MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
October 13, 2020

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order electronically at 6:00 p.m. on Tuesday, October 13, 2020. Mayor Rennie Brantz presided. Council members present were Mayor Pro-Tem Loretta Clawson, Sam Furgiuele, Connie Ulmer, Nancy LaPlaca and Dustin Hicks. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Finance Director Amy Davis, Human Resources Director Dale Presnell, Deputy Public Works Director Todd Moody, Police Chief Andy Le Beau, Downtown Boone Development Coordinator Lane Moody and Fire Chief Jimmy Isaacs. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

Mayor Brantz welcomed all in attendance. Mr. Ward gave a brief update on the current state and local COVID-19 statistics and noted an overall decrease in cases.

TENTATIVE AGENDA ADOPTION

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

VOTE:	Aye:	All
	Nay:	None

PUBLIC COMMENT

Chelsea Jackson, owner of Howard Station restaurant in downtown Boone spoke to express her concerns about the delay of the Howard Street project, as well as the recent competition between food trucks and brick-and-mortar restaurants in the downtown area. She stated that one food truck in particular was coming to King Street from Blowing Rock and pulling business from other downtown areas. Mr. Furgiuele indicated that the DBDA met this morning and that food trucks had been scheduled to be discussed earlier in the year, but that due to COVID-19, there was no follow up. He added that the DBDA had previously undertaken a survey and had unanimously agreed upon a recommendation that food trucks should not be allowed downtown except for during festivals and special events. Mr. Ward stated that staff would put additional information on the agenda for discussion during Thursday's Council meeting, and noted that food trucks were not currently prohibited on private property, which was where the food truck previously mentioned was operating.

Brad Farrington of Boone read parking regulations in the Town's UDO as they applied to neighborhood conservation districts. He indicated that his neighbors at 610 Grand Boulevard, which was a rental property believed to be owned by David Welch and a partner, often had guest vehicles and other vehicles which were not registered parked at the property. He explained that the excess vehicles often led to traffic congestion, trespassing and property damage issues, as well as safety concerns for his family. Mr. Farrington stated that Town staff needed to work on parking sticker enforcement, and noted that this property continued to defy regulations even after he had made complaints to staff. Ms. Ulmer stated that she had witnessed the problem first hand and agreed that it needed to be addressed. Mr. Furgiuele asked Mr. Farrington whether the property was zoned as R-1, which Mr. Farrington confirmed. In response to a question by Mr. Furgiuele, Mr. Farrington indicated that he had not been able to participate in previous public discussions regarding amortization, but that he did send a letter voicing his opinion on the matter. Mr. Furgiuele asked Ms. Meade if she felt this situation would be categorized as a "nuisance property" as defined in the Town Code. Ms. Meade stated that she was unsure, as those regulations were mostly aimed at trash and debris, but that it depended on the parking situation. She suggested that she meet with Planning and Public Works staff and potentially visit the property. Mr. Furgiuele noted that Mr. Welch was a Moard of Adjustment member, asked whether staff took into consideration whether a property owner was on a Town board or committee and whether this situation presented a Code of Ethics issue. Ms. Meade stated that she did not believe this matter presented a Code of Ethics issue as the code was currently written. Ms. LaPlaca asked Ms. Meade why the property owner was allowed to continuously violate the UDO. Ms. Meade stated that she was unaware of Planning staff's perspective, but that it seemed that staff should be able to enforce the UDO in this case.

REQUESTED APPEARANCES

HARRISON WENCHELL - STEWART ENGINEERING FOR CONSIDERATION OF ADA TRANSITION PLAN

Harrison Wenchell of Stewart Engineering presented a proposed ADA transition plan for the Town of Boone. A complete copy of the presentation can be viewed at http://boonenc.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2258 . Mr. Furgiuele suggested that since the Town did not have its own Parks and Recreation department as stated in the presentation, that reference should be removed. He suggested that the recommended signage advising the public of the Town's ADA policy and information regarding complaints be placed at all Town parks and at the Greenway. He also indicated that he did not understand the timeline for correcting some things as presented. Mr. Wenchell answered that the dates were only recommendations, and that the Town could implement a different schedule if they desired. Mr. Furgiuele noted that Jimmy Smith Park was not included in the plan and suggested that it be added in, since there was infrastructure within the park. Mayor Pro-Tem stated that she was pleased with the presentation. Ms. LaPlaca noted that there was not much information related to the cost of implementing this plan. Mr. Ward answered that since the Town did not have funding set aside at this time for the project, items would need to be completed one by one. Mr. Furgiuele made a motion to adopt the ADA transition plan for the Town of Boone and the accompanying resolution. He asked that signage be included at Town parks and along the Greenway. Mayor Pro-Tem Clawson seconded the motion.

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

DAVID JACKSON - BOONE CHAMBER OF COMMERCE FOR THE DOWNTOWN BOONE ADVOCACY COMMITTEE

David Jackson of the Boone Area Chamber of Commerce presented a proposal for a Downtown Boone Advocacy Committee. A complete copy of the presentation may be viewed here http://boonenc.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2258 . Members expressed support for the committee and thanked the Chamber for their work throughout the pandemic. Mr. Furgiuele asked whether a program to recognize businesses who went out of the way to operate in a sustainable way would be discussed, to which Mr. Jackson confirmed that the topic was on the list of items to be discussed by the committee. Mr. Furgiuele then made a motion to endorse the committee and adopt the plan as presented. Ms. Ulmer seconded the motion. After a suggestion by Ms. Meade, Mr. Furgiuele clarified his motion to state that this would not be a Town-operated committee, but that staff was authorized to cooperate as needed. Ms. Ulmer accepted the amendment.

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

COUNCIL MATTERS

CONSIDERATION OF APPROVAL OF CHANGES TO PERSONNEL POLICY

Mr. Presnell presented proposed modifications to the Personnel Policy regarding Firefighter and Police personnel overtime. Ms. Ulmer made a motion to approve the changes as presented. Ms. LaPlaca seconded the motion.

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

REQUEST TO CONVENE THE WATER COMMITTEE TO DISCUSS IDEAS FOR PROVIDING RELIEF

Mr. Furgiuele read the following request:

"We have all been contacted, I believe, concerning the difficulty residents of the mobile home park above the GM dealership are having in light of a reported recent doubling of their rent. I have been contacted by one of the residents, who has confirmed the hardship. Although the Water Committee has considered possible measures to help people in such circumstances, I believe we should revisit that subject. I am therefore asking that a meeting of the Water Committee be scheduled to discuss possible measures to address this problem, and that we request Allison Meade, the town attorney, to attend and present us with the legal alternatives which exist. In addition, I think the committee should be asked to consider whether local legislation might be warranted to address this concern and whether the "round up" water and sewer bill program, which has not been successful in raising funds for the non-profits which the town supports, might be restructured to create a fund to assist those in need, to maintain their water service."

Mr. Furgiuele made a motion, which was seconded by Mayor Pro-Tem Clawson that the Water Committee be reconvened to hold a meeting via WebEx on November 10, 2020 at 6 p.m. and that the Town Attorney should be authorized to do research as needed.

VOTE:	Aye:	All
	Nay:	None

SOLSMART DESIGNATION FOR THE TOWN OF BOONE

Mr. Furgiuele was logged out of the meeting at 7:45 p.m. He returned at 7:46 p.m.

Mr. Ward requested approval to move forward with the process of the initiation of ordinances changes, involvement of Planning & Inspection staff, Town Attorney, Planning Commission and Town Council as recommended per the SolSmart study. Mr. Furgiuele asked that staff and Council be careful in navigating when making choices among the alternatives presented so as to continue to protect neighborhoods and the downtown. Mayor Pro-Tem Clawson suggested that staff review the recommendations and make suggestions based on what would work with the Town's regulations. Upon a motion by Ms. LaPlaca, seconded by Ms. Ulmer, Council voted to request staff and the Town Attorney to review the recommendations and make suggestions based on what would work best with the Town's regulations. Council member Hicks felt that the Town should lean toward as much permissiveness as possible when thinking about regulations, and believed it would be good to have a conversation about community solar. Ms. LaPlaca stated that community solar was currently illegal, but that batteries could be used to store power in the alternative. Ms. LaPlaca felt that a community discussion needed to be held regarding solar in communities and the barriers which were currently in the way. Mr. Ward stated that NRLP representatives were scheduled to attend an upcoming meeting, and suggested that a member of the utility commission attend as well.

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

NCLM LEGISLATION AND POLICYMAKING DISCUSSION SERIES

Mayor Brantz declared a break at 8:18 p.m. Council reconvened at 8:33 p.m.

Mr. Ward requested that members determine local issues in regards to legislation and policy making that they would like to be shared with the NCLM on behalf of the Town of Boone. Mr. Ward indicated that he planned to attend one of the available dates after the October Town Council meeting to share the groups requests with NCLM.

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. LaPlaca, Council voted to enter into closed session at 8:41 p.m.:

1. Pursuant to 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. Pursuant to N.C.Gen.Stat.§143.318.11 (a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease (PIN 2900-79- 5183-000 and 2911-33-9240-000).
3. 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 claims.
4. 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 the two lawsuits between the Town of Boone and Watauga County.
5. 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 the lawsuit brought against the Town by Barry Mallatere (W.D.N.C. 5:18-cv-00006).

VOTE: Aye: All
Nay: None

Upon a motion by Ms. LaPlaca, seconded by Ms. Ulmer, Council voted to exit closed session at 9:08 p.m.

VOTE: Aye: All
Nay: None

ADJOURNMENT

Upon a motion by Ms. LaPlaca, seconded by Ms. Ulmer, Council voted to adjourn the meeting at 9:10 p.m.

VOTE: Aye: All
Nay: None

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor