

**MINUTES – SPECIAL MEETING
BOONE TOWN COUNCIL
May 7, 2020**

CALL TO ORDER

A special meeting of the Boone Town Council was called to order virtually at 6:00 p.m. on Thursday, May 7, 2020. Mayor Rennie Brantz presided. Council Members present included Mayor Pro-Tem Loretta Clawson, Sam Furgiuele, Connie Ulmer, Dustin Hicks and Nancy LaPlaca. Staff members present included Town Manager John Ward, Town Clerk Nicole Harmon, Fire Chief Jimmy Isaacs, Finance Director Amy Davis, Human Resources Director Dale Presnell, Planning Director Jane Shook. Town Attorney Allison Meade was also in attendance. The purpose of the meeting was to consider and potentially take action on any of the items on the agenda.

ANNOUNCEMENTS

TENTATIVE AGENDA ADOPTION

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

PUBLIC COMMENT

David Jackson of the Boone Area Chamber of Commerce expressed concern with Council potentially enacting a 14-day quarantine and was worried about the effect it would have on the area's local businesses.

Wright Tilley with the Boone Tourism Development Authority wished to echo Mr. Jackson's comments, and expressed particular concerns with Council imposing a 14-day quarantine until after a vaccine was developed, saying it could potentially cripple the area's tourism businesses. He stated that many jobs would be lost, millions of dollars in tax revenue would be lost. Mr. Tilley added that previous numbers indicated that travel and tourism brought in approximately \$264 million dollars to the area's economy in 2018 and sustained 2,870 tourism-related jobs. He predicted that with neighboring communities opening up, the Town would see increased visitors to the area, even with increased restrictions, and did not believe that requiring businesses to remain closed would be beneficial. Mr. Tilley encouraged Council members instead of discouraging people from visiting the Town, to focus on educating the community and visitors on how to prevent the spread of the disease. He further noted that many of the area hotels had been utilizing enhanced cleaning routines, and noted that some local tourism businesses were not aware of the potential restrictions, and hoped that Council would give them the opportunity to weigh in as well.

Pam Williamson of Boone stated that she was not in attendance to speak to the COVID19 issues on the Town and County agendas, but noted that there were over 650 new cases over the last 24 hours in North Carolina, and that the death rate was climbing. Ms. Williamson expressed understanding for all of the difficult decisions Council was faced with in terms of balancing economic and health issues. She indicated that she was of the belief that Council would be unable to fix the economic issues the Town was facing until the health issues were dealt with. Ms. Williamson hoped that members believed that their job was primarily to protect the health and wellbeing of the citizens of Boone, many of whom were students, and senior citizens. She stated that hand washing and other such measures were always conditions and never requirements, and believed masks, at a minimum, should be a requirement for any business that was opening up not only for employees, but also for citizens who were attending those places. Ms. Williamson then moved on to discuss the item she came to speak about which was Council Matters Item 6: Discuss & Consider Adoption of Emergency Measures to Continue to Protect the Citizens of Boone. She stated that she was totally in favor of virtual board meetings except for the Board of Adjustment, and noted that she currently sat on the Town of Boone Water Committee and Board of Adjustment. Ms. Williamson indicated that she had read a recently published Coates Cannons article regarding remote participation in quasi-judicial evidentiary hearings which looked at the impacts of things like pandemics and specifically COVID19. She stated that the article recommended against holding such meetings remotely, as did she, since members were required to adhere to the legal requirements of a fair trial. Ms. Williamson believed that it would be impossible to properly address remote participation of parties in advance of meetings. She was concerned with how last-minute interventions by interested people would be handled in a remote setting. Ms. Williamson was also concerned with the distribution of evidence in a remote setting. She believed that non-quasi-judicial boards did not always afford the public the same amount of participation as the Board of Adjustment did, and felt that body language and facial expressions often had to be considered when a witness was giving testimony, something that Ms. Williamson believed could not be done remotely. Ms. Williamson believed there was also a potential issue that a decision made via remote meeting could be more subject to a legal challenge from the loser in the hearing. She quoted Coates Cannons "These issues

heighten the concerns of holding a meeting of a quasi-judicial board remotely...for all of these reasons, and other reasons, if a live meeting is impractical due to a pandemic, major weather event or otherwise, it is best to postpone the evidentiary hearing". Ms. Williamson concluded by stating she believed it would be impossible for Board of Adjustment members to do their jobs properly, which were challenging even in a normal setting, by holding remote meetings, and encouraged Council to postpone them until they were able to meet in person.

Jodie Feimster was signed up to speak, but was not present when called.

Mr. Ward was asked by Andrew and Lynne Mason of Lost Province Brewing Company to read the following statement: "As a local, independent family owned and operated business that is significantly impacted by COVID19, we are providing comments to the agenda item to discuss and consider adoption of emergency measures to continue to protect the citizens of Boone. 1. We strongly believe we need a coordinated plan with the County and other area municipalities that is in sync with the State's guidelines for the protection of our citizens, seasonal residents and others visiting our community. People who live outside of Boone are already coming to the High Country. There will be much confusion if each locality has different requirements and thereby difficult to enforce. 2We have and continue to be supportive of the stay at home order and the State's phased plan for the reopening of businesses incorporating recommended safety measures from the Governor's office and the CDC. 3. As deemed an essential business in the Governor's executive order, we have incorporated enhanced safety measures for the protection of both employees and customers and will follow requirements when we get to reopen to dine-in customers. 4. The Governor's executive order 138 includes requirements specific to retail businesses such as cleaning and disinfecting, wearing a face mask, including frequent hand washing and the use of hand sanitizer. 5. If the Town plans to develop additional restrictions, we request that it be done on a factual basis and done in consultation with the local health director. 6. We have concerns with the proposed 14 day self quarantine proposal for people who come to Boone from other areas, how it would be enforced, and would this apply to Boone residents who travel away from Boone and then return 7. Perhaps an alternative to more restrictions is for the Town to develop and implement a social media campaign on how as a community we can protect ourselves from the spread of COVID19 by practicing the three W's from the Governor's office: Wear a mask, Wash your hands and Wait 6 feet apart from people to keep your distance. 8. We're all in this together and we must continue to work together in a coordinated response to the COVID19 pandemic.

Mr. Ward noted that Ms. Jennifer Greene with AppHealthcare was available for comment later in the meeting.

Ms. Meade noted that two points of order that had been made clear as a result of the recent State legislation that authorized remote meetings were that if any documents were being discussed, they needed to be shown on the screen so that the general public could see them. She also indicated that since the public was unable to see all members of Council on the screen, any votes needed to be done via roll call.

REQUESTED APPEARANCES

ELLA JENNINGS - TWO RIVERS ELEMENTARY SCHOOL

Ms. Jennings thanked Council for the opportunity to speak, and thanked Ms. LaPlaca for her help in writing the proposed resolution. For generations, humans have invested their time and energy into discovering new technology to make things more convenient for themselves. From cordage, to weaponry, to pottery, to textile, to glass, to iron pumps, to the printing press, to electricity, to modern technology. They were all life changing inventions for the generations of people before us. But people have created a monster that is taking over our world, and not for the better. It's changing our planet, our ecosystems, our economy, our infrastructure, our world. Plastic. My name is Ella Jennings and I am part of "Generation Z". If we don't fight climate change, then "Generation Z" will be the last generation to exist. There are ways to prevent this from happening. We can end our interconnections with the fossil fuel industry and we can stop climate change. If we are going to stop using fossil fuels, not only do we need to change the way we get our energy, we need to drastically reduce our reliance on plastic products.

The main cause of climate change is burning fossil fuels. When we burn fossil fuels, it releases greenhouse gasses, particularly carbon dioxide, or CO2, into our air.. CO2 is hotter than air, therefore the overwhelming amount of CO2 that's in our atmosphere is heating up our planet, causing climate change. Human

activities have increased carbon dioxide levels by 40%. That number is set to increase if we don't keep our emission levels down.

Climate change causes rising ocean levels, due to our melting glaciers, flooding, severe hurricane damage, wildfires, droughts, and makes it much more difficult to grow food. We use fossil fuels for energy, and in the creation of plastic. In the creation of plastic, we burn petroleum or natural gas, releasing CO₂ and other greenhouse gasses, then we dispose of it. Our disposal system is so careless that our plastic ends up in our landfills and rivers, which ends up in our oceans. The plastic is ingested by marine life and birds. Plastic ends up in the bottom of our oceans and suffocates our coral reefs. It is vital that we keep our coral reef alive. The coral reef provides about 2/3 of our oxygen and limits a massive amount of CO₂ that would otherwise be heating up our planet.

A lot of Politicians in Washington that do not care about the well being of our planet, refuse to act on this crisis. There are a lot of people that don't understand all the causes and the consequences of climate change. We need to change this. We need to make business owners aware of the effect of choosing profit and convenience over our planet and our future generations. We need to work on persuading local businesses to avoid using single use plastic bags. We need to persuade restaurants to quit distributing single-use polystyrene containers. We depend on plastic far too much and it has taken over our planet.

I am here today as a citizen of this community to request that we step away from using as much fossil fuels for energy as we are currently using now. We have 10 years to reduce our greenhouse gas emissions by AT LEAST 50% before irreversible damage is done to our planet. In order to do this, we need to stop using fossil fuels. We need to stop using fossil fuels for energy. To do this, we need to discourage the use of fossil fuels, starting by setting the example of not using plastic products at events held by the town of Boone. Next, discouraging the use of plastic products used by businesses. We need to set up an award system for restaurants who don't allow polystyrene, plastic bags, straws, etc... We need a system change if we are going to stop this. It is estimated that 25 billion polystyrene cups are thrown away yearly. About 14 cities in California and about 16 cities in Maine, New York City, and many other municipalities have banned polystyrene products in some form. About 300 municipalities have banned plastic bags. If we keep using plastic products at the rate we currently are, by 2050 there will be more plastic than fish in the ocean (by weight).

A lot of places are investing in sustainability and their economy is thriving. Eventually, plastic products will have increasing prices as fossil fuels become more scarce, they are in fact a non-renewable energy source. **There will be no economy on a dead planet.** So what's holding us back?

Not only is the fossil fuel industry posing a severe environmental crisis, it's posing an economical crisis. Small fossil fuel companies such as Chesapeake, Pioneer and EOG are believed to be going bankrupt. They are entirely dependent on their previous investments and not profiting. When we harvested oil and natural gas in the conventional way with the conventional well, we could continuously go back to the conventional wells and harvest again. Now, 50% of the fossil fuels that we use come from fracking. With fracking, the wells decline 70-80%. We can only use the fracking wells a few times before we have to drill a new well, and drilling a new well is very expensive. With the combination of low gas prices and the high dependency on previous investments and the high cost to continuously drill new wells, fracking is a dying business. Then you have the concept at which fossil fuel executives get paid. The fossil fuel executives get paid, not based on returns to shareholders or if they made money, but on growing productions. So basically, if fossil fuel executives made money from Wall Street investments and they produced more oil, they profit. If they didn't get constant investments from Wall Street, they wouldn't make any money. Then you have the concept of fossil fuel companies investing in future profit rather than current growth despite that they are struggling to profit on a daily basis. If our population continues to rise at this speed, and we continue to use fossil fuels and plastic at the rate we currently are, we are going to experience a downfall of our economic system.

Imagine this, In, let's say 15 years, the average temperature is that scary 1.5 degrees Celsius higher that Generation Z has been talking about. Animals that live in arctic conditions such as polar bears and penguins are extinct. The animals that are native to The Amazon Rainforest and Australia are extinct along with nearly every aquatic organism living in our oceans and rivers. There has been a massive global decline in population since the millions of people that have died in the heat waves and wildfires and earthquakes and floods couldn't afford to leave their homes and the United States wouldn't allow immigrants to come into our country. There are no more Ingenious Tribes living in the Amazon Rainforest. There is no longer a population in the island of Espanola, Puerto Rico, Jamaica, The Bahamas, The U.S Virgin Islands, The thousands of Australian Islands, and The Philippines because they have experienced so much flooding, and hurricane damage. In the United States, the fossil fuel companies just had to declare bankruptcy. Since we have allowed our economy to become

entirely dependent on it, we are in chaos. Thousands of people have lost their jobs over this time. Businesses are going bankrupt because they have run out of resources needed to cheaply provide goods, via plastic. Surely you cannot like the picture I have just painted for you. We cannot let this happen. It is essential that we invest in renewable energy and step away from plastic.

Break Free From Plastic Pollution - Resolution

WHEREAS, the Town of Boone recognizes that plastic pollution is a deep-rooted problem that will take years to resolve, but nonetheless wants to start to address this huge issue; and

WHEREAS, In a February 2020 presentation, Boone’s recycling company, Republic, told the council that it is no longer sending its “recyclables” to China, but is instead sending these materials to Malaysia and other southeast Asian countries; China blocked most plastic imports due to its growing political problems with plastic pollution; the number of marine animals dying from plastic pollution is increasing; and roughly one third of the trash produced by households is plastic; and

WHEREAS, more than half the plastic now on Earth has been created since 2002 (18 years ago), plastic pollution is set to double by 2030, plastic is decimating marine life and killing our oceans;¹ and

WHEREAS, a 2017 study found that only 2-9% of plastic is actually “recycled,” so that recycling plastic is actually a myth;² plastic is made from fossil fuels, i.e. petroleum and natural gas; a glut of cheap fracked gas in the U.S. has ramped up 334 chemical and plastics projects valued at \$204 billion since 2010; plastic persists in the environment for up to 1,000 years; and far more plastic is burned than recycled; and

WHEREAS, a study funded by the American Chemistry Council found that the environmental cost to society of consumer plastic products and packaging was over \$139 billion in 2015, and will soar to \$209 billion by 2025; and

WHEREAS, a federal law has been introduced in the U.S. Senate by Tom Udall (D-NM) titled the *Break Free from Plastic Pollution Act of 2020*,³ which includes a ban on many single-use plastics, and require that corporations take fund “end of life” programs to keep plastics out of the environment, known as “polluter pays;” **the Town of Boone will consider the following:**

1. Write a letter to each member of the NC Congressional delegation asking them to support the Udall *Break Free From Plastic Pollution Act of 2020*;
2. Write a letter to state legislative representatives from Watauga County and ask them what they think about addressing this problem (recognizing that ‘home rule’ issues and state preemption currently prevents action);
3. Commit to personally reducing single-use plastic;
4. Other ideas: consider a low-cost pilot program to compost food waste; consider charging residents for trash by the size of the trash barrel or number of residents; consider asking the Sustainability Committee to look into this issue;

¹ <https://www.rollingstone.com/culture/culture-features/plastic-problem-recycling-myth-big-oil-950957/> An estimated 40% of all plastic goes into packaging. Also see <https://www.plasticbaglaws.org/primer> The largest users of plastic in the U.S. are Coca-Cola, Pepsico, Nestle and Unilever.

² <https://www.rollingstone.com/culture/culture-features/plastic-problem-recycling-myth-big-oil-950957/> Unlike aluminum, plastic is almost never recycled more than once due to degradation. Aluminum, on the other hand, can be recycled again and again.

³ The bill also includes provisions to: formally ban the U.S. from exporting plastic waste to developing countries; halt construction of new plastics facilities; ban styrofoam cups and containers, and plastic utensils; create “extended producer responsibility” so that industry would have to design, manage and finance programs to collect and process waste that would normally burden state and local governments.

5. Work with the High Country Grown campaign to recognize local restaurants for reducing waste and/or using compostable containers and utensils; and
6. Meet with local grocery stores to understand the barriers to more environmentally-friendly packaging; and
7. Work with local restaurants to understand the barriers to using more environmentally-friendly products such as compostable take-out containers and utensils.

Mr. Furgiuele stated that he supported the resolution and most of the suggested actions. He believed that it would be appropriate for Council to pass a resolution supporting the proposed legislation, but asked in regards to the second action point in the resolution why the Town would not instead write a letter to representatives asserting its position and asking them to take action, instead of asking them their thoughts. Ms. Jennings answered that she believed that according to State law, the Town had to get State approval before acting. Mr. Furgiuele believed that the second point could be strengthened. He asked about the status of the program in conjunction with the Chamber of Commerce which was discussed last year regarding recognition of restaurants and local businesses who avoided the use of plastics and styrofoam in an effort to become more environmentally sustainable. Mr. Ward answered that staff have had a series of meetings with both the Chamber of Commerce, Local First group and ASU Sustainability group and have started to develop ideas to bring forward, but that nothing had been completed at this time. Mr. Furgiuele asked whether staff reports to the Sustainability Committee on ways they could reduce their carbon footprint and the use of materials that were not sustainable had been completed. Mr. Ward answered that it had not been completed that he was aware of, though he believed both of those projects could be supported by the passage of this resolution. He indicated that the Sustainability Committee project involving employee carbon footprints was on the agenda during the time when meetings were first being cancelled due to the pandemic. Mr. Furgiuele asked that if the resolution passed, if the Sustainability Committee could be charged with hosting the conversation about these issues and that they be asked to coordinate with the Watauga Food Council and the High Country Grown group. Ms. Ulmer felt that many of the things in the resolution were already being done. Mr. Furgiuele felt that it would not hurt to take a multi-faceted approach and made a motion to approve the resolution with a change to Item 2 (included the grammatical change “as” to “and”) to be modified to write a letter to State representatives to press upon them that Council believes this matter to be of critical importance to the Town of Boone and State-wide, and ask them to take appropriate action to address this at a State level or to give municipalities broader powers to address these issues at a local level. Ms. LaPlaca seconded the motion.

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

JESSICA JANC - HIGH COUNTRY HABITAT RESTORATION COALITION

Mr. Ward indicated that staff was unable to reach Ms. Janc to confirm her participation in the meeting and suggested Council either review the resolution or table it until a later date. He added that he had some questions with regard to the percentage of Town property that he would like to discuss with Ms. Janc as well. Mr. Furgiuele stated that Council had already assigned the Community Appearance Commission the task of trying to rebalance the traditional notions of community appearance in an effort to protect the natural habitat of birds and bees. He believed that in general the proposal was a good idea, but felt that more people should participate on the Community Appearance Commission, and that this would be the more appropriate place to discuss this topic. Mr. Ward agreed and noted that staff had already had multiple meetings with representatives regarding edible landscapes, and anticipated working with the Community Appearance Commission regarding the planting of edible landscaping that would attract wildlife along the state corridor and into the downtown area.

Mayor Brantz asked what the response was from staff in regards to this proposal. Mr. Ward indicated that it would take a considerable amount of funding in order to reach the goals outlined in the resolution. Since Ms. Janc was not present, Mr. Furgiuele indicated that he was not willing to adjust the language in the resolution, but would be in favor of adopting the "Whereas" language within the resolution, but leaving the remainder for further conversation with staff included at a later date. Mr. Furgiuele made a motion to adopt the premises of the resolution and to table action until a later date and to channel discussion into the Community Appearance Commission and to invite residents of Boone who have interest in this area to apply to serve on the Commission. 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

APPROVAL OF ITEMS ON CONSENT AGENDA

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

1. Autism Awareness Month Proclamation
2. Resolution - D. Goodman

AUTISM AWARENESS MONTH PROCLAMATION

Whereas, Autism Spectrum Disorder is the result of a neurological disorder that can affect anyone regardless of race, ethnicity, gender, or socioeconomic background, and

Whereas, Autism Spectrum Disorder affects 1 in 59 children in North Carolina, and

Whereas, Autism Spectrum Disorder is estimated to be the fastest growing developmental disability in the United States by the Center for Disease Control (CDC), and Autism and Developmental Disabilities Monitoring (ADDM), and

Whereas, Symptoms and characteristics of Autism Spectrum Disorder present themselves in a variety of combinations and can result in significant lifelong impacts of an individual's ability to learn, develop healthy interactive behaviors and understand verbal and non-verbal communications, and

Whereas, Early diagnosis and intervention as well as ongoing support from family, doctors, therapists, and educators can positively impact persons with Autism Spectrum Disorder to achieve better outcomes, and

Whereas, Persons with Autism Spectrum Disorder should have access to appropriate services throughout their lifetime so they may achieve their greatest potential and lead happy and productive lives within their community, and

Whereas, the 21st day of April 2020 of Autism Awareness Month is recognized throughout the country to bring attention to individuals with Autism reaching the age of 21, and

Whereas, attention must be given to the planning, development and implementation of appropriate programs for those citizens who have reached the age (21) in order that their lives can be fulfilled by having them live life with a purpose.

Now therefore, I Rennie Brantz, Mayor of the Town of Boone, North Carolina, representing the Boone Town Council, do proclaim the month of April 21st through May 2020 as Autism Awareness Month, and urge all citizens to recognize AUTISM AFTER 21 DAY as part of this recognition.

This the 7th day of May, 2020.

ATTEST:

Rennie Brantz, Mayor

Nicole Harmon, Town Clerk

RESOLUTION

The members of the Boone Town Council, meeting in special session on May 7th, 2020, do hereby adopt and pass the following resolution:

WHEREAS, the following person has served the citizens of Boone for 20 years:

WHEREAS, Donnie Goodman retired on August 01, 2019, after serving as a Sergeant for the Boone Police Department in an exemplary fashion; and

WHEREAS, his contribution in the service of the Town of Boone and its citizens will always be appreciated;

NOW, THEREFORE, BE IT RESOLVED, that Sergeant Goodman shall be awarded his Police badge and a service weapon as follows:

Glock, Model 22, .40 Caliber, Serial # PLK629

Furthermore, a copy of this Resolution shall be given to Sergeant Donnie Goodman.

Adopted this the 07th day of May, 2020,

Rennie Brantz, Mayor

ATTEST:

Nicole Harmon, Town Clerk

VOTE: Aye: All
 Nay: None

COUNCIL MATTERS

TOWN MANAGER UPDATE

Mr. Ward updated Council on the Town's COVID-19 response and indicated that just before the meeting, there was an announcement of another positive case in Watauga County of a non-resident who is employed here. He further reported that Town operations were progressing nicely, with staff making adjustments, daily department

directors, and plans in place for the pending changes that had been shared by the Governor and the actions that have been taken by the County and staff was prepared to act on actions taken by Council at the night's meeting. Mr. Ward indicated that staff had detailed plans on how operations would ramp back up and doing so in an incremental manner while practicing social distancing. He added that staff had been working hard to obtain personal protection equipment for staff use, which had proven to be a challenge. Mr. Ward was proud to announce that while the doors of Town offices had been closed, there had not been a decrease in services.

Mr. Ward announced that there had been 8 additional cherry trees planted at the water intake, and that the willows and the live stakings along the riverbank were starting to grow. He stated that 28 additional trees had been ordered to be planted at the water and wastewater treatment plants, and noted that he and his two sons planted 50 saplings along the Greenway on Earth Day as part of an at-home school project, which equaled out to an additional 86 trees which had been planted since the last update.

Mr. Ward stated that due to the credit from New River Light and Power 100 additional LED street lights were able to be purchased and installed along Highway 105 and 105 Extension, further accelerating Council's goal of replacing existing bulbs with more energy efficient LED bulbs.

Mr. Ward was pleased to report that over the last few months, the Town has been able to acquire 2,031,887.50 in grant funding as follows:

- \$2,000,000 CDBG grant for Deck Hill Water Tank replacement project
- \$7,387.50 Community Waste & Recycling Grant for receptacles in parks and educational materials about what could and could not be recycled
- \$24,500 for police equipment

Mr. Ward indicated that he had been having regular meetings with lobbyists on state and federal levels who are constantly monitoring the federal CARES act and how that impacts local government. State legislature appropriated funding which was made available for counties to apply for through a grant process, and an option was included for counties to share the funding with municipalities within their jurisdiction though not a requirement. Mr. Ward stated that he was hopeful the County would allocate funding to the Town and noted that he had spoken with representatives.

Mr. Furgiuele stated that he had received an email from a downtown business owner who had requested that free parking continue in the area beyond the proposed end date. Mr. Ward answered that the plan was to begin parking enforcement during phase two of the Governor's plan. He added that since the majority of parking was located within the MSD and the funds which paid for the meters came from the businesses which the meters were installed to protect, he believed it made sense to enforce parking when the businesses were allowed to open back up. Mr. Ward noted that this schedule would be in line with the opening of other Town offices, and added that staff was working on a plan to incorporate safety measures for the handling of money. Mr. Ward commented that there was recently an increase in usage of parking spots in front of apartments along King Street. Mr. Furgiuele felt that if Council endorsed the idea later in the meeting of boards and committees meeting again, that the idea should be discussed at the next DBDA meeting. Mr. Ward reminded Council that the decision was also a budgetary one due to the revenue tied to parking and the continuation of staff pay. Mr. Furgiuele noted that while he was not necessarily suggesting it at this point, the people in that department could be laid off since they were now Town employees and could potentially draw more money in unemployment benefits due to the COVID-19 stipend. Mr. Ward noted that in an average month, the Town saw approximately \$35,000 in revenue from parking. Council Member LaPlaca thanked staff for their work during the pandemic.

TOWN ATTORNEY UPDATE

Ms. Meade began her update by outlining details in a recently passed state law specific to COVID-19. She explained that the law specifically authorized remote meetings and added some details, though she personally believed that the law may raise more questions and cause more problems than if they had left well enough alone. Ms. Meade indicated that the law specified that chats, texts and the like held between members of the public body during the public meeting were considered public record, which she considered to have been the law already. She added that the law raised a question about public hearings, and stated that the law provided

public hearings could be held remotely, but that public comment must be entertained both before and for 24 hours after the public hearing. Ms. Meade stated that as a result of this, there was a debate amongst the School of Government and city attorneys about whether a council could take action immediately after a public hearing at the same meeting or if they would be required to allow the 24 hours of public comment to come to an end so that a council could only take action at a subsequent meeting. Ms. Meade indicated that School of Government attorneys felt that action could not be taken by a council until after the public comment period had come to an end, which meant action would have to come at a subsequent meeting. She reported that some city attorneys felt differently, though she sided with the School of Government on the topic. Ms. Meade added that the law expressly authorized remote quasi-judicial meetings, but that she agreed with Ms. Williamson's comments from earlier in the meeting that remote quasi-judicial meetings would raise quite a bit of practical and legal difficulty. She believed that if meetings could be put off for a few more months, that would be the way to go, but the issue would be different if Council wished to put off in-person meetings until the development of a vaccine. Mr. Ward noted that one of the Town's larger projects that would require a Board of Adjustment meeting for a special use permit was the Watauga Medical Center expansion project. Ms. Meade indicated that she and Ms. Shook have encouraged Watauga Medical Center to pursue a conditional district or general rezoning to wellness center instead of a special use permit, which would allow them to proceed on a legislative basis rather than on a quasi-judicial basis. She added that from their perspective, not only do they have a very large project, they were also concerned about the health and safety issues related to their energy plant which was outdated and problematic.

Ms. Meade stated that in addition to her normal work with Planning and Public Works, she had been working on the incorporation into the UDO of the land use regulations that were significantly changed by the State. She added that she would be bringing text amendments which carried much greater hazard to the Town moving forward because the Town could now be held liable for attorney's fees. Ms. Meade explained the enactment of a new chapter 160D had been moved back to next summer due to the COVID-19 situation. She added that in addition to other minor UDO amendments, she had been working on text regarding riparian buffers and draft Airbnb regulations.

APPOINTMENT TO PLANNING COMMISSION

Mr. Furguele felt that it was good for the Planning Commission to have a variety of generational voices, and nominated Adam Zebzda for the open one-year student position on the Planning Commission. Mayor Brantz and Council Members Hicks, Ulmer and LaPlaca praised Mr. Zebzda's prior experience in the Winston-Salem area. Council Member LaPlaca made a motion, which was seconded by Council Member Ulmer to nominate Mr. Zebzda to the one-year student position on the Planning Commission.

Mayor Pro-Tem Clawson logged out of the meeting at 6:49 p.m.

Mr. Zebzda's term will expire on May 7, 2021.

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

APPOINTMENT TO WATAUGA COUNTY PARKS AND RECREATION BOARD

Mr. Ward indicated that since this board was a County board, applicants were not required to fill out Town applications, even though the Town did advertise the vacant positions for 30 days, and noted that no additional interest had been received. Mr. Furguele expressed that moving forward, he would like to see applicants to County boards for positions appointed by Town Council fill out Town applications so that the application process was uniform and consistent. He indicated that when these applications were first considered for approval, he asked that they be tabled to allow for advertising, and noted that it was not because he was opposed to either of the applicants. Council Member Furguele made a motion to recommend West Eppley and Jeannine

Underdown-Collins to the Watauga County Parks and Recreation Board. Council Member Ulmer seconded the motion.

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

APPOINTMENT TO ABC BOARD

Ms. Meade stated that what she was about to say was not in anyway personal, but that since Mr. Wallin was a current County Commissioner, it was her view that it was a conflict of interest for him to serve on the Town's ABC Board since he was doing so to represent the Town's interests. She added that it was her view that if he continued to serve on the board he was basically serving two masters in the County and the Town at the same time, which she did not believe to be appropriate. Ms. Meade indicated that until 1971 local state law did not allow local elected official to serve on any board, appointed or elected since it was assumed that any other appointment would be a conflict. She clarified that she was not speaking to ex-officio appointments. Ms. Meade added that she had been made aware that Mr. Wallin had been advised by the County Attorney that there was no conflict in him serving on the ABC Board, so she understood why he wished to continue to serve, but she felt that it was her obligation to make Council aware of the situation. Mr. Furguele asked whether the position had been advertised, to which Mr. Ward confirmed that it had been and no additional applications had been received. Mayor Pro-Tem Clawson logged back into the meeting at 6:58 p.m. Mayor Pro-Tem Clawson stated that she wished to nominate Mr. Wallin unless Ms. Meade advised that it was illegal. Ms. Meade stated that she did not believe it to be illegal, but did believe it to be a conflict of interest. Council Member LaPlaca seconded the nomination. Mr. Furguele stated that he trusted Ms. Meade's opinion on this topic and that it gave him great discomfort to go against her analysis. He added that the County Attorney served as such during a time when he represented clients who sued the Town of Boone which he thought was also a conflict and that he did not trust the County Attorney's analysis of conflicts of interest. Mr. Furguele stated that in the spirit of cooperation and better relations between the Town and County he would vote in favor of the appointment, but he did so with some hesitation, though not because of Mr. Wallin himself, who he thought to be an excellent person. Council Members Hicks and Ulmer also indicated some concerns.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Loretta Clawson, Mayor Pro-Tem
SECONDER:	Nancy LaPlaca, Councilwoman
AYES:	Clawson, Furguele, Ulmer, LaPlaca, Hicks

DISCUSS & CONSIDER ADOPTION OF EMERGENCY MEASURES TO CONTINUE TO PROTECT THE CITIZENS OF BOONE

Mr. Furguele asked to hear from Jennifer Greene from AppHealthCare before discussing his agenda item. Mr. Furguele asked whether people could be carriers of the COVID-19 virus and not be symptomatic. Ms. Greene answered that that was true, though it was more common for people to be symptomatic judging by the information available so far. Mr. Furguele asked how many people had been tested in the County. Ms. Greene answered that the numbers may not be accurate in that some providers may not report testing unless they had a positive case. She indicated that to date 354 people had been tested, and noted that testing was initially done by the containment method and what they were going back to now, but that during the launch of the stay-at-home order and the shortage of personal protective equipment, healthcare workers moved to a mitigation strategy following CDC guidance and that of the DHHS which meant fewer people were tested. Mr. Furguele stated that he assumed that it was possible for a person to be tested and have negative results but contract the virus at a later date, which Ms. Greene confirmed to be the case. Mr. Furguele asked whether healthcare officials were sure that 7 days after someone who had the virus if their symptoms had disappeared they were no longer

contagious. Ms. Greene responded officials were now recommending a 10 day period from the onset of symptoms. She added that she believed masks would be more prevalent in the future since they had been a proven tool in keeping germs contained. Mr. Furgiuele asked whether the Governor's order and the County Commissioner's directive placed the time period at 7 days rather than 10. Ms. Greene indicated that guidelines had been 7 days until recently and would be updated to reflect the change to 10 days. Mr. Furgiuele stated that there appeared to be uncertainty as to how long the virus lasted and how it affected people, with Ms. Greene agreeing. Mr. Furgiuele asked how many cases the County had. Ms. Greene answered that there were 9 positive cases in the County at the moment and that cases were reported by county of residence. He asked if the people in Watauga County that had contracted the virus were elderly or were a mix of ages. Ms. Greene answered that it was a mix of ages and that healthcare officials were debating how to share that information while protecting privacy. She directed interested parties to the DHHS website for a demographic breakdown of virus related statistics in the state of North Carolina. Mr. Furgiuele stated that everyone was vulnerable to the virus, to which Ms. Greene agreed, but felt that when the term vulnerable was used, it was taking into consideration additional risks which would lead to severe risks and hospitalization or death. Mr. Furgiuele asked whether there were otherwise healthy people in their 30's and 40's who contracted the virus and developed pulmonary emboli and died. Ms. Greene confirmed this statement. Mr. Furgiuele asked whether it was correct to assume this pandemic would not end until a vaccine was produced or herd immunity was achieved. Ms. Greene stated that she believed the additional time with the stay-at-home order had helped in some ways in that early on, there were problems with testing turn around times and PPE. Mr. Furgiuele commended Ms. Greene and her staff, the Town Manager, Watauga Medical Center and the County Commission for handling the pandemic so well, but asked whether even though there had been so few cases, that would remain the case when people started traveling here from other places. Ms. Greene believed the County would see additional cases the more people traveled and that medical workers had been preparing for this. She further noted that the State had signed on with Microsoft to launch an app and website which had proven helpful in New York and other states. Ms. Greene confirmed that it was a risk the more people who were coming into the area, the more people could be exposed to the virus, but added that the highest risk was close contact for 10 minutes or longer. Ms. Greene felt that it was inevitable that there would be more cases no matter what restrictions were put into place. Mr. Furgiuele asked what the mortality rate was of people who had to go to the hospital due to COVID-19. Ms. Greene answered that it would depend on the patient's particular health condition but that there were 507 deaths reported in the State and 525 in the hospital. She believed that states that were opening up without taking a phased approach were putting North Carolina at risk. Mr. Furgiuele asked whether it was accurate to say that death rates in states like Tennessee, Texas and Georgia who have relaxed protective regulations have seen an increase in infection and death rates. Ms. Greene responded that while she had not studied other states' information, she believed that to be a logical assessment. Mr. Furgiuele asked whether there was a benefit to people wearing face masks that are not medical grade such as bandannas. Ms. Greene responded that there was a benefit and showed an example of a homemade mask that covered the nose and mouth, which she said was the target. She noted that masks were not meant to replace other social distancing measures and that masks were not necessarily to protect the wearer from germs, but to protect others from germs the wearer might be carrying. Mr. Furgiuele asked whether he was correct that neither the Governor's order nor the County Commissioner's order would require people working in stores and restaurants to wear masks indefinitely until a vaccine was discovered or herd immunity was achieved. Ms. Greene responded that the order did not include a mandate for masks and felt that if more was done to promote the positives of wearing a mask, that would be a better tool. Mr. Furgiuele noted that he was in a local grocery store recently and observed a large number of people, many of whom were not social distancing, and store clerks, mostly young people, who were wearing masks, but had them pulled down around their necks. He indicated that full capacity of businesses would often be a high number and wondered about the effectiveness of a 50% capacity rule, believing it to be arbitrary. Ms. Greene believed the intention of the regulation was to find balance, and asked members to keep that in mind moving forward. Ms. Meade clarified that the regulation was no more than 50% and occupants have to be able to remain at least 6 feet apart. Mr. Furgiuele added that while he was not insensitive to comments made by others earlier in the meeting, he would not sacrifice the life of his mother, his children, himself or his wife in order for someone to quickly restore their business operations. Mr. Furgiuele believed that the Governor's plan was a concession to people who wanted to open things up too soon and that everyone would suffer. Mr. Furgiuele understood that people were working to balance many interests, but felt that the most important interest to be protecting the safety and lives of the citizens of Boone to the extent possible. Ms. Ulmer reminded members that they were unable to control everyone's actions who came into the Town, and felt that all that could be done was to try and work together. She raised the question on whether or not the Town should mandate certain things

listed in the resolution. Ms. Meade indicated that there were several components of the Governor's order which was already in place which were mandated, and felt that if Council decided to make portions of the resolution mandate, that enforcement could become an issue. She also felt that authorities would be hesitant to make non-compliance be a matter of acting illegally, and would rather people be persuaded to comply voluntarily as opposed to labeling people as criminals. Mr. Furguele stated that if Boone were not a tourist destination, he may not have the same concerns, and believed there would be a huge influx of numbers due to the increase in population in the coming months. Mr. Furguele proposed that in addition to what was required in the orders by the Governor and the Watauga County Commissioners, that the Town would require the following measures to remain in effect until there was a generally effective and available vaccine or another change in the virus such as herd immunity: 1. Town boards and committees and Council itself should continue to conduct meetings via electronic means except for the Board of Adjustment, and that should be reevaluated in 60 days. He agreed with Ms. Meade's assessment that Board of Adjustment meetings could not be placed on a permanent hiatus unless changes were made to the planning procedure, but did not believe Board of Adjustment meetings should be held electronically even if the parties agreed to do so, since it would be a disservice to the public. 2. Mandate social distancing in all commercial establishments and in all public areas excepting between people who live in the same household. 3. Commercial establishments which have the ability should maintain one-way traffic aisles. 4. Establishments which are open to the public, including Town offices, should be required to provide hand sanitizer for use by the public as they enter and leave the establishments. 5. Store clerks, wait staff, etc. would be mandated to wear face masks and to sterilize their hands after each customer interaction. 6. Restaurants would be mandated to use only disposable menus. 7. Every business in Town, including the Town itself, must create a protocol to test employees who show signs of the virus and require that the employee stay out of work until they could be tested if they show any possible symptoms. 8. The Town should explore the possibility of setting up "sanitation stations" throughout the downtown area, possibly attached to light poles, to allow pedestrians to sanitize their hands. 9. The Town should purchase a supply of masks to supply to citizens of the Town for free, and maybe to the public at large for a low cost. 10. Mr. Furguele stated that although he wanted to work cooperatively with other entities, the Town of Boone had more density and was more of a tourism destination than other areas in the State and the County, and believed Council's responsibility was to protect Boone's citizens. He proposed that people who came to Boone from other areas should be required to self quarantine for 14 days, or if they exhibit symptoms, that they should remain quarantined for 10 days after the symptoms have abated. Ms. LaPlaca stated that she appreciated the sentiment behind Mr. Furguele's proposal, but that she did not support it. She believed it to be important to act as a unit, and believed the proposal to be confusing and expressed concern with the enforcement aspect of the mandates contained within the proposal. Ms. LaPlaca felt if the proposal were enacted, potential visitors would instead visit other towns around Boone which had already opened up. She asked whether Mr. Furguele would consider deferring action on this matter until Council could see how things played out with the Wilkes County outbreak, and added that she believed that at some point, people would have to take personal responsibility for their actions. Mr. Furguele stated that he had forgotten to mention in his proposal that he wished to limit occupancy to 25%. He responded to Ms. LaPlaca by stating that he did not find anything in the proposal to be confusing, and believed the only thing unenforceable to be the fact that there was no real way to know how long someone had been in the area, though he believed it would send a message. Mr. Furguele stated that when larger businesses opened back up, many employees would be forced to come back to work or be terminated. Mr. Ward was concerned about tying up emergency phone lines for people complaining on others for not social distancing, and suggested Council get feedback from interim Police Chief Andy Le Beau and Planning Director Jane Shook in terms of meetings. Mayor Pro-Tem Clawson stated that she was in favor of people wearing masks and social distancing. Ms. Meade noted that the Governor's order specified that local orders could not include more restrictive actions in terms of commercial occupancy limits. She added that anything that was enacted could subsequently be preempted if the Governor or the legislature determined that they wanted to preempt local regulations. Ms. LaPlaca asked Ms. Meade whether the proposal could not be implemented unless a public comment session were held because she felt the proposal to be drastic and that the public should have notice and an opportunity to speak about the proposal. Ms. Meade stated that there was no legal requirement for public hearing or comment but that it was up to Council whether they did so or not. Ms. Ulmer was concerned about mandating the use of masks due to the lack of availability of masks. Mr. Furguele indicated that that was the reason he confirmed with Ms. Greene that homemade masks were just as useful as store bought masks, and anticipated that people could use bandannas in the event they were unable to locate store bought masks. He further clarified that in terms of sanitation stations, he was only asking that they be explored, and not that they be mandated at this time. Mr. Ward indicated that the Town had already placed one such station in the downtown area near FARM cafe, but was concerned that staff would not be able to

acquire enough product to keep multiple stations supplied. He added that he had concerns about not being able to get ample masks for staff use. Mr. Ward felt that if staff was having difficulty locating sanitizer for its own use, Council may want to reconsider being so specific in its mandate. He indicated that he recently visited a local business that offered a solution of bleach and water for customers to wash their hands in as they were entering and exiting the business. Mr. Ward asked Council to consider that providing masks and hand sanitation would come at a cost to the Town, and reminded members that the Town was losing \$35,000 per month in parking revenue, in addition to lost hotel/motel tax revenue. Mr. Furgieuele felt that the Town was going to be at a financial loss either way and would have to look into cutting services in the future, raising taxes or dipping into reserve funds, which he believed this pandemic justified. Mr. Ward noted that the Town was at the point of allocating out reserve funds in addition to tax increases and cuts to service. Ms. LaPlaca felt that the reasons Mr. Ward laid out further justified the need for public feedback. She also asked whether a resident who left the County and came back would have to quarantine for 14 days under the proposed amendment, to which Mr. Furgieuele responded that the person would have to self quarantine for 14 days upon the return to Watauga County. Ms. LaPlaca felt that Council owed the citizens of Boone a public comment period and reiterated her desire to delay action on the matter. Mr. Furgieuele indicated that he would be willing to delay the effective date if the proposal passed for a week or two to allow for time to adjust, but felt that Council should act quickly since this was a health crisis. Ms. Greene reminded members that health officials continued to meet regularly should they decide to delay action, and asked that if they decided to put any return to work requirements to make sure it was linked to current public health guidelines. Mr. Furgieuele accepted Ms. Greene's suggestion as an alteration to his proposal. Mr. Furgieuele made a motion to approve his proposal as set forth, including the suggestion from Ms. Greene regarding return to work requirements being linked to current health guidelines, and with the understanding that the provision of masks and sanitation stations to the public would be exploratory at this point, with the Town Manager reporting back at the next meeting what capability the Town has to implement these things. He modified the proposal to allow for flexibility in terms of hand sanitizer, but clarified that there should be the ability when a person entered and exited a public place to sanitize their hands. He also added that the proposal should include language that products such as masks and sanitizer should be used to the extent they were available. Mayor Pro-Tem Clawson seconded the motion. Ms. Meade stated that she took Mr. Furgieuele to be agreeing to Ms. Greene's suggestion that instead of the requirement that someone not return to work until symptoms had not been present for 10 days, the Town refer to current health guidelines. Mr. Furgieuele agreed. Ms. Meade felt that in order to avoid equal protection type issues, that a quarantine would have to apply to anyone who was symptomatic, not just those from out of town. Mr. Furgieuele clarified that he had intended to split those two issues into two separate topics. Ms. Meade stated that for the Town to issue a declaration that would provide guidance such as this, she would be more comfortable if she could bring back a draft in writing and have Council go through it to make sure it was clear. Ms. LaPlaca agreed. Mr. Furgieuele amended his motion to make clear that what he was looking for was whether or not there was support from members, and if so, that Ms. Meade move forward with the drafting of an ordinance to be brought back at the regular May meeting which reflected the regulations set forth in the proposal. Mr. Ward asked Council to consider hearing input from Mr. Le Beau and Ms. Shook before making their decision. Ms. Shook stated that in anticipation of this discussion, staff had reached out to their board members with the exception of the Board of Adjustment, and noted that most members, at least a quorum of each board, indicated they would be able to participate in board meetings remotely, though not all. She added that the way the department operated, they only had a certain number of people in the office on a daily basis, and were not getting any additional projects done at the present time. Ms. Shook asked for guidance as to when Council would like to see virtual meetings begin to take place, and indicated that she would need about a month to get board members set up. She felt that it would be into phase 3 before Board of Adjustment meetings could take place, which would put the first BoA meeting in July due to advertising requirements. Mr. Furgieuele was agreeable that meetings would not take place until June, and added that the Town should explore offering devices for board members to use for meetings if needed. He did not believe the Board of Adjustment should reconvene in person in July without further discussion. Ms. Shook noted that if social distancing was maintained at Council Chambers, only 17 people would be allowed in the space, and noted that Board of Adjustment meetings may have to be held at a different location. Mr. Ward noted that time is a significant issue in terms of exposure to the virus as well. Ms. Shook stated that while she shared the same concerns as others as far as holding quasi-judicial meetings electronically, she did need to have an answer for applicants, four or five, one including Watauga Medical Center. Mr. Ward asked for further clarification in that a significant portion of Town staff, as well as Watauga Medical Center staff lived outside of Watauga County, and asked whether they would be allowed to come to work under the proposed quarantine rule and suggested that Council consider differentiating between people

who live and/or work in Watauga County. Ms. Meade indicated that emergency workers, which included healthcare workers, would be excepted, and suggested that adjoining counties could be excluded. Mr. Ward was concerned that the order could impact ASU operations since they had indicated that students would be returning to campus in the fall. Mr. Furguele amended his motion to ask that Ms. Meade, in coordination with Mr. Ward, Ms. Greene, Mr. Le Beau and others as needed look into whether there was a way to improve the safety of Boone citizens by some kind of quarantine process that would not prohibit employees from coming to work. Council Member Hicks indicated support for the majority of the proposal, but struggled with the quarantine portion. Council Member Hicks did not believe criminalizing things to be a good thing and asked members to really take a look at the enforcement piece of the mask mandate. Mayor Brantz called for a fifteen minute break.

RESULT:	APPROVED [4 TO 1]
MOVER:	Sam Furguele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Clawson, Furguele, Ulmer, Hicks
NAYS:	LaPlaca

FOLLOW-UP CONSIDERATION OF STRENGTHENED SMOKING/VAPING REGULATIONS

Ms. Meade noted that these regulations were discussed back in the fall of last year, then again in March for the discussion of a public hearing but the Council meeting and ASU were cancelled. She noted that she had finished draft language for the regulating of vaping and regulating around AppalCart shelters, and planned to put off drafting language for regulations in terms of smoking on downtown sidewalks until a public hearing could be held which would afford ASU students an opportunity to be heard. Ms. Greene indicated that any action that Council decided to take would be an effective strategy to protect people, and encouraged members to think about the broader impacts of vaping and smoking and how they might approach that in the future when a public hearing was able to be held. Ms. Ulmer noted that the AppalCart board recently discussed the issue of who owned the shelters and right of ways. Ms. Meade indicated that there were issues, but that the ordinance would need to be in place first before easement issues could be ironed out. She further noted that property issues may not even arise in that education and voluntary compliance were key, and did not believe that the Police Department had time to give out citations for smoking. Mr. Furguele stated that he believed there was agreement on most of the language and reiterated the need for a radius of protection around bus shelters and entrances to public places that are accessed by sidewalks. He noted that he was the one who had requested a public hearing and that he also had concerns about enforcement. Mr. Furguele stated that he would like to see an option drafted so that even if there was a public hearing, he thought it was best to be focused on draft language. He indicated that he would be in favor of moving forward with everything except the town-wide smoking/vaping ban on sidewalks, and instead would like to see draft language which would prohibit smoking/vaping only on the downtown sidewalks where skateboarding was banned. Ms. Meade stated that although it was a previous Council, her recollection was that there was no interest in banning smoking on all Town sidewalks, but only sidewalks in the downtown area. Mr. Furguele believed that former Council member Lynne Mason had advocated having smoking/vaping banned on sidewalks Town-wide. Ms. Greene believed that considering how the regulations applied to a broader population was an important factor since there was no safe level of second hand smoke, and felt that the regulations could be a tool to encourage people to quit smoking/vaping. She also reiterated that people should be given notice if Council decided to implement these regulations to allow time to quit smoking/vaping, and noted that the Health Department sponsored some nicotine replacement therapy programs. Mayor Pro-Tem Clawson noted that second hand smoke really bothered her breathing and that she did not like it. It was the consensus of Council to direct Ms. Meade to bring back draft language for Council's consideration, then to schedule a public hearing on all or parts of the language at a later date. Council Member Hicks suggested adding in time factors into the regulations, including hours when families would be utilizing sidewalks and/or bus shelters as opposed to members of the bar scene.

RESULT: CONSENSUS

UPDATE ON PROGRESS OF DOWNTOWN RELATED PLANNING EFFORTS

Ms. Shook announced that since meetings were currently at a stand-still, no more work had been done, but hoped that when virtual meetings resumed in June, efforts would get back on track. She believed that public comment on the design guidelines project would have to be more innovative given the current situation, and asked members to be thinking of how they wished to proceed. Mayor Pro-Tem Clawson asked about the status of the historic district guideline submission to Raleigh. Ms. Shook indicated that she had not heard any updates, but believed that when committee meetings began again, the HPC chair would give a progress update. She confirmed that staff was considering putting together a power point presentation outlining the work from both committees, and that these information sessions could still take place remotely, but that they would take longer. Ms. Shook announced a recent resignation by a staff member, as well as upcoming board vacancies before clarifying that she believed the intent of SHPO representatives was only to be involved in future discussion regarding the project.

REQUEST FOR DIRECTION - TRANSPORTATION COMMITTEE

Mayor Pro-Tem Clawson began discussion by commenting that she would be in agreement with changing the committee to ad-hoc and noted that NCDOT would likely not have funding for projects for quite a while. Mr. Miller reminded members that the committee was previously approved as ad-hoc, but discussion needed to take place regarding the membership of the committee. He noted that the board was so varied to allow for communication between different entities, and added that they also gave recommendations to Council. Mr. Furguele confirmed with Mr. Miller that ASU and County transportation boards did not have similar mechanisms to allow Town representatives to serve on their boards, and felt that if the mechanism were more even handed and potentially coordinated by the High Country Council of Governments, then he would feel better about outside parties making recommendations to the Town. He was concerned that people who had no real stake in the Town and who did not pay taxes had too much of a say in Town business. Mr. Furguele asked whether recommendations from the Alternative Transportation Committee always get channeled through the Transportation Committee to which Mr. Miller confirmed that they did to his knowledge since it was a subcommittee. Mr. Furguele stated that he continued to be disappointed that NCDOT did not see fit to send a representative to the committee meetings any longer, since questions often came up that were pertinent to DOT projects. Mr. Furguele asked whether there had been trouble filling the resident position on the board. Mr. Miller clarified that the resident position was filled, but that the Cooperative Extension position was recently left vacant, and staff was unsure how to proceed. Mr. Furguele stated that he would feel more comfortable if there were more resident positions on the board. Mr. Ward asked whether specific groups needed to come before the Transportation Committee needed to go before Council first or to the committee for requests in the future. Mayor Pro-Tem Clawson and Council Member Furguele agreed that alternative transportation groups should appear before Council first. Mr. Furguele felt that there should be one vote for ASU, one for Watauga County, and no votes from the DOT, though they should be invited to give input, along with a representative from the High Country Council of Governments. He added that he would like to see a recommendation come from the committee or Mr. Miller as a way to roll the Alternative Transportation Sub-Committee back into the Transportation Committee, pare down the size of the voting members in the Transportation Committee, make sure that there is a critical mass of members who live in the Town and see the number of residents expanded to three if possible. Mr. Furguele made a motion to expand the Transportation Committee to add two additional resident positions and to begin advertising to fill them. Mayor Pro-Tem Clawson seconded the motion. He added that when the term expired, he did not believe that one agency should be favored over another upon reappointment. Council Member Hicks suggested additional support for the alternative transportation community. Mr. Furguele amended his motion to include that the two resident positions should have an interest in alternative transportation. Mayor Pro-Tem Clawson accepted this amendment.

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

CONSIDERATION OF SIDEWALK EASEMENT AGREEMENT - KSC PROPERTIES, LLC

Upon a motion by Council Member Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted to approve the sidewalk easement agreement between the Town and KSC Properties, LLC. Mr. Furgiuele expressed his thanks to the property owner for providing this easement to the Town, and felt that they could be an example to other property owners as the Town moved forward with obtaining easements to install the sidewalk along 194 at Hardin Park school.

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

CONSIDERATION OF CONTRACT AWARD FOR REPAIRS TO STATE FARM BRIDGE BEAM REPAIRS

Mr. Moody presented the request from staff and recommendation by Vaughn and Melton engineers to award the contract for repairs to the State Farm bridge beams, and stated that only one bid was received after advertising for 32 days from Lanford Brothers Co., Inc. in the amount of \$303,772.80. Mayor Pro-Tem Clawson asked whether the Town still had the funds to complete this project, which Mr. Moody confirmed that the funds existed within the current budget. Ms. Clawson then made a motion to approve, which was seconded by Ms. Ulmer.

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

CONSIDERATION OF CONTRACT AWARD FOR SOUTH DEPOT STREET BOX CULVERT REHABILITATION

Mr. Moody presented a request from staff and recommendation from Municipal Engineers to award the contract for the South Depot Street box culvert rehabilitation project to Utility Asset Management, Inc. in the amount of \$94,000.00. Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Clawson, Council approved the request unanimously.

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

CONSIDERATION OF AGREEMENT - CDBG DECK HILL WATER TANK REPLACEMENT PROJECT

Mr. Miller presented an agreement between the High Country Council of Governments and the Town of Boone for grant management assistance on the CDBG Deck Hill water tank replacement project. Mr. Furguele confirmed that these services would not cost the Town anything since the administrative costs were rolled into the grant. Mr. Miller confirmed this, and also confirmed that the Town had already been awarded the grant. Mr. Furguele then made a motion to approve the agreement. Ms. Ulmer seconded the motion.

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

PROPOSAL TO MODIFY PERSONNEL POLICY TO AUTHORIZE EMERGENCY MODIFICATION BY TOWN MANAGER

Ms. Meade indicated that an issue came up at the last Council meeting where Council ratify a temporary personnel policy that Mr. Ward had approved to reflect new federal law in response to COVID-19 enacting new leave policies. Ms. Meade stated that there was discussion during that meeting that there should be explicit authorization in the personnel policy for the Town Manager to take such action, and presented draft language with this addition. She pointed out that the Town Manager would be authorized to take such action if there was change in the law, emergency conditions or other exigency that would not allow Town Council to act. Ms. Meade added that in light of such circumstances, Town Council would be presented with the modifications as soon as reasonably practical in order to ratify, modify or reject the policy change. Upon a motion by Mr. Furguele, seconded by Mayor Pro-Tem Clawson, Council approved the modification to the personnel policy as presented.

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

CONSIDERATION OF TOWN'S TPP REGARDING NEW FEDERAL EMERGENCY LEAVE MANDATES

Ms. Meade explained the two new temporary emergency leave requirements under the federal COVID19 laws, and stated that Council could modify them as they saw fit as long as the policy carried out the mandate. She requested, however, that Council change one particular item. Ms. Meade explained that the two statutes treat leave due to lack of childcare caused by COVID19 differently. Under FMLA the childcare provider has to be one that is compensated, but under the emergency sick leave policy, the childcare provider could be an uncompensated person. Ms. Meade asked whether there had been any employee to claim leave up to this point under either of the two new policies. Mr. Presnell answered that there had not been. She then asked that the FMLA leave policy be as generous as the emergency sick leave policy in terms of childcare. Ms. Meade added that while the statutes are different, the department of labor had issued guidance suggesting that despite clear statutory language to the contrary, that FMLA should still apply even to childcare providers who were not compensated. Mr. Furguele agreed and made a motion to approve the text in accordance with Ms. Meade's recommendations. Mayor Pro-Tem Clawson seconded the motion.

In regards to the second part of the action request, Mr. Furguele felt that excluding some employees from the same benefits as others was unconscionable, and felt that the same benefits should be made available to all employees. Ms. Meade explained that both of the emergency leave laws allow the employer to completely exclude emergency responders, which was broadly defined as all employees who supported the Fire and Police Departments. She believed the statutes to have been written to encourage or force emergency personnel to come to work during the pandemic and added that she agreed with Mr. Furguele that all employees should enjoy the same leave benefits. Mr. Presnell indicated that in his research on the topic, about half the towns were excluding emergency personnel from leave benefits, and half were not. Mr. Ward was concerned with the Town being able to operate at full staff without paying out a great deal of overtime if there were large amounts of

employees who could utilize this policy. Ms. Meade reminded members that a distinction could be drawn in the personnel policy between employees who needed to stay home because they were sick, and employees who needed to stay home to care for a sick family member. Mr. Furgiuele reiterated his opinion that all employees should be treated equally unless there was a very compelling reason to do otherwise. Mayor Pro-Tem Clawson made a motion to approve the text with the exclusions removed. Mr. Furgiuele seconded the motion.

VOTE: Aye: All
 Nay: None

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

ADJOURNMENT

Upon a motion by Mayor Pro-Tem Clawson, seconded by Mr. Furgiuele, Council voted to adjourn the meeting at 10:08 p.m.

VOTE: Aye: All
 Nay: None

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor