

**MINUTES  
WATAUGA CHARTER REVIEW COMMISSION  
REGULAR MEETING  
MONDAY, JUNE 6, 2011  
CITY COUNCIL CHAMBER, 7105 WHITLEY ROAD  
6:30 P.M.**

Members present:

Pete Beierschmitt	Vice-Chairperson
Christy McCauley	Secretary
Carol Coy	Member
Roma Bowman	Member
H. T. Davis	Member

and

Dr. Scott Neils	City Manager
Patrick Shelbourne	City Council Member
DeeAnna Looney	City Secretary

with

Primary Liaison Brandon Krausse absent with notice, and Karla Null absent with notice.

**CALL TO ORDER:**

Vice-President Beierschmitt called the meeting to order at 6:30 p.m.

**INVOCATION:**

Member Davis gave the Invocation.

**CITIZEN'S OPEN FORUM:**

Gary Johnson, 6017 Lindy Lane, asked the Commission to consider amending the Home Rule Charter to have members of the City Council assigned to single member districts as opposed to being elected at-large.

**APPROVAL OF MINUTES:**

1. Minutes of Regular Meeting of September 13, 2010

Member Bowman made a motion to approve the Minutes of the Regular Meeting of September 13, 2010 as submitted. Member Davis seconded the motion, with all members present voting aye.

**UNFINISHED BUSINESS:**

1. Discussion and action on results of requested City Attorney's legal opinion from May 3, 2010

Secretary McCauley made a motion to take no action on this item. Member Coy seconded the motion, with all members present voting aye.

**NEW BUSINESS:**

1. Discussion and action on selection of Chairperson

Member Bowman made a motion to table this item until the next meeting. Member Davis seconded the motion, with all members present voting aye.

2. Discussion and action on Proposed Amendments to the Home Rule Charter

A) Dr. Scott Neils, City Manager stated that as part of the final budget adoption, the City Council passes an Ordinance that adopts and approves the budget for the next fiscal year. Appropriations are made for each Fund at the Fund level. The current Home Rule Charter states as follows:

“Section 9.04(D) Transfer of Appropriations – At any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among programs within department, division, or office and, upon written request by the City Manager, the Council may by Ordinance transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.”

Dr. Neils stated that it is his recommendation that the City Manager have authority to transfer all or any unencumbered appropriation balance within a Fund. He proposed approval of the following:

“Section 9.04(D) Transfer of Appropriations – At any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance between or among departments within a Fund, and upon written request by the City Manager, the Council may by Ordinance transfer part or all of any unencumbered appropriation balance from one Fund to another.”

Several members asked for clarification as to which Funds this Section pertains to. Dr. Neils stated that he would be happy to provide more specific information to the Commission.

Secretary McCauley made a motion to table this item until more information could be provided. Member Davis seconded the motion, with all members present voting aye.

B) Patrick Shelbourne, City Council Member asked the Commission to consider the deletion of Paragraphs (e) and (f) of Section 3.08 – Prohibitions of the Home Rule Charter. These paragraphs state the following:

- (e) “Resignation of Elected Official: Any elected official seeking election to any other elected position must resign his current office at the time of filing if his elected term extends past the beginning of the position sought.”
- (f) “Resignation of City Council Member: Any City Council Member who shall announce their candidacy, or shall become a candidate, in any general, special or primary election, for any office of profit or trust under the laws of this State or the United States other than the office then held, when the unexpired term of the office then held shall exceed one (1) year from the statutory filing date, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies.”

Council Member Shelbourne stated that these provisions were relevant when the City Council Member terms were three (3) years. Since the current term of all City Council Members is two (2) years, these provisions should no longer apply. He further stated that removing these paragraphs will allow City Council Members who are elected in even-numbered years to file for Mayor and still serve out their current term. Otherwise, the Council Member elected in odd-numbered years must resign in order to run for Mayor.

Secretary McCauley made a motion to approve the revisions of Section 3.08, Paragraphs (e) and (f) of the Home Rule Charter. Member Coy seconded the motion, which passed as follows:

**AYES:** Coy, Davis, Bowman, McCauley  
**NAYS:** None  
**ABSTAIN:** Beierschmitt

### 3. Discussion and action on setting next meeting date

Member Coy made a motion to set the next meeting of the Charter Review Commission for Monday, July 11, 2011 at 6:30 p.m. Member Davis seconded the motion, with all members present voting aye.

### **ADJOURNMENT:**

With there being no further business to discuss at this time, the meeting was adjourned at 6:58 p.m.

**APPROVED:** this the 9th day of November 2011.

**SIGNED:** this the 9th day of November 2011.

**APPROVED:**

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Ernie Koontz, Chairperson

**ATTEST:**

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Cristy McCauley, Secretary