

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
September 19, 2019**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:03 p.m. in the Council Chambers located at 1500 Blowing Rock Road in Boone on Thursday, September 19, 2019. Mayor Rennie Brantz presided. Council members present included Mayor Pro-Tem Loretta Clawson, Lynne Mason, Connie Ulmer, Sam Furguele and Marshall Ashcraft. Staff present included Town Manager John Ward, Town Clerk Nicole Harmon, Fire Chief Jimmy Isaacs, Finance Director Amy Davis, Deputy Public Works Director Todd Moody, Waste Water Treatment Plant Superintendent Rudy Broschinski, Police Chief Dana Crawford, Planning Director Jane Shook and Senior Planner Marty Little. Town Attorney Allison Meade was also in attendance.

Due to the large amount of staff present for the presentation of the recognition of Narcotics Officer Jonathan Houck, Mr. Furguele made a motion, which was seconded by Mayor Pro-Tem Clawson, to move that item next on the agenda.

VOTE: Aye: All
 Nay: None

ANNOUNCEMENTS

RECOGNITION OF J. HOUCK

Police Chief Dana Crawford presented Narcotics Officer Jonathan Houck an award of recognition for the successful fulfillment of the requirement and obligations to acquire the Advanced Law Enforcement Certification.

Ms. Mason announced the upcoming walk audit and walk/bike to school event on October 2nd.

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Brantz announced the following board vacancies:

BOARD OF ADJUSTMENT

One alternate position

COMMUNITY APPEARANCE COMMISSION

Four positions

CULTURAL RESOURCES ADVISORY BOARD

Four positions

DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

One Council appointed position

HISTORIC PRESERVATION COMMISSION

Two positions

OUTSIDE AGENCY FUNDING REVIEW COMMITTEE

One position

PLANNING COMMISSION

One position

SUSTAINABILITY COMMITTEE

One position

WATER ADVISORY COMMITTEE

One position

TENTATIVE AGENDA ADOPTION

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

VOTE:	Aye:	All
	Nay:	None

PUBLIC COMMENT

Linda Rigell of Boone spoke in opposition of the proposed hotel on the corner of Hillside Drive. She stated that she had attended all of the public meetings for the hotel, and added that her opinion of the project had changed back and forth over time. Ms. Rigell stated that some members of the community only supported the project because they did not want apartments in the neighborhood. She continued by stating that she was uncomfortable with anyone making a fear-based decision, and noted that the project was on the corner of a neighborhood conservation district. Ms. Rigell felt that Dr. Eric Plaag was the only member engaged in the process at the Planning Commission/Public Hearing, and noted that he was the only one who voted against his the project after noting that a "gun was being held to his head". Ms. Rigell believed the neighborhood was vulnerable due to its location, and that, despite being surrounded by four lane roads and homes, the area was quiet at night thanks to the Boone Police department. She finished by asking Council to consider the long-lasting effects this project would have on one of Boone's last R-1 neighborhoods.

REQUESTED APPEARANCE**NATHAN MILLER - CONSIDERATION OF BOUNDARY LINE AGREEMENT**

Nathan Miller presented a boundary line agreement to Council for their consideration between the Appalachian Theatre, Chrislund Properties, and Sarvis Properties, and noted that according to the original agreement, the Town had to sign off on any property line adjustments made to the Theatre property. Mr. Miller noted that Mr. Furguele had pointed out an error, that would be fixed before execution, in that the correct book of records for the original deed for Sarvis Properties was 735/808. Mr. Miller confirmed that he would discuss this change with the Theatre attorney to make sure he was agreeable to the amendment before making it. Upon a motion by Mr. Furguele, seconded by Mayor Pro-Tem Clawson, Council voted to approve the boundary line agreement as amended.

Prepared by and return to: Miller & Johnson, PLLC, P.O. Box 49, Boone, NC 28607

STATE OF NORTH CAROLINA

BOUNDARY LINE AGREEMENT

COUNTY OF WATAUGA

THIS BOUNDARY LINE AGREEMENT made and entered into this ____ day of _____, 20__, by and between Sarvis Properties, Inc., (hereinafter referred to as "Sarvis"), and the Appalachian Theatre of the High Country, Inc., (hereinafter referred to as "Theatre"), and Chrisland Properties, Inc. (hereinafter referred to as "Chrisland") and the Town of Boone (hereinafter referred to as "Boone") all of North Carolina;

WITNESSETH:

WHEREAS, Sarvis is the owner of a certain parcel or tract of land lying in Boone Township, Watauga County, North Carolina, and being the property described in the Deed recorded in Record Book 735, Page 808, Watauga County, North Carolina, Public Registry; and

WHEREAS, Theatre is the owner of a certain parcel or tract of land lying in Boone Township, Watauga County, North Carolina, and being the property described in the Deed recorded in Record Book 1710, Page 664, Watauga County, North Carolina, Public Registry; and

WHEREAS, Chrisland is the owner of a certain parcel or tract of land lying in Boone Township, Watauga County, North Carolina, and being the property described in the Deed recorded in Record Book 1490, Page 167, Watauga County, North Carolina, Public Registry;

WHEREAS, Boone owns a reversionary interest in the certain parcel or tract of land owned by Theatre in Boone Township, Watauga County, North Carolina and being the property described in the Deed recorded in Record Book 1710, Page 664, Watauga County, North Carolina, Public Registry;

WHEREAS, in order to avoid any misunderstanding or question concerning the dividing line between the above-described adjoining property of the parties hereto, it is the desire of the

parties to definitely fix and establish the boundary line between their said adjoining properties as hereinafter provided.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration flowing from each party to the other, the parties hereto covenant and agree that the boundary line between their respective properties shall be as follows:

AS SET FORTH IN THAT CERTAIN PLAT RECORDED IN PLAT BOOK 27, PAGE 133, WATAUGA COUNTY, NORTH CAROLINA PUBLIC REGISTRY WHICH IS INCORPORATED BY REFERENCE HEREIN AS IF SET OUT IN FULL.

Sarvis and Chrisland do hereby bargain, sell and convey unto Theatre all the land in which they may have any interest whatsoever lying within the boundary lines of Theatre as set forth in the Plat save and except the easements set forth in deed in Record Book 2046, Page 653, WCNCPR.

Theatre and Boone do hereby bargain, sell and convey unto Sarvis all the lands and easements in which they may have any interest whatsoever lying within the boundary lines of Sarvis as set forth in the Plat.

Chrisland does hereby bargain, sell and convey unto Sarvis all the lands and easements in which they may have any interest whatsoever lying within the boundary lines of Sarvis as set forth in the Plat.

Sarvis, Theatre and Boone do hereby bargain, sell and convey unto Chrisland all of the land within which they may have any interest whatsoever lying in the boundary lines of Chrisland as set forth in the Plat.

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land and all privileges and appurtenances thereunto belonging to the appropriate party, their heirs, successors and assigns forever.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Sarvis Properties, Inc.

By:  (SEAL)
Andrew Feimster, President

Chrisland Properties, Inc.

By: _____ (SEAL)

Hanes Boren, President

Appalachian Theatre of the High Country, Inc.

By: _____ (SEAL)

John Cooper, President

Town of Boone

By: Rennie Brantz (SEAL)

Rennie Brantz, Mayor

Attest: Nicole Harmon (SEAL)

Town of Boone Clerk Nicole Harmon



STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I, a Notary Public of said County and State, do hereby certify that the following person personally appeared before me this day and acknowledged the execution of the foregoing instrument in the capacity indicated:

Andrew Feimster, President of Sarvis Properties, Inc.

WITNESS my hand and official seal this the 30th day of August, 2019.

Pamela N. Moretz
Notary Public, Pamela N. Moretz

My Commission Expires: 10-4-2023

NOTARIAL SEAL:



STATE OF NORTH CAROLINA

COUNTY OF _____

I, a Notary Public of said County and State, do hereby certify that the following person personally appeared before me this day and acknowledged the execution of the foregoing instrument in the capacity indicated:

Hanes Boren, President of Chrisland Properties, Inc.

WITNESS my hand and official seal this the ____ day of _____, 2019.

Notary Public, _____
My Commission Expires: _____

NOTARIAL SEAL:

STATE OF NORTH CAROLINA

COUNTY OF _____

I, a Notary Public of said County and State, do hereby certify that the following person personally appeared before me this day and acknowledged the execution of the foregoing instrument in the capacity indicated:

John Cooper, President of Appalachian Theatre of the High Country, Inc.

WITNESS my hand and official seal this the ____ day of _____, 2019.

Notary Public, _____
My Commission Expires: _____

NOTARIAL SEAL:

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

I, a Notary Public of the County and State aforesaid, certify that Nicole Harmon personally appeared before me this day and acknowledged that she is the Clerk for the Town of Boone, a

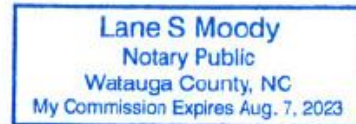
North Carolina municipality, and that by authority duly given and as an act of the Town of Boone, the foregoing instrument was signed in its name by its Mayor, Rennie Brantz, and attested by Walter Harman as the Town Clerk.

Witness my hand and official seal, this the 20th day of September, 2019.

Lane S. Moody
Notary Public, Lane S. Moody

NOTARIAL SEAL:
Expires: Aug 7, 2023

My Commission



W:\Forms\REALEST\Agreement - Boundary Line.wpd

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furguele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

APPROVAL OF ITEMS ON CONSENT AGENDA

CONSIDERATION OF APPROVAL OF RESOLUTION - 2020 CENSUS PARTNERSHIP

Mr. Ward presented Council with a resolution for the Town's partnership in the 2020 census and stated that he had met with County representatives, who had adopted this resolution last month, to arrange a complete count committee which meant the Town would have access to additional information once the census was complete.

Mayor Pro-Tem Clawson made a motion to approve the resolution. The motion was seconded by Ms. Mason. Mr. Furgiuele stated that he supported the idea, but he had some questions about who would be involved in the complete count committee. Mr. Ward informed Council that the committee would be comprised of resources from the County and ASU, as well as the Town of Boone. Mr. Furgiuele felt that if all three entities were working together, he would like to see it defined how the committee would be filled out given the history with the County. He added that he would like to invite some of the people who had been working with the Police department's Latino community involvement initiative. Mr. Ward answered that that was one of the goals, and that he would be the Town's liaison in the committee. Mr. Furgiuele asked that Mr. Ward keep Council in the loop monthly via the manager's update. Mayor Pro-Tem Clawson raised a question regarding how the population between Town residents and ASU students was calculated, with Mr. Ward responding that the numbers taken in the census count were population versus ASU enrollment and that there was no differentiation other than that between the two. Ms. Mason noted that it was her understanding that students not living on campus were included in the general population count. Ms. Meade suggested a minor grammatical correction in the template resolution which was accepted by both the mover and the seconder.

2020 Census Partnership

WHEREAS, the U.S. Census Bureau is required by the U.S. Constitution to conduct a complete count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;

WHEREAS, the Town of Boone is committed to ensuring every resident is counted;

WHEREAS, federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing;

WHEREAS, census data helps determine how many seats each state will have in the U.S. House of Representatives and are necessary for an accurate and fair redistricting of state legislative seats, county and city councils and voting districts;

WHEREAS, information from the 2020 Census and American Community Survey is vital for economic development and increased employment;

WHEREAS, the information collected by the census is confidential and protected by law;

WHEREAS, a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our residents;

WHEREAS, the Census count requires extensive work, and the Census Bureau requires partners at the state and local level to insure a complete and accurate count;

WHEREAS, the Town of Boone and an appointed Complete Count Committee will bring together a cross section of community members who will utilize their local knowledge and expertise to reach out to all persons of our community;

Now, therefore, **BE IT RESOLVED** that the Town of Boone is committed to partnering with the U.S. Census Bureau and the State of North Carolina and will:

1. Support the goals for the 2020 Census and will disseminate 2020 Census information;
2. Encourage all County residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation;
3. Provide CCC members and Census advocates to speak to County and Community Organizations;
4. Support census takers as they help our County complete an accurate count; and,
5. Strive to achieve a complete and accurate count of all persons within our borders.

Adopted in Boone, North Carolina this _____ day of September, 2019.

Rennie Brantz, Mayor

ATTEST:

(SEAL)
Nicole Harmon, Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Loretta Clawson, Mayor Pro-Tem
SECONDER:	Lynne Mason, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

COUNCIL MATTERS

TOWN MANAGER UPDATE

Mr. Ward updated Council on the following topics:

1. The Watauga County Food Council plans on a focus group meeting for October 11 to discuss priorities and plan to present their ideas to Council in November or December for the creation of a local food plan. Mr. Furgiuele stated that he preferred the November meeting, to which Mr. Ward stated that he would relay that to food council representatives, but was unsure if they would be able to finish the project in time.

2. Update on ASU capital projects, including the new parking deck with 477 new parking spaces. Mr. Ward noted upcoming renovations to Sanford Hall, the Peacock Lot expansion and complete daylighting of Boone Creek from Depot Street to Blowing Rock Road, with the potential expansion of the Walker College of Business on top of the planned parking deck. He gave an update on the new Stadium Endzone project, and stated that it would include a large community conference room. He believed that the Town would be able to partner with the University to use this room for conferences if needed. Mr. Ward noted that all of these projects were underway except for the Peacock Lot parking deck, and asked Council to consider this fact along with other development in Town in terms of Planning department staff's work load. Mr. Ward stated that he had talked with ASU representatives about the parking deck, and that they were working together to rethink parking. He added that he would be able to share more detail in the future, but believed that they had a plan to address the parking problem in Town and on campus. Mr. Ward noted that the new parking facility would be much needed with the opening of the new Appalachian Theatre. Ms. Mason asked if the plan was still to connect Rivers and Appalachian Street via the Peacock Lot. Mr. Ward stated that they had looked into it, but that there were quite a few underground springs, so to connect the roads over an open channel would be environmentally sensitive and costly. Ms. Mason asked whether the parking garage would be accessible from both Rivers and Howard Streets, to which Mr. Ward responded that the current plan was to be accessible from both Rivers and Howard Streets.

3. Mr. Ward indicated that he and Downtown Boone Development Coordinator Lane Moody had given a tour of Howard Street to USDA representatives, and that they had all been working together with Finance Director Amy Davis on a financial analysis for the project and were getting closer to being ready to move forward with submitting the full loan application. He added that the Town had received good feedback from USDA representatives.

4. Mr. Ward updated Council on a previous request for short term solutions to downtown parking. He stated that the library and Town Hall staff parking lots had been opened up and signs had been placed to encourage visitors to use those lots on the weekends. Mr. Ward added that since the Theatre was close to being able to pave the lot behind Town Hall, this would enable staff to move back into their old parking spaces behind the building and would open up the lot behind the Vetro building for visitors. He continued by stating that on

the courthouse side of the Queen Street lot, there were 25-35 spaces that are reserved for courthouse parking during the week. Mr. Ward indicated that he would be working with staff on updating signage to make it clear that those spots would be available on the weekends, evenings and holidays.

4. The Center for Watershed Protection has completed their review of the Town's ordinances and are in the process of going through an internal review of the Town's water infrastructure, policy and procedures. Once they finish and staff meets with CWP representatives, the plan is to bring a report back at the October meeting. Mr. Furgiuele asked whether there would be recommendations as to what storms the Town should prepare against. Mr. Ward indicated that he was unsure but would make sure that would be part of the report.

5. Downtown Streetscape update: Green's Construction is currently installing two sections of brick paver sidewalk at 587 West King Street. These sections should be completed by September 27th.

6. Perkinsville Drive update: curb & gutter and sidewalk construction continues on the east side of Perkinsville Drive. Approximately 200' of pervious sidewalk is being installed this week to enlarge our test area. Mr. Ward stated that the only negative comment he had received on the pervious sidewalk was that it was rougher compared to a regular sidewalk. Mr. Furgiuele asked if there had been any progress on the easement along Highway 194 for a hawk's crossing, to which Mr. Ward responded that there had not been yet, but that staff was waiting on final surveys before moving forward.

7. The Street Department has completed milling and resurfacing of the following streets: Boone Heights Drive, State Farm Road from Hunting Hills Lane to Sunnyside Drive, State Farm Road from Hwy. 105 Ext. to VFW Drive, Dogwood Road from Hwy. 105 to Collins Lane, Church Street, Ridgewood Drive, Green Street, Straight Street, Faculty Street and Faculty Street Extension should be completed this week.

8. International Walk Bike to School Day: Walk/Bike to school day is Wednesday, October 2, 2019. Adults and students are invited to participate by walking or biking from the State Employees Credit Union to Hardin Park School. Arrival & drop-off begins at 7:05 am in the State Employees Credit Union parking lot located at 410 New Market Blvd. All adult & student bikers/walkers should be ready to go by 7:15 am. All bikers must wear helmets. Free helmets will be available for those that need one. Join students and adults around the world to celebrate the benefits of biking and walking!

9. Walk Audit: The Town of Boone, Boone Transportation Committee, Harmony Lanes, AppHealthCare, community members and local agencies will be conducting a walk audit to determine strengths and areas of improvement of walking routes throughout the community on Wednesday, October 2, 2019. There are several routes around town that will be part of the walk audit. Everyone can benefit from safe routes to walk, bike and move in the community. Built environment and safety play a role in the health of all people. For more information about the event or to register to participate, please contact McKenzie Hellman at (828) 264-4995 extension 3131.

10. Boone Clean Up Day, Fall Litter Sweep and Free Pick-Up Weeks: In conjunction with the statewide "Fall Litter Sweep 2019" campaign issued by Governor Roy Cooper for September 21st through October 5th, the Town of Boone will hold a "Fall Boone Clean-Up Day" on Saturday, September 21, 2019. Interested participants may come by the Town of Boone Public Works Department located at 321 East King Street between 8:00 am – 1:00 pm to pick up cleaning supplies. In addition, Town residents will receive an additional free curbside pickup of collected debris, (household junk/bulk items, yard debris or brush) through October 7th. For more information, contact Shannon Isaacs at (828)268-6230.

11. Leaf Pick-Up Route: The Town of Boone Public Works Department will provide residential leaf pick up per neighborhood beginning October 14, 2019 through December 13, 2019. Leaves should be placed curbside and free of all other debris. It is not necessary to call to schedule a pick up. For current route information, please contact the Town of Boone Facilities Maintenance Division at (828) 268-6230.

12. Recycle Right NC Campaign: The Town of Boone along with nearly 200 local governments are participating in the statewide "Recycle Right NC" campaign launched this week by N.C. Department of Environmental Quality (DEQ). This campaign is designed to encourage North Carolinians to **RECYCLE RIGHT** by knowing which items are recyclable and which items go in the trash bin. Due to recycling collections being more convenient than ever, contamination (cleanliness and non-recyclables in the cart) has risen. Boone's participation includes education outreach through social media, utility billing inserts as well as a postcard mailing in recognition of November's "America Recycles Day". Please join us in this worthwhile effort to clean up the recycling stream to create a more resilient recycling industry, conserve our natural resources and boost the local economy.

14. Maps were passed out which depicted the parcels in town which were being billed as split-jurisdiction parcels. Mr. Ward noted that staff had identified 108 parcels in Town which were split between Town and County tax jurisdictions, with 48 parcels paying 100% of taxes to the County. Mr. Ward indicated that with Council's direction, he would work with GIS to take corrective action with the County tax office. Ms. Meade asked whether staff had looked into whether the parcels received Town services, with Mr. Ward responding that they had not, but that that would be the next step. Mr. Furgiuele believed that Council should move forward even though it may not be much of a gain, and that the Town needed to take a consistent approach.

15. Mr. Ward noted that Public Works staff had been working with professional arborists and had received three reports on the condition of one of the maple trees in front of the Jones House. He indicated that a report would be presented to Council at the October meeting by a fourth arborist. Mr. Ward stated that the three reports already on hand showed that there were concerns with the tree, but there were no plans to move forward with action other than seeking the opinion of a tree preservation arborist. He added that the reports indicated that the tree showed signs of horizontal cracks which were a part of the main leader system which was already cabled out to other limbs for stability. Mr. Ward believed the tree dated back to at least the 1800's. Mr. Furgiuele believed it was critical that the Town did all it could to save the tree and that if one tree was cut down, it may cause the other to destabilize.

16. Mr. Ward stated that Town staff had been working on grants to complete the remainder of the stream bank restoration project on the Bolick Farm property, as well as a planning grant for the area around the Boone Mall to try to remediate flooding. He indicated that staff had been working on a planning grant for the Boone/Kraut Creek corridor and that the application was still in play. He noted that this was the grant that Council and ASU had already contributed \$7,000 each toward.

17. Mr. Ward stated that for sale signs were installed at both the Public Works building and the Police Department earlier that day and that between the two buildings, he had received calls from six interested parties.

18. Billing round-up program update: Mr. Ward indicated that the program was ready and that staff was working on putting together educational information with hopes to have the program operational within the next two months. The program has been designed to allow residents to round-up on their water bills to support outside agencies, and the funds would be held in a second, separate account.

19. Duke Energy update: Mr. Ward stated that the company has expressed interest in accelerated reduction in carbon emissions by 2030.

20. State Transportation Improvement Plan: Due to action by Council earlier in the year, the Highway 105 project has been removed from NCDOT's list of projects. Mr. Ward indicated that there were multiple projects in the area listed such as the realignment of Deerfield Road and Meadowview Drive, the Daniel Boone Parkway and others in the County. Mr. Ward noted that if the Daniel Boone Parkway was constructed, he believed that would reduce traffic on all Town roads, which were currently over capacity. He added that a Poplar Grove Connector roundabout was on the list, along with upgrades to State Farm and Wilsons Ridge Roads, the widening of Bamboo Road and the installation of a new bridge on Hunting Hills Lane. Mr. Furgiuele stated that he hoped NCDOT would take multimodal paths into consideration for Boone in the future, including a connector path between the intersection of Highway 105 bypass and Highway 105 and ASU campus.

21. Updated meetings list

Mr. Furgiuele stated that members had received complaints from a concerned area resident about Town debris removal methods along the New River near the new water intake site. Mr. Ward confirmed that staff had relocated some sticks and rocks that had moved down- river, along with some barnwood, which he noted was much older than the new wood used for the intake structure. He added that one of the residents in the area had concerns about staff moving the matter from one side of the river to the other. Mr. Ward indicated that supervisory staff had met with other staff and educated them, and that they would no longer be moving rocks and sticks to other locations, even though he believed this was the most natural method. Mr. Furgiuele asked whether there was sand bag debris still in the river near the intake site, to which Mr. Ward answered that he was unsure, but that staff was looking into whether there was sand bag debris still in the area. Mr. Furgiuele stated that a citizen had made a presentation during Tuesday's meeting that indicated that the County had not spent any money on climate change, and that while he assumed the person understood she was addressing the Town Council instead of the County Commissioners, he wanted to make sure that the general public was aware that the Town, and the current Council especially, had taken at least 22 actions to address climate change in the last

year-and-a-half. Mr. Ward agreed with this statement, and believed that 22 was probably a low estimate and added that the Town had spent a sizeable amount of money on environmental projects. When Ms. Mason asked whether there was a tracking mechanism for these projects and the money spent on them, Mr. Furguele suggested that publicity measures be increased and that a monetary value should be placed on the environmental projects the Town is involved in. Mr. Ward noted that he recently attended a city's initiatives meeting and that many communities had made significant strides in terms of environmental goals and were in the process of learning best practices, and he had received helpful contacts from other managers. He stated that he had been taking a partnership approach to working with New River Light and Power to install the community's first solar field, hopefully beginning in December, and were working with them on the streetlight conversion project as well. Mr. Furguele added that the partnership expanded to ASU and the New River Conservancy, with Mr. Ward adding that he planned to work to expand it to Blue Ridge Electric Membership Company as well. He noted that staff was in the process of working to get the Waste Water Treatment Plant assessed by the state for efficiency and would work with them to implement any recommendations they had if possible. Mr. Furguele stated that he wished that citizens who came to the Town asking for support for a special project would go to the County about the sales tax issue. He reminded everyone that the Town had made the commitment that if tax funds were returned by the County to the Town that for the next ten years, the Town would put all of the increase in revenue toward sustainability, but he was unsure the County was aware of this fact since members of the County Commissions were unwilling to even meet with the Town. Mr. Ashcraft asked about the progress of the solar array agreement, with Mr. Ward responding that there had been some issues, but that ASU still planned to move forward and the contract would be sent to the Sustainability Committee for their feedback, then brought back to Council for review.

TOWN ATTORNEY UPDATE

Ms. Meade first clarified that, despite a recent media article that may have led readers to believe otherwise, the Mallatere case involving the Town and the Best Western Hotel was not a new lawsuit. She indicated that Mr. Mallatere had filed a federal lawsuit essentially blaming the Town for being indicted. A Federal District Court Judge then threw that case out, ruling in the Town's favor, which is what was being appealed.

Ms. Meade passed out her current project list and asked for Council's feedback on the priorities of the projects. Mr. Furguele stated that he would like to have a way to give feedback in a more systematic way and added that he was not ready to give feedback during the meeting. Ms. Meade pointed out that the list did not include her day-to-day work for the Town such as contracts, administrative work, etc. Mr. Furguele suggested a system where Council assigned priority levels such as high, medium and low as assignments were given would be more appropriate. He asked that this item be held and discussed at the next meeting, though he agreed with the placement of the nuisance item on the list. Ms. Meade felt that the process should be a combination of feedback and the changing of priorities. Mr. Ward asked Council to remember that many of the items on Planning and Inspections' task list involved Ms. Meade, and asked them to be careful not to set up a list that was unattainable. Ms. Meade noted that unlike the Planning and Inspections list, she was not in a position to commit dates to Council on her projects. She further clarified that the tasks on the list were broken down into two sections: the first section consisted of Council priorities, and the second was administrative tasks, follow-up items, forms, training, etc.

Ms. Meade indicated that she hoped to have the nuisance ordinance ready for Council's review next month, and felt that it would be best to have a separate chapter about nuisances that would provide notice and enforcement mechanisms. She also felt it would be appropriate to have a central place with a single procedural mechanism instead of having staff look at different chapters for protocol, it would have its own chapter. Ms. Meade stated that she wanted to simplify those chapters and pull it into one single chapter to address nuisances generally, but noted that everything could not be simplified, such as minimum housing, which was defined by statute.

BOARD LIAISON REPORT

Mayor Pro-Tem Clawson reported that the Downtown Boone Development Association had been working hard on the Boone BOO! event, which was scheduled on October 30th this year, due to an ASU home game on Halloween this year. She also applauded the board and Town staff for their hard work on the unveiling of the new logo.

Mayor Brantz reported that the Historic Preservation Commission had been working on the Junaluska historic marker. The commission had almost completed its work on the downtown survey and historic design guidelines, and had been discussing the Burrell Street statue.

Ms. Mason indicated that the Tourism Development Authority had reported that even though the industry had taken a hit last September with hurricane Florence impacting the area on a football game weekend, occupancy taxes for last fiscal year were still up just under 2%. Mr. Ward noted that last month's collections were up over 17%. Ms. Mason noted the Transportation Committee's work on the upcoming walk audit and walk/bike to school day at Hardin Park school.

Ms. Ulmer stated that Council's previous feedback on vaping in and around AppalCart bus shelters was helpful and that she would relay it to the board on Monday. She reminded Council that the board would be approaching Council in the future for more funding for additional buses due to an increase in ridership. Mr. Ward indicated that last year's ridership was at 1.5 million and if this trend continued, this year's numbers were anticipated to come in at over 2 million.

Mr. Furguele stated that he missed a portion of the Sustainability Committee, but that the Community Appearance Commission had been working on downtown appearance standards which could hopefully be adopted by the end of the year.

APPOINTMENT TO DOWNTOWN BOONE DEVELOPMENT ASSOCIATION

Ms. Mason nominated Wayne Randall to serve on the Downtown Boone Development Association. Hearing no further nominations, Mayor Brantz called for a vote.

Mr. Randall's term will expire on September 30, 2022.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Council Member
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

APPOINTMENT TO TOURISM DEVELOPMENT AUTHORITY

Mr. Furguele noted that both applicants were listed as having served on the Tourism Development Authority for two terms, which he believed to be inconsistent with the current Council's request for turnover on boards. He believed that Council should also appoint the board chair per the bylaws on a yearly basis and that he was not sure the board had strictly complied with making sure its members and positions had matched the wording in the bylaws. Mr. Ward suggested that Ms. Mason relay these comments to the Tourism Development Authority as Council liaison. Ms. Mason believed that the board was very careful with their appointments and their board members. Mr. Furguele noted that he did not object to the board to amending its bylaws to correspond to practice, but that he expected the organization to comply with its bylaws and contract with the Town. Mr. Ward asked if Mr. Furguele would support the board appointing their chair, to which Mr. Furguele responded that he would not support this, but that Council should appoint the chair on the TDA's recommendation. Ms. Mason then nominated Ms. Sheri Moretz and Mr. Jerry Lamonds to serve on the Tourism Development Authority in positions that support tourism. Hearing no further nominations, Mayor Brantz called for a vote.

Ms. Moretz and Mr. Lamonds' terms will expire on October 31, 2022.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Lynne Mason, Council Member
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

CONSIDERATION OF ORDINANCE - MSD EXTENSION

Ms. Meade suggested changing the last sentence under Section 2 of the ordinance to make the second instance of the term map plural, to make the "Exhibit A" marking larger and to change the title of the first map to

"Current Town of Boone Municipal Service District" and making the term "Exhibit A" larger, as well as adding a map depicting the proposed new MSD boundary. Mr. Furgiuele noted that while he heard the previous objections from Daniel Boone Condos representatives, he noted that they were already benefiting from improvements and services that other MSD taxpayers were paying for. He added that he believed the representatives' presentation made clear that the things they wanted would be given to them as part of being annexed into the MSD. Mr. Furgiuele added that he did not believe the condos should be first in line for improvements since there were some businesses who had been in the district since its implementation in 1993 who were not seeing improvements. He further added that in his opinion, there would already be a tax delay built in to the Riverswalk project since they had been approved for brownsfield exemptions, and he did not believe they should be getting any additional delays. Mr. Furgiuele added that he believed the new properties proposed to be included in the MSD all made sense and were within what most considered to be the downtown core. Ms. Mason noted in response to a comment made by condo representatives that promotions were only one aspect of the MSD tax fund, in addition to enhancements and services. She added that she was unsure why these properties were ever segregated out since they had always been a part of the downtown community, and felt that there was a need to make the area more cohesive. Mr. Furgiuele made a motion to adopt the ordinance as amended to be effective as per the initial plan with the coming tax year. Ms. Mason seconded the motion. Mr. Ward noted that this was the first phase of the MSD expansion, with the King and College project being included a year after completion and additional properties being explored further down that corridor in the future.

ORDINANCE # _____
AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE TOWN OF
BOONE MUNICIPAL SERVICE DISTRICT

WHEREAS, there is currently established in the Town of Boone a Municipal Service District to provide for downtown revitalization projects;

WHEREAS, the Boone Town Council is authorized pursuant to N.C.G.S. § 160-538(a) to annex additional territory into the Municipal Service District upon finding that (a) the area to be annexed is contiguous to the district, with at least one-eighth of the area's aggregate external boundary coincident with the existing boundary of the district; and (b) that the area to be annexed requires the services of the district;

WHEREAS, as required per N.C.G.S. § 160-538(a), the Town Council has caused a report to be prepared containing (1) a map of the service district and the adjacent territory, showing the present and proposed boundaries of the district; (2) a statement showing that the area to be annexed is contiguous to the district, with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district, and that the area to be annexed requires the services of the district; and (3) a plan for extending services to the area to be annexed; and

WHEREAS, the Town Council finds that the properties proposed for annexation into the Municipal Service District require the additional services provided by the District, including measures addressing public parking, traffic flow, pedestrian access and safety, and beautification by means of additional streetscaping;

NOW THEREFORE, BE IT ORDAINED:

SECTION 1: The Boone Town Council hereby accepts the report demonstrating that the extension of the Municipal Service District complies with the statutory requirements, and finds as follows:

1. The report has been duly posted with the Boone Town Clerk for public review;
2. The Town Council held a public hearing on the proposed expansion of the Municipal Services District on September 17, 2019;
3. The Town Clerk caused a notice of the public hearing to be (a) published in the local newspaper of record, the Watauga Democrat, on two occasions, both more than seven days prior to the public hearing; and (b) mailed, first class and postage pre-paid, to all property owners within the proposed Municipal Services District expansion area no less than four weeks prior to the public hearing on the proposed expansion, notifying the property owners of the public hearing, the availability of the report for review and the proposed boundary expansion; and
4. The proposed expansion of the Municipal Service District meets the requirements of North Carolina statutes for the expansion of municipal service district boundaries.

SECTION 2: The Boone Town Council hereby extends the Municipal Service District boundaries to include all properties described in the report, as shown by the maps attached hereto as Exhibit A, which maps are incorporated herein by reference, to be effective as set forth herein.

SECTION 3: The special ad valorem tax levied against taxable property located wholly or partly within the Municipal Service District to support the services provided therein shall be levied against the additional properties included in the District pursuant to this ordinance effective as of the Town's 2020-2021 fiscal year.

SECTION 4: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 5: If any section subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

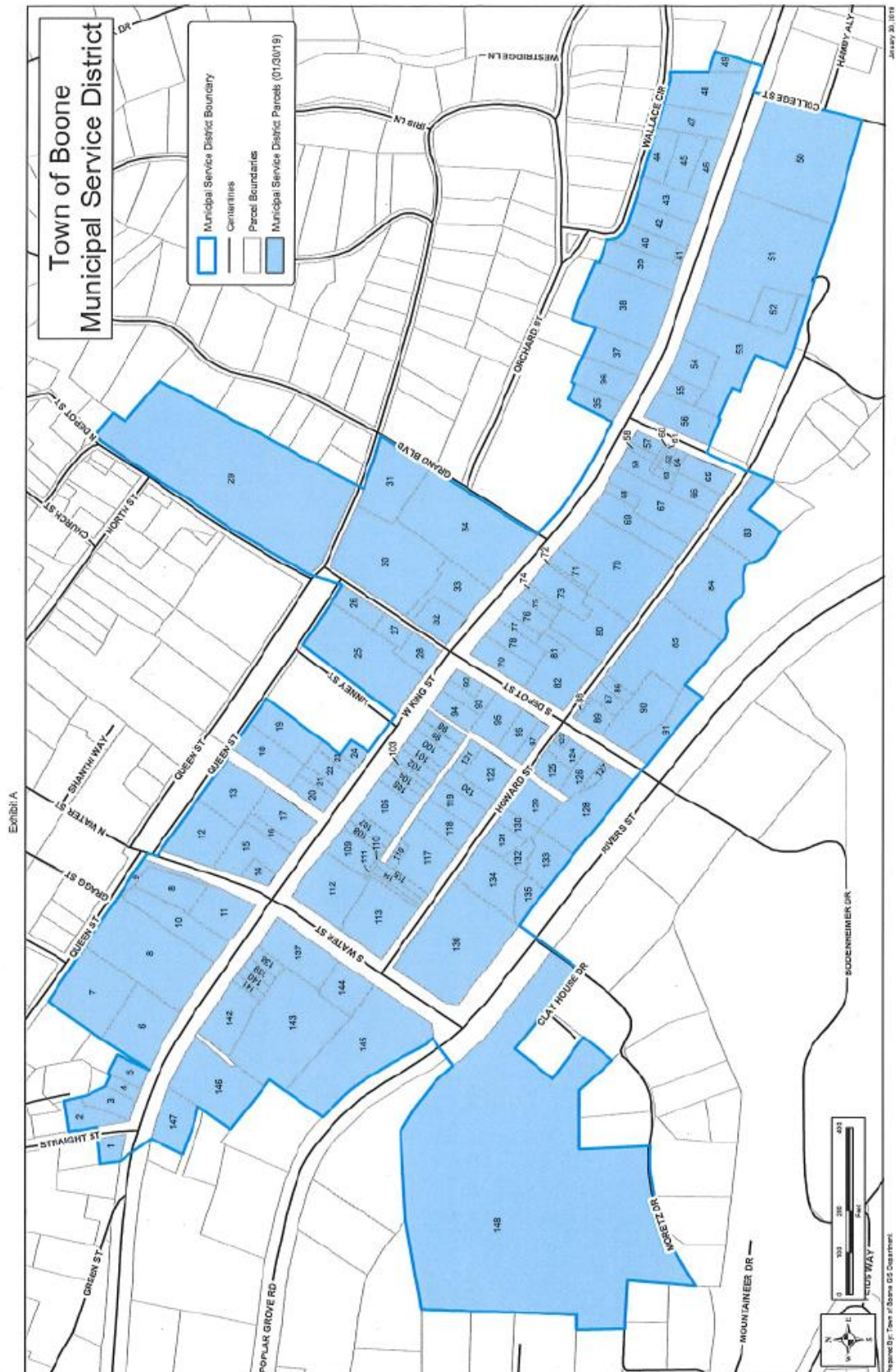
Adopted this ____ day of _____, _____ upon being passed by majority vote at two meetings of the Town Council held on _____ and _____.

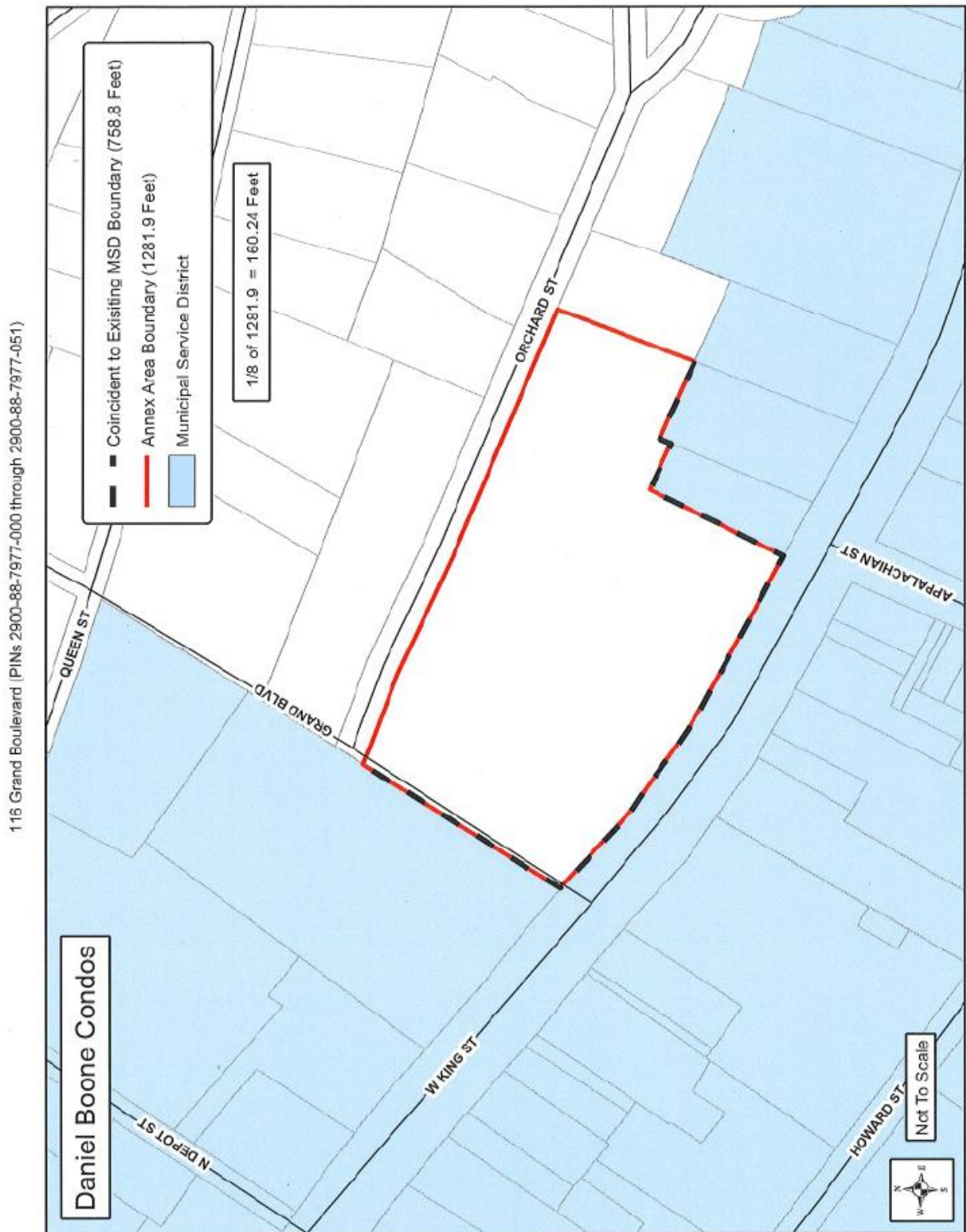
Rennie Brantz, Mayor

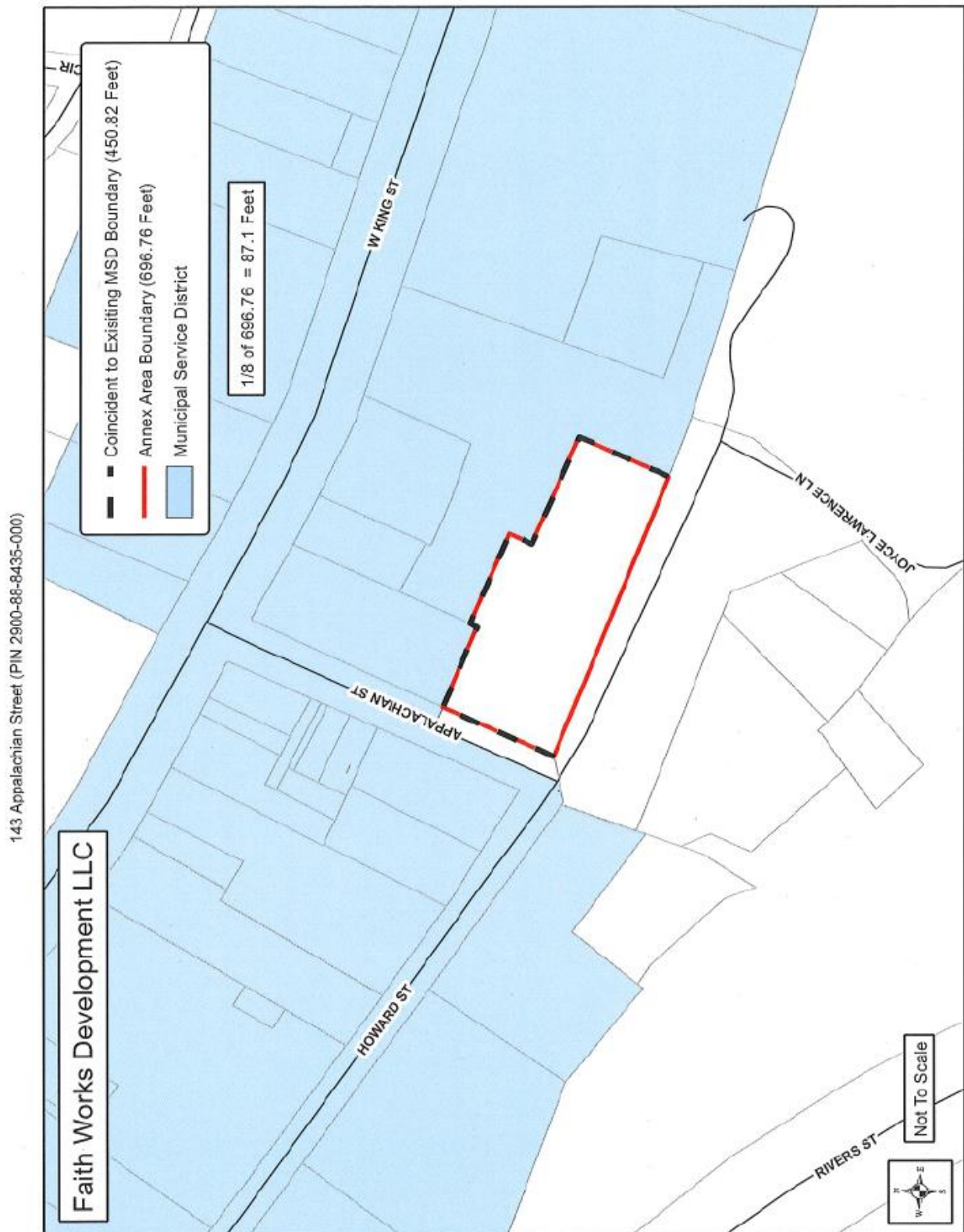
ATTEST: _____
Town Clerk

Approved as to form:

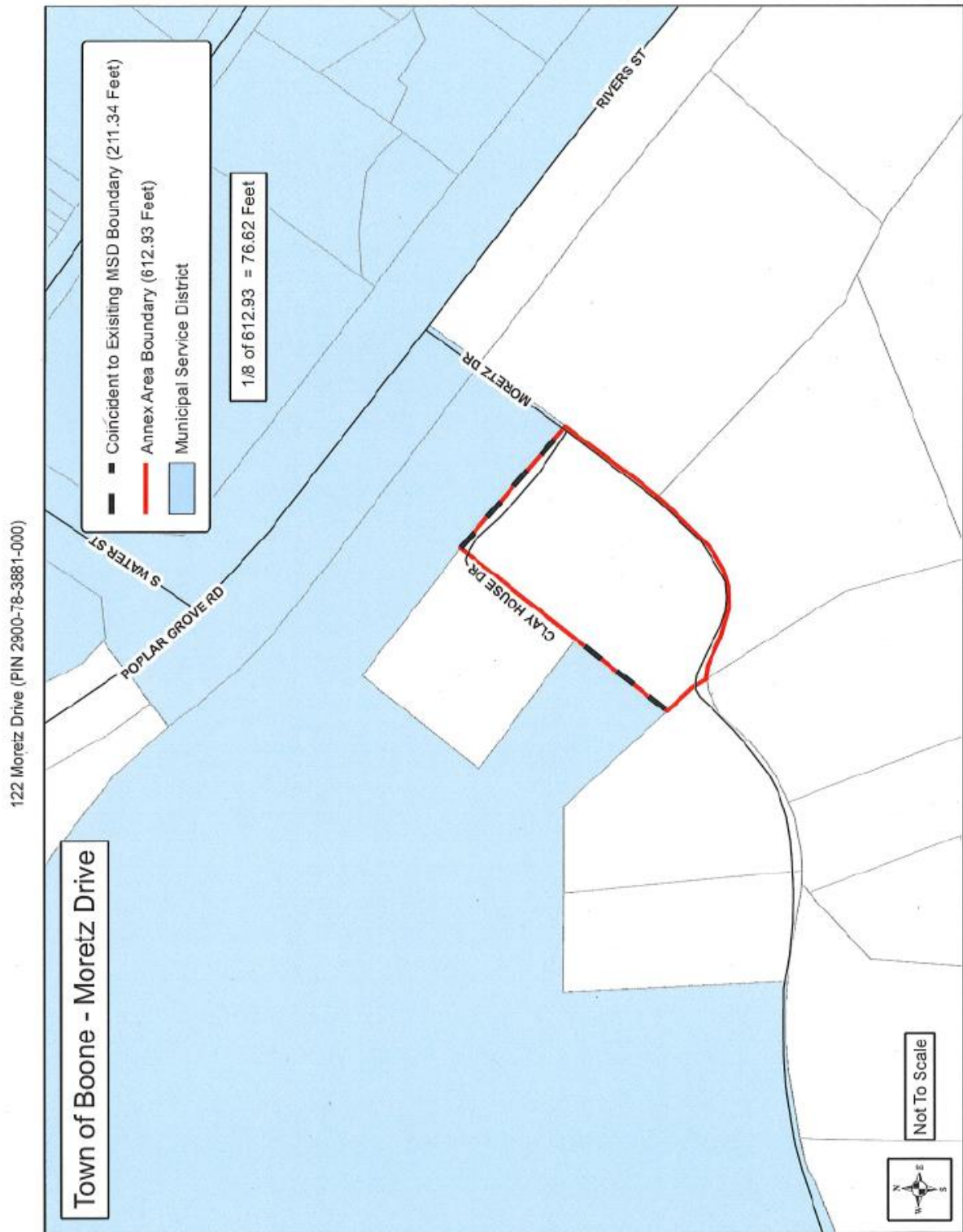
Town Attorney

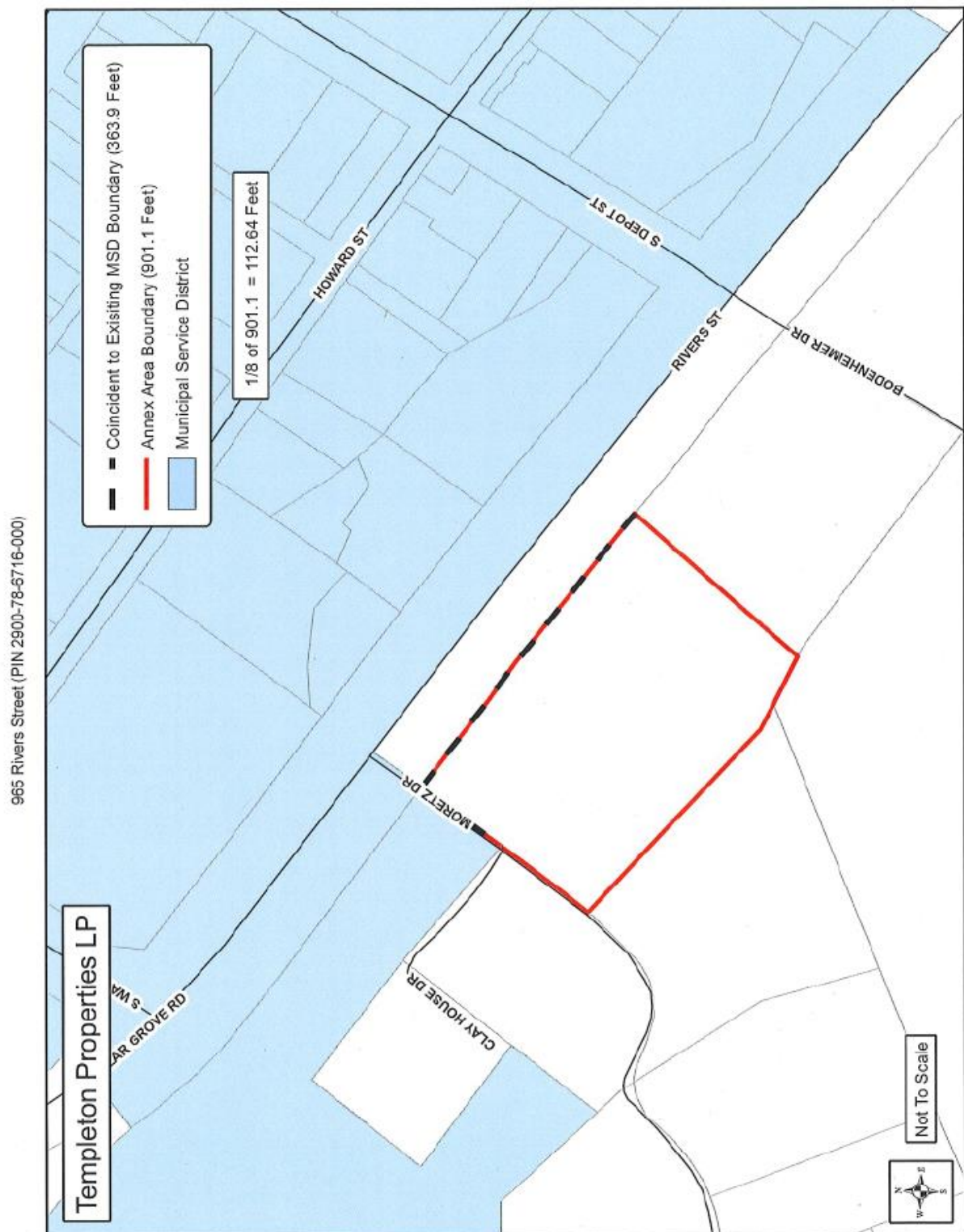


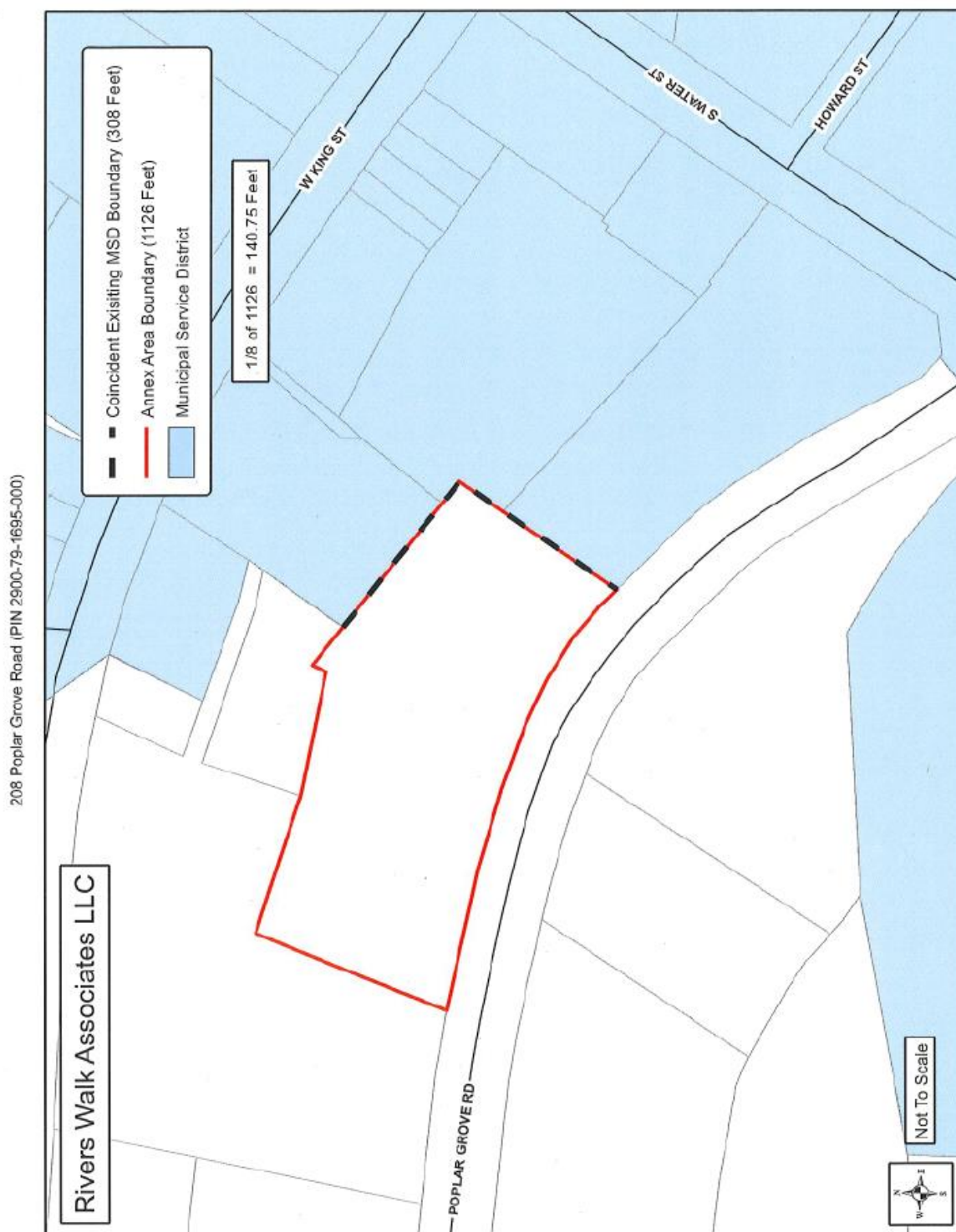


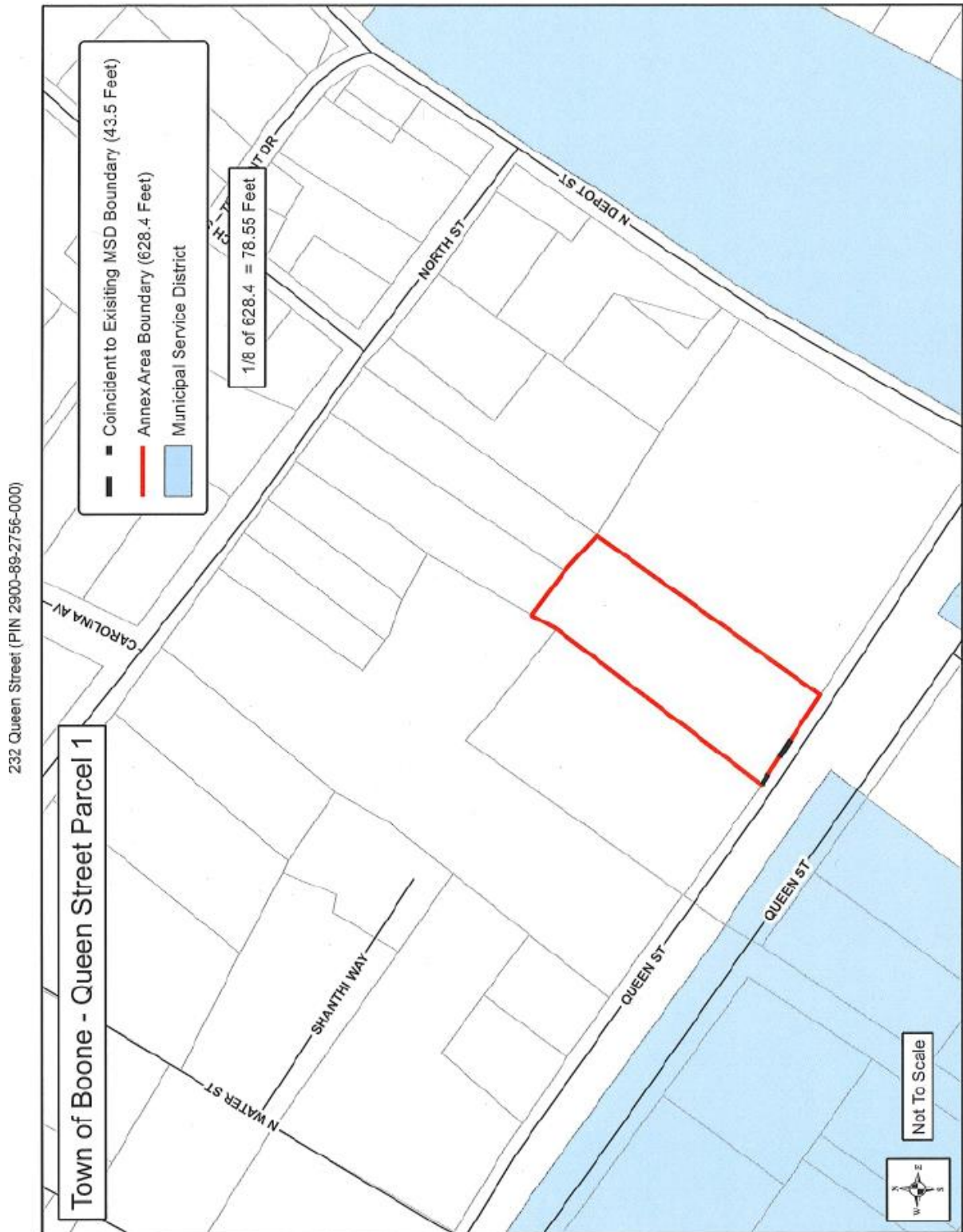


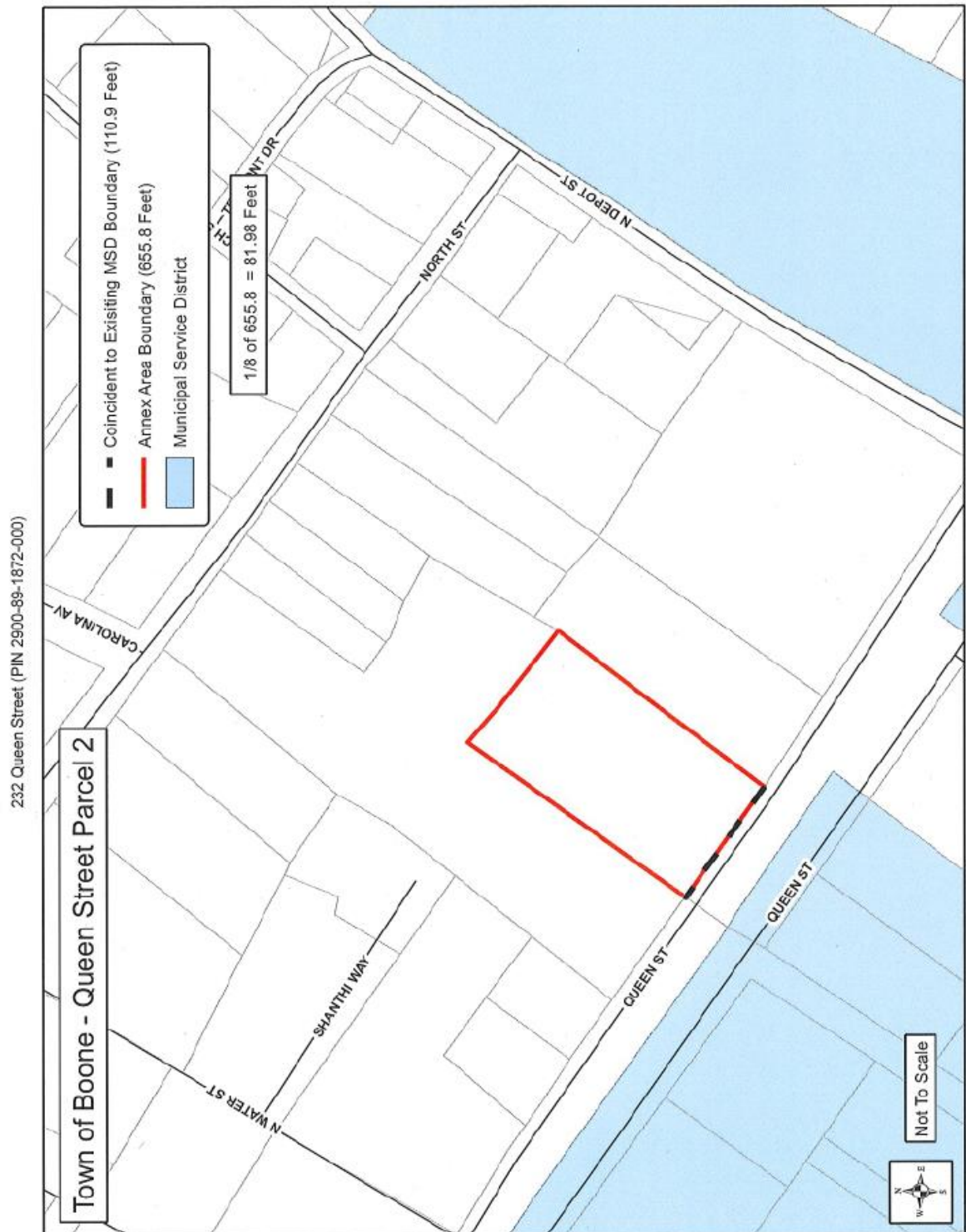


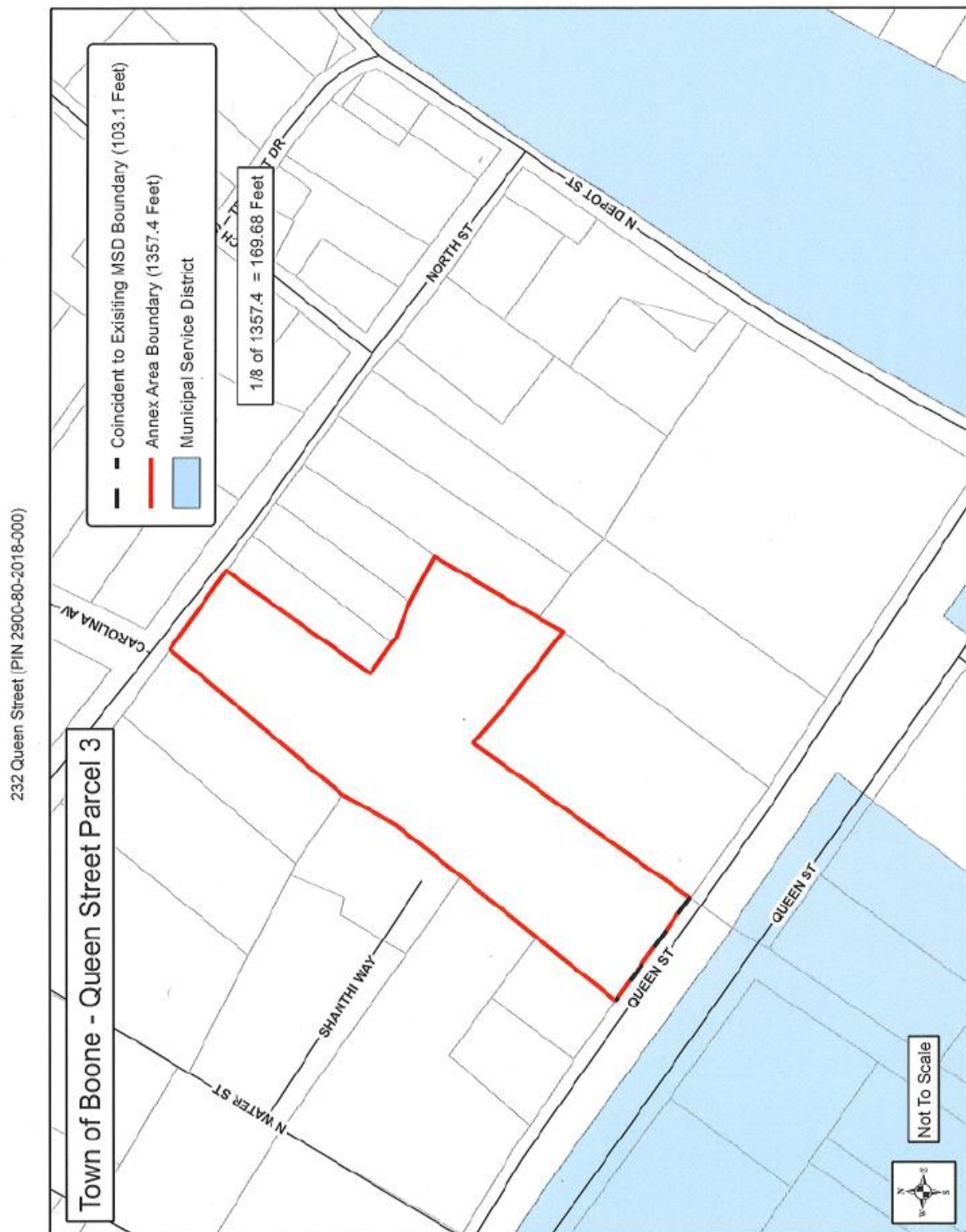












Mayor Brantz declared a break at 7:59 p.m. Council reconvened at 8:09 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sam Furgiuele, Council Member
SECONDER:	Lynne Mason, Council Member
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft

CONSIDERATION OF CASES HEARD AT THE AUGUST 26, 2019 SPECIAL PUBLIC HEARING

Case PL02654-060619 Ease King St. Hotel-Conditional District Zoning Map Amendment

Ms. Shook presented Council with the recommendations of the Planning Commission on the proposed hotel on the corner of East King Street and Hillside Drive. She noted that Planning Commission members had recommended the following conditions:

1. Right in only with no exit on Hillside Drive in lieu of performing a traffic impact analysis.
2. A sign on the property at Hillside Drive that says "No Thru Street" or similar language.
3. Increase on-site stormwater detention storage by 20%.
4. Extend fence along the southeast property line to Hillside Drive.
5. Enforce parking on-site.
6. Trash pickup shall occur after 8 a.m.
7. Limit spa access to comply with the Town of Boone's noise ordinance.
8. The applicant shall make arrangements to accommodate overflow parking during peak periods in order to limit impact on the surrounding neighborhood with spillover parking effects.

Mr. Ashcraft stated that he was agreeable to the proposal. Mr. Furgiuele appreciated the conditions offered, but stated that he still had concerns about the project. He said that he would feel better if the building were one story less and believed it was too tall to be built next to a neighborhood. Mr. Furgiuele added that he believed parking to be a concern in that there was no space for buses to park, which the applicant said it expected with visiting teams using the hotel, and noted that the applicants were already deviating from the normal parking requirements. Mr. Furgiuele believed that the neighbors were right in their statement that the applicant was trying to pack too much hotel into a small site. He felt that it was important to not allow right turns from Hillside Drive, but did not feel Council could prohibit cut through traffic and believed that a one-way street was not feasible. Mr. Furgiuele added that he was not satisfied with the concessions made by the applicant in regards to stormwater. He stated that Council was on the cusp of strengthening its stormwater ordinance and that he opposed the Highway 105 project due, in part to its inadequate stormwater controls. He added that the area in which the hotel was proposed was an area that was already challenged in stormwater, and that the potential construction of this hotel would only worsen the problem for the neighbors, for residents of Hardin Street, and for businesses in the area. He finished by stating that without stronger stormwater controls and a reduction in rooms, he would not be willing to support the project. When Ms. Mason asked whether Mr. Furgiuele was referring to state stormwater regulations or the Town's stormwater regulations in its UDO, Mr. Furgiuele replied that he was referencing the Town strengthening its own regulations, though he was not satisfied by the State's regulations either. He also was concerned that this project was being built before Council had a chance to strengthen its regulations. Ms. Mason stated that she had wrestled with this decision and felt that Council needed to come up with conditions to get people to walk more and become less dependent on vehicles in that stormwater was also directly related to pavement in terms of pavement for parking. Ms. Mason added that she believed the project to be well thought out and that the applicants had made good efforts in their landscaping, buffers and tree preservations, and felt that there were many other permitted uses in the B3 district that could be more disruptive to an adjacent neighborhood. She finished by stating that she agreed with the Planning Commission's recommendations. Mr. Furgiuele believed that Ms. Mason made fair points and while he was not totally against the project, he felt the project as proposed was too big for the property. He found it interesting that the applicant increased the number of rooms in the middle of the process and that the application to the Board of Adjustment proved that they were able to reduce the number of rooms. Stormwater controls and

parking were discussed, with Mr. Ward noting that the proposed parking plan met Town requirements. Ms. Shook noted that offsite parking during peak times was recommended for the project if approved, with Mr. Furguele asking how that would be enforceable. Ms. Meade felt that Planning staff would know if an excessive number of vehicles were parking along Hillside Drive, with Ms. Shook agreeing that eventually, an increase in parking along Hillside Drive could trigger an investigation and subsequent enforcement. Mr. Ashcraft shared Mr. Furguele's concern as to the size of the project, and wished that the project had more parking. He believed that the applicant had taken into consideration these limitations, but felt that it was a good use of the property. Mr. Ashcraft finished by saying that while he wished the project was a little different, he was comfortable enough to vote to approve it. Ms. Mason noted that the other potential uses in the B3 district may not afford the same protections to the neighborhoods as this project would offer. Ms. Meade asked whether the developer agreed to the proposed conditions, to which Ms. Shook answered that Council would have to move forward in order to confirm with the property owner whether or not they agreed with the conditions. Discussion turned again to parking, with Ms. Shook confirming that the original proposal was 99 spaces and the current was 107 spaces, with the requirement of 1.25 spaces per room. Mr. Furguele noted that the developer had previously indicated that employees would not need additional parking. Ms. Shook also noted that two other hotels in town have a ratio of close to 1:1. Ms. Mason asked whether there had been any issue with parking at those hotels, with Ms. Shook responding that she had not received any complaints. Ms. Mason made a motion, which was seconded by Mr. Ashcraft, that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is consistent with Comprehensive Plan Policy 2.1(C) The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and property growth management shall be employed in furtherance of this objective and; 2.1(D) Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas; and 2.1.2(G) Effective buffering and/or landscaping shall be provided where a large scale or automobile-oriented commercial or office use adjoins an existing or planned residential use; and 2.3.1(C) The significance of major roadway entrances into Boone as measures of community image and quality shall be recognized through building placement, landscape, signage and other visual improvements. The Town, along with private property owners and developers, shall work to jointly improve the appearance and design of major street corridors; and 2.3.3 The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source as a reflection of the area's image as an attractive, highly livable community; and 2.3.3(B) Street system designs which discourage through traffic on purely local streets while allowing for free circulation within the neighborhood shall be encouraged. Mr. Furguele was of the opinion that it was always possible to find a Comprehensive Plan section to support every proposed project. Mr. Furguele stated that he may support the first motion, but not the second, and noted that Ms. Mason did not address the conditions in her first motion. Ms. Mason responded that she planned to address the conditions in her second motion if the first motion passed. Ms. Meade suggested that the conditions be included in the motion and that if Ms. Mason's first motion passed, the applicant could be questioned as to whether they would accept the conditions. Chelsea Garrett, attorney for the applicant stated that the applicant did accept the proposed conditions. Mike Trew of Municipal Engineering, in response to previous discussion regarding stormwater controls, stated that there was currently around 30% impervious surface on the property and that the applicant would be willing to offset that with 30% of stormwater detention instead of the 20% as required in the previously mentioned conditions. Representatives for the applicant noted that they felt strongly about the 1:1 parking ratio since other hotels have operated in this fashion without issue. Ms. Garrett noted that they did not have the ability to increase parking, but that the applicant would be willing to decrease the number of rooms by 2 which would free up at least two spaces. Ms. Meade asked whether the applicant would agree to commit to offsite parking during peak times, to which Ms. Garrett agreed. She requested that Council not ask the applicant to do anything illegal such as parking on private property. She reiterated that the applicant was willing to decrease the number of rooms to 105 from 107, but noted that there were reasons for the increase in rooms to 107. Ms. Mason suggested installing "no through traffic" signs along Hillside Drive, and wondered if the hotel could provide instructions to guests to not drive through the neighborhood and to install signage to that affect. Mr. Furguele felt these suggestions would be an improvement even though he did not believe they could be enforced. He added that he would feel better if there was a condition that required hotel management to inform each guest that it was hotel policy not to have guests

travel through the neighborhood. Ms. Ashcraft felt that because of the location of the hotel, guests would be willing to walk to many events, and believed that there may be an improvement in traffic and parking because of this fact. Ms. Garrett was agreeable to the suggestion, but felt that the neighborhood should have input. She further suggested that the hotel could provide maps and directions to get around without going through the neighborhood. Mr. Furgiuele suggested that the hotel provide maps in addition to installing "no through traffic" signs. The conditions highlighted in bold were added to the original conditions presented:

1. Right in only with no exit on Hillside Drive in lieu of performing a traffic impact analysis.
2. A sign on the property at Hillside Drive that says "No Thru Street" or similar language.
3. **Increase on-site stormwater detention storage by 30% instead of 20%.**
4. Extend fence along the southeast property line to Hillside Drive.
5. Enforce parking on-site.
6. Trash pickup shall occur after 8 a.m.
7. Limit spa access hours to comply with the Town of Boone's noise ordinance.
8. **The applicant shall make arrangements to accommodate overflow parking during peak periods in order to limit impact on the surrounding neighborhood with spillover parking effects.**
9. **Decrease the number of rooms to 105.**
10. **Provide every guest with a map that would give directions to areas in Town that do not utilize any of the neighborhood roads.**

VOTE: Aye: All
 Nay: None

Ms. Mason made a second motion, which was seconded by Mr. Ashcraft, to approve the proposed amendment to the Town's zoning map with the immediately preceding conditions and believes approval is reasonable and in the public interest because with the conditions provided, a specific development plan has addressed concerns that the neighbors have raised and the project provides an adequate and enhanced landscape buffer, while preserving pine trees on the property; the location is walkable to both the downtown and ASU areas; the applicant has been careful in their thought to the design of the building, being located on a major corridor and that their meetings with the neighborhoods have mitigated the negative impacts for the neighborhood. Mr. Furgiuele indicated that he appreciated the movement by the applicant to slightly strengthen the stormwater controls on-site and the parking requirements. He stated that this was a tough decision because in his opinion it only took one development to destroy Boone's neighborhoods which he believed were hanging on by a thread. Mr. Furgiuele continued by agreeing with Ms. Mason's statement that it was true that there were more destructive proposals that could come forward in a B3 zoning district, but he was unsure that the applicant had done all they could do in order to minimize and mitigate the impacts of its project. He agreed that they had done things that were helpful but were unsure that they were adequate. Mr. Furgiuele stated that aside from planting a few trees, he did not believe that the applicants had shown much concern for mitigating the impacts of their project. Ms. Mason noted that Council also wrestled with the Courtyard project a few years ago and that to her knowledge it had not been problematic to the neighborhood. Mayor Pro-Tem Clawson noted that there were some problems with trees during the beginning of the project. Mr. Furgiuele felt that the lack of problems may be due to the fact that the Courtyard project was built on a bigger tract which had a larger natural buffer. Ms. Mason acknowledged that there was a fair amount of concerns from the neighborhood about the project, but she believed the bigger concern to be uncertainty. She felt that with the agreed upon conditions, the applicant was willing to do more than a lot of others may be willing to do. Mr. Furgiuele was worried about trees on the property being protected in the future. He observed that many of the trees which the applicant said it was retaining to buffer the neighborhood were not on its property and therefore not even within its own control. Ms. Ulmer stated that she would vote in the affirmative even though she did have reservations about the project since the future was unknown. Ms. Shook confirmed that some of the pine trees were on the applicant's property and some were planted on the neighbor's property and she was unsure where the preservation would actually occur, which she believed to be true of any construction project.

VOTE: Aye: Mason, Ashcraft, Ulmer

Nay: Clawson, Furgiuele

Case PL02928-080519 Ward, John - General Use Zoning Map Amendment

Ms. Mason made a motion, which was seconded by Mayor Pro-Tem Clawson, that the proposed amendment to the Town's zoning map is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable because the proposed amendment is consistent with the overall objectives in Comprehensive Plan 1.1 Neighborhoods which states, Ensure the livability of neighborhoods, especially through land use and traffic planning; Comprehensive Plan policy 2.3.3(A) the protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

VOTE: Aye: All
Nay: None

Ms. Mason made a second motion, which was seconded by Mayor Pro-Tem Clawson, to approve the amendment to the Town's zoning map and believes approval is reasonable and in the public interest because the parcel as it is currently defined has always been a single family residence and was included in the conditional district plan for the high school simply because it was part of the property that was acquired to build the high school but in terms of its actual use it has always been a single family use and returning it to an appropriate zoning classification makes sense and protects the rest of the neighborhood.

VOTE: Aye: All
Nay: None

Case PL02632-060519 Section 4.16 Modification of Permits - UDO Text Amendment

Mr. Furgiuele expressed discomfort with the word "material" in Section 4.16.02, though it was an improvement over the word "substantial". He stated that it was concerning to him to have an applicant go through a public hearing process and once they were approved, have them make changes which affected others nearby without having to come back again. Mr. Furgiuele disagreed with those, including the Town Attorney, who said that the term "discernable" meant nothing, since many changes could take place internally in a proposed project, which would have no impact on neighboring properties. He felt that the term "discernable" gave the most protection to the neighbors to be heard, and believed that Council was not always in the best place to know what things would have an impact on a neighboring property. Mr. Ashcraft made a motion, which was seconded by Ms. Mason that the amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable, because the proposed text is consistent with Comprehensive Plan policy 2.3.4(C) Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County. Before a vote was taken, Mr. Ashcraft restated his motion to endorse the change of wording from "substantial" to "material" in section 4.16.02. After brief discussion, Mr. Furgiuele asked that the definition of the word "material" be included in the verbiage so that each reader would be interpreting the same thing.

VOTE: Aye: All
Nay: None

Mr. Ashcraft made a second motion, seconded by Ms. Mason, to approve the amendment, with the change of the wording from "substantial" to "material" in Section 4.16.02, to the Town's zoning ordinance and believes approval is reasonable and in the public in interest because it will enhance staff efficiency.

VOTE: Aye: All
Nay: None

Case PL02860-071119 Hotels in the B1 - UDO Text Amendment

Ms. Mason made a motion, which was seconded by Mr. Furgiuele, that the amendment to the Town's zoning ordinance is consistent with the Town's comprehensive plan and any other adopted plan(s) of the Town that are applicable, with an amendment to Section 1 so that it reads "the following subsections of Articles 15 and 24 of the Boone UDO are hereby revised, with deletions and additions shown in red and blue respectively", because the proposed text is consistent with the overall objectives in Comprehensive Plan policy 2.1.5(B) the Town, in concern with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area; and Comprehensive Plan policy 2.1.5(C) A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area; and Comprehensive Plan policy 2.1.5(F) The maintenance and revitalization of downtown Boone, as well as planning for its future development, will reflect the realities and qualities

befitting its geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services; and 2.3.2 Community Character. Mr. Furguele offered a friendly amendment in terms of requiring conditional district approval, Comprehensive Plan policy 2.3(A) also applied and should be included. Ms. Mason accepted that amendment.

VOTE: Aye: All
 Nay: None

Ms. Mason made a second motion, which was seconded by Mr. Furguele, to approve the amendment to the Town's zoning ordinance and that approval is in the public interest because the regulations as currently written would not require any parking for downtown development and would have an adverse impact on other business owners in the town and uses the conditional district zoning process that will add additional review in order to ensure compatible design in the downtown area.

VOTE: Aye: All
 Nay: None

CONSIDERATION OF TIMELINE FOR POTENTIAL REZONING

Ms. Shook presented a timeline outlining the potential Town-wide rezoning project. She noted that with 235 parcels, Watauga High School would have to be utilized for the public hearings due to the large expected turn out. Ms. Shook noted a fairly significant cost associated with this project, and stated that she preferred that the annexations be handled in steps, with the downtown area being handled first, since downtown property owners may be aggravated and potentially confused due to the addition of the historic overlay. Mr. Furguele agreed and noted that the Community Appearance Commission proposed a multi-way discussion with the Planning Commission, Town Council, Historic Preservation Commission and Community Appearance Commission. Ms. Shook was unsure that there was a need for the matter to go back to the Historic Preservation Commission, though none were opposed to it. She recommended that Council and staff coordinate with the committees to hold information sessions, possibly at the Jones House, which would consist of approximately twenty-minute presentations, and stations with representatives from the Historic Preservation Commission and Community Appearance Commission to answer questions. She added that this would be a substantial amount of work for her department, and that she did not have an exact number in terms of cost. She added that her proposal "B" was the quicker option, but she did not feel that it was realistic in that public information sessions would have to be held at the same time as the public hearings in order to compress the time frame. Mr. Furguele asked when the new Council would be sworn in, with Mr. Ward responding that they would be sworn in during the December meeting. Mr. Furguele expressed that he had hoped this project could have been completed with the current Council, but agreed that proposal B did not make sense time-wise. He added that the downtown area was so threatened, the project needed to move forward soon, even if it had to wait another couple of months. Mr. Furguele felt that since there would be at least two new members on Council, they would need time to come up to speed on the project. He also believed that rezoning the downtown parcels should come first because of the chance of something undesirable being built on one of the parcels, and added that it only took losing a building or two downtown to make a big difference in his opinion. Mr. Furguele added that a new review of the plans for the various parcels should be scheduled at the first of the year after new members were sworn in. He felt that people who lived near the affected parcels should be made aware so that they knew what was being proposed, with Ms. Shook further suggesting that signs be placed in the rezoning areas. Ms. Mason clarified with Ms. Shook that the downtown area would be handled first before any others. Ms. Shook then discussed the time frame for moving forward with a new zoning district for small, single family homes. Mr. Ward noted that due in part to development requirements there had been a lack of desire to develop R3 properties next to R1, and that by adopting a new R1S district, Council could be opening the door to allowing tiny home developments which would potentially increase housing stock as well as family housing. Ms. Shook agreed and stated that the current direction of discussion was to have developers plat the tiny homes of individual lots and have the applicant go through the entire planning process. She believed that adding a new R1S district would help alleviate some of the housing demand in the area. Mr. Furguele agreed but felt that the change would be hard. He stated that Council had talked for decades about this change, and believed that the rezoning project was a step toward obtaining more affordable housing. Mr. Furguele added that he believed people would prefer tiny home developments over stacked apartments. Ms. Mason asked that staff and Council take care to watch the language to put in the protections that Boone needed, but agreed that the project needed to move forward. Ms.

Shook stated that staff would hold off on the Town-wide rezoning, but would focus for now on rezoning the selected properties located in the downtown area. It was the consensus of Council to move forward as Ms. Shook had stated and to have staff report back in October with an update.

RESULT: CONSENSUS

AMENDMENT TO TOWN CODE CHAPTER 92, "FIRE PREVENTION"

Ms. Meade presented her final revisions to Chapter 92 of the Town Code. Mr. Furgiuele questioned the distance hydrants were located away from buildings in the downtown area, and felt that the 15 foot requirement listed in the code as written would not be feasible with the way many buildings and hydrants were currently built in the downtown area. Ms. Meade offered a compromise by added the phrase "unless not technically possible" or excluding the 15-foot requirement in the downtown area. Chief Isaacs indicated that fire hydrant construction laws were set by the state, and any additional language was added to keep fire apparatus outside of a potential collapse zone. He cautioned that if Council decided to exempt an area such as the downtown area, that the problem may shift elsewhere. Mr. Furgiuele agreed with Chief Isaacs and suggested the language be altered to allow for hydrants to be located outside the collapse zone. Chief Isaacs noted that in the downtown area, there were places a hydrant could not be installed outside of a collapse zone, and that the code should allow for leeway. He added that an area of 15 feet laterally, but only 3 feet behind was required. Mr. Furgiuele suggested that these measurements be incorporated into the ordinance instead of the draft language, and that 2 additional feet in leeway be added where possible and lawful. After some additional changes, Council adopted the language as presented below.

ORDINANCE # _____

AN ORDINANCE TO REVISE CHAPTER 92 OF THE TOWN OF BOONE CODE OF ORDINANCES RELATING TO FIRE PREVENTION AND PROTECTION

WHEREAS, the Boone Town Council finds that current Town Code Chapter 92 ("Fire Prevention") is outdated and otherwise in need of revision because, among other things, it does not reflect the current organization of the Fire Department; it is unclear and redundant in certain respects; and it unnecessarily cites select provisions of the N.C. Fire Prevention Code that are already incorporated by reference in the chapter;

WHEREAS, the Boone Town Council is authorized to enact this Ordinance pursuant to its general police powers to protect the public health and safety, and pursuant to its specific authorities to establish, organize and direct a municipal fire department per the North Carolina General Statutes, including §160A-175(c1) and §160A-292;

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

SECTION 1. Chapter 92 of the Boone Code of Ordinances is hereby amended as follows (additions being underlined in blue and deletions struck through ~~in red~~):

~~Boone, NC Code of Ordinances~~

CHAPTER 92: FIRE PREVENTION AND PROTECTION

~~Section~~

General Provisions

- 92.01 ~~Composition of~~ Fire Department ~~and qualifications of members~~ duties
- 92.02 ~~Powers and duties; Chief of Fire Department~~
- ~~92.03 Rules and regulations of Fire Department~~
- ~~92.04 Bureau of Fire Prevention; Fire Marshal~~
- ~~92.05 Fire prevention personnel~~
- ~~92.06~~ Interfering with ~~firefighters~~ firefighters; loitering around Fire Department
- 92. ~~07~~ 03 Riding on Fire Department vehicles prohibited
- 92. ~~08~~ 04 Damaging, removing or interfering with Fire ~~apparatus~~ Department equipment ~~or implements~~ prohibited
- 92. ~~09~~ 05 Fire protection outside town limits
- 92. ~~10~~ 06 False fire alarms, damage to fire alarm or response equipment prohibited

- 92.11 ~~Repeal of conflicting ordinances~~
~~92.12~~ ~~07~~ Annual fire inspections required
92.08 Fees and charges
Fire Prevention and Protection
92.13 ~~Jurisdiction~~
~~92.14~~ ~~Enforcement provisions; violations~~
09 NC Fire Prevention Code
~~92.25~~ ~~Fire Code~~ adopted by reference
92.26 ~~Amendments~~
~~92.27~~ ~~Permits~~
~~92.28~~ ~~Fee administration~~
~~92.29~~ ~~Warning signs required in coin-operated dry-cleaning establishments~~
~~92.30~~ ~~Flammable liquids, liquified petroleum gases~~
~~92.31~~ ~~10~~ Design of automatic sprinkler ~~systems~~, standpipe ~~systems~~, fire alarm ~~systems~~ and fixed fire extinguishing systems
92.32 ~~11~~ Building permit plan review
92.33 ~~12~~ Fire lanes
92.34 ~~Hazardous materials~~
~~92.35~~ ~~13~~ Display of address numbers
92.36 ~~14~~ Fire hydrant protection policy
92.37 ~~15~~ Knox Box requirements

Permit Requirements

- 92.50 ~~16~~ Open burning
92.51 ~~Fireworks for public display~~
~~92.52~~ ~~Haunted houses~~
~~92.53~~ ~~17~~ Fire safety special use permits
92.54 ~~18~~ Fire safety user permits
92.55 ~~Sprinkler/standpipe permits~~
~~92.56~~ ~~19~~ Fire ~~alarm~~ protection system ~~permits~~ permitting
~~92.57~~ ~~Fixed fire suppression system~~
~~92.58~~ ~~Service and permit fee schedule~~
~~92.59~~ ~~Apparatus fee schedule~~
92.20 Appeals

- 92.99 ~~Penalty~~ Enforcement; Penalties

GENERAL PROVISIONS

§ 92.01 ~~COMPOSITION OF FIRE DEPARTMENT AND QUALIFICATIONS OF MEMBERS.~~ DUTIES

~~—(A) The duties of the Fire Department are to preserve and care for fire apparatus and equipment; to have charge of fighting and extinguishing fires and responding to other emergencies; to investigate fires and other hazardous situations; to seek out and have corrected all places and conditions dangerous to the safety of the town shall consist of the Chief, firefighters and other personnel as and its citizens from fire and related hazards; to enforce the NC Fire Prevention Code; and to make annual reports to the Town Council shall deem necessary.~~

~~—(B) The members of the Fire Department shall be not less than 18 years of age concerning these duties.~~

§ 92.02 ~~POWERS AND DUTIES; CHIEF OF FIRE DEPARTMENT.~~

~~—(A) The Fire Department's mission is to minimize the risk of fire and other hazards to the life and property of the citizens of the town. To accomplish this mission, the Department shall provide effective fire prevention, rescue, fire suppression, fire investigation and arson mitigation.~~

~~—(B) The Chief of the Fire Department shall be the executive officer of the Department, under the direction of the Town Manager and shall perform all the duties prescribed for the Chief. With the Town Manager's approval, The Chief of the Fire Department may designate a deputy to perform his or her functions temporarily during any particular absence or disability.~~

§ 92.03 RULES AND REGULATIONS OF FIRE DEPARTMENT.

~~—The Chief of the Fire Department, with the approval of the Town Manager, shall have power to adopt the~~such rules ~~and~~ regulations and organization of personnel, job titles and job duties as are necessary and proper for the operation of the Department; ~~provided that, the rules and regulations shall not be inconsistent with state law, the Charter of the town or this chapter.~~

§ 92.02§ 92.04 BUREAU OF FIRE PREVENTION; FIRE MARSHAL.

~~—There is hereby established within the Fire Department the Bureau of Fire Prevention, which shall be operated under the supervision of the Chief of the Fire Department. The Fire Marshal in charge of the Bureau of Fire Prevention shall be appointed by the Chief of the Fire Department upon the approval of the Town Manager.~~

§ 92.05 FIRE PREVENTION PERSONNEL.

~~—The Chief of the Fire Department may detail the members of the Fire Department as deputy fire marshals, fire inspectors or other staff as shall, from time to time, be necessary. The Chief of the Fire Department may recommend to the Town Manager the employment of fire inspectors or other staff.~~

§ 92.06 INTERFERING WITH FIREFIGHTERS; LOITERING AROUND FIRE DEPARTMENT.

No person shall obstruct or interfere, ~~in any way,~~ with any ~~firefighter while~~Fire Department personnel engaged in the performance of ~~his or her duty~~their duties, nor loiter about ~~the~~a Fire Department ~~stations~~station. It shall be unlawful for persons to congregate in the streets, lanes, alleys or squares adjacent to a fire so as to interfere with the operations of the Fire Department. ~~The Incident Commander in charge of~~Fire Department personnel engaged in a firefighting operation may declare a safety zone around the fire within which no unauthorized person may enter.

Penalty, see § 92.99

§ 92.0703 RIDING ON FIRE DEPARTMENT VEHICLES PROHIBITED.

It shall be unlawful for any person, ~~who is not a member of the Fire Department,~~authorized to do so to ride or attempt to ride in or on any fire apparatus or other vehicle of the Fire Department, ~~when going to or returning from a fire, unless so authorized by the Incident Commander or the Town Manager.~~

Penalty, see § 92.99

§ 92.0804 DAMAGING, REMOVING OR INTERFERING WITH FIRE APPARATUS, DEPARTMENT EQUIPMENT OR IMPLEMENTS PROHIBITED.

No person shall willfully or carelessly break, destroy, carry away or interfere with any of the apparatus, equipment or implements belonging to the Fire Department.

Penalty, see § 92.99

§ 92.0905 FIRE PROTECTION OUTSIDE TOWN LIMITS.

~~The Fire Chief and Town Manager,~~ With the approval of Town Council, the Fire Department may enter into contracts with neighboring fire departments for mutual aid. ~~Also with Council approval, the officials may enter into contracts or~~ with the county for with respect to fire districts. ~~Fire protection at all times shall be maintained within the town limits.~~

§ 92.1006 FALSE FIRE ALARMS, DAMAGE TO FIRE ALARM OR RESPONSE EQUIPMENT PROHIBITED.

(A) Unless there is a fire, a reasonable apprehension of fire, or other circumstances justifying the making of an alarm of fire, it shall be unlawful for any person ~~or persons to wantonly and willfully give or cause to be given or to advise, counsel or aid and abet anyone in giving~~make a false alarm of fire or to break the glass key protector or to pull the slide, arm or lever of any station or signal box of any fire alarm system, ~~except in case of fire or willfully misuse or.~~

(B) It shall be unlawful for any person to damage a portable fire extinguisher or ~~in any way~~ to willfully interfere with, damage, deface, molest or injure any part or portion of any fire alarm, fire detection, smoke detection or fire extinguishing system.

(BC) The Fire ~~Official is authorized to~~Department may impose penalties and/or response fees and charges upon fire alarm users who have three or more false alarms caused by equipment malfunction within a 30-day period.

~~—(C) The town may pay a monetary reward to anyone leading to the conviction of this offense. Payment of monetary reward will be coordinated with the town's Area Crimestoppers.~~

~~(Ord. passed 2-21-2008)~~ Penalty, see § 92.99

~~§ 92.11 REPEAL OF CONFLICTING ORDINANCES.~~

~~—All former ordinances or parts thereof which conflict or are inconsistent with the provisions of this subchapter hereby adopted are repealed.~~

~~§ 92.12-07 ANNUAL FIRE INSPECTIONS.~~

All businesses and multi-tenant residential dwellings must obtain ~~a~~an annual fire inspection~~, and user permit~~ in accordance with state law~~, and this Chapter~~. This requirement does not apply to ~~singleone- or two-~~family residences or duplexes. ~~The business or residential dwelling must be inspected by a representative of the Town Fire Prevention Bureau. The business or residential dwelling must comply with all the provisions of the Fire Code. The owner of the business or residential dwelling must pay a fee to the Town Fire Department~~dwellings.

(Ord. passed 3-18-2004)

~~§ 92.13 JURISDICTION~~08 FEES AND CHARGES.

~~—This chapter shall apply to all property located within the corporate limits of the town.~~

~~§ 92.14 ENFORCEMENT PROVISIONS; VIOLATIONS.~~

~~—(A) The Fire Code adopted by reference by this chapter in § 92.25 shall be enforced by the Bureau of Fire Prevention of the Fire Department of the town. All Fire Code enforcement officials designated to enforce the Fire Code shall be certified by the State Code Officials Qualification Board. Only certified fire officials may enforce the Fire Code or the provisions of this chapter.~~

~~—(B) Violators shall be issued written notice of the violation which must be paid within 72 hours after receipt of the notice. If the violator does not pay the penalty within 72 hours, the town may recover the penalty and all subsequently accruing penalties, in a civil action.~~

~~—(C) Each day's continuing violation of any section of this chapter shall be a separate and distinct violation.~~

~~—(D) In the event it is necessary for the town to institute a civil action to collect a civil penalty for violation of any section of this chapter, the offender shall pay all court costs and attorney's fees incurred by the town.~~

~~—(E) Notwithstanding divisions (B) and (C) above, all sections of this chapter may also be enforced by appropriate equitable remedies issuing for a court of competent jurisdiction.~~

~~—(F) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Also, it shall not be held to prevent the enforced removal of prohibited conditions.~~

Fire Department permit fees and all other fees and charges shall be assessed as provided per the town's current adopted schedule of fees.

FIRE PREVENTION CODE

~~§ 92.25-09 NC FIRE~~PREVENTION CODE ADOPTED BY REFERENCE.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion or exposure to hazardous materials, the ~~current edition of the State~~NC Fire Prevention Code, as currently adopted and published by the NC State Building Code Council, together with all appendices and as such may be amended~~, from time to time (hereinafter, "Fire Code")~~, is hereby adopted by reference and is set forth herein as the Fire Code for the town. ~~Copies~~Any amendment to the Fire Code shall be effective in the town as of the date such amendment is declared in effect by the NC State Building Code Council. A copy of the Fire Code ~~are~~is kept on file in the office of the Town Clerk and ~~are~~is available for public inspection during regular business hours.

(Ord. passed 2-21-2008)

~~§ 92.26 AMENDMENTS.~~

~~—Amendments to the Fire Code adopted by reference in this chapter, which are from time to time adopted and published by the State Building Code Council, shall be effective in the town at the time the amendments are declared in effect by the Council.~~

~~§ 92.27 PERMITS.~~

~~—(A) Permits required.~~

~~—(1) In accordance with the detailed requirements of the town, a permit shall be obtained from the Fire Marshal pursuant to the procedure set forth in Ch. 1 of the Fire Code and this chapter.~~

~~—(2) Permits shall be obtained to conduct those activities or operations as set forth in the permit and service~~

~~fee schedule as approved by Town Council. All permits will be issued on an individual basis upon demonstration of compliance with the applicable Fire Code regulations.~~

~~—(B) Application for permit. Applications for permits shall be made to the Fire Marshal on forms provided by the town and shall include the applicant's answers in full to inquiries set forth on the forms. Applications for permits shall be accompanied by appropriate fees and the dates as may be required by the Fire Marshal.~~

~~—(C) Review, issuance, revocation and fees.~~

~~—(1) The Fire Marshal shall review all applications submitted. An on-site inspection shall be conducted to determine compliance with applicable provisions of the Fire Code. If an application for a permit is rejected by the Fire Marshal, the applicant shall be advised, in writing, of the reasons for the rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.~~

~~—(2) The Fire Marshal may revoke a permit upon determination that the permit holder or any agents or employees of the permit holder, has violated any provision of the Fire Code or of this chapter or any stated condition of the permit. The Electrical Inspector may be requested to remove electric service to structure due to revocation. The Fire Marshal shall advise the permit holder, in writing, of the reason for the revocation.~~

~~—(3) An applicant for a permit or a permit holder, as appropriate, may appeal the Fire Marshal's refusal to issue or revocation of, a permit. Appeals shall be in accordance to G.S. §§ 143-140 and 143-141. All appeals shall follow the prescribed method as set forth in these statutes not only as to permits, but as to interpretation or variation of the Fire Code.~~

~~—(4) All permits issued shall not be transferable. Permits shall be valid only as specified on the permit for the time period, use and/or project specified.~~

~~(Ord. passed 2-21-2008)~~

~~§ 92.28 FEE ADMINISTRATION.~~

~~—(A) Special permit fees for specific events, projects or time periods shall be the amount specified for that particular permit. Special permits may not be combined. An individual permit with appropriate permit fee shall be charged for each event or project.~~

~~—(B) Annual use permits may be combined into a single permit. In the event that an occupancy requires more than one annual use permit, then the highest fee required for any one of these permits shall be charged. For each other permit required, then a charge of \$10 for each shall be added with the total amount not to exceed \$100.~~

~~§ 92.29 WARNING SIGNS REQUIRED IN COIN-OPERATED DRY-CLEANING ESTABLISHMENTS.~~

~~—Each coin-operated dry cleaning establishment using the below mentioned solvent, shall display prominently upon or near each dry cleaning machine, a sign warning the public of the danger of excessive solvent vapor inhalation or prolonged or repeated contact with skin or eyes of the dry cleaning solvent known as "perchloroethylene".~~

~~Penalty, see § 92.99~~

~~§ 92.30 FLAMMABLE LIQUIDS, LIQUIFIED PETROLEUM GASES.~~

~~—(A) The storage of class I liquids in above-ground tanks outside of buildings is prohibited in all fire districts as established, described and defined under this chapter, per § 3404.2.9 of the Fire Code. No new bulk plant shall be constructed within any fire districts as established, described and defined under this chapter or in any residential areas, neighborhood trading areas, business districts and institutional districts as established, described and defined in the zoning map and ordinance per § 3406.4 of the Fire Code.~~

~~—(B) Restrictions on the location of containers storing liquified petroleum gas as set forth in § 1701.4 of the Fire Code shall be held applicable to all residential areas, neighborhood trading areas, institutional districts and commercial districts as established, described and defined in the zoning map and ordinance.~~

~~—(C) Bulk storage of liquified petroleum gases is prohibited in all fire districts as established, described and defined under this chapter and the town's zoning ordinance.~~

~~(Ord. passed 2-21-2008) Penalty, see § 92.99~~

~~§ 92.31 DESIGN OF AUTOMATIC SPRINKLER SYSTEMS, STANDPIPE SYSTEMS, FIRE ALARM SYSTEMS AND FIXED FIRE EXTINGUISHING SYSTEMS.~~

~~(A) Plans and specifications for automatic sprinkler systems and for standpipe systems shall meet Ch. 9 of the Fire Code. All automatic sprinkler systems, standpipe systems, fire alarm systems and fixed fire extinguishing systems that are~~must meet the requirements of the Fire Code. Applicants proposing to be installed~~install or renovated shall have~~renovate such systems must submit~~submitted to the fire~~plans and specifications submitted to the fire~~Marshal~~department~~for plan review. These plans shall be reviewed, and approved by the Fire~~may proceed with the appropriate~~Marshal~~installation or renovation only upon approval and issuance of a permit

~~issued prior to commencement of any work by the Fire Department.~~

(B) The water demand for any sprinkler ~~systems~~ and/or standpipe ~~systems~~system shall not be greater than 90% of the available water supply.

Penalty, see § 92.99

~~(Ord. passed 2-21-2008) Penalty, see § 92.99~~

§ 92.32-11 BUILDING PERMIT PLAN REVIEW.

~~Except in the case of one- and two-family residential dwellings, all building plans submitted to the Inspection Division of the town~~Boone Planning and Inspections Department for the issuance of a building permit shall be reviewed by the Fire ~~Marshal. This review will be~~Department for ~~the determination of~~ compliance with this chapter and the Fire Code. ~~This review shall be completed within a reasonable time of receipt of the plans. The results of this plan review shall be submitted to the Chief Building Official giving either denial or approval for the issuance of a building permit. This plan review shall not apply to one- and two-family dwellings.~~

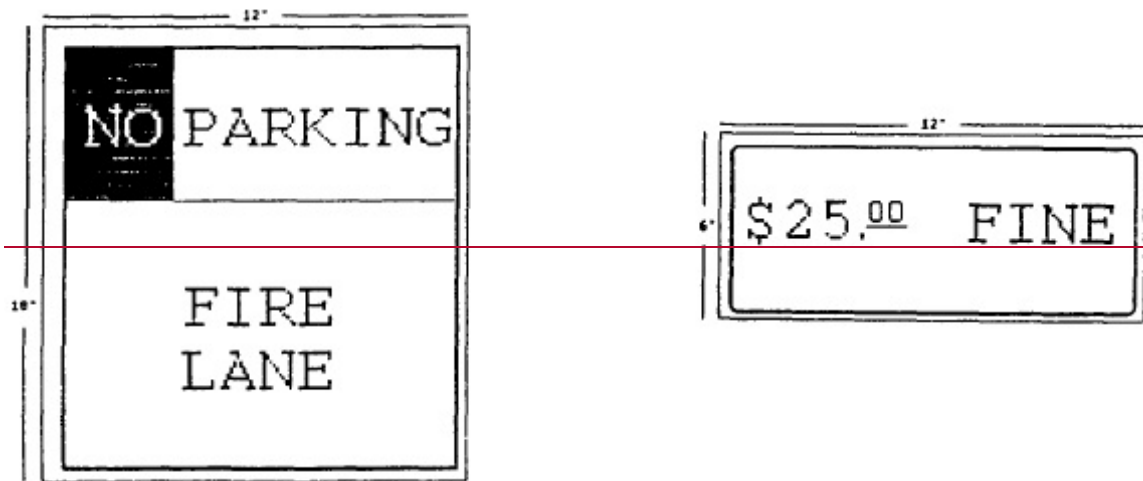
§ 92.3312 FIRE LANES.

(A) Fire lanes required. ~~In accordance with § 503 of~~ The Fire ~~Code, the Fire Marshal~~Department shall have ~~the~~ authority consistent with the Fire Code to designate fire lanes necessary for fire apparatus accessibility.

(B) Marking.

(1) ~~All designated fire lanes shall be marked accordingly.~~ The perimeter of ~~the~~ every designated fire lane ~~designated by the fire Marshal~~ shall be marked with a solid four-inch yellow stripe. The interior of this area ~~will then~~shall be marked with four-inch yellow stripes at 45-degree angles to the perimeter stripe or curbing at four feet on center. The wording "FIRE LANE" shall be painted by stencil in the interior of the stripping.

(2) A "no parking" sign of the type specified in the following figure shall be installed adjacent to the fire lane at the beginning and end of the fire lane perimeter:





(3) Additional signs shall be posted at intervals not exceeding 75 feet.

(C) All fire lanes previously designated and described ~~by~~ pursuant to this Chapter prior to this amendment shall remain as fire lanes and ~~be~~ maintained as such. ~~The Parking a of motor vehicles vehicle in~~ or otherwise obstructing a required fire lane ~~shall be~~ prohibited at all times ~~per § 503.4 of the Fire Code.~~
(Ord. passed 2-21-2008) Penalty, see § 92.99

~~§ 92.34 HAZARDOUS MATERIALS.~~

~~—(A) Hazardous materials disclosure shall be as specified in G.S. §§ 95-173 through 95-218.~~

~~—(B) Per § 2703.5 of the Fire Code, hazard and identification signs as outlined in NFPA 704 shall be placed accordingly at all entrances to and in locations where hazardous materials are stored, handled or used. The Fire Marshal shall determine the placement of the placard on the structure.~~

~~—(C) The size and type of signs used to identify hazardous materials shall be of the type and size specified in NFPA 704. A reference guide on the sizes of signs and signals will be made available to the public from the Fire Marshal's office upon request.~~

~~(Ord. passed 2-21-2008)~~

~~§ 92.35~~13 DISPLAY OF ADDRESS NUMBERS.

(A) In accordance with ~~§ 505.1 of the Fire Code, NC Building Code~~ and this ordinance, all new and existing buildings shall display their assigned address numbers ~~in accordance with §§ 150.01 and 150.02.~~

(B) ~~All property~~ One and two family dwellings shall display address numbers, as required by §§ 150.01 and 150.02 ~~to be displayed shall be a, The minimum size of three inches high. However, the building number of an apartment, townhouse or condominium complex the numbers shall be not less than four inches height.~~

(C) Commercial buildings shall display address as required by the Fire Code with numbers not less than six inches high and in height. The address numbers shall be placed either in the approximate center of the building or on the street end of the building so that it is clearly visible from either the public or private street by which it is accessed. These numbers shall be of a contrasting color to the background of which they are attached and located in a manner as to be readily identified by emergency personnel at all times.

(C) It shall be the responsibility of the ~~Bureau of Fire Prevention~~ Department to enforce the displaying of assigned address numbers in accordance with the Fire Code and ~~the town ordinance~~ ordinances.

~~(Ord. passed 2-21-2008)~~ Penalty, see § 92.99

~~§ 92.36~~14 FIRE HYDRANT PROTECTION POLICY.

The following policy shall be utilized in the installation of water mains, water supplies and hydrant installations for fire protection. ~~It shall be the responsibility of the Fire Marshal's office for the enforcement and interpretation of this policy. At no time shall this policy allow any installation that is not in conformance All such installations must conform~~ with the Fire Code.

(A) *Introduction.* In order to provide adequate fire protection to the town ~~in regards to life and property,~~ the following policy has been adopted ~~as to support the Fire Department in its need for to ensure adequate~~ water

supply ~~adequacy. Information used to provide the criteria necessary for proper~~ for fire protection ~~include. This policy is informed by~~ Fire Department experience; National Fire Codes; ANSI Standards; AWWA Standards; Fire Insurance Regulations from the State Department of Insurance (I.S.O.); and practices of the town's Public Utilities Works Department. The primary goals of the policy are to attain adequate fire protection of life and property, set forth an orderly development of a fire hydrant protection system and set forth the guidelines and rules for the fire hydrant protection system. ~~The policy shall be commensurate with the Public Utilities Department and the Fire Department.~~ This policy will be made available to all persons by the ~~Bureau of Fire Prevention~~ Department upon request. It is recommended that all persons who wish to locate business or residential properties in the jurisdiction of the town request a copy of this policy prior to application for building permits ~~or the time of submittal for approval of the Planning Board or Planning and Inspections staff.~~

(B) ~~New development;~~ building renovations, additions ~~or and~~ changes of occupancy ~~use.~~

(1) The following guidelines shall apply to new buildings for which a building permit is required, new subdivisions ~~approved by the Planning Commission,~~ or any new commercial, industrial or residential construction project. ~~Any new project shall be considered as new development.~~

(a) The Fire ~~Marshal's office~~ Department shall review all ~~plans that fall under any of the categories of "new development".~~ The building plans ~~will be reviewed~~ to determine fire hydrant protection requirements for the proposed ~~building or~~ development. Sufficient information as required by the Fire ~~Marshal~~ Department shall be submitted to determine the criteria for firewater flow quantity, and hydrant number, location and spacing.

(b) Hydrants shall be installed in accordance with ~~Ch. this Chapter and Chapter~~ 50 of this code and shall be available for service prior to the beginning ~~and development~~ of building construction. ~~Hydrant installations shall be except as specifically provided in accordance with the policy stated herein. Exception: this section.~~

~~(c)~~ For new subdivisions ~~approved by the Planning Commission,~~ where a performance guarantee is accepted for completion of water utilities in lieu of actual completion of the utility work prior to acceptance of the final plat, single-family dwelling construction may begin without hydrants and water mains being ready for service. Construction sites shall be limited so as not to cause an undue fire hazard, with the Fire ~~Marshal~~ Department being notified prior to the beginning of each construction. No dwelling shall be occupied until all fire protection requirements have been met and are ready for service. For those new subdivisions where water mains are not available, ~~then the~~ the Fire Department may approve alternative fire protection ~~requirements necessary to compensate for this deficiency shall be approved by the Fire Marshal. This measures, which~~ may include, but ~~is are~~ are not limited to, draft points, proper road construction to allow for tanker operations, water fill points and the like.

~~(e) Unless otherwise agreed to by the Public Utilities Department, d)~~ Hydrants shall be installed at the ~~developer's or owner's expense~~ of the owner or developer of the development served by the hydrant, including, but not limited ~~to the expense of:~~

1. Extension of town-owned water lines in order to provide service for the new development as required by this policy;
2. Addition of fire hydrants to existing water lines;
3. Private fire lines; and
4. ~~The cost of possible~~ Upgrading of existing lines to provide the necessary water flow capacity for the building or project.

(2) ~~For buildings which are under renovation or remodeling~~ In the case of which a building permit is required or a certificate ~~additions, renovations, changes of occupancy is being applied for due to a change in ownership, change in type of occupancy or any other reason~~ use and the like, the existing water system ~~shall~~ may be deemed ~~as~~ adequate for the existing building, ~~so long as a required number of~~ if there are hydrants with a flow certified as adequate by the Fire ~~Marshal's office is acceptable to the Fire Marshal.~~ Department. If ~~hazardous materials or dangerous processes are a part of the change of occupancy, then~~ changes to the building require additional water flow requirements ~~shall to~~ meet Fire Code requirements, the owner or developer shall provide and bear the expense of such additional capacity.

(C) Existing development.

~~(1)~~ The following guidelines shall apply to existing industrial, commercial and multi-family residential ~~projects,~~ buildings and subdivisions.

~~(a1)~~ The ~~town~~ Fire Department shall determine ~~the areas in public rights of way that are~~ deficient ~~areas in~~ fire hydrant protection ~~which are located in the public right of way.~~ A plan of correction shall be developed in accordance with monies available.

~~(b2)~~ Where existing development poses a danger to life and property due to fire hydrant deficiencies existing on private property, the Fire Department may require the deficiency to be corrected. ~~The cost of this~~

~~type of fire hydrant protection in such fashion and time as it may direct. Any associated expense~~ shall be borne by the owner of the development.

(D) *Required fire flow.*

(1) ~~Determining the required fire~~ The water flow available for ~~adequate~~ fire protection (“fire flow”) required to provide adequate fire protection in the town will be determined in accordance with ~~Ch.~~ Chapter 50 of this code. ~~This will~~ The required fire flow must assure sufficient water flow for fire protection while allowing also maintaining normal usage for other water users in the area ~~to maintain a normal usage without any~~ interruption or damage to ~~the user's system~~ other users' systems.

(2) ~~These~~ Fire flow requirements may be ~~modified~~ increased by the Fire ~~Official of the Fire~~ Department to ~~allow for exposure problems of adjacent buildings, storage of hazardous materials, occupancy classification or any other~~ account for any condition that may warrant an increase in fire flow to provide adequate fire protection, including but not limited to factors such as the siting of adjacent buildings, storage of hazardous materials, occupancy classification, etc.

~~—(3) FIRE AREA. The total floor area in square feet for all four levels within the exterior walls or under the horizontal projection of the roof of a building.~~ (3) Four-hour fire separation walls may be considered as dividing a building into separate fire areas for the purpose of determining fire flow. For purposes of this section, a “fire area” is the total floor area in square feet for all floor levels within the exterior walls or under the horizontal projection of the roof of a building.

(a4) The minimum fire-flow requirements for one- and two-family dwellings shall be 1,000 GPM. ~~(Exception), except that~~ this requirement may be reduced by 50% if the building is equipped with an approved sprinkler system.

(b5) The minimum fire flow requirement for buildings other than one- or two-family dwellings may be reduced by 50% if the building is equipped with an approved sprinkler system. However, the flow requirement shall not be reduced below the requirements of the sprinkler system as determined per NFPA 13.

~~—(c) Multi-story buildings may have modifications to the fire flow. The Fire Official of the Fire Department shall assist in these determinations.~~

~~—(d)~~ (6) Hydrants installed to meet the provisions of the fire flow requirements shall be calculated at providing 1,500 GPM each. If the required fire flow does not exceed the hydrant flow calculation by 500 GPM or more, then an additional hydrant shall not be required.

(e7) A hydrant is required within 100 feet of each connection to an approved sprinkler system requiring Fire Department hose connection.

(8) Additional hydrants may be required as necessary for ~~the~~ adequate fire protection of a building; due to ~~the~~ accessibility ~~of fire apparatus, extended hose lays~~ limitations or other ~~situations that may dictate Fire Department procedures. The Fire Official of the Fire Department will be able to help the developer in making these determinations. In no case shall the spacing distance of hydrants that are installed under the provisions of this policy be more than is allowed under these guidelines.~~ circumstances.

~~—(f) One additional hydrant shall be required for Fire Department connections to an approved sprinkler system if hose length exceeds 100 feet to other hydrants.~~

(E) *Fire hydrant installation.* The following guidelines shall apply to the installations of all new hydrants ~~required by the Fire Official and replacements of existing hydrants that are already in service.~~

(1) Hydrants shall be installed in accordance with ~~the town water and sewer use ordinance~~ Chapter 50 of this code.

(2) Upon completion of installation, each hydrant shall be flushed of all sediment or debris that may hinder its operation. The caps will then be greased and the hydrant set ready for service. The Fire Department will then be notified of the completion of the installation and that the hydrant is in service and ready for an inspection ~~by the Fire Official.~~

(3) All completed hydrant installations ~~shall~~ must be inspected by the Fire ~~Official in order to be sure that the hydrant is in~~ Department for compliance with ~~this policy~~ all applicable requirements.

(4) All ~~the~~ hydrants shall be painted to match the existing hydrants in the town. Unless otherwise specified, this color shall be Top #7216 white reflective or equivalent and ~~a~~ an oil-based red paint for barrel and caps.

(F) *Hydrant spacing.*

(1) Hydrants shall be located as close as possible to street intersections or areas of direct vehicular access. ~~Recommended-Hydrant spacing for developed areas will be 500 feet. At no time will hydrant spacing may not exceed 500 feet. Larger industrial, and commercial or~~ and multi-family developments may require additional hydrants to compensate for long hose lays and/or greater water demand. ~~These determinations shall be made by the Fire Official at the time of the plan's review or at the Planning Commission meeting.~~

(2) Where possible, hydrants shall be located no closer than 50 feet from a building, except that if ~~at the~~ probable collapse zone ~~exists due to the height of the~~ building ~~that provides a greater distance than~~ exceeds 50 feet, then ~~the hydrant~~ hydrants shall be located out of this zone when possible.

(3) Hydrants should be located close to street access so as to facilitate easy hook-up.

(4) Hydrants located in areas designated for parking shall be afforded some type of protection from collision of vehicular traffic. ~~(Exception: side street parking—Where a curb protects the hydrant from normal parking and is marked for no parking; no other type of protection is needed.)~~

(5) ~~For parking~~ Where a hydrant is located on a street ~~beside a hydrant~~ with side-street parking, at least one parking space shall be marked at the hydrant to provide for no parking. In shopping centers ~~or other type and similar~~ parking areas, at least one parking space in front ~~and of~~ or ~~back, for behind the hydrant~~ (whichever provides ~~the means of access;~~), shall be designated as no-parking and for Fire Department access only. The area around the hydrant shall be marked within yellow ~~markings~~ and designated in letters "No Parking".

(6) A clear space of three (3) feet shall be maintained around the circumference of fire hydrants, except as otherwise approved by the Fire Department. Unobstructed access to fire hydrants must be maintained at all times.

(G) *Water supply lines for hydrants.* Installation of piping for supply of water to a hydrant or protection system shall be in accordance with ~~Ch. Chapter~~ 50 of this code.

(1) Hydrants installed on existing water lines will ~~need to have a flow test conducted~~ be tested by the Fire ~~Marshal's office~~ Department to ensure that the existing line can supply an adequate flow of water as needed per I.S.O. fire flow requirements.

(2) It shall be the responsibility of the developer, property owner or person in charge of the development project to submit plans of construction of the water lines or hydrant location and spacing to the Fire ~~Marshal's office~~ Department and ~~Utilities~~ Public Works Department for approval prior to installation. All new supply lines shall be inspected prior to ~~their covering of fill material~~ being covered to ensure compliance with the submitted plans.

(3) Once the system is completed, a final inspection will be conducted. This inspection will also include a flow test to ensure proper fire flow adequacy.

Penalty, see § 92.99

§ 92.3715 KNOX BOX. REQUIREMENTS

(A) A Knox Box key entry system is required in all new and existing commercial and multi-tenant residential structures containing automatic sprinkler systems ~~and~~ or fire alarm systems.

(B) An authorization order form ~~shall can~~ be obtained from the Fire ~~Prevention Bureau, which will identify the appropriate size, type~~ Department or the applicant can go online to: www.knoxbox.com to place their order for an approved Knox Box.

~~(C) The owner and placement/or tenant of the key box.~~

~~—(C) Notwithstanding the sale of the structure or change of tenant, the owner/tenant building~~ is responsible for ensuring that all required and current entry keys for that business retained are in the Knox Box ~~to be current~~ at all times.

PERMIT REQUIREMENTS

~~—(D) For existing commercial and multi-tenant residential structures presently without a Knox box system but, otherwise containing an automatic sprinkler system and/or alarm system prior to January 1996, a Knox box is not required.~~

~~—(E) Response to the structure shall be provided by the owner or a designated key holder within 15 minutes of the initial alarm for Fire Department access. This shall be provided 24 hours a day, 365 days a year.~~

~~—(F) A current list of key holders shall be submitted to the Fire Prevention Bureau.~~

~~—(G) Failure to meet these requirements shall automatically constitute the immediate conformance to the Knox box key system designated and described by this chapter.~~

~~(Ord. passed 10-21-2004)~~

§ 92.16 OPEN BURNING.

(A) Consistent with state law, debris burning of any kind is not permitted within the Town limits. "Debris" for this purpose include leaves, branches and other plant growth as well as garbage, paper, tires, building materials, and any other type of human-made or human-processed materials of any kind.

(B) Except as may be prohibited from time to time pursuant to the issuance of burning bans, ordinary and customary use for leisure purposes of fire pits, barbecues, outside fireplaces, chimineas and similar apparatus are permitted within the Town limits, and do not require permitting.

(C) Bonfires burned with appropriate firewood for purposes of group festivities are permitted with the advance approval of and a permit from the Fire Department.

(D) Burning bans.

PERMIT REQUIREMENTS

~~§ 92.50 OPEN BURNING.~~

~~—(A) Permit required.~~

~~(1) In accordance with § 307 of the Fire Prevention Code, all outdoor open burning shall require a permit to be issued by the Fire Department. All provisions of Ch. 1 of the Fire Prevention Code regarding permits shall be met.~~

~~—(2) Only a Fire Official certified by the Code Officials Qualification Board of the state shall issue any permits. All requirements of § 307 of the Fire Prevention Code shall be met.~~

~~—(3) Under the supervision or approval of the Fire Marshal, a fire official may approve a burning permit if all requirements have been met.~~

~~—(4) A permit fee, if applicable, as specified in the permit and service fee schedule shall be required upon issuance of an open burning permit to be collected by the Fire Official prior to or at the time of the permit issuance.~~

~~—(B) Burning site requirement.~~

~~—(1) Piles of material to be burned shall not exceed 30 feet in diameter, ten feet in height or 10,000 cubic feet, unless authorized by the Fire Marshal.~~

~~—(2) An area ten feet wide shall be cleared completely around the material to be burned. This area shall be cleared down to the dirt with no combustibles or the like that may burn in this area.~~

~~—(3) Only natural materials, such as limbs, brush, grass, leaves or wood, may be burned. Heavy oils, asphaltic materials, polar solvents, items containing natural or synthetic rubber or any materials other than plant growth shall not be burned.~~

~~—(4) A competent person shall constantly attend the fire until the fire is extinguished.~~

~~—(5) A garden hose, other suitable water supply or other fire extinguishing equipment, as deemed acceptable by the Fire Official, shall be readily available for immediate use during the course of the burning.~~

~~—(6) The location of the material to be burned shall be a minimum of 50 feet from any structure. If a possible hazard exists, the Fire Official may require this distance increased.~~

~~—(C) Permit issuance procedure.~~

~~—(1) Any person wishing to obtain a burning permit shall first contact the Fire Prevention Bureau during normal office hours to set an appointment for the burning site inspection.~~

~~—(2) The person taking the call for the open burning permit shall obtain and complete the required information on a permit form. This permit form will then be forwarded to the appropriate fire official. It will be the responsibility of the fire official to verify or to set an appointment for the burning site inspection. No site shall be inspected until the applicant is actually ready to burn.~~

~~—(3) The applicant shall verify all information and shall read all the rules and regulations on the open burning permit. The applicant will then be required to sign the permit acknowledging the understanding and responsibility to obey these regulations.~~

~~—(4) The Fire Official, upon completion of the inspection of the burn site and collection of the appropriate permit fee shall then complete the open burning permit and give a copy (white section of the permit) to the applicant.~~

~~—(5) It will be the responsibility of the applicant to keep this permit available at the burn site at all times.~~

~~—(6) The Fire Official will return the necessary copies of the burning permit to the Fire Prevention office. One copy (yellow section of the permit) shall be kept on file at the Fire Prevention office with another copy (pink section of the permit) forwarded to Boone Communications Center. This information will be recorded on the burning permit log sheet which shall be kept at Station 2. All fees will be turned into the Fire Department Administrative Assistant. The assistant will then be responsible to turn in any fees collected to the Finance Department at the end of the business day.~~

~~—(7) The maximum period of time that a burning permit shall be valid for will be five days. Burning that is necessary past the five-day maximum shall require a new permit. Extended time may be permitted under the authority of the Fire Marshal.~~

~~—(8) In the event a person wishes to obtain a burning permit at a time other than the normal office hours of~~

~~the Fire Prevention Bureau, that person shall contact the Boone Fire Station 1 for notification by telephone or radio a fire official for inspection and permitting.~~

~~—(9) All permits issued other than fire prevention personnel shall be issued in accordance with the same procedures as stated herein.~~

~~—(D) Revocation of permits.~~

~~—(1) If at any time during the burning, the smoke and/or odors create a neighborhood nuisance, the burning shall be ceased and the open burning permit made invalid.~~

~~—(2) If, at any time during the burning, the regulations regarding open burning are not met or are neglected in any way, the open burning permit shall be made invalid.~~

~~—(3) All open burning permits shall be made invalid in the event of a burning ban issued by the State Forest Service or the Fire Marshal of the town. All permits made invalid due to a burning ban may be reinstated once the burning ban is lifted with no additional inspection or fee required.~~

~~—(4) Once a permit has been made invalid for any reason other than a burning ban, then a new permit shall be required. Repeat violations or repeat revocation of open burning permits may be just cause to deny a permit. Denial of a permit shall require same approval of the Fire Marshal or Fire Chief.~~

~~—(5) Willful neglect and/or willful violations of the Fire Prevention Code shall be subject to a civil citation. Any action shall be brought to the Fire Marshal with proper documentation to be acted upon.~~

~~—(6) Any open burning permits made invalid by any reason other than a burning ban will not be subject to a refund of the permit fee. Any refund must be approved by the Fire Marshal.~~

~~—(E) Burning ban.~~

~~—(1) In the event that the NC State Forest Service issues a ban on all outdoor burning, then in accordance with state law all open burning permits issued shall be deemed invalid with no issuance of any new permits until the ban is lifted by the State Forest Service. During this ban, no open burning shall be conducted at all no open burning may be conducted in the town.~~

~~(2) A burning ban on all outdoor burning may be issued by the Fire Marshal or the Fire Chief Department in the event that atmospheric conditions or local circumstance make the open fires hazardous. Written evidence will accompany the issuance of the town's ban on outdoor burning.~~

~~(a) Atmospheric conditions that may warrant a burning ban include, but are not limited to:~~

- ~~1. Extended periods of low humidity (below 50%);~~
- ~~2. High winds;~~
- ~~3. Elevated temperatures; and~~
- ~~4. Lack of substantial rainfall.~~

~~(b) Local conditions that may warrant a burning ban include, but are not limited to:~~

- ~~1. Flammable and/or combustible liquid spills or leaks close to a burning site;~~
- ~~2. A hazardous materials incident where the proximity of the burn site could cause a possible ignition source or prove hazardous to operations controlling the incident; and~~
- ~~3. The proximity of adjacent structures or other hazards.~~

~~(3) In the event a burning ban is issued, whether by the NC State Forest Service or the Fire Marshal, all permit holders shall be notified that the permit is invalid and all fires should be extinguished immediately. Department, the local press media shall be notified by the Fire Marshal's office that Department at the time the burning ban is into effect and that no new permits will be issued until the ban and when it is lifted.~~

~~—(4) Any burning bans issued other than by the State Forest Service shall be issued only by the Fire Marshal or Fire Chief. Repeals of the burning ban shall be done also in the same manner.~~

~~(Ord. passed 2-21-2008) Penalty, see § 92.99~~

~~§ 92.51 FIREWORKS FOR PUBLIC DISPLAY.~~

~~—(A) Permit required.~~

~~—(1) In accordance with Ch. 33 of the Fire Prevention Code, no person shall use or explode any fireworks for public display without having first obtained a permit from the Fire Marshal's office.~~

~~—(2) A permit fee in accordance with the fee schedule shall be required prior to issuance of the permit and shall be collected by the Fire Marshal or designated Fire Official at the time of application for the permit.~~

~~—(B) Permit issuance procedure.~~

~~—(1) Any person wishing to obtain a permit for fireworks for public display shall first submit an application with the Fire Marshal's office and pay the designated fee.~~

~~—(2) The Fire Official responsible for making the site inspections shall make inspections as deemed necessary to assure the site is in compliance with the Fire Code and NFPA 1123.~~

~~—(3) Once the Fire Official is satisfied that the site is ready and in compliance with the provisions of the Fire Code, then the permit shall be issued. The permit shall not be transferable. The permit shall be valid only as specified as per the conditions of the permit.~~

~~—(C) Permit revocation.~~

~~—(1) If due to atmospheric conditions or conditions that may cause a danger to life and/or property from the display of the fireworks, then the Fire Marshal may revoke the permit.~~

~~—(2) In the event that a permit is revoked, the applicant shall be entitled to a refund of the permit fee.~~

~~—(3) Failure to abide by the rules and regulations of the Fire Code shall be subject to a civil citation and immediate revocation of the permit. In this case, no refund of the permit fee shall be entitled to by the permittee. (Ord. passed 2-21-2008) Penalty, see § 92.99~~

~~§ 92.52 HAUNTED HOUSES.~~

~~—(A) Introduction. Maintaining a safe environment from the threat of fire for all occupants of the town is a primary function and goal of the Fire Prevention Bureau. "Halloween haunted houses" present a difficult problem in trying to meet the provisions of the Fire Code and maintain a safe environment. The following provisions will be required to be met to assure the safety of all persons participating and attending Halloween haunted houses.~~

~~—(B) Permit required. A special use permit shall be required to be obtained from the Fire Prevention Bureau for anyone wishing to open a Halloween haunted house to the public. The permit fee shall be based upon the service and permit fee schedule set forth in § 92.58. This permit shall be completed on a special use permit form.~~

~~—(C) Permit issuance procedure.~~

~~—(1) The person wishing to obtain a special use permit for the haunted house shall first contact the Fire Prevention Bureau. An appointment for a fire inspection shall be made to inspect the building planned to be used as a haunted house. The permit fee should be paid at this time.~~

~~—(2) A copy of the guidelines for use of haunted houses will be given to the applicant. The fire inspection should not be conducted until the requirements for safety systems of the building are in place and the facility is ready for use.~~

~~—(3) The inspector, upon completion of the fire inspection and satisfied that all guidelines and provisions of the Fire Code have been met, shall then sign and complete the special use permit and give the pink copy to the applicant. This permit must be kept at the facility at all times. The inspector will then return the original copy to the Fire Prevention Bureau for filing.~~

~~—(D) Inspection and revocation of permit.~~

~~—(1) At any time the haunted house is open to the public, a fire inspection may be conducted by a fire official to assure compliance with all guidelines and the Fire Code.~~

~~—(2) In the event that the specified guidelines and/or the Fire Code regulations are not being met, then the person that obtained the special use permit will be subject to a civil citation. If the violations are of such a severe nature as to be hazardous to the lives and/or well being of the public, then the fire official may revoke the special use permit which will not allow the further use of the haunted house. If the violations are corrected, then the special use permit may be reinstated with no charge.~~

~~—(3) In the event a special use permit is revoked and the occupant refuses to comply with the required regulations, a refund of the permit fee will not be allowed.~~

~~—(E) Regulations regarding the use of Halloween haunted houses.~~

~~—(1) Emergency exits shall be provided throughout the structure to ensure the safe and prompt egress of occupants in the event of an emergency. These exits shall not be covered or concealed in any way and shall be available for immediate use without any type of hindrance. These exits shall be marked "Exit". All exit signs shall be of a fluorescent type with minimum size three inch letters. All staff personnel shall know the location of all exits.~~

~~—(2) No obstacles shall be placed in the floor area that may slow or impede the occupant's escape in the event of an emergency. For areas where the means of egress may be confusing or difficult to find, arrows pointing to the exits shall be placed or painted on the floor. This should be a fluorescent color which can be easily identified.~~

~~—(3) All steps, ramps or outside porches shall be lighted at all times.~~

~~—(4) Lights shall be installed in all areas of the structure which will be occupied. They shall be turned on in the event of an emergency to provide sufficient light for a safe means of exiting the building.~~

~~—(5) Flashlights shall be provided to all staff persons conducting the tours or going into the structure at any time.~~

- (6) Multi purpose fire extinguishers shall be installed throughout the structure so that the maximum travel distance to an extinguisher does not exceed 25 feet. The minimum size extinguisher allowed will be five pounds.
- (7) All staff personnel shall know the location and use of all fire extinguishers in the structure.
- (8) There shall be absolutely no smoking allowed inside the structure. "No Smoking" signs shall be posted at all entrances and at or near any ticket booth or ticket collection area. It will be the responsibility of the permit holder to enforce this rule.
- (9) No open flame, candle or pyrotechnics shall be used within or in near proximity of the structure.
- (10) The use of straw, hay or sawdust near the exits or in the structure shall be used only if approved by the Fire Inspector.
- (11) Spliced electrical cords, home-made switching devices and/or open junction boxes and connections shall not be permitted.
- (12) Extension cords of the lamp cord type number 16 gauge or smaller shall not be used as a wiring method. If extension cords are required, only type S, SJ or SJO cords number 14 gauge or larger shall be permitted or approved power bars with built in thermal protection may be used. All cords shall contain a grounding means and shall be properly connected.
- (13) All temporary wiring shall be in accordance with § 605 of the Fire Code and the State Electrical Code. All wiring shall be properly secured to the wall or ceiling to prevent damage or shock injury. All splices shall be made in closed junction boxes.
- (14) The number of persons allowed inside the structure per group shall not be more than ten. Each group shall be led through the structure by a competent staff person. There will be no more than two groups allowed inside the structure at any time. All staff persons leading groups shall be familiar with all the guidelines required for haunted houses.
- (15) In the event of an emergency, a warning signal will be sounded to notify all occupants to evacuate the structure. This signal shall indicate that the lights are to be turned on. The method of alarm shall be approved by the Fire Inspector. The alarm shall be tested each night prior to the opening of the structure to the public, with all staff people present.
- (16) Other considerations for the safety of the public that may be necessary such as decorations, fire lanes and the like shall be enforced by the Fire Inspector.

(Ord. passed 2-21-2008) Penalty, see § 92.99

§ 92.53-17 FIRE SAFETY SPECIAL USE PERMITS.

- (A) ~~—(A)—~~Definition. A FIRE SAFETY SPECIAL USE PERMIT is a permit required by the Fire Prevention Bureau to permit Department authorizing certain applications, operations, one-time or occasional activities or assemblies ~~or procedures to be conducted which may be hazardous, dangerous, unusual or involves a high risk or life involvement~~ that pose hazards to persons or property. A special use permit will be issued for a specific event, operation and/or a specified time period. Examples of special use permits include blasting permits, insecticide fogging, ~~gun shows~~, craft shows, tent ~~meetings~~ assemblies and the like.
- ~~—(B)—~~ Permit required.
- (B) ~~—(1)~~ Permit issuance and display requirements shall be in accordance with the Fire Code.
- (C) A special use permit shall be required for the following ~~type functions~~ activities and/or ~~operations~~ events:
 - (a1) Fireworks for public display;
 - (b2) Tents for public usage exceeding ~~120~~ 800 square feet; with sides or 1800 square
 - ~~—(c)~~ feet in size with open sides;
 - (3) Use of inflatable air structures; with a gross area (footprint) exceeding 800 square feet
 - (d4) Temporary kiosks ~~or displays for merchandising~~;
 - (e5) Insecticide fogging or fumigation; except in one- and two-family residential dwellings
 - (f6) Blasting (explosives); and
 - (g7) Special assemblies ~~which include~~ of persons, including but ~~are~~ not limited to:
 - ~~1.a.~~ 1. Haunted houses;
 - ~~2.~~ 2. Gun shows;
 - ~~3.b.~~ 3. Craft shows/festivals;
 - ~~4.c.~~ 4. Merchandising shows;
 - ~~5.~~ 5. Car shows;
 - ~~6.d.~~ 6. Mall exhibitions; and
 - ~~7.~~ (8) Any other type ~~exhibits, shows~~ of activity or ~~festivals~~.

~~—(2) The permit fee shall be based upon~~ event that is determined by ~~the service and permit fee schedule~~ Fire Department to pose similar risk to persons or property.

(C) *Procedure for issuance of permit.* It will be the responsibility of the person or organization, requiring a special use permit to ~~come by~~ contact the Fire ~~Prevention Bureau~~ Department to fill out a special use permit application. The fee necessary for the permit will be ~~required to be collected at this time, upon submission.~~ The permit will not be issued until an inspection has been conducted and ~~the appropriate Fire Code~~ all applicable regulations have been met.

(D) ~~*Inspections.* Once the application, event or assembly noted on the application is ready for use, an inspection shall be conducted to assure Fire Code compliance. The Fire Official upon approval of the~~ Permit conditions. ~~A special use permit shall sign the permit and give the appropriate copy (pink) to the applicant. The permit will~~ must be posted for public view during the specified time period or event. Special use permits are not transferable or renewable. ~~The Fire Official will then return the other portions of the permit to the Fire Prevention Office to be appropriately filed. Guidelines to be used during the inspection shall be dependent upon the appropriate section of the Fire Code which covers the event, application, process and the like that is listed on the application. Public safety shall be considered during any inspection and shall be the prime direction for any code enforcement measures.~~

(E) *Revocation.* The Fire ~~Marshal~~ Department may revoke a permit ~~upon determination~~ if it determines that ~~the permit holder or any agents or employees of~~ the permit holder has violated any provision of the Fire Code, town code or any stated condition of the permit. In the event that a permit is revoked ~~by the Fire Marshal,~~ the permit holder will not be entitled to a refund of the permit fee. ~~Any operating condition~~ The special activity or event authorized per the permit shall cease immediately upon revocation of the permit. Penalty, see § 92.99

§ 92.54-18 FIRE SAFETY USER PERMITS.

(A) *User permit; definition.* A FIRE SAFETY USER PERMIT is a permit required by the Fire ~~Prevention Bureau which shall constitute permission~~ Department in connection with its duties to maintain, store, safeguard life and property in connection with: (1) the hazard of fire and explosion arising from the storage, handling or handle certain use of structures, materials, or to conduct processes which produce devices; (2) conditions hazardous to life, property or property public welfare in the occupancy of structures or to occupy a premises which is available to; (3) fire hazards in the public structure or staffed by employees on the premises arising from occupancy or other personnel use; (4) matters related to the construction, extension, repair alteration or removal of fire suppression or alarm systems; and (5) conditions affecting the safety of fire fighters and emergency responders during emergency operations.

(B) *Permits required.* ~~In accordance with the requirements of the town code and the Fire Code, a permit shall be obtained from the Fire Prevention Bureau pursuant to the procedure set forth in Ch. 4 of the Fire Code. Permits shall be obtained to conduct those activities or operations as set forth in the permit and service fee schedule. All permits from the Fire Department pursuant to the procedures and considerations set forth herein and in Chapter 1 of the Fire Code, and~~ will be issued on an individual basis upon demonstration of compliance with the applicable Fire Code regulations.

(C) *Application for permit.* Applications for permits shall be ~~made to the Fire Marshal on forms provided by the Fire Prevention Bureau and shall include the applicant's answers in full to inquiries set forth on~~ submitted to the Fire Department together with the forms. ~~Applications for permits shall be accompanied by appropriate fees and the data such information and documentation as may be required by the Fire Marshal Department.~~

(D) *Review and issuance.* ~~The Fire Marshal shall review all applications submitted.~~ An on-site inspection shall be conducted to determine compliance with applicable provisions of the Fire Code. If an application for a permit is rejected ~~by the Fire Marshal,~~ the applicant shall be advised, in writing, of the reasons for the rejection. ~~Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.~~

(E) *Revocation.* The Fire ~~Marshal~~ Department may revoke a permit upon determination that the permit holder or any agents or employees of the permit holder, has violated any provision of the Fire Code or any stated condition of the permit. The Fire ~~Marshal~~ Department shall advise the permit holder, in writing, of the reason for the revocation.

~~—(F) *Appeals.* An applicant for a permit or a permit holder, as appropriate, may appeal the Fire Marshal's refusal to issue or revocation of, a permit. Appeals shall be in accordance with G.S. §§ 143-140 and 143-141. All appeals shall follow the prescribed method as set forth in these statutes not only as to permits but as to any~~

~~interpretation or variation of the Fire Code.~~

~~—(G) (F) Non-transferable.~~ All permits issued shall not be transferable. Permits shall be valid only as specified on the permit for the time period, use and/or project specified. User permits will be valid for a period of one year from the date of issuance unless otherwise specified in the permit.

~~(HG) Fee administration. Annual user permits may be combined into a single permit.~~ In the event that an a use or occupancy requires more than one annual user permit, then multiple permits may be combined into a single permit, and the highest fee required for any one of these permits shall be charged. ~~For each other permit required, then a charge of \$10 for each shall be with the total amount not to exceed \$100. For those occupancies which consist of only one office or one room which opens up to a commons area of a building, then a permit fee for this occupancy shall be \$10.~~

~~(H) Inspections.~~ An inspection shall be conducted by a the Fire Official Department to determine if the occupancy or use is in compliance with the Fire Code. ~~The inspection shall cover all aspects of the occupancy that are listed in The Fire Code. The Fire Official will also verify all information that is listed on the user permit application and note all provisions which must be listed on the user permit. The Fire Official will complete the inspection report form, leave the appropriate copy (white) with the occupant and return the remaining forms to the Fire Prevention Office. The Fire Official will indicate whether the occupancy is approved or disapproved for the user permit. The Fire Official Department will conduct as many inspections as necessary to assure compliance with the Fire Code and approval for the user permit. Once the occupancy is approved for the permit, the Fire Official Department will deliver mail the user permit to the occupant and explain the provisions of the permit.~~

~~(J) Permit displayed. It will be the responsibility of the occupant to~~ The applicant must display the user permit once issued. ~~This will help user permit so that~~ the public to identify or other users can confirm that the occupancy ~~has been inspected and or use~~ has met ~~the~~ Fire Code requirements.
Penalty, see § 92.99

~~§ 92.55 SPRINKLER/STANDPIPE PERMITS~~ 19 FIRE PROTECTION SYSTEMS.

(A) ~~Permit required.~~ A permit ~~will be required to~~ must be obtained from the Fire Prevention Bureau Planning and Inspections Department for the installation ~~of a new sprinkler and or standpipe system or renovations to,~~ modification, renovation or removal of any ~~existing type~~ fire protection equipment such as fire alarm systems, fire sprinkler systems, hood suppression systems, and standpipe systems.

(B) ~~Permit fee.~~ The permit fee will be based on the service and permit fee schedule as set forth in § 92.58.

~~—(C) Plans required.~~ Plans, blueprints and ~~or~~ hydraulic calculations for the system being installed, modified, or renovated shall be submitted to the Fire Prevention Bureau Department for review and approval prior to the issuance of a permit. No work may commence until a permit has been issued. ~~One set~~ Three sets of all plans, blueprints and/or hydraulic calculations shall be submitted.

~~(DC) Permit issuance.~~ Once the plans are approved ~~then,~~ a permit will be issued ~~to the contractor. It will be the responsibility of the contractor to come by the~~ Fire Prevention Bureau Planning and ~~pick up the permit and pay the permit fee. Failure to pay the permit fee by the time specified on an invoice will result in immediate revocation of the permit causing all work on the project to cease. Once the fee is paid, then the permit will be reinstated.~~ Inspections Department.

~~(ED) Inspection required.~~

(1) The Fire Prevention Bureau Department must be notified at least 24 hours in advance to schedule any inspections. Inspections required include:

- (a) Inspection of pressure testing of all piping;
- (b) Rough-in inspection of any all piping ~~which that~~ may be concealed;
- (c) Inspection of any all underground piping prior to covering;
- (d) Inspection of any all hydrants, ~~yard or city;~~ and
- (e) Final inspection and complete system testing; ~~and.~~

~~—(f) (2)~~ An approved/stamped set of drawings must ~~stay~~ be maintained on the job site.

~~—(2)~~ ~~It will be the responsibility of~~ for inspections, and the contractor is responsible to have the necessary personnel present to conduct any tests.

~~—(F) Renovations or remodeling work.~~ A set of shop drawings showing the extent of the renovation shall be submitted to the Fire Prevention Bureau. These drawings shall be reviewed and approved in the same manner as for a new system. ~~One set of all submittals will be required. All provisions for billing and paying invoices required for new systems will also be required. The Fire Prevention Bureau must be notified at least 24 hours in advance to schedule any inspections. The Fire Prevention Bureau must be notified if any existing system is to~~

~~be shut down for any renovations.~~

~~—(G) (E) Materials test and certification.~~ Once a fire protection system has been ~~deemed~~ approved by the Fire Official Department, the contractor ~~will be~~ responsible for issuing ~~to the Fire Prevention Bureau,~~ a materials test and certification letter to the Fire Department. This letter shall state that the system has been installed in accordance to the appropriate NFPA standards and ~~or manufactures~~ manufacturer's recommendations; ~~has been~~ successfully tested; ~~that~~ all materials used are approved for their use; and ~~that~~ the system is in full operation. A letter shall be submitted for any new fire protection system ~~or any renovation work or for~~ which a permit has been issued.

(H) *Inspection report and finalization.* The Fire Department will complete an inspection report ~~will be completed~~ after each inspection conducted on ~~the sprinkler and or standpipe~~ a fire protection system. ~~A copy will be left with~~ The contractor ~~with the remaining copies will be notified~~ of ~~the inspection report filed in the Fire Prevention Bureau.~~ Once all the system deficiencies and when all necessary requirements have been met for ~~the sprinkler and or standpipe system,~~ the Inspector may then consider the permit complete and final and may note as such on the permit. No permit may be considered final until all requirements including receipt of the permit fee are completed.

Penalty, see § 92.99

§ 92.56 FIRE ALARM SYSTEM PERMITS.

~~—(A) Permit required.~~ A permit will be required to be obtained from the Fire Prevention Bureau for the installation of a new fire alarm each fire protection system or renovations to an existing fire alarm system.

~~—(B) Permit fee.~~ The permit fee will be based on the service and permit fee schedule set forth in § 92.58.

~~—(C) Plans required.~~ Prior to the issuance of an alarm system permit, plans showing the alarm system installation or renovations shall be submitted to the Fire Prevention Bureau for approval. One set of these plans shall be submitted. These plans shall show the location and type of all devices, alarm panels and equipment. The various alarm zones, wiring methods, monitoring and other criteria shall be indicated. All systems shall meet NFPA #72 requirements. An approved/stamped set of drawings shall be kept on job site.

~~—(D) Permit issuance.~~ Once the plans are approved then a permit will be issued to the contractor. It will be the responsibility of the contractor to come by the Fire Prevention Bureau and pick up the permit and pay the permit fee. Failure to pay the permit fee by the time specified on an invoice will result in immediate revocation of the permit causing all work on the project to cease. Once the fee is paid, then the permit will be reinstated.

~~—(E) Inspections required.~~ It will be the responsibility of the alarm contractor to contact the Fire Prevention Bureau at least 24 hours in advance to schedule an inspection. An inspection will be required on all rough in wiring prior to any concealment by building finishes. A final inspection will be conducted once the entire system is completed and ready for operation. A random check of various devices will be required such as pull stations, smoke detectors and the like. All zones in a structure or premises shall be tested. It will be the responsibility of the contractor to have the necessary personnel present to conduct the test.

~~—(F) Materials test and certification.~~ Once the system has been deemed approved by the Fire Official, the contractor will be responsible for issuing to the Fire Prevention Bureau, a materials test and certification letter. This letter shall state that the system has been installed in accordance to the appropriate NFPA standards and or manufactures recommendations, has been tested, all materials used are approved for their use and the system is in full operation.

~~—(G) Inspection report and finalization.~~ An inspection report will be completed after each inspection conducted on the alarm system. A copy will be left with alarm contractor with the remaining copies of the inspection report filed in the Fire Prevention Bureau. Once all necessary requirements have been met ~~for and all fees paid,~~ the alarm system, the inspector Fire Department may then consider the permit complete and final and may note as such on the permit. No permit may be considered final until all requirements including receipt of the permit fee are completed.

Penalty, see § 92.99

§ 92.57 FIXED FIRE SUPPRESSION SYSTEM.

~~—(A) Permit required.~~ A permit will be required to be obtained from the Fire Prevention Bureau for the installation of a new fire suppression system or renovations to an existing fire suppression system.

~~—(B) Definition.~~ A **FIXED FIRE SUPPRESSION SYSTEM** is a system containing a supply of an extinguishing agent that can be automatically or manually activated to discharge through a distribution system onto or into a protected hazard, equipment, process and the like.

~~—(1) Examples of the system include:~~

~~—(a) Dry chemical systems;~~

~~—(b) Wet chemical systems;~~

- ~~—(c) Foam deluge systems;~~
 - ~~—(d) CO₂ systems;~~
 - ~~—(e) Foam water spray systems; and~~
 - ~~—(f) Halon systems.~~
 - ~~—(2) Examples of protected hazards, equipment and processes include:~~
 - ~~—(a) Cooking equipment;~~
 - ~~—(b) Storage tanks;~~
 - ~~—(c) Flammable liquid processing areas; and~~
 - ~~—(d) Computer equipment areas.~~
 - ~~—(C) Permit fee. The permit fee will be based on the service and permit fee schedule set forth in § 92.58.~~
 - ~~—(D) Plans required. Prior to the issuance of a fire suppression system permit, plans showing the fire suppression system installed or renovations shall be submitted to the Fire Prevention Bureau for approval. One set of these plans shall be submitted. These plans shall show the location and type of all devices and equipment. The various alarm zones, wiring methods, piping methods, monitoring and other criteria shall be indicated. All systems shall meet NFPA requirements. An approved/stamped set of drawings shall be kept on the job site.~~
 - ~~—(D) Permit issuance. Once the plans are approved then a permit will be issued to the contractor. It will be the responsibility of that contractor to come by the Fire Prevention Bureau and pick up the permit and pay the permit fee.~~
 - ~~—(E) Inspections required. It will be the responsibility of the alarm contractor to contact the Fire Prevention Bureau at least 24 hours in advance to schedule an inspection. An inspection will be required on all rough in wiring or piping prior to any concealment by building finishes. A final inspection will be conducted once the entire system is completed and ready for operation. A check of all devices will be required. Any system utilizing pull stations or cables with fusible links shall be tested for proper operation for the Fire Official. Any tests deemed necessary by the Fire Official to determine the system operation capabilities shall be conducted by the contractor. It will be the responsibility of the contractor to have the necessary personnel present to conduct the test.~~
 - ~~—(F) Materials test and certification. Once the system has been deemed approved by the Fire Official, the contractor will be responsible for issuing to the Fire Prevention Bureau a materials test and certification letter. This letter shall state that the system has been installed in accordance to the appropriate NFPA standards and or manufacturer's recommendations, has been tested, all materials used are approved for their use and the system is in full operation.~~
 - ~~—(G) Inspection report and finalization. An inspection report will be completed after each inspection conducted on the fixed fire suppression system. A copy will be left with the contractor with the remaining copies of the inspection report filed in the Fire Prevention Bureau. Once all the requirements have been met for the fixed fire suppression system, the Inspector may then consider the permit complete. No permit may be considered final until all requirements including receipt of the permit fee are completed.~~
- ~~Penalty, see § 92.99~~

~~§ 92.58 SERVICE AND PERMIT FEE SCHEDULE.~~

SERVICE AND PERMIT FEE SCHEDULE	
Special User Permit for Special Event or Time Period Fees	
Special Event or Time Period	Fee
Any other special function requiring Fire Prevention Bureau inspection and approval	\$20
Blasting permits (explosives)	
—48 hours	\$20
—90 days	\$50
Fireworks for public display	\$50
Insecticide fogging or fumigation	\$20
Special assemblies such as gun shows, crafts shows and the like	\$20
Temporary kiosks or displays for merchandising	10

Tents or air structures	\$20
<i>Special Tests, Inspections and Services Fees</i>	
<i>Special Test, Inspection or Service</i>	<i>Fee</i>
Alarm system renovations	\$20
Annual inspection permit	\$30
Annual inspection permit (multi-tenant up to two buildings)	\$40
Any other inspection required or requested (minimum charge)	\$20
Certificate of occupancy inspections	\$20
Copies of fire reports	\$2
Day care inspection (other than annual user permit)	\$20
Fire alarm testing (existing systems)	\$20
Fire flow test	\$100
Fixed fire suppression systems	\$50
Fixed fire suppression systems (existing systems)	\$20
Grease removal test (existing systems)	\$20
Hydrant installations (private contractors only)	\$30
Multi-tenant inspection (three or more buildings)	\$50
New alarm systems	\$50
New sprinkler systems (per square foot)	\$0.01
Occupancy permit inspection (ABC)	\$20
Reinspection (per visit)	\$20
Renovations to these systems	\$20
Sprinkler certification test (existing systems)	\$20
Sprinkler renovations	\$20
Standpipe certification test (existing systems)	\$20
Standpipes	\$20
Underground storage tanks	
—New installations (per tank)	\$50
—Removal (per tank)	\$50

-
(Ord. passed 3-17-2005; Ord. passed 4-19-2011)
~~§ 92.59 APPARATUS FEE SCHEDULE.~~

<i>-APPARATUS FEE SCHEDULE</i>	
Aerial	\$200
Car/pickup	\$25
Class A engine	\$150

Haz-mat trailer (per county)	\$200
Squad	\$150
Tanker	\$75
Utility service vehicle	\$50

-
(Ord. passed 4-19-2011)

~~§ 92.99 PENALTY.~~

~~-(A)-~~

§ 92.20 APPEALS

A permit holder or an applicant for a permit may appeal an action taken by the Fire Department in connection with its enforcement of the Fire Code as provided at §§ 143-140 through 143-141 of the North Carolina General Statutes. Such actions may include refusal to issue or revocation of a permit; interpretation of the requirements of the Fire Code; or imposition of civil penalties. Any appeal relating to a matter not arising under the Fire Code may be taken as provided in Chapter 10 of this Code.

§ 92.99 ENFORCEMENT; PENALTIES.

(A) The Fire Code, incorporated by reference into this Chapter, and all other provisions of this Chapter shall be enforced by the Fire Department. All Fire Department personnel designated to enforce the Fire Code shall be certified by the State Code Officials Qualification Board.

(B) Except as specifically provided in this §92.99, the general penalty provisions of §10.99 of this code apply to any violation of this Chapter.

(C) Violation of any provision of ~~the State Fire Code, incorporated into~~ this Chapter ~~by reference,~~ that poses an imminent threat to life or property shall subject the offender to a civil penalty in the amount of \$500 to be recovered by the town.

(B) Violation of any ~~section~~ provision of this Chapter, except for those ~~sections~~ violations set forth in ~~division (A) paragraph (C)~~ above or ~~division (C) paragraph (E)~~ below, shall subject the offender to a civil penalty in the amount of \$100 to be recovered by the town.

(C) Any person ~~violating any of~~ who violates the provisions of § 92.1006(A) or (B) shall be guilty of a misdemeanor punishable by a fine not to exceed \$500, imprisonment for not more than six months, or both.

~~(Ord. passed 2-21-2008)~~

SECTION 2: This Ordinance shall be effective upon the date it is adopted by Town Council.

Adopted this ____ th day of _____, _____.

Rennie Brantz, Mayor

ATTEST: _____
Town Clerk

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sam Furguele, Council Member
SECONDER:	Loretta Clawson, Mayor Pro-Tem
AYES:	Mason, Clawson, Furguele, Ulmer, Ashcraft

DISCUSS THE TOWN'S TOWING/"BOOTING" ORDINANCE REGARDING PREDATORY PRACTICES

RESULT:	TABLED [UNANIMOUS]	Next: 10/15/2019 6:00 PM
MOVER:	Loretta Clawson, Mayor Pro-Tem	
SECONDER:	Sam Furgiuele, Council Member	
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft	

CONTINUED DISCUSSION REGARDING AIRBNB SHORT-TERM RENTALS

RESULT:	TABLED [UNANIMOUS]	Next: 10/15/2019 6:00 PM
MOVER:	Loretta Clawson, Mayor Pro-Tem	
SECONDER:	Sam Furgiuele, Council Member	
AYES:	Mason, Clawson, Furgiuele, Ulmer, Ashcraft	

CLOSED SESSION

Upon a motion by Mayor Pro-Tem Clawson, seconded by Mr. Furgiuele, Council voted to enter into closed session at 10:11 p.m. pursuant to the following:

1. N.C.Gen.Stat.§ 143-318-11 (a)(1), to review, approve and seal closed session minutes from Council's prior closed session(s).
2. N.C.Gen.Stat.§ 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims or other legal matter(s).
3. N.C.Gen.Stat.§143.318.11 (a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (I) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease (PIN 2911-33-9240-000, PIN 2910-16-9677-000, PIN 2900-79-5183-000 & PIN 2900-79-8884-000).
4. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning the legal matters involving Zhiyuan Chen.

Mr. Furgiuele offered a friendly amendment to ask that the remaining two items be tabled until the October regular meeting. Mayor Pro-Tem Clawson accepted this amendment.

VOTE:	Aye:	All
	Nay:	None

ADJOURNMENT

Upon a motion by Mayor Pro-Tem Clawson, seconded by Ms. Ulmer, Council voted to exit closed session at 11:06 p.m.

VOTE:	Aye:	All
	Nay:	None

Upon a motion by Mr. Furgiuele, seconded by Ms. Mason, Council voted at 11:08 p.m., Council voted to adjourn the meeting at 11:08 p.m.

VOTE:	Aye:	All
	Nay:	None

Nicole Harmon, Town Clerk

Rennie Brantz, Mayor