

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
January 21, 2021**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order electronically on Thursday, January 21, 2021. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Loretta Clawson, Sam Furgiuele, Connie Ulmer, Nancy LaPlaca and Dustin Hicks. Staff members present included Town Manager John Ward, Town Clerk Nicole Harmon, Fire Chief Jimmy Isaacs, Deputy Public Works Director Todd Moody, Downtown Boone Development Coordinator Lane Moody, Public Works Director Rick Miller, Sustainability and Special Projects Manager George Santucci, Planning Director Jane Shook, Police Chief Andy Le Beau, Cultural Resources Director Mark Freed, Finance Director Amy Davis, and Human Resources Director Dale Presnell. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

Mayor Brantz welcomed all in attendance and announced the following board vacancies:

BOARD OF ADJUSTMENT

Two alternate positions

COMMUNITY APPEARANCE COMMISSION

Four regular positions

HISTORIC PRESERVATION COMMISSION

One regular position

One student position

PLANNING COMMISSION

One position

TOURISM DEVELOPMENT AUTHORITY

One resident in Boone Area Chamber of Commerce

TRANSPORTATION COMMITTEE

One position (Cooperative Extension)

One resident position (Alternative Transportation)

One student position

WATER ADVISORY COMMITTEE

Four regular positions

One student position

TENTATIVE AGENDA ADOPTION

Mr. Ward noted that a potential change in the agenda may be warranted after Ms. Meade's update on the TDA membership. Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. LaPlaca, Council voted unanimously to approve the agenda as presented.

PUBLIC COMMENT

Caitlin Doss spoke in support of the proposed climate energy resolution later on the agenda, and stated that there were many reasons for people to acknowledge the responsibility to mitigate the climate crisis and to begin to decrease dependence on fossil fuels for energy sources. She added that as a service provider to the town of Boone, New River Light and Power could assist with the transition away from fossil fuels in many impactful ways such as changing their policies regarding rooftop solar and net metering to incentivize solar use. Ms. Doss believed that New River Light and Power could also benefit from customer generation by reduced demand costs, and eliminating losses experienced through fossil fuel conversion and transmission. She encouraged NRLP to share the un-redacted

version of their cost of service study with interested community members so that they could work together to create various solar policies while balancing out fixed costs. Ms. Doss added that as new decisions were made on solar compensation in the state, she hoped that New River would be willing to cooperatively discuss the community's needs and desires for renewable energy opportunities, and most importantly, issues such as meter costs, and the costs and benefits of solar should be analyzed and shared.

Ted Callie of Vote Solar spoke regarding net metering and the issue of cost shift. He felt that NRLP customers did not have basic property rights, in that if they purchased solar for their house, they could not use it. He believed that as more applications of technology started to be developed, the more value that it could provide to the grid. Mr. Callie added that stifling that movement before it got started put a cap on how much innovation could happen.

Jeremy Farrell was called but was unavailable to speak.

Michael Weiss spoke in support of the climate emergency resolution and stated that he believed it was an absolutely necessary step. He felt that NRLP were acting as if climate change was not an issue, let alone an emergency in that, not only were they refusing to purchase significant amounts of renewable energy for their own usage and selling, but they were preventing residents from bringing it to Boone themselves. Mr. Weiss added that with net metering, energy costs could be reduced for residents of new regulated power, bringing jobs to Boone to improve community health and fight climate change. He stated that if there were challenges with enacting these policies, the community could work through them with NRLP.

Bob Hughes stated that net metering and fair pricing for solar was not just worthwhile, but vital.

Rory McIlmoil, Senior Energy Analyst at Appalachian Voices in Boone spoke regarding the NRLP policy on net metering. Mr. McIlmoil took issue with the fact that, rather than conducting a more accurate and relevant study using New River's own cost and revenue data, they instead cited as evidence of this cost shifting a study conducted for the Sacramento Municipal Utility District.

REQUESTED APPEARANCES

ADAM ZEBZDA - CLIMATE EMERGENCY RESOLUTION

Adam Zebzda presented Council with a proposed climate emergency resolution, and stated that no one would be spared from the effects of climate change. He added that North Carolina's climate risk assessment had identified the threats faced which included dangerously hot summers, severe droughts and devastating inland flooding. Mr. Zebzda acknowledged that the Town had committed to various climate justice goals including community wide use of renewable energies by 2050, but felt that continuing business as usual meant that these goals would not be reached. He stated that the climate emergency resolution aimed to put the Town on track towards making sure the goals were achieved, and if adopted, a climate and ecological emergency would be declared in Boone stressing the need for action and commitment in mitigating the climate crisis. Mr. Zebzda added that other provisions would ensure the timely production of a Boone strategic resilience plan and encourage a community wide approach and implementing solutions that would protect generations to come. Ms. LaPlaca thanked Mr. Zebzda for taking the time to write this resolution and research it to put it together. Mr. Furgiuele stated that he supported the resolution, but pointed out that it was disappointing to him that the people that had been advocating for the Town to take drastic action on climate change had not attempted to pressure the County Commission to restore the sales tax to the Town. He noted that two years ago, the Town Council made a commitment that if the County restored the distribution of sales tax from what was currently ad valorem based, which benefited the resort communities over the Town, to per capita, which it had previously been, and would yield about \$2 million a year, Council made the commitment that if that happened, for a 10 year period,

the increased collection of sales taxes would all be used to support sustainability efforts. Mr. McIlmoil asked if there was history on this topic available to the public, to which Mr. Furgiuele answered that it was available in news articles of the time, and that he would be happy to talk with Mr. McIlmoil about the matter any time. Ms. LaPlaca pointed out that net metering would not cost the Town of Boone a penny, but was a matter of policy change. Mr. Furgiuele replied that he was not suggesting that net metering would cost the Town money, but was suggesting that, for example, replacing current fire trucks that ran on fossil fuels, with electric trucks, dump trucks, and the 140 vehicles in the Town fleet would cost money. He added that he assumed that that was part of the Town's goal in seeking to achieve a climate neutral position, and that it would be important for the Town to stop running 140 vehicles on fossil fuels. Mr. Furgiuele reiterated that his view was that the money could support the new municipal complex, where a commitment had already been made to be built to be climate neutral. Mr. Zebzda responded that he had been working on an opinion column to be published in the Watauga Democrat next week which called for the County Board of Commissioners to help the Town invest in a more sustainable future. Mr. Hicks noted that this climate emergency movement was something that cities and towns across the world were working towards in an effort to further embolden actions. He believed that action put the Town in conversation with other cities and towns that were also using this tactic to work to respond collectively. Mayor Pro-Tem Clawson agreed with Mr. Furgiuele's statements regarding the County Commission, and added that the result was a really serious blow to the Town because it did cause the Town to lose a lot of money. She hoped the County would, at some point, be willing to talk about restoring tax revenue to the Town. Ms. LaPlaca asked whether Mr. Ward or Ms. Meade had any comments regarding the resolution. Mr. Ward indicated that he had been involved in the construction of the resolution from the beginning and that his suggestions had been incorporated already. Ms. Meade stated that the only question she had was how the specific goals were set forth and how they fit with the goals that the Town had already adopted. She indicated that she did not have any legal issues with the resolution. Ms. Ulmer felt that this resolution was not saying anything new or different, and believed it needed to be tweaked, even though everyone else seemed to be fine with the resolution as-is. Upon a motion by Ms. LaPlaca, seconded by Mayor Pro-Tem Clawson, Council voted unanimously to approve the resolution as presented.

TOWN OF BOONE
WATAUGA COUNTY, NORTH CAROLINA
RESOLUTION #
RESOLUTION OF THE BOONE TOWN COUNCIL ENDORSING A CLIMATE
EMERGENCY DECLARATION AND AN EMERGENCY MOBILIZATION EFFORT
TO PURSUE A SUSTAINABLE FUTURE

WHEREAS, on April 22, 2016, world leaders from 174 countries and the European Union recognized the urgent need to combat climate change by signing the Paris Agreement, agreeing to keep global warming “*below 2°C above pre-industrial levels,*” and pursuing “*efforts to limit the temperature increase to 1.5°C;*” and

WHEREAS, the loss of life and damage caused by current global warming demonstrates that the Earth is already too hot for safety through an increased frequency and intensity of wildfires, severe flooding, sea-level rise, disease, drought, and extreme weather; and

WHEREAS, according to the United Nations’ Special Rapporteur on Extreme Poverty, a 1.5°C increase in global temperature could expose 500 million people to water poverty, 36 million people to food insecurity because of lower crop yields, and 4.5 billion people to heatwaves by the year 2100; and

WHEREAS, in October 2018, the United Nations released a special report which projected that limiting warming to even a 1.5°C target this century will require an unprecedented transformation of every sector of the global economy by 2030; and

WHEREAS, the United States of America and other industrialized countries have disproportionately contributed to climate change and accordingly bear an extraordinary responsibility in rapidly solving this crisis; and

WHEREAS, global biodiversity (the variety of lifeforms central to ecological health) is being severely damaged by dominant extractive economies driving the sixth mass extinction of species that could devastate much of life on Earth for millennia, and compounds and exacerbates the risks caused by climate change, according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services; and

WHEREAS, restoring a safe and stable climate requires an emergency climate mobilization on a scale not seen since World War II in order to:

1. Reach zero greenhouse gas emissions across all sectors of the economy by 2050, with incremental reductions of approximately 5-7% per year with the achievable goal of reducing greenhouse gas emissions from the electricity and heating sectors within Boone by 2030;
2. Rapidly and safely draw down and remove all excess carbon from the atmosphere until safe, pre-industrial climate conditions are restored;
3. Implement measures to protect all people and species from the consequences of an abrupt climate breakdown; and

WHEREAS, such necessary measures to restore a safe climate include:

1. A rapid and just phase-out of fossil fuels, so that greenhouse gas emissions from electricity and gas within Boone are reduced by approximately 50% by 2030, which requires yearly reductions of 5-7% per year;
2. Ending greenhouse gas emissions as quickly as possible to establish a zero-emissions economy;
3. A widespread effort to safely draw down excess carbon from the atmosphere;
4. A full transition to a regenerative agriculture system;
5. Widespread conservation and restoration of ecosystems; and

WHEREAS, justice requires that frontline and marginalized communities actively participate in the planning and implementation of this climate mobilization effort and equally benefit from the transition to a climate-safe economy; and

WHEREAS, the scope and scale of action necessary to stabilize the climate and biosphere will require unprecedented levels of public awareness, engagement, and deliberation to develop and implement effective, just, and equitable policies to address the climate emergency; and

WHEREAS, Article XIV, Section 5 of the North Carolina Constitution requires the conservation, preservation, and protection of lands and waters in public trust; and

WHEREAS, the State of North Carolina has established a goal of carbon neutrality by 2050 and increased protection for standing forests and the creation of green jobs as declared in Executive Order No. 80 issued by Governor Roy Cooper in October of 2018; and

WHEREAS, the Town of Boone must encourage fair commerce within its jurisdiction, especially regarding that related to the local economy's energy sector; and

WHEREAS, at present, the Town does not currently have the local legislative authority to phase out fossil fuel production, power generation, or use within the Town as a whole, but can use its authority to promote clean energy and the ability of its citizens to address the climate crisis by asking utilities to provide fair, cost-effective net metering as well as energy efficiency programs especially those geared toward low-income households; and

WHEREAS, the Town of Boone must accelerate its efforts to create an ecologically regenerative local economy that is socially, racially, and economically just at emergency speed, through broad community mobilization and by advocating for the regional, national, and international efforts needed to reverse global warming and prevent further harm to global biodiversity; and

WHEREAS, marginalized groups in Boone and Watauga County have historically faced unfair levels of displacement, violence, discrimination, governmental apathy and underfunding; currently face unequal access to suitable housing, education, health services; and are projected to be more heavily impacted by the effects of climate change due to a lack of the funding and resources necessary for stability and resiliency;

WHEREAS, the City of Asheville, North Carolina, adopted a similar Resolution in January of 2020, becoming the first in the State to do so;

NOW, THEREFORE, BE IT RESOLVED by the Boone Town Council that the Town shall take the following steps in addressing the current climate emergency:

1. The Town Council hereby declares that a climate and ecological emergency threatens our community, state, nation, civilization, humanity, and the natural world; and
2. The Town of Boone shall commit to an equitable and just town-wide mobilization effort to reverse global warming that, if met with all necessary financial and regulatory assistance and authorization from State and Federal authorities, would:
 - (a) Reach climate neutrality in municipal operations by 2030;
 - (b) One hundred percent use of clean renewables in municipal operations by 2040;
 - (c) Encourage Boone's electric and gas utilities to provide programs for its customers that promote customer-sited solar through fair and cost-effective net metering, fair and cost-effective customer-sited solar infrastructure, customer-centric energy efficiency programs such as home energy audits, weatherization, rebates for high-efficiency heat pumps, and other programs with an emphasis on assisting low-income customers; and
 - (d) One hundred percent use of clean renewables by the entire Town of Boone by 2050; and
3. The Town Council shall commit to more in-depth incorporation of sustainability considerations within departmental decision making and programs; and
4. The Town of Boone shall continue to recognize that the full participation, inclusion, support, and leadership of community organizations, faith communities, youth, academic institutions, indigenous groups, and racial, gender, family, immigrant, and disability justice organizations and other allies' support; and
5. The Town of Boone recognizes the need for and supports additional public engagement throughout the town and county to discuss the current climate emergency and develop a plan to reach the community's renewable energy goals, especially by ensuring the inclusion of marginalized communities; and
6. The Town Council hereby recognizes that there is a global climate emergency which demands a massive-scale mobilization to halt, reverse, and address its consequences and causes, and supports the passage of legislation that would initiate a national emergency-speed mobilization to reverse global warming and prevent further loss of biodiversity, which could include, but not be limited to a carbon fee and dividend policy, cap and trade policy, or other similar comprehensive emission reduction policies; and
7. The Town of Boone hereby calls upon Watauga County, other North Carolina municipalities, the State of North Carolina, and the Federal Government to declare a climate emergency and cooperatively initiate a climate mobilization effort that would reverse global warming, prevents further harm to global biodiversity, and provides maximum protection for all people and species of the United States; and
8. The Town Council hereby supports the delivery of this Resolution to all relevant local, State, and Federal agencies and elected representatives representing constituents within the Town of Boone, along with the request that all necessary support and assistance needed to effectuate this Resolution be provided as soon as possible; and
9. The Town of Boone shall engage with all relevant local and state entities to identify the feasibility and opportunities for gaining local authority to regulate the transition of fossil fuel to renewable energy use; and
10. The Town Council shall ensure the timely creation of its requested "Town of Boone Resilience Plan" with an emphasis on climate justice as produced by the Sustainability and Special Projects Manager; and
11. The Town Council hereby commits to keeping the concerns of vulnerable communities central to all climate program planning processes and to invite and encourage such communities to actively

participate in the development and implementation of the Town’s climate change mitigation and adaptation efforts; engagement should result in real benefits for these communities without exacerbating the current lack of affordable housing within Boone; examples of such benefits include, but are not limited to, pollution reduction, healthier homes, and reduced energy costs; and

- 12. The Town Council shall work with local businesses, the two utilities serving the Town of Boone being New River Light & Power and Blue Ridge Electric Membership Coop., as well as land development, and other private sectors to identify and incentivize effective ways to reduce greenhouse emissions, encourage fair energy commerce, and meet Boone’s community-wide one hundred percent renewable energy goal.

Approved and effective this the ____ day of January, 2021.

ATTEST:

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor

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

NICK KATERS, ED MILLER, CHRIS NAULT - NEW RIVER LIGHT AND POWER

Nick Katers and Ed Miller of New River Light and Power presented a power point presentation to address questions previously raised by Council members. A complete copy of the presentation may be viewed at <http://boonenc.iqm2.com/Citizens/Default.aspx> . After the conclusion of the presentation, the floor was opened to further questions from Council members. Mr. Hicks asked for details on the development of a new rate and asked what the process would look like. Mr. Katers responded that he was unsure what the process would look like and thought that the entry point into the town was working through the Sustainability Committee. Mayor _____ Pro-Tem _____ Clawson

thanked Mr. Katers and Mr. Miller for their presentation. Mr. Furgiuele also thanked the NRLP representatives for their presentation and for responding with a positive attitude. He believed that the issues which had been raised about net metering were important, but when looking at the demographics in the Town, he believed there would be a lot of people that were never going to be able to afford solar arrays of their own, and noted that a large percentage of homes in Town were rentals or were situated deep in shade. Representatives responded that there were other potential options as they moved toward their conversion to Carolina Power Partners, such as hydro, positive developments in battery technology so that people that did have solar panels on their rooftops could use their own energy with battery technology. In reference to a photo in the presentation of a wind turbine, Ms. LaPlaca stated that the wind turbine supplied approximately 1/10 of 1% of the energy, whereas on campus, solar made up 15/100 of 1%. She asked the representatives to confirm those numbers. Mr. Katers responded that he did not have the answer right off the top of his head as to what the actual production of the turbine was, or what the on campus solar panels provided at this time, but indicated that he would follow up and get the requested information to members. Ms. LaPlaca asked that NRLP include experts in their rate discussions, and suggested that virtual net metering also be discussed. Ms. LaPlaca also asked that NRLP share with the public the cost of service study, and believed it to be incredibly important that they do so. Mr. Hicks asked what the process was for a rate change and what would happen if a rate were rejected by the commission. Mr. Miller responded that a rate had never been rejected, but that the change process was long and involved a

great deal of data.

ADOPTION OF ITEMS ON CONSENT AGENDA

Upon a motion by Mayor Pro-Tem Clawson, seconded by Mr. Furgiuele, Council unanimously approved the following items on the Consent Agenda:

Budget Amendments:

1. Police Department - Maintenance Vehicles (Misc. Revenue) \$1,121.40
2. Police Department - Maintenance Vehicles (Misc. Revenue) \$1,147.38

COUNCIL MATTERS

TOWN MANAGER UPDATE

Mr. Ward updated members on the following topics:

1. Covid-19: Mr. Ward stated the County was currently reporting 163 active cases, 25 of those associated with ASU. He noted that to date, the County had seen 27 deaths, and that while any death was too many, comparatively, Watauga County was seeing less than 50% fewer cases than all of the adjoining counties' percentage-wise based on their population. Mr. Ward announced that Boone Fire and Police staff participated in the first large community vaccination effort that occurred at Watauga High School during which 1,168 individuals were vaccinated and 100% of the available vaccines were utilized. He indicated that the next event for people to receive their second shot was scheduled for Saturday, February 6, and that medical officials continued to receive additional vaccines as they became available.
2. Updated appraisal of surplus property: Mr. Ward indicated that the updated appraisal requested by Council of the surplus property located at 1500 Blowing Rock Road was in process and that he hoped to be able to report back next month after reviewing with the real estate agent.
3. Boone Creek Restoration Plan: Mr. Ward stated that the plan had been completed and a stakeholder meeting was held with the engineer. He noted that staff was looking for other opportunities to partner with ASU on a potential parking deck in the future along Howard Street.
4. NC Highway 194 Sidewalk Easements: Perkinsville Baptist Church has submitted plans for a church expansion which would call for the church to install a sidewalk along the frontage of Highway 194. He added that the Town still needed a larger easement on the church property for the DOT sponsored hawks crossing that would go from the church side, across the street to the vacant parcel on the other side. Mr. Ward noted that staff had struggled to get a easement from the owner of the vacant parcel adjacent to the church, so he has reached out to the school superintendent to pursue discussions on moving forward with partnering with the school to make one last attempt at securing that easement with that property owner before he would be able to bring back a final recommendation on how to proceed. He stated that staff had verified with DOT that the money for the hawks crossing was still available and they were ready to assist when the Town was able to move forward with the easement. Mr. Furgiuele asked whether it would be possible to find the money before budget discussions to ask the Town's appraiser to take a look at the property and give a ballpark idea of what the value of that easement would be so that Council could consider setting aside sufficient funds if needed. He added that he believed it would be unfortunate for this work to not be completed in time for school next year. Mr. Ward agreed that this could be done.

5. Deck Hill Water Tank Project: The Preliminary Engineering report has been submitted and accepted by NCDEQ. Staff along with the project engineer and HCCOG are continuing to work through the site development and environmental review process.

7. The Public Works Street Department have spent many hours clearing roads of snow and spreading salt to ensure Town streets and sidewalks are safe.

8. Jones House Operations: Weekend restroom usage has decreased to around 50 people for a total this past week of approximately 203 people. Staff has continued to look for and explore different options for bathrooms in the downtown area.

9. Queen Street parking deck update: Mr. Ward indicated that he had sent an email earlier regarding the Turner House demolition and noted that it had now hit the Watauga Democrat. During the Tuesday Town Council meeting, Mr. Ward stated that the County Commission had an agenda item to discuss participation in the Queen Street parking deck project as both parties had agreed to previously, and they chose to not move forward with any type of participation in the parking deck and to move forward with the demolition of the house. He reiterated that some of the decisions that were being made and some of the discussion was held when there was no opportunity for people to participate in the County Commission meeting was based on misinformation. Mr. Ward stated that the Town would regroup and noted that staff was making progress on moving forward with the engineering report for the restoration of the Rivers House, and would be bringing some information back in February to have a updated discussion of the Queen Street parking deck. Mr. Furgiuele stated that he had heard an unequivocal commitment on the part of County Commissioners to participate in studying the feasibility of the Queen Street parking deck with an interest in potentially saving the home, and was shocked that they were not following through in their commitment to share the cost of a parking deck on Queen Street. He asked whether the Town had already spent significant amounts of money on the geotechnical survey and whether the County had paid its half for this work. Mr. Ward indicated that staff would be submitting a bill to the County for their half of the bill, and believed the County would follow through on that promise. Mr. Ward believed the amount to be approximately \$20,000.

10. Sustainability: Mr. Ward reported that Sustainability and Special Projects Manager George Santucci started in his new position at the first of the year. He indicated that Mr. Santucci was working on wrapping up some projects that were carried over from his position at New River Conservancy, which included the Winkler's Creek stormwater restoration plan, and the Boone Creek daylighting feasibility study. He added that Mr. Santucci would also be taking an inventory of all Town-owned property and partnering with the GIS department to do a wooded tract inventory. Mr. Ward stated that former Assistant Town Manager Jim Byrne had started on this project and that so far, 429 tons of carbon based offsets had been identified on Town properties. Mr. Ward added that staff had been able to work with NRLP to get credits which enabled them to convert 50% of the Town's streetlights to LED. He estimated that another \$115,000 was needed another to move forward with the replacement of the remainder 50% of streetlights. Mr. Ward explained that the cost difference was usually \$12 to \$15 a month per light, and that staff was rolling over that savings into the purchase of the additional LED lights. He added that there was currently \$54,000 left in the sustainability fund that was dedicated out of the budget, and suggested moving an additional \$30,000 out of that fund to move forward with the purchase of additional led streetlights. Mr. Furgiuele was in support of this step, and asked what the projected timeframe was for changing out of the streetlights. Mr. Ward indicated that originally the projection was 8-10 years based on the amount of money that was originally designated, but that staff had been able to accelerate that timeframe due in part to the credits given by NRLP, as well as the hard work by Public Works staff.

Utility Assistance Program: In regards to conversations held previously about a utility assistance project and potentially allocating a certain amount of money in order to help low income families with utilities, specifically water and sewer, who were connected to the town system, but were out of the town limits, Mr. Ward stated that he had started exploring different options on how the Town might be able to develop a partnership that would address this concern since he did not want to duplicate services. He stated that he had reached out to the Director of Watauga County Social Services and had a discussion with him about the matter, and from that discussion, he had reached out to Melissa Soto with WAMY Community Action Program. Mr. Ward reported that the WAMY program was involved with providing assistance to low income families and noted that he was in the process of working out a detailed plan for a partnership with them to help with providing relief to low income individuals. He noted that the WAMY program already had a process of providing weatherization funds, and that these would be funds that would be able to be utilized so that the Town could potentially go after grant funds.

Mr. Ward stated that he learned today that the Junaluska community had been awarded a \$20,000 grant to preserve history through art. He added that the Cultural Resources Department would be working with Ms. Peggy Lane to help support them in this grant to further preserve that cultural heritage.

Mr. Ward announced that the Watauga County Habitat for Humanity was accepting homeowner applications until February 15 through Jennifer Raimi at 828-268-9545 or Watauga Habitat.org.

Mr. Furgiuele suggested making the Town's website capable of providing information regarding community opportunities such as those discussed by Mr. Ward in different ways rather than having to search through meeting minutes. Mr. Ward replied that a new administrative assistant/communications position had been advertised, and that he hoped by February to be able to announce the filling of that position. He added that one of the significant requirements of the position would be to prepare press releases, social media updates, and keeping the website updated with information such as this.

Mayor Brantz declared a break at 8:09 p.m. Council reconvened at 8:19 p.m.

TOWN ATTORNEY UPDATE

Ms. Meade began with an update on her findings regarding confusion surrounding the TDA bylaws. She stated that in terms of membership, there were only two binding requirements: One being that a third of the individuals were associated with businesses that collect occupancy tax in the Town, and the second being that one half must be active in the promotion of travel and tourism in the Town. She added that the local legislation previously passed did not specify whether those could be overlapping and did not see a reason why they could not be. Ms. Meade noted that there was not a restriction in the local legislation as to the number of members. It was her understanding that Mr. Tilley and the TDA had discussed this issue, and were here to make a presentation to members tonight. She suggested that the bylaws be updated since they would need to be consistent with any changes that were approved at the night's meeting. Mr. Ward stated that he attended the most recent TDA meeting and that the outcome of this discussion from the TDA was a recommendation to Town Council to not increase the number of members. He stated that TDA members felt doing so would create a potential quorum issue, and raised concern that the one third occupancy tax category might be somewhat altered by that percentage. Mr. Ward indicated that there was a discussion about why there were more specific slots above and beyond what was required by the state, which was simply to try to make sure that the TDA did not get a majority of people who were involved in the operation of hotels, specifically because of the hope of having outdoor retail stores, outdoor adventure, and different things like that to try to further increase diversity. After a question raised by Mr. Furgiuele, Mr. Tilley confirmed that with the current nine member board, there was only one open position and two current applications. He added that if Council wished to add another seat, they would theoretically have to add two to remain compliant with the 1/3 tax legislation. He confirmed that it

was the consensus of board that they were comfortable with the board size as it was, and noted that this was one of very few times over the last 10 years that there had been multiple applicants for one seat. Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted to amend the agenda to discuss potential appointments to the TDA. Mr. Furgiuele was logged out of the meeting from 8:33-8:34 p.m. The motion carried unanimously. Mr. Furgiuele stated that he felt Council should consider expanding the board to accommodate the additional interest particularly because of Mr. Tilley's statement about the difficulty in recruiting people. He believed it would be a shame to not make space to allow not only a new voice, a person from a different background within the business community to also participate. Ms. LaPlaca felt that Ms. Mason should be appointed to the TDA due to her incredible experience, and felt that if people did not show up for meetings, they needed to be removed. Ms. Meade believed that the quorum could be lowered if Council so wished. Ms. Moretz stated that the TDA in no way wanted to preclude Ms. Mason from participating and felt she had very valuable information throughout her time on the board. She agreed with Mr. Furgiuele that new blood brought new ideas and might help the board see things from a different perspective. Mr. Hicks asked whether the owner of an AirBnB would qualify for a lodging seat on the TDA. Mr. Ward stated that technically AirBnB was the agency that collected tax as opposed to an individual or company, though they may be eligible. Mr. Tilley indicated that he and Ms. Moretz had been working on amendments to the bylaws and that they could have amendments ready to propose to the board for a vote at its March meeting. Mr. Furgiuele felt that Council should move forward with making one appointment irrespective of any further discussion about the board composition. Ms. LaPlaca nominated Lynne Mason to the open restaurant owner/operator seat on the TDA. Mr. Furgiuele nominated Elicia Brown to fill the open restaurant owner/operator seat. Mr. Hicks asked whether this matter should be sent to the board to discuss what was needed to fill out the board and what characteristics, expertise or knowledge would be most effective. Ms. Ulmer felt that since this was not done for other board applicants, it should not be done for these applicants. Ms. Moretz indicated that the board discussed the applicants yesterday, and though they valued Ms. Mason, Ms. Brown may help members to see things from a new perspective, particularly since she had lived here for such a short time. Votes were taken on each applicant in the order of their nomination.

Lynne Mason: Aye: Clawson, LaPlaca
Nay: Furgiuele, Ulmer, Hicks

Elicia Brown: Aye: Furgiuele, Hicks, Ulmer
Nay: Clawson, LaPlaca

Ms. Brown's term will expire on

Mr. Hicks asked whether a motion should be made to direct Ms. Meade to research the matter further and come back to Council. Ms. Meade reiterated that she had no legal concerns, but that TDA members had requested that Council keep in mind the 1/3 occupancy tax rule, as well as trying to rotate the same number of members off each year. Mr. Furgiuele then made a motion to ask the TDA to reconsider an expansion of the membership by two members with one designated person to collect occupancy tax, and with additional discussion as to the possibility of then reducing the quorum so that it would not in any way cramp their ability to assemble a sufficient number of people to meet, and then bring the changes back to Council. Mr. Hicks seconded the motion, which carried unanimously.

Ms. Meade announced that some time back, she had received notice of an antitrust class action involving a chemical known as liquid aluminum sulfate, which turned out to be a significant chemical used by the Town's wastewater treatment plant. She explained that the lawsuit filed claimed that there was collusion in the industry that resulted in higher prices than there should have been. Ms. Meade stated that with the help of Amy Davis,

they got together records going back to 1997 and that the Town recently received a check in the amount of \$98,000.

Ms. Meade indicated that the Bolick property conservation easement had been sent for recording. Mr. Ward confirmed that he would work with Mr. Santucci on a press release regarding the matter.

Ms. Meade stated that at its meeting this month, the Board of Adjustment approved three variances that Watauga County had applied for in order to replace the courthouse flat roof and replace with a pitched metal roof. She indicated that the new roof was a standing seam metal roof with either 4 in 12 or 16 in 12 pitch as far as the steepness of it, and it would match the roofs, both in terms of the material and the color, that had been installed on the two County buildings next to the courthouse. Ms. Meade stated that three variances were granted, the first because the new roof was going to go over the height limitation that was added downtown in the last couple of years, and two others related to historic materials and features. She noted that she served as the board's attorney for this matter, as she was unable to represent both staff and the board at the same time. Mr. Furgiuele stated that before the Board of Adjustment met, Mr. Ward sent an email to Council members advising them that the County had a case on the agenda, and because of that, he looked at the agenda packet. He added that he could not see how, under the law, there could be any reasonable possibility that the County could meet the standards for variance and was shocked when members were told that the board had granted the variance. Mr. Furgiuele added that he was not sure why the Town had a UDO at all if it was not going to be followed, and believed that the County should have come to the Town Council to have a discussion about whether both the historical standards that were incorporated into the UDO and the height limitations for a governmental body or governmental buildings such as that made sense. Mr. Furgiuele reiterated that he was disturbed that there was a unanimous decision by the Board of Adjustment to allow this, and believed that the Board was overstepping their authority. Ms. Meade replied that as the Board's attorney, she did not believe that they were overstepping, but believed that laypeople probably viewed variances differently than attorneys in that they took a more fairness-driven and common-sense approach. She further noted that Board of Adjustment decisions did not have precedential value, and just because they decided this way, did not set a precedent under the law for any subsequent Board of Adjustment decision. Ms. Meade stated that with respect to their decision, she believed the Board members actually felt that they were making a very narrow decision, not a precedential decision. She added that this actually was discussed: the Board felt the courthouse was a really unique situation and unlike other buildings due to its activities conducting court, and the fact that it was a place of storage for important official public documents. Ms. Meade stated that members felt that the threat of leaks, and what that posed to that building and the activities that took place there presented a unique and difficult situation for the County, and felt convinced from the evidence that was presented that a flat roof by its nature, could leak, even with a new flat roof. As to the historic value of the courthouse, Ms. Meade noted that there was testimony and that the ordinance language and architectural survey were provided. Mr. Furgiuele agreed that the board's decision may not have legal precedential value, but felt that everything had precedential value because people paid attention. He added that he did not believe this to be the first time the Board of Adjustment to have granted a variance improperly, and noted that since, as part of the design guidelines that the Town had just adopted, flat roofing was required throughout the historic district, then everyone had the same argument in terms of leaks. Mr. Furgiuele added that if flat roofs did not work, then Council should be revisiting the historic standards, which were just adopted on the recommendation of Historic Preservation Commission that worked on them for two decades. Ms. Meade replied that other buildings in other areas of downtown with flat roofs were older and of different architecture than the courthouse and so there was a distinction between the cases. Ms. Meade asked for suggestions on how she functioned and whether another attorney needed to be brought in or whether staff instead of being neutral, needed to start taking positions in order to help the board become more discerning. Mr. Furgiuele stated that he did not believe the whole procedure should be changed, but noted that there were times when he was the Town Attorney when the Council did take a position that the Town should oppose something.

He indicated that other counsel was hired at times, though he would not have thought this matter was important enough to do that. Mr. Furgiuele added that he was not against the end result, but was against the board performing what he believed to be a legislative act, not a judicial act.

BOARD LIAISON REPORT

Mr. Furgiuele updated members on the recent DBDA discussion regarding the King Street staircase next to Nathan Miller's office. He stated that architect Bill Dixon had been hired to reconfigure the staircase in a way to make it safe, more attractive, and seen more clearly as a connector between King Street and Queen Street. Mr. Furgiuele reported that the board also discussed the use of Digital Watauga images being made available to members of the of the municipal service district at no cost for particular uses.

Mr. Hicks reported that the Sustainability Committee was introduced to Mr. Santucci and his new role was discussed.

APPOINTMENT TO BOARD OF ADJUSTMENT

Mayor Pro-Tem nominated Thomas Kane to serve on the Board of Adjustment as an alternative member. Hearing no further nominations, Mayor Brantz called for a vote.

VOTE: Aye: All
 Nay: None

PRESENTATION OF SIX MONTH BUDGET REPORT

Ms. Davis presented Council with a six-month comparative report looking from July to December 2019 versus 2020. A complete copy of the report can be viewed at <http://boonenc.iqm2.com/Citizens/Default.aspx> . Mr. Ward stated that comparatively, the Town was doing well despite the pandemic, and that eight new businesses had opened during the pandemic. Mr. Furgiuele stated that he noticed that the Police and Fire Departments reflected significant increases in expenses from year to year. Mr. Ward attributed this to vehicle purchase programs, as well as radio replacement funding. Mr. Furgiuele asked whether Mr. Santucci had conferred with the gentlemen who talked to Council previously about fleet management about what options might be available in police vehicles. He felt that before Council authorized the purchase of new vehicles, even if it was marginally higher in cost, he would like to see if there was a way to replace those vehicles with more sustainable ones. Ms. Ulmer asked whether the electric vehicles previously purchased were still being utilized. Mr. Ward responded that they were still in use by the Police Department. Mr. Furgiuele then made a motion to approve the report with the provision that there would be discussion and consideration involving Mr. Santucci about the possibility that some of the vehicles that were planned to be purchased would be hybrids or electric if available. Mayor Pro-Tem Clawson seconded the motion, which carried unanimously.

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

REVIEW OF DRAFT LETTER TO DUKE ENERGY

Mr. Ward pointed out that the draft letter he had presented was one that he planned on submitting as part of the progress on the integrated resource plan, and this is how Duke Energy, which currently right now New River Light and Power and Blue Ridge Electric purchases their power from. He added that one of the goals with this letter was to try and encourage Duke to expand their clean energy numbers, and to really encourage them to

push the envelope so that they did not impede any of the organizations that adopted these different goals. Mayor Pro-Tem Clawson made a motion to endorse the letter as presented. Mr. Furgiuele seconded the motion, which carried unanimously.

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

REQUEST TO RESCHEDULE PLANNING RETREAT

Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted unanimously to approve the rescheduling of the planning retreat for February 12, 2021 from 9 a.m. - 5 p.m. via WebEx.

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

REQUEST TO SCHEDULE BUDGET RETREAT

Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Clawson, Council voted unanimously to approve the rescheduling of the planning retreat for February 22, 2021 from 9 a.m. - 5 p.m. via WebEx.

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 Ms. LaPlaca, seconded by Mayor Pro-Tem Clawson, Council voted unanimously to adjourn the meeting at 10:14 p.m.

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor