

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
April 15, 2021**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:00 p.m. on Thursday, April 15, 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, Deputy Public Works Director Todd Moody, Downtown Boone Development Coordinator Lane Moody, Planning Director Jane Shook, Fire Chief Jimmy Isaacs, Police Chief Andy Le Beau, Planning Director Jane Shook, Assistant Planning Director Stacey Miller, Finance Director Amy Davis, Cultural Resources Director Mark Freed, Sustainability and Special Projects Manager George Santucci, Human Resources Director Dale Presnell, and Administrative Specialist Laney Pilkington. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

Mr. Ward introduced the Town's new Administrative Specialist/Communications Officer Laney Pilkington and gave a Covid-19 update. He indicated that there were currently 23 active cases across the County, with 14 of those associated with ASU. Mr. Ward announced that currently the number of fully vaccinated individuals stood at 16,437, with 37.1% of the population having at least the first dose. He stated that a vaccination clinic would be held next Wednesday at Watauga High School for students who qualify.

ANNOUNCEMENT OF BOARD APPLICATIONS

Mayor Brantz announced the following board vacancies:

ABC BOARD

One position

BOARD OF ADJUSTMENT

Two Resident Positions, Three alternate positions **COMMUNITY APPEARANCE COMMISSION**
Four regular positions

CULTURAL RESOURCES ADVISORY BOARD

One vacant position

HISTORIC PRESERVATION COMMISSION

Three regular position
One student position

PLANNING COMMISSION

One regular position
One student position

SUSTAINABILITY COMMITTEE

One regular position
One student position

TRANSPORTATION COMMITTEE

One position (Cooperative Extension)
One resident position (Alternative Transportation)
One resident position
One student position

WATER ADVISORY COMMITTEE

Five regular positions
One student position

TENTATIVE AGENDA ADOPTIONS

Upon a motion by Ms. LaPlaca, seconded by Mr. Hicks, Council voted unanimously to approve the agenda as presented.

Ms. Roseman suggested that Council consider a donation to the hospital in the amount of \$500 to cover the cost of the fee assessed to them for closing Mary Street, and that the funds be required to be earmarked for the Greenway Trail extension. Mr. Ward noted that as part of the approval conditions for that phase of the project at the hospital, he was instructed to work with the hospital on identifying any potential funds that could be paired together for the development of trails. Ms. Meade indicated that there was a substantial commitment of funds by the Town to the hospital prior to Ms. Roseman's appointment.

PUBLIC COMMENT

JP Pardy of Boone signed up to give Council members an update on the progress being made at the Boone Skate Park. He indicated that fundraising had been difficult the past year, but that he had applied for a first time non-profit funding applications with the County. Mr. Pardy asked members to keep the skate park in mind when working on the FY 2021/22 budget, and asked for direction on whether or not the skate park should apply for outside agency funding. Mr. Furgiuele felt that this instance was different than other outside agencies in that the project was being constructed on Town property. He added that unless the organization was involved in other activities that they were seeking support for, he did not see the point in applying for funding through the outside agency funding process, but that needed money should be set aside in the upcoming budget to support this project.

COUNCIL MATTERS

TOWN MANAGER UPDATE

Mr. Ward updated Council on the following topics:

1. Howard Street: Staff was authorized to move forward with meeting with the engineer as well as New River Light and Power regarding overhead utilities. Mr. Ward stated that the Town Attorney was working on the preliminary title opinion.
2. Rivers House: Design currently underway. Staff has worked with Dr. Plaag and Wright Tilley to coordinate the use of the facility. Mr. Ward reminded members that the property would eventually need to be rezoned.
3. King Street Stairs: Upgrades currently underway to connect King and Queen Street parking.
4. Daniel Boone Park Water/Sewer Line Upgrades: Work began on the project on April 12 and approximately 300 feet of lines have been installed.
5. **Boone Jaycees Park:** The Facilities Maintenance Department has recently installed a new playground structure at Boone Jaycees Park located on Horn In The West Drive. The structure is designed for children 5 to 12 years of age and can accommodate up to 30 individuals at one time. Funding for this new playground equipment was provided through a donation from the Pauline Pugh Thompson Estate.
6. **Pursuant to G. S. 160-499.4 Notice Prior to Construction:** The Town's sidewalk contractor (Greene's Construction) will begin sidewalk replacement starting at 891 West King Street and working west to the Municipal Service District boundary beginning in May. This work consist of brick paver installation consistent with the Downtown Streetscape Plan. Town staff will communicate and coordinate with affected property owners before and during this process to ensure conflicts are mitigated.
7. **Staff has met with the High Country Council of Government and were moving forward with resiliency planning, which included parts of the small business rescue plan, as well as emergency management components.**
8. Mr. Ward announced that Staff was working on a media and press release plan which would begin rolling out soon.
9. Website Update: Mr. Ward indicated that a meeting was scheduled next week with CivicPlus that

would begin the transition to the new platform.

10. Mr. Ward stated that he had been asked to be a panelist on the clean tech carbon and policy board and was learning how communities were helping North Carolina meet its energy goals through the use of technology.
11. **HB 291 & HB 401/SB 349 Update:** Mr. Ward indicated that copies of the Resolutions adopted by the Town Council were provided to everyone he was requested to provide them to, as well as the Metro Mayor's League. He stated that he believed there to be quite a bit of traction on the specific House bill that related to zoning and allowing multifamily in residential districts.
12. Mr. Ward suggested that staff would begin drafting text to address a bill that had been proposed that would prohibit any type of tree protection in any municipality across the state. Mr. Furgiuele felt that the Town's lobbyists should also be involved at the earliest possible stage.
13. Mr. Ward stated that if members wished to make any changes to the Boone Community Diversity Equity Inclusion Survey, that they do so as soon as possible, and asked how long members wanted the survey to remain available. After brief discussion, Mr. Ward indicated that the survey would go live on April 19th and that he would report back at next month's meeting.
14. Mr. Ward asked for direction regarding commercial solid waste collection in the Town. He noted that currently, the Town did not charge for commercial collection, but that the cost for that collection was embedded within taxes regardless of the number of waste cans a property utilized or the amount of service provided. Mr. Ward suggested potentially charging for the service provided as opposed to a flat fee across the board. He explained that the fee could be tied to the monthly water and sewer bill that would be paid by the occupant rather than assessed on a tax bill. He added that this change could help cover the cost of rising solid waste collections, and believed that this could serve as an equal push for waste reduction. Mr. Furgiuele asked what the cost would be, and suggested that recycling be incentivized. He also asked how staff would calculate fees in situations where a multifamily complex used a single water meter. Mr. Ward answered that staff would look into ways to deal with master metering situations. He added that the fee would be assessed across the board so that no group or occupant type was discriminated against.
15. Upcoming meeting dates were announced.

Mr. Furgiuele made a motion to amend the agenda to add an item next on the agenda to discuss House Bill 496 regarding tree protection. Mr. Hicks seconded the motion which passed unanimously. Mr. Furgiuele made a second motion to empower the Town Manager, even prior to the Town Council considering a resolution as to this proposed bill that would prevent tree protection ordinances or tree protection by municipalities, to empower the Town's lobbyists to work against the passage of this bill. Ms. Roseman seconded the motion which passed unanimously.

TOWN ATTORNEY UPDATE

In response to an issue raised by Mr. Furgiuele at a previous meeting, Ms. Meade reported that when minimum housing complaints were received, planning staff were first requiring a tenant to contact the landlord to give notice before staff would pursue housing complaint. She indicated that she believed there was no relation between that notice requirement and what inspectors should be doing under the minimum housing statute. Ms. Meade explained that the notice requirement requiring notice from a tenant to a landlord was in Chapter 42, which governed the private contractual relationships between landlords and tenants, and did not have anything to do with the Town's duties or powers under the minimum housing statute. Ms. Meade stated that she had discussed this with staff and that they would be adjusting their procedures accordingly and no longer require a tenant to contact a landlord or complaint to the landlord before investigating a complaint. She then asked members to work on recruiting citizens willing to serve on the Historic Preservation Commission, since it would only be a matter of months before the historic district in place. Ms. Meade stated that the board would then need to be trained to handle and consider Certificates of Appropriateness, requests for changes to buildings, or new buildings in the historic district. She explained that with Council members not serving on that board, it was an even more crucial board, similar to the Board of Adjustment, to conduct business for citizens, residents and businesses in the Town.

BOARD LIAISON REPORT

Ms. Roseman echoed Ms. Meade's comments regarding the Historic Preservation Commission, and reiterated the importance of recruiting members in preparation for the new historic district.

APPOINTMENT TO CULTURAL RESOURCES ADVISORY BOARD

Mr. Furgiuele nominated Ms. Clawson and Ms. Hancock for the 2023 terms. With no further nominations, Mayor Brantz called for a vote.

Hancock- Furgiuele, Roseman, LaPlaca, Hicks
Clawson- Furgiuele, Roseman, LaPlaca, Hicks
Bateman- None

Ms. Clawson and Ms. Hancock's terms will expire on May 30, 2023.

Mayor Pro-Tem Ulmer nominated Ms. Bateman, and Mr. Furgiuele nominated Ms. Miller for the 2024 term. With no further nominations, Mayor Brantz called for a vote.

Miller-Furgiuele, Roseman, Hicks
Bateman- Ulmer, LaPlaca

Ms. Miller's term will expire on May 30, 2024.

CONSIDERATION OF CASE HEARD AT THE MARCH 22, 2021 PUBLIC HEARING

Ms. Shook presented Case PL04196-090820 Session Law 2019-111 (Part 1) - UDO Text Amendment. Mr. Furgiuele suggested that on page 36 of the packet in section 40.501(c), the following should be added for additional clarity "but shall not be considered complete until compliance with subsection 418 (a)" so that there was no confusion that the resubmittal date was the date of completion. Mayor Pro-Tem Ulmer pointed out that there were references to the ETJ throughout the text that should be removed. Ms. Meade indicated that those changes would have to be addressed at a later time since they were not presented at the Public Hearing. She also suggested that the text in 40.501(c) read "shall be reviewed and processed as a new application period. Accordingly, such application shall be considered submitted on the date of the resubmittal and considered for completeness pursuant to 40.501(a)." Mayor Brantz declared a break at 7:50 p.m. to allow Ms. Meade and Ms. Shook time to make the proposed changes. Council reconvened at 8:08 p.m. Mr. Furgiuele made a motion that the proposed amendment, with the change offered by Ms. Meade, to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that is applicable because it complies with Comprehensive Plan Policy 2.1.1 Economic Development E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources; E.1. Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board. Ms. Roseman seconded the motion which carried unanimously. Mr. Furgiuele made a second motion that the Town Council approves the proposed amendment to the Town's zoning ordinance and believes approval is reasonable and the public interest because it brought the Town's UDO into compliance with state law. Ms. Roseman seconded the motion which carried unanimously.

HPC RECOMMENDATIONS REGARDING BOONE CEMETERY

Upon a motion by Mayor Pro-Tem Ulmer, seconded by Ms. LaPlaca, Council voted unanimously to approve the request as submitted.

CONSIDERATION OF FUNDING FOR DIGITAL WATAUGA IN THE AMOUNT OF \$5,000

Upon a motion by Mr. Furgiuele, seconded by Mayor Pro-Tem Ulmer, Council voted to approve the request as submitted.

COVID-19 OPERATIONS/PROGRAMMING/EVENTS

Mr. Ward asked for direction regarding Town of Boone programming and operations, and noted that state and CDC guidance was changing and was sometimes in conflict with local guidance from Council. Mr. Ward specifically asked for guidance on music lessons at the Jones House, as well as 4th of July events. Mr. Furgiuele was concerned that many places were opening up too quickly, as well as the threat of different variations. He stated that he would not want to ruin the progress that the Town had made by opening too soon. Mr. Furgiuele indicated that he was comfortable leaving the decision of Town operations up to Mr. Ward, and added that he was not sure he was comfortable making a decision about Fourth of July celebrations at this time. Mr. Ward noted that many neighboring towns were planning Fourth of July celebrations. Ms. Roseman indicated that if Town operations opened up, she hoped that those who chose not to come to work because of family situations, including a lack of child care, would not be penalized if they could continue to work remotely. Mr. Ward answered that Covid-19 leave had been extended for employees, but noted that not all employees were able to work remotely. He added that other towns were safely holding outdoor concerns by sectioning out areas to encourage social distancing and allowing people to remain in their vehicles while attending concerts. Mayor Brantz asked about the attitude of staff, to which Mr. Ward stated that he could not be more proud of the ability of Town staff to adjust to Covid-19 requirements. Mayor Pro-Tem Ulmer and Ms. Roseman agreed with reopening programming by implementing small changes. Ms. Roseman felt that staff should plan for Fourth of July celebrations but be prepared to cancel if needed. Mr. Furgiuele indicated that he was not as concerned with Fourth of July celebrations since they would be held outdoors and people could spread out, but that he had reluctance about holding music lessons inside the Jones House at this time. Mr. Ward suggested music lessons could be held outside while requiring participants to wear masks and social distance initially and to revisit at a later time.

DISCUSSION OF POSSIBILITY OF REMOVING THE "UNRELATED PERSONS" RESTRICTIONS IN ALL ZONING DISTRICTS

Mr. Hicks presented a request for discussion regarding the potential removal of unrelated persons restrictions in all zoning districts or alternatively, a removal of occupancy limitations. Mr. Furgiuele stated that he believed occupancy limitations of the Town had been motivated out of the interest to protect neighborhoods, and to be able to maintain the neighborhoods which had been under enormous attack by development. He believed that there were many considerations that needed to be discussed, such as adequate parking. Mr. Furgiuele agreed with Mr. Hicks's assessment that the definition of "family" was narrow and that there was room to reassess that term in light of the commitment the Town recently made regarding non-discrimination in the Town. He added that he believed this could be done without a wholesale destruction of the occupancy limits. Mr. Furgiuele suggested that Ms. Meade examine the definition of family in light of the recent ordinance and see how it might be redefined in a way that recognized non-traditional but committed relationships. Ms. Roseman and Ms. LaPlaca agreed that the definition of family needed to be revisited. Mayor Pro-Tem Ulmer felt that this change could potentially help with affordable housing in Town. Mr. Furgiuele made a motion to authorize Ms. Meade to examine the definition of family in the UDO and to come back to Council with recommendations in light of the non-discrimination ordinance recently passed. Mayor Pro-Tem Ulmer seconded the motion which passed unanimously.

CONSIDERATION OF TOWN CODE AMENDMENTS TO MODIFY AND CORRECT THE TRAFFIC CODE

Ms. Meade presented changes to the traffic code text originally presented on Tuesday night. She noted that except for designated spaces downtown, parallel parking on the streets of Boone was not permitted, and

indicated that number three in the text could be struck for that reason. Ms. Meade stated that this was an important tool for police to be able to enforce in order to maintain a quality of living in the neighborhoods. She added that she discussed with staff the language permitting delivery trucks to park in the streets to unload only if they did not cause substantial obstruction of traffic. Ms. Meade indicated that this text would call for some discretion with police officers. She added that if the text was insufficient, then it could go to the DBDA for discussion and input and to consider alternatives such as time restrictions for deliveries or only permitting deliveries on certain streets. Upon a motion by Mayor Pro-Tem Ulmer, seconded by Ms. LaPlaca, Council voted unanimously to approve the text as submitted.

**AN ORDINANCE TO AMEND THE TOWN OF BOONE CODE OF ORDINANCES
TO REVISE CHAPTERS 72 AND 89**

WHEREAS, the Boone Town Council desires to modify and clarify certain provisions of the Boone Town Code relating to parking and traffic enforcement, as well as to make certain non-substantive corrections in the Code that have come to its attention; and

WHEREAS, the Boone Town Council is authorized to adopt this ordinance pursuant to, its powers under Chapter 160A of the North Carolina General Statutes, including but not limited to its authority over town streets and sidewalks pursuant to Article 15 of Chapter 160A;

NOW THEREFORE, BE IT ORDAINED BY THE BOONE TOWN COUNCIL:

SECTION 1. Chapters 72 and 89 of the Boone Code of Ordinances are hereby amended as set forth in the attached **Exhibit A** to this Ordinance, which is incorporated by reference.

SECTION 2. The Town's Code Codifier is directed to delete references in the Town Code to former section 70.99 (e.g., "Penalty, see § 70.99"), which was deleted by Town Council in a prior amendment.

SECTION 3. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION 5. This Ordinance shall be effective immediately upon its adoption by Town Council.

Adopted this ____ day of April, 2021

Rennie Brantz, Mayor

ATTEST: _____
Town Clerk

EXHIBIT A

CHAPTER 72: PARKING REGULATIONS

Section

- 72.01 Parking prohibited in certain locations
- 72.02 Parking prohibited for certain purposes
- 72.03 Snow emergency zones
- 72.04 Loading and unloading zones
- 72.05 School loading zones
- 72.06 Commercial loading zones
- 72.07 Public carrier loading zones
- 72.08 Parking in town parks
- 72.09 Using slugs or substitutes, tampering with or injuring parking meters

72.99 Penalties.

§ 72.01 PARKING PROHIBITED IN CERTAIN LOCATIONS.

- (A) ~~In addition to those locations where parking is prohibited under the state motor vehicle laws,~~ Parking is prohibited in the following locations. No traffic-control devices are required. No person may park or leave standing ^{AM1} any vehicle ~~or permit it to stand in~~ any of ~~the~~ the following locations:
- (1) On any sidewalk or greenway, or on the space between the sidewalk or greenway and the curb, or between the sidewalk or greenway and the street pavement, if there is no curb;
 - (2) On any alley or private road in a manner or under conditions as to leave available less than ten feet of the width of the ~~roadway~~ street for the free movement of vehicular travel or to block the driveway entrance to any abutting property;
 - ~~(3) On a street other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within 18 inches of the curb or edge of the roadway, unless authorized to do otherwise by appropriate signage or parking space markings ^{AM2};~~
 - ~~(4)~~ (3) In front of a gate or other accessway (whether closed or opened) that provides access to a town greenway, town park or other town property; and
 - ~~(5)~~ (4) On any town-owned or town-operated property, other than within a marked-off or otherwise designated parking space.
 - ~~(6)~~ (5) In a town-owned or town-operated leased parking space without a leased parking sticker;
 - ~~(7)~~ (6) In any metered space without making proper payment therefor;
 - ~~(8)~~ (7) In any space in a town-owned parking lot, garage, or other parking facility without making proper payment therefor;
 - ~~(9)~~ (8) In any marked space designated by signage for certain purpose(s) and/or period(s) or duration of time for parking other than for the purpose, period, and/or duration of

time authorized;[AM3]

- (9) In any marked-off parking space in a manner that the vehicle is not entirely within the parking space as marked-off;
- (10) In a private driveway or in front of a private driveway without the permission of the property owner or tenant;
- (11) Unless within a clearly marked-off parking space, within 15 feet of either direction of a fire hydrant (whether or not located in a public right-of-way) or the entrance to a fire station;
- (12) In a designated fire lane;
- (13) Unless within a clearly marked-off or otherwise designated parking space, within 15 feet of the intersection of curb lines or if none, then within 15 feet of the intersection of street pavement at an intersection of streets;
- (14) Within an intersection or on a marked crosswalk;
- (15) Unless within a clearly marked-off or otherwise designated parking space, within 30 feet of any traffic-control signal or device installed at an intersection, regardless of whether the vehicle is located within or outside of the public right-of-way;
- (16) In any portion of the travel lanes of a street; *provided, however*, that this prohibition shall not apply to a vehicle stopped or parked in order to deliver goods to or collect goods from a business so long as the standing or parking of the vehicle does not cause substantial obstruction of traffic. "Travel lanes" means portions of a street intended for motor vehicle traffic and not marked, signed, or otherwise designated for parking or loading/unloading.
- (17) In any portion of a street specifically designated by markings or signage as a travel lane for pedestrians and/or bicycles.
- ~~(B)~~ In any parking space clearly marked or otherwise designated as reserved for the handicapped, whether on public or private property, unless the driver of or a passenger in the vehicle is handicapped;
- (18)
- ~~(G)~~(B) The Administrator may install no-parking signs, yellow curb markings or other traffic-control devices to indicate where parking and standing is prohibited as stated in division (A) above, but enforcement of the provisions of this section is not dependent on the installation of the devices.
- ~~(D)~~(C) Parking time limits shall be enforced as indicated by signage, installed parking meters or parking lot pre-pay stations.
- ~~(E)~~(D) Whenever, pursuant to division (B) or (C), the Administrator has installed signs, yellow pavement markings or other traffic-control devices clearly indicating that parking or standing within a specified area is prohibited or is allowed only at certain times or for a certain duration, no person may park any vehicle or permit it to stand contrary to the directions of those traffic-control devices.
- ~~(F)~~(E) The Administrator may mark any street where parking is permitted with lines that indicate the parking space for vehicles and no person may park any vehicle outside the lines.

~~(G)~~(F) The prohibitions in this section shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible.

~~(H)~~(G) A vehicle parked in violation of one or more of the provisions of this section may be towed without notice to the owner, and whether or not towing is indicated by signage, if, in the discretion of Police Department or Public Works Department personnel, the vehicle presents a threat to public safety, for example, by hindering rescue vehicle access, blocking traffic, or increasing the chances of a traffic accident.

§ 72.02 PARKING PROHIBITED FOR CERTAIN PURPOSES.

No person may park any vehicle or permit it to stand upon any public street, public sidewalk or other public property, or on town-owned property for any of the following principal purposes:

- (A) Displaying it for sale, except foreclosure and judicial sales;
- (B) Washing, greasing, changing tires or repairing the vehicle, except to the extent necessitated by an emergency;
- (C) Storing it;
- (D) Advertising; and
- (E) Operating a commercial enterprise out of a parked vehicle, except with the express advance permission of the town. By way of illustration and without limiting the foregoing, vehicles may not be parked for purposes of selling food or other items from the vehicle. The town may provide exemptions to this general rule for special events, such as street festivals or events held at the Daniel Boone Park, and the like, but any such exemption shall require advance written permission granted by the town.

§ 72.03 SNOW EMERGENCY ZONES.

- (A) The Administrator shall establish snow emergency zones and shall install appropriate traffic-control devices to give clear notice that parking within the zones is not permissible during the stated hours or times indicated during periods of snow accumulation.
- (B) Whenever a snow emergency zone is designated and marked by traffic-control devices, no person may park any vehicle within the zones between the hours or during the periods specified in the traffic-control devices.

§ 72.04 LOADING AND UNLOADING ZONES.

Notwithstanding any other provision of this title, whenever streets or portions of streets are designated as vehicle loading and unloading zones in accordance with the provisions of this title, parking and standing are permitted in those locations, but only in accordance with the provisions of this title.

§ 72.05 SCHOOL LOADING ZONES.

Whenever a school loading zone is designated and clearly marked by traffic-control devices, no person may park any vehicle or permit it to stand in any zone for any purpose other than the expeditious loading or unloading of school passengers, and then only for a period not to exceed ten minutes.

§ 72.06 COMMERCIAL LOADING ZONES.

Whenever a commercial loading zone is designated and marked by traffic-control devices, no person may park any vehicle there or permit it to stand in any zone for any purpose other than the expeditious loading or pickup of materials and goods, or unloading and delivery, and then only for a period not to exceed 30 minutes.

§ 72.07 PUBLIC CARRIER LOADING ZONES.

- (A) Whenever a bus stop or taxicab stand is designated and marked by traffic-control devices, no person may park any vehicle other than a bus or a taxicab, respectively, in any zone so designated and marked.
- (B) Whenever a bus stop or taxicab stand is necessary in a particular location to accommodate the needs of those requiring access to a public carrier, and a zone is consistent with the necessary free flow of traffic and the public safety, the Administrator may install appropriate traffic-control devices to give clear notice that parking or standing within those locations, except for buses and taxicabs, respectively, is prohibited.
- (C) The operator of a bus shall not stop the vehicle upon any street or at any place for the purpose of loading or unloading passengers or their baggage, except at a bus stop designated in accordance with this section.

§ 72.08 PARKING IN TOWN PARKS.

- (A) Parking overnight is prohibited in all town parks.
- (B) Parking is prohibited in Junaluska Park between the hours of 6:00 a.m. and 12:00 p.m. on the third Saturday of each month, and at such other times as may be noticed by posted warning signs, except that this prohibition does not apply to members of the American Legion and their guests. This parking limitation is required so that the parking area is available to American Legion members and their guests during their meeting times per the terms of the town's lease of the park.
- (C) Persons may park vehicles at town parks only for purposes of using the park facilities. Parking by commuters is prohibited.
- (D) Violators of any of the provisions of this section may be issued warnings or citations, or be subject to towing. Towing is authorized from any town park parking area where:
 - (1) The Town Manager, in his or her discretion, has caused signs to be posted warning that vehicles parked overnight in violation of any of the above divisions (A) through (C) of this section are subject to towing. Such signs shall substantially comply with the visibility requirements set forth at § 73.03(A), and shall direct those subject to towing to call the Police Department; or
 - (2) The town has provided at least eight hours advance written notice that the vehicle will be towed, by means of written notice placed on the vehicle as provided at § 73.03(C), except that the requirements of § 73.03(C)(2) through (4) shall not apply, and instead, the notice shall direct the violator to call the Police Department.

§ 72.09 USING SLUGS OR SUBSTITUTES, TAMPERING WITH OR INJURING PARKING METERS.

- (A) It shall be unlawful to deposit a slug or other substitute for a coin of the United States or city-issued parking meter token in any city parking meter.
- (B) It shall be unlawful to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any city parking meter, except that duly authorized persons may

make necessary collections and repairs.

§ 72.99 PENALTIES

- (A) *Criminal penalties.* A violation of § 72.09 shall constitute a Class 3 misdemeanor and shall subject the offender to a fine of up to \$500.
- (B) *Civil penalties.* Except as ~~specifically~~ provided at division (A) of this section, a violation of this chapter is a civil violation only. ~~and shall not constitute a criminal offense as otherwise provided per G.S. 14-4, and is subject to the general provisions of § 10.99 of this Code. Provided, however, that the following civil penalties shall apply to the following violations:~~
- ~~1. Any violation of any provision of §§ 72.01(A)(67) through (A)(810) of this chapter shall subject the violator to a penalty of \$12.~~
 - ~~1. Any violation of §§ 72.01(A)(1) through (A)(5) or (A)(9) through (A)(17) shall subject the violator to a penalty of \$20.~~
 - ~~2. Any violation of §§ 72.01(A)(1) through (A)(6) shall subject the violator to a penalty of \$20.~~
 - ~~2.3. Any violation of § 72.01(A)(18) (unlawful parking in handicapped spaces) shall subject the violator to a penalty of \$100.~~
 - ~~4. Any violation of any provision of §§ 72.02 through 72.08 shall subject the violator to a penalty of \$300.00.~~
 - ~~3. Any violation of § 72.01(A)(1) through (A)(6) shall subject the violator to a penalty of \$20.~~

Civil penalties are imposed pursuant to this chapter in order to help fund the town's enforcement of its traffic and parking regulations for the benefit of the town's residents, businesses and visitors, and not to punish violators. All civil penalties imposed pursuant to this division (B) and paid to the town as herein provided shall be paid into the General Fund of the town and used to fund the town's traffic and parking enforcement operations.

§ 89.99 PENALTY.

- (A) Except as otherwise provided below, a violation of any provision of this chapter shall subject the offender to a civil penalty in the amount of \$50 and shall constitute an infraction and be subject to a fine of not more than \$50 or imprisonment for not more than 30 days, or both.
- (B) Discharge of a firearm in violation of § 89.2006(A) of this chapter shall constitute a Class 3 misdemeanor and be subject to a fine of not more than \$500 or imprisonment for not more than 30 days, or both.
- (C) The town may seek to enforce a violation of this chapter through any appropriate equitable action.
- (D) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(E) A second or subsequent violation of the same provision of this chapter in the same 12-month period shall result in assessment of a civil penalty in the amount of \$100 for the second violation and \$250 for the third and any subsequent violation.

ADJOURNMENT

Upon a motion by Ms. LaPlaca, seconded by Mayor Pro-Tem Ulmer, Council voted unanimously to adjourn the meeting at 9:52 p.m.

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor