

MINUTES – SPECIAL MEETING BOONE TOWN COUNCIL

A special meeting of the Boone Town Council was called to order at 6:00 p.m., Wednesday, Nov. 20, 2013, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro-Tem Jamie Leigh, Lynne Mason, Andy Ball and Allan Scherlen. Staff members present were Town Manager Greg Young, Deputy Town Clerk Christine Pope, Planning Director Bill Bailey and Public Utilities Director Rick Miller. Town Attorney Sam Furgiuele was in attendance. Also present were Watauga County Commissioners David Blust, Billy Kennedy, Nathan Miller, Perry Yates and John Welch, Watauga County Manager Deron Geouque, Watauga County Clerk Anita Fogle and Watauga County Attorney Stacy “Four” Eggers.

DISCUSSION OF EXTRATERRITORIAL JURISDICTION BOARD APPOINTMENTS

Watauga County Commission Chairman Nathan Miller began the discussion, summarizing the events leading to the meeting. Mr. Miller added that he did not believe there was a discussion of a public hearing requirement at the 2011 meeting of the Town and County, and felt that the Town was overstepping their statutory authority for requiring such hearing and the requirement should be removed from the Unified Development Ordinance (UDO).

Town Attorney Sam Furgiuele and County Attorney Stacy “Four” Eggers provided differing interpretations of the wording of the N.C. General Statutes, which provides direction for ETJ appointment procedures.

Watauga County Commissioner Perry Yates stated he believed the current requirement for the County to hold a public hearing is discriminatory and that he would like it to be removed from the text. Council Member Mason indicated that she would like to see effort made by both the County and Town to ensure people from the ETJ are appointed to represent their area on the Planning Commission and Board of Adjustment. Brief discussion ensued regarding wording on the Town’s board application. Town Council members and County commissioners each provided brief descriptions of the process through which their board vacancies are advertised and appointments are made.

Following discussion of procedures for finding and appointing ETJ board members, the Watauga County commissioners and Town Council members were in agreement that the County’s public hearing requirement would be removed from the UDO, both parties would ensure notification and advertising of ETJ board vacancies, and the Town would be allowed to send as little or as many appointment recommendations to the County as they would like, whereas in the past the County required two recommendations at a time.

Council Member Jamie Leigh stated she was concerned, not wanting the process to be too quick to appoint someone outside the ETJ in order to fill a board seat. Discussion ensued regarding providing enough time prior to the County’s 90-day statutory period to appoint someone to allow for both the Town and County to find an ETJ representative.

The Watauga County Commissioners and Town Council members were in agreement that the Town would notify the County at least 90 days prior to the end of an ETJ position term in order for both the Town and County to advertise for the vacancy through their respective Web sites and at meetings prior to the 90-day statutory period that begins once a resolution is submitted by the Town to the County. The Town will then submit any appointment recommendations to the County at the end of the preliminary 90-day period. Additionally, Commission Chairman Miller indicated that they would not appoint anyone to the position during the preliminary 90-day period in which applications are being sought before the position term ends, which would make the quickest period from notification to appointment being four months, noting that the County requires two readings across two meetings before appointing a board member unless the first reading has a unanimous vote. The Town Council members agreed that they would also continue to forward any appointment recommendations to the County after the term ends until the seat is filled.

Town Attorney Sam Furgiuele stated that changes made to the UDO would take approximately one to two months. He added that once a term has ended, if the person is willing to remain on the board, they stay seated in that position until a new person is appointed.

Lengthy discussion ensued regarding the time period allotted for receiving applications if someone resigns from their position. Town Attorney Sam Furgiuele indicated that the matter of the ETJ not being represented during the time that the position is vacant is a non-issue, because there are alternate ETJ positions as well to fill-in. Planning Director Bill Bailey added that during his time as director, he can only recall two instances in which the ETJ was not fully represented.

Upon further discussion, it was the general consensus of the Watauga County Commissioners and the Town Council that, if a board member has to vacate their seat on the board before their term has expired, the County would allow the Town to have 60 days to submit appointment recommendations to the County before the resolution is submitted and the 90-day statutory period begins for the County to appoint someone.

ADJOURNMENT

Upon a motion by Council Member Ball, seconded by Council Member Mason, Council moved to adjourn at 7:54 p.m.

VOTE: Aye – All
 Nay – None

Christine Pope, Deputy Town Clerk

Loretta Clawson, Mayor