

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
March 16, 2021**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order electronically at 6:05 p.m. on March 16, 2021. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Connie Ulmer, Sam Furgiuele, Dustin Hicks, Nancy LaPlaca and Virginia Roseman. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Planning Director Jane Shook, Sustainability and Special Projects Manager George Santucci, Police Chief Andy Le Beau, Downtown Boone Development Director Lane Moody, Human Resources Director Dale Presnell, and Deputy Public Works Director Todd Moody. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

Mr. Ward announced that there were currently 74 active cases in Watauga County, with 44 of those associated with ASU. The University held their first vaccine clinic yesterday with over 680 individuals being vaccinated.

TENTATIVE AGENDA ADOPTION

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

PUBLIC COMMENT

Mr. Ward announced that he had received a large number of emails regarding the non-discrimination ordinance. Mr. Furgiuele asked Mr. Ward whether he made note of how many of the people who left phone numbers had area codes that did not appear to be from this area. He also asked how many of the emails appeared to be individually drafted as opposed to copy and paste emails. Mr. Ward responded that he believed approximately half of the emails he had received appeared to be copied, and noted that the same percentage or more listed area codes with non-local numbers. Mr. Ward pointed out that many students did not have local numbers and that the copied email responses could have been a concentrated effort at a mass reply to a listserv that was prepared and sent out to seek letters of support and opposition to the ordinance. Mr. Furgiuele was concerned that people may not have a complete understanding of the ordinance proposed.

David Jones of Boone spoke against the Non-Discrimination Ordinance on the agenda and noted that he had recently moved from Tennessee and currently used his cell phone, which still had a Tennessee area code but that he did live in Town. In reference to the second paragraph of the text of the ordinance that stated "Whereas the Boone Town Council strongly supports protecting all people from the indignity of discrimination based on the aforementioned foregoing categories, believes the vast majority of Town residents have the same view." Mr. Jones contested that assertion, and stated that he agreed with every one of the descriptors listed with the exception of gender identity, or expression. He did not believe that the majority of people who live in Boone and supported the businesses and paid their taxes actually held that view. Mr. Jones finished by stating that he believed this statement was being pushed by a small minority in the population.

Jana Jones of Boone spoke against the Non-Discrimination Ordinance and expressed concern with biological males being able to access areas such as women's restrooms, locker rooms and dressing rooms. She pointed out that one out of five women had been raped, and did not believe it made sense to put in writing that anybody who identifies as a different gender than what they were, were allowed access to these types of situations.

Voris Williams, who identified himself as Treasurer of the LGBTQ Democrats of Watauga and who lives just outside of Boone spoke in favor of a Non-Discrimination Ordinance, but felt that the one presented did not go far enough to protect rights. He suggested that this matter be tabled to allow for additional changes to be made to strengthen the ordinance, specifically in the areas of enforcement and private employment. Mr. Williams also expressed concern that the LGBTQ community was being singled out to justify being protected from discrimination.

Todd Chastain felt that the people of Boone were welcoming of all people and did not need a governing body to tell them to treat people well. He believed that these types of ordinances had been used as a weapon against certain groups of people and discriminate against a whole swathe of other groups who he believed were left without

protection. Mr. Chastain was concerned about the policy threatening women's privacy, and did not believe that the proposed ordinance was clearly written.

Jennifer Gregoran of Boone did not believe the ordinance to be necessary and felt that it would put women at risk.

Bob Hughes of Boone felt that the Town should set an example to other cities in terms of climate change, act accordingly and enter into the 21st century.

REQUESTED APPEARANCES

MONICA CARUSO - WATAUGA COUNTY PUBLIC LIBRARY

Ms. Caruso of the Watauga County Library shared a power point presentation regarding operations in 2020. The complete presentation may be viewed online at <http://boonenc.iqm2.com/Citizens/Default.aspx> . Mr. Furgieuele thanked Ms. Caruso and the Library for making their restrooms available to the public during the pandemic when the Town was not able to do so. Ms. LaPlaca encouraged Ms. Caruso to explore the possibility of solar panels on the Library roof.

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION - MAIN STREET WORK PLAN PRESENTATION

Ms. Moody presented members with an update on the Main Street work plan. A complete copy of the presentation is available online at <http://boonenc.iqm2.com/Citizens/Default.aspx> . Kendra Sink, chair of the DBDA was excited for new partnerships with Cultural Resources and the Watauga County Arts Council, as well as the upcoming sesquicentennial celebration.

LIZ VEAZEY - SOLAR UNITED NEIGHBORHOODS

Ms. Veazey gave members a presentation regarding Solar United Neighborhoods. The full presentation may be viewed online at <http://boonenc.iqm2.com/Citizens/Default.aspx> .

COUNCIL MATTERS

APPOINTMENT TO PLANNING COMMISSION

Mr. Furgieuele nominated Ms. Halbert to serve on the Planning Commission. Hearing no further nominations, Mayor Brantz called for a vote.

VOTE: Aye: All
 Nay: None

Ms. Halbert's term will expire on June 30, 2022.

APPOINTMENT TO BOONE TDA

Ms. LaPlaca nominated Lynne Mason to serve on the TDA. Mayor Pro-Tem Ulmer nominated Lenny Cottom. Mayor Brantz called for a vote in alphabetical order and reminded members that they could only vote one time.

Cottom: Ulmer, Roseman
Mason: LaPlaca, Hicks, Furgieuele

Ms. Mason's term will expire on March 16, 2024.

REQUEST TO SCHEDULE DATE FOR 2021 POLICE FORUM

Upon a motion by Mr. Furgieuele, seconded by Council voted to schedule a special meeting to be held electronically on April 28, 2021 at 6 p.m. with a deadline for questions to be submitted by Council members of April 2, 2021.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Virginia Roseman, r
AYES:	Roseman, Furgiuele, Ulmer, LaPlaca, Hicks

REQUEST FOR SCHEDULING A ROAD CLOSURE FOR THE UNVEILING OF THE JUNALUSKA LOCAL HISTORIC MARKER

Upon a motion by Ms. LaPlaca, seconded by Mayor Pro-Tem Ulmer, Council voted unanimously to approve the road closure of North Depot on June 19, 2021 from 4:30-6:00 p.m. for the unveiling of the Junaluska historic marker.

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

CONSIDERATION OF SUPPLEMENTALS 1 & 2 TO CURRENT CONTRACT FOR HUNTING HILLS BRIDGE REPLACEMENT

Upon a motion by Ms. Roseman, seconded by Mr. Hicks, Council voted unanimously to approve the request in the amount of \$14,931.03.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Virginia Roseman, r
SECONDER:	Dustin Hicks
AYES:	Roseman, Furgiuele, Ulmer, LaPlaca, Hicks

CONSIDERATION OF GENERAL NON-DISCRIMINATION ORDINANCE

Ms. Meade offered clarification regarding the bathroom issue that many speakers had referred to earlier in the meeting, and stated that state law was still in effect with no sunset provision, and was expected to stay in effect indefinitely. She added that there was never a suggestion of evidence of discrimination being requested or required, but stated that Council members had indicated they were interested in gaining public input about concerns to inform any subsequent ordinance. Ms. Meade further noted that there was never a suggestion that this ordinance would only be with respect to the class of gender and sexual orientation, but that there was definite direction from Council to address discrimination across all sorts of different classes. Mr. Furgiuele believed that probably 90% of the statements against the proposed ordinance which he received were based upon misinformation about the scope of the proposal. He added that he was disappointed with the gentleman who suggested Council table the ordinance and that it was not strong enough. Mr. Furgiuele agreed that the ordinance was symbolic, at least with relation to the business community at large and public accommodations. He stated that he did not believe that meant the ordinance was meaningless, and felt it was an important statement for Council to make, while considering all viewpoints. Mr. Furgiuele felt that Boone was an all inclusive community and that people should be evaluated on their individual merits and not on the classifications and artificial lines people drew. He stated that he strongly supported the proposal, but did not believe this should be the end of the discussion. Mr. Hicks agreed that this ordinance was an important first step, and that Council needed to continue moving forward on the matter to figure out ways to provide protections for people in the places that had been denied for a very long time such as employment and housing. During a discussion of the continued gather of information and public input to determine what additional steps

should be considered, Mr. Furgiuele noted that in previous discussion, there was concern about making sure that people did not compromise their identities when disclosing their experiences with discrimination. Ms. LaPlaca agreed that it was time to stand up to discrimination. Mayor Pro-Tem Ulmer felt that Council was going in reverse, and believed that it had already received public comment from the many emails members had received regarding the ordinance being discussed. Mr. Ward asked members to remember that in terms of public comment, any communications received by himself with the system currently being used collected identifying data, which was considered public record. He noted that a different source could be utilized or the public could drop off hard copies of comments via the drop box at Town Hall. Mr. Furgiuele agreed, but noted that some contact information would help determine whether or not issues took place in Boone or other areas. He then made a motion to adopt the ordinance as presented. Mr. Hicks seconded the motion. Mayor Pro-Tem Ulmer was concerned with the language in the ordinance that stated that the majority of Town residents had the same view. Ms. Meade explained that Council members could rely on their own knowledge of the Town to adopt such a finding. Mr. Furgiuele stated that he did not believe the comments received were representative of a majority of Town residents, and that in fact, the vast majority of Town residents abhorred discrimination in all forms.

VOTE: Aye: Furgiuele, Hicks, LaPlaca, Roseman
 Nay: Ulmer

Mr. Hicks made a motion to develop a probable way to solicit public information to strengthen ordinances in reference to discrimination by businesses and others in Boone providing public accommodation, for the process to be underway by the end of April, and for work to be moving forward on a stronger ordinance to be considered at a Public Hearing in June. Ms. Roseman seconded the motion. Discussion ensued regarding ways of obtaining information in an anonymous way to protect identities.

VOTE: Aye: All
 Nay: None

ADJOURNMENT

Upon a motion by Ms. LaPlaca, seconded by Ms. Roseman, Council voted unanimously to adjourn the meeting at 8:33 p.m.

 Nicole Harmon, Town Clerk

 Rennie Brantz, Mayor