MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
August 13, 2019

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6: 00 p.m. on Thursday, August 13, 2019 in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Loretta Clawson, Sam Furgiuele, Connie Ulmer and Marshall Ashcraft. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Public Works Director Rick Miller, Public Works Deputy Director Todd Moody, Police Chief Dana Crawford, Fire Chief Jimmy Isaacs, and Senior Planners Christy Turner and Marty Little. Town Attorney Allison Meade was also in attendance.

ANNOUNCEMENTS

Mayor Brantz welcomed all in attendance and asked anyone who wished to speak, whether for the public hearing or otherwise, to please sign up.

Mr. Ward announced that the Town Attorney was in the final stages of negotiations on the Withers/Ravenel contract for the municipal complex site plan, and suggested that Council may want to consider adding it to Thursday's agenda for consideration if they were able to finalize the document in time.

TENTATIVE AGENDA ADOPTION

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

VOTE: Aye: All
Nay: None
Absent: Mason

PUBLIC COMMENT

There was no one signed up to speak during the regular public comment session.

REQUESTED APPEARANCES

DAVID WINKLER

David Winkler, owner of property located at 374 Horn in the West Drive, appeared before Council to answer any questions regarding the Town's potential purchase of the property owned by his late mother. He stated that the property had been in his family since 1816 and believed that there was currently an opportunity to rejoin some of the property which was originally known as the Old Winkler Farm. Mr. Winkler stated that he was essentially looking for a trustee for the property, and did not feel it was appropriate for him to gift the property away. He believed that the conditions he presented previously to coincide with the Town's urban forestry plan, and expressed an understanding of the Town's evolving needs. Mr. Winkler was not concerned with the current Council, but did worry about what could potentially happen to the property in the hands of future Councils. He stated that the Town had an equipment storage area approximately 150 yards away from his property, and while he understood that it was a legitimate need for the Town, he did not want his property to be used for a storage yard in the future if the Town decided to purchase it. Mr. Winkler's wish was to protect the neighborhood and extend the existing Strawberry Hills park so that future residents could benefit from the foresight of the current Council. Mayor Brantz asked Mr. Winkler to elaborate on his usage of the term "trustee". Mr. Winkler explained that he was not using the term in a legal manner, but wanted to make sure the property was used in a way consistent with his wishes. Mr. Furgiuele expressed that he was excited about the possibility of the purchase of this property, and agreed with Mr. Winkler that it was important to protect the property. He added that his only concern was with Mr. Winkler's restrictions. Mr. Furgiuele did not believe enough thought was put into the restrictions when the Town acquired the Rivers property in that they were unclear and did not completely protect the property and wanted to prevent this situation at the Winkler property. He added that he was anxious to pursue the purchase of the Winkler property, but would rather look into including the property in a conservation easement so that restrictions could be discussed over time. Mr. Furgiuele further believed that Council should hear comments from the public and did not want to rush the decision. Mr. Winkler expressed

that he was willing to discuss further options with Council. Mr. Furgiuele was concerned with potential restrictions violating the rule against perpetuity. Ms. Meade indicated that she was unsure about this and would research further. She expressed concern with the fact that the offer communicated by the Town was with no property restrictions, and that the value of the property with restrictions would be different than the value without restrictions. She believed the appraisal would come in at least 25-50% less with a conservation easement in place. Mr. Winkler disagreed with this statement, and stated that if the property was compared with adjoining properties that the price per acre would be valued at more than the agreed upon price. Ms. Meade felt further negotiations should take place and suggested that one option might be a donation, in part, by the sellers in exchange for a tax benefit. Mr. Winkler replied he would take any proposal into consideration. Mr. Ashcraft stated that he did not believe the Town was looking for property for storage purposes, but for public recreation use. Mr. Furgiuele appreciated Mr. Winkler approaching the Town first about the property, and added that the Strawberry Hills park was a jewel in the Town and hoped to be able to expand it. Mayor Brantz thanked Mr. Winkler for his concern for the community and its future.

LAURA KRATT - APPALACHIAN THEATRE

Laura Kratt with the Appalachian Theatre presented Council a request to switch out the current marquee with LED lighted sign panels, and offered the sign for use for advertising purposes if the request was approved. Dr. Eric Plaag stated that the original agreement between the Town and the Theatre included a clause about obtaining Council's approval before changes such as this were made. He stated that as a historic preservationist and a member of the Theatre board, he pushed members into constructing the facade as historically accurate as possible. Dr. Plaag stated that in January of this year he attempted to change the letters on the sign, but was unable to due to the letters being frozen in the tracks. He added that it took three weeks for the letters to thaw, which he believed to be unreasonable, and noted that if approved, the new sign would emulate the current design as much as possible. Mr. Furgiuele asked to hear from planning staff about this request. Ms. Turner stated that if the lettering was to be changed more than once per hour, if the letters were taller than twelve inches or if they were to take up more than fifty percent of the face of the sign, that a UDO amendment would be required. Ms. Kratt stated that she had not discussed this potential change with planning staff since she did not believe it met the criteria for needing a UDO amendment. Ms. Meade felt that a specific proposal should be made to planning before a determination could be made. Mr. Furgiuele stated that he was not against the proposal, but was unenthusiastic about the sign being used for advertisement messages unrelated to the Theatre's own operations, and expressed concern about the future use of the sign if approved. Ms. Turner confirmed that there was a section in the UDO that governed marquees, and that changes to the signs were allowed in the B-1 district, in which the Theatre was situated. Mr. Furgiuele reiterated that he preferred that the signage be reserved for messages related to the Theatre, and asked that it not be available for use by others, including the Town. Ms. Ulmer agreed with Mr. Furgiuele's concerns and added that she felt it would be confusing if the sign were used for advertisements other than for Theatre use. Dr. Plaag noted that the Theatre archives and history subcommittee voted unanimously to recommend this change as soon as funds were available, as long as it replicated existing panels. He added that the lights did not blink or flash and that the text was scrolling instead of flashing. Ms. Kratt stated that the Theatre's intent was to replicate the original sign and that it would be the proper size. She added that the Theatre wished to be a part of the neighborhood and that when marquees were used for advertising in other communities, they were used for public service announcements or amber alerts, and indicated the Theatre was not interested in using the sign for outside advertising. Mr. Ward noted that the sign had been used to announce Town parades, but he understood Mr. Furgiuele's concerns. Mayor Pro-Tem Clawson felt that there was some cause for concern about the details, but thought that the need was legitimate. Mr. Ashcraft suggested that planning staff gather information needed to determine whether a UDO amendment was needed and to bring a report back to Council. Dr. Plaag indicated that even though the Theatre was not listed as a historic building, the response from the state historic preservation office was that there was no guidance on the matter, but noted that many theatres which were historically designated had already made the change to LED signs without objection. It was the consensus of Council to proceed in this manner. Mr. Furgiuele asked that even if the change was within current UDO regulations, that it should be examined whether changes needed to be made to protect against potential future uses. He indicated that he was not totally against advertising Town parades, but felt that there should be limitations. Mr. Furgiuele also expressed concern about the effects of the LED signage to the neighbors across

the street at the Daniel Boone Condos. Ms. Kratt noted that the lights were designed in a way that should not be harmful to the neighbors. Mr. Ward stated that there were restrictions in place already against off-site advertisement. He also reminded Council that the marquee was picked up on a webcam which was broadcast through out the state.

RESULT:	**CONSENSUS**

PUBLIC HEARING - MARTIN LUTHER KING, JR. BOULEVARD

Mayor Brantz opened the public hearing regarding a potential road name change to Martin Luther King, Jr. Boulevard at 6:45 p.m. Mr. Furgiuele began by stating that he initiated this discussion after being approached by lifelong residents of Boone who were offended at the fact that, despite having tried for years to get the Town to name a street after Dr. King, promises made by the Town to do so were not kept. He added that he was expecting issues from NCDOT on renaming one of their roads, so he suggested New Market Boulevard due to what he thought was a lack of significance to the road name. Mr. Furgiuele indicated that business owners and residents in the area were not in favor of the idea. He added that the public made a series of other street suggestions, but that he was subsequently contacted by the former Cultural Resources director, Pilar Fotta, who informed him that the owner of a medical practice on State Farm Road had suggested to her that the Town consider renaming the portion of Hunting Hills Road from State Farm Road to the bridge. Mr. Furgiuele continued by stating that he had confirmed with the Town Manager that this change could take place without disturbing the addresses to residents on the other side of the bridge, the Town Manager confirming with Police and Fire that this was the case. Mr. Furgiuele stated that he found New Market Boulevard attractive for this change due to its proximity to Hardin Park in an attempt to convey Dr. King's significance to the children. He believed that Hunting Hills Road in that section also made sense due to its proximity to Town-owned athletic fields, the new County recreation center and the children's park which all brought in a significant amount of traffic. Mr. Furgiuele stated that he believed Hunting Hills Lane was the best option, and that he had not talked to other Council members individually at the start of the meeting about the request and the idea seemed to have support. He suggested that rather than people who had signed up to speak presenting their objections to the other suggested streets, that they address comments specific to the new proposal if they had any. Mayor Pro-Tem Clawson believed that renaming a portion of Hunting Hills Lane was a good idea, and added that she appreciated the public input. Mr. Ashcraft agreed with her statement and added that since the Town owned a significant amount of property in the area, that a historical marker could be installed in the future. Ms. Ulmer agreed with the new proposal, and added that she was in favor of the road name change taking place in an area where children would be exposed to it. Mayor Brantz agreed with the new proposal, and invited those who had signed up to speak to do so.

Mark Kadyk of Boone was concerned at the potential of State Farm Road being renamed in that the road had significant historical meaning. He appreciated the thought that Council had put into changing the recommendation to Hunting Hills Lane.

Nancy Richard of Boone stated that according to her research, there were 28 mental health professionals in the Oak Summit business park off of State Farm Road. She was concerned with the fact that it often took an extended period of time for GPS systems to catch up, and felt that a road name change on State Farm Road could be a detrimental barrier to the Town's most vulnerable citizens.

Dr. Todd Moore of Boone reiterated the comments made by others regarding State Farm Road, and added that he was in favor of the alternative suggestion of Hunting Hills Lane.

Bill Morris of Boone signed up to speak, but had already left by the time his name had been called.

Dr. Paul Dagher of Boone signed up to speak on behalf of Watauga Surgical Group, and stated that a change to State Farm Road would cause great difficulty to the businesses in that area. He added that the road was home to the highest concentration of medical professionals in Boone, and that even something as simple as a change in address would be challenging since they were so highly regulated.

Dr. Julia Snyder of Boone thanked Council for their consideration, and felt that the new suggestion made more sense if their main concern was that children be exposed to the road name.

Rob Hudspeth of Boone signed up to speak, but declined to do so when he was called.

Fred Hay of Boone stated that he came to the meeting with the expectation that he would be lecturing Council on their decision, but instead was in support of the new suggestion and thankful to Council for their consideration.

Juanita Hay of Boone thanked Council and the public for their suggestions. She stated that she had been surprised at the ugly comments made to her since this discussion began, and asked everyone to come together and spread love.
Dr. Julie Waldrep of Boone thanked Council for listening to the concerns of those that would potentially have been affected by the change of their road name. She stated that she loved the new idea and was in full support.
Mayor Brantz asked whether anyone who had not signed up wished to speak.
Jeff Templeton of Boone expressed his belief that Town Council members had a lot of time and money on their hands, and felt that the time and money that had gone into the changing of a road name would be better spent on the addition of sidewalks along Greenway Road. He was concerned that the Town had not contributed to the new recreation center, and felt that a better approach to honoring Dr. King would be to rename a park such as Junaluska Park or Clawson Burnley Park.
Dr. Charles Ford of Boone felt that since King Street already shared part of the name, that it would be a better idea to install a statue of Dr. King on King Street.
Chelsea Jackson of Boone on behalf of Howard Station restaurant spoke in support of promoting diversity and inclusivity in Boone. She added that she and her coworkers were in favor of the new proposal , as well as the potential addition of a statue of Dr. King on King Street.
Mayor Brantz closed the public hearing at 7:17 p.m.

APPROVAL OF ITEMS ON CONSENT AGENDA

Mr. Ward presented Council with the items on the consent agenda. Mr. Furgiuele asked whether the Downtown Boone Development Association had reached out to business owners in regards to the proposed road closure on September 6th. Mr. Ward indicated that the topic was discussed at the DBDA meeting held earlier in the day. He added that the event was scheduled before the Council of Governments banquet was announced for the same day. Mayor Pro-Tem Clawson stated that the Cultural Resources Advisory Board was discussing coordinating a community calendar. Mr. Ward stated that staff had been critiqued in the past when non-Town related events were included on the Town of Boone online calendar. Mr. Furgiuele was in favor of including other events on the Town of Boone calendar as long as they were color coded in order to be easily distinguishable. He then asked who the Town was applying to for the grants mentioned in the resolutions on the agenda for consideration. Public Works director Rick Miller believed it to be a division of NC DEQ. Mr. Ashcraft asked whether the fees presented were the same as the ones previously considered and approved by Council, with Mr. Ward confirming this was the case and that the only changes were the fees previously removed from Chapter 92 were being incorporated into the fee schedule. Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to approve the following items on the consent agenda:

1. Closure of Depot Street on September 6, 2019
2. Amended Town of Boone FY 2019/2020 Fee Schedule
3. Resolutions of Intent to Apply for Grant Funding

VOTE: Aye: Clawson, Ulmer, Furgiuele, Ashcraft
Nay: None
Absent: Mason

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Town of Boone
Fire Department
2019 Fee Schedule

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FIRE FEES COLLECTED BY BOONE FIRE DEPARTMENT

Fireworks Display	$150.00
Insecticide fogging/fumigation	$40.00
Blasting Permit - 48 hours	$50.00
Blasting Permit - 90 days	$100.00
Special Assemblies (Craft shows)	$50.00
Temporary kiosks/displays	$40.00
Tents and air structures	$50.00
Any additional inspection required/requested	$40.00
Day Care inspection (other than annual)	$40.00
Fire Flow Test	$100.00
Re-inspection or any event requiring a FD inspection	$40.00
Annual Inspections - Level 1 (Non-residential)	$40.00
Annual Inspections - level 2 (Non-residential)	$60.00
Annual Inspections - level 3 (Non-residential)	$120.00
Annual Inspections - Multi tenant commercial (0 to 6 tenants)	$40.00
Annual Inspections - Multi tenant commercial (7 to 12 tenants)	$80.00
Annual Inspections - Multi tenant commercial (Greater than 12 tenants)	$120.00
Annual Inspection - Commercial Residential per building (0-12 units)	$40.00
Annual Inspection - Commercial Residential per building (13-24 units)	$60.00
Annual Inspection - Commercial Residential per building (25-49 units)	$80.00
Annual Inspection - Commercial Residential per building (50-99 units)	$130.00
Annual Inspection - Commercial Residential per building (100-149 units)	$180.00
Annual Inspection - Commercial Residential per building (150-199 units)	$230.00
Annual Inspection - Commercial Residential per building (Greater than 199 units)	$280.00
Fire Alarm Equipment Malfunction Fee	$300.00

FIRE FEES COLLECTED BY PLANNING & INSPECTIONS

ABC Inspection	$60.00
New Fire Alarm Systems	$100 up to 10,000 square feet, .01 per sf thereafter
Fire Alarm System Renovation	$50.00
New Fixed Fire Suppression System	$100.00
Fixed Fire Suppression System Renovation	$50.00
New Sprinkler system	$200 up to 10,000 square feet, .02 per sf thereafter
Sprinkler System Renovation	$100.00
New Standpipe Systems	$200.00
Commercial Site Plan Review	$75.00
Building Plan Review (per square foot)	$0.03
New Underground Tanks install (per tank)	$100.00
Underground Tank Removal (per tank)	$50.00
Building Plan Review-renovation	$50.00

New Underground Tank Install (per tank)	$100
Underground Tank Removal (per tank)	$50.00
Building Plan Review for renovation	$50.00

APPARATUS and PERSONNEL FEE SCHEDULE (per hour)

Aerial	$250.00
Car/pickup	$50.00
Engine (Type 1)	$200.00
Engine (Type 6)	$75.00
Haz-mat trailer	$200.00
Rescue Truck	$200.00
Tanker	$100.00
Utility Service Vehicle	$75.00
Personnel	At actual cost

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Town of Boone
Planning & Inspections
2019 Fee Schedule

Table of Contents

FREQUENTLY ASKED QUESTIONS....2
SECTION 1. BOARD/HEARING FEES....3
BOARD OF ADJUSTMENT....3
PLANNING COMMISSION/PUBLIC HEARING....3
SECTION 2. SUBDIVISION FEES....3
SECTION 3. ANNEXATION FEES....3
SECTION 4. ZONING PERMIT FEES....4
SINGLE-FAMILY & DUPLEX (USE 1.06)....4
COMMERCIAL/ALL OTHER RESIDENTIAL....5
SMALL WIRELESS FACILITY (PER NC SL 2017-159)....6
WIRELESS TRANSMISSION FACILITY....7
OTHER ZONING FEES....7
SECTION 5. SIGN FEES....7
SECTION 6. BUILDING PERMIT FEES....7
SINGLE-FAMILY & DUPLEX (USE 1.06)....7
COMMERCIAL/ALL OTHER RESIDENTIAL....8
OTHER BUILDING/CONSTRUCTION RELATED FEES....8
SECTION 7. PLANNING AND INSPECTION - ALL OTHER FEES & PENALTIES....8
OTHER....8
ADDITIONAL REVIEW FEES- DUE AT TIME OF RESUBMITTAL....9
OTHER INSPECTIONS....9
PENALTIES....9
SECTION 8. DEVELOPMENT RELATED FIRE DEPARTMENT FEES....9
SECTION 9. DEVELOPMENT RELATED PUBLIC WORKS DEPARTMENT FEES....9
UTILITIES DIVISION FEES....9
SERVICES DIVISION FEES....9

Fee Code:

O = Common Single-Family Fees **◆ = Common Commercial Fees**

Frequently Asked Questions

Many projects require Town of Boone permits before construction may commence. The permit and inspection process is designed to ensure that the development of land and construction of buildings are in compliance with applicable codes. Please see below for additional guidance on how to use this fee schedule. For any questions on whether or not a permit is required or for more information on a permit, please contact the Town of Boone Planning and Inspections Department.

When are fees due? Fees are due when the application is submitted. Any additional fees assessed prior to the issuance of a permit shall be paid prior to the release of the requested permit, and any subsequent fees assessed shall be paid prior to the final inspection, issuance of a certificate of compliance, or issuance of a certificate of occupancy.

Fee Responsibility & Communications. The applicant shall be responsible for all associated fees. Additionally, all communications will only be sent to the applicant.

Inspection Fees. Where the Department stipulates a maximum number of inspections for a permit, applicants requiring inspections beyond that count incur an added charge per inspection.

A re-inspection fee shall be assessed when the project is not ready for inspection, deficiencies exist or access to the site is not available at the time the inspection has been scheduled to be conducted.

Other Town Department Fees. Fees may be collected on behalf of other Town of Boone Departments for project reviews and inspections as listed herein.

Refund Requests. Refund requests shall be submitted in writing from the applicant. Refund requests for applications not yet reviewed will be processed at 10% of permit costs (up to $100.00 per permit) to cover administrative costs. All other refund requests will be reviewed by the Director or his/her designee, who shall evaluate the amount of work completed by the Town as compared to the cost of the permit to ensure the Town has recovered the costs incurred with the processing, review, and inspections associated with the application.

Application Review Time Policy. The Town will strive to process all submittals in a timely fashion, with the knowledge that some submittals are more complex and will require additional review time than those set forth below. Additionally, applications are processed in the order in which they are received. See below for estimated review times (please note, the day of submittal is not counted in the estimated review time):

Application Type	Estimated Review Time	Application Type	Estimated Review Time
Sign Permits	5 business days	Board/Hearing	25 business days
Short-Form Building Permit	5 business days	Commercial	25 business days
Single-Family	10 business days	All Other	20 business days

Please note, subsequent reviews times are anticipated to be shorter than the initial application review.

Submittals which contain any of the following elements may require additional review time: properties located in a B1 zoning district, Department of Insurance review, encroachment agreements, geologic hazard, historic landmark, historic district, special flood hazard area, steep (or very steep) slope, traffic impact analysis, watershed, viewshed.

Review Fees. Each application is allowed two (2) reviews under the initial fee, the first review and a second (2nd) review if revisions or supplemental information is required based upon the first review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

Working without Permits Penalty. Initial submittal fees are doubled if the activity or site change requested has already occurred or has been started unless the Director or his/her designee finds that there are mitigating circumstances.

SECTION 1. BOARD/HEARING FEES	
Board of Adjustment	
Special Use Permit – Base Fee	**$700.00**
+ $0.63 per Adjacent Property Owner Notification letter	TBD
+ Prorated cost of legal advertising for case	TBD
Variance – Base Fee (per requested variance)	**$460.00**
+ $0.63 per Adjacent Property Owner Notification letter	TBD
+ Prorated cost of legal advertising for case	TBD
Appeal of Administrative Decision – Base Fee	**$400.00**
+ $0.63 per Adjacent Property Owner Notification letter	TBD
+ Prorated cost of legal advertising for case	TBD
Major Subdivision Preliminary Plat Review – Base Fee	**$700.00**
+ $0.63 per Adjacent Property Owner Notification letter	TBD
+ Prorated cost of legal advertising for case	TBD
Planning Commission/Public Hearing	
Text Amendment – Base Fee	**$400.00**
General Use Zoning Map Amendment – Base Fee	**$340.00**
+ $0.63 per Adjacent Property Owner Notification letter	TBD
+ Prorated cost of legal advertising for case	TBD
Conditional District Zoning Map Amendment – Base Fee	**$765.00**
+ $0.63 per Adjacent Property Owner Notification letter	TBD
+ Prorated cost of legal advertising for Case	TBD
SECTION 2. SUBDIVISION FEES	
Exempt Division of Land	**$75.00**
+ Water Supply Watershed Review	$15.00
Minor Subdivision	**$135.00**
+ Water Supply Watershed Review	$15.00
Major Subdivision Final Plat	**$230.00**
SECTION 3. ANNEXATION FEES	
Voluntary Annexation Petition- Base Fee	**$210.00**
+ Cost of legal advertising for Case (fee due prior to date of public hearing)	TBD

Page Subtotal $ _____

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SECTION 4. ZONING PERMIT FEES	
Single-Family & Duplex (Use 1.06)	
○ **New Construction & Additions with < 1 acre of land disturbance – Base Fee**	**$214.00**
If triggered, the following fees shall be assessed in addition to the base fee set forth above.	
+ Land disturbance ≥ 1 acre, per acre or part thereof	$60.00
+ Minor Special Flood Hazard Review[1]	$30.00
+ Major Special Flood Hazard Review[2]	$140.00
+ Water Supply Watershed Review	$15.00
+ Viewshed Protection Overlay Review	$15.00
+ Steep or Very Steep Slope Review	$15.00
○ **Accessory Use or Change of Use with < 1 acre of land disturbance – Base Fee**	**$176.00**
If triggered, the following fees shall be assessed in addition to the base fee set forth above.	
+ Land disturbance ≥ 1 acre, per acre or part thereof	$60.00
+ Minor Special Flood Hazard Review[1]	$30.00
+ Major Special Flood Hazard Review[2]	$140.00
+ Water Supply Watershed Review	$15.00
+ Viewshed Protection Overlay Review	$15.00
+ Steep or Very Steep Slope Review	$15.00
○ **Open Decks, Parking/Yard Modifications, Sheds w/ < 1 acre of land disturbance -Base Fee**	**$110.00**
If triggered, the following fees shall be assessed in addition to the base fee set forth above.	
+ Land disturbance ≥ 1 acre, per acre or part thereof	$60.00
+ Minor Special Flood Hazard Review[1]	$30.00
+ Major Special Flood Hazard Review[2]	$140.00
+ Water Supply Watershed Review	$15.00
+ Viewshed Protection Overlay Review	$15.00
+ Steep or Very Steep Slope Review	$15.00

Page Subtotal $ _____

Commercial/All Other Residential	
• **New Construction, Additions, Accessory Structures - Base Fee (< 1 acre of land disturbance, ≤ 2,500 total building square footage)**	**$470.00**
If triggered, the following fees shall be assessed in addition to the base fee set forth above.	
+ Land disturbance ≥ 1 acre, per acre or part thereof	$275.00
+ Minor Special Flood Hazard Review[1]	$30.00
+ Major Special Flood Hazard Review[2]	$205.00
+ Water Supply Watershed Review	$30.00
+ Viewshed Protection Overlay Review	$30.00
+ Steep or Very Steep Slope Review	$30.00
• **New Construction, Additions, Accessory Structures - Base Fee (< 1 acre of land disturbance, 2,501-20,000 total building square footage)**	**$560.00**
+ Land disturbance ≥ 1 acre, per acre or part thereof	$275.00
+ Minor Special Flood Hazard Review[1]	$30.00
+ Major Special Flood Hazard Review[2]	$205.00
+ Water Supply Watershed Review	$30.00
+ Viewshed Protection Overlay Review	$30.00
+ Steep or Very Steep Slope Review	$30.00
• **New Construction, Additions, Accessory Structures - Base Fee (< 1 acre of land disturbance, > 20,000 total building square footage)**	**$800.00**
If triggered, the following fees shall be assessed in addition to the base fee set forth above.	
+ Land disturbance ≥ 1 acre, per acre or part thereof	$275.00
+ Minor Special Flood Hazard Review[1]	$30.00
+ Major Special Flood Hazard Review[2]	$205.00
+ Water Supply Watershed Review	$30.00
+ Viewshed Protection Overlay Review	$30.00
+ Steep or Very Steep Slope Review	$30.00
• **Change of Use, no site plan review required – Base Fee**	**$110.00**
If triggered, the following fees shall be assessed in addition to the base fee set forth above.	
+ Minor Special Flood Hazard Review[1]	$30.00

Page Subtotal $ _____

• **Change of Use or Renovation – Site Plan Review Required (Tier 1) – Base Fee**	**$200.00**

If triggered, the following fees shall be assessed in addition to the base fee set forth above.	
+ Land disturbance ≥ 1 acre, per acre or part thereof	$275.00
+ Minor Special Flood Hazard Review[1]	$30.00
+ Major Special Flood Hazard Review[2]	$205.00
+ Water Supply Watershed Review	$30.00
+ Viewshed Protection Overlay Review	$30.00
+ Steep or Very Steep Slope Review	$30.00
• **Change of Use or Renovation – Site Plan Review Required (Tier 2) – Base Fee**	**$300.00**
If triggered, the following fees shall be assessed in addition to the base fee set forth above.	
+ Land disturbance ≥ 1 acre, per acre or part thereof	$275.00
+ Minor Special Flood Hazard Review[1]	$30.00
+ Major Special Flood Hazard Review[2]	$205.00
+ Water Supply Watershed Review	$30.00
+ Viewshed Protection Overlay Review	$30.00
+ Steep or Very Steep Slope Review	$30.00
• **Change of Use or Renovation – Site Plan Review Required (Tier 3) – Base Fee**	**$400.00**
If triggered, the following fees shall be assessed in addition to the base fee set forth above.	
+Land disturbance ≥ 1 acre, per acre or part thereof	$275.00
+Minor Special Flood Hazard Review[1]	$30.00
+Major Special Flood Hazard Review[2]	$205.00
+Water Supply Watershed Review	$30.00
+ Viewshed Protection Overlay Review	$30.00
+ Steep or Very Steep Slope Review	$30.00
Change of Use or Renovation – Site Plan Review Required (Tier 4) – See Fees for New Construction	
• **Lighting or Parking or Landscape Modification (modification of existing infrastructure)**	**$150.00**
Accessory Structure – See Fees for New Construction	
• **Special Flood Hazard Area - Map Revisions/Amendments**	**$170.00**
+ $0.63 per property owner notification letter	TBD
+ Cost of Legal Advertising	TBD

Page Subtotal $ _____

Small Wireless Facility (Per NC SL 2017-159)	
Technical Fee (applied to first facility in each batch of 25)	**$500.00**

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+Facilities 1-5 (in the same batch)	$100.00
+Facilities 6-25 (in the same batch)	$50.00
Wireless Transmission Facility	
Co-location or Eligible Facility Modification	**$170.00**
All Others	**$675.00**
If triggered, the following fees shall be assessed in addition to the base fee set forth above.	
+Land disturbance ≥ 1 acre, per acre or part thereof	$275.00
+Special Flood Hazard Review Minor	$30.00
+Special Flood Hazard Review Major	$205.00
+Water Supply Watershed Review	$30.00
+ Viewshed Protection Overlay Review	$30.00
+ Steep or Very Steep Slope Review	$30.00
Other Zoning Fees	
Home Occupation	**$90.00**
Zoning Confirmation Letter	**$120.00**
Pavement Sealant	**$115.00**
+ Additional Inspection for Pavement Sealant with Coal Tar	$50.00
Neighborhood Conservation District Parking Sticker	**No Charge**
SECTION 5. SIGN FEES	
• **Permanent Sign, per sign**	**$165.00**
+Additional Fee for Freestanding Sign	$50.00
+Additional Fee for Lighted Sign	$50.00
SECTION 6. BUILDING PERMIT FEES	
Single-Family & Duplex (Use 1.06)	
○ **New Construction up to 2,500 square feet**	**$446.00**
+ Additional fee each square foot over 2,500 square feet	$0.15
+ Homeowners Recovery Fee[3]	$10.00
○ **Addition, Renovation, Repair; separate charge for each inspection trip**	**$85.00**
+ Homeowners Recovery Fee[3]	$10.00
+ $50.00 per inspection trip	TBD
+Renovations & Repair Minor Special Flood Hazard Area Review	$30.00
Page Subtotal $	_____
○ **Manufactured Home in Park (Inclusive of Zoning Review)**	**$280.00**
+ Minor Special Flood Hazard Review[1]	$30.00
+ Major Special Flood Hazard Review[2]	$140.00

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Commercial/All Other Residential	
• **New Construction Base Fee**	**$565.00**
+ Per Square Foot	$0.27 x ___
• **Addition, Renovation & Repair- Base Fee (1-5,000 square feet total building square footage)**	**$170.00**
+$50.00 per inspection trip	TBD
+Renovation & Repair Minor Special Flood Hazard Area Review (if Major SFHA review triggered, a separate zoning permit is required.)[1]	$30.00
• **Addition, Renovation & Repair- Base Fee (5,001 – 20,000 square feet of total building)**	**$285.00**
+$50.00 per inspection trip	TBD
+Renovation & Repair Minor Special Flood Hazard Area Review (if Major SFHA review triggered, a separate zoning permit is required.)[1]	$30.00
• **Addition, Renovation & Repair- Base Fee (20,001+ square feet of total building)**	**$565.00**
+$50.00 per inspection trip	TBD
+Renovation & Repair Minor Special Flood Hazard Area Review (if Major SFHA review triggered, a separate zoning permit is required.)[1]	$30.00
• **Change of Occupancy – no modification to building necessary**	**$115.00**
• **Change of Occupancy with renovations. See Addition, Renovation & Repair Fees**	
Other Building/Construction Related Fees	
Equipment Changeout; per unit charge; includes 1 inspection.	**$120.00**
+ $50.00 per inspection trip after 1st	TBD
+Minor Special Flood Hazard Area Review (if Major SFHA review triggered, a separate zoning permit is required.)[1]	$30.00
Renovation & Repair Small Project Work	
• *This fee is for a project that involves only one trade (electrical, gas, mechanical, plumbing) for changes to existing systems where the project cost is less than $30,000.00. Includes 1 inspection.*	**$120.00**
+ $50.00 per inspection trip after 1st	TBD
+Minor Special Flood Hazard Area Review (if Major SFHA review triggered, a separate zoning permit is required.)[1]	$30.00
Construction Trailer (Inclusive of Zoning Review)	**$130.00**
+Minor Special Flood Hazard Area Review (if Major SFHA review triggered, a separate zoning permit is required.)[1]	$30.00
Total Demolition/Moving	**$120.00**
Special Footing/Foundations	**$195.00**
+$50.00 per inspection trip	TBD

Page Subtotal ***$*** _____

SECTION 7. PLANNING AND INSPECTIONS - ALL OTHER FEES & PENALTIES	
Other	
Encroachment Agreement (per encroachment agreement)	**$50.00**
Miscellaneous	**$75.00**
ABC Compliance Inspection	**$175.00**

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Additional Review Fees- Due at time of Resubmittal	
Subsequent Zoning Review Fee for each review after 2nd, 50% of original fees	-
Subsequent Building Review Fee for each review after 2nd, 50% of original fees	-
Other Inspections	
Re-inspection Fee (per Inspector/Planner, per trip)	$50.00
On-site consultation (per Inspector/Planner)	$50.00
Penalties	
Working without Permits @ double the permit cost (per permit for both building and zoning)	
Other Zoning Penalties – See UDO Section 12.07	-
Other Town Code Penalties – See Appropriate Town Code Reference	-

SECTION 8. DEVELOPMENT RELATED FIRE DEPARTMENT FEES

• New Construction (per square foot)		$0.03 x___
• Building Permit Renovation Review Fee		$50.00
• Multi-Family and Commercial Zoning - Site Plan Review		$75.00
• New Fire Alarm System up to 10,000 square feet		$100.00
+ Additional fee each square foot over 10,000 square feet		$0.01
• Fire Alarm System Renovation		$50.00
• New Fixed Fire Suppression System		$100.00
• Fixed Suppression System Renovation		$50.00
• New Sprinkler System up to 10,000 square feet		$200.00
+ Additional fee each square foot over 10,000 square feet		$0.02
• Sprinkler System Renovation		$100.00
• New Standpipe System		$200.00
New Underground Tank Install (per tank)	*Additional Fee to a Zoning Permit due to land-disturbing activities.*	$100.00
Underground Tank Removal (per tank)		$50.00

Page Subtotal $ _____

SECTION 9. DEVELOPMENT RELATED PUBLIC WORKS DEPARTMENT FEES

Utilities Division Fees	
• Building Permit – Pretreatment Review	$75.00
• Building Permit – Utility Systems Review	$75.00
• Zoning Permit – Site Plan Review for Utility Connections	$75.00
Services Division Fees	
• Town of Boone Driveway Permit (per driveway)	$50.00
• Zoning Permit – Site Plan Review	$75.00

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Page Subtotal ***$*** _____

Total Fees Due ***$*** _____

[1] A minor special flood hazard review is for a project which:

1. Is for an equipment change-out only that is like for like in the exact same location; or
2. Contains no land disturbing activities in the special flood hazard area; or
3. Contains renovations of a structure in which renovation costs do not exceed 50% of the structure value
4. Any other situation in which approval is obtained by the Administrator.

[2] A major special flood hazard review is for all projects which either exceed or do not meet the requirements set forth for a minor special flood hazard review as outlined above. Any project which triggers a major special flood hazard review shall be required to obtain a zoning permit.

[3] Required when a licensed General Contractor is used.

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Town of Boone
Department of Public Works
2019 Fee Schedule

BRUSH, DEBRIS & LEAF PICKUP SERVICES
RATE INCREASE as of JULY 1, 2019

	SERVICE FEE	DESCRIPTION
BRUSH	$80.00	GRAPPLE TRUCK
		2 EMPLOYEES
	$50.00	@25.00/HR
	$130.00	TOTAL PER HOUR
		HALF-HOUR
	$65.00	MINIMUM
DEBRIS	$80.00	GRAPPLE TRUCK
		2 EMPLOYEES
	$50.00	@25.00/HR
	$130.00	TOTAL PER HOUR
		HALF-HOUR
	$65.00	MINIMUM
LEAF	$43.00	VACUUM TRUCK
		1 EMPLOYEE
	$25.00	@25.00/HR
	$68.00	TOTAL PER HOUR
		HALF-HOUR
	$34.00	MINIMUM

DEVELOPMENT PLAN REVIEW & INSPECTION FEE	$75.00
DRIVEWAY PERMIT FEE	$50.00
ENCROACHMENT AGREEMENT FEE	$50.00

UTILITY SERVICES
RATE INCREASE as of July 1, 2019

METER DEPOSITS	
(outside city limits deposits are double rates listed below):	
Residential	$150.00
Commercial	$500.00

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PRE-TREATMENT PLAN REVIEW & INSPECTION FEE	$75.00
WATER & SEWER PLAN REVIEW & INSPECTION	$75.00
PRETREATMENT FEE (previous violation)	$100.00
BOD SURCHARGE (per pound)	$0.376
TSS SURCHARGE (per pound)	$0.433
BIO-SOLID SALES (per ton)	$1.00
WTP SAMPLE CHARGE (per sample)	$20.00
SYSTEM DEVELOPMENT FEES (per gallon):	
WATER	$7.89
SEWER	$7.99
CONSTRUCTION METER (temporary):	
¾"	$500.00
2" or 3"	$1,600.00
METER CONNECT/DISCONNECT/RECONNECT (each)	$20.00
RETURNED CHECK CHARGE	$20.00
METER RE-READ CHARGE	$10.00
LATE PENALTY CHARGE	$10.00
SEPTIC DISPOSAL FEE (per gallon):	
Residential	$7.00
Commercial	$10.00
MINIMUM FEE (each) WATER & SEWER	
(Outside city limit's minimums are double rates listed below):	
Minimum Residential ¾" includes 0-1,000 gallons	$14.25
Minimum Residential ¾' includes 1,001-2,000 gallons	$15.75
Minimum Commercial ¾" includes first 2,000 gallons	$21.50
Minimum Commercial 1" includes first 2,000 gallons	$26.50
Minimum Commercial 1 ½" includes first 2,000 gallons	$31.50
Minimum Commercial 2" includes first 2,000 gallons	$31.50
Minimum Commercial 3" includes first 2,000 gallons	$41.50
Minimum Commercial 4" includes first 2,000 gallons	$51.50
Minimum Commercial 6" includes first 2,000 gallons	$71.50
Minimum Commercial 8" includes first 2,000 gallons	$91.50
DISTRIBUTION – WATER	
(Outside city limit's use is double rates listed below):	
2,001 - 4,999 gallons	$6.15
5,000 - 9,999 gallons	$6.40
10,000 - 14,999 gallons	$6.65
15,000 – 19,999 gallons	$6.90
Over 20,000 gallons	$7.15
COLLECTION – SEWER	
(Outside city limit's use is double rates listed below):	
Residential – Over 2,000 per 1,000 gallons	$5.50
Commercial – Over 2,000 per 1,000 gallons	$5.75

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of a water infrastructure asset inventory and assessment, and

WHEREAS, The Town of Boone has need for and intends to conduct a water asset inventory and assessment, and

WHEREAS, The Town of Boone intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BOONE:

That the Town of Boone, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That John Ward, Boone Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the development of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the (date adopted) at Boone, North Carolina.

_____

(Signature of Chief Executive Officer)
Mayor, Town of Boone

_____

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting clerk of the Town of Boone does hereby certify: That the above resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Boone duly held on the ___ day of August, 2019, and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of August, 2019.

_____

(Signature of Recording Officer)
Boone Town Clerk

_____

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of grants to aid eligible units of government in financing the cost of a wastewater infrastructure asset inventory and assessment, and

WHEREAS, The Town of Boone has need for and intends to conduct a wastewater asset inventory and assessment, and

WHEREAS, The Town of Boone intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BOONE:

That the Town of Boone, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That John Ward, Boone Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the development of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the (date adopted) at Boone, North Carolina.

_____

(Signature of Chief Executive Officer)
Mayor, Town of Boone

_____

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting clerk of the Town of Boone does hereby certify: That the above resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Boone duly held on the _____ day of August, 2019, and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this ___ ____ day of August, 2019.

_____

(Signature of Recording Officer)

Boone Town Clerk

_____

COUNCIL MATTERS

CONSIDERATION OF LISTING AGREEMENTS FOR SURPLUS PROPERTY

Mr. Ward presented two listing agreements and a disclosure form from Appalachian Commercial Real Estate for the marketing of Town-owned properties located at 1500 Blowing Rock Road and 321 E. King Street. James

Milner of Appalachian Commercial Real Estate noted that an additional parcel had been located behind the Police Department building containing approximately .25 acres, but that the property was listed in the agreement as one single parcel. He then presented a land sale analysis and noted that a contractor would perform a walk-through of the buildings to provide estimates on demolition if needed. Mr. Furgiuele asked how long the former Boone Trail Motel property was on the market for, to which Mr. Milner replied that the property was sold before it was exposed to the market. Ms. Meade believed that the Boone Trail property was sold at less than fair market value because it was not exposed to the market. Mr. Milner stated that Council could adjust the listing prices as they wished. Ms. Meade noted that closed sessions were reserved for discussing the acquisition of property, and that listing prices would need to be discussed in open session. Mr. Furgiuele asked whether the contracts allowed for the Town to reject an offer, even if the offer met the asking price. Ms. Meade believed that they did, but that the Town would still be liable to Mr. Milner for his compensation. Mr. Furgiuele felt that it would be prudent to make sure to reiterate that an offer was subject to consideration after Council had an opportunity to hear other offers. Mr. Milner suggested that since there was currently a great deal of competition in the real estate market, that the Town could use a "call for offers" format where the property was unpriced and the Town solicited offers. Ms. Meade stated that she would not favor this approach and that offers needed to start somewhere close to the value of the properties. She noted that Mr. Furgiuele was suggesting that the Town should not be bound to have to agree to a potential offer. Mr. Milner stated that he would be prepared to fill in the listing price at $5.2 million for the Police Department property and $1.08 million for the Public Works property. Ms. Meade suggested that a term be added explicitly stating that the Town was not required to accept an offer, and that Mr. Milner would only earn a commission if the properties were sold, regardless of the circumstances, and that his leads would still be protected. Mr. Milner asked that Ms. Meade provide the language to him so that the documents could be revised and executed next week. Mr. Ashcraft asked whether an upset bid process would be appropriate in this situation. Ms. Meade stated that she did not know why it would be required and was not sure of any benefit of that process to the Town. Mr. Furgiuele stated that he had seen the upset bid process utilized in other counties that produced premium prices, but felt that it could include an amount of risk depending on how it was structured. Mr. Milner agreed that he would not favor the process, and noted that the situation involving the old Watauga High School property was a prime example of the stagnant activity brought on by the process. Mr. Furgiuele felt that the asking price should be listed at appraised value with the contingency that the Town not be bound to accept offers. Ms. Meade reiterated that a provision needed to be inserted into the agreement that Mr. Milner would not earn a commission until the properties were sold. The sale of the neighboring property on which Publix is located was briefly discussed, with Mr. Milner stating that he did not believe there was any value to the building located at 1500 Blowing Rock Road and that he viewed the property as land only, though the site had fundamental characteristics that made it a superior property. He added that the property was located in an "opportunity zone" and stated that he had already had someone reach out to him with interest. Mr. Milner noted that Don McNeil with Appalachian Professional Land Surveyors had given a quote for the survey of the Public Works property of $2,000 and $2,480 for the Police Department property, including the newly discovered tract. A turn-around time for the surveys was estimated at approximately three weeks from the date of engagement. Mr. Milner stated that if the Town was not in a position to bear the expense to have the properties surveyed, that he would bear it, but stipulated that the work product would belong to him. Ms. Meade agreed that surveys should be performed and felt that the Town should control the process and work products. Mr. Ward stated that funds were available to cover the cost of the surveys. Mr. Furgiuele agreed that the Town should arrange and own the surveys, but felt that other quotes should be gathered. Ms. Meade believed that surveys should be completed before listing prices were set, and asked Mr. Milner whether there was a problem with putting the approval of the agreements off until after the surveys were complete. Mr. Milner asked that the conversation with a surveyor happen as soon as possible in order to get the product back in a timely manner and in order to get the finalized agreements on the September Town Council agenda. Mr. Ward expressed that his biggest issue was that the delay could potentially eat into the opportunity zone window, and that there were deadlines that were rapidly approaching. Mr. Milner added that he would not engage any of his vendors, such as photographers, until the agreements were signed. He stated that if Council was confident that the agreements would be approved next month, that he may choose to move forward with site photography for brochures. Ms. Meade was confident that the Town would move forward, raised the issue of whether brochures could be produced before surveys were completed and the final asking price established. Mr. Ward asked Council whether they were

willing to approve a set listing price and move forward with the agreements, and to alter them if the surveys presented the need. Mr. Milner stated that his answer depended on how big the potential change was. He believed the most likely result from the surveys were that they may introduce problems that the Town was not aware of such as property line issues, and felt that these would potentially prompt a price lowering instead of an increase. Mr. Milner was comfortable moving forward with the appraised prices and proceeding quickly with the surveys. He also expressed concern with potential ordinance changes within the time period a property was listed and the time a purchase was completed. Mr. Furgiuele agreed but felt that this situation was no different than any other property sale throughout town. Mr. Ward was concerned with moving too quickly and with finding a place to house Public Works and Police Department operations if the properties sold quicker than anticipated. He added that if Council was open to the option, a rent-back option could be added into the sales price of the properties. Mr. Furgiuele suggested that the potential rent-back could be listed as a contribution to the Town for the purchaser's tax benefit, and believed that Council should move forward. Mr. Ashcraft made a motion to move forward with the Mayor executing the two listing agreements and disclosure forms with a listing price equal to the appraised values and to authorize the Town Manager to engage surveyors at a cost not to exceed $4,500 for surveys of both properties. Ms. Meade stated that she would be adding terms to the agreements that the list price may change as a result of the surveying process and that the Town was not bound to accept any particular offer, even though it may meet the requirements set forth in the listing agreements. Mr. Furgiuele seconded the motion and accepted Ms. Meade's additions, as did Mr. Ashcraft.
Mayor Brantz declared a break at 8:18 p.m. Council reconvened at 8:28 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Marshall Ashcraft, Council Member
SECONDER:	Sam Furgiuele, Council Member
AYES:	Clawson, Furgiuele, Ulmer, Ashcraft
ABSENT:	Mason

CONTINUED DISCUSSION REGARDING AIRBNB SHORT-TERM RENTALS

Upon a motion by Ms. Ulmer, seconded by Mayor Pro-Tem Clawson, Council voted to amend the agenda to move the discussion regarding AirBnB type short term rentals to Council Matters Item #2.

VOTE: Aye: Ulmer, Clawson, Furgiuele, Ashcraft
Nay: None
Absent: Mason

Discussion continued regarding AirBnB-type short term rentals with Mr. Ward announcing that the Town's lobbyists did not expect the passage of Senate Bill 483 which would potentially prohibit municipalities' ordinances against AirBnB type short term rentals. Mayor Brantz felt that since committees were still considering the bill, it may be wise to wait until state legislature completed its task and adjourned. Mr. Furgiuele was not in favor of that approach, and stated that reports showed enormous growth of short-term rentals. He felt that Council could not prevent the General Assembly from moving forward on this bill, and that even if Council was able to come to a consensus on the topic, it would still require additional steps and felt that Council should move forward. Mr. Ward stated that if Council wished to move forward, there were contract companies that were willing to perform a free assessment of AirBnB type short term rentals in the area, as well as a review of regulations and ordinances. Mr. Ward asked how Council wished to proceed with staffing the program or if they wished to contract the service to an outside party. He believed that a registration program would cover the cost of itself. Mr. Furgiuele suggested that the implementation of an enforcement program be phased in within the next fiscal year. Mr. Furgiuele felt that Boone had a unique situation with its neighborhood conservation districts, and believed that if legally defensable, Council should consider allowing a neighborhood to make its own regulations on AirBnb's in the form of a petition by property owners. He added that he did not believe the feedback received via email took as positive a view toward allowing such rentals as was conveyed at the public hearing. Mr. Ward wondered whether a change would have to be explored in the short-term rental definition to allow commercial enterprises to operate in residential districts. Mr. Ashcraft stated that he was not in favor of permitting an AirBnB in instances when no owner lived on the premises, but would be in favor of an

accessory use in which the owner or a permanent resident was on premises and could rent a room or a portion of the house, long or short term, subject to occupancy and parking limits. Mr. Furgiuele inquired as to the definition of a permanent resident, with Mr. Ashcraft suggesting that Ms. Meade craft a definition for the term as it related to this situation. Mr. Ashcraft further added that safeguards should be included in this process, such as an owner's cell phone number being given to neighbors and that Council members' numbers be available as well to take complaints if needed. He also agreed with Mr. Furgiuele's prior statement that email feedback has not been as positive as the comments given at the public hearing on the matter. Mayor Brantz stated that many cities limited the number of people who could stay in an AirBnB to two, and felt that Council should consider the same type of limits. Mr. Furgiuele believed that the occupancy limits in the zoning district of the AirBnB should apply to short term rentals as well. Mr. Ward read the following statement from Ms. Mason:

"I need to know any updates from the General Assembly and School of Government, but feel strongly that we do all we can to protect our single family neighborhoods R-1. I could support Short-term Rental in single family neighborhoods if there is an owner or resident residing onsite, occupancy is limited to no more than 2 unrelated, parking conforms to R-1 standards; occupancy taxes are paid and we do what we can to insure health and safety such as annual fire inspections.

I have concerns about allowing the equivalent of vacation rentals with the short term rental of an entire house without an owner or resident residing onsite in our R-1 neighborhoods. This type of rental could result in a number of issues including traffic, noise, occupancy in excess of 2 unrelated, etc. In addition, this could result in issues of affordability and availability of housing units we need for those that want to live and work in our community.

I have no issues with short term rentals in zones that allow vacation rentals and/or Bed and Breakfast homes as a permitted use."

Mr. Furgiuele reiterated that he believed neighborhood conservation districts should be treated differently in these situations in that short-term rentals could potentially change the character of the neighborhood. Mr. Ashcraft agreed that additional precautions should be outlined for neighborhood conservation districts. Mr. Furgiuele stated that he believed there to be several regulations in the code and UDO that could not be enforced due to staffing levels which is why they were handled on a complaint driven basis. He added that until the County agreed to return sales tax revenue to the Town, the Town would not have funding to pay for additional staff to police these regulations. Ms. Meade noted that Mr. Ashcraft was attempting to draw a distinction between properties which housed a permanent resident on-site while renting portions of the property and those that did not. She added that this approach had not yet been tested in the courts, but believed it would be well justified. Mayor Brantz asked whether a potential ordinance would regulate other rental agencies such as VRBO, with Ms. Meade confirming that the ordinance would apply to any short-term rental, would require payment of occupancy taxes and would be enforced with the same mechanism as AirBnbBs. Mr. Furgiuele read the following outline which he first presented at the July regular Town Council meeting.

"Suggestions for ordinance addressing AIrBnB-type short term rentals.

To be legal:

1. Must register and maintain with the town the name and "permanent" and immediate contact information of a local (who can travel to the property within a designate period of time") manager of the property with P & I and police, renewed annually with updated contact information;

2. Must be an accessory use of a property and not the principal use except in zoning districts where the use is already allowed, recognizing that people whose property is being used as a principal use for such short-term rentals can file a general rezoning request or petition for conditional district rezoning to an appropriate district.

3. For platforms which don't pay occupancy taxes, the owner must directly pay occupancy taxes when due, and proof of payment for the prior year must be furnished at registration, and if taxes have not been paid or proof of payment not furnished, a referral to the North Carolina Department of Revenue should be automatically made.

4. Must be a limit to the number of units per property made available for short-term rental, depending on the zoning district involved, recognizing that people whose property is being used for a number of rentals which exceeds that number can file a general rezoning request or petition for conditional district rezoning to an appropriate district in which more such units could be authorized.

5. Owner or resident manager must provide a copy of the town's noise and community improvement codes to each renter, which the town should provide in booklet form, using common English to describe the responsibilities under those codes;
6. Should be addressed separately in noise and nuisance ordinances, with liability for owners and named local managers for repeat violations over a one-year period;
7. The number of parking places devoted to the use in R-1, R-1A, R-2 and RR must be limited, and the spaces should not be available for other than property residents when the units are not in use (so as not to establish a parking lot);
8. In neighborhoods which have been designated as neighborhood conservation districts can be prohibited upon petition signed by at least 90% of the owner of the district; and
9. Occupancy limits will be the same as for the zoning district which the property is located in."
Mr. Ashcraft felt that number one of Mr. Furgiuele's proposal was more permissive than he would have liked. He suggested in response to number four of the proposal that he favored one short-term rental per property, which he believed would indirectly address other issues such as parking. Mr. Furgiuele stated that he was not referring to just the R-1 district in his proposal, and noted that there may be apartment buildings which this ordinance would apply to. Mr. Ashcraft felt that the short-term rental market was aggravating Boone's housing situation, and believed people would be upset no matter what the outcome of an ordinance was. He added that he was not in support of requiring a petition signed by 90% of the owners and felt that 2/3 or 3/4 would be sufficient. Mr. Furgiuele agreed that this would be fair. Ms. Meade believed that it would be fine to include language in the ordinance that would allow property owners in a neighborhood conservation district to bring a petition forward with a certain amount of signers that would potentially result in the closing out of an AirBnB, but did not believe Council could delegate ordinance-making to any group of neighbors. She added that under law, zoning regulations required the Town to go through the UDO amendment process including a public hearing. Mayor Brantz asked whether there was any provision built into other town ordinances for inspecting the short-term rental properties, with Ms. Meade responding that some included a provision and some did not. Mr. Furgiuele believed that the Town would be taking responsibility for the standards that were required of short-term rentals, with Ms. Meade agreeing that if the Town took on the responsibility of inspecting short-term rental properties, that would potentially result in claims against the Town. Mr. Ashcraft felt that a permitting process only deemed that a short-term rental property was operating legally, not necessarily that it was safe or wholesome. Mr. Furgiuele believed that Council could mandate certain information be given out to short-term rental property owners and could also mandate that language be added to include that the Town would not take responsibility for the safety of those on the premises. Mayor Brantz asked if staff had any concerns with such an ordinance. Ms. Turner replied that she saw no concerns, but added that the ordinance would have to be amended to include a use violation section for short-term rentals. Mr. Ward expressed that his biggest concern was with the current workload of the planning department and how the program would be initiated. He stated that staff would have to be hired or an outside contractor would have to be utilized. Ms. Ulmer asked staff about the progress of their research on other similar ordinances, and asked them to look into Wilmington and Portland, Oregon's ordinances. Mr. Furgiuele stated that he would like to see Council move forward with a draft ordinance which would allow them to hold a more focused conversation. Mr. Ashcraft stated that although he was usually not for using outside contractors, he felt that one should be utilized in this situation, at least at the beginning, due to the large workload up front. In reply to Ms. Ulmer's comment, Ms. Turner confirmed that staff had performed an analysis of ordinances in Wilmington and Asheville, and confirmed that they would also research Portland. Mr. Furgiuele reiterated his feeling that it was imperative that Council move forward with an ordinance regarding short-term rentals. Mr. Ward asked planning staff to also research Blowing Rock, since they already had an ordinance in place regarding short-term rentals. Mr. Furgiuele made a motion to move forward with drafting an ordinance that incorporated all points outlined as modified by Mr. Ashcraft, and as informed by the review of other ordinances and continued study of the topic. Ms. Meade did not agree that planning staff should spend more time on this subject, and stated that she would review other codes while drafting the ordinance. Mayor Pro-Tem Clawson seconded the motion.

RESULT:	**APPROVED [3 TO 1]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Clawson, Furgiuele, Ashcraft
NAYS:	Ulmer
ABSENT:	Mason

DISCUSSION OF POLICY REGARDING PROVISION OF SERVICES TO AND TAXATION OF SPLIT JURISDICTION PARCELS

Ms. Meade presented a request for discussion regarding the Town's policy on the provision of services to and taxation of split-jurisdiction parcels, and suggested that she work with GIS staff to develop a survey of these properties. She believed that a spreadsheet should be developed to identify which of these properties were paying Town taxes and receiving Town services, and that based on that information, staff could come back to Council with a recommendation on how to proceed. Mr. Ward added that while he was unsure of the exact number of parcels this would apply to, that they were scattered around the entire perimeter of Town. Mr. Furgiuele believed that the approach taken by UNC School of Government professor David Lawrence in the memo included in the packet was generally reasonable. He believed that any non-residential property should be required to annex into the Town in order to receive Town services. Mr. Ward noted that split jurisdiction parcels also caused problems when deciding the Police Department's jurisdiction. After brief discussion, it was the consensus of Council to direct the Town attorney to work with staff on developing a spreadsheet of split jurisdiction parcels in the Town which detailed what services they were receiving and what taxes they were paying in.

RESULT:	**CONSENSUS**

DISCUSSION AND POTENTIAL DIRECTION REGARDING AN ORDINANCE TO ADDRESS AMORTIZATION

Mr. Furgiuele asked for further discussion regarding an ordinance to address the amortization of non-conforming properties. He proposed that the ordinance should focus primarily on illegally created non-conformities by an inspection or registration program. Mr. Ward read the following statement from Council member Mason, who was not present at the meeting:

"*I want to do all we can to protect our single family residential neighborhoods; however, I believe there are other measures we should try first that target identified problems before we look at an Amortization Ordinance. The neighborhood concerns that have been expressed both in emails and in comments include:*

1. *Occupancy Violations*
2. *Number of parked vehicles*
3. *Trash*
4. *Noise*

I would prefer to look at ways to enforce current codes:, in the

- *UDO including occupancy and parking in single family neighborhoods;*
- *Town Ordinance including noise and community appearance*

We are also looking at adding a nuisance ordinance

Can we look at lease requirements to address occupancy, number of parked vehicles, trash disposal and noise and have penalties for violations (either to owner/landlord or tenant). Similar to what we have in the noise ordinance?

We need to target problem properties and find a more effective way to enforce our ordinances before we look at Amortization, as I believe we will be faced with litigation if we pursue Amortization.

I would be in support of rezoning some of the non-conforming properties so they come into conformity, but this would need to insure compatibility with single family neighborhoods.

For properties that are illegal non-conforming uses (i.e. were not grandfathered in) I would support finding a way to have these properties come into compliance."

In response to this, Mr. Furgiuele stated that there was not a way to make properties come into compliance since the General Assembly changed the law. He believed that there were properties in residential areas throughout Town which were being used for commercial and industrial storage. Mr. Furgiuele stated that he would be willing to limit his proposal to a point, but if the majority of Council did not wish to move forward, to drop the matter and move on. Mr. Ashcraft was of the opinion that illegal uses not related to occupancy were a small handful. He added that he believed occupancy to be the big issue that drove most of the complaints. Mr. Furgiuele asked whether the statute of limitations recently enacted by the General Assembly applied to all circumstances or just rental uses, to which Ms. Meade and Mr. Ward answered that it applied to all zoning violations. Mr. Furgiuele stated that Ms. Meade had expressed confidence that occupancy violations were not the kind of zoning violations which would pertain, and that he had less confidence. Mr. Ashcraft stated that if the ordinance focused on illegally created non-conforming uses, he would be in support of moving forward with something. He added that he felt that a nuisance ordinance should also be pursued and asked whether an amortization program could be used across a full range of non-conforming uses. Ms. Meade replied that the ordinance could be constructed as broadly or narrowly as Council wished as long as there was adequate justification. Mr. Furgiuele was satisfied with the idea of drafting an amortization ordinance that applied only to low density neighborhoods, with illegally created non-conforming uses to be discontinued within three years. Mr. Ashcraft asked whether Ms. Meade felt that this approach was doable and defensible. She believed that it was, and that the only argument she had heard against such an ordinance was from attorney Frank Wilson claiming that the passing of an amortization ordinance could be viewed as a run-around of the statute of limitations. Mayor Brantz asked how many illegal non-conforming uses were in the Town, with Mr. Ward indicating that he was unsure since there was no way to track them. Ms. Meade noted that Winston had a voluntary registration program which provided that those who did not immediately register where subject to amortization. Mayor Pro-Tem Clawson stated that the amortization rule bothered her and that she worried about the neighborhoods. Discussion turned to occupancy limits, Ms. Meade noting that there was a definition in the UDO that said that a family should be treated as an occupant, which could mean that two families could occupy the property. Mr. Furgiuele felt that everyone who spoke out against the proposed amortization ordinance owned properties which were legally created. He made a motion to move forward with a three-year amortization ordinance to discontinue illegally created non-conforming uses in low-density neighborhoods (not including situations, such as setbacks, etc.) including R-1, R-1A, RR and R-2. Ms. Meade suggested that registration be a part of the process. Mr. Furgiuele was willing to entertain that, but believed that the drafter of the ordinance should keep in mind that a procedure needed to be identified in order to differentiate between legal and illegally created uses. Mayor Pro-Tem Clawson stated that she was not comfortable with all that would happen if the ordinance was approved to people in the neighborhoods in that people who may have a non-conforming use did not believe they were violating the zoning ordinance. Mr. Furgiuele felt that everyone should have the same treatment and acknowledged that he did not have a second for his motion. He was concerned what would happen now with property on Buena Vista Drive that was currently being used for industrial storage. Mr. Ashcraft stated that he did not plan to second the motion and asked if the focus could be limited to address non-residential non-conforming uses in residential areas. Mr. Furgiuele did not believe that would solve the problem and was unsure that it would be worth it to move forward in this manner. He stated that he believed Council was making a mistake and were letting the people who elected them into office down.

CONSIDERATION OF POLICY REGARDING GIFTS TO COUNCIL AND TOWN COMMITTEE MEMBERS

Ms. Meade asked Council to consider amending the Town Code or adopting a policy in regards to gifts to Council and committee members. Mayor Brantz and Mr. Furgiuele agreed that a policy should be adopted.

Upon a motion by Mr. Furgiuele, seconded by Mr. Ashcraft, Council voted to direct the Town Attorney to bring back draft text to amend the Town Code to prohibit Town Council Members and board/committee members from accepting gifts of any type.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Marshall Ashcraft, Council Member
AYES:	Clawson, Furgiuele, Ulmer, Ashcraft
ABSENT:	Mason

DRAFT OF AMENDMENT TO TOWN'S CODE OF ETHICS (CHAPTER 30), PER COUNCIL'S DIRECTION

In response to a previous request by Council, Ms. Meade presented draft text which would amend the Town's code of ethics. The changes requested by Council at its April 16 meeting would prohibit a Council member or committee member from demanding information from other Council or committee members to which they were not legally entitled by threatening to take formal legal action or by threatening to make a public records request against the other if the recipient refused to provide the information. Mr. Furgiuele disagreed with Ms. Meade's analysis that the policy could not limit members' freedom of speech and felt that members did that already by agreeing to not disclose what was discussed during a closed session. He did agree with her view that a member could not be required to sign a statement that they would comply with the provisions before being sworn into duty. Mr. Furgiuele suggested the text be amended to say that members should be provided a copy of the code of ethics and that they should be required to sign a statement to confirm that they had received it. Mr. Furgiuele further suggested that language should be added to Section 6(e) to add in text to include threatening to file a public records request if the recipient refused to provide the requested information. He stated that Ms. Meade disagreed with him about the definition of whether a public records request was a legal action, and added that public records requests could feed into a civil litigation. Ms. Meade believed that would be a separate process, even though it was under the same statute. Mr. Furgiuele made a motion to adopt the text as drafted including the removal of text in Section 2 requiring a member to comply with the code of ethics. Mayor Pro-Tem Clawson seconded the motion. Mr. Ashcraft expressed that the way the message was written and conveyed was unfortunate, and believed this action to be unnecessary and intended to vote against it. Mr. Furgiuele and Mayor Pro-Tem Clawson voted in favor of the motion. Ms. Ulmer and Mr. Ashcraft voted against the motion. Mayor Brantz was asked to break the tie and voted in favor of the motion.

VOTE: Aye: Furgiuele, Clawson, Brantz
Nay: Ulmer, Ashcraft
Absent: Mason

REQUEST FOR PROPOSAL FOR THE CHANGE-OUT OF NON-LED LIGHTS

Mr. Furgiuele presented a request for Council's consideration to direct staff to develop a proposal for changing all Town-owned street lights to LED within a period of five years. Deputy Public Works Director Todd Moody estimated that the cost for this project, which he felt could be completed in around three years, would be approximately $295,000. Mr. Ward stated that there was approximately $400,000 in the reserve fund, and reminded Council about the property acquisition on the table that would potentially cut that amount in half. Mr. Ward was confident that he could come up with funds to begin the process, but was cautious about pulling more from the reserve fund. Mr. Furgiuele suggested that part of the toilet rebate funds be used, since people had not been claiming the refund lately. He further suggested that the money from the toilet rebate fund be paid back out of Public Work's line incrementally as costs were recovered from a reduction in energy usage. He offered a second suggestion to use the remainder of the money previously allocated to sustainable efforts. Mr. Furgiuele indicated that he had discussed this proposal with Harvard Ayers, who petitioned the previous Council for the funds, and that Mr. Ayers stated that he was agreeable with the use of the remaining funds for this project. Mr. Ward stated that he was reluctant to have the Town essentially repaying a loan back to itself as it would be an accounting nightmare. He noted there was approximately $40,000 left of the sustainability allocation. Mr.

Ashcraft suggested using a firm who would do an assessment first and the work after and allow the Town to pay the cost back over time. Mr. Ward was agreeable to this idea, and stated that there was also a meter replacement program that could be looked into as well. It was the consensus of Council to direct staff to come back in September with a proposal for changing all Town-owned street lights to LED within approximately 3 years.

RESULT:	**CONSENSUS**

REQUEST FOR PROPOSAL FOR INTERNAL SYSTEM TO IDENTIFY HYBRID VEHICLES AND EQUIPMENT

Mr. Furgiuele presented a request for Council's consideration to direct staff to develop an internal system which would maintain awareness of the options for replacing gasoline-powered vehicles and equipment with hybrid or electric vehicles and equipment. It was the consensus of Council to direct staff to bring back a proposal in September for Council's consideration.

RESULT:	**CONSENSUS**

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to enter into closed session at 10:32 p.m. pursuant to:

1. N.C.Gen.Stat.§143.318.11 (a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease (PIN 2910-16-9677-000 and PIN 2911-33-9240-000).

VOTE: Aye: All
Nay: None
Absent: Mason

ADJOURNMENT

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to exit closed session at 11:08 p.m.

VOTE: Aye: All
Nay: None
Absent: Mason

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to adjourn the meeting at 11:13 p.m.

VOTE: Aye: All
Nay: None
Absent: Mason

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor