MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
August 17, 2017

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 5:35 p.m. Thursday, August 17, 2017 in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council members present were Mayor Pro-Tem Lynne Mason, Loretta Clawson, Charlotte Mizelle and Jeannine Underdown Collins. Staff present were Town Manager John Ward, Town Clerk Nicole Worley, Planning Director Jane Shook, Downtown Boone Development Coordinator Brittney Clark, Program Coordinator Shannon Isaacs, Deputy Public Works Director Josh Eller, Fire Chief Jimmy Isaacs, Police Chief Dana Crawford and Town Attorney Allison Meade.

ANNOUNCEMENTS

Mayor Brantz announced that Chris Grasinger planned to attend the meeting to be presented with a Volunteer Appreciation Resolution but had to cancel at the last minute.

Council Member Collins read the statement below outlining her intentions to coordinate a new skateboarding committee called the "Cruizin' Committee".

"In light of several formal presentations and many informal conversations regarding skate boarding and other roller forms of transportation and recreation, I will be coordinating the 'Cruizin' Committee' to bring the town, county, university and private sector to the table to further investigate and discuss possible solutions for alternative transportation and a recreational skate park. It is the plan to have a series of meetings paired with a hearing to include all stake holders. Most importantly, it is my goal to bring all the parties together and work in finding solutions that will help make our community more inclusive and better for all. A special thank you to John Paul Pardy and Patrick Ferris for the committee name. Stay tuned."

TENTATIVE AGENDA ADOPTION (FOR ACTION)

MOTION TO ADOPT AGENDA

Upon a motion by Council Member Clawson, seconded by Council Member Mizelle, Council moved to adopt the tentative agenda as presented.

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

PUBLIC HEARING ON CDBG FUNDING

The Town Council for the Town of Boone held a public hearing on August 17, 2017, for providing explanation and description of the 2017-18 North Carolina Department of Environmental Quality (DEQ) Community Development Block Grant Program - Infrastructure Grant (CDBG-I). Kelly Coffey, Senior Planner of High Country Council of Governments was present to discuss the purpose of the public hearing for the Town of Boone's CDBG - I funding application. Mr. Coffey stated that the purpose of the public hearing was to obtain citizens views and to respond to funding proposals and answer any questions posed by citizens. Mr. Coffey also stated that the public hearing must cover the Town's community development needs, development of the proposed activities and a review of program compliance before the submission of the Town's CDBG - I funding application to the state of North Carolina.

The Town proposes requesting funding from NCDEQ'S CDBG-I program for the Deck Hill Water Tank Replacement Project. The purposes of the CDBG-I grant program are:

- To improve the quality of life for low to moderate income people by providing a safe, clean environment and clean drinking water through water and sewer infrastructure improvements and extensions of service.
- To benefit a residential area where at least 51% of the beneficiaries are low to moderate income as defined by the United States Department of Housing and Urban Development.
- To perform eligible activities.

- To minimize displacement, and
- Provide displacement assistance as necessary.

For the fiscal year of the CDBG-I funding available is expected to be $21,750,000. The maximum available grant is $2.0 million over a 3 year period. Applications for funding are received September 29, 2017.

The CDBG program is able to fund a wide variety of community development activities. The State of North Carolina has chosen to fund two activities: water and sewer infrastructure, and economic development projects that lead to job creation or retention. The infrastructure program, or CDBG-I program can fund a range of water and sewer infrastructure and economic development activities, including, but not limited to, the following:

Water:

- Projects that resolve water loss in distribution systems.
- Projects that extend public water to areas with contaminated wells.
- Projects that extend water lines to areas with dry wells.
- Projects that assist with low water pressure in public water systems.
- Projects that regionalize two or more water systems.
- Project that rehabilitate or replace a water treatment plant.

Wastewater:

- Projects that resolve inflow and infiltration to collection systems and surcharges from pumps stations and manholes.
- Projects that extend public sewer to areas with failed septic tanks.
- Projects that rehabilitate a wastewater treatment plant to allow for greater efficiency/compliance with regulations.

The Town is seeking an amount in CDBG-I funds not to exceed $2.0 million for the Deck Hill Water Tank Replacement Project. The purpose of the Town's request is to replace, due to its age and deteriorating condition, the existing 500,000 gallon Deck Hill water tank with a new, one million gallon, pre-stressed concrete tank in order to ensure a reliable water supply for the town.

The project proposed by the Town of Boone was identified in the Town's 2016 Capital Improvement Plan.

A total of 100% of the CDBG- I funding will be used to benefit Low to Moderate Income (LMI) people. The project area in the Town of Boone has been determined to have a Town-wide LMI percentage of 69.33%. The project area includes the entire town.

The range of activities covered by the CDBG-I funds for the Deck Hill Water Tank Replacement Project includes:

- Construction
- Environmental Review
- Engineering Design
- Construction Administration and Observation
- Legal Activities
- Surveying
- Grant Administration

If the Town of Boone is awarded a CDBG-I grant, the Town is required to adhere to federal procurement requirements and other federal regulations which include:

- Americans with Disabilities Act/Section 504 Survey
- Davis-Bacon & Related Labor Acts
- Adoption/Submittal of a Citizen's Participation Plan
- Adoption/Submittal of an Equal Opportunity Plan
- Adoption/Submittal of a Fair Housing Plan
- Adoption/Submittal of a Language Access Plan
- Adoption/Submittal of a Relocation Assistance Plan
- Adoption/Submittal of a Section 3 Plan
- Excess Force Provision

The State of North Carolina requires that if the Town of Boone receives CDBG grant funding that the Town will certify that they will comply with the requirements of the general displacement and relocation policy for CDBG grant funding. This policy assists low to moderate income people with costs associated with relocation or displacement, should such relocation become necessary due to the project activities. CDBG funds can be used for those costs, if necessary. The Town does not anticipate any displacement and/or relocation as a result of the proposed CDBG grant activity.

In the past, the Town has applied for and received funding for the following completed CDBG projects:

1988 Junaluska Water & Sewer Improvements
1994 Upper Junaluska Water & Sewer Improvements
1995 Sewer Pump Station on Hwy 421 and Force Main to Landfill Rd
1997 Water & Sewer Extension to Archie Carroll Rd

The Town will submit its CDBG-I application for the Deck Hill Water Tank Replacement Project on September 29, 2017. The CDBG-I application will be available for review during normal business hours at Boone Town Hall, 567 West King Street. Additional information is available from the Town Manager at 828-262-6200. Any complaints or grievances should be addressed to the addressee mentioned above within 10 business days or by August 31, 2017, and a written response to the written complaints and/or grievances will be sent by the Town within 10 business days, where practicable.

PUBLIC COMMENT

Sarah Scott of 471 W. King Street spoke to promote the 501(c)3 Reckless Arts community art space. Ms. Scott noted that different events are held at the space every night of the week and stated that their biggest fundraiser of the year, the Downtown Boone Art Fair is coming up on Labor Day weekend.

Mike Curcio of Park Street spoke to inform Council that in his 17 years of living downtown he is progressively seeing more garbage and stated that it is his belief that renters are the culprit. Mr. Curcio stated that he believes that the ordinance needs to be revisited. Mayor Brantz noted that Town committees and staff should address this concern.

Stephen Sinanian of 489 W. King Street echoed the thoughts of Mr. Curcio regarding garbage in the area. He also spoke to inform Council that public urination and litter has become a problem during ASU home football games and asked that the Town look into offering garbage cans and port-a-johns every 10 or 15 parking spaces in the Peacock parking lot.

REQUESTED APPEARANCES

Quint David, Chair of the AppalCart Board and Craig Hughes of the Boone Transportation Committee presented the 2017 AppalCart update. Mr. Hughes noted that AppalCart had an estimated 1.7 million riders in the last year. He stated that ridership has tripled since 2005 when the bus system went fare-free. It was noted that updates to the website have been made and the new AppalCart map is now available.

CONSENT AGENDA ADOPTION

Upon a motion by Council Member Mason, seconded by Council Member Collins Council moved to adopt the Consent Agenda as presented.

TOWN COUNCIL - REGULAR MEETING - JUL 20, 2017 5:30 PM

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

CHRIS GRASINGER RESOLUTION

RESOLUTION OF VOLUNTEER APPRECIATION AND RECOGNITION

WHEREAS, Chris Grasinger has served this community well in numerous capacities during his time volunteering on the Cultural Resources Advisory Board; and,

WHEREAS, his service to the Town of Boone shows exemplary dedication to the best interest and betterment of the community; and,

WHEREAS, through the performance of his duties and responsibilities as a member of the Cultural Resources Advisory Board, he has made excellent and constructive contributions to our Town; and,

WHEREAS, he has earned the admiration and high regard of those with whom he has come into contact and the affection of his fellow public servants.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Boone, North Carolina does hereby express our sincere appreciation and thanks, as well as that of our citizens to Chris Grasinger with sincere best wishes for continued success and many happy years ahead.

Adopted by unanimous vote of the Town Council on the 17th day of August, 2017.

_____
Mayor Rennie Brantz

ATTEST:

_____
Town Clerk Nicole Worley

RESOLUTION TO BE TYPED IN RESOLUTION BOOK 3 PAGE 330

CDBG FUNDING - DECK HILL WATER TANK REPLACEMENT

RESOLUTION TO SUPPORT REQUESTING STATE GRANT ASSISTANCE - DECK HILL WATER TANK REPLACEMENT

WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363; and,

WHEREAS, The Town of Boone has need for and intends to construct a water storage tank; and,

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

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF BOONE: That the Town of Boone, the **Applicant**, will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.
That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof. That Boone's Mayor, Rennie Brantz, 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 construction 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 17th day of August, 2017.

_____
Rennie Brantz, Mayor

ATTEST:

_____
Nicole Worley, Town Clerk

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Boone does hereby certify: That the attached 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 Boone Town Council duly held on the 17th day of August, 2017; 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 _____, 20____.

_____
Nicole Worley, Town Clerk

_____
Printed Name

RESOLUTION TO BE TYPED IN RESOLUTION BOOK 3 PAGES 331-332

SEEC 2017 GOALS

Boone 2017 Sustainability, Economics, and the Environment Committee Recommendations
2017 Task Force Members:
Chair: Benjamin Scarboro
Community Members: Harvard Ayers , Grace Cochran, Quint David, Christian Gentry, Bailey

Winecoff Town Council Representatives: Charlotte Mizelle, Jennifer Teague

Council Charge to Committee:

1. Establish both short and long-term goals and recommendations that the Town of Boone may implement to improve the sustainability and resilience of our community. Maintain and update these goals, as approved by council, in a publicly accessible place on the town website.
2. Conduct public focus groups and surveys on various areas of sustainability-related issues, research and debate methods of community improvement, and present the town council with those recommendations and findings as they are finalized.
3. Establish a yearly public sustainability forum, to be held each Fall quarter at a minimum, that representatives and citizens may participate in for the purpose of reporting effectiveness of current measures and receiving broad public input for new measures.

Recommended actions for Town Council consideration:

1) It is the recommendation of the 2017 Boone SEE Committee that town council move to have town staff prepare a basic report investigating the costs and feasibility of integrating the following measures into the town of Boone (see below) for action consideration at the council budget retreat.

2) It is also recommended that town staff be free to include additional sustainability items they feel may be easily and cost-effectively achieved. (example: fast permitting for rainwater systems, expanding toilet rebate program, purchasing efficient vehicles etc.)

APPROVAL OF ATT&T PROPOSAL

DFI SERVICE AGREEMENT

SERVICE AGREEMENT

This service agreement ("Agreement") is between the Town of Boone, North Carolina ("Client" or "Town"), and The University of North Carolina at Chapel Hill for its School of Government's Development Finance Initiative ("SOG") (each a "Party" and collectively "Parties").

WHEREAS, as part of its mission, the UNC School of Government provides services to local governments. The Development Finance Initiative ("DFI"), as a program of the UNC School of Government, enables local governments and their partners to accomplish their community and economic development goals by providing specialized finance and development expertise in connection with the educational mission of SOG;

WHEREAS, SOG is able to provide technical services relating to downtown redevelopment ("Project") in the area described in Schedule C ("Project Area"); and

WHEREAS, Client desires for SOG to perform such services, and doing so is consistent with the University of North Carolina at Chapel Hill's research, teaching and public service missions.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants set forth below, and for other good and valuable consideration the receipt of which is hereby acknowledged, Client and SOG agree as follows:

1. Scope of Services. SOG will perform the services described in the statement of work, which is attached as Schedule A (the "Services"). SOG will provide Client with Deliverables as described in Schedule A (the "Deliverables").
2. Term. The term of this Agreement will commence on the date upon which the Agreement is fully executed by both Parties (the "Effective Date") and the Services outlined in this Agreement will start on the Effective Date or soon thereafter. This Agreement shall terminate on June 30, 2027.
3. Termination. In the event either Party breaches any material terms of this Agreement, then upon sixty (60) days' written notice of such breach, the non-breaching Party may terminate if the breaching Party fails to cure such breach within the notice period. In the event of such termination by Client, SOG shall deliver to Client any unfinished or draft Deliverables prepared under this Agreement. In the event of such termination, Client agrees to pay SOG all reasonable costs and noncancellable obligations incurred by SOG up to the date of termination, not to exceed the maximum amount specified in Section 4.
4. Payment. SOG's fee for the Services shall be paid in two parts. The first portion of the fee is $98,000 (the "Town Payment"). The Town Payment shall be due and payable upon receipt of the SOG invoices in accordance with Schedule B.

The second portion of the fee (the "Development Services Fee") shall be contingent upon the execution of one or more agreements (each a "Development Services Agreement") between Client and one or more third parties (the "Developer" or "Developers") during the term of this Agreement regarding the responsibilities of either the Client or the Developer(s) regarding any aspect of the development of the Project or any portion thereof. The Development Services Fee shall be equal to 1.5% of the following amount: the total projected costs of development of the Project contemplated under each such Development Services Agreement. The total projected costs of the Project shall be determined based on the costs projected by the Developer in the most recent versions(s) of pro forma and/or other financial projections (the "Developer Financials") prepared by the Developer and delivered to Client (or lenders or investors) prior to or contemporaneously with execution of the Development Services Agreement, and in the event of any inconsistencies in the projected total costs among different versions of the Developer Financials, the version of the Developer Financials showing the greatest total costs of development of the Project shall be used to calculate the Development Services Fee. Each Developer shall pay directly to SOG the Development Services Fee attributable to that Developer's Development Services Agreement(s).

In consideration of the Services provided to Client by SOG pursuant to this Agreement and the "at risk" nature of the Development Services Fee, the Client agrees to make execution of any Development Services Agreement executed with a Developer during the term of this Agreement and the payment of the Development Services Fee by that Developer to SOG a condition of any Development Services Agreement or conveyance or lease of the Property or any portion(s) thereof to such Developer, and each such Development Services Agreement shall provide that SOG is an intended third party beneficiary of the Development Services Agreement. Client agrees to insert into any request for proposals or other solicitations regarding development of the Project the following clause (or a substantially similar clause as mutually agreed upon by Client and SOG):

> "The conveyance or lease of any portion of the property described herein (the "Property") to the selected development entity and its successors and assigns (the "Developer") shall be conditioned upon the execution of an agreement (the "Development Services Agreement") between the Town and the Developer pertaining to the responsibilities of either the Town or the Developer, or both, regarding any aspect of the development of the Property or any portion thereof (the "Project"). As part of the Development Services Agreement, the Developer shall agree to pay a fee to the Town's consultant ("SOG") and its successors and assigns for pre-development services provided to the Town, and the Development Services Agreement shall provide that SOG is an intended third party beneficiary of the Development Services Agreement. The fee shall be an amount equal to 1.5% of the total projected costs of development of the Project as calculated by the Developer in the most recent versions(s) of pro forma and other financial projections (the "Developer Financials") prepared by the Developer and delivered to Town or other parties prior to or contemporaneously with the execution of the Development Services Agreement, and in the event of any inconsistencies in the projected total costs among different versions of the Developer Financials, the version of the Developer Financials showing the greatest total costs of development of the Project shall be used to calculate the Development Services Fee. The Development Services Fee shall be due and payable in full to SOG no later than 30 days following execution of the Development Services Agreement. An alternative payment schedule for payment of the Development Services Fee to SOG may be developed as mutually agreed in writing by Developer and SOG; by way of illustration only, such schedule of payments could be tied to the receipt of any developer fees by Developer. Developer's obligation to pay Development Services Fee shall not be assignable by Developer to any other entity, nor shall any assignment relieve Developer of its obligation to pay Development Services Fee, except upon written consent of SOG."

The budget for SOG's personnel, contractors, and other expenditures in order to complete the Services can be altered at SOG's discretion, according to University's policies. SOG is under no

obligation to provide Client or any Developer with any kind of financial reporting, supporting documentation, or justification of expenditures made in the performance of the Project as a condition of payment.

5. Confidential Information. Any information disclosed by Client to SOG pursuant to this Agreement that Client considers confidential or proprietary ("Confidential Information") shall be disclosed in writing and marked as confidential, or if disclosed orally, shall be confirmed in writing and designated confidential within five (5) days of such disclosure. SOG agrees to use the same degree of care it uses to protect its own confidential information to maintain for a period of three (3) years the Confidential Information. SOG's obligations hereunder do not apply to: (1) information in the public domain, (2) information independently known or obtained by SOG; or (3) information required to be disclosed pursuant to applicable law or judicial order, including the North Carolina Public Records Act.
6. Ownership Rights. The Deliverables and Confidential Information shall belong solely to Client; provided, however, SOG shall be free to use the Deliverables and results from the Services for its own educational, research, and publication purposes, consistent with the obligations set forth in Section 5 above.
7. Entire Agreement. This Agreement constitutes and expresses the entire agreement of the Parties hereto with reference to the subject matter hereof, with all prior promises, undertakings, representations, agreements, understandings and arrangements relative thereto having been herein merged into this Agreement.
8. Warranties. SOG in no way guarantees the Services performed and makes no warranties, express or implied, regarding the quality of the Services or Deliverables, although all reasonable efforts will be made. Each Party waives its rights to recover from the other Party any consequential, indirect, or incidental damages (including but not limited to, loss of use, income, profits, financing, or reputation), arising out of, or relating to, this Agreement.
9. Independent Contractors. The relationship of the Client and SOG established by this Agreement is that of independent contractors, and nothing contained in this Agreement will be construed to (i) give either Party the power to direct and control the day-to-day activities of the other, (ii) constitute the Parties as partners, joint venturers, co-owners, or otherwise as participants in a joint or common undertaking, or (iii) allow a Party to create or assume any obligation on behalf of the other Party for any purpose whatsoever. Personnel of each Party shall not be considered an employee or agent of the other Party nor shall such personnel be entitled to any employee benefits including, without limitation, vacation pay, leave, retirement benefits, social security, workers compensation, disability, or unemployment benefits that may be provided to the other Party's employees. Each Party shall be exclusively responsible for compensating its personnel and subcontractors and paying all taxes, withholding payments and any other fees or payments related to its personnel and subcontractors.
10. Modification; Waivers. No waiver, amendment, or modification of any of the terms of this Agreement shall be valid unless in writing and signed by authorized representatives of both Parties. Failure by either Party to enforce any rights under this Agreement shall not be construed as a waiver of such rights nor shall a waiver by either Party in one or more instances be construed as constituting a continuing waiver or as a waiver in other instances.
11. Force Majeure. SOG shall not be liable for any failure to perform as required by this Agreement, to the extent such failure to perform is caused by any reason beyond SOG's control, or by reason of any of the following: acts of God, acts or threats of terrorism, civil disorders, severely inclement weather, disease, accidents, failure of utilities, failure of any required governmental approval, or similar occurrences.
12. Retention of Intellectual Property. It is expressly agreed that neither SOG nor the Client transfers by operation of this Agreement or shall transfer by operation of this Agreement to the other Party any patent right, trademark right, or copyright right either Party now owns in the performance of this Agreement.
13. Advertising. Client shall not use the existence of this Agreement or the name, logo, images or trademarks of The University of North Carolina at Chapel Hill, or any of its constituent schools or departments, as a part of any marketing or commercial advertising without prior written approval of SOG.
14. Counterparts. This Agreement may be executed in two or more counterparts, each of which will be deemed an original and all of which together will constitute one instrument.
15. Notices. Any notice to be given hereunder shall be in writing and shall be given by delivery in person or by depositing the notice in United States Certified Mail, Return Receipt Requested, postage prepaid, in an envelope addressed to the Parties to be notified at such Party's address as follows:

If to Client:

John A. Ward III
Town Manager
Town of Boone
567 W. King Street
Boone, NC 28607
Office: 828-268-6205
John.Ward@townofboone.net

If to SOG:

Susan Williams
Assistant Dean for Business and
Finance, SOG Knapp-Sanders Building
Campus Box 3330
Chapel Hill, NC 27599-3330
Phone: 919.962.2757
Email: stoppin@sog.unc.edu

16. Governing Law. This Agreement and the rights and obligations of the Parties hereunder shall be governed by, and construed and interpreted in accordance with, the laws of the State of North Carolina.
17. Assignment. This Agreement shall not be assigned by either Party without the prior written consent of the other Party hereto. This Agreement shall be binding upon and inure to the benefit of the respective successors and permitted assigns of the Parties.
18. Survivability. Those terms that by their nature necessarily survive termination of this Agreement shall survive, including but not limited to those provisions dealing with confidentiality, intellectual property, and payment.
19. Liaisons. John Ward, shall serve as liaison for the Client for issues concerning work under this Agreement. Christy Raulli, shall serve as liaison for SOG. Their contact information is as follows:

John A. Ward III
Town Manager
Town of Boone
567 W. King Street
Boone, NC 28607
Office: 828-268-6205
John.Ward@townofboone.net

Christy Raulli
Associate Director, DFI
UNC School of Government
Knapp-Sanders Bldg., Campus
Box 3330
Chapel Hill, NC 27599-3330
Phone: 919-843-7736
Fax: 919-962-2709
Email: raulli@sog.unc.edu

IN WITNESS WHEREOF, the Parties by their duly authorized officers have executed this Agreement on the dates set forth below, to be effective on the Effective Date.

Town of Boone, North Carolina

By: _____ Date: _____
Name: John Ward III
Title: Town Manager

The University of North Carolina at Chapel Hill for its School of Government's Development Finance Initiative

By: _____ Date: _____
Name: Matthew M. Fajack

Title: Vice Chancellor for Finance and Administration

FINANCE OFFICER'S CERTIFICATION STATEMENT

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act this the _____ day of _____ , 2017.

By: _____

Schedule A STATEMENT OF WORK

Scope of Services. DFI will provide the following pre-development services to the Client in preparing the Project Area for revitalization:

Identify Development Opportunities:

1. Visit and tour downtown Boone (Project Area), with emphasis on the Howard Street corridor and surrounding properties;
2. Review current and historic plans, documents, and materials relevant to the Project Area and surrounding areas;
3. Analyze property ownership and parcel level characteristics in Project Areas;
4. Identify current parameters for development in Project Areas, including zoning, brownfields, land and water features, infrastructure, and/or cultural or historic sites;
5. Identify guiding public interests for development in Project Area in close coordination with Town and other stakeholders identified by the Town (e.g. University and DBDA);
6. Evaluate redevelopment potential including market feasibility and demand drivers for different uses within Project Area including commercial, residential, government, mixed use and new parking demand from such uses;
7. Advise Town on a phased redevelopment strategy for the Howard Street corridor, including the three prioritized development and redevelopment sites most suitable for near-term predevelopment (Project Sites);
8. Advise Town and University on collaborative opportunities;

Site-Specific Pre-Development Services to be provided on a phased timeline and when properties are under site control:

9. Coordinate a site constraints analysis and test fit of potential development programs with a third-party architect for each Project Site;
10. Create a detailed development program for each Project Site with the appropriate mix and scale of uses, such as residential, retail, office, civic, and associated parking needs;
11. Prepare preliminary financial model for the development program (i.e. development budget, operating cash flows, sources of capital, etc.) to determine financial feasibility for private partners and scale of Town and/or University investment, if necessary, for each Project Site;
12. Initiate Town entitlement process;

Analyze Public Involvement Options:

13. Identify potential tax revenues associated with development of Project Sites;

14. Evaluate options for financing and structuring public participation for development/redevelopment, if necessary, including use of public and private sector development finance tools;
15. Advise Town on selecting district designations (e.g. municipal service district, special assessment districts) and strategies for applying those in order to facilitate public investment and flexible partnerships that encourage private investment, if necessary;

Attract Private Investment

16. Identify potential development partners, prepare the investment summary, carry out due diligence of potential partners, and support Town and/or University officials in development partner(s) selection process; and
17. Support Town and/or University in negotiation of MOU and development services agreements with development partner(s) to maximize public benefits and minimize public investment within the parameters of financially feasible projects.

Services Exclusions. The scope of services described in this section of the Agreement will hereinafter be referred to as the "Services." The Services expressly do not include activities described in Article 1 of the North Carolina General Statutes Chapter 93A which require a licensed broker to perform. In addition, the Services do not include tasks or expenses associated with site planning expertise from architects or engineers or site preparation expenses that may include but are not limited to: land survey, soil samples, and environmental testing. The Services do not include legal services and no attorney-client relationship shall be established through the performance of the Services.

Deliverables. Deliverables include presentations, summaries and other documentation intended by DFI to be delivered to Client regarding the Services.

Timeline. Estimated timeline for completing activities 1-8 is 6 months, beginning upon execution of a Letter of Agreement. This timeline is subject to change if the Town chooses to rely on in-depth technical assistance from DFI to lead public outreach during the planning process. DFI intends to help the Town attract private investment into the Project Area (activities 9-16) as quickly as possible and in a way that maximizes overall value and serves the public interests, recognizing that development of multiple sites will require phasing.

Schedule B

PAYMENT SCHEDULE

1. Town Payment Schedule. The Town Payment shall be due and payable upon receipt of the SOG invoices in accordance with the following schedule:

$33,000 on December 1, 2017 $33,000 on March 1, 2018 $32,000 on June 1, 2018

2. The Development Services Fee associated with each Development Services Agreement shall be paid by each Developer to SOG pursuant to Section 4 of the Agreement, "Payment."

Schedule C

PROJECT AREA

The Project Area consists of all parcels listed by property PIN Number that:

(i) are leased, owned, or placed under option by Client at any time during the term of this Agreement, and/or

(ii) become the subject of a Development Services Agreement between Client and a third party during the term of this Agreement.

INSERT LIST OF PROPERTY PIN NUMBERS

PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME
2900-69-9070-000		BOONE TOWN OF
2900-78-6979-000		WILCOX AND WRIGHT 178 HOWARD
2900-78-7965-000	970 RIVERS ST	RIVERS STREET VENTURES LLC
2900-78-8875-000	186 S DEPOT ST	BOARD OF TRUSTEES OF THE ENDOWMENT FUND,.APPALACHIAN STATE
2900-78-8997-000	208 HOWARD ST	HOPE PREGNANCY RESOURCE CENTER
2900-78-9884-000	174 S DEPOT ST	MENA, JOHN J
2900-78-9890-000	184 DEPOT ST	KRAUT CREEK, LLC
2900-79-0978-000	920 W KING ST	KING STREET COMMERCIAL PROPERTIES LLC
2900-79-1891-000	877 W KING ST	RESORT AREA MINISTRIES
2900-79-1976-000	904 W KING ST	COLEY, THOMAS M. & MARCELLA
2900-79-1980-000	891 W KING ST	CASEY, SCOTT AND DEBORAH A
2900-79-2905-000	898 W KING ST	SHOEMAKER, LAURA A

2900-79-2965-000	890 W KING ST	MRH LIMITED PARTNERSHIP
2900-79-3318-000	178 S WATER ST	HARROD/AP, LLC
2900-79-4612-000	150 S WATER ST	DON DUNLAP CONSTRUCTION INC
2900-79-4747-000	831 W KING ST	VETRO HOLDINGS
2900-79-4939-000	385 W KING ST	COURTHOUSE KING LLC
2900-79-4939-001	385 W KING ST	BOONE AREA CHAMBER OF COMMERCE INC
2900-79-4939-002	385 W KING ST	DEAL, JAMES M JR,MOSELEY, ALLEN C
2900-79-4939-003	385 W KING ST	COURTHOUSE KING LLC
2900-79-4939-004	385 W KING ST	COURTHOUSE KING LLC
2900-79-4939-005	385 W KING ST	COURTHOUSE KING LLC
2900-79-5183-000		E G M INVESTMENTS INC
2900-79-5419-000	412 W KING ST	FURGIUELE, SAMUEL F JR,MENDEL FURGIUELE, PEGGY
2900-79-5599-000	805 W KING ST	KING STREET VENTURES LLC
2900-79-5609-000	827 W KING ST	SPEED, ROBERT T
2900-79-5628-000	825 W KING ST	SPEED R. THOMAS ATTORNEY
2900-79-5636-000	819 W KING ST	LOUISE RUSSELL FAM LTD PART
2900-79-5675-000	815 W KING ST	DON DUNLAP CONST INC & REAL EST
2900-79-6480-000	783 W KING ST	HOWARD STREET VENTURES LLC

2900-79-6741-000	814 W KING ST	WATAUGA COUNTY
2900-79-6809-000	842 W KING ST	WATAUGA COUNTY
2900-79-6980-000	842 W KING ST	WATAUGA COUNTY
2900-79-7027-000		WILCOX AND WRIGHT 178 HOWARD
2900-79-7061-000	178 WEST HOWARD ST	SISOUKRATH, BOUNTHANH
2900-79-7282-000	151-/161 HOWARD ST	WILCOX AND WRIGHT LLC
2900-79-7368-000		WINE TO WATER
2900-79-7371-000		EGGERS, STACY JR LIFE EST,EGGERS, ELIZABETH LIFE EST
2900-79-7377-000		WINE TO WATER
2900-79-7397-000		TOWN OF BOONE
2900-79-7562-000		HOWARD STREET VENTURES LLC
2900-79-7622-000	784 W KING ST	KASTT, LLC
2900-79-7694-000	768 W KING ST	G&T FAMILY LLC
2900-79-7988-000	842 W KING ST	WATAUGA COUNTY
2900-79-8015-000	182 HOWARD ST	REDMOND, NELLIE M
2900-79-8051-000		S C AND S FUTURE,INC.

PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME
2900-79-	161 HOWARD ST	HOWARD STREET VENTURES II LLC

8147-000		
2900-79-8185-000	179 HOWARD ST	WILCOX & WRIGHT 179 HOWARD LLC
2900-79-8316-000	743 W KING ST	SMITH, BENJAMIN A
2900-79-8334-000	737 W KING ST	EGGERS, STACY JR LIFE EST,EGGERS, ELIZABETH LIFE EST
2900-79-8391-000	721-/729 W KING ST	BOONE CITY HALL
2900-79-8421-000		WINE TO WATER
2900-79-8447-000	747 W KING ST	WINE TO WATER
2900-79-8528-000	766 W KING ST	PROFESSIONAL OFF GROUP LLC
2900-79-8564-000	756 W KING ST	PROFESSIONAL OFF GROUP LLC
2900-79-8884-000	136 N WATER ST	PROFESSIONAL HOLDINGS LLC
2900-79-9058-000	115 W HOWARD ST	S C AND S FUTURE,INC.
2900-79-9133-000	191 HOWARD ST	SIMPSON, ETHEL B
2900-79-9238-000	713 W KING ST	D L WILCOX HEIRS, LLC
2900-79-9244-000	711 W KING ST	WATSON, GEORGE DARRELL
2900-79-9273-000	703 W KING ST	DIXON, WILLIAM MAX JR
2900-79-9288-000	707 W KING ST	OMEGA TEES & SCREEN PRINTING
2900-79-9448-000	736 W KING ST	BROWN, W EDWARD JR,BROWN, CHERYL
2900-79-9476-000	728 W KING ST	EGGERS, STACY C JR
2900-79-	724 W KING ST	EGGERS BROTHERS IRR TRUST,EGGERS, STACY C IV TRUSTEE

9493-000		
2900-79-9510-000	742 W KING ST	BAXTER, WANDA H,C/O KEVIN B BAXTER
2900-79-9786-000		WATAUGA COUNTY
2900-88-0710-000		BOONE TOWN OF
2900-88-0827-000	DEPOT ST	GH3, LLC
2900-88-0879-000	158 S DEPOT ST	CRAYMIE LLC
2900-88-0902-000	216 HOWARD ST	S C AND S FUTURE,INC.
2900-88-0947-000		BOONE TOWN OF
2900-88-1701-000	181 S DEPOT ST	STATE OF NORTH CAROLINA
2900-88-1759-000	260 HOWARD ST	WILLETT, DANA
2900-88-1786-000	268 HOWARD ST	GILBERT FAMILY HOLDINGS, LLC
2900-88-1868-000		GANG OF 5 LLC
2900-88-1982-000		GANG OF 5 LLC
2900-88-2673-000	274 HOWARD ST	HERRITAGE LLC
2900-88-2928-000	139 DEPOT ST	CHRISLAND PROPERTIES
2900-88-2953-000	267 HOWARD ST	DEBRODER, GLEN
2900-88-2997-000	627 W KING ST	TWO DAWGS RENTALS LLC
2900-88-3868-000	277 HOWARD ST	HOWARD STREET LLC
2900-88-	617 W KING ST	BD BUILDINGS LTD PTNRP

3947-000		
2900-88-3953-000	611 W KING ST	STEC NO 16-4555, LLC
2900-88-3962-000	607 W KING ST	PARISH, WILLIAM R AND PATRICIA NUNN
2900-88-4526-000	326 HOWARD ST	FAIRFIELD ON HOWARD LLC
2900-88-4716-000	567 KING ST	BOONE TOWN OF
2900-88-4826-000	593 W KING ST	SMITH, KARL G
2900-88-4868-000	587 W KING ST	VETRO, MICHAEL
2900-88-4900-000	603 W KING ST	GREENE AND WILCOX BUILDING, LLC
2900-88-5447-000	356 HOWARD ST	STATE OF NORTH CAROLINA DEPT OF ADMINIST
2900-88-5659-000	559 W KING ST	THE APPALACHIAN THEATRE OF THE HIGH COUN

PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME
2900-88-5695-000	543-&549 W KING ST	SARVIS PROPERTIES INC
2900-88-6538-000	363 HOWARD ST	LOVIN MARKETING CO
2900-88-6594-000	140 APPALACHIAN ST	LOVIN MARKETING CO
2900-88-6687-000	APPALACHIAN ST	BOONE INVESTMENTS LLC
2900-88-6735-000	553 W KING ST	CHRISLAND PROPERTIES
2900-88-7622-000	132 APPALACHIAN ST	COX, GREGORY
2900-88-7679-000	525 W KING ST	MILLER WARREN PROPERTIES LLC

2900-88-7740-000	531 W KING ST	SMITH, KARL G
2900-88-7767-000	539 W KING ST	BOONE INVESTMENTS LLC
2900-88-7791-000	128 APPALACHIAN ST	SYNDICATED PROPERTIES, LLC
2900-88-7792-000		BOONE INVESTMENTS LLC
2900-88-8611-000	511 KING&COLLEGE ST	E G M INVESTMENTS INC
2900-88-8681-000	493 W KING ST	S C AND S FUTURE,INC.
2900-88-8722-000		BOONE TOWN OF
2900-88-8853-000	516 W KING ST	NICASTRO, ANTHONY & DONNA
2900-88-9497-000	471 W KING ST	HARMON, CHARLES R
2900-88-9529-000	489 W KING ST	CAROLINA SHOPPES, LLC
2900-88-9767-000	494 W KING ST	WEST KING STREET PROPERTIES OF BOONE LLC
2900-88-9800-000	506 W KING ST	TWO CROWS MEDICINE SHOW LLC
2900-89-0070-000	140 S DEPOT ST	FARMERS SKI SHOP INC
2900-89-0096-000		FARMERS HARDWARE AND SUPPLY CO INC
2900-89-0103-000		A AND F COFFEY ASSOC LLC
2900-89-0148-000	683-/685 W KING ST	STALLINGS, ANDREW H AND EMILY B
2900-89-0165-000	681 W KING ST	A AND F COFFEY ASSOC LLC
2900-89-	697 W KING ST	GUY, BEVERLY KENT

0201-000		
2900-89-0220-000	693 W KING ST	A AND F COFFEY ASSOC LLC
2900-89-0400-000	718 W KING ST	COFFEY, FRANK L,COFFEY, JOYCE
2900-89-0578-000	237 QUEEN ST	LOVIN, J FULTON
2900-89-0611-000	247 QUEEN ST	WATERFALL INVESTMENTS, LLC
2900-89-1049-000	661 W KING ST	FARMERS HARDWARE AND SUPPLY CO INC
2900-89-1113-000	671 W KING ST	CENTURA BANK #6274 MSD
2900-89-1191-000	659 W KING ST	LANGDON, TERRI GREENE
2900-89-2034-000	641 KING ST	GREER WATAUGA LLC
2900-89-2081-000	631 W KING ST	GREER WATAUGA LLC
2900-89-2254-000	664 W KING ST	VETRO, MICHAEL
2900-89-2460-000	680 W KING ST	TOWN OF BOONE
2900-89-3129-000	642 W KING ST	WATSON, DONALD M JR,DISANTI, TONY
2900-89-3194-000	630 W KING ST	COOPER, JOHN E JR AND FAYE E
2900-89-3300-000		BOONE TOWN OF
2900-89-3369-000		BOONE TOWN OF
2900-89-4352-000	130 N DEPOT ST	PHIL H VANCE JR FAMILY TRUST,VANCE, GLENDA
2900-89-5144-000	604 W KING ST	BOONE TOWN OF
2900-89-	171 GRAND BLVD	LEGAL AID OF NC INC

6350-000		
2900-89-6655-000	140 DEPOT ST	WATAUGA COUNTY
2900-98-0786-000		BINGHAM FARMS II LLC
2900-98-1500-000	335 W KING ST	STATE OF NORTH CAROLINA DEPT OF ADMINIST

PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME
2900-98-1771-000	454 W KING ST	BUTLER, JERRY L AND PHYLLIS
2900-98-2424-000	425 W KING ST	STATE OF NORTH CAROLINA DEPT OF ADMINIST
2900-98-2601-000	444 W KING ST	LORD, ELSA SIEGMUND AND GEORGE R
2900-98-2639-000	446 W KING ST	ALBERGHINI, MARK KENT
2900-98-2677-000	434 W KING ST	ALBERGHINI, MARK KENT
2900-98-3597-000	400 W KING ST	S C AND S FUTURE,INC.
2900-98-3635-000	412 W KING ST	S C AND S FUTURE,INC.
2900-98-4312-000	375 W KING ST	FIRST BAPTIST CHURCH OF BOONE, NC, INC
2900-98-4611-000	402 W KING ST	S C AND S FUTURE,INC.
2900-98-4637-000	271 WALLACE CIR	S C AND S FUTURE,INC.
2900-98-5519-000	380-/392 KING ST	S C AND S FUTURE,INC.
2900-98-5587-000	362 W KING ST	MURRAY, MORGAN WYNNE-VANDYKE
2900-98-6550-000	352 W KING ST	FULL HOUSE PROPERTIES LLC

2901-70-1023-000	910 W KING ST	ANGLE, ROBERT B JR,ANGLE, EMILY O
2901-70-5111-000	385 QUEEN ST	JMF REALTY LLC

BUDGET AMENDMENTS

SHADOWLINE DRIVE CULVERT REPLACEMENT PROJECT

UDO EDUCATIONAL DISTRICTS TEXT AMENDMENT

STAFF REPORT PUBLIC HEARING MAY 22, 2017 CASE PL00479-050817 EDUCATIONAL DISTRICTS AND USES- UDO TEXT AMENDMENT

Request

Request to modify UDO Article 14, 15, 16, 17, and 34 in regards to educational districts and uses. Amendment may also be made to other Articles to conform them to changes made in these Articles.

Proposed Amendment

The text below in ~~red strikethrough~~ is the text proposed to be deleted and the blue underline is the new text for consideration. Please note, text amendments will now contain the case number and effective date in italicized font at the end of the section in which the text was modified.

ARTICLE 14: ZONING DISTRICTS AND ZONING MAP

…

§ 14.03 EDUCATIONAL DISTRICTS ESTABLISHED.

14.03.01 The educational districts are established to provide areas which promote the enhancement of compatible educational institutions and opportunities within the town's planning area while preserving the overall small-town character of Boone. ~~For their principal and accessory uses, the entities which are subject to the U1, E1 and E2 districts may only function within those districts. Uses allowed in those districts must be integral to the entity or must be specifically identified and authorized for those districts in the Table of Principal Uses, Table of Accessory Uses and Table of Temporary Uses.~~

14.03.02 The U-1 University District is established for the main campus of Appalachian State University (ASU). This district is intended to provide for the planning and expansion of ASU's main campus that is consistent with the Town's overall planning objectives. In the event that a property or portion of property zoned U-1 is sold to a non-university third party, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. ~~Specific uses listed in the U1 column in the Table of Principal Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.01 and 9.02.~~

14.03.03 The E-1 Educational District is established to provide for appropriate ~~ASU, CCC&TI, and other~~ uses by ~~institutions of higher learning~~colleges or universities ~~uses away~~ outside of ~~from~~ the ASU main campus. Such uses shall not include residential uses. The owner of a property zoned E-1 must be a college or~~, university, or other institution of higher learning~~. In the event that a property or portion of property zoned E-1 is sold to a third party that is not a college or university, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. ~~Specific uses listed in the E-1 column in the Table of Permissible Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.01 and 9.02.~~

14.03.04 The E-2 Educational District is established to provide for appropriate uses by colleges or universities outside of the ASU main campus, which uses may include residential uses. The owner of a property zoned E-2 must be a college or university. In the event that a property or portion of a property zoned

E-2 is sold to a third party that is not a college or university, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property.

14.03.05 The E-3 Educational District is established to provide for planning and appropriate expansion of trade schools and public or private elementary and secondary educational institutions ~~such as Hardin Park Elementary and Watauga High School~~. Such uses shall not include residential uses unless such are approved through a CD or PD process. The owner of a property zoned E-3 must be a public or private educational institution. In the event that a property or portion of property zoned E-3 is sold to a third party that is not such an educational institution, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. ~~Specific uses listed in the E-2 column in the Table of Permissible Uses, the Table of Accessory Uses, and the Table of Temporary Uses are only allowed if they are associated with and have the approval of the institution authorized under Use Category 9.04 and 9.05.~~ (Ord. passed 12-16-2013)

…

ARTICLE 15: DISTRICT USE REQUIREMENTS

§ 15.01 TYPES OF USES.

15.01.01 Permitted (P). A "P" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed by right in the respective district unless the use is subject to a transitional zone (see ~~12.01.02~~6.02.02). Such uses are subject to all applicable requirements of this ordinance but do not have additional requirements which are specific to the use in accordance with this Article. A cross-reference in the "Reference" column of the Table for a permitted use is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other sections.

15.01.02 Permitted subject to limitations (L). An "L" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed by right in the respective district unless the uses is subject to a transitional zone (see ~~9.01.02~~6.02.02), provided that the use meets the normal requirements of the ordinance plus additional requirements designed to address the specific impacts of the use. A cross-reference in the "Reference" column of the table for a permitted use with an "L" is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other sections.

15.01.03 Special use permit required (S). An "S" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a special use permit in the respective district. A cross-reference in the "Reference" column of the table for a permitted use with an "S" is intended to direct the reader to a section which has special importance to the use, but it does not limit the applicability of other sections.

15.01.04 Conditional District (CD). A "CD" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a conditional district zoning approval in the respective district. A cross-reference in the "Reference" column of the table for a permitted use with a "CD" is intended to direct the reader to a section which has special portance to the use, but it does not limit the applicability of other sections.

15.01.05 Not permitted (blank cell). A blank cell in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a uses in not allowed in the respective district.

15.01.06 Transitional zones. Transitional zones attach to each R1, R1A, RR, R2, and RA district and are designed to address the predictable negative impacts of certain uses and therefore have additional standards which must be met. A proposed use subject to a transitional zone must be approved by a special use permit or in a CD or PD. A superscript "Tn" in the Table of Principal Uses, Table of Accessory Uses or the Table of Temporary Uses denotes the specified use in the specified district is subject to a transitional zone, where "n" represents the size, in feet, of the transitional zone, measured from the boundary of the protected district. However, in the any of the protected districts, the distance is measured from the protected lot rather than the protected zone. See Subsection 6.02.02 for full transitional zone requirements.

15.01.07 Use nomenclature. Each use listed in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses below is more fully defined in Article 34 Definitions. The nomenclature of each use within the tables is for identification purposes only.

(Ord. passed 12-16-2013)

§ 15.02 UNLISTED USES.

15.02.01 Unlisted uses. Any use not permitted, prohibited, or restricted by this ordinance is an "unlisted use" that shall only be permitted if approved by the Planning Director pursuant to the following provisions:

A. Procedure for evaluating unlisted uses. Where a particular use category or use type is not specifically allowed under this ordinance or is also not prohibited or restricted by this ordinance, the Planning Director may permit the use category or type if the criteria of Subsection 15.02.01(B) below are met. The Planning Director shall give due consideration to the intent of this ordinance concerning the district(s), involved, the character of the uses specifically identified, and the character of the use(s) in question.

B. Criteria for evaluating unlisted uses. In order to determine that the proposed uses(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district, the Planning Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

1. The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;

2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing; and

3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders); and

4. The type, size and nature of buildings and structures; and

5. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and

6. Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site; and

7. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses; and

8. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes; and

9. Any special public utility requirements for serving the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and

10. The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

15.02.03 Determination of unlisted use(s) by the Planning Director. All determinations by the Planning Director made pursuant to this section shall be in writing. In making the determination described in this section, the Planning Director shall initiate an amendment to this ordinance if the particular use or category of use(s) is likely to be common or to recur frequently, or if the omission is likely to lead to public uncertainty and confusion. Until final action has been taken on such proposed amendment, the determination of the Planning Director shall be binding on all officers and departments of the town. If no amendment is initiated, the Planning Director's determination shall thereafter be binding on all officers and departments of the town, without further action or amendment of this ordinance.

15.02.04 Appeal of determination of the Planning Director. The determination of the Planning Director may be appealed to the Board of Adjustment pursuant to the procedures set forth in Article 6 of this ordinance. (Ord. passed 12-16-2013)

§ 15.03 ACCESSORY USES.

15.03.01 An accessory use must be:

A. Clearly incidental to and customarily found in connection with a principal structure or use; and

B. Subordinate to and serve a principal structure or use ; and

C. Subordinate in area, extent, or purpose to the principal structure or use served; and

D. Located within the same site specific development plan as the principal structure or use.

15.03.02 Subsection 15.07.01, the Table of Accessory Uses, lists generally authorized accessory uses within the associated zoning districts so long as the use otherwise qualifies as an accessory use.

15.03.03 A use which is not permitted as a principal use in a zoning district cannot be allowed as an accessory use in that district unless it is specifically listed in the Table of Accessory Uses.

15.03.04 When a development is proposed on land with more than one zoning classification, any accessory use must be located on those portions of the development with zoning designations which allows the use as principal use or is authorized by the Table of Accessory Uses.

(Ord. passed 12-16-2013)

§ 15.04 PERMISSIBLE USES NOT REQUIRING PERMITS.

15.04.01 Notwithstanding any other provisions of this ordinance, no zoning or special use permit is necessary for the following uses:

A. Public streets or sidewalks.

B. Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way with the permission of the owner.

C. Utility facilities located within a public right-of-way with the permission of the owner.

(Ord. passed 12-16-2013)

§ 15.05 COMBINATION USES.

15.05.01 A combination use may only be authorized if all proposed principal uses are permissible in the zoning district for which it is proposed.

15.05.02 A combination use must be authorized by a special use permit if any of the permissible uses requires a special use permit.

15.05.03 A combination use has special rules regarding landscaping (See Article 31). (Ord. passed 12-16-2013)

§ 15.06 MORE SPECIFIC USE CONTROLS.

15.06.01 When two use classifications in the Table of Principal Uses describe a particular activity, the more specific description shall control.

(Ord. passed 12-16-2013)

…

15.07 TABLE OF PRINCIPAL USES.

		Zoning Districts												
		Low Density Residential				*Medium to High Density Residential*				*Commercial/Industrial*				
Use #	*Specific Use*	*RA*	*RA*	*R1A*	*R1A*	*R2*	*R4*	*MH*	*R3*	*R1*	*R1*	*R1*	*R1*	*R1*

1.0 Household living														
1.01	Single-family dwelling	P	P	P	P	P	P							
1.02	Manufactured home "Class A"	L			L	L	L	L						
1.03	Manufactured home "Class B"	L						L						
1.04	Manufactured home "Class C"													
1.05	Manufactured home park							L						
1.06	Duplex (one duplex building per lot)	P				P	P		P					
1.07	Duplex (more than one duplex building per lot)								L					
1.08	Townhouse (up to 30 bedrooms)						L T50		L T50					
1.09	Townhouse (31-100 bedrooms)						L T50		L T75					
1.10	Townhouse (> 100 bedrooms)						L T75		L T125					
1.11	Multi-family dwelling (up to 30 bedrooms)								L T125					
1.12	Multi-family dwelling (31-100 bedrooms)								L T200					
1.13	Multi-family dwelling (> 100 bedrooms)								L T300					
1.	Multi-family dwelling in mixed													

14	use (up to 30 bedrooms)										L	L T75	L	
2.0	**Group Living**													
2.01	Family care home	L	L	L	L	L	L		L					
2.02	Family care institutions									L T125				
2.03	Halfway house, Category 1									L				
2.04	Halfway house, Category 2									L T125				
2.05	Nursing care home	L	L	L		L	L		L	L			L	
2.06	Nursing care institution									L T125			L T125	
2.07	Skilled nursing facility									L T300			L T300	
2.08	Retirement community, Category 1	L				L	L		L	L				
2.09	Retirement community, Category 2								L T200	L T125				

Use #	Specific Use	Zoning Districts												
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				
		R1A												
~~2.10~~	~~Residence hall, Category 1~~	~~L~~							~~L~~	~~L~~	~~L~~		~~L~~	
~~2.11~~	~~Residence hall, Category 2~~								~~L T200~~	~~L T200~~			~~L T200~~	
~~2.12~~	~~Residence hall, Category 3~~									~~L T300~~			~~L T300~~	
2.13	Fraternity or sorority dwelling								S T300					
2.14	Boarding house								L				L	
	3.0 Transient Living													
3.01	Home for survivors of domestic violence	L	L	L		L	L			L		L		
3.02	Shelter for homeless, Category 1								L T50	L T50	L T50		L T50	
3.03	Shelter for homeless, Category 2								L T300	L T300			L T300	
3.04	Bed and breakfast, Category 1	L	S T50	S T50		L T50	L T50				L	L		
3.0	Bed and breakfast, Category 2					L	L T1				L T1		L T1	

5							25				25		25
3.06	Vacation rental	LT75							LT75		LT75	LT75	LT75
3.07	Motel												PT300
3.08	Hotel										PT200		PT200
	4.0 Institutional Uses												
4.01	Airport/landing strip	ST300											
4.02	Heliport	ST300											
4.03	Funeral home establishment									P	P	P	P
4.04	Cemetery	P	P	P	P	P	P	P	P	P	P	P	P
4.05	Post office									P	P	P	P
4.06	Post office, distribution												
4.07	Animal sanctuary	ST300											
	5.0 Government Uses												
5.01	Government cultural facility									P	P		P
5.02	Government neighborhood cultural facility, indoor activity only	S	S	S	S	S	S		P	P	P	P	P

5.03	Government neighborhood cultural facility, includes outdoor activity									P	P		P	
5.04	Recreation facility, Category 1	P							P	P	P	P	P	

Use #	Specific Use	Zoning Districts												
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				
		RA	[illegible]	R1A	[illegible]	[illegible]	[illegible]	MH	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
5.05	Recreation facility, Category 2	P	P	P	P	P	P	P	P	P	P	P	P	
5.06	Recreation facility, Category 3	PT50	S	S	S	S	S	S	S	PT50	PT50	PT50	PT50	
5.07	Event venue, Category 1									P	P	P	P	
5.08	Event venue, Category 2									P	P	P	P	

5.09	Event venue, Category 3									P T50	P T50	P T50	P T50
5.10	Landfill												
5.11	Solid waste processing												
5.12	Police substation	P	P	P	P	P	P	P	P	P	P	P	P
5.13	Utility facility, town	L	L	L	L	L	L	L	L	L	L	L	L
5.14	Utility facility, government, neighborhood		L	L	L	L	L	L	L	L	L	L	L
5.15	Utility facility, government, regional	L T300								L T3000			L T3000
5.16	Government facility	P							P	P	P	P	P
	6.0 Non-government Utility Facility												
6.01	Utility facility, neighborhood	L	L	L	L	L	L	L	L	L	L	L	L
6.02	Utility facility, regional	L T300								L T3000			L T3000
	7.0 Telecommunications												
7.01	Antenna collocation on existing wireless support structure not requiring additional accessory equipment	P	P	P	P	P	P	P	P	P	P	P	P
7.02	Antenna collocation on existing wireless support structure requiring additional accessory equipment	L	L	L	L	L	L	L	L	L	L	L	L
7.03	Building mounted antenna not requiring additional accessory	L	L	L	L	L	L	L	L	L	L	L	L

	equipment													
7.04	Building mounted antenna requiring additional accessory equipment	L								L	L	L	L	
7.05	Antenna collocation on electrical transmission towers								L					
7.06	Other antenna	L								L	L	L	L	

Use #	Specific Use	Zoning Districts												
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				
7.07	Wireless support structure which meets district height requirements	S	S	S		S	S		L	L	L	L	L	
7.08	Stealth wireless facility which exceeds district height requirements	L	S	S		S	S		S	L	L	L	L	
7.09	Wireless support structure which does not meet district height requirements up to and including 120'	S								S				
7.10	Other tower that exceeds 120' in height													
7.11	Emergency response communication antenna	P	P	P	P	P	P	P	P	P	P	P	P	
	~~8.0 Assembly~~													
8.01	Religious assembly, Category 1	P	P	P	P	P	P	P	P	P	P	P	P	
8.	Religious assembly, Category 2	P	P	P	P	P	P	P	P	P	P		P	

02		T125	T125	T125	T125	T125	T125	T125	T125	T75			
8.03	Religious assembly, Category 3	P T200									P T200		P T200
8.04	Club/lodge, Category 1										P T75		P T75
8.05	Club/lodge which does not serve alcohol	P									P		P
	9.0 Education												
~~9.01~~	~~Appalachian state university~~												
~~9.02~~	~~Caldwell community college and technical institute~~									~~P T75~~			
9.013	P~~Other~~ ~~p~~ublic colleges and universities									~~P T75~~			
9.024	Private colleges and universities									~~P T300~~	P ~~T200~~		~~P T300~~
9.035	Trade school									~~P T200~~	P ~~T200~~		~~P T200~~
9.046	High school									~~P T300~~			
9.057	Elementary school									~~P T125~~			

9.0~~6~~~~8~~	Boarding school									P~~T~~~~3~~~~0~~~~0~~	P~~T~~~~3~~~~0~~~~0~~		P~~T~~~~3~~~~0~~~~0~~	
~~9.0~~~~9~~	~~All other educational facilities~~									~~C~~~~E~~				
	10.0 Daycare													
10.01	Child daycare, large	L					L		L			L	L	
10.02	Child daycare center									L			L	

Use #	***Specific Use***	***Zoning Districts***												
		Low Density Residential				***Medium to High Density Residential***				***Commercial/Industrial***				
		[illegible]		***R1A***		***[illegible]***		***MH***						
10.03	Adult daycare, large	L					L		L			L	L	
10.04	Adult daycare center									L			L	
10.	All other daycare									[illegible]				

05														
	11.0 General Sales and Service													
11.01	Kennel	L T125											L T125	
11.02	Veterinary office/hospital with outdoor kennels	L T125								L T125			L T125	
11.03	Veterinary office/hospital without outdoor kennels	P								P	P	P	P	
11.04	Financial institution □□ 5,000 ft²									P	P	P	P	
11.05	Financial institution > 5,000 ft²									P	P		P	
11.06	Restaurant □□ 2,500 ft² open to the public during 10 p.m. - 6 a.m.									P T75	P T75	P T75	P T75	
11.07	Other restaurants □□ 2,500 ft²									P	P	P	P	
11.08	Restaurant > 2,500 ft² open to the public during 10 p.m. - 6 a.m.									P T200	P T125		P T200	
11.09	Other restaurants > 2,500 ft²									P T125	P T75		P T125	
11.11	Bar													

0														
11.11	ABC store										P		P	
11.12	Personal service establishment open to the public during 10 p.m. - 6 a.m.									P T75	P T50		P T75	
11.13	Other personal service establishments									P	P	P	P	
11.14	Retail store up to 5,000 ft^2									P	P	P	P	
11.15	Retail store more than 5,000 but less than 25,000 ft^2										P T125	P T200	P T200	
11.16	Retail store 25,000 ft^2 and greater												L T300	
11.17	Shopping center/mall									S T300	S	S T125	S T300	
11.18	Business or professional office open to the public during 10 p.m.- 6 a.m.									P T75	P T50		P T75	
11.19	Other business or professional office									P	P	P	P	
11.20	Medical office, Category 1									P T300	P T300		P T300	
11.21	Medical office, Category 2									P T125	P T125		P T125	

Use #	Specific Use	Zoning Districts												
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				
		[illegible]	[illegible]	R1A	[illegible]	[illegible]	[illegible]	M[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
11.22	Medical office, Category 3									P T125			P T125	
11.23	Medical office, Category 4									P	P	P	P	
11.24	Hospital									P T300				
11.25	Medical emergency response									P T300	P T300		P T300	
11.26	Open air market, recurring	I T75								I T50			I T75	

11.27	Vehicle sales and service											L T125	L T75
11.28	Equipment sales and service												L T125
11.29	Moped sales and service										P	P	P
11.30	Boat or marine craft sales and service												L T75
11.31	Impound lot/towing service												L T125
11.32	Gas station	P T125										P T125	P T125
11.33	Car wash											P T125	P T125
11.34	Seasonal retail activities and amusements	P								P	P	P	P
	12.0 Recreation and Entertainment Uses												
12.01	Indoor shooting range	L T75											L T75
12.02	Outdoor shooting range												
12.03	Indoor theater										P		
1	Outdoor theater	P T									P T		P T

12.04		200									125		125
12.05	Event venue, Category 1										P	P T75	P
12.06	Event venue, Category 2										P T50	P T125	P T125
12.07	Event venue, Category 3										P T200		P T200
12.08	Campground and recreational vehicle park	L T200											L T200
12.09	Coliseum												S T300
12.10	Recreation facility, Category 1	P T125								P		P	P
12.11	Recreation facility, Category 2	P T125								P T50			P T50
12.12	Recreation facility, Category 3	P T200											P T200
12.13	Racetrack												

Use #	*Specific Use*	*Zoning Districts*												
		Low Density Residential				*Medium to High Density Residential*				*Commercial/Industrial*				
		A		*R1A*				*MR*						
	13.0 Agriculture													
13.01	Garden, community	L	L	L	L	L	L	L	L	L	L	L	L	
13.02	Garden, residential	L	L	L	L	L	L	L	L	L	L	L	L	
13.03	Agricultural operation excluding livestock	P												
13.04	Agricultural operation including livestock	P												
13.05	Swine farm													
13.06	Confined animal feeding operation (CAFO)													
13.07	Custom slaughterhouse	P												
13.08	Other slaughterhouse													
13.09	Forestry	L	L	L	L	L	L	L	L	L	L	L	L	

	14.0 Manufacturing													
14.01	Microbrewery										L T75		L T125	
14.02	Brewpub										L T75		L T125	
14.03	Brewery/distillery												L T125	
14.04	Brewery/distillery, other													
14.05	Winery associated with a vineyard	L T125												
14.06	Winery												L T125	
14.07	Winery, other													
14.08	Extraction of earth materials													
14.09	Machine/welding shop												L T200	
14.10	Manufacturing, other													
	15.0 Parking													
15.01	Parking lot								LT125	L	L		L	

15.02	Parking structure									L	L		L	
15.03	Park and ride lots	L								L			L	
	16.0 Storage													
16.01	Mini-storage	L T125											L T75	

Use #	Specific Use	Zoning Districts												
		Low Density Residential				*Medium to High Density Residential*				*Commercial/Industrial*				
		RA		*RM*					*MH*					
16.02	Outdoor storage													
16.03	Warehouse													
16.04	Fuel storage facility												P T300	
16.05	Chemical storage facility													
	17.0 Transportation													
17.01	Passenger terminals												P T200	
17.	Trucking or freight terminal □□ 10,000 ft2												P T	

02													125	
17.03	Trucking or freight terminal > 10,000 ft2													
18.0 Waste Related Uses														
18.01	Recycling drop-off station	LT300												
18.02	Recycling and salvage													
18.03	Junkyard													
18.04	Private landfill													
19.0	Particular activities which pose particular concerns about public health													
19.01	Electronic and internet gaming												S	
19.02	Adult establishments												S	

15.07.01 Table of accessory uses.

Use #	Accessory Use	Zoning Districts											
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial			
A-1	Secondary suite	L	L	L	L	L	L	L	L	L	L	L	L
A-2	Home occupation	L	L	L	L	L	L	L	L	L	L	L	L
A-3	Accessory dwelling unit			L	L	L	L		L	L	L	L	L
A-4	Drive-through									L			L
A-5	Outdoor display									L	L	L	L
A-6	Outdoor storage												L
A-7	Outdoor dining									L	L	L	L
A-8	Automated teller machine (ATM)									P	P	P	P
A-9	Automated teller machine (ATM), freestanding								L	L	L	L	L
A-10	Produce stand	L											
A-11	Poultry	L	L	L	L	L	L	L	L	L		L	L
A-12	Livestock, small	L	L	L	L	L	L	L	L	L			L
A-13	Livestock, large	L											
A-14	Bees	L	L	L	L	L	L	L	L	L	L	L	L
A-15	Garden, residential	L	L	L	L	L	L	L	L	L	L	L	L
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	P	P	P	P	P	P	P	P	P	P
A-17	Satellite receiving antennas less than 2 meters in diameter	P								P	P	P	P

A-18	Satellite receiving antennas 2 meters and greater in diameter													
A-19	Helistop	S T300								S T300			S T300	
A-20	Swimming pools, spas, and hot tubs	L	L	L	L	L	L	L	L	L	L	L	L	
A-21	Caretaker's residence									L			L	
A-22	Vehicular gate	L	L	L	L	L	L	L	L	L	L	L	L	
A-23	Vehicle washing station	P							P	P		P	P	
A-24	Chemical storage facility												P T125	
A-25	Open air market, accessory	L	L	L	L	L	L	L	L	L	L	L	L	
A-26	Daycare, small	P	P	P	P	P	P	P	P	P	P	P	P	

15.07.03 Table of temporary uses.

		Zoning Districts												
		Low Density Residential				***Medium to High Density Residential***				***Commercial/Industrial***				
		RA		***R1A***	***R1***	***R2***		***MH***		***CI***		***B2***		
T-U-1#	Temporary care provider dwelling T U	L			L	L	L	L	I	L	L	L	L	
T-2	Temporary construction or repair dwelling	L	L	L	L	L	L	L	I	L	L	L	L	
T-3	Temporary construction trailer	L	L	L	L	L	L	L	I	L	L	L	L	
T-4	Temporary mobile medical unit										L		L	
T-5	Temporary classroom									L			L	
T-6	Temporary portable storage containers									L				

T-7	Temporary staging									L			L
T-8	Temporary non-fixed site event venue	L								L			L
T-9	Carrier on wheels (cow)	L	L	L	L	L	L	L	I	L	L	L	L
T-10	Yard sales	L	L	L	L	L	L	L	I	L	L	L	L
T-11	Itinerant merchant/peddler	L	L	L	L	L	L	L	I	L	L	L	L
T-12	Open air market, temporary	L								L	L	L	L

(Ord. passed 12-16-13)

§ 15.15 RETIREMENT COMMUNITY CATEGORY 1, RETIREMENT COMMUNITY CATEGORY 2, ~~RESIDENCE HALL CATEGORY 1, RESIDENCE HALL CATEGORY 2, RESIDENCE HALL CATEGORY 3~~.

15.15.01 Retirement community Category 1 and~~1~~, retirement community Category 2, ~~residence hall Category 1, residence hall Category 2, and residence hall Category 3~~ shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use. [Isn't this already required by state law??]

(Ord. passed 12-16-2013)

§ 15.16 FRATERNITY AND SORORITY DWELLING.

15.16.01 A fraternity and sorority dwelling shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

15.16.02 Without limiting the applicability of other ordinance requirements, a fraternity and sorority dwelling is subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.

15.16.03 A fraternity and sorority dwelling shall contain a minimum of 250 square feet for each resident.

15.16.04 A fraternity and sorority dwelling shall be located within one-half mile of the school of which it is affiliated.

~~15.16.05 The maximum floor area shall be no greater than one-half of the maximum floor area ratio for the zoning district in which the use is located. For example, a one acre (43,560 ft2) lot in the R3 Multiple-Family zoning district (.480 maximum floor area) would be able to support a 10,454.4 square foot building with 42 residents.~~

~~Calculation: Maximum Floor Area: 43,560 x .480 = 20,908.8 square feet~~

~~Allowable Floor Area: 20,908.8 x .5 = 10,454.4 square feet~~

~~Total Number of Residents: 10,454.4 ÷ 250 = 41.8~~

G. If the above standards are met, no additional ordinance requirements are applicable.

(Ord. passed 12-16-2013)

Article 16 District Standards

16.01 Schedule of Land Use Intensity Regulations

16.01.01 Unless otherwise specified, development in the following zones shall comply with the intensity regulations indicated in the following Intensity Table.

A. Unless otherwise provided in this Ordinance, the land use intensity regulations for architecturally integrated subdivisions shall apply to the development as a whole and not to individual parts thereof.

B. In the B-1 Zoning District, a minimum "Building Footprint" of fifty percent (50%) of the lot or parcel area is required. All other regulations in the Intensity Table apply.

(20150028-11192015)

16.01.02 Intensity Table

Zoning District	Minimum Gross Land Area	Minimum Lot Width	Minimum Street Frontage	Minimum Livability Space Ratio* (LSR)	Minimum Setbacks	
					Street	Interior
RA No Public Water & Sewer Available	20,000 sq. ft	100 ft.	80 ft.	.65	20 ft.	18 ft.
RA Public Water Available	15,000 sq. ft.	80 ft.	64 ft.	.65	20 ft.	18 ft.
RA Public Water & Sewer Available	10,000 sq. ft.	65 ft.	52 ft.	.65	20 ft.	14 ft.
R1	8,000 sq. ft.	70 ft.	56 ft.	.53	20 f	14 ft.

					t.	
R1A	8,000 sq. ft.	70 ft.	56 ft.	.53	20 ft.	14 ft.
RR	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R2	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R4	6,000 sq. ft.	70 ft.	56 ft.	.48	20 ft.	13 ft.
R3	5,000 sq. ft.	80 ft.	64 ft.	.40	20 ft.	13 ft.

Zoning District	**Minimum Gross Land Area**	**Minimum Lot Width**	**Minimum Street Frontage**	**Minimum Livability Space Ratio* (LSR)**	**Minimum Setbacks**	
					Street	**Interior**
MH	87,120 sq. ft.	None	56 ft.	.51	20 ft.	20 ft.
OI	10,000 sq. ft.	100 ft.	80 ft.	.27	20	17 ft.

					ft.	
B1	5,000 sq. ft.	15 ft.	12 ft.	None	Refer to Section 16.06.02	Refer to Section 16.06.04
B2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
B3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
M1	17,000 sq. ft.	80 ft.	64 ft.	.3	20 ft.	22 ft.
U1	None	None	None	.27	Refer to Section 16.06.09	Refer to Section 16.06.08
E1	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
E2	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.
E3	5,000 sq. ft.	50 ft.	40 ft.	.27	20 ft.	17 ft.

(20140384-08212014)

**LSR is a ratio where the numerator is the square footage of Livability Space and the denominator is the square footage of the entire parcel.*

16.01.03 Where a lot is located in more than one zoning district, the appropriate land use intensity ratios shall be applied individually to each portion of the gross land area located within the different districts.

16.02 Gross Land Area

16.02.01 When a lot is located in more than one zoning district, the minimum square footage of the lot shall be the sum of the square footage derived by multiplying the minimum square footage required for each represented district by the proportion of the lot located within that district.

16.02.02 The area within the street right-of-way may not be used to satisfy lot area requirements.

16.03 Minimum Lot Widths

16.03.01 No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

A. Could be used for purposes that are permissible in that zoning district, and

B. Could satisfy any applicable setback requirements for that district.

16.03.02 Where a lot fronts two (2) or more streets, the minimum lot width requirement shall be considered met if the lot width at the street setback from any one of such streets meets the minimum lot width requirement.

16.03.03 No lot created after the effective date of this Ordinance that is less than the required width shall be entitled to a variance from any building setback requirement.

16.04 Minimum Street Frontage Widths

16.04.01 The minimum width of the frontage of a lot on a street shall be eighty percent (80%) of the minimum lot width required for the lot. Easement areas shall be excluded from this requirement.

16.04.02 Where a lot fronts on two (2) or more streets, the minimum street frontage width requirements shall be considered met if the frontage along any one of such streets meets the minimum street frontage width requirements.

16.04.03 Where a lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety feet (90'), the minimum street frontage width requirement shall not apply.

16.06 Building Setback Requirements

16.06.01 Subject to Sections 16.07 and 16.11 and the other provisions of this Section, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the Intensity Table.

A. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline. Whenever a lot fronts a street with a right-of-way of thirty feet (30') or less, the setback shall be measured from a line running parallel to the centerline at a distance of fifteen feet (15') from the centerline.

B. As used in this Section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.

C. As used in this Section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

1. Gas pumps and overhead canopies or roofs.
2. Fences running along lot boundary adjacent to public street rights-of-way if such fences exceed nine feet (9') in height and are substantially opaque.
3. Retaining walls which exceed four feet (4') in height.

D. Flagpoles, bridges, transmission poles, cables, heat pumps, generators, air condition units and pad mounted transformers shall be exempt from building setback requirements, however, walk in coolers and refrigeration units must meet the requirements for accessory buildings.

16.06.02 In the B1 district, existing development may rebuild to existing building footprint lines, but

cannot rebuild any closer to a street than the established existing building setback line as noted on the Official Existing Building Line Maps recorded with the Watauga County Registry in Deed Book 239, Pages 132-138. Structures existing prior to February 25, 1993 that do not meet the required setbacks shall not be considered to have nonconforming features.

16.06.03 In the B1 district, the minimum street setback distance shall not apply to a projecting theater marquee, canopy or roof overhang supports as long as such supports do not go beyond the edge of the sidewalk. This exemption shall not obviate the need for an encroachment agreement.

16.06.04 The interior setback for the B1 zoning district is 0', unless the lot abuts a district other than a U1 zoning district, in which case the lot boundary setback shall be fifteen feet (15').

16.06.05 In the B2 and B3 zoning districts, sideline to sideline construction may be permitted on one or more lots of at least 100 feet road frontage upon issuance of a special use permit in accordance with the provisions of Article 6 and subject to the following conditions:

A. The building must be constructed in accordance with the regulations for the primary fire district as contained in the North Carolina State Building Code.

B. There shall be a deeded street or right-of-way, built to Town standards, at both the front and the rear of the property.

C. Loading, unloading and refuse disposal access shall be from the street at the rear of the property.

D. Loading and parking shall be in compliance with Article 24 of this Ordinance.

16.06.06 Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.

16.06.07 Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).

16.06.08 In the U1 district, the minimum street setback of ten feet (10') shall apply only when development is proposed adjacent to Town maintained streets.

16.06.09 In the U1 district, the minimum interior setback shall be increased to fourteen feet (14') only when development is proposed adjacent to R1 zoned property. Additional setback provisions in Section 16.06.05 do not apply in the U1 district. The minimum interior setback is zero feet (0') only when development is proposed adjacent to B1 zoned property.

16.07 Accessory Structure Setback Requirements

16.07.01 All accessory structures shall meet the building street setback requirement of fifteen feet (15') from the street right-of-way line and seven feet (7') from any interior lot line.

16.07.02 No accessory structure may be further forward to the street setback than the front most point of the principal structure.

16.07.03 The maximum lot coverage of the accessory structure shall not exceed twenty percent (20%) of the lot.

16.07.04 An accessory structure must be clearly subordinate to the principal structure in all dimensional aspects.

16.07.05 An accessory structure shall not be located in an easement unless expressly allowed.

16.08 Building Height Limitations

16.08.01 For the purposes of this Section:

The height of a building shall be the vertical distance measured from the average elevation of the finished grade at the primary façade of the building to the highest point of the building.

"Stories" as used herein refers to the number of heated, habitable floors above grade at the primary facade. Where both stories and heights are listed in the table below at section 16.08.02, the building can have no more than the listed number of stories, and also may not exceed the specified height in feet.

16.08.02 Subject to the remaining provisions of this Section, building height limitations in the various zoning districts shall be as follows:

Zone	Height Limitation
R1, R1A, RR, R2, R4, RA	3 stories
R3	3 stories
MH	35'

OI	4 stories/67’
Zone	Height Limitation
B1	On King St. from Water to College and on Depot Street from King to Howard: 3 stories/45’; elsewhere: 4 stories/55’
B2	3 stories/ /40’
B3, E1, E2, E3	3 stories/45’ (primary) – 5 stories/67’ (secondary)
U1	Refer to Subsection 16.08.09
M1	67’

16.08.03 In the B2, ~~and~~ B3, E1, E2, and E3 districts the height limitation may range between the primary height limitation in the table to the secondary height (which is the maximum for the district), subject to the provision that for each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to the structure shall increase by one (1) foot. In no case shall the height of a structure exceed the secondary height limitation established in the table.

16.08.04 In the B1 district the maximum building height shall be limited to forty-five feet (45’), as measured from the average elevation of the existing or proposed sidewalk along the primary street at the middle of the building elevation facing the street to the highest point of the building or structure. Where a property has primary street frontages on opposite sides the applicable height limitation shall apply for each side and the building height limitation for each side shall terminate at the midpoint of the building.. Where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation of the finished building. For the purpose of this Section, the following are considered primary streets: King Street, Queen Street, Howard Street, Rivers Street, Water Street, Depot Street, Appalachian Street, Grand Boulevard, Poplar Grove Road, Straight Street, Bent Street, Orchard Street, and Wallace Circle.

16.08.05 In all nonresidential zones and the R3 zone, all structures located within 100 feet of an R1 zoned property shall not exceed forty feet (40’) in height.

16.08.06 Where a multi-unit or nonresidential structure has a height in excess of twenty feet (20’) and adjoins a low density residential district, the structure shall meet an additional setback of one and one half feet (1 ½’) for each foot in height above twenty feet (20’).

16.08.07 If a structure is located at an elevation of 3000 feet above mean sea level and 500 feet above the valley floor, in no case shall the height of such structure exceed forty feet (40’) above the mean natural grade.

16.08.08 The following features are not included in calculating the height of a structure for purposes of applying the district height limitations set forth in Subsection 16.08.02, except that on a corner lot in any residential district no planting, structures, fence, wall or obstruction to vision more than three feet (3’) in height measured from the street center line shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines each of which is twenty-five feet (25’) from the point of intersection.

A. Chimneys, accessory radio or television antennas, flagpoles, monuments or solar collectors provided that such features do not exceed fifteen percent (15%) of the maximum height requirements.

B. Church spires, belfries, cupolas, domes, smokestacks, windmills, or observation towers, provided such structures do not exceed in height the horizontal distance from the structure to the nearest property line. **C.** Utility transmission poles and cables.

D. Elevator or other mechanical equipment and mechanical penthouses; provided, however, that such features must be screened from view by parapets and set-back from roof edges.

E. Limited structures to enable recreational use of open rooftops; provided, however, that such features must be screened from view by parapets and set-back from roof edges and may be no more than 1/3 the area of the entire roof. As used in this provision, "structures" do not include areas that are simply decking to be used for standing or sitting.

16.08.09 In the U1 district, building heights for structures internal to the main campus shall be generally limited only by the Town's firefighting capability except for those structures located immediately adjacent to property in a non-University district. In this instance:

A. All buildings proposed within 100 feet of an R1, R1A, RR, R2, R4, or RA zoned property shall be limited to a maximum height of forty feet (40').

B. All buildings proposed within fifty feet (50') of an R3, OI, B1, B2, or B3 zoned property shall be limited to the maximum height allowed in the adjoining district. Additional height restrictions in Subsection 16.08.04 and 16.08.05 shall not apply in the U1 district.

16.09 Minimum Building Spacing

16.09.01 The minimum spacing between any two (2) buildings located on a single lot or in the U1 district, which contain dwelling units, shall be the sum of the spacing distances required for the walls of each building or portion thereof as follows:

A. The required spacing between buildings for any wall containing windows shall be the horizontal distance equal to the minimum interior setback applicable to the lot or district in which it is located, plus one (1) additional foot for each foot the height of the building exceeds thirty-five feet (35').

B. The required spacing distance for a windowless wall shall be in accordance with the applicable building codes.

16.09.02 Unless otherwise regulated by this Ordinance, the spacing between structures or portions of structures not containing dwelling units shall be appropriate to the use of such structures or portions thereof. Spacing shall be related to fire protection requirements, the separation of spaces by fences, walls or vegetative screening, the location of parking and service areas, the exposure to nearby living quarters and similar considerations.

16.10 Intensity Regulations for the U1 District

16.10.01 University campus land will be considered as a whole for purposes of computing land use intensities. This provision does not apply to satellite tracts; however, land separated from the main campus only by a public street or thoroughfare will be deemed part of the main campus~~, and any land separated from the University's State Farm property only by a public street or thoroughfare will be deemed part of the State Farm property~~.

16.11 Architecturally Integrated Subdivisions

16.11.01 In an architecturally integrated subdivision, the applicant may create lots and construct buildings without regard to any minimum lot size, lot width or setback restrictions except that:

A. Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and

B. Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

16.11.02 The number of dwelling units in an architecturally integrated subdivision may not exceed the maximum density authorized for the tract under Section 16.01. The number of lots allowed in an architecturally integrated subdivision shall be calculated by dividing the project area by the minimum gross land area as shown in Section 16.01. For an architecturally integrated subdivision project that is composed of areas with different zoning designations, the number of units shall be determined for each zoning district. The maximum number of units for the project shall be the

sum of the densities for each district. The units may be distributed throughout the project without regard to the zoning district lines subject to meeting the requirements of Subsection 16.11.01. Further, only uses authorized by Article 15 shall be permitted in each zoning district.

16.11.03 To the extent reasonably practicable, in architecturally integrated subdivisions the amount of land saved by creating lots that are smaller than the standards set forth in Section 16.01 shall be set aside as usable open space.

16.11.04 The purpose of this Section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the applicant who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

16.12 Density On Lots Where Portion Dedicated to Town

16.12.01 Subject to the other provisions of this Ordinance, if (i) any portion of a tract lies within an area designated on any officially adopted Town plan as part of a proposed public park, greenway, or bikeway, and (ii) before the tract is developed, the owner of the tract, with the concurrence of the Town, dedicates to the Town that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

Article 17 Wellness District Standards

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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 acre 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.

Table of Principal Uses

Use #	Specific Use	Reference
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)~~Public Colleges and Universities (no residential uses allowed)	
9.02	~~Caldwell Community College & Technical Institute (no residential uses allowed)~~ Private Colleges and Universities (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.	Adult Daycare Center	

Use #	Specific Use	Reference
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	15.47

…

Article 34 DEFINITIONS

COLLEGE or UNIVERSITY. A degree-granting institution, other than a trade school, which provides education beyond the high-school level, and typically has programs resulting in an Associate's, Bachelor's, or Master's degree. In addition to classroom buildings, it may include offices, laboratories, lecture halls, dormitories, residence halls, athletic facilities, and similar buildings and other facilities that~~which~~ support the

work of the college or university.~~Institution of higher learning that provides education to undergraduates and awards bachelors and sometimes masters degrees~~

TRADE SCHOOL. An institution which offers vocational and technical training in a variety of technical subjects and trades-, typically resulting in a certification.~~; it may include residential components for students and faculty~~.

~~UNIVERSITY. An educational institution for higher learning that typically includes an undergraduate college, graduate schools in various disciplines and sometimes professional schools.~~

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and "cheap" apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

Comprehensive Plan Policies: Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Commission and Council should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

COMPREHENSIVE PLAN POLICIES

2.1 THE ECONOMY

2.1.1 Economic Development

E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.

E.1 Continue to look for ways to make development regulations and permit procedures more predictable and timely. Evaluate opportunities for administrative review and permit issuance for development projects which, due to their small size or relatively minor impacts, may not require review by a formal public commission or board.

PLANNING BOARD REPORT/RECOMMENDATIONS

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Per NCGS 160A-383, the Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

First motion and vote: The proposed amendment to the Town's zoning ordinance □**is** OR □**is not** consistent with the Town's comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: The Planning Commission recommends □**approval** OR □**denial** for the following reasons:

TOWN COUNCIL ACTION

Per NCGS 160A-383, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest.

First motion and vote: The proposed amendment to the Town's zoning ordinance □**is** OR □**is not** consistent with the Town's Comprehensive plan and other applicable adopted plans of the Town which relate to this application because:

Second Motion and Vote: I move to □**approve** OR □**deny** the proposed amendment to the Town's zoning ordinance and believe □**approval** OR □**denial** is reasonable and in the public interest because:

QUASI-JUDICIAL HEARING

SEWER SERVICE REQUEST - STEVE WEST

Town Attorney Allison Meade opened a public hearing at 6:29 p.m. to hear sworn testimony on a request for water service to property located on/near 239 Eagle Drive. Steve West, being duly sworn, stated his request was a matter of hardship and that he would be willing to annex. Mr. West stated that the acid in his water is currently eating away at the inside of his water pipes and that a water softener would cost several thousand dollars. Public Works Deputy director Josh Eller, being duly sworn, advised that he had no issues with this request. He added that water was available in the area and that the town limits are only a few land parcels over from Mr. West's property. With no further testimony, Ms. Meade closed the hearing at 6:36 p.m.

Upon a motion by Council Member Mason seconded by Council Member Collins, Council moved to approve the request for water service by Steve West to property located at 239 Eagle Drive with a predicted usage of 360 gallons per day, because it is a hardship situation.

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

COUNCIL MATTERS

RESCHEDULING OF SEPTEMBER COUNCIL MEETING

Due to a scheduling conflict with the North Carolina League of Municipalities Annual CityVision conference, staff proposed that the September regular Town Council meeting be moved to September 14 so as to not interfere with the Planning Commission/Public Hearing scheduled on September 25. It was determined that September 28 would be a better choice after Council Members Mason and Collins noted different conflicts.

Upon a motion by Council Member Mizelle, seconded by Council Member Collins, Council moved to reschedule the September regular Town Council meeting originally to be held on September 21 to September 28 to avoid conflict with the NCLM Annual Conference.

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

DECEMBER PUBLIC HEARING/PC MEETING

Since the December Planning Commission/Public Hearing falls on the Christmas holiday, staff requested that Council reschedule the meeting to December 18.

Upon a motion by Council Member Loretta Clawson, seconded by Council Member Collins, Council approved the rescheduling of the December Planning Commission/Public Hearing from December 25 to December 18.

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

NEW MARKET BLVD. REQUEST

Council Member Mason stated that she drives New Market Boulevard on a regular basis and has safety concerns with an increased number of children biking or walking to school at Hardin Park. Council Member Mason added that she would like to see stop signs and crosswalks installed to assist with traffic calming in the area. After short discussion, it was the consensus of Council to have staff research additional safety measures for the area.

RESULT:	**CONSENSUS**

TOWN MANAGER UPDATE

- Introduced Brittney Clark as the new Downtown Boone Development Coordinator

-UNCSOG will be in Boone on August 29 for a Downtown Business District assessment
-One-stop voting stop at Plemmons Student Union is on the Board of Elections agenda for approval
-New Town maps are available at Town Hall
-Executive Committee for the Boone/Watauga County Veterans Memorial meets on August 18 to select the winning design
-Clean-up of Chen property has begun and is expected to last a week or more
-Culvert repair at Precision Printing is moving forward
-Town of Boone website update
-King Street enhancement complete and awaiting DOT approval for pedestrian crosswalk signals
-Work is progressing at the Boone Cemetery
-Sealed four miles of Town streets
-Watch for Me NC kick-off Bike Rodeo will be held on September 16 at Hardin Park School
-Depot Street paving and stop sign installation is complete
-Water Intake progress update

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Rennie Brantz announced the following vacancies:

-Nicholas Williams has announced his resignation from the Historic Preservation Commission effective July 30, 2017, leaving his position vacant
-Harvard Ayers' term on the Sustainability, Economics and Environment Committee is set to expire on October 15, 2017
-Adrian Thompson has announced his resignation effective July 27, 2017, leaving his position vacant

APPOINTMENT TO COMMUNITY APPEARANCE COMMISSION

Council Member Mason nominated Brian Williams and Jason Selong for re-appointment on the commission. Council Member Collins noted that Daniel Johnson would be a good fit as well. With no further nominations, Council Member Mason nominated Brian Williams, Jason Selong and Daniel Johnson to serve on the Community Appearance Commission.

VOTE: Aye -- All
Nay -- None

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

APPOINTMENT TO PLANNING COMMISSION

Council Member Collins nominated Alan Lee to serve on this commission. With no further nominations, Mayor Brantz called for a vote:

VOTE: Aye -- All
Nay -- None

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

APPOINTMENT TO SUSTAINABILITY, ECONOMICS AND ENVIRONMENT COMMITTEE

Council Member Mason nominated Ben Scarboro to serve on this committee and noted that she hoped the second applicant, John Prickett would consider serving on another committee. Council Member Clawson nominated John Prickett to serve on this committee. With no further nominations, Mayor Brantz called for a vote:

VOTE (Ben Scarboro): Aye -- 3
Nay -- 1

VOTE (John Prickett): Aye -- 1
Nay -- 3

RESULT:	**APPROVED [3 TO 1]**
MOVER:	Lynne Mason, Mayor Pro Tem
SECONDER:	Jeannine Underdown Collins, Council Member
AYES:	Mason, Mizelle, Collins
NAYS:	Clawson

AHTF REQUEST

Mayor Brantz announced that due to the resignation of Council Member Teague, the Affordable Housing Task Force is short a Town Council Member Representative. At the request of the Affordable Housing Task Force, it was the consensus of Council to postpone the appointment of a new representative until after the appointment of the new Council Member.

APPOINTMENT OF NEW COUNCIL MEMBER

Council Member Collins nominated Quint David to fill the empty seat on the Town Council. Council Member Clawson nominated Connie Ulmer and read the following statement:

"It is my honor to nominate Dr. Connie Ulmer for the vacated spot on Town Council. She is a retired professor of 20 some years, from the College of Education, in the reading and Education Department at ASU. I thought carefully about my choice for the person to fill this vacant seat and decided Connie was the best candidate for that seat for the following three primary reasons:

1. She expressed a strong concern that we must take action to preserve our Town neighborhoods, and I agree.
2. She recognizes rent by the bedroom mega housing isn't good for our quality of life, nor fair to students, and I agree.
3. She said that the development path we are on is not working, and she specifically stated that our ordinances and Comprehensive Plan needs serious review and input from citizens, and I agree.

While I appreciate Quint's and Marshall's municipal experience, we already have that experience on our Council and with our staff. What we desperately need, and what we don't have, is new ideas and new faces.

Connie is smart and engaged and willing to bring these new ideas to the table. I would like to give her that chance. Thank you."

Council Member Mason stated that she nominated Quint David because he has experience and would be prepared to immediately step into the role of Council Member. She went on to state that Mr. David is already familiar with the Town and has remained active on Town boards and committees. Council Member Mizelle noted that it was her opinion that all three candidates were wonderful, but agreed with Council Member Mason that Quint David would bring experience and devotion to the Town Council. Council Member Collins agreed with Council Member Mizelle that all three candidates were outstanding. Mayor Brantz announced that he appreciated all three candidates for their willingness to service the community and at the suggestion of Town Attorney Allison Meade called for each Council Member to voice their pick to fill the vacant Town Council seat.

Council Member Mizelle -- Quint David
Council Member Mason -- Quint David
Council Member Clawson -- Connie Ulmer
Council Member Collins -- Quint David

SWEARING IN CEREMONY

District Court Judge Larry Leake presided over the swearing-in ceremony for Council Member Quint David. Official oaths precede these minutes.

SEATING OF NEW COUNCIL MEMBER

Council Member David took his seat on the Council.

APPOINTMENT OF AHTF MEMBER

Council Member Collins nominated Council Member David to be the Town Council representative on the Affordable Housing Task Force.

MOTION TO APPOINT QUINT DAVID TO THE AFFORDABLE HOUSING TASK FORCE

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

CLOSED SESSION

ENTERING CLOSED SESSION

Upon a motion by Council Member Collins, seconded by Council Member Clawson, Council moved to enter closed session at 7:33 p.m. pursuant to N.C. Gen. Stat. §143-318.11(a)(3), to obtain legal advice with respect to a matter, to give instructions to the attorney concerning the condemnation cases involving the Town of Boone and Jerry Brown et all, 15 CVS 473-475 (Watauga County) and to obtain legal advice and/or consider and give instructions to the attorney concerning certain potential claims.

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

EXITING CLOSED SESSION

Upon a motion by Council Member Clawson, seconded by Council Member Collins, Council moved to exit closed session at 8:13 p.m.

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

ADJOURNMENT

MOTION TO ADJOURN

Upon a motion by Council Member Collins, seconded by Council Member Clawson, Council moved to adjourn the meeting at 8:15 p.m.

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

Nicole Worley, Town Clerk

Rennie Brantz, Mayor