



**MINUTES
WATAUGA CITY COUNCIL
WORKSHOP MEETING
CITY HALL, COUNCIL CHAMBER, 7105 WHITLEY ROAD
MONDAY, DECEMBER 13, 2021**

CALL TO ORDER

The Workshop Meeting of the City Council was called to order at 5:30 p.m.

ROLL CALL

The meeting convened with the following members present:

Arthur L. Miner	Mayor
Andrew Neal	Mayor Pro Tem/Council Member Place 4
Pat Shelbourne	Council Member Place 1
Tom Snyder	Council Member Place 2 (Absent with notice)
Lovie Downey	Council Member Place 3
Vacant	Council Member Place 5
Mark Taylor	Council Member Place 6
Jan Hill	Council Member Place 7

and

Robert Parker	Interim City Manager
Linda Proskey	City Secretary
Samantha Ortega	Records Clerk
Bradley Fraley	Chief Information Officer
Caroline Kelley	City Attorney

ANNOUNCEMENTS

No announcements were made.

PRESENTATIONS

Discuss and review possible updates to Chapter 4 of the Code of Ordinances

City Attorney Caroline Kelly presented this item. She stated the council postponed this prior because of legislation passed that went into effect on September 1 and the local option election for the sale of alcoholic beverages in the November 2021 election. Ms.

Kelly presented revisions to the current ordinance, which were statutory requirements, a combined and succinct permit application for any entity being involved in the manufacturing, distribution, or sale of any alcohol, the process of the timing of renewals, and permit fees changed to conform to legislation. She talked about that within the ordinance sections; 4-12 and 4-50 contain conflicting provisions regarding the sale of beer. Also, the State law defines the hours of the sale of beer which sec., 4-12 appears to stipulate that this law is in effect. Section 4-50 changed the hours. She asked for input on whether or not the council wanted to change the hours from the State law.

Councilmember Shelbourne, Councilmember Hill, Councilmember Taylor, Mayor Pro Tem Neal, and Councilmember Downey all agreed to follow state law.

Ms. Kelly said that the provisions would be removed and allow state law to control.

Ms. Kelly asked for guidance on variance fees and asked for input on imposing a fee to compensate the city for their cost of processing.

Interim City Manager Robert Parker asked if there were current fees? Ms. Kelly stated there were not.

Councilmember Shelbourne thought the fee would be appropriate because of the effort involved.

Councilmember Hill asked if there's a fee could a 360 agreement fee be waived.

Ms. Kelly said it could be waived.

Councilmember Taylor agreed to recoup the cost but would like no fee if there is no cost.

Mayor Pro Tem Neal feels it is appropriate to have a fee because of the amount of work that needs to be performed.

Councilmember Downey concurred.

Ms. Kelly said staff would determine how many staff hours it takes to go through the process and come back with the costs. Ms. Kelly as if the city wants to regulate public consumption and open alcohol containers in public. The State law does not prohibit alcohol from being in public except under certain circumstances, typically when someone has a TABC permit in place. The penal code and criminal offenses come into play with open containers in vehicles, disorderly conduct, public intoxication, DWI, and outside of this, the city can regulate this in certain parts of the city.

She asked the council for input on if they wanted to place regulations on public consumption or open containers.

Councilmember Shelbourne wanted to know about childcare facilities and schools.

Ms. Kelly stated the city was not allowed to regulate those, but any property owner can regulate.

Councilmember Taylor asked about the open container rule with Watauga Fest, Concerts in The Park, the Daiquiri Shack. Asks that open container needs to be defined.

Ms. Kelly said the State defines it as the seal being broken.

Councilmember Taylor asked how the city defines open containers, and what is allowed or not allowed. Wants to know how to apply the open container rule among the various venues.

Ms. Kelly said they have been working on Chapter 30 with parks provisions which states that alcohol is not allowed in the parks that are not a city event. They could get a permit through the city. Outside parks the city is limited.

Councilmember Taylor asked about the permitting process for BYOB and the process that will identify which event will allow for alcohol.

Ms. Kelly said, except for city events, chapter 30, prohibition, could be adopted.

Mayor Miner asked Interim City Manager Chief Parker about the parks and open containers.

Chief Parker said that open containers are not a problem at city-sponsored events in the park but are not allowed at other times. He feels that it would best serve to have no alcohol in the park except for city events.

Mayor Miner asked about BYOB, if not a city-sponsored event. Also, about neighbors going from one house to another.

Chief Parker stated no alcohol is allowed in the park, except for city-sponsored events. He also said that there had not been a problem with city-sponsored events or neighbors walking to another's house.

Mayor Miner asked Ms. Kelly if they answered her questions to make the revisions.

Ms. Kelly answered that it does. She said chapter 30 is being worked on and wanted to know if chapter 30 and chapter 4 could be worked together.

Mr. Shelbourne said he would.

Ms. Kelly had another issue about the current ordinance requires all current permit holders to send in sales receipts and affidavits monthly. Currently, staff collects them but nothing beyond the collecting. She asked for directions to eliminate or collect if requested. She suggested changing the ordinance to four years, and currently, it is one year.

Mayor Miner suggests getting away from the monthly collections.

Ms. Kelly said they are used for sales tax purposes and the percentage of food to alcohol sales. Which are covered by the State.

Mr. Shelbourne asked for clarification that we can request at any time.

Ms. Kelly said he was correct and reiterated that she would suggest changing the provision from one year to four years.

Mayor Pro Tem Neal suggest going with the staff suggestion

Councilmember Hill wanted to know if the percentage of sales is relevant monthly or is it annually as far as their permit.

Ms. Kelly said from an alcohol permitting standpoint it is annually for sales tax it might be useful on a quarterly basis. But that is not something staff investigates.

Mayor Miner ask if there were any other questions.

ADJOURNMENT

Mayor Miner adjourned the meeting at 6:08 pm

APPROVED: this 10th day of January, 2022.

SIGNED: this 12th day of January, 2022.

APPROVED:

Arthur L. Miner /s/
Arthur L. Miner, Mayor

ATTEST: Linda Proskey /s/
Linda Proskey, City Secretary

NOTE: Original Audio and Video Recording of this meeting is preserved and maintained by the City Secretary's Office