

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
June 16, 2016**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 5:30 p.m. Thursday, June 16, 2016, in the Council Chambers located at 1500 Blowing Rock Road. Mayor Pro Tem Lynne Mason presided. Council members present were Loretta Clawson, Charlotte Mizelle, Jeannine Underdown Collins and Jennifer Teague. Town Attorney Allison Meade was in attendance. Staff present were Town Manager John Ward, Assistant Town Manager Jim Byrne, Town Clerk Christine Pope, Finance Director Amy Davis, Public Works Deputy Director Eric Gustaveson, Cultural Resources Director Pilar Fotta, Planning Director Bill Bailey, Police Chief Dana Crawford and Fire Chief Jimmy Isaacs.

ANNOUNCEMENTS

Mayor Pro Tem Mason advised that Mayor Brantz was out of the country and noted that anyone who wanted to speak during the public comment period should fill out the public comment sign-up sheet. She then asked for a moment of silence for the recent deaths in Orlando, Fla.

Police Chief Dana Crawford presented Detective Jason Reid a framed award recognizing his successful fulfillment of the requirements and obligations to acquire the Advanced Law Enforcement Certification, the highest certification award given to law enforcement officers in North Carolina.

TENTATIVE AGENDA ADOPTION

Town Attorney Allison Meade asked that Item 7.D. - Approval of FY 2016/17 Outside Agency Funding Allocation be removed from Consent Agenda and added to Council Matters due to a conflict of interest for one of the Council members whose husband is the primary administrator for one of the organizations receiving funds. Council was in consensus to allow this amendment to the agenda.

PUBLIC HEARING ON PROPOSED BUDGET FY 2016/17

Mayor Pro Tem Mason opened the public hearing on the proposed budget for FY 2016/17 at 5:35 p.m. With no one signed up to speak, Mayor Pro Tem Mason closed the public hearing at 5:36 p.m.

PUBLIC COMMENT

William Thompson, director and general manager of the new High Country Grizzlies arena football team, appeared before Council to speak regarding this new team. He stated they have received authorization to play in the ASU Convocation Center. Bryan Bouboulis, owner of the High Country Grizzlies, stated they anticipate to bring in \$450,000 to \$500,000 to the area just through the players traveling here, not including fans.

Diane Blanks, of Boone, voiced her concerns regarding the Rivers Walk and Marketplace planned developments that are before Council for consideration, stating that "old Boone" is endangered, and asked that Council think long-term and of the big picture when it comes to developments, particularly in areas that resemble the community some of the citizens grew up in.

Randy Collins, of the Watauga County Rescue Squad, thanked Council for putting their organization back in the allocation process for outside agency funding for the upcoming fiscal year.

Clyde Burleson, chair of the Southern Appalachian Historical Association, recognized the SAHA board of directors for doing an exceptional job, and thanked Council for considering them as part of the budget this upcoming fiscal year.

Pam Williamson, of Boone, voiced her concerns regarding the newly adopted planned development process. She spoke regarding the multiple public hearings held for the Rivers Walk planned development request, notification to the public regarding these meetings, and negotiations between the developers, Council and staff.

Eric Plaag, of Boone, voiced his concerns regarding the height and footprint of the Marketplace planned development request. He proposed a concept involving five different structures with green space, and suggested building a municipal parking garage on the Goodnight Brothers property to help with parking downtown.

Tina Krause, of the Hospitality House, thanked Council for their investment in the community, and the lives that are trying to make a difference and rebuild through the outside agency funding allocation.

REQUESTED APPEARANCES (FIVE MINUTES EACH)

CHRIS GRASINGER - REQUEST FOR INPUT REGARDING EVENT IN SEPTEMBER (FOR INFORMATION ONLY)

Chris Grasinger, of High Country Local First, appeared before the Council to provide information regarding a potential event in September similar to the previously held Howard Street Exchange put on by the Boone Community Network. He stated they are planning to alter the event layout and elevate the overall reach to community members, and are looking at Sept. 18 as the date of the event with Sept. 25 as a rain date. Council asked staff to pencil-in Sept. 18 as a possible date to close off a portion of Howard Street for this event. Mr. Grasinger confirmed he would be working closely with all Town departments involved in coordinating this event.

CONSENT AGENDA ADOPTION

Upon a motion by Council Member Clawson, seconded by Council Member Mizelle, Council moved to adopt the Consent Agenda, excluding Item 7.D. pertaining to approval of outside agency funding allocations.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Loretta Clawson, Council Member
SECONDER:	Charlotte Mizelle, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

TOWN COUNCIL - REGULAR MEETING - MAY 19, 2016 5:30 PM

TOWN COUNCIL - WORKSHOP/RETREAT - MAY 24, 2016 8:30 AM

ADOPTION OF FY 2016/17 BUDGET ORDINANCE

ORDINANCE #16-04

TOWN OF BOONE, NORTH CAROLINA 2016-2017 BUDGET ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Boone, North Carolina that:

SECTION 1: It is established that the following revenues will be available in each fund listed for the operation of the Town of Boone government and its activities for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

GENERAL FUND	
CURRENT YEAR TAXES	\$ 5,811,610
PRIOR YEAR TAXES	\$ 45,000
TAX PENALTIES & INTEREST	\$ 15,000
NCVTS TAXES	\$ 180,000
TAX REFUNDS	\$ (1,000)
GROSS RECEIPTS TAX	\$ 30,000
PRIOR YEAR TAX REFUNDS	\$ (500)
MUNICIPAL VEHICLE TAX	\$ 80,000
LOCAL SALES TAX 1%	\$ 1,139,500

LOCAL SALES TAX 1/2% (40)	\$ 477,330
LOCAL SALES TAX 1/2% (42)	\$ 561,500
LOCAL SALES TAX 1/4% (44)	\$ 500
LOCAL SALES TAX 1/4% (14) MEDICAID HOLD HARMLESS	\$ 365,000
SOLID WASTE DISPOSAL TAX	\$ 11,250
ROOM OCCUPANCY TAX	\$ 375,000
ROOM OCCUPANCY TAX – ADMIN	\$ 32,750
LOCAL VIDEO PROGRAMMING REVENUE	\$ 162,500
UTILITIES FRANCHISE TAX	\$ 785,500
TELECOMMUNICATIONS SALES TAX	\$ 230,000
BEER & WINE TAX	\$ 92,500
ABC REVENUES	\$ 475,000
ABC BOARD – LAW ENFORCEMENT	\$ 24,000
STATE FUNDS – POWELL BILL	\$ 440,000
PYMT IN LIEU OF TAXES – APPLACHIAN STUDENT HOUSING	\$ 129,220
BUILDING & SIGN PERMIT FEES	\$ 185,000
COURT COSTS, FEES & CHARGES	\$ 1,000
PARKING VIOLATION PENALTIES	\$ 325,000
PENALTIES – PLANNING & INSPECTIONS	\$ 5,000
POLICE FEES	\$ 15,000
SCHOOL RESOURCE OFFICER	\$ 68,260
FIRE PROTECTION CHARGES – ASU	\$ 198,000
FIRE DEPARTMENT – MISC. FEES/PERMITS	\$ 35,000
RECYCLING REVENUE	\$ 500
INTEREST EARNED ON INVESTMENTS	\$ 23,284
INTEREST EARNED ON POWELL BILL	\$ 500
LIBRARY LOT PARKING	\$ 4,500
TRACY CIRCLE PARKING	\$ 4,500
HORN IN THE WEST PARKING	\$ 45,000
JONES HOUSE PARKING	\$ 7,000
QUEEN STREET PARKING	\$ 40,000
BOOT FEES	\$ 1,500
PARKING METERS	\$ 445,000
SALE OF SURPLUS PROPERTY	\$ 25,000
CONTRIBUTIONS/DONATIONS	\$ 5,400
RENTAL INCOME	\$ 96,500
RENTAL – JONES HOUSE	\$ 500
CULTURAL RESOURCES REVENUE	\$ 40,000
MISCELLANEOUS REVENUE	\$ 94,394
LOAN PROCEEDS	\$ 473,578
TRANSFER FROM E-911	\$ 19,633
TRANSFER FROM SEPARATION ALLOWANCE TRUST	\$ 129,834
TRANSFER FROM MUNICIPAL SERVICE DISTRICT	\$ 39,740
TRANSFER FROM TOB RURAL FIRE TAX	\$ 602,571
APPROPRIATED FUND BALANCE	\$ 436,000
TOTAL GENERAL FUND BALANCE	\$ 14,828,854
EMERGENCY TELEPHONE SYSTEM	

E-911 SERVICE CHARGE	\$ 120,629
INTEREST EARNED ON INVESTMENTS	\$ 100
APPROPRIATED FUND BALANCE	\$ 83,087
TOTAL EMERGENCY TELEPHONE SYSTEM REVENUE	\$ 203,816
NARCOTICS ENFORCEMENTS	
APPROPRIATED FUND BALANCE	\$ 26,500
TOTAL NARCOTICS ENFORCEMENT	\$ 26,500
WATER & SEWER FUND	
CIVIL PENALTIES	\$ 4,000
INTEREST EARNED ON INVESTMENTS	\$ 1,500
WATER SALES	\$ 3,499,240
SEWER CHARGES	\$ 3,525,705
WATER – LABOR & MATERIAL CHARGES	\$ 25,000
SEWER – LABOR & MATERIAL CHARGES	\$ 15,000
CONNECTION/RECONNECTION/DISCONNECTION FEES	\$ 20,000
SEPTIC TANK DISCHARGE FEE	\$ 60,000
IMPACT/AVAILABILITY FEES – WATER	\$ 75,000
IMPACT/AVAILABILITY FEES – SEWER	\$ 75,000
NSF/RETURNED CHECK CHARGES	\$ 500
LATE PAYMENT PENALTIES	\$ 60,000
SALE OF SURPLUS PROPERTY	\$ 500
MISCELLANEOUS REVENUES	\$ 31,058
LOAN PROCEEDS	\$ 71,334
WATER CAPITAL RESERVE CONTRIBUTION	\$ 100,000
SEWER CAPITAL RESERVE CONTRIBUTION	\$ 375,000
TOTAL WATER & SEWER FUND REVENUE	\$ 7,938,837
HEALTH INSURANCE FUND	
INSURANCE REVENUE – COBRA	\$ 5,000
INSURANCE REVENUE – RETIREE %	\$ 62,000
INSURANCE REVENUE – GENERAL FUND TRANS	\$ 1,275,000
INSURANCE REVENUE – WATER/SEWER FUND TRANS	\$ 420,000
INTEREST EARNED ON INVESTMENTS	\$ 500
MISCELLANEOUS REVENUE	\$ 3,000
TOTAL HEALTH INSURANCE FUND REVENUE	\$ 1,765,500
MUNICIPAL SERVICE DISTRICT	
CURRENT YEAR TAXES	\$ 116,193
PRIOR YEAR TAXES	\$ 350
NCVTS TAXES	\$ 956
LOCAL SALES TAX 1%	\$ 22,000
LOCAL SALES TAX 1/2% (40)	\$ 9,400
LOCAL SALES TAX 1/2% (42)	\$ 11,200

LOCAL SALES TAX 1/4% (44)	\$ -
LOCAL SALES TAX 1/4% (14) MEDICAID HOLD HARMLESS	\$ 4,800
INTEREST EARNED ON INVESTMENTS	\$ 100
TOTAL MUNICIPAL SERVICE DISTRICT REVENUE	\$ 164,999
RURAL FIRE SERVICE DISTRICT	
CURRENT YEAR TAXES	\$ 880,931
PRIOR YEAR TAXES	\$ 5,000
TAX PENALTIES & INTEREST	\$ 1,000
TAX REFUNDS	\$ 1,000
NCVTS TAXES	\$ 58,570
LOCAL SALES TAX 1%	\$ 80,850
LOCAL SALES TAX 1/2% (40)	\$ 34,650
LOCAL SALES TAX 1/2% (42)	\$ 39,050
LOCAL SALES TAX 1/4% (44)	\$ -
LOCAL SALES TAX 1/4% (14) MEDICAID HOLD HARMLESS	\$ -
INTEREST EARNED ON INVESTMENTS	\$ -
TOTAL RURAL FIRE SERVICE DISTRICT	\$ 1,101,051
GRAND TOTAL – ALL REVENUE	\$ 26,029,557

SECTION 2: The following amounts are hereby appropriated in each fund listed for the operation of the Town of Boone government and its activities for fiscal year beginning July 1, 2016, and ending June 30, 2017.

GENERAL FUND	
GOVERNING BODY	\$ 149,033
ADMINISTRATION	\$ 908,225
FINANCE	\$ 461,202
TAX COLLECTIONS	\$ 121,985
LEGAL	\$ 225,200
ELECTIONS	\$ -
FIRE STATION # 1	\$ 34,450
BLOWING ROCK ROAD BUILDING	\$ 46,025
BROWN BUILDING	\$ 83,445
JONES HOUSE	\$ 37,536
TOWN HALL BUILDING	\$ 68,800
SPECIAL PROGRAMS & PROJECTS	\$ 373,000
SUBSIDIES & ALLOCATIONS	\$ 115,000
PROFESSIONAL MEMBERSHIPS	\$ 30,587
GIS	\$ 173,455
FIRE STATION # 2	\$ 16,850
DOWNTOWN POST OFFICE BUILDING	\$ 30,650
CULTURAL RESOURCES	\$ 327,777
FIRE STATION # 3	\$ 10,575
NON-DEPARTMENTAL/DEBT SERVICE	\$ 210,037
POLICE DEPARTMENT	\$ 3,155,595

COMMUNICATIONS	\$ 621,643
FIRE DEPARTMENT	\$ 2,193,547
PLANNING & INSPECTIONS	\$ 748,764
PUBLIC SERVICES & ENGINEERING	\$ 354,147
STREET DEPARTMENT	\$ 1,990,695
POWELL BILL	\$ 440,000
FLEET MAINTENANCE	\$ 355,187
FACILITIES MAINTENANCE	\$ 1,188,570
SANITATION	\$ 158,877
RECYCLING	\$ 197,997
TOTAL GENERAL FUND APPROPRIATIONS	\$ 14,828,854
EMERGENCY TELEPHONE SYSTEM	
E-911	\$ 203,816
TOTAL EMERGENCY TELEPHONE SYSTEM APPROPRIATIONS	\$ 203,816
NARCOTICS ENFORCEMENT DIVISION	
ENFORCEMENT	\$ 26,500
TOTAL NARCOTICS ENFORCEMENT APPROPRIATIONS	\$ 26,500
WATER & SEWER FUND	
PUBLIC UTILITIES (ADMIN)	\$ 662,422
WATER OPERATIONS	\$ 1,069,737
SEWER OPERATIONS	\$ 1,139,887
WATER TREATMENT PLANT	\$ 941,733
WASTE WATER TREATMENT PLANT	\$ 1,590,937
UTILITY BILLING & COLLECTIONS	\$ 285,652
NON-DEPARTMENTAL/DEBT SERVICE	\$ 2,248,469
TOTAL WATER & SEWER FUND APPROPRIATIONS	\$ 7,938,837
HEALTH INSURANCE FUND	
HEALTH INSURANCE	\$ 1,765,500
TOTAL HEALTH INSURANCE FUND APPROPRIATIONS	\$ 1,765,500
MUNICIPAL SERVICE DISTRICT	
MUNICIPAL SERVICE DISTRICT	\$ 164,999
TOTAL MUNICIPAL SERVICE DISTRICT APPROPRIATIONS	\$ 164,999
RURAL FIRE SERVICE DISTRICT	

RURAL FIRE SERVICE DISTRICT	\$ 1,101,051
TOTAL RURAL FIRE SERVICE DISTRICT APPROPRIATIONS	\$ 1,101,051
GRAND TOTAL – ALL APPROPRIATIONS	\$ 26,029,557

SECTION 3: There is hereby levied a tax rate of forty one centers (\$0.41) per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 2016 for the purpose of raising the revenues listed “Current Year Taxes” in the General Fund in Section 1 of this Ordinance. This rate is based on an estimated total valuation of property for the purpose of taxation of \$1,439,049,151 assessment ratio of 100% of the appraised value. The collection rate of 98.5% is reflected in the budget. The FY 2016/2017 operating budget follows the general reappraisal of real property for the Town of Boone. The Municipal Vehicle tax is levied at \$20.00 per registered vehicle.

SECTION 3 (a): There is hereby levied a tax rate of twenty one cents (\$0.21) per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 2015 for the purpose of raising the revenues listed “Current Year Taxes” in the Downtown Municipal Service District in Section 1 of this Ordinance. This rate is based on an established taxation of \$56,284,400 assessment ratio of 100% of the appraised value. The collection rate of 99% is reflected in the budget. The FY 2016-2017 operating budget follows the general reappraisal of real property for the Downtown Municipal Service District.

SECTION 4: The Budget Officer is hereby authorized to transfer appropriations within a Fund as contained herein under the following conditions:

A. He may transfer amounts between objects of expenditure within a Department to a maximum of the budgeted amount per Department. Transfers shall be filed with the Finance Department for public and Town Council inspection. Town Council shall approve transfers in excess of the limitation.

B. He may transfer available funds between departments of the same fund with an official report of such transfer on file with the Finance Department for inspection by the general public and the Town Council.

C. He may not transfer any amounts between Funds.

D. Town Council shall establish, by governing body procedure, the purchasing mechanism for large capital items (e.g. vehicle purchases). Such procedures shall not be in conflict with NCGS 143-129.

SECTION 5: The rates for water and sewer shall be established as set forth in Exhibit A, which is an attachment to this Ordinance. These rates will remain in effect until subsequently repealed or modified by the Town Council.

SECTION 6: Copies of this Budget Ordinance shall be furnished to the Finance Director and to the Budget Officer of the Town of Boone to be kept on file by them or their direction in the disbursement of funds.

ADOPTED this the 19th day of June, 2016 by the Town Council of the Town of Boone, North Carolina.

Mayor

ATTEST:

Town Clerk

**TOWN OF BOONE
WATER AND SEWER ORDINANCE
EFFECTIVE 07/01/2016**

Late Penalty Charge: \$10.00
Meter Re-read Charge: \$10.00
Meter Connect/Disconnect/Reconnect (Each): \$20.00
Returned Check Charge: \$25.00
Septic Disposal Fees (Per 100 Gallons): \$7.00 Residential; \$10.00 Commercial
Availability Fees (Per Gallon): \$3.75 Water; \$4.50 Sewer

Deposits (Outside City Limits Deposits are Double Rates Listed Below):

Residential	\$	125.00
Commercial	\$	225.00
Construction (Temporary):		
3/4"	\$	200.00
2" or 3"	\$	800.00

Minimum Fees Each – Water & Sewer:

(Outside City Limits Minimums are Double Rates Listed Below)

Minimum Residential 3/4" Includes 0-1,000 Gallons or	\$	15.75
Minimum Residential 3/4" Includes 1,001 – 2,000 Gallons	\$	17.25
Minimum Commercial 3/4" Includes First 2,000 Gallons	\$	23.00
Minimum Commercial 1" Includes First 2,000 Gallons	\$	28.00
Minimum Commercial 1 1/2" Includes First 2,000 Gallons	\$	33.00
Minimum Commercial 2" Includes First 2,000 Gallons	\$	33.00
Minimum Commercial 3" Includes First 2,000 Gallons	\$	43.00
Minimum Commercial 4" Includes First 2,000 Gallons	\$	53.00
Minimum Commercial 6" Includes First 2,000 Gallons	\$	73.00
Minimum Commercial 8" Includes First 2,000 Gallons	\$	93.00

Consumption – Water:

(Outside City Limits Consumption is Double Rates Listed Below)

2,001 to 4,999 Gallons	\$	6.90
5,000 to 9,999 Gallons	\$	7.15
10,000 to 14,999 Gallons	\$	7.40
15,000 to 19,999 Gallons	\$	7.65
Over 20,000 Gallons	\$	7.90

Consumption – Sewer:

(Outside City Limits Consumption is Double Rates Listed Below)

Over 2,000 per 1,000 Gallons – Residential	\$	6.25
Over 2,000 per 1,000 Gallons - Commercial	\$	6.50

(ORDINANCE TO BE TYPED IN BOOK 4, PAGES 85-91)

APPROVAL OF REVISED ATTORNEY RETAINER AGREEMENT AND CONTRACT

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

Retainer Agreement and Contract

The undersigned, on behalf of the Town of Boone, hereby employs and retains Allison M. Meade, hereinafter, the “attorney,” to represent, advise and counsel the Town of Boone, its boards, department heads and other personnel, as directed by the Town Council, mayor and/or town manager, together referred to hereinafter as the “Town,” said attorney and Town collectively known as and referred to as “the Parties,”

In furtherance of the employment of said attorney, the parties agree as follows:

1. Attorney shall serve as the pleasure of the Town, as determined by the Boone Town Council.
2. Effective July 1, 2016, as authorized by the Boone Town Council at its regular meeting, Town shall pay attorney the rate of \$175.00 per hour, except that the rate shall be \$225.00 for litigation work. Such hourly rates will compensate attorney not only for her own time, but for the time of any support or other staff assisting attorney in the discharge of her duties, which will not be separately charged, but it shall not include the expenses below specified, which will be subject to reimbursement in the amount of any actual expenditures made by attorney.
3. Attorney shall maintain contemporaneous time records and shall submit periodic statements to the town manager specifying time which has been expended daily in consequence of her employment, with a brief description of the activities performed. Billable time will be based upon the actual time spent by attorney in discharge of her duties, will be charged in tenths of an hour, and will be rounded up to the nearest one-tenth of an hour for each calendar day.
4. The time which will be billed to the Town shall include all services rendered by attorney, including, but not limited to:
 - a. Telephone calls, e-mails, meetings and discussions with the full Town Council, the full Board of Adjustment, individual members of the Town Council, the mayor, individual members of the Board of Adjustment, the town manager, Town department heads and other persons employed by or associated with the Town and other persons not employed by or associated with the Town, when such telephone calls, e-mails, discussions, and meetings are directed by the Town Council as a whole, individual members of the Town Council, the mayor or town manager, or are reasonably determined by attorney as necessary to the effective representation of the Town;
 - b. Telephone conversations, e-mails, discussions and meetings with other attorneys, witnesses, court personnel, or others who possess information which is important to any particular case or matter which has been assigned to attorney, or which relate(s) to a case or matter which has

been assigned to attorney, or which relate(s) to a case or matter which predictably will be assigned to attorney, whether or not those calls, discussions or meetings are initiated by attorney and whether or not any telephone call is consummated with an answering service, answering machine or voice mail;

- c. Attendance at other meetings requested by the Town Council, the mayor, the town manager, or a department head, if approved by the town manager;
 - d. Preparation, receipt and review of correspondence on behalf of Town;
 - e. Research, preparation of pleadings and other documents, review of documents, preparation for court, waiting time in court and elsewhere, court appearances;
 - f. Attendance at training sessions during the actual hours of instruction, when such attendance is requested by the Town Council, mayor or town manager;
 - g. Travel time as it relates to and is necessitated by the discharge of any of the aforementioned activities;
 - h. Review of all contracts, as requested by Town Council, mayor, town manager or department heads, review of all existing ordinances, as requested by the Town Council as a whole or its individual members, the mayor or town manager, drafting of new ordinances and amendments to ordinances, as requested by the Town Council as a whole or its individual members, the mayor or town manager;
 - i. Collection of outstanding debt due to the Town;
 - j. Any actions undertaken by attorney to secure other or additional counsel or representation on behalf of Town when same is necessary; and
 - k. The expenditure of other time reasonably necessary to attorney's effective performance of her duties or which is the result of a request by the Town Council, town manager, department head, or individual member of the Town Council, including but not limited to research and/or other preparation for the services specified above in this paragraph 4.
5. In addition to the attorney's hourly compensation, Town shall pay all necessary costs and expenses of attorney's representation in any matter as they are incurred, as attorney may bill Town for them. Costs may include, but are not limited to, expenses for express mail postage, long distance telephone, copying fees outside the office, courier fees, photography and preparation of exhibits for court, expert fees, witness fees, subpoena service fees, filing fees, out-of-town travel expenses and all such other charges.
6. The Town, through the Town Council, mayor or town manager, will approve and make separate arrangements for any investigation or expert analysis, evaluation or appraisal that shall be necessary, and the Town shall be solely and separately responsible for paying for any such services directly to the person or persons performing such services.
7. Attorney shall strive to avoid the creation of conflicts of interest and hereafter, during the pendency of this contract, shall consider Town her primary client for all purposes, but Town recognizes and acknowledges that attorney has lived and practiced law in the Town of Boone for an extended period prior to her employment herewith, and that from time to time, unavoidable conflicts of interest may occur. In such instances, in accordance with the Revised Rules of Professional Conduct of the North

Carolina State Bar, attorney shall disclose any such conflict to Town, through the Town Council, mayor or town manager, and shall recommend, as requested, possible substitute counsel. To the extent allowable and requested by the Town Council, mayor or town manager, attorney shall make such inquires and perform such actions as may be necessary to secure substitute counsel.

8. Unless instructed otherwise by the Town Council or town manager, Attorney shall be expected to attend all regularly scheduled, special and emergency meetings of the Town Council and Board of Adjustment, and shall attend such other meetings relating to Town business as requested by the Town Council, members of the Town Council, the mayor or the town manager.
9. Attorney shall not institute any legal proceedings on behalf of Town without the express authorization of the Town Council.
10. Attorney shall meet regularly with the town manager to determine the legal needs of the Town and to identify matters about which the Town Council should or must act, and to identify and determine what matters should be placed on the agenda for meetings of the Town Council, Board of Adjustment or other committees of the Town.
11. Town acknowledges that the attorney's conduct is subject to the Rules of Professional Responsibility promulgated by the North Carolina State Bar, and that attorney can take no action inconsistent with those rules. Town further acknowledges and agrees that it shall be within the sole discretion of attorney to seek formal, informal or advisory opinions from the North Carolina State Bar to assist her in determining the appropriateness of any particular action about which attorney has ethical concerns, and the Town expressly waives the attorney-client privilege for the limited purpose of attorney soliciting such opinions, when she deems them necessary.
12. All communications between Town, its Council, representatives, agents, employees, and members of its boards, committees and task forces are privileged pursuant to the attorney-client privilege, with the Town considered the client. No waiver of the attorney-client privilege will occur, however, without the consent of either the Town Council or town manager in addition to the consent of the individual Town Council member involved in any privilege communication. Town recognizes and acknowledges that the discussion of privileged information with third parties by Town may fully or partially waive such privilege relating to the matter disclosed.
13. This contract may be terminated by either part at any time. At the time of any such termination, Town acknowledges that attorney may have additional tasks connected to transferring all files and other necessary information to her successor, and further acknowledges that as to any litigation pending at such time, court rules and North Carolina law dictate specific procedures for withdrawing from representation, but the allowance of such withdrawal is discretionary with the presiding judge. Attorney agrees to cooperate fully in the transfer of such information and any case files. Town agrees to compensate attorney in accordance with this contract, as it may be modified, for such activities and actions performed following the termination of this contract.
14. This contract is governed by the laws of North Carolina, and any modification of the terms of this contract must be in writing.

Adopted this ____ day of _____, 2016.

Mayor

ATTEST:

Town Clerk

Allison M. Meade, Attorney

DISCLOSURE OF SETTLEMENT TERMS BETWEEN THE TOWN OF BOONE AND RONALD AND DONALD COOPER

Copy of settlement permanently on file in Town Hall.

APPROVAL OF FINANCING AGREEMENT - GREAT STATE BANK

APPROVAL OF ENCROACHMENT AGREEMENT - VEGGIES, FRUITS AND MORE

STATE OF NORTH CAROLINA

ENCROACHMENT AGREEMENT

COUNTY OF WATAUGA

THIS ENCROACHMENT AGREEMENT is made and entered into this the 16th day of June, 2016, by and between the TOWN OF BOONE, party of the first part, and Allen Curtis (Veggies, Fruits and More), party of the second part.

W-I-T-N-E-S-S-E-T-H

THAT WHEREAS, the party of the second part desire to encroach on public land designated as (CHOOSE ONE) a public sidewalk/public street/public park/public land (hereinafter referred to as the "public land") located at 362 W. King Street with the following: projecting sign (hereinafter referred to as "the encroaching facility"); and,

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part, in the exercise of authority conferred upon it by statute and ordinance, is willing to permit the encroachment on public land, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment upon the following conditions, to wit:

That the party of the second part complies with all pertinent provisions of the North Carolina State Building Code, the Town of Boone Unified Development Ordinance and the Town of Boone Municipal Code, and such other laws, regulations and ordinances which might apply;

That the said party of the second part binds and obligates itself, its successors and assigns, to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said public land, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the costs incurred for any repairs or maintenance to its roadways, sidewalks and other structures resulting from the installation and existence of the encroaching facility of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the encroaching facility, that the said party of the second part binds itself, its successors or assigns, to promptly remove or alter the said encroaching facility in order to conform to the said requirements of the party of the first part, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and/or other warning devices, as necessary or as requested by the party of the first part's Director of Public Works or his designee, for the protection of the public and in the case of encroachment into a street right of way, in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and amendments or supplements thereto. Information as to the above rules and regulations may be obtained from the party of the first part.

That to the extent permitted by law, the party of the second part shall be responsible for all liability associated with the encroaching facility. In furtherance of such responsibility, the party of the second part agrees to indemnify and hold harmless the party of the first part from and against any claim by any third party based upon any action or omission occurring during construction or maintenance of the encroaching facility, as well as from and against any and all claims, demands, suits, causes of action, or other assertion of responsibility, however denominated, for personal injury, damage to property, losses and expenses, including court costs and attorney's fees, arising out of or in any way related to the encroachment or encroaching facility;

That where pertinent and requested by the party of the first part, the party of the second part agrees to name the party of the first part as an additional insured on its and/or its contractor's general liability insurance policies applicable to the encroachment or encroaching facility.

It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such encroaching facility as the party of the first part carries out its construction and maintenance operations, and the party of the second part expressly waives all claims of liability or responsibility against the party of the first part for any damage that may be caused to the encroaching facility as the result of the Town carrying out any construction and maintenance operations. The party of the second part acknowledges that with regard to canopies, awnings, signs and similar encroachments, even where same fully comply with the Town of Boone Unified Development Ordinance, when placed less than ten feet above the surface of a public sidewalk, such obstructions are at great risk of damage by the equipment of the party of the first part during snow removal and general sidewalk construction and maintenance, and the party of the second part understands that by placing the encroaching facility less than ten feet above the surface of a public sidewalk, the party of the second part is knowingly and intentionally assuming that heightened risk of damage.

That the party of the second part agrees to be bound by such other and additional conditions as the Town Council may impose in connection with the encroaching facility.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution to the rivers, streams, lakes, reservoirs, other water impoundments; ground surfaces or other property; or pollution of the air. The party of the second part shall comply with all applicable rules and regulations of the North Carolina Sedimentation Control Commission, the Town of Boone Unified Development Ordinance and all other applicable laws and regulations relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and the existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise re-establish the grass cover to meet the satisfaction of the party of the first part. The party of the second part shall comply with all pertinent ordinances, rules, regulations and laws, and failure to do so shall be a basis for revocation of this encroachment agreement by the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the party of the first part.

That the party of the second part agrees to have available at the encroaching site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work referred to in this agreement is being performed on a completed public street open to traffic, the party of the second part agrees to give written notice of when work will begin to the party of the first part.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the encroaching facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun and completed within ____ year(s) from the date of this agreement unless written waiver is secured by the party of the second part from the party of the first part.

The party of the first part expressly reserves the unrestricted right to require the party of the second part to change the location of the encroaching facility described herein at no expense to the party of the first part.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed as of the day and year first above written.

TOWN OF BOONE

By: _____
Mayor

ATTEST:

Town Clerk

By: _____
President/Member-Manager/Owner

Printed Name: Party of the Second Part

ATTEST:

Secretary/Witness

APPROVAL OF ENCROACHMENT AGREEMENT - OMEGA TEES

STATE OF NORTH CAROLINA

ENCROACHMENT AGREEMENT

COUNTY OF WATAUGA

THIS ENCROACHMENT AGREEMENT is made and entered into this the 3rd day of June, 2016, by and between the TOWN OF BOONE, party of the first part, and Omega Tees, party of the second part.

W-I-T-N-E-S-S-E-T-H

THAT WHEREAS, the party of the second part desire to encroach on public land designated as (CHOOSE ONE) a public sidewalk/public street/public park/public land (hereinafter referred to as the "public land")

located at 707 W. King Street with the following: 64" x 30" awning (hereinafter referred to as "the encroaching facility"); and,

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part, in the exercise of authority conferred upon it by statute and ordinance, is willing to permit the encroachment on public land, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment upon the following conditions, to wit:

That the party of the second part complies with all pertinent provisions of the North Carolina State Building Code, the Town of Boone Unified Development Ordinance and the Town of Boone Municipal Code, and such other laws, regulations and ordinances which might apply;

That the said party of the second part binds and obligates itself, its successors and assigns, to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said public land, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the costs incurred for any repairs or maintenance to its roadways, sidewalks and other structures resulting from the installation and existence of the encroaching facility of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the encroaching facility, that the said party of the second part binds itself, its successors or assigns, to promptly remove or alter the said encroaching facility in order to conform to the said requirements of the party of the first part, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and/or other warning devices, as necessary or as requested by the party of the first part's Director of Public Works or his designee, for the protection of the public and in the case of encroachment into a street right of way, in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and amendments or supplements thereto. Information as to the above rules and regulations may be obtained from the party of the first part.

That to the extent permitted by law, the party of the second part shall be responsible for all liability associated with the encroaching facility. In furtherance of such responsibility, the party of the second part agrees to indemnify and hold harmless the party of the first part from and against any claim by any third party based upon any action or omission occurring during construction or maintenance of the encroaching facility, as well as from and against any and all claims, demands, suits, causes of action, or other assertion of responsibility, however denominated, for personal injury, damage to property, losses and expenses, including court costs and attorney's fees, arising out of or in any way related to the encroachment or encroaching facility;

That where pertinent and requested by the party of the first part, the party of the second part agrees to name the party of the first part as an additional insured on its and/or its contractor's general liability insurance policies applicable to the encroachment or encroaching facility.

It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such encroaching facility as the party of the first part carries out its construction and maintenance operations, and the party of the second part expressly waives all claims of liability or responsibility against the party of the first part for any damage that may be caused to the encroaching facility as the result of the Town carrying out any construction and maintenance operations. The party of the second part acknowledges that with regard to canopies, awnings, signs and similar encroachments, even where same fully comply with the Town of Boone Unified Development Ordinance, when placed less than ten feet above the surface of a public sidewalk, such obstructions are at great risk of damage by the equipment of the party of the first part during snow removal and general sidewalk construction and maintenance, and the party of the second part understands that by placing the encroaching facility less than ten feet above the surface of a public sidewalk, the party of the second part is knowingly and intentionally assuming that heightened risk of damage.

That the party of the second part agrees to be bound by such other and additional conditions as the Town Council may impose in connection with the encroaching facility.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution to the rivers, streams, lakes, reservoirs, other water impoundments; ground surfaces or other property; or pollution of the air. The party of the second part shall comply with all applicable rules and regulations of the North Carolina Sedimentation Control Commission, the Town of Boone Unified Development Ordinance and all other applicable laws and regulations relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and the existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise re-establish the grass cover to meet the satisfaction of the party of the first part. The party of the second part shall comply with all pertinent ordinances, rules, regulations and laws, and failure to do so shall be a basis for revocation of this encroachment agreement by the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the party of the first part.

That the party of the second part agrees to have available at the encroaching site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work referred to in this agreement is being performed on a completed public street open to traffic, the party of the second part agrees to give written notice of when work will begin to the party of the first part.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the encroaching facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun and completed within ____ year(s) from the date of this agreement unless written waiver is secured by the party of the second part from the party of the first part.

The party of the first part expressly reserves the unrestricted right to require the party of the second part to change the location of the encroaching facility described herein at no expense to the party of the first part.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed as of the day and year first above written.

TOWN OF BOONE

By: _____
Mayor

ATTEST:

Town Clerk

By: _____
President/Member-Manager/Owner

Printed Name: Party of the Second Part

ATTEST:

Secretary/Witness

AWARDING OF BID AND APPROVAL OF CONTRACT - CLEANING SERVICES

CUSTODIAL SERVICE AGREEMENT

THIS AGREEMENT is made and entered into this 30th day of June 2016, by and between the Town of Boone and **FSBO PUBLICATIONS**. Contractor is based in **BOONE** and is a sole proprietorship.

IN CONSIDERATION OF the mutual promises, understandings, covenants, and undertakings set out below, the parties hereto hereby agree as follows:

1. **SERVICES.** In accordance with the terms and conditions set forth herein, the Contractor shall provide the Town of Boone with building custodial maintenance and services as specified in Schedule A, attached hereto and incorporated herein by reference. All work is to be completed in a professional manner according to standard practices. Contractor shall provide monthly inspections by the Contractor's supervisory personnel of all premises on which services are provided. Such inspections shall be documented in writing on form(s) agreeable to Town of Boone's Town Manager; and the Town of Boone shall be provided with true and correct copies of all such inspection forms on a monthly basis. The Town of Boone shall have no right to direct or instruct persons employed or hired by Contractor in the performance of the services herein enumerated. The successful bidder shall be prepared to perform each task as stated according to the work schedule without prodding or reminders by the Town of Boone administration.
2. **TERM.** The term of this Agreement shall be from July 1, 2016, to June 30, 2017. The Town of Boone reserves the right, with or without cause, to terminate this Agreement at any time upon 60 days prior notice to Contractor. The Contractor has the right to terminate this Agreement because of non-payment by the Town of Boone at any time upon 30 days notice to the Town of Boone.
3. **COMPENSATION.** Town of Boone agrees to pay to Contractor **\$1,865.38** bi-weekly for services outlined in Schedule A. Any alteration or deviation from specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. If for any reason the duties specified are not completed as defined by Schedule A, the Town of Boone reserves the right to negotiate with Contractor the value of the services not completed. Any reduction in payment for services not completed will be deducted from the payment covering the time period of missed service. Payment shall be rendered for services completed and is due and payable by the following week upon submission of an invoice detailing charges for each building listed in Schedule A.
4. **CONTRACTOR EMPLOYEES.** Contractor and Contractor's employees will agree to background checks as required by the Town of Boone. If any person employed by Contractor does not meet the Town of Boone requirements, said person shall not be permitted on Town Property. Each employee hired after the date of Agreement shall also be submitted to a background check before they will be allowed on Town property. The Town of Boone shall not solicit the employment of any subcontractor of Contractor during the Term of this Agreement, or any extension thereof, for any reason.
5. **INSURANCE.** Contractor shall carry worker's compensation as required by state law. Contractor shall carry general comprehensive and liability insurance in amounts no less than \$1,000,000. Contractor shall have the Town of Boone named as an additional insured on its insurance policies; and, shall have a notice of cancellation provision ensuring no less than ten days prior written notice from the carrier to the Town of Boone before cancellation of said policy. Prior to the commencement of the Agreement, Contractor shall have its

insurance carrier provide an appropriate Certificate of Insurance directly to the Town of Boone evidencing compliance with the terms of this paragraph.

6. **NOTICE.** Notice as permitted or required under the Agreement may be sent to the parties at the addresses set forth below, or as specified in writing, from time to time, by the party to whom notice is to be sent to; and, shall be given in writing, be certified mail, return receipt requested. Initial addresses are as follows:

Town of Boone, P.O. Drawer 192, Boone, NC 28607

Contractor: AMANDA CALLOWAY d/b/a FSBO PUBLICATIONS, INC.

7. **MODIFICATIONS.** Modifications to this Agreement must be in writing and signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused their names to be signed hereto by their respective authorized representative, the day and year first hereinabove written.

TOWN OF BOONE

_____ date: ____/____/____
John Ward, Town Manager

CALLOWAY CLEANING d/b/a FSBO PUBLICATIONS

BY: _____ date: ____/____/____
Amanda Calloway, Owner

TOWN OF BOONE – SCHEDULE A
Specifications for Janitorial Services

- 1) **General** – It is the intention of these specifications to set forth the requirements and conditions for performing janitorial services at the Town of Boone offices listed below. The contractor shall perform the required services in all areas of each building and shall be qualified to furnish a complete and efficient indoor janitorial service, including labor, cleaning supplies and supervision. (The Town of Boone will furnish all trashcan liners, soap, and all paper products.)

These specifications are the minimum requirements to maintain the building in a clean and orderly manner. The successful bidder shall be prepared to perform each task as stated according to the work schedule without prodding or reminders by the administration.

- 2) **Services performed daily, five (5) days per week, are as follows:**

- ☐ Empty all wastebaskets, insert fresh trash liners.
- ☐ Dust all flat and exposed surfaces.
- ☐ Clean and sanitize drinking fountains.
- ☐ Vacuum all carpets, paying special attention to high traffic areas and behind doors.
- ☐ Sweep and mop all tile floors, paying special attention to high traffic areas and behind doors.
- ☐ Clean stair treads (mop, sweep or vacuum)
- ☐ Clean and sanitize all toilet bowls, urinals, showers, and hand basins. Clean mirrors. Clean flat surfaces in kitchen and break room areas.
- ☐ Clean glass entrance doors.

- 3) **Services to be performed weekly:**

- ☐ Clean specified areas of Fire Department three (3) times per week
- ☐ Clean Weight Training Room three (3) times per week

- ☐ Clean Jones House three (3) times per week

4) **Services to be performed once monthly:**

- ☐ Dust and remove fingerprints from all furniture, exposed areas on filing cabinets, desktops and all other flat surfaces.
- ☐ Dust wall hangings, pictures, and picture frames.
- ☐ Clean inside windows, window blinds, windowsills, and banisters.
- ☐ Clean Horn in the West amphitheater bathroom house during theater season.

5) **Services to be performed twice a year. (Spring & Fall):**

- ☐ Steam clean all carpets.
- ☐ Clean panel walls.
- ☐ Strip and re-wax, buff and topcoat waxed floors.

Unless otherwise stated, cleaning times will be Monday thru Friday after 5pm in each Town Building as specified above. All scheduled Town of Boone holidays will apply to contractor. All changes, either by the Vendor or a Town of Boone representative, in customary schedules should be communicated at least three days in advance by text, e-mail or some other standard and verifiable form of communication.

Charges will be billed as listed:

Bi-Weekly Charges:

Town Hall	357.69
Public Works Building	492.31
Blowing Rock Road Building	353.85
Post Office	330.77
Weight Training Room – 3/wk	57.69
Fire Department – 3/wk	57.69
Jones House – 3/wk	215.38
Total:	\$1,865.38

Total Contract Price for FY 16/17:

City Hall	9,300
Public Works Building	12,800
Blowing Rock Road Building	9,200
Post Office	8,600
Weight Training Room – 3/wk	1,500
Fire Department 3/wk	1,500
Jones House 3/wk	5,600
Total:	\$48,500

AWARDING OF BID FOR HIGHLAND AVENUE CULVERT REPAIR - VACVISION ENVIRONMENTAL, LLC

Bid awarded to VacVision Environmental, LLC in the amount of \$81,350.

AWARD OF BID FOR HAULING AND PLACING OF ASPHALT - MORETZ PAVING, INC.

Bid awarded to Moretz Paving, Inc. in the amount of \$24.25 per ton.

APPROVAL OF PROPERTY AND LIABILITY INSURANCE POLICIES

Bid awarded to Travelers Insurance in the amount of \$331,152.

APPROVAL OF BUDGET AMENDMENT - PURCHASE OF VEHICLE

Description:	Account Number:	To:	From:
Capital Outlay – Automobiles	010-500-300-573100	\$14,800	
Sale of Surplus Property	010-000-000-		(\$14,800)

	481200		
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**APPROVAL OF BUDGET AMENDMENTS - INSURANCE REIMBURSEMENTS,
VEHICLE REPLACEMENT AND YEAR-END AMENDMENTS**

Description:	Account Number:	To:	From:
Maintenance – Vehicles	010-500-300-525301	\$2,371	
Miscellaneous Revenue	010-000-000-489900		(\$2,371)
Maintenance – Vehicles	010-500-300-525301	\$369	
Miscellaneous Revenue	010-000-000-489900		(\$369)
Capital Outlay – Large Trucks	051-451-000-573300	\$38,311	
Sale of Surplus	051-451-000-481200		(\$38,311)

*Town of Boone
Year End Amendments
06/16/2016*

Account #	Account Description	Description	Department	Amount
010-401-000-535101	Tax Collection Fee	Year end allowance addtl collections	Tax Collection	\$5,000
010-000-000-411080	Current Year Taxes	Year end allowance addtl collections	GF Revenue	(\$5,000)
010-404-000-509100	Professional Services	Legal Services	Legal	\$125,000
010-000-000-499900	Appropriated Fund Balance	Appropriated for Legal Services	GF Revenue	(\$125,000)
030-700-801-575021	Capital Outlay – Land	Easement acquisition	Public Utilities	\$275,000
030-700-801-577000	Contracted Services	Legal, engineering, surveying, etc.	Public Utilities	\$50,000
030-000-000-498033	Trans from Infrastructure CR	Transfer from WS Infrastructure CR	WS Revenue	(\$325,000)
030-700-890-	Transfer to	Adjust	WS Non Dept	\$130,000

598031	Water Cap Rsv	availability fee estimates		
030-700-890-598032	Transfer to Sewer Cap Rev	Adjust availability fee estimates	WS Non Dept	\$185,000
030-000-000-467301	Water Availability Fees	Adjust availability fee estimates	WS Revenue	(\$130,000)
030-000-000-467302	Sewer Availability Fees	Adjust availability fee estimates	WS Revenue	(\$185,000)
035-430-000-535611	Health Insurance Claims	Allowance for run out claims	Health Ins Fund	\$100,000
035-430-000-499900	Appropriated Fund Balance	Allowance for run out claims	Health Ins Fund	(\$100,000)

REQUEST FOR APPROVAL OF SPECIAL EVENT PERMIT APPLICATION FOR THE GRAND BOULEVARD 4TH OF JULY BLOCK PARTY AND ACCOMPANYING BUDGET AMENDMENT

Description:	Account Number:	To:	From:
Overtime – Police Department	010-500-300-501201	\$750	
Overtime – Street Department	010-600-401-501201	\$750	
Appropriated Fund Balance	010-000-000-499900		(\$1,500)

REQUEST FOR APPROVAL OF SPECIAL EVENT PERMIT FOR THE GRANDFATHER MOUNTAIN MARATHON

REQUEST FOR APPROVAL OF SPECIAL EVENT PERMIT APPLICATION FOR THE 2016 ASU HOMECOMING PARADE AND ACCOMPANYING BUDGET AMENDMENT

Description:	Account Number:	To:	From:
Overtime – Police Department	010-500-300-501201	\$750	
Overtime – Street Department	010-600-401-501201	\$750	
Appropriated Fund Balance	010-000-000-499900		(\$1,500)

COUNCIL MATTERS

MOTION TO RECUSE COUNCIL MEMBER UNDERDOWN COLLINS

It was noted during tentative agenda adoption that Council Member Underdown Collins' husband is the primary administrator for the Watauga County Rescue Squad, and therefore, should be recused from voting on approval of outside agency funding allocations.

Upon a motion by Council Member Clawson, seconded by Council Member Mizelle, Council moved to recuse Council Member Underdown Collins.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Loretta Clawson, Council Member
SECONDER:	Charlotte Mizelle, Council Member
AYES:	Mason, Clawson, Mizelle, Teague

APPROVAL OF FY 2016/17 OUTSIDE AGENCY FUNDING ALLOCATION

Upon a motion by Council Member Mizelle, seconded by Council Member Clawson, Council moved to approve the outside agency funding allocations recommended by the Outside Agency Funding Review Committee for fiscal year 2016/17:

Agency	Amount Requested	Amount Recommended by Committee, Approved by Council
Watauga County Project on Aging	6,000	0
Hunger and Health Coalition	25,000	18,000
Community Care Clinic	30,000	25,000
The Children's Playhouse	5,000	5,000
Hospitality House	36,280	30,000
The Children's Council	10,000	0
W.A.M.Y.	10,000	0
Watauga County Emergency and Rescue Squad	16,000	5,000
Southern Appalachian Historical Association	30,000	0
Friends of Watauga County Public Library	10,000	5,000
Leola Community Garden	300	0

Watauga County Parks and Recreation	44,800	0
Western Youth Network	15,000	5,000
O.A.S.I.S.	20,000	14,000
Mountain Alliance	20,000	8,000

RESULT: APPROVED [UNANIMOUS]
MOVER: Charlotte Mizelle, Council Member
SECONDER: Loretta Clawson, Council Member
AYES: Mason, Clawson, Mizelle, Teague

MOTION TO RESEAT COUNCIL MEMBER UNDERDOWN COLLINS

Upon a motion by Council Member Clawson, seconded by Council Member Mizelle, Council moved to reseat Council Member Underdown Collins.

RESULT: APPROVED [UNANIMOUS]
MOVER: Loretta Clawson, Council Member
SECONDER: Charlotte Mizelle, Council Member
AYES: Mason, Clawson, Mizelle, Teague

REQUEST FOR GUIDANCE REGARDING CHANGES TO UDO - PARKING REQUIREMENTS

Town Manager John Ward began the discussion by providing Council with a brief history of text amendments to the Unified Development Ordinance with regard to parking requirements. Discussion ensued regarding the possibility of a fee-in-lieu specifically for commercial developments, issues with allowing developers reduce the amount of parking below the minimum requirement under certain exceptions, whether shared parking should be considered, and the proximity of AppalCART stops to developments and whether that should be shortened. Council was in consensus to have staff begin drafting a UDO text amendment with a 70% parking requirement for future developments. It was also noted that developers would be invited to attend the next Council meeting in which this discussion is brought back in order to get their opinions on the matter as well.

RESULT: CONSENSUS

ADOPTION OF REVISIONS TO TOWN CODE CHAPTER 30

Town Attorney Allison Meade presented revisions to Chapter 30 of the Town Code pertaining to additions and deletions of agenda items at regular Town Council meetings. She noted that while North Carolina General Statutes only mandates a majority vote to amend the agenda at a regular meeting, Council's Town Code currently requires a unanimous vote. Council Member Clawson asked that it remain a unanimous vote requirement. Upon a motion by Council Member Clawson, seconded by Council Member Underdown Collins, Council moved to adopt the proposed revisions to Town Code Chapter 30: Town Council with the exception of the change regarding the unanimous vote, leaving that text as is:

CHAPTER 30: TOWN COUNCIL



§ 30.06 AGENDA.

(A) *Regular meetings.*

(1) *Requests to be placed on agenda.* The Town Clerk shall provide notice each month of the deadline for submission of items requested to be placed on the agenda. Such notice shall be posted on the town's website and on the town's principal bulletin board at least seven calendar days in advance of the deadline. A request for an item to be placed on the agenda shall include a description of the subject matter involved and an explanation of the action which is requested. When appropriate, it shall be accompanied by such materials and documents as may be needed in order to explain or understand the request. As feasible, a copy of all proposed ordinances shall be provided with a request that an ordinance be considered.

(2) *Preparation of agenda.* ~~Administration (Manager, Clerk, and/or Deputy Clerk)~~ The Town Manager or his or her designee shall prepare the agenda for the meeting.

(3) *Distribution of agenda.* On the Friday preceding the regular meeting date, the Clerk shall provide a copy of the agenda to the Mayor and each member of the Council, as well as each town department head. In addition, a copy of the agenda shall be mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the Clerk and to any person, in addition to the representatives of the media listed above, who has filed a written request with the Clerk. Each newspaper, wire service, radio station, and television station submitting a written request for notice must renew its request annually by January 10 of each year. Persons other than the media who request a copy shall be charged a fee of \$10 per calendar year for notice other than by e-mail, for which no charge shall be made, and must renew their requests annually by January 10 of each year. A copy of the agenda shall also be posted on the town's Web site.

(4) *Additions and deletions.* At its regularly-scheduled meetings, ~~the~~ The Council may, by unanimous vote of the Council members ~~hip~~ present, add an item of business or delete an item from the meeting agenda, ~~that is not on the agenda for consideration at its regular business meeting.~~ Unless otherwise specified by the Council, additions to the agenda shall be considered at the conclusion of all other regular business.

(5) *Inspection and distribution.* Copies of the agenda and attachments shall be available for public inspection as soon as they are completed. Additional copies of the agenda shall be available for the press and interested members of the public.

(B) *Special and emergency meetings.* ~~Town administration~~ The Town Manager or his or her designee shall prepare the agenda for any special or emergency meeting, including therein only such matters as have been included in the notice of the meeting. Distribution of the agenda shall be in accordance with the requirements of §§ 30.03 and 30.04.

(Ord. passed 3-20-2014; Ord. passed 4-24-2014; Ord. passed 2-19-2015)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Loretta Clawson, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

ADOPTION OF REVISIONS TO TOWN CODE CHAPTER 35

Town Attorney Allison Meade presented proposed revisions to Chapter 35 of the Town Code pertaining to subcommittee creation by committees without Council approval and the ability of Council members to serve as Chair or Vice Chair of committees due to the small size of some committees, as was previously requested by Council. Upon a motion by Council Member Clawson, seconded by Council Member Underdown Collins, Council moved to adopt the proposed revisions to Town Code Chapter 35 as presented:

CHAPTER 35: BOARDS, COMMISSIONS, COMMITTEES AND OTHER SUCH ENTITIES

Section

- 35.01 Grant of authority
- 35.02 Procedure for creation
- 35.03 Powers
- 35.04 Meetings
- 35.05 Resignation
- 35.06 Duration

§ 35.01 GRANT OF AUTHORITY.

The Town Council is authorized to create the boards, commissions, task forces, advisory bodies, committees and other entities as it may find useful or necessary to the discharge of its duties or the effective operation of the town.

(Ord. passed 6-18-2009)

§ 35.02 PROCEDURE FOR CREATION.

(A) All boards, commissions, task forces, advisory bodies, committees or other entities shall be created by motion, second and majority vote of the Council.

(B) The Council shall appoint the members of each board, commission, task force, advisory body, committee and other entity (hereafter, "~~the~~ body") in accordance with the town's Unified Development Ordinance and § 30.51, supra, as appropriate, ~~and unless a different procedure is established by an enabling ordinance specific to the body, shall designate the Chair and Vice Chair of each body. A Council member may not serve as Chair or Vice Chair of a town body.~~

(Ord. passed 6-18-2009; Ord. passed 6-21-2011)

§ 35.03 POWERS.

(A) All boards, commissions, task forces, advisory bodies, committees or other entities (~~hereafter "the body"~~) shall have only those powers and duties which have been assigned to the body by the Council.

(B) No individual member of any body shall purport to speak or act on behalf of the body without action by the body explicitly authorizing the member to speak or act on its behalf.

(C) No individual member of any body, nor the body itself, shall purport to speak or act on behalf of the town without action by the Town Council explicitly authorizing the member or empowering or authorizing the body to speak or act on its behalf.

(D) Without an express grant of authority or explicit authorization by the Town Council, no individual member of any body, nor the body itself, may direct staff members of the town to take action or engage in actions requiring the expenditure of town funds.

(E) ~~No A~~ body may create its own ~~committee~~, sub-committees or working groups (collectively hereinafter, "sub-committees") to serve at its pleasure or for a time certain as directed by the body, by whatever name denominated, without the explicit approval of the Town Council.

(F) Unless otherwise directed by Council, a body may select its own Chair and Vice-Chair.

(Ord. passed 6-18-2009) Penalty, see § 10.99

§ 35.04 MEETINGS.

(A) Every board, commission, task force, advisory body, committee and other entity (~~hereafter "town body"~~) created by the Council, ~~including and any committee of a town body, sub-committee or working group created by the Council or by a town body (hereinafter, "sub-committee"), by whatever name or designation (hereafter referred to as a "sub-committee") and whether created by the Council or other town body with Council approval,~~ must operate in compliance with the State Open Meetings Law, codified as G.S. §§ 143-318.9 et seq. (hereafter, "the law"). At a minimum, all Mmeetings of all town bodies or sub-committees shall require all of the following be conducted as follows:

(1) Notice of ~~all any~~ official meetings, other than an emergency meeting, shall be given by posting of the date, time and name of the town body or sub-committee at least 48 hours in advance, on the bulletin board for that purpose in Town Hall. If an agenda has been distributed to members of the town body or sub-committee prior to the meeting, it shall also be posted. When an agenda has not been distributed prior to the meeting, it shall be distributed at the beginning of the meeting before the meeting is called to order and additional copies shall be available for members of the media and public.

(a) An OFFICIAL MEETING "official meeting" occurs whenever a ~~regularly~~ scheduled meeting of the town body or sub-committee occurs, whether or not a quorum is present, or when a majority of the town body or sub-committee meet, whether in person or by electronic means such as conference call or e-mail, to conduct a hearing, deliberate, take action or otherwise transact public business.

(b) DELIBERATE includes "Deliberate" means examining, weighing or reflecting upon the reasons for or against a possible decision and also includes the collective acquisition and exchange of facts preliminary to a decision.

(c) An EMERGENCY MEETING "emergency meeting" is one that concerns generally unexpected circumstances which require the immediate consideration of the town body or sub-committee. In the event of an emergency meeting, a local news medium must be notified prior to the meeting;

(2) All officialA meetings ~~which is~~shall be open to the public, except as to a closed session conducted in accordance with ~~the law for the reasons authorized by the law;~~ and

(3) Full and accurate minutes of the meeting shall be kept, a copy of which shall be provided ~~—once approved by the body or sub-committee,~~ to the Town Clerk once approved by the body or sub-committee.

(B) Unless the Council adopts procedures specific to the body or sub-committee, it will conduct its meetings in compliance with the following procedures.

(1) A quorum shall be 50% of the persons initially appointed to the body or sub-committee.

(2) In the absence of the Chair, the Vice-Chair shall conduct any meeting of the body or sub-committee, and in the absence of both officers, the Mayor may designate a person to act as chair for the meeting in question.

(3) Agendas:

(a) The agenda of the body or sub-committee shall include only those matters within the responsibilities and powers of the body or sub-committee which have been conferred upon it by the Council. ~~Once an agenda is distributed to the members of a body or sub-committee, no new item may be added to the agenda for action at that meeting, except for the scheduling of an emergency or special meeting.~~

(b) The Chair or his or her designee (e.g., the board's secretary) shall prepare the agenda for each meeting.

(c) At any regularly-scheduled meeting, the body or sub-committee may, by majority vote, add an item to or delete an item from its agenda.

(d) At any special or emergency meeting, the body or sub-committee may consider only those matters included in the notice of the meeting.

(4) The business of the body or sub-committee shall be conducted in a manner as to afford all members an opportunity to speak. However, no member shall generally address the body until first recognized by the chair, and members of the committee, task force or advisory body shall be respectful to each other and shall avoid interrupting each other.

(5) Town Council may appoint Council members and/or the Mayor to serve as liaisons on various Town boards, commissions, committees and other Town bodies so long as the number of such liaison members does not exceed two per body. Unless otherwise provided by Council, these liaisons shall be voting members of such bodies and may serve as the Chair or Vice-Chair of the body. ~~—and t~~ Their role shall be:

~~—~~ (a) To provide direction to the body or sub-committee regarding the relationship between the Town Council and the body or sub-committee;

~~—~~ (b) To assist with procedural matters;

~~—~~ (c) To serve as a resource; and

~~—~~ (d) To communicate concerns and initiatives of the body back to the full Town Council.

(6) Minutes of the body or sub-committee shall be subject to revision and adoption by the group as a whole.

(7) All actions or recommendations of the body or sub-committee shall require the presence of a quorum and are only effective or adopted upon majority vote, following a motion and second. When the action is to be reported to the Town Council, the committee, task force or advisory body shall not only report the action or recommendation adopted, but the vote by which it was adopted.

(8) Meetings of the body or sub-committee shall proceed in the following order: adoption of an agenda, approval of the minutes, unfinished business, new business, informal discussion and public comment, when public comment is to be accepted. By majority vote of the members of the body or sub-committee in attendance, the order of business may be altered.

(9) At any meeting ~~of the body or sub-committee~~, if ~~the meeting is opened for~~ public comment is permitted at the discretion of the body or sub-committee, any person wishing to address the body or sub-committee shall state his or her name and whether or not he or she is a resident of the town.

~~—~~ (a) If there is a sign up sheet provided for speakers, speakers shall be recognized in the order in which they have signed up.

~~—~~ (b) Unless by motion, second, and majority vote a different time limit is adopted by the committee, task force or advisory body, no person shall be allowed to speak for more than five minutes.

~~—~~ (c) Should more than one person wish to make substantially the same comments regarding the same subject, or where a group of persons supports or opposes the same positions, the Presiding Officer may require that all persons designate a spokesperson for their group to address the committee,

task force or advisory body, and the Presiding Officer may allot a larger amount of time for the presentation of the group position by the spokesperson.

(d) All persons addressing the body shall be treated respectfully by other persons in attendance at the meeting, and all speakers shall conduct themselves with proper decorum. Should any person present during a public comment period substantially interfere with the ability of a person offering public comment or engage in behavior which violates norms of accepted decorum, or should a person offering public comment engage in behavior which violates norms of accepted decorum, after warning the person(s) and, except in a situation where there is a risk of harm to any person present, providing the person(s) the opportunity to alter their behavior to bring it into conformity with norms of accepted behavior, the Presiding Officer may direct that the person(s) be removed from the meeting.

(Ord. passed 6-18-2009; Ord. passed 9-21-2010; Ord. passed 6-21-2011)

§ 35.05 RESIGNATION.

A member of a board, commission, task force, advisory body, committee or other entity may resign by notifying the Mayor, Town Manager or relevant department head.

(Ord. passed 6-18-2009)

§ 35.06 DURATION.

Unless a different duration is specified by the Council at the time of creation of a board, commission, task force, advisory body, committee or other entity, including a sub-committee, the duration of the body shall be one year, but it may be extended by action of the Council.

(Ord. passed 6-18-2009)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Loretta Clawson, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CONSIDERATION OF CASE 20160136 RIVERS WALK - PLANNED DEVELOPMENT ZONING MAP AMENDMENT

Town Attorney Allison Meade began the discussion by reiterating the legal standard for approval of a planned development and what makes it unique from other processes. She also summarized the intent of the planned development process and what it was not intended to allow. In response to previous statements made during the public comment period, Ms. Meade stated that, to her knowledge, there has been no outside, non-public negotiations, and that this process is still in compliance with open meetings law, adding that Council cannot negotiate separately with developers. Town Manager John Ward also noted that no staff have negotiated conditions, only provided information involving road widths, height determinations, code evaluations and the like, but have had no meetings with developers resulting in orchestrated negotiations. Jim Deal, representing the Rivers Walk planned development request, added that no private negotiations have been made and commended Council on the new planned development process.

Mr. Deal advised Council that Jeff Githens is no longer involved in the Rivers Walk project, and asked that Council continue this item until the July meeting date. He stated Mr. Glenn Weaver, who received original approval of a project at this location, will be taking his originally approved plan and incorporating some new provisions Council has requested in order to bring back to Council, but needs time to finalize this. Lengthy discussion ensued regarding whether this should go back through the process as a whole due to the many changes that have occurred in order to avoid confusion with regard to what is being proposed. Mayor Pro Tem Mason stated she'd like this item to go before the Community Appearance Commission as well. Ms. Mason closed the previously continued public hearing on this item at 7:20 p.m.

Upon a motion by Council Member Underdown Collins, seconded by Council Member Mizelle, Council moved to schedule a public hearing for Case 20160136: Rivers Walk Planned Development Zoning Map Amendment for the next public hearing to be held Monday, July 25, 2016.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeannine Underdown Collins, Council Member
SECONDER:	Charlotte Mizelle, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CONSIDERATION OF CASE 20160178 PLANNED DEVELOPMENT MODIFICATION - UDO TEXT AMENDMENT

Case 20160078 Planned Development Modifications - UDO Text Amendment: Council has given direction for the town attorney and staff to work together to further refine the Planned Development process. Town Attorney Allison Meade presented proposed amendments to the UDO pertaining to the planned development process and neighborhood meetings.

CASE 20160178 VOTE #1:

Upon a motion by Mayor Pro Tem Mason, seconded by Council Member Underdown Collins, Council moved that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because it provides increased clarification of the planning and use of neighborhood meetings concerning planned development. It also provides more citizen input into the planned development process.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CASE 20160178 VOTE #2:

Upon a motion by Mayor Pro Tem Mason, seconded by Council Member Underdown Collins, Council moved to approve the proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest because it meets Comprehensive Plan Update 1.1 for Community Appearance and Community Character which blends the built environments with the natural, scenic, and historic character of a High Country small town, especially discouraging commercial strip development, cluttered signage, and "cheap" apartment buildings, and with the Planning Commission's recommended conditions for consideration:

1. Meeting notices will be handled by the petitioner.
2. Meeting notices will be sent out to property owners located within 300 feet of the proposed property up to the development site.
3. Staff will not set up the room for the meetings.

Article 9 Amendments

...

9.09 Conditional Districts (CD)

- 9.09.01** The authorization of a Conditional District ("CD") for any use which is permitted only as a special use in the zoning district which corresponds to the conditional district shall preclude any requirement for obtaining a special use permit for any such use from the Board of Adjustment.
- 9.09.02** All variances proposed by the petitioner must be obtained from the Board prior to the scheduling of the public hearing for the CD.
- 9.09.03** Specific conditions applicable to a CD may be proposed by the petitioner or the Town or its agencies, but only those conditions mutually agreed upon by the Town and the petitioner may be incorporated into the permit requirements.
- A.** Conditions and site-specific standards imposed in a CD shall be limited to those that address the conformance of the development and use of the site to Town Ordinances and the

comprehensive plan or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

- B.** After the Town has published the notice of public hearing for the application, the applicant shall make no changes to the conditions or site specific standards that are less restrictive than those stated in the application, including but not limited to smaller setbacks, more dwelling units; greater height; more access ways; new uses; and fewer improvements. More restrictive conditions or additional conditions may be added to the application if such conditions are received by the Planning Department in writing and signed by all owners of the property at least ten (10) business days before the date scheduled for final Town Council action on the application.

9.10 Planned Development (PD)

9.10.01 The authorization of a Planned Development District (“PD”) for any use which is permitted only as a special use in this Ordinance shall preclude any requirement for obtaining a special use permit for such use.

9.10.02 Specific conditions applicable to a PD may be proposed by the petitioner or the Town or its agencies, but only those conditions mutually agreed upon by the Town and the petitioner may be incorporated into the permit requirements.

- A.** Conditions and site-specific standards imposed in a PD shall be limited to those that address (i) the conformance of the development and use of the site to Town Ordinances and the comprehensive plan or other plan and (ii) the impacts reasonably expected to be generated by the development or use of the site.

- A.B.** After the Town has published the notice of public hearing for the application, the applicant shall make no changes to the conditions or site specific standards that are less restrictive than those stated in the application, including but not limited to smaller setbacks, more dwelling units; greater height; more access ways; new uses; and fewer improvements. More restrictive conditions or additional conditions may be added to the application if such conditions are received by the Planning Department in writing and signed by all owners of the property at least ten (10) business days before the date scheduled for final Town Council action on the application. For purposes of this section, “business day” refers to a day that the Town’s Planning Department is open for business.

9.10.03 A PD may only be proposed for one of the following:

- A.** A development site containing 3 or more acres;
B. A proposed development which includes both commercial and residential uses.

9.10.04 The authorization of a PD shall preclude any requirement for obtaining a variance from the Board of Adjustment unless it is a variance to Article 29 Watershed Protection and Article 30 Flood Damage Prevention. Any such variances must be obtained before a public hearing is held on the proposed PD.

9.10.05 Because the PD is not tied to a designated primary zoning district, specific procedural steps not generally applicable are mandated and more detailed information must be submitted by the petitioner before the petition may be acted upon.

- A.** Specific procedural requirements include:
1. One or more pre-petition consultations with the Administrator, in which the petitioner identifies the development site, its natural features, and the nature of the proposed development.
 2. Before submitting the petition, the petitioner must schedule a meeting with owners of property located within ~~150'~~ 300' of the development site.
 - a. The petitioner must provide notice at least 21 days prior to the meeting in accordance with Subsection 1.13.02 herein.

- b. The meeting must be held at an accessible and convenient location in light of available options. Upon coordination through the Planning Department, the meeting may be held at Town Council Chambers if that location is available.
 - c. The petitioner must record the names and addresses of all attendees at the meeting.
 - d. At the meeting, the petitioner, at a minimum, shall present all the following information:
 - i. Contact information of the parties involved in the ownership, design, and development of the property;
 - ii. The location of the property and general information on the current conditions of the site;
 - iii. Proposed use(s) and site development;
 - iv. Any preliminary plans or renderings, if available; and
 - v. Any other information deemed pertinent by the Administrator.
 - e. The petitioner shall provide the Administrator with a report which details the meeting including any concerns expressed by attendees and any commitments made by the petitioner. This report shall be included in the staff report.
- B. Specific information which must be submitted:**
- 1. A site specific development plan ~~addressing plan aspects~~ that (i) includes all information required per identified in Appendix A and (ii); identifies ~~ies~~ ing all elements of the proposed development ~~specifies which~~ that deviate from the standards of this Ordinance.
 - 2. Written analysis, tailored to specifically address the characteristics of the particular location, addressing how the planned development will effectively and to the greatest degree reasonably possible, mitigate the impacts of the proposed development on the surrounding area, including but not limited to:
 - a. noise impacts;
 - b. light impacts; and
 - c. any other predictable negative effect, including but not limited to:
 - i. negative visual effects;
 - ii. negative traffic effects; and
 - iii. negative health effects.
 - 3. Information to demonstrate compliance with all mandatory requirements of this Ordinance, including:
 - a. Article 5 Subdivisions (for purposes of this Section the Town Council is the approval authority for major subdivision preliminary plats);
 - b. Article 8 Historic Preservation;
 - c. Article 19 Grading;
 - d. Article 20 Soil Erosion and Sediment Control;
 - e. Article 21 Stormwater Management;
 - f. Article 22 Utilities;
 - g. Article 29 Watershed Protection;
 - h. Article 30 Flood Damage Prevention;
 - 4. Other information which may be required by the Administrator to fully evaluate the proposed development and its potential impacts on the surrounding area. Such information may include but is not limited to: traffic impact analysis, community impact analysis, additional engineering, and legal information.
 - 5. The petition shall also include an affidavit stating that:
 - a. All zoning conditions and provisions are freely offered as proposed zoning laws, based solely on the petitioner's independent judgment; and

- b. The petitioner² is not relying upon any statement by the Town staff or any member of the Town Council in connection with the decision to offer any zoning conditions or provisions; and
- c. The petitioner understands that other parties that have standing in the rezoning proceeding are relying on the validity of the zoning conditions and provisions; and
- a-d. The petitioner intends for all future owners of the property to be bound by the zoning conditions and provisions should the Town Council adopt them as part of the rezoning.

- 9.10.06** Except for minor modifications, changes to an approved petition or to conditions attached to the approved petition shall be treated the same as amendments to this Ordinance or to the zoning map and shall be processed as a new application.
- A.** Except for a proposed minor modification to a previously approved PD, no proposal to amend or change may be accepted nor considered within twelve (12) months of the date of the original approval of the PD or within twelve (12) months of a hearing upon any previous proposal to amend or change the PD.
 - B.** A minor modification is one which does not significantly change the essential character of the use or activity that has been previously authorized through the PD approval.
 - C.** The Administrator shall determine whether a proposed modification to a previously approved PD is a minor modification, and the determination of the Administrator shall constitute the final decision of the Town and is not appealable.
- 9.10.07** If a petition for a PD is approved, a copy of the approval and all conditions relative to the approval, including site specific development plan(s), shall be kept on file in the Planning and Inspections Department office. A copy of the approval will also be recorded with the Watauga County Register of Deeds.
- 9.10.08** Should the property fail to be developed in accordance with the terms and conditions of the PD approval, no subsequent use of the property shall be permitted without a new petition for zoning map amendment being filed.
- 9.10.09** Should a petition for a PD be denied, no new petition for making similar use of the same property shall be considered within twelve (12) months of the date of the original denial.
- 9.10.09** If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to construct an approved site specific development plan in accordance with any condition agreed upon in the rezoning process, the authorization of the PD shall be null and void and of no effect and proceedings shall be instituted to rezone the property.
- 9.10.10** Except as expressly provided otherwise in the PD plan documents, a planned development district is subject to and must comply with all applicable standards, procedures, and regulations set forth in this Ordinance.

(20160178-XXXX2016)

- 9.10.11** Approval of a PD shall only be granted if the petitioner can provide sufficient information to address the findings found in Subsection 14.05.01(B).

(20160178-XXXX2016)

- 9.10.12** The approval of a PD application shall not become effective until the petitioner has submitted to the Planning Department and the Administrator has officially approved a copy of the plan documents incorporating all changes that were required as conditions to Town Council approval and such additional information as the Town Council may have required as a condition of PD approval.

(20160178-XXXX2016)

(20150028-11192015)

A2 Written Application

- A2.01** Every applicant shall complete a written application containing at least the following information:
- A.** The name, address, and phone number of the property owner; and
 - B.** If the applicant is not the property owner in question, the name, address and phone number of the applicant.

1. Pursuant to Subsection 4.03.01(B), when a person other than the owner of the property applies for a permit or approval including a lessee or a person who has contracted to purchase the property, the application must be accompanied by the written approval of the property owner or other proof of authority; and
- C. The date of the application; and
- D. A succinct statement of the nature of the development proposed under the permit or the nature of the variance; and
- E. Identification of the lot in question by street address and Watauga County Parcel Identification Number; and
- F. The zoning district in which the lot is located; and
- G. The cost of the development project; and
- H. The number of square feet or acres of the lot in question; and
- I. The number of square feet or acres of land disturbing activity; and
- J. The gross floor area of all existing or proposed buildings located on the lot where the development is to take place; and
- K. Existing land uses; and
- L. Proposed land uses, including their locations, within the development.

(20160178-XXXX2016)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CONSIDERATION OF CASES HEARD AT JUNE 6 SPECIAL PUBLIC HEARING

Mayor Pro Tem Mason declared a break at 7:26 p.m. Council reconvened at 7:37 p.m.

CASE 20160226 LANDSCAPE CONTRACTOR UDO TEXT AMENDMENT - VOTE #1:

Case 20160226 Landscape Contractors - UDO Text Amendment: On Aug. 2, 2014, the North Carolina General Assembly (Session Law 2014-103, House Bill 366) modified the General Statute regarding when landscaping is required to be performed by a North Carolina licensed landscape contractor. These changes were effective as of Aug. 1, 2015. The proposed draft brings the UDO into compliance with the modified statutes.

Upon a motion by Council Member Mizelle, seconded by Council Member Underdown Collins, Council moved that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because it brings the UDO in alignment with the current North Carolina statutes requirements concerning the licensure of a landscape contractor.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charlotte Mizelle, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CASE 20160226 VOTE #2:

Upon a motion by Council Member Mizelle, seconded by Council Member Underdown Collins, Council moved to approve the proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest because the text amendment brings the UDO language in alignment with North Carolina

statutes:

ARTICLE 31 LANDSCAPE STANDARDS

Compliance and Maintenance

31.12.01 Certificate of Compliance, Occupancy, Completion or Zoning Compliance

- A. Landscaping must be installed according to the approved site plan and inspected prior to receiving a ~~certificate of compliance~~ final certification.
- B. All plant material shall meet or exceed size and shape relationships specified in the latest edition of the American Standard for Nursery Stock published by the American Association of Nurserymen.
 - 1. All sizes specified refer to size at time of planting. Vegetation shall be planted to ensure the best chance of survival and to reduce the potential expense of replacing damaged plant material.
 - 2. Caliper of the trunk of all new planted trees shall be taken six inches (6") above ground up to and including four inch (4") caliper, and twelve inches (12") above the ground for larger sizes. Seldom are tree trunks perfectly round. Caliper measurements may be taken with "pincer" type caliper, or diameter tape.
- C. Plant material must be installed by a landscape contractor licensed to practice in the State of North Carolina, except that this provision does not apply with respect to:
 - 1. Landscaping work where the price of all contracts for labor, material, and other items for a given job site during any consecutive 12-month period is less than \$30,000.00;
 - 2. A federal, State, or local governmental agency performing landscaping on public property;
 - 3. A property owner performing landscape work on his or her own property;
 - 4. A general contractor licensed under Article 1 of Chapter 87 of the General Statutes who possesses a classification under G.S. 87-10(b) as a building contractor, a residential contractor, or a public utilities contractor;
 - 5. Any other circumstance where the installation qualifies for an exemption under §13 of Chapter 89D of the General Statutes (as such may be amended from time to time).

(20160226-06162016)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charlotte Mizelle, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CASE 20160275 MARKETPLACE PLANNED DEVELOPMENT ZONING MAP AMENDMENT - VOTE #1:

Case 20160275 Marketplace Planned Development Zoning Map Amendment – John Winkler with The Winkler Organization has filed a Zoning Map Amendment Application for a planned development at properties located at or near 783 W. King Street (Watauga County PINs 2900-79-7562-000 and 2900-79-6480-000). The proposed development consists of a mixed-use building containing both residential and commercial uses, including a parking deck. The residential portion will contain 99 dwelling units with 159 bedrooms; with the following uses proposed to be allowed for the commercial portion of the building: 11.06 Restaurant ≤ 2,500 ft² open to the public during 10pm-6am, 11.07 Other restaurants ≤ 2,500 ft²; 11.08 Restaurant > 2,500 ft² open to the public during 10pm-6am; 11.09 Other restaurants ≤ 2,500 ft², 11.12 Personal Service Establishment open to the public during 10 pm – 6 am, 11.13 Other Personal Service Establishments, 11.14 Retail Store up to 5,000 ft²; 11.15 Retail Store more than 5,000 ft² but less than 25,000 ft², 11.19 Other business or Professional Office, 14.02 Brewpub and 15.02 Parking Structure.

Mayor Pro Tem Mason noted that the public hearing on this item remains open from the last hearing. Town Attorney Allison Meade reiterated her earlier comments regarding the intent of the planned development process. She pointed out that the reason behind this planned development application is due to deviations requested from the Unified Development Ordinance including height, less commercial space and an increase in parking space with more compact spaces.

Jim Deal, representing the Marketplace planned development request, spoke regarding the project, noting changes and conditions. He stated that all downtown business owners who spoke at the initial hearing were in favor of this project and reviewed the conditions as noted in the Planning Commission recommendation to Council. Brent Davis, architect for the Marketplace project, reviewed the changes as they were included in the Planning Commission meeting minutes. In response to Council Member Mizelle's question regarding parking, Mr. Davis advised that the parking will be available 24/7 with a ticket machine and arm to pay as you leave. Council questioned what security measures would be in place for those parking in the deck and the residents of the building. Mr. Deal advised there would be security cameras in place and access off King Street would require a key card. Town Manager John Ward advised that the hourly parking to be provided in this development will double the parking currently available on King Street. Mr. Deal added that they will be working with Town staff to ensure timing things in order to limit the disruption during construction and will coordinate with the Howard Street project. In response to Mayor Pro Tem Mason's question regarding the structural integrity of the adjacent building, Planning Director Bill Bailey advised that in addition to their inspections, the project's engineer will have to certify this as well.

Discussion ensued regarding the types of residents the developers expect to attract to this development. Mr. Deal noted that people do not want to be responsible for someone else's half of the apartment, and they typically rent per bedroom with utilities included unless a family is renting, in which it would be for the entire unit.

Eric Plaag, of Boone, stated there has never been a project in Boone that fronts three streets at one time. He voiced his concern with the access from King Street and to whom the two- and three-bedroom units were intended to be rented, stating that Mr. Deal indicated they would be for undergraduates. Mr. Plaag added that Mr. Winkler owns the Mellow Mushroom building and apartments, and students park along Water Street all day when moving in and out.

Mr. Deal advised that the one-bedroom apartments are intended for graduate students and young professionals, and if a family wants to rent, they would rent the entire unit. Mr. John Winkler advised that they have a group of men to help move people in, if needed, and have certain times during the day in which people can move in. Town Manager John Ward added that the Howard Street concept has loading zones proposed should this development be approved.

Mayor Pro Tem Mason closed the public hearing at 8:38 p.m.

Council Member Clawson voiced her concern with bringing such a large building with a lot of students who rent by the bedroom, noting that she believed this would also create traffic problems. She felt this was not the right location for a parking deck.

Upon a motion by Council Member Mizelle, seconded by Council Member Underdown Collins, Council moved that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because of the following:

1. The Marketplace development meets the call from the Boone 2030 plan for mixed-use development;
2. The Marketplace development provides the possibility for more much-needed commercial parking in the B1 downtown district;
3. The parcel is located in the Primary Growth Area and the parcel is located in the G-4 Downtown Boone sector, which is appropriate for redevelopment and new infill mixed-use downtown development.

4. The development is further supported by the Comprehensive Plan Update as follows:

- a. 2.3.2(E) New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area and supportive whenever possible of Boone's original community character as a High Country small town, and;
- b. 2.1.5(B) The Town in concert with the downtown property owners and merchants shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area; and,
- c. 2.1.1(F) Commercial uses may be encouraged to develop by consolidation and expansion of existing commercially zoned property, only when such consolidation and expansion does not encroach upon a viable residential area; and,
- d. 2.1.5(A) A compatible design character for the downtown area, drawing upon the locality's original High Country small town features, shall be identified, reinforced and supported to put forth a quality image and sense of place.
- e. 2.1.5(B) A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area;
- f. 2.3.3(D) Factors in determining preferred locations for high density residential development shall include: close proximity to the university, employment or shopping centers, access to major thoroughfares and the transit system, the availability of public services and facilities, and compatibility with adjacent land uses.
- g. 2.3.3(G) Compact, full-service neighborhoods offering opportunities for living, working, shopping, and gathering places shall be encouraged in newly planned developments as well as for redeveloping areas.

5. The Marketplace development presents a unique application of the new planned development procedures because:

- a. The proposed PD will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
- b. The proposed PD will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design;
- c. The proposed PD will produce a development functioning as a cohesive, unified project; and,
- d. The proposed PD will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town.

RESULT:	APPROVED [4 TO 1]
MOVER:	Charlotte Mizelle, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Mizelle, Teague, Collins
NAYS:	Clawson

CASE 20160275 VOTE #2:

Upon a motion by Council Member Mizelle, seconded by Council Member Underdown Collins, Council moved to approve the proposed amendment to the Town's zoning map and believe approval is reasonable and in the public interest for the reasons listed in the first motion with the following developer agreed upon conditions:

1. Where there is a conflict between the application information and the plans (site plans and architectural plans bearing a received date of May 27, 2016, and as amended on June 13, 2016), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed project made by the applicant or his or her representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.

3. Final plans shall be submitted that are in compliance with the provisions of the UDO and other provisions of the Town Code.
4. All driveway permits shall be obtained prior to the issuance of a zoning permit.
5. The applicant will be required to satisfy all NCDOT requirements prior to issuance of a zoning permit.
6. At least 40 percent of the project's parking will be dedicated for short-term hourly parking.
7. The development is limited to the proposed five, three-bedroom units and is not allowed to have any four-bedroom units.
8. The applicant is granted an exception to allow cast concrete or similar material (such as cast moldings) for accent trim as shown on the building.
9. The applicant's removal of the request for the deviation regarding attached wall signage to be allowed the following:
 - a. The applicant is allowed to place a building identification sign (such as "Marketplace") within the sign band or cornice band at each of the 45-degree angles proposed for the building.
 - b. Each [commercial] tenant will be allowed up to a 16-square-foot projecting sign and an awning sign [meeting the requirements set forth for awning signs in the B1].
 - c. Each parking entrance will be allowed up to a 24-square-foot projecting sign.
 - d. The applicant is given approval to have an awning at all other ingress/egress points on the building.

RESULT:	APPROVED [4 TO 1]
MOVER:	Charlotte Mizelle, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Mizelle, Teague, Collins
NAYS:	Clawson

CASE 20160295 WELLNESS DISTRICT STANDARDS UDO TEXT AMENDMENT - VOTE #1:

Case 20160295 Wellness District Standards – UDO Text Amendment: In November 2015, Town Council adopted the Wellness District Small Area Plan and directed staff to draft standards for a new Wellness District zoning district. These standards were formulated using the language and guidance located within the Wellness District Small Area Plan.

Planning Director Bill Bailey presented and reviewed some changes made to which Council was agreeable.

Upon a motion by Council Member Underdown Collins, seconded by Council Member Mizelle, Council moved that the proposed amendment to the Town's zoning ordinance is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because of the Comprehensive Plan focus on economic development in this area acknowledging the area's natural beauty, university and medical center presence as the town's greatest asset for economic development and jobs creation. Furthermore, this is consistent with the Comprehensive Plan 2.1.1(D) economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas and 2.1.1(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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeannine Underdown Collins, Council Member
SECONDER:	Charlotte Mizelle, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CASE 20160295 VOTE #2:

Upon a motion by Council Member Underdown Collins, seconded by Council Member Mizelle, Council moved to approve the proposed amendment to the Town's zoning ordinance and believe approval is reasonable and in the public interest because of the reasons previously stated as well as that we should incorporate the language that requires incorporation of the B-Well section of the Middle Fork Greenway Master Plan:

14.02 Commercial Districts Established

- 14.02.01** The following commercial districts are hereby established: B1, B2, B3, ~~and~~ OI, and WD. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this Section.
- 14.02.02** The B1 Central Business District is intended to provide for the development of the commercial and service center for the Town while maintaining its character, and to encourage appropriate residential uses in the central area of Town, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.
- 14.02.03** The B2 Neighborhood Business District is intended to provide for the development of low-density commercial and services that are accessible by pedestrians and cyclists from surrounding neighborhoods, which serve the day to day convenience needs of surrounding neighborhoods, and are of such nature as to be in harmony with the neighborhoods they serve. Appropriate residential uses are allowed in this district, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.
- 14.02.04** The B3 General Business District is established to provide a wide range of consumer goods, convenience goods and personal services for the community and surrounding region. Appropriate residential uses are allowed in this district, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.
- 14.02.05** The OI Office/Institutional District is established to provide a zoning district which promotes the development of moderately intensive office and institutional uses which are oriented toward the provision of services versus the sale of products. Appropriate small scale residential uses are allowed in this district to the point they support allowable office and institutional uses. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.
- 14.02.06** The Wellness District (WD) is established to provide an area-specific zoning district located around the local hospital to promote a diverse mixture of medical, education, office, retail and residential uses within a compact, vibrant pedestrian oriented center while encouraging community interaction and transportation options.

(20160295-06162016)

Article 17 Wellness District Standards

17.01 Applicability

17.01.01 The Wellness District (WD) is guided by the goals, objectives, policies and standards of the Wellness District Small Area Plan.

17.01.02 Figure 17-1 below shows the boundaries of the WD.

Figure 17-1 Wellness District

**17.01.03**

No provision in this article shall be applicable to any property

lying outside the boundaries of the WD.

17.01.04

Except as provided herein, development within the WD shall comply with all standards as set forth in this Ordinance.

17.01.05

This article shall govern in the event of conflicts with other regulations of this Ordinance.

17.02**District Use Requirements****17.02.01**

Except as provided herein, all principal, accessory and temporary uses within the WD shall comply with Article 15 District Uses.

17.02.02

Except for educational uses and medical uses, development containing more than 20,000 square feet or having building footprints greater than half an acres shall provide for a mix or two or more (2+) principal uses.

17.02.03

The permitted uses allowed within the Wellness District are those permitted under the Town of Boone, Unified Development Ordinance, Article 15, District Use Requirements as of the date of the approved Wellness District Small Area Plan and are further limited herein.

A. Table of Principal Uses

Use #	Specific Use	Reference
1.0 Household Living		
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)	17.02.04
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)	
1.16	Multi-Family Dwelling in Mixed Use (>100 bedrooms)	
2.0 Group Living		
2.05	Nursing Care Home	15.13
2.06	Nursing Care Institution	15.15
2.07	Skilled Nursing Facility	15.14
2.09	Retirement Community, Category 2	15.15
3.0 Transient Living		
3.07	Hotel	
4.0 Institutional Uses		
4.05	Post Office	
5.0 Government Uses		
5.12	Police Substation	
7.0 Telecommunication		
7.11	Emergency Response Communications	
8.0 Assembly		
8.01	Religious Assembly, Category 1	

Use #	Specific Use	Reference
9.0 Education		
9.01	Appalachian State University (no residential uses allowed)	
9.02	Caldwell Community College & Technical Institute (no residential uses allowed)	
9.03	Other Public Colleges & Universities (no residential uses allowed)	
9.04	Other Private Colleges & Universities (no residential uses allowed)	
10.0 Daycare		
10.01	Child Daycare, Large	15.25
10.02	Child Daycare Center	
10.04	Adult Daycare Center	
11.0 General Sales and Service:		
11.04	Financial Institution ≤ 5,000 ft²	
11.05	Financial Institution > 5,000 ft²	
11.06	Restaurant ≤ 2,500 ft² open to the public during 10 pm – 6 am	
11.07	Other Restaurants ≤ 2,500 ft²	
11.08	Restaurant > 2,500 ft² open to the public during 10 pm – 6 am	
11.09	Other Restaurants > 2,500 ft²	
11.13	Other Personal Service Establishments	
11.14	Retail Store up to 5,000 ft²	
11.15	Retail Store more than 5,000 but less than 25,000 ft²	
11.16	Retail Store 25,000 ft² and greater	17.02.05
11.18	Business/Professional Office open to the public during 10 pm–6 am	
11.19	Other Business or Professional Office	
11.20	Medical Office, Category 1	
11.21	Medical Office, Category 2	
11.22	Medical Office, Category 3	
11.23	Medical Office, Category 4	
11.24	Hospital	
11.25	Medical Emergency Response	
11.35	Therapy Farm	
12.0 Recreation		
12.10	Recreation Facility, Category 1	
15.0 Parking		
15.01	Parking Structure	17.02.06

B. Table of Accessory Uses

<u>Use #</u>	<u>Specific Use</u>	<u>Reference</u>
<u>A-2</u>	<u>Home Occupation</u>	<u>15.53</u>
<u>A-4</u>	<u>Limited Non-Restaurant Drive-Through</u>	
<u>A-7</u>	<u>Outdoor Dining</u>	<u>15.58</u>
<u>A-8</u>	<u>Automated Teller Machine (ATM)</u>	
<u>A-9</u>	<u>Automated Teller Machine (ATM), Freestanding</u>	<u>15.59</u>
<u>A-19</u>	<u>Helistop</u>	
<u>A-20</u>	<u>Swimming pools, spas and hot tubs</u>	<u>15.66</u>

C. Table of Temporary Uses

<u>Use #</u>	<u>Specific Use</u>	<u>Reference</u>
<u>T-3</u>	<u>Temporary Construction Trailer</u>	<u>15.69</u>

<u>T-4</u>	<u>Temporary Mobile Medical Unit</u>	
<u>T-5</u>	<u>Temporary Classroom</u>	
<u>T-8</u>	<u>Temporary Non-Fixed Site Event Venue</u>	
<u>T-9</u>	<u>Temporary Carrier on Wheels (COW)</u>	
<u>T-11</u>	<u>Temporary Itinerant Merchant/Peddler</u>	

17.02.04 WD Supplemental Regulations for Multi-Family in Mixed Uses

- A.** For purposes of this Section, “commercial” shall include any of the uses listed in Subsection 17.02.02(A) above.
- 1.** Exception: Use 15.01 Parking Structure does not qualify as an acceptable commercial use.
 - 2.** Other than a leasing office, an amenity for the multi-family residential portion of the development which is also open to the public does not qualify as an acceptable commercial use.
- B.** No single-use residential buildings are allowed. Residential mixed-use are only allowed as part of a mixed-use building.
- C.** Each development shall provide at a minimum ground floor/street level commercial uses along the primary and secondary facades.
- 1.** Residential uses are not permitted on the ground floor/street level of the building.
- D.** A mixture of residential dwelling unit types is required. No one type of dwelling unit, as defined by the number of bedrooms shall comprise more than fifty percent (50%) of the units.
- E.** Occupancy of each residential unit shall be limited to family or to (3) unrelated persons.

17.02.05 WD Supplemental Regulations for Retail Store 25,000 ft² and greater

- A.** Use 11.16 is only permitted on properties located within the Corridor Overlay District and which border Blowing Rock Road.
- B.** Use 11.16 within the WD area must meet all additional requirements as set forth in Section 15.27.

17.03 District Standards

17.03.01 Only the density standards set forth in this Article apply to development within the WD.

17.03.01 **Minimum Gross Land Area:** 10,000 square feet

17.03.03 **Minimum Landscaped Area:** Twenty percent (20%) of gross land area excluding street right(s)-of-way which meets the requirements of Section 17.06.

17.04 Building Form

17.04.01 **Building Orientation:** Buildings and their principal entry points, should be oriented toward the public street with the primary façade, architectural elements and entrances clearly identifiable and directly accessible.

17.04.02 Building Siting

A. **Setbacks**

- 1.** Build-to-lines are 0-foot minimum/20-foot maximum from the edge of the public realm and/or any public space.
- 2.** If the required public walkway encroaches onto private property, the build-to-zone will be measured from the walkway edge.
- 3.** Interior setbacks shall be based on minimum fire separation required between buildings.

B. Buildings along the public rights-of-way shall be a minimum of 60% of the primary property frontage.

17.04.03 Building Height

A. Minimum building height shall be two (2) stories.

B. Maximum building height shall be six (6) stories.

C. Building height shall be measured by the number of stories from the first floor (defined as the street level floor).

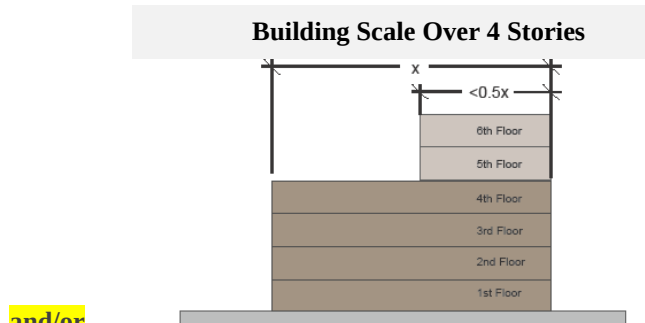
1. Equipment penthouses or building parapets are exempt from building height measurements.

D. Corner buildings may exceed the maximum building height by 15% for 20% of the building frontage along each corresponding street as measured from the corner of the building.

17.04.04

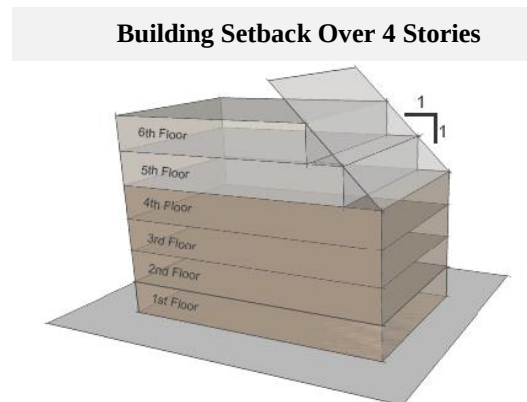
Building Scale: Buildings greater than four (4) stories must adhere to at least one of the following design standards:

A. Building planes extending above four (4) stories shall be less than 50% of the total building facade along the street,



and/or

B. Buildings greater than four (4) stories shall step back the building plane at a 1:1 ratio along the street façade. For every foot above the maximum permitted building height, the building plane may extend upward one foot for every additional foot setback.



17.05

Architectural Standards

17.05.01

Façades: Building facades facing a publically accessible street or other public space shall incorporate the following design standards:

A. Buildings may have up to 3 different types of façades:

1. The primary façade is the side of the building which faces the public street and which contains the building's primary pedestrian entrance.
2. The secondary façade is the side of the building which faces a public street and which may contain additional pedestrian entrances.
3. All other façades are those which do not face a public street.

B. Façade Variation: Buildings shall have architectural features and patterns that provide visual interest while supporting a clear and unified image throughout the development and include:

1. Building façades shall be constructed parallel to the street frontage to the greatest extent possible.
2. Secondary façades shall be treated with the same design and materials as the primary façade.
3. Purposeful variation or accents in materials, textures and colors are required.
4. Horizontal and vertical divisions such as banding and repetitive window patterns.
5. Primary and secondary façades shall include clear delineation between the first or second level and the upper levels with a cornice, canopy, awning, balcony, arcade or other architectural feature.
6. The mass of the building shall be reduced by changing building planes through offsets and recesses, changing the building heights and varying the parapet or roof heights.
7. All building façades shall have perceivable, repetitive features and patterns such as windows, columns or other vertical features.
8. All building façades shall avoid long and monotonous wall and roof planes. Windows and doors are to front onto the street, with direct pedestrian access to the street front sidewalk.
9. Blank walls and non-transparent windows are prohibited along pedestrian areas and public spaces to help provide for pedestrian comfort, security and points of interest.
10. For large projects, each sequential block of new construction shall contain unique building facades so as to encourage architectural variety within large projects. While the use of similar architectural elements on multiple buildings is acceptable, large visually monotonous projects with repeating exterior building design(s) does not contribute to visual diversity and human-scale character and therefore is inappropriate.

C. Building Materials: Building materials shall be in harmony with the rest of the development to create a sense of place and attraction with the surrounding community. The following material standards apply to all structures, including parking structures, in the district:

1. Permitted building façade materials include: brick, natural stone, cast stone architectural precast stone, glazed curtain wall and window wall systems, architectural precast concrete and architectural- grade metal panels (galvanized, painted or ornamental).

Stone:

~~a. For primary building facades, a minimum of thirty five percent (35%) of the building finish material must be stone. Stone must be utilized in a horizontal and vertical manner.~~

~~b. For Secondary facades, a minimum of twenty five percent (25%) of the building finish material must be stone. Stone must be utilized in a horizontal and vertical manner.~~

~~c. For all other remaining facades, a minimum of ten percent (10%) of the building finish material must be stone.~~

2. Wood: Porches, balconies, breezeways, pergolas, deep eaves, eyebrows, corbels, trellis and other features are encouraged to be made of wood with a natural finish which generally should not exceed 10% of the major façade.
3. All other materials not mentioned in 17.05.01(C)(1) and (2) above shall be a compliment or an accent application not to exceed 10% of building facade.
4. The use of clear or lightly tinted colored glass (30% maximum tint) is required.
5. Large uninterrupted expanses of a single material are prohibited.
6. Spandrel glass is permissible only to hide the structural features between the floors of a

building.

7. Vinyl or aluminum siding and colored or mirrored/reflective glass is prohibited.

D. Building Color: Building colors shall be in harmony with the rest of the development to create a sense of place and attraction with the surrounding community. The following color standards apply to all structures, including parking structures:

1. Building materials colors (brick, stone, tile, precast stone) shall be subtle, neutral and nature blending.
2. Colors for other manufactured building materials shall be subtle and neutral and shall be compatible with the colors identified in Figure 17-2.
 - a. Stark white and black are prohibited as field colors. (place in table)
3. Building accent colors, including awning and canopy colors, should complement the primary materials and colors used on the building. Accent colors are limited to no more than 10% of each separate façade and shall be compatible with the colors identified in Figure 17-2.
4. Generally no more than four colors are allowed per building (including all materials).
5. Corporate branding colors are permitted on logos and signage.

Figure 17-2 Permissible Field Colors					
Select Benjamin Moore - America's Colors Palette					
<u>AC-1</u>	<u>AC-8</u>	<u>AC-15</u>	<u>AC-22</u>	<u>AC-29</u>	<u>AC-36</u>
<u>AC-2</u>	<u>AC-9</u>	<u>AC-16</u>	<u>AC-22</u>	<u>AC-30</u>	<u>AC-37</u>
<u>AC-3</u>	<u>AC-10</u>	<u>AC-17</u>	<u>AC-24</u>	<u>AC-31</u>	<u>AC-38</u>
<u>AC-4</u>	<u>AC-11</u>	<u>AC-18</u>	<u>AC-25</u>	<u>AC-32</u>	<u>AC-39</u>
<u>AC-5</u>	<u>AC-12</u>	<u>AC-19</u>	<u>AC-26</u>	<u>AC-33</u>	<u>AC-40</u>
<u>AC-6</u>	<u>AC-13</u>	<u>AC-20</u>	<u>AC-27</u>	<u>AC-34</u>	<u>AC-41</u>
<u>AC-7</u>	<u>AC-14</u>	<u>AC-21</u>	<u>AC-28</u>	<u>AC-35</u>	<u>AC-42</u>
Permissible Accent Colors					
Select Benjamin Moore – Color Preview Palette					
<u>Benjamin Moore Color Pre-View Series 2049-10 through 2174-70.</u>					

E. Building Fenestration: Fenestrations (windows and doors) should maximize the views and allowable daylight into spaces.

1. For all street level/ground floor uses located along public streets and other public spaces, 60-90% of all wall area between two (2) and twelve (12) feet shall consist of transparent glazing (clear windows and doors). Upper floors fronting public rights-of-way shall consist of 30-70% windows.
2. Fenestrations shall be spaced thirty (30) linear feet maximum between features.

3. Ground floor restaurants are encouraged to provide windows and doors that can be opened to provide direct access to the sidewalk when weather permits.

F. Pedestrian Entrances:

1. All buildings shall have their main pedestrian entrance opening to a street, courtyard garden or square. When street level uses have entries from more than one street or from other public spaces, the primary entrance will be from the street.
2. A pedestrian entrance is required to access public spaces which adjoin the building.
3. Retail uses with exterior ground level visibility along a street or public space shall have individual public entries from the street or public space in addition to internal entries.
4. Street level retail uses located on building corners shall locate entrances at the corner.
5. Buildings adjacent to existing or planned trails, open spaces or parks shall provide public entries along the façade fronting these amenities.
6. Entrances shall provide shelter from inclement weather.

G. Roofs: Roof lines should have visual interest and features complementing the overall character of the building and the development.

1. Rooftop penthouse enclosures should be architecturally compatible and predominantly of the same material as the building.
2. Single-sloped shed roofs, mansard or vaulted/arched roofs are prohibited.
3. Flat roofs shall be concealed from pedestrian view with a parapet wall.
4. Publically visible roof materials shall be standing seam metal, asphalt shingles, shakes or tile.
5. Publically visible plumbing vent stacks shall be colored to match the roofing material.
6. “Green” roofs utilizing plants to absorb rainwater and reduce ambient air temperatures are strongly encouraged.
7. Rooftop amenities such as sun decks are encouraged.

H. Mechanical/ Service Equipment & Solid Waste Enclosure Screening: All properties shall minimize the visual impact of mechanical/ service equipment and solid waste facilities from the public right-of-way.

1. Service areas, storage areas, restaurant grease receptacles and refuse enclosures should be oriented away from public view and screened from public areas.
2. Service and refuse areas are encouraged to be clustered together where feasible at the rear of the building.
3. Solid waste and recycling enclosures and all other waste storage or containers, other than streetscape and site furnishing trash receptacles, shall be designed into a structure or building, or shall be screened from adjacent public streets by an opaque enclosed structure (see detail in UDO Subsection 22.13.03) compatible with the building architecture.
 - i. Additional landscape plantings compatible with the overall landscape plan may be required outside of the enclosures to soften the appearance from public view.
4. Utility cabinets and pedestals should not be located within parking lot landscape islands or the public right-of-way where they cannot be screened, are exposed to damage from vehicles and/or present a hazardous visual obstruction to drivers or pedestrians.
5. Meter boxes shall not be located along the front of buildings and screened if located on the side of a building.
6. Ground level mechanical equipment shall be screened by a structure that complements the design of the building through the use of similar materials, colors, finishes and architectural details. Additional landscape plantings compatible with the overall landscape plan shall be required outside of the structure to soften the appearance from public view.
7. All rooftop mechanical equipment should be screened from view from adjacent

properties and adjacent right-of-way by use of parapet walls or screens designed to be compatible with the building architecture.

8. Elevator penthouses shall be screened by a structure that is architecturally compatible with the design of the building through the use of similar materials, colors, finishes and architectural details used on the primary building façade.

17.06

Landscape Standards

17.06.01

Landscaping promotes sustainable development, minimizing negative impacts on natural resources and is vital to softening the harshness of paved areas and buildings while enhancing a sense of place.

17.06.02

Compliance

- A. All plant material must comply with Appendix B, Guide for Landscaping. All plant material must comply with the latest edition of the American Standard for Nursery Stock published by the American Nursery and Landscape Association.
- B. Plant material must be locally adaptable species and hardy to Zone 6 in accordance with the US Department of Agriculture's Plant Hardiness Zone Map and comply with the Town of Boone Approved Plant List in Appendix B.
 1. Xeriscaping and water conservation landscaping is an encouraged alternative. The practice of Xeriscaping includes the use of native grasses, low-water need plant material, and the addition of soil amendments and mulching. Refer to the plant list in Appendix B for a list of Xeriscaping compatible plant material.
- C. Necessary pruning and trimming shall be in accordance with UDO Section 31.12.04, Prohibited Pruning, and must be done in strict accordance with the current edition of "Tree, Shrub, and other Woody Plant Maintenance – Standard Practices" of the American National Standard for Tree Care Operations (ANSI 300).
- D. All plants and materials fulfilling the landscape requirements shall meet the following minimum installation sizes and types:
 1. Large deciduous shade trees shall be a minimum three inch (3") caliper with a height of fourteen to sixteen feet (14' – 16') at planting.
 2. Small to medium sized deciduous ornamental trees shall be a minimum two inch (2") caliper with a height of ten to twelve feet (10' – 12') at planting.
 3. Evergreen trees shall be a minimum of eight feet (8') in height at planting.
 4. Shrubs shall be a minimum of twenty-four inches (24") in height and spread at the time of planting.
 5. All sodded or seeded lawn areas must be comprised of a Bluegrass/Fescue blend.
 6. Mulch shall be dark hardwood three inches (3") in thickness.
 7. Landscaping shall not obstruct the views of motorists using any street, driveway or parking aisle and comply with a ten feet (10') by seventy feet (70') sight distance triangle.

17.06.03

Street Yard Landscaping

- A. A street yard consists of a landscape area parallel to the public right-of-way, typically between the sidewalk and the development, designed to provide continuity of vegetation along the public realm and soften the impact of the development by providing a pleasing view form the street.
- B. The street yard must contain a combination of the following:
 1. An average of one (1) large deciduous tree three inch (3") minimum caliper (unless subject to overhead power lines) per thirty feet (30') of street frontage. Innovative design in tree arrangement is encouraged.
 2. An average of one (1) low growing small shrub, ornamental grasses per five feet (5') of street frontage with a minimum of twenty-four inches (24") in height and spread at the time of planting. A minimum 60% of the shrubs must be evergreen.

3. A minimum twenty percent (20%) of the front street shall be turf and must be sodded. Turf shall be located on the street side of the front street yard.
4. Seasonal color is encouraged in the front street yard with an emphasis on the entrance areas.
- C. Although no street yard setback is required (0' minimum, 20' maximum build-to-zone), where the building is setback, a front street yard is required.
- D. Parking areas fronting a street or side street shall be separated from the sidewalk and/or right-of-way with a ten feet (10') minimum planting yard consisting of a minimum three feet (3') height screen, except where vehicular sight lines may be impaired. Screening should consist of one or more of the following:
 1. A decorative, opaque masonry wall (2' minimum/3' maximum height) compatible in composition, appearance, color and architectural detail with the proposed building and landscaping.
 2. An undulating earthen berm (3' minimum height) and landscaping not exceed a slope of 3H:1V.
 3. A continuous hedge row of evergreen shrubs (3' minimum/4' maximum height), shade trees (1/30lf) and groundcover. Understory ornamental trees, small evergreen trees, flowering shrubs, ornamental grasses, and/or perennials must be supplemented for color and visual interest.
- E. The following trees are required based upon location:

Street Tree Planting Schedule		
<u>Street Tree</u>	<u>Species</u>	<u>District Street</u>
<u>'Allee' Lacebark Elm</u>	<u><i>Ulmus parvifolia 'Allee'</i></u>	<u>Deerfield Road</u>
<u>'Hightower' Willow Oak</u>	<u><i>Quercus phellos 'QPSTA'</i></u>	<u>State Farm Road/Longvue Road</u>
<u>Bald Cypress</u>	<u><i>Taxodium distichum</i></u>	<u>Furman Road</u>
<u>'October Glory' Red Maple</u>	<u><i>Acer rubrum 'October Glory'</i></u>	<u>Doctors Drive/Kimberly Drive</u>
<u>'Panache' Shumard Oak</u>	<u><i>Quercus shumardii 'QSFTC'</i></u>	<u>Birch Street</u>
Alternate Compliance Ornamental Trees		
<i>(for use only with existing overhead power lines as main street tree with approval from Urban Design Specialist)</i>		
<u>Street Tree</u>	<u>Species</u>	
<u>'Forest Pansy' Redbud</u>	<u><i>Cercis Canadensis 'Forest Pansy'</i></u>	
<u>'Kwanzan Cherry</u>	<u><i>Prunus serrulata 'Kwanzan'</i></u>	
<u>Kousa Dogwood</u>	<u><i>Cornus kousa</i></u>	

17.06.04 Interior Landscaped Areas

- A. Landscaped areas other than street yards, must meet the following standards must be met:
 1. Areas must be a minimum of eight feet (8) in width.
 2. A minimum of 5 Large Deciduous Trees per one-hundred feet (100') of linear landscaped area length, or more based on the need to provide additional trees to meet tree canopy coverage requirements.

3. A minimum of 2 Small Deciduous/Ornamental Trees per one-hundred feet (100') of linear landscaped area length, or more based on the need to provide additional trees to meet tree canopy coverage requirements.
 4. A minimum of 8 Large Evergreen Trees per one-hundred feet (100') of linear buffer length.
 5. A minimum of 12 Shrubs per one-hundred feet (100') of linear buffer length.
- B. Required buffers shall not be disturbed for any reason except for open/public spaces, driveway openings or connectors, pedestrian or bike paths, designated greenways, utilities, drainage ways, bio-retention areas, walls, fences, and other passive or minor uses compatible with the general separation of land uses and provided that the total number of required plantings are still met.

17.06.05 Foundation Landscaping

- A. Vehicular surface areas shall be separated from building facades by both a five feet (5') minimum foundation planting area and pedestrian walks leading to building entrances.
- B. This area shall contain small ornamental and evergreen trees, low growing shrubs (minimum 60% evergreen), ornamental grasses, ground cover, turf or combination thereof complimentary of the architectural façade and shall sufficiently mass the landscaped area.

17.06.06 Tree Pit/Plaza Landscaping

- A. A minimum six (6) foot by six (6) foot opening, clear of utilities, shall be provided for all trees.
- B. Root barriers shall be provided for all tree plantings.
- C. Tree grates or other approved devices shall be provided around all trees in hard surfaced areas to ensure adequate water and air penetration.
- D. Structural soils are encouraged within tree pit areas.

17.06.07 Parking Area Landscaping

- A. To break up large expanses of parking and to provide shading, landscaping shall be installed in and around parking areas. Required plantings shall be located within or adjacent to parking areas, in parking islands, medians, at the end of parking bays, or between rows of parking.
1. Landscape islands are required so that no parking space is more than fifty feet (50') from the trunk of a large deciduous tree.
 2. Shrubs shall be planted at the rate of one (1) eighteen inch (18") minimum height evergreen shrub, deciduous shrub or ornamental grass per every two-hundred-fifty square feet (250 ft²) of vehicle surface area.
 3. Parking islands shall be planted as to facilitate safe sight distances.
 4. Shrubs shall not be planted within six feet (6') of a trunk of a new tree, nor within the drip line of a protected/preserved tree.
 5. Planting islands within parking areas shall be a minimum of ten feet (10') in width and two-hundred-fifty square feet (250 ft²) protected by curbs, bollards, wheel stops, walls, etc.

17.06.08 Tree Canopy Preservation and Planting Requirements

- A. Preserving trees and the overall tree canopy can improve the aesthetic quality of the site and Town as a whole, provide environmental benefits, and mitigate the impacts of development on the community. In addition to compliance with UDO Section 31.13, a Tree Canopy Preservation Plan must be provided demonstrating the following requirements:
1. Every parcel shall retain existing trees or provide new trees to equal thirty percent (30%) tree canopy coverage.
 2. The plan must show pre and post development canopy calculations and trees by common and botanical name, size, quantity, and health of tree(s) and tree canopy coverage provided by each tree. Canopy coverage is the area beneath the drip line of the existing trees on the lot/parcel. For onsite trees if the canopy extends into a neighboring property,

credit for that portion of the canopy may also be taken. Canopy coverage can only be credited from healthy trees or stands of trees.

3. Credit for newly planted trees shall be calculated as follows:
 - a. Large Deciduous Tree – 620 square feet of canopy coverage
 - b. Small Deciduous Tree – 225 square feet of canopy coverage
 - c. Large Evergreen Tree – 250 square feet of canopy coverage
 - d. Small Evergreen Tree – 100 square feet of canopy coverage
4. When calculating how much existing tree canopy coverage is already present on the parcel, you may multiply this by 1.25. This additional credit is to encourage the preservation of existing tree canopy.

17.07**Parking Standards****17.07.01**

Except as provided herein, development within the WD district shall meet the standards in Article 24 Parking.

17.07.02**Vehicular Parking:**

- A.** All parking serving the site and counted toward minimum parking requirements shall be located on the site or within 1,200 feet of the building entrance if located off-site.
- B.** Parking between the public street and the building is not permissible.
 1. Exceptions: no more than one bay of parking is to be permitted to avoid large expanses of parking separating the building from the sidewalk.
- C.** Wellness District Education Use Minimum Parking Requirements:
 1. Instructional Labs / Classrooms: 4 spaces/classroom
 2. Lecture Halls: 1 space/3 seats
- D.** Parking Reductions: In order to promote a pedestrian-oriented, human-scale, urban form and multi-modal access, parking reductions are allowed as provided below. The permit issuing authority may adjust the minimum/ maximum number of parking spaces required when one or more of the following is applicable:
 1. The Planning Administrator may approve parking reductions for live-work developments or residential units specifically designated for Wellness District business.
 2. A 10% reduction in the number of required parking spaces for businesses oriented to pedestrian traffic.
 3. A 10% reduction in the number of required parking spaces for developments located adjacent to a public greenway system with pedestrian/ bike linkages and designated bicycle parking areas.
 4. A 20% reduction in the number of required parking spaces is permitted for developments located along a public transit line with designated transit stops located within a walking distance of 1,320 feet and operating service from 6:00 AM to 6:00 PM where service intervals are no longer than 15 minutes during peak commute hours.
 5. To limit the amount of impervious surfaces dedicated to parking on each lot, shared parking is encouraged. A shared parking analysis prepared by a registered licensed professional transportation engineer in North Carolina using the Urban Land Institute (ULI) Shared Parking Model (latest edition) or a study showing excessive, unused parking by one owner to be shared with another owner must be submitted. A written agreement between property owners acknowledging the number of shared parking spaces must be submitted and agreed to by the permit issuing authority.
 6. A parking study, prepared by a licensed professional engineer, illustrating the required parking ratios do not accurately apply to a specific development.
 7. If the number of required off-street parking spaces cannot be reasonably provided on the property associated with the principal use, then spaces may be provided on adjacent or nearby lots, satellite parking lots may be located up to a half-mile (0.5 mi) from the principal use building if served by a transit line, shuttle, or located along a dedicated pedestrian sidewalk or greenway trail. Written permission from the owner/person

responsible for the satellite parking spaces must be provided. The applicant shall provide written acknowledgement that continuing the validity of his permit depends on his continuing ability to provide the requisite number of parking spaces.

E. Parking Structures: Parking structures are strongly encouraged to consolidate parking, and to encourage walking and better utilization of the land.

1. Parking structures are encouraged to be located at the interior of a block or under buildings, not visible from the public right-of-way. Ground floor commercial uses, or space adaptable for future commercial use, are encouraged to be integrated into the structure located along the public street.
2. Parking structures shall not have exposed structured parking at the ground floor level along street frontages.
3. If parking structures are located along the public right-of-way, building setbacks, scale, height requirements and architectural design standards are applicable with trees and foundation plantings installed to soften the parking structure façade.
4. Parking structures should be designed so ramps are hidden from view of the street or public right-of-way.
5. Structures should be constructed of the same building materials as the district buildings.

F. Drive-Through Facilities:

1. Non-restaurant drive-through are allowed but shall be approved by the Community Appearance Commission.
2. Drive-through and stacking lanes shall not be located along facades facing a public street.
3. Drive-through and pick up windows shall be placed to the side or rear of buildings and screened.
4. Architectural elements, landscaping and/or other screening elements shall be used to minimize the visual impacts of the drive-through facility.
5. Screening shall be a minimum four (4) foot height wall compatible with the building architecture, material, color and details or a continuous compact evergreen hedge (36" minimum height at the time of planting reaching 48" minimum height within three years).
6. The design and location of the facility shall not impede vehicular flow or pedestrian movement and safety.
7. Drive-through and pick-up window canopy materials, design and color shall be the same as the primary building.

G. Loading/ Unloading Areas:

1. Loading and unloading areas are regulated by Section 24.08.
2. Loading and unloading activities are not permitted in the public right-of-way unless specifically designated by the Town.
3. All loading/unloading areas shall be located to the side or rear of buildings and shall be screened from public view.
4. Screening shall be a minimum four (4) foot height wall compatible with the building architecture, material, color and details or a continuous compact evergreen hedge (36" minimum height at the time of planting reaching 48" minimum height within three years).
5. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, stacking spaces or parking areas.

17.08 Streets, Driveways and Sidewalks

17.08.01 Except as provided herein, streets, driveways and sidewalks shall meet the standards set forth in Article 23.

17.08.03 Streets

17.08.042 Driveways

- A. Site access drives shall be consolidated and located across from intersections for the safety of motorists and pedestrians.

The distance between

- B. Developments are required to provide drive aisles to the edge of the property in order to provide for future cross-access between sites.

- C. Sites are required to provide cross-access easements between properties for circulation.

Driveways along State Farm Road and Deerfield Road are limited to

- D. Driveway crossing should maintain the same elevation of the sidewalk. The appearance of the sidewalk (scoring pattern or special paving) should be maintained across the driveway to indicate that though a vehicle may cross, the area traversed by a vehicle remains part of the pedestrian travel way.

17.08.053 Sidewalks

- A. Sidewalks meeting the requirements of UDO Section 23.08 are required along the entire length of any abutting street.

- B. The fee-in-lieu provisions contained in Section 23.08.05 shall not apply.

17.09 Signs

17.09.01 Except as provided herein, signs are regulated in Article 26.

17.09.02 All signs must be shown and approved on a master plan, which shall indicate, sign size, location, lighting and copy (if available). All subsequent sign approvals for the development must be in compliance with the master plan.

17.09.03 Signs shall be limited to two (2) colors plus the background color. This does not apply to federally registered trademarks.

17.09.04 Sign copy on two-faced signs shall be identical on both sides.

17.09.05 Changeable copy is not allowed.

17.09.06 Sign lighting is limited to .3 foot-candles above ambient lighting.

17.09.06 Standards set forth in UDO Section 26.12 Shopping Centers and Malls, Section 26.14 Home Occupation Sign, and Section 26.15 Exceptions and Modifications do not apply within the WD.

17.09.07 Building Identification Signs: Buildings are permitted to have building identification wall signs subject to the regulations below.

- A. Each building is allowed one (1) wall sign per each primary and secondary facade.

- B. Building Identification Signs may not exceed .025% of the entire building façade for which the sign is to be located.

1. Minimum size allowed regardless of building façade area is 24 square feet; and
2. Maximum size allowed regardless of building façade area is 120 square feet.

- C. Sign copy is limited to the name of the building and shall not contain the name or logo of any tenant or business.

- D. Building identification signs are not limited to their location on the building façade.

- E. Lighting for a building identification sign is limited to back-lighting or down-lighting.

17.09.08 Attached Sign(s): Each ground floor tenant/business is allowed one attached sign for each primary and secondary façade which contains a pedestrian entrance subject to the regulations below:

- A. Attached signs as permitted herein are not permitted above the ground floor/street level of each building.

- B. An attached sign must be located on the portion of the building which is occupied by the tenant/business the sign is for.

- C. Attached signs which encroach into the public right-of-way are required to obtain an encroachment agreement.

- D. The bottom of an attached sign shall be located at a minimum height of nine feet (9') from the adjacent finished grade.

- E. Wall

1. A wall sign shall not project more than twelve inches (12") from the building façade.

2. The size of a wall sign is limited to the tenants'/business' linear building frontage along the primary or secondary façade (as applicable).
 - a. The wall sign is limited to one square foot of sign area per linear foot of building frontage.
 - b. The maximum permitted square-footage of a wall sign is eighty (80) square feet regardless of linear building frontage.
3. Lighting for a wall sign is limited to internal illumination or down-lighting.

F. Canopy/Awning

1. Canopy and awning sign copy shall not exceed twenty-five percent (25%) of the canopy or awning with a maximum of forty-eight (48) square feet of copy area regardless of the size of the awning.
2. Sign copy on a canopy shall be located on the valance.
3. Canopy and awning lighting is limited to down-lighting.

G. Projecting

1. A projecting sign shall be mounted and perpendicular to the building façade.
2. A projecting sign shall not exceed twenty-four square feet (24 ft²) in area.
3. Lighting for a projecting sign is limited to internal illumination or down-lighting.

17.09.09

Monument Sign

- A. The only freestanding sign other than directional signs allowed within the WD is a monument sign, which can be a two-faced sign that has a base at least seventy-five percent (75%) of the horizontal width of the sign and the base of the sign must be located directly on the ground.
- B. The size of the monument sign shall be twenty-five square feet (25 ft²) for the first fifty feet (50 ft.) of street frontage plus .75 square feet for each additional foot of street frontage to a maximum sign face area of 70 square feet.
- C. Monument sign heights are limited to five feet (5') as measured from finished grade to the top of the sign structure.
- D. Copy of the monument sign is limited to the building name/address and/or commercial tenants within the building.
- E. Monument sign lighting is limited to internal illumination or down-lighting.

17.09.10

Directory Sign(s)

- A. Each building entrance which allows access to a building, not a specific tenant/business, is allowed to display a directory sign.
- B. The directory sign must be building mounted adjacent to the building entrance.
- C. A directory sign is limited to no more than twenty square feet (20 ft²).
- D. Directory sign lighting is limited to down-lighting.

17.09.11

Directional Signs: Directional signs to direct traffic flow and to locate entrances and exits shall be permitted subject to the following:

- A. Directional signs must be shown and approved on all site plans, which shall indicate, sign size, location and copy.
- B. Directional signs shall not exceed four square feet (4 ft²) in area and three feet (3') in height above grade.
- C. Logos, names and advertising are not permitted on directional signs.

(20160295-06162016)

Article 34 Definitions

Façade

The face of a building, especially the principal or front face showing its most prominent architectural features. The façade shall include the entire building wall(s), including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

(20160295-06162016)

Primary Façade

The façade which faces the public street and which contains the building's primary pedestrian entrance.
(20160295-06162016)

Secondary Façade

The façade which faces a public street and which may contain additional pedestrian entrances.
(20160295-06162016)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeannine Underdown Collins, Council Member
SECONDER:	Jennifer Teague, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CASE 20160299 BEAVER COLLEGE OF HEALTH SCIENCES GENERAL USE ZONING MAP AMENDMENT - VOTE #1:

Case 20160299 State of North Carolina: The Town of Boone has initiated a General Use Zoning Map Amendment to rezone property owned by the State of North Carolina located at the corner of Deerfield Road and State Farm Road (Watauga County PIN 2910-72-6682-000) from OI Office Institutional to WD Wellness District.

Planning Director Bill Bailey presented. It was noted that this request does not include any housing. It was the consensus of Council to remove language pertaining to residential uses in Group 1 and 2 of the Uses Table.

Upon a motion by Council Member Underdown Collins, seconded by Council Member Clawson, Council moved that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable adopted plans of the Town which relate to this application because this change recognizes the area's natural beauty and the university and medical center presences as the town's greatest asset for economic development and jobs creation, excluding residential uses in Group 1 and 2. Furthermore, this project recognizes the cooperative planning among town, county and the university, and this property is located within a focus area selected in the Boone 2030 Land Use Plan.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeannine Underdown Collins, Council Member
SECONDER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CASE 20160299 VOTE #2:

Upon a motion by Council Member Underdown Collins, seconded by Council Member Clawson, Council moved to approve the proposed amendment to the Town's zoning map and believe approval is reasonable and in the public interest because the rezoning for the School of Health Sciences will provide a basis, and an anchor, and a tool to spur the redevelopment within the recently created Wellness District.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeannine Underdown Collins, Council Member
SECONDER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

TOWN MANAGER UPDATE

Town Manager John Ward provided Council with the following information and updates:

- House Bill 483 with regard to land use regulatory changes
- Watauga County Board of Education approval of permanent easement for Town to build sidewalk down Hwy. 194 to Hardin Park School
- Completion of Leola Drive sidewalk
- Board of Adjustment meeting rescheduled for June 28
- Closing for Bolick Farm scheduled for June 23
- Howard Street concept presented (on file in Town Hall)
- Continuing to work with New River Light & Power on coordinating burial of utilities along Howard Street
- Doc Watson Day
- New dog brochure for town
- Recognition of town firefighter who saved life of toddler

ANNOUNCEMENT OF BOARD VACANCIES

There were no new upcoming board vacancies. Mayor Pro Tem Mason announced the current board vacancies being advertised.

APPOINTMENT TO THE AFFORDABLE HOUSING TASK FORCE

Mayor Pro Tem Mason nominated Jim Taylor to serve on this task force. With no further nominations, Mayor Pro Tem Mason called for a vote.

Mr. Taylor's term will expire March 18, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Mayor Pro Tem
AYES:	Mason, Clawson, Mizelle, Teague, Collins

APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION

Council Member Clawson nominated Judith Phoenix to serve on this commission in a planning jurisdiction position. With no further nominations, Mayor Pro Tem Mason called for a vote.

Ms. Phoenix's term will expire June 30, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

APPOINTMENT TO THE PLANNING COMMISSION

Council Member Mizelle nominated Adrian Thompson to serve in a resident position on this commission. Council Member Underdown Collins nominated Michelle Dineen for reappointment to a resident position on this commission. With no further nominations, Mayor Pro Tem Mason called for a vote.

Mr. Thompson's and Ms. Dineen's terms will expire June 30, 2020.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charlotte Mizelle, Jeannine Underdown Collins
AYES:	Mason, Clawson, Mizelle, Teague, Collins

CLOSED SESSION

ENTERING CLOSED SESSION

Upon a motion by Council Member Teague, seconded by Council Member Clawson, Council moved to enter closed session at 9:36 p.m. to hear the following items:

1. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to consider and give instructions to the attorney concerning the claim involving the Town of Boone and Mike Budka, et al.
2. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to consider and give instructions to the attorney concerning a potential claim involving the Town.
3. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to consider and give instructions to the attorney concerning cases involving Wellborn et al. (15 CVS 465 and 466, Watauga County).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jennifer Teague, Council Member
SECONDER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

EXITING CLOSED SESSION

Upon a motion by Council Member Underdown Collins, seconded by Council Member Clawson, Council moved to exit closed session at 9:55 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeannine Underdown Collins, Council Member
SECONDER:	Loretta Clawson, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

ADJOURNMENT

MOTION TO ADJOURN

Upon a motion by Council Member Clawson, seconded by Council Member Underdown Collins, Council moved to adjourn the meeting at 10 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Loretta Clawson, Council Member
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Clawson, Mizelle, Teague, Collins

Christine Pope, Town Clerk

Rennie Brantz, Mayor