COOPER-GENERAL USE ZONING MAP AMENDMENT

Planning Director Shook noted that Case PL01607-062918 Cooper - General Use Zoning Map Amendment was heard at the July 23, 2018 Public Hearing and that the Planning Commission recommended approval. Council

Member Mason made a motion to approve the zoning map amendment and that the general use zoning map amendment was consistent with the Town's Comprehensive Plan and any other adopted plans of the Town that are applicable because the lot is already zoned partially R1 and because it part of an R1 neighborhood and because Comprehensive Plan policy 2.3.3(A) Housing and Neighborhoods "The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community" and Comprehensive Plan policy 2.3.2(E) Community Character "New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever, possible, of Boone's original community character as a High Country small town." Council Member Ulmer seconded this motion. Council Member Furguele stated that in looking at the Comprehensive Plan, he believed there to be several policies which supported this action, and would have supported the amendment even if it were not pursuant to the consent of the property owners and added that staff and Council needed to be prepared to look at some of the Town's split-zoned parcels and to apply the Comprehensive Plan.

VOTE: Aye: All
Nay: None

Council Member Mason made a second motion that Council approve the zoning map amendment and that approval was reasonable and in the public's best interest because it is consistent with zoning along the established single-family neighborhood and pursuant to Comprehensive Plan policy 2.3.3(A) Housing and Neighborhoods "The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community". Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
Nay: None

Upon a motion by Council Member Furguele, seconded by Mayor Pro-Tem Clawson, Council voted to amend the agenda to postpone Council Matters item number two "Annexation Step 2 and Consideration of Zoning for Three Properties off of Homespun Hills" to Council Matters item number four to allow the property owner time to travel to arrive at the meeting.

VOTE: Aye: All
Nay: None

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Council Member
SECONDER:	Connie Ulmer, Council Member
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

APPROVAL OF TAX RELEASES AND REFUNDS

Upon a motion by Council Member Furguele, seconded by Council Member Mason, Council voted to approve the list of tax releases and refunds as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furguele, Council Member
SECONDER:	Lynne Mason, Council Member
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

REVIEW OF COUNCIL LIAISON POSITIONS

Council continued their discussion from the previous Council meeting regarding Council liaison positions with the review of the Community Appearance Commission. Council Member Furguele stated that it was disturbing to him that there was a significant number of meetings which would have been cancelled due to lack of quorum if not for the Council liaisons. He reiterated his opinion that Council liaisons to boards and committees were not

acting as liaisons in that their opinions were not always that of the entire Council and that they do not report back to Council. He added that if Council chose to continue to designate liaisons to boards, that they should act as such. Council Member Mason stated her opinion that Council had never taken the time to clarify what the expectations were for Council Members in their roles as liaisons. Council Member Furguele stated that downtown appearance standards were important and that the project needed to be brought to its conclusion. He continued to say that he believed the commission did not need to meet monthly, but that quarterly or bi-monthly would be enough, with the understanding that if a major issue arises, that the meeting schedule could be amended. Council Member Furguele made a motion that Council liaison positions be liaisons only, not voting members of the Community Appearance Commission, and to amend the UDO that once the downtown design standards are completed, Community Appearance Commission meetings would be held quarterly. Brief discussion ensued regarding different mechanisms to report important meeting topics back to Council, including the suggestion of a standing agenda item during the regular Town Council meetings each month to have board liaisons report to Council on the status of the board/committee. Council Member Furguele added to his motion that as they could be replaced by two additional voting members, Council Members should be moved to strictly a non-voting, liaison role as well as to institutionalize a part of each regular Council meeting a report by liaisons to each of the Town's boards/committees. Mayor Pro-Tem Clawson seconded the motion. Council Member Ulmer suggested that this motion apply to all boards/committees. Council Member Furguele and Mayor Pro-Tem Clawson accepted this amendment. Council Member Mason suggested that certain boards/committees report to Council at the annual planning retreat to update Council and to allow Council to give direction to the board/committee. Council Member Furguele supported this suggestion. Town Attorney Allison Meade suggested that Council consider a change to the Town Code to reverse liaisons as voters on Town boards/committees and to have a report on one board per month.

VOTE: Aye: All
 Nay: None

Planning Director Jane Shook advocated for Council to keep Planning Commission meetings on a monthly basis, adding that the more complex the case, the more time members like to have to review evidence. Council Member Furguele stated that he believed when a new chair needed to be chosen, that Council should appoint the Chairperson of the commission to allow Council an opportunity for discussion with potential chairpersons. He added that in the past he has had concerns with statements made and positions taken by the Planning Commission Chairman, though these concerns were not a factor in his suggestion. Council Member Furguele made a motion, which was seconded by Mayor Pro-Tem Clawson to amend the UDO to make certain that Council select the Chair and Vice Chair of the Planning Commission.

VOTE: Aye: Furguele, Clawson, Mason, Ashcraft
 Nay: Ulmer

The Sustainability, Economics and Environment Committee was discussed next, with Council Member Furguele noting quorum issues and the staggering amount of objectives assigned to this committee. He added that the SEEC should have non-voting Council liaisons who report back to Council, with Council Member Ashcraft agreeing. Council Member Mason stated that it was important that the committee and Council work together to prioritize projects each year. Ms. Shook noted that it would be helpful for staff to have additional direction in order to make meetings more efficient. Council Member Furguele made a motion that Council liaisons on the Sustainability, Economics and Environment Committee become non-voting members, with a quorum being four voting members, increasing to five if the membership should expand due to increased public interest and that the committee focus itself on giving feedback to staff on the Earth Day celebration and that the committee be devoted to presenting a focused plan for the conversion of the Town from fossil fuels. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

Council Member Ulmer made a motion to postpone the discussion of the Transportation Committee and the Cultural Resources Advisory Board to the September regular Council meeting. Before a second was offered and a vote taken, Council Member Furguele suggested and made a motion that Council amend the agenda to move

the discussion of the Transportation Committee and the Cultural Resources Advisory Board until after the conclusion of all other Council Matters. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
 Nay: None

Mayor Brantz declared a break at 7:31 p.m. Council reconvened at 7:39 p.m.

ANNEXATION STEP 2 AND CONSIDERATION OF ZONING FOR THREE PROPERTIES OFF OF HOMESPUN HILLS

Planning Director Jane Shook presented a request for Council's consideration to schedule a public hearing on the request for annexation of properties located on Homespun Hills and to send the request to the September public hearing. Ms. Shook noted that the Police and Fire Departments indicated that they did not foresee any issues with providing services to that area, though the tourist home would be required to be inspected annually by the Fire Department. Public Works Director Rick Miller informed Council that water and sewer lines were located adjacent to the property that staff could tap into once the property owner, at his own expense, provided a connection. Mr. Miller confirmed a statement made by Council Member Furguele that in the future if desired, an easement would be needed from another property owner in order for Lot 3 to access water and sewer lines. Town Attorney Allison Meade stated that any connections to Town water and sewer services would be subject to the new system development fees. Discussion ensued regarding the potential to designate the property in question as view shed overlay, R-3 or B-3, with Ms. Shook noting that the property owner built the home under ETJ guidelines as required for R-3 zones. Property owner Gene Messenkopf stated that the property in question totaled approximately 1.75 acres and that the use of the property would not change if Council agreed to move forward with the annexation. After a question by Council Member Furguele, Mr. Messenkopf stated that the home could not be seen from Highway 105 or the 105 Bypass due to the lay of the land and vegetation. Mr. Miller confirmed that the road which the property is located on is a DOT maintained road and not in the Town's jurisdiction as far as maintenance was concerned. Council Member Furguele expressed that he was not opposed to annexing Lot 1, but that he had a problem with potentially enabling a multifamily project in the view shed, as well as the future use of the property. Ms. Meade reminded Council that they needed to refer the case to public hearing, but that the applicant could potentially choose to withdraw due to whatever zoning designation Council voted on. Council Member Furguele made a motion to send the case to the September public hearing for the annexation of all three lots, with the plan that Lot 1 would be designated as B-3 and that Lots 2 and 3 would be designated as R1. Mayor Pro-Tem Clawson seconded the motion. Council Member Mason offered a friendly amendment, which was accepted by both Furguele and Clawson, that Lot 1 would also be designated as R-1.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furguele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

CONSIDERATION OF AMENDMENT TO TOWN CODE CHAPTER 36

Upon a motion by Council Member Furguele, seconded by Council Member Ashcraft, Council voted to approve the amendments to Town Code Chapter 36 as presented.

Boone, NC Code of Ordinances

CHAPTER 36: TOWN LOGO

Section

36.01 Town logo designated

36.02 Use of town logo

36.99 Penalty

§ 36.01 TOWN LOGO DESIGNATED.

The following is the official logo for the town:

**§ 36.02 USE OF TOWN LOGO.**

(A) *Use by employees of the town.* Any employee of the town is authorized to reproduce the town logo on letterhead, agendas, minutes of meetings, brochures, electronic communication and other forms of communication used for official correspondence or communication by an employee on behalf of the town. A department head may authorize the reproduction of the town's logo on equipment which is owned or being purchased by the town and on signs identifying real and personal property of the town. Any other use of the town logo by a town employee or department head must be approved by the Town Manager or Town Council. No employee may authorize any other person to reproduce the town's logo without the express authorization of the Town Manager.

(B) *Authorization by Town Manager.* Except for those matters expressly reserved to the Town Council, the Town Manager may authorize the reproduction and display of the town logo, including, but not limited to, clothing and other items for distribution by the town to town employees or other persons.

(C) *Use as part of a publication, design or other item in which another person or entity claims intellectual property rights.* Except pursuant to the express approval by the Town Council, the town's logo may not be used or reproduced in any publication, design or other item in which another person or entity claims intellectual property rights. Furthermore, even with Town Council approval, it is the policy of the town that no person may reserve or claim intellectual property rights in any publication, design or other item which includes or incorporates the town's logo unless the town is simultaneously licensed for the unlimited reproduction of the publication, design or other item without any further approval required.

(D) *Reproduction of town logo by third persons.* Unless explicitly authorized by the town, a person who is not authorized hereunder to reproduce the town's logo may not do so. The town expressly reserves all rights to its logo.

(E) *Use of town logo in signs.* No person or entity may include the town's logo in a sign, as that term is defined in the town's Unified Development Ordinance, Art. 18, without action by the Town Council approving the use.

(Ord. passed 12-14-2010)

§ 36.99 PENALTY.

~~—(A) The general penalty provisions of section 10.99 of this Code apply to any violation of this Chapter.~~
In addition, ~~t~~The town is authorized to take all necessary action to protect its logo, including, but not limited to, the initiation of a civil action and pursuit of an injunction to prohibit or stop the unauthorized display, reproduction or other use of the town's logo. Should the town initiate a civil action to protect its logo, it shall be entitled to recover its court costs, including attorney's fees against a person or entity who has improperly displayed, reproduced or used the town's logo.

~~—(B) Pursuant to G.S. § 14-4, a person found guilty of violation of § 36.02(C) or (D) shall be guilty of a class 3 misdemeanor and shall be fined not more than \$500.~~

[for reference:]

§ 10.99 GENERAL PENALTY.

(A) Unless otherwise specifically provided, violation of any provision of this code of ordinances shall not constitute a criminal infraction, but shall subject the offender to a civil penalty in the amount of \$100, to be recovered by the town. Violators shall be issued written notice of the violation which must be paid within 72 hours after receipt of the notice. If the violator does not pay the penalty within 72 hours, the town may recover the penalty, and all subsequently accruing penalties, in a civil action.

(B) Each day's continuing violation of any ordinance provision shall be a separate and distinct offense.

(C) Notwithstanding division (A) above, all ordinances may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

(D) Unless otherwise specifically provided herein, any person who violates a town ordinance regulating the operation or parking of vehicles shall be responsible for an infraction and shall be required to pay a penalty of up to \$50.

(E) If any section of this ordinance is held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

(F) In the event it is necessary for the town to institute a civil action to collect a civil penalty for the violation of any provision of any town ordinance, the offender shall pay all court costs, including filing fees, fees for service of process, and other expenses incurred in the litigation, such as costs of depositions, copying expenses and charges, and reasonable attorney's fees incurred by the town.

(Ord. 13-01, passed 1-15-2013; Ord. passed 7-23-2015; Ord. passed 12-15-2016)

Statutory reference:

Enforcement of ordinances, see G.S. § 160A-175

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furguele, Council Member
SECONDER:	Marshall Ashcraft, Council Member
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

ADVERTISING TOWN EMPLOYMENT OPPORTUNITES

Town Attorney Allison Meade reported in follow up to Council's request that the Town consider whether to publicly advertise all job opportunities or hire only internally in some cases. Ms. Meade noted UNC School of Government analysis that supports advertisement of all local government employment opportunities because of concerns about fairness or perceived fairness and possible Title VII discrimination claims if Town jobs were not advertised or some departments perceived as "closed shops". Human Resources Director Dale Presnell noted that he had reached out to other municipalities for their opinion on the subject and received uniform responses that all jobs should be publicly advertised. Mr. Presnell noted that it has been practice, since before his employment with the Town, that department heads will direct Human Resources on how they want to advertise an open position. On questioning from Mr. Furguele, Ms. Meade confirmed it was conceivable that the Town had exposed itself to litigation for violating its own policy on job advertising requirements. Council members expressed consensus that all Town job opportunities should be advertised. Ms. Meade stated that she would bring the item back to Council at the September regular meeting with revisions to the Personnel Policy consistent with Council direction. Council Member Mason suggested that in the interim that staff move forward with the understanding that all positions be advertised.

RESULT:	CONSENSUS
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AMENDMENT TO PERSONNEL POLICY REGARDING VIOLATION OF TOWN CODE BY TOWN EMPLOYEES

Town Attorney Allison Meade presented Council with proposed amendments to the Town's personnel policy regarding the violation of Town Code by Town employees. Council Member Furguele stated that he believed number twenty-three should be changed to or, removing the "and/". Council Member Furguele made a motion, which was seconded by Mayor Pro-Tem Clawson to approve the amendment to the Town's personnel policy as amended.

ARTICLE XI. DISCIPLINARY ACTIONS

It is the Town's policy to take disciplinary actions in accordance with the procedures set forth in this Article whenever reasonably possible and appropriate. However, all Town employees are employed at-will and may be terminated at any time without notice by the Town, just as the employee may resign his or her position at any time without notice. Nothing in this Article shall be construed as or deemed to give any property right or interest to any Town employee, nor to be binding upon the Town. In the discretion of the Town Manager, a Town employee may be disciplined, up to and including dismissal, without application of the following procedures.

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Manager prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head or Town Manager.

Examples of unsatisfactory job performance include, but are not limited to, the following:

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of Town property or equipment;
- 3) Physical or mental incapacity to perform duties after reasonable accommodation;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Improper use of leave privileges;
- 7) Failure to report for duty at the assigned time and place;

- 8) Failure to complete work within time frames established in work plan or work standards;
- 9) Failure to meet work standards over a period of time; or
- 10) Failure to follow the chain of command to address work-related issues.
- 11) Failure to promptly report a work related injury or accident;
- 12) Failure to meet fitness requirements; or-
- 12)13) Violation of a provision of the Town Code in the course of Town employment.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action ————— for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor shall meet with the employee as soon as possible in one or more coaching and feedback sessions to discuss specific performance problems and agree on a plan for correction. A brief summary of these coaching sessions shall be noted in the employee's file by the supervisor.

An employee whose job performance is unsatisfactory over a period of time should normally receive at least two documented warnings, one of which may be in the final written warning, from the supervisor before disciplinary action resulting in suspension, demotion or dismissal is taken by the Town Manager. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set.

If the employee's performance continues to be unsatisfactory after performance feedback and coaching with at least one written warning, then the supervisor should use the following steps:

- 1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the Town Manager for disciplinary action such as suspension, demotion, or dismissal.

Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not

generally exceed three days (24 hours) for nonexempt employees. Suspensions for exempt employees shall be for one full work week in accordance with FLSA requirements to maintain exempt status.

Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job, but shows promise and commitment to performing successfully in a lower level job. If no other options are available, dismissal is appropriate.

If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed.

Section 4. Disciplinary Action for Detrimental Personal Conduct

With the approval of the Town Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons. Prior to a decision to discipline for Detrimental Personal Conduct, the department head or Town Manager will place the employee on non-disciplinary suspension and conduct a thorough investigation regarding the alleged conduct. After the facts are clear, disciplinary action may be determined.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the Town may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated.

Examples of detrimental personal conduct include, but are not limited to, the following:

- 1) Fraud or theft;
- 2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of Town funds or personal use of equipment or supplies;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;

- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- 10) Engaging in incompatible employment or serving a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this Policy;
- 13) Harassment of or discrimination against an employee(s) and/or member of the public on the basis of sex or any other protected class status, or retaliation against any person who has reported or participated in the investigation of any such harassment or discrimination; or
- 14) Directing threatening or obscene language and/or gestures at an employee or member of the public;
- 15) Flagrant violation of work rules and regulations or serious malfeasance of work
- 16) Using alcohol within eight hours prior to or following an accident or prior to undergoing a post- accident alcohol test;
- 17) Reporting to work or remaining at work, driving a Town vehicle or operating any vehicle on Town property with any amount of alcohol or drugs present in your system or partaking of such while on duty ;
- 18) Failure to report his or her arrest for a criminal act to a supervisor within 24 hours;
- 19) Failure to report to a supervisor within 24 hours his or her citation for a traffic violation while operating a town vehicle;
- 20) Intentional use of Town property for unauthorized purposes;
- 21) Use of the Town's internet services to conduct personal business for compensation or to access inappropriate information such as pornography;
- 22) Insubordination toward a supervisor, department head, Town Official or Town Manager;

~~22)~~ 23) Violating one or more provisions of the Town Code in the course of Town employment repeatedly, knowingly, and/or with reckless disregard for the requirements of the Town Code; or

24) Behavior outside work that is so detrimental as to be obviously contrary to the image and interests of the Town.

Section 6. Non-Disciplinary Suspension

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the Department Head or Town Manager, be in the best interest of the Town, the Department Head or Town Manager may suspend the employee as a non-disciplinary action. In such cases, the Town Manager or Department Head may:

- 1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
- 2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

Section 7. Pre-disciplinary Conference

Before final disciplinary suspension, demotion or dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the Town Manager, together with the Human Resources Director and/or Department Head, will conduct a pre-disciplinary conference at the request of the employee. The employee may be represented by an attorney at this conference. At this conference, the employee or his or her attorney may present any response to the proposed discipline or dismissal to the Town Manager or Department Head. The Town Manager or Department Head will consider the employee's response, if any, to the proposed discipline, and will, within three working days following the conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action.

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

REQUEST FOR PERMISSION TO PROCEED WITH USE OF BOLICK FARM STRUCTURES FOR FIRE TRAINING

Town Manager John Ward presented Council with a request for permission to proceed with the use of remaining structures on the Bolick Farm property for fire training purposes. Council Member Furgiuele stated that since their was such an outrage from the public during the last training exercise performed on this property, he believed a public hearing should be held on the matter. Council Member Mason suggested a provision to protect trees, with Public Works Director Rick Miller noting that though there may be some damage to trees in the area, an arborist did determine that the trees at the previous training exercise at the location were not permanently damaged. Council Member Furgiuele also asked that staff take precautions to ensure that there is no one in the structures prior to burning them, since vagrants have been known to stay inside the structures. Council Member Ulmer made a motion to allow staff to proceed with asbestos removal in the structures, and to hold a public hearing on the use of the structures for fire training purposes and that at that same meeting, Council could make its decision on how to proceed. Council Member Mason seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Connie Ulmer, Council Member
SECONDER:	Lynne Mason, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

REPORT BY TOWN ATTORNEY - STORMWATER-FOCUSED MSD

Town Attorney Allison Meade presented her findings on research requested by Council on the creation of a stormwater specific Municipal Service District, describing the stormwater MSD created by Chapel Hill. Ms. Meade presented a number of different approaches, including a number of zoning-based approaches, that the Town could take to addressing stormwater problems. With respect to a possible MSD, she noted that creation of the MSD might require the procurement of easements, which could be costly. Town Manager John Ward suggested that Council hold off on a decision until staff heard back from the Army Corps. of Engineers on their suggestions for stormwater control. Council Member Furgiuele agreed with this suggestion and stated that stormwater was a huge issue in the main corridor of Boone and that the loss of the ETJ had hugely hampered the Town's ability to control the stormwater run-off. Council Member Mason added that she would like Council to have discussions with the County on this topic. Council Member Furgiuele agreed with this suggestion. Council Member Furgiuele made a motion, which was seconded by Mayor Pro-Tem Clawson that staff continue to explore recommendations made on zoning based changes and to come back to Council with recommendations on all of these points.

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

REPORT BY TOWN ATTORNEY - COMMITMENT OF LONG TERM FUNDING FROM TOURISM DEVELOPMENT AUTHORITY

Town Attorney Allison Meade presented Council with her report on whether the Tourism Development Authority could commit long-term funding to the Town's Howard Street improvement project. She noted that applicable law affirmatively authorized such funding up to 1/3 of the TDA's revenues. Council Member Furguele asked whether the TDA had legal guidance on the matter and whether a project ordinance would need to be prepared regarding the funding of the Howard Street project, to which Ms. Meade responded that to her knowledge, the TDA did not have legal guidance and that such a project ordinance would be required. Town Manager John Ward stated that staff had obtained paperwork from the USDA and have met with the COG to identify other funding sources for the project and though not finalized, estimated project costs were in the \$300,000-400,000 range. Upon a motion by Council Member Furguele, seconded by Council Member Ashcraft, Council voted to have staff communicate with the TDA regarding an agreement for long-term funding of the Howard Street project and to seek guidance from the LGC on the matter as well.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furguele, Council Member
SECONDER:	Marshall Ashcraft, Council Member
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

CONSIDERATION OF AMENDMENTS TO WATER ADVISORY COMMITTEE'S CHARGE, ORGANIZATION AND PROCEDURES

Town Attorney Allison Meade presented Council with proposed changes to the Water Advisory Committee's charge, organization and procedures. A major thrust of the changes was to clarify that the Water Committee was a committee just like others, despite the membership of all Council members, and that its quorum would be based on the full membership, and not dependent on Council member attendance. Council Member Furguele suggested changes to Duties: Extending or connecting water and sewer services outside of Town limits. He also suggested that the Mayor and Mayor Pro-Tem should be Chair and Vice Chair. Council Member Mason made a motion, which was seconded by Mayor Pro-Tem Clawson to approve the amendments to the Water Advisory Committee's charge, organization and procedures as amended per Council Member Furguele's suggestions. Council Member Furguele suggested a further amendment, which was accepted, to this motion to authorize the committee for two years from the date of its formation, which would allow the committee to be active through December 2019.

VOTE: Aye: All
Nay: None

Council continued their review of Council liaison positions with the discussion of the Transportation Committee. Council Member Furguele made a motion that Council liaisons become non-voting members of the committee and that none of the items listed in questionnaire number twelve should be a part of the charge of the Transportation Committee unless staff needs them to be. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
Nay: None

The review concluded with the discussion of the Cultural Resources Advisory Board, with Cultural Resources Director Pilar Fotta noting that during certain times of the year, it was difficult to obtain a quorum and suggested that the board meet bi-monthly or quarterly. Mayor Pro-Tem Clawson and Council Member Furguele agreed. Council Member Mason made a motion that the Cultural Resources Advisory Board meeting schedule be amended to allow for quarterly meetings with the understanding that special meetings could be called as needed and that Council liaisons would become non-voting members of the board and would report back to Council. Mayor Pro-Tem Clawson seconded the motion.

VOTE: Aye: All
Nay: None

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furgieuele, Ulmer, Ashcraft

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Council Member Furgieuele, Council voted to enter into closed session at 9:56 p.m. pursuant to:

-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 claim(s).

Upon a motion by Mayor Pro-Tem Clawson, seconded by Council Member Ulmer, Council voted to exit closed session at 10:22 p.m.

VOTE:	Aye:	All
	Nay:	None

ADJOURNMENT

Upon a motion by Mayor Pro-Tem Clawson, seconded by Council Member Mason, Council voted to adjourn the meeting at 10:25 p.m.

VOTE:	Aye:	All
	Nay:	None

Nicole Worley, Town Clerk

Rennie Brantz, Mayor