

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
October 20, 2016**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 5:31 p.m. Thursday, Oct. 20, 2016 in the Council Chambers located at 1500 Blowing Rock Road. Mayor Rennie Brantz presided. Council members present were Mayor Pro Tem Lynne Mason, Loretta Clawson, Charlotte Mizelle, Jennifer Teague and Jeannine Underdown Collins. Town Attorney Allison Meade was in attendance. Staff present were Town Manager John Ward, Assistant Town Manager Jim Byrne, Town Clerk Christine Pope, Public Works Director Rick Miller, Planning Director Bill Bailey, Police Captain Andy LeBeau, Fire Chief Jimmy Isaacs and Cultural Resources Director Pilar Fotta.

ANNOUNCEMENTS

Mayor Brantz noted that anyone who wished to speak could sign up for the public comment period.

PRESENTATION OF RESOLUTION TO GREG SIMMONS: VOLUNTEER APPRECIATION AND RECOGNITION

Mayor Brantz presented Greg Simmons with a framed resolution and Town of Boone lapel pin thanking him for his many years of dedicated service as a volunteer on the Planning Commission.

TENTATIVE AGENDA ADOPTION

MOTION TO ADOPT AGENDA

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

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

PUBLIC COMMENT

Martin Fenn, of 289 Ambling Way in Boone, spoke regarding the proposed revisions to the towing ordinance. He spoke of his experience with getting booted and the increase in charges each year.

Rob Holton, of 480 Hwy. 105 in Boone, voiced his concern with the proposed revisions to the towing ordinance, stating that his company and others enforce towing to ensure there is parking available for the tenants. He also spoke about requiring an owner or their agent to authorize every tow or immobilization.

Harold Tilley, of 749 Market Hills Drive in Boone, voiced his concern with the proposed revisions to the towing ordinance and the required signage. He added that 92 percent of his residents have vehicles, and the Town should require developers to provide one parking space per bedroom. He stated less parking available creates more problems for the police department, property management companies and for the downtown area.

Will Hennessy, of 259 May Apple Way in Boone, representing Bill's Garage, stated they spent thousands in replacing their signage a year ago to be in compliance with the Town's updated ordinance, and the proposed revisions to the towing ordinance would require them to replace the signage again. He added that by requiring a property owner or agent to authorize every tow would cause him to raise his fees for a wait-time charge.

Sonia Sherbet, of 314 Meadowview Drive in Boone, representing Bavarian Village Apartments, stated that as the community manager she rents to not only students, but seniors and families as well, and they have policies in place to govern how towing is handled. She added that LMS, a local towing company, understands their policies, and forcing someone to take a receipt may provoke them more when already irritated by being detained longer.

Will Buckner, of 232 Adams Road in Vilas, representing Kuester Real Estate Services, stated he hires LMS to enforce their policies in private parking lots and has had a good experience with them. He stated he does not have the personnel to comply with the regulations being proposed to the towing ordinance and does not see a need for change at this time.

Nathan Miller, of 766 W. King Street in Boone, representing his client, LMS Parking, spoke regarding the proposed revisions to the towing ordinance. He stated that by regulating the ability to tow and immobilize vehicles out of existence, companies may be forced to take out trespassing charges against those individuals. He suggested changing the revisions to require companies to offer a receipt rather than force one upon someone, and to have the disclosure of fees listed at the police department or on the ticket. Mr. Miller also recommended that a public hearing be held on any proposed revisions to include the Town, property owners, towing companies, and those who have been towed or booted.

Jerry Butler, of Boone, voiced his concerns with the proposed revisions to the towing ordinance and expecting property owners to leave their jobs to authorize a tow. He wondered if the Town was trying to protect the students who park legally or those who illegally park.

REQUESTED APPEARANCES

MATT COOPER - WATAUGA COUNTY FARMERS MARKET

Jason Roehrig of the Watauga County Farmers' Market Board of Directors appeared before Council to request authorization to begin conversations with Town staff regarding a concept plan for a potential structure at the farmers' market. He stated this concept plan would incorporate the Town's Daniel Boone Park plan and would fit in with the other structures on the property as well. Council was in consensus to authorize Town staff to work with the farmers' market on this concept plan.

RESULT:	CONSENSUS
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BRADEN WILLIS - ANNOUNCEMENT OF BOWLING FOR THE BLUE EVENT

Braden Willis of Appalachian State University's Sigma Alpha Epsilon fraternity appeared before Council to announce an upcoming event on Nov. 20 at the High Country Lanes bowling alley. He stated a large portion of the proceeds will go toward a charity of the Boone Police Department's choice, which was recently announced to be the Hunger and Health Coalition.

NATHAN GODWIN - PRESENTATION REGARDING SKATEBOARDING

Nathan Godwin and Chasen Bettinger appeared before Council with a PowerPoint presentation on the possibility of skateboarding in town and on ASU's campus. Council Member Mason noted that this presentation will be going before the Transportation Committee in November for consideration, and she and Council Member Underdown Collins will be facilitating a meeting with ASU to collaborate on this possibility (presentation on file in October 2016 meeting packet).

CONSENT AGENDA ADOPTION

Town Attorney Allison Meade noted one revision to Item 6.J. in which the revisions to Town Code Chapter 70: General Provisions should reflect 10 days for both appeal periods whereas the initial draft indicated differently. Upon a motion by Council Member Mizelle, seconded by Council Member Mason, Council moved to adopt the consent agenda with the revision noted.

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

TOWN COUNCIL - PUBLIC HEARING MINUTES - AUG. 22, 2016**TOWN COUNCIL - SPECIAL MEETING - SEP 12, 2016 3:30 PM****TOWN COUNCIL - REGULAR MEETING - SEP 15, 2016 5:30 PM****TOWN COUNCIL - SPECIAL MEETING MINUTES - SEPT. 19, 2016****TOWN COUNCIL - PUBLIC HEARING MINUTES - SEPT. 26, 2016****TOWN COUNCIL - SPECIAL MEETING - SEP 28, 2016 5:30 PM****RESCHEDULING OF DECEMBER PUBLIC HEARING**

December public hearing scheduled for Monday, Dec. 19, 2016, at 5:30 p.m. in the Council Chambers located at 1500 Blowing Rock Road.

APPROVAL OF RESOLUTION OF VOLUNTEER APPRECIATION AND RECOGNITION: GREG SIMMONS**RESOLUTION OF VOLUNTEER APPRECIATION AND RECOGNITION**

WHEREAS, Greg Simmons has served this community well in numerous capacities during his time volunteering on the Town of Boone's Planning Commission; and,

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

WHEREAS, through the performance of his duties and responsibilities as a member of the Planning Commission, he has made excellent and constructive contributions to our Town; and,

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

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

Adopted by unanimous vote of the Town Council on the 20th day of October, 2016.

Mayor Rennie Brantz

ATTEST:

Town Clerk Christine Pope

(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 274)

APPROVAL OF AMENDMENTS TO TOWN CODE CHAPTER 30.07: ORDER OF BUSINESS

§ 30.07 ORDER OF BUSINESS.

(A) Items of business shall be taken up at a meeting in the order that they appear on the agenda, except as provided in division (D) below.

(B) Items shall be placed on the agenda ~~according to the “order of business”~~ in conformity with subsection (H).

(C) ~~In establishing the “order of business”, the Council may authorize B~~ broad categories of business ~~to may~~ be included as agenda items; examples ~~are include~~ but are not limited to “members of the public wishing to be heard,” “matters by the Manager,” or “matters by the Attorney.”

(D) Items may be considered out of order by consent of all the members present or by majority vote upon a motion.

(E) Persons desiring to address the Council shall, if at all possible, call the office of the Town Clerk and give their names, addresses, and subject matters to be discussed and shall meet the agenda item request submission deadlines as set forth at § 30.06(A)(1) if they wish to appear as part of an agenda item. Such deadlines do not apply to a person addressing the Council as part of the “public comment” part of the meeting. Persons desiring to speak on an agenda item will be recognized to speak when the agenda item is reached if the agenda item authorizes the receipt of public comment or the Council, by majority vote, authorizes public comment in connection with a particular agenda item. No person, in addressing the Town Council, except as otherwise provided herein, shall be allowed to speak more than five minutes unless the presiding officer allows an extension of time. The presiding officer may, in his or her discretion, shorten the time for speaking when an unusually large number of persons have registered to speak.

(F) Any person wishing to address the Council at any regular meeting, who has not been authorized to address the Council as part of an agenda item, shall place his or her name on a sign up sheet available for this purpose. The person shall be entitled to speak under “Public Comment,” subject to the following rules and regulations:

(1) Speakers shall be recognized in the order in which they have signed up.

(2) During the public comment period, no person shall be allowed to speak for more than five minutes unless the presiding officer allows an extension of time. When the Mayor or other presiding officer determines that there are more speakers than can be reasonably heard during the 15-minute initial public comment period, the Mayor or presiding officer may limit each speaker's presentation to less than five minutes. Likewise, the Town Council, by motion and majority vote, may limit the time allotted to each speaker to less than five minutes and may grant a speaker more than five minutes to complete a public comment. Any person who wishes to address the Town Council but is unable to speak during the initial 15-minute public comment period due to the number of persons offering public comment who signed up ahead of that person shall be given an opportunity to address the Town Council at the conclusion of all business scheduled for open session, subject to the same procedures and rules which apply to the initial 15-minute public comment period.

(3) Should more than one person wish to make substantially the same comments regarding the same subject, or where a group of persons supports or opposes the same positions, the presiding officer may require that all persons designate a spokesperson for their group to address the Town Council, and the presiding officer may allot a larger amount of time for the presentation of the group position by the spokesperson.

(4) When the number of persons wishing to address the Town Council during the “public comment” period exceeds the number of people who can be safely accommodated within the Town Council chambers or other location of the meeting, the presiding officer may require that all persons select delegates from the groups of persons supporting or opposing the same positions to address the Town Council, and the presiding officer may allot a larger amount of time for the presentation of the group position by each delegate.

(5) All persons addressing the Town Council during the public comment period shall be treated respectfully by other persons in attendance at the meeting, and all speakers shall conduct themselves with proper decorum. Should any person present during a public comment period substantially interfere with the

ability of a person offering public comment or engage in behavior which violates norms of accepted decorum, or should a person offering public comment engage in behavior which violates norms of accepted decorum, after warning the person(s) and, except in a situations where there is a risk of harm to any person present, providing the person(s) the opportunity to alter his, her, or their behavior to bring it into conformity with norms of accepted behavior, the presiding officer may direct that the person(s) be removed from the meeting. However, a person expressing positions which are critical of town policies or actions, or criticizing the Mayor, Town Council members, town staff, town officials, or town policies or actions shall not, on that basis alone, be considered to have engaged in behavior which violates norms of accepted decorum.

(6) Unless the agenda is amended in accordance with this section so as to allow action on an item raised during the public comment period, the matter presented by the speaker shall be for information.

(G) ~~Unless a different order is established by action of the Council, i~~Items shall be placed on the agenda in the order directed by the Town Manager, and shall generally include~~according to the following order of business:~~ call to order; announcements; public hearings (other than quasi-judicial hearings); public comment ~~(for a period not exceeding 15 minutes);~~ requested appearances; consent agenda adoption; quasi-judicial hearings; Council matters; announcements of vacancies to boards, commissions, task forces, advisory bodies, and committees; appointments to boards, commissions, task forces, advisory bodies, and committees; resolutions requesting appointments by the County Commission of ETJ members to the Planning Commission and Board of Adjustment; ~~quasi-judicial hearings;~~ public comment not reached during the initial public comment period; closed session; and adjournment. By general consent of the Council or majority vote, items may be considered out of order and items not fitting into one of the named categories may be considered. The Council may, by unanimous vote of those present, add items to or subtract items from the proposed agenda, except that the Council may not add items to the proposed agenda stated in the notice of a special meeting called by the Mayor, Mayor Pro Tempore, and two Council members, unless all members are present and agree, or those who are absent sign a written waiver of notice, and all members who are present agree; and only business connected with an emergency may be considered at an emergency meeting. The Council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method with the intention of making it impossible for persons attending a meeting of the Council to understand what is being deliberated, voted, or acted on. The Council may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on, are available for public inspection at the meeting.

(Ord. passed 4-20-2006; Ord. passed 6-19-2008; Ord. passed 1-15-2009; Ord. passed 3-20-2014; Ord. passed 2-19-2015)

APPROVAL OF AMENDMENTS TO TOWN CODE CHAPTERS 70 AND 72

CHAPTER 70: GENERAL PROVISIONS

Section

- 70.01 Definitions
- 70.02 Administration and enforcement
- 70.03 Accident investigation
- 70.04 Traffic regulation and pedestrian safety
- 70.05 Removal or alteration of traffic tickets, chalk marks
- 70.06 Violations prohibited
- 70.07 Parking validation stickers
- 70.08 Towing
- 70.09 Appeals

70.99 Penalty

§ 70.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The person designated by the Manager to perform the functions assigned by this title to the **ADMINISTRATOR**. Whenever this title authorizes or requires the **ADMINISTRATOR** to install a traffic-control device controlling parking or regulating the movement of traffic on, to or from a state-highway-system street and the installation of a device is in practice a function of the State Department of Transportation,

the **ADMINISTRATOR** may discharge his or her responsibility by requesting the State Department of Transportation to install the device.

DRIVER. The operator of a vehicle.

HIGHWAY or **STREET.** The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms **HIGHWAY** or **STREET** or a combination of the two terms shall be used synonymously.

INTERSECTION. The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral edge of roadway lines of two or more highways which join one another at any angle, whether or not one highway crosses the other. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event that the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate **INTERSECTION**.

LOCAL STREET. A street within the town that is not part of the state highway system.

MOTOR VEHICLE. Every vehicle that is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds, as defined in G.S. § 20-4.01(27)d1.

OPERATOR. A person in actual physical control of a vehicle which is in motion or which has an engine running. The terms **OPERATOR** and **DRIVER** and their cognates are synonymous.

PARKING or **STANDING.** A vehicle is parked or is permitted to stand when it is stopped and allowed to remain in a fixed location for any duration of time, whether attended or unattended. Except where the context clearly indicates otherwise, the limitations on parking and standing in this title apply only to locations within a street right-of-way. In no case do these limitations on parking and standing in this title apply only to locations within a street right-of-way. In no case do these limitations apply when a vehicle is stopped to avoid conflict with other traffic or in compliance with law or the directions result of an emergency or because the vehicle is disabled.

ROADWAY. The portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways, the term **ROADWAY**, as used herein, shall refer to any roadway separately, but not to all roadways collectively.

SAFETY ZONE. A traffic island or other space that is officially set aside within a highway for the exclusive use of pedestrians and that is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

STATE HIGHWAY SYSTEM STREET. A street within the town that is part of the state highway system. Whenever this title regulates parking or the movement of traffic on, to or from a state highway system street, then to the extent that concurrence by the State Department of Transportation is necessary (by passage of a concurring ordinance or otherwise) the regulation shall not become effective until the concurrence is obtained. The following streets are part of the state highway system:

Deck Hill	Poplar Grove Road
Rivers Street	Deerfield Road
East King Street	U.S. Highway 321
Water Street	Junaluska Drive
N.C. Highway 105	Summerplace Drive
U.S. Highway 321	Fairway Drive
Highway 194	Winkler's Creek Road
High School Drive	Deck Hill Road

Academy Street	University Drive
Locust Street	Kellwood Drive
Brown Street	Pinnacle Drive
Upper half of Eastview Drive	Daulph Blan Street

STREET. See **HIGHWAY**.

TRAFFIC-CONTROL DEVICE. Any sign, signal, marking or other device placed or erected pursuant to a lawfully adopted ordinance and designed to regulate, warn, guide or control traffic.

TRAFFIC-CONTROL SIGNAL. Any device designated to regulate, guide or control traffic through the use of alternating or flashing lights or by some other mechanical means.

VEHICLE.

(1) Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon fixed rails or tracks; provided that, for the purposes of this title, bicycles shall be deemed **VEHICLES** and every rider of a bicycle upon a highway shall be subject to the provisions of this title applicable to the driver of a **VEHICLE**, except those which, by their nature, can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks and is limited by design to 15 mph when the device is being operated by a person with a mobility impairment or who uses the device for mobility enhancement.

(2) This term shall not include an electric personal assistive mobility device, as defined in G.S. § 20-4.01(7)(a).

(G.S. § 20-4.01)

§ 70.02 ADMINISTRATION AND ENFORCEMENT.

It is the duty of the town to enforce all of the provisions of this title and all of the state motor vehicle laws.

§ 70.03 ACCIDENT INVESTIGATION.

It is the duty of the law enforcement officers of the town to investigate traffic accidents and to obtain identification and insurance information of those persons apparently guilty of violations of this title or state motor vehicle laws causing or contributing to those accidents. The owner or operator of any ambulance must arrange for the County Emergency Communications Center to be notified before leaving to answer a call to the scene of a traffic accident.

§ 70.04 TRAFFIC REGULATION AND PEDESTRIAN SAFETY.

In the event that it becomes immediately necessary to protect the safety of motorists and pedestrians, the law enforcement officers of the town may direct traffic as required and may place temporary official traffic-control devices without regard to the other provisions of this chapter. No person may refuse to comply with a lawful order of a law enforcement officer when the order is given under the authority of this action.

§ 70.05 REMOVAL OR ALTERATION OF TRAFFIC TICKETS, CHALK MARKS.

(A) It shall be unlawful to remove a traffic ticket from a vehicle or to permit it to be removed, except for the purpose of answering the charge for which it was issued.

(B) It shall be unlawful to alter a traffic ticket and no person may have in his or her possession an unlawfully altered ticket.

(C) It shall be unlawful for any person to remove or alter chalk marks made by a parking attendant to the tires of any vehicle.

Penalty, see § 70.99

§ 70.06 VIOLATIONS PROHIBITED.

(A) It shall be unlawful for any person to cause, allow or permit a vehicle registered in the name of or operated by that person to be parked, stopped, left standing or operated in any manner in violation of the provisions of this title.

(B) Notwithstanding the preceding subsection, the registered owner of a vehicle that has been leased or rented to another person or company shall not be liable for a violation of a provision of Chapter 72 of this title if, after receiving notification of the civil violation within 90 days of the date of occurrence, the owner, within 30 days

thereafter, files with the officials or agents of the municipality an affidavit including the name and address of the person or company that leased or rented the vehicle. If notification is given to the owner of the vehicle after 90 days have elapsed from the date of the violation, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation.

Penalty, see § 70.99

§ 70.07 PARKING VALIDATION STICKERS.

Parking validation stickers shall only be used for a purpose for which they are intended. Any business that fails to stop its abuse of parking validation stickers, after receipt of a written notice of the abuse, shall be removed from the parking validation sticker program for a period of one year.

§ 70.08 TOWING.

Once a vehicle accumulates five parking citations and the vehicle owner/operator fails to pay these citations within five days of the first citation, the vehicle will be booted.

(A) A brightly colored adhesive sticker will be placed in a conspicuous location on the windshield of the booted vehicle stating that the vehicle is in violation of the parking policy. The sticker will contain information concerning where and when payment can be made.

(B) The owner/operator of the vehicle will be charged a fee of \$50 to remove the boot in addition to his or her outstanding parking citations.

(C) If no contact is made by the owner/operator of the vehicle by 4:00 p.m., the car will be towed. The tow company will not release the vehicle until all outstanding fines are paid.

(D) Once a vehicle is towed, the owner/operator of the vehicle will be responsible for all outstanding citations, the boot removal fee of \$50 and any towing and/or storage fees assessed by the towing company.

(E) The owner of the vehicle or any person entitled to claim possession of the vehicle may appeal the towing of the vehicle pursuant to the post-towing procedures set forth in G.S. §§ 20-219.9 through 20-219.14. If the violator prevails in his or her judicial appeal of the towing, the town shall reimburse the violator for the fees and charges which he or she was required to prepay, as well as for any court costs incurred.

Cross-reference:

Towing provisions, see Ch. 73

§ 70.09 APPEALS.

(A) Any person who wishes to appeal the issuance of a citation for the violation of §§ 70.05 through 70.07, 71.08 through 71.10, Ch. 72 or Ch. 73 may do so within ~~48 hours~~ten (10) calendar days of the issuance of the citation. This appeal shall be made to the Administrator or his or her designee.

(B) Any person who wishes to appeal the decision of the Administrator or his or her designee may do so by delivering a written notice of appeal to the Boone Town Hall located at ~~729-567~~ West King Street, which written notice must be delivered or post-marked within ~~48 hours~~ten (10) days after the issuance of a decision by the Administrator. All appeals pertaining to citations issued by McLaurin Parking shall be heard by the Parking Committee of the Downtown Boone Development Association. The Parking Committee shall be composed of six persons. A quorum of three committee members is required to reach a decision on any appeal. The Parking Committee will meet every two weeks or as needed. The Parking Committee of the Downtown Boone Development Association is hereby designated as "an appellate agency" by the town for the purpose of hearing appeals, as described herein.

§ 70.99 PENALTY.

(A) *General.* Except as specifically provided at subsection (B) of this section, any violation of this title is subject to a civil penalty only and shall not constitute a criminal infraction. Unless specifically provided at subsection (C) below or elsewhere in this title, ~~Whoever~~ violates any provision of this title ~~not regulating the operation or parking of vehicles, where no other penalty is specifically provided,~~ shall be subject to the penalty provisions in § 10.99.

(B) *Criminal penalties.* Any violation of the following sections shall constitute an infraction, punishable by a fine of not more than \$50: §§ 71.01 through 71.07, § 72.08, Ch. 74, Schedules V, VII, VIII and IX. A violation of § 72.09 shall constitute a Class 3 misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500.00).

(G.S. § 14-4(b).)

(C) *Civil penalties.*

(1) Any violation of the sections of this title set forth below shall subject the offender to those civil penalties hereinafter enumerated. Civil penalties that are not voluntarily paid by the violator may be recovered by the town a civil action in the nature of a debt.

(2) Whenever a member of the Police Department or other person authorized with the enforcement of the provisions of this title regulating the parking of vehicles shall find that any of those provisions are being or have been violated by the owner or operator of the vehicle, the officer or person shall notify the owner or operator of the vehicle of the violation by conspicuously attaching to the vehicle a parking violation notice or citation in a form as the Administrator may direct.

(3) The following civil penalties shall be imposed for violations of sections of this title set forth below. Payment of the penalty shall be due within 30 days after issuance of the notice or citation for the violation.

(a) Any violation of the following sections shall subject the offender to a penalty of \$12: §§ 72.01(A)(1), (A)(3) through (A)(5), (A)(7) through (A)(12), and (A)(15-(A)(19); 72.01(C); 72.02; 72.03; 72.04; 72.06-72.05 through 72.0872.07; Chapter 75, Schedules III and IV.

(b) Any violation of the following sections shall subject the offender to a penalty of \$20: §§ 72.01(A)(6); 72.01(A)(14).

(c) Any violation of the following sections shall subject the offender to a penalty of \$30: §§ 72.01(B); 72.0572.04.

(d) Any violation of the following sections shall subject the offender to a penalty of \$50: §§ 70.05(C); 71.08; 71.09(A) and (B); 71.10(A), (B), (C) and (D); 72.01(A)(2).

(e) Any violation of the following sections shall subject the offender to a penalty of \$100: § 71.08; 72.01(A)(13).

(4) A civil penalty of \$20, in addition to the one imposed pursuant to division (C)(3) above, shall be imposed in those cases in which the penalty prescribed in division (C)(3) above has not been paid within the designated 30-day period. In the event it is necessary for the town to institute a civil action to collect any civil penalty, the violator shall be responsible for all court costs and attorney's fees incurred by the town.

(5) The first violation of § 71.11(B)(2), (3) or (4) shall be dismissed if the person charged submits proof within ten days that equipment meeting the standards in § 71.11(B)(2), (3) or (4) has been acquired for use by the operator or passenger. Otherwise, any violation of § 71.11(B)(2), (3) or (4) is punishable by a civil penalty in the amount of \$50, plus court costs.

(6) ~~The civil penalty herein provided to be paid to and received by the town shall in no event be construed to be an enforced imposition of fines or forfeitures; but on the other hand, the amounts shall be construed to be amounts which an offender may voluntarily contribute towards the cost and expense of furnishing the public with a less expensive alternative method of regulating and administering violations which are expressly made to fall within the application of this section and to the extent herein provided.~~

~~—(7)—~~ All civil penalties paid to the town, as herein provided, shall be paid into the General Fund of the town.

CHAPTER 72: PARKING REGULATIONS

Section

72.01 Parking prohibited in certain locations

72.02 Parking prohibited for certain purposes

72.03 ~~Manner of parking~~

72.034 Snow emergency zones

72.045 Loading and unloading zones

72.056 School loading zones

72.067 Commercial loading zones

72.078 Public carrier loading zones

72.08 ~~Using slugs or substitutes, tampering with or injuring parking meters~~

§ 72.01 PARKING PROHIBITED IN CERTAIN LOCATIONS.

(A) Parking is prohibited in the following locations. No traffic-control devices are required. No person may park any vehicle or permit it to stand in any or the following locations:

- (1) As provided in G.S. § 20-162, in front of a private driveway;
- (2) As provided in G.S. § 20-162, within 15 feet of either direction of a fire hydrant (whether or not located in a public right-of-way) or the entrance to a fire station; or a designated fire lane;
- (3) As provided in G.S. § 20-162, within 15 feet of the intersection of curb lines or if none, then within 15 feet of the intersection of property lines at an intersection of highways;
- (4) Within an intersection or on a marked crosswalk;

- (5) Within 30 feet of any traffic-control signal or device installed at an intersection, regardless of whether the vehicle is located within or outside of the public right-of-way;
 - (6) On a sidewalk or on the space between the sidewalk and the curb;
 - (7) In any portion of a roadway intended to carry traffic at the time the vehicle is parked or left standing;
 - (8) On the roadway side of any vehicle stopped, standing or parked at the edge of a curb or street;
 - (9) Alongside or opposite any street excavation or obstruction when the parking or standing would obstruct traffic;
 - (10) Upon any bridge, overpass or other elevated structure or within any tunnel or other underpass structure;
 - (11) Within 50 feet of the nearest rail of a railroad crossing;
 - (12) In any alley or private road in a manner or under conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular travel or to block the driveway entrance to any abutting property;
 - (13) In any parking space clearly marked as reserved for the handicapped, whether on public or private property, unless the driver of or a passenger in the vehicle is handicapped; and
 - (14) In a leased parking space without a leased parking sticker.
 - (15) In any metered space without making proper payment therefor.
 - (16) In any space in a town-owned parking lot, garage, or other parking facility without making proper payment therefor.
 - (17) In any marked space designated by signage for certain purpose(s) and/or period(s) or duration of time for parking other than for the purpose, period, and/or duration of time authorized.
 - (18) In a marked off parking space in a manner that the vehicle is not entirely within the parking space as marked off.
 - (19) On a street other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within 18 inches of the curb or edge of the roadway, unless authorized to do otherwise by appropriate signage or parking space markings.
- (B) The Administrator may install no-parking signs, yellow curb markings or other traffic-control devices to indicate where parking and standing is prohibited as stated in division (A) above, but enforcement of the provisions of this section is not dependent on the installation of the devices.
- (C) Whenever, pursuant to division (B), the Administrator has installed signs, yellow pavement markings or other traffic-control devices clearly indicating that parking or standing within a specified area is prohibited or is allowed only at certain times or for a certain duration, no person may park any vehicle or permit it to stand contrary to the directions of those traffic-control devices.
- (D) The Administrator may mark any street where parking is permitted with lines that indicate the parking space for vehicles and no person may park any vehicle outside the lines.
- (E) The prohibitions in this section shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible.

Penalty, see § 70.99

Cross-reference:

Regulated parking locations, see Ch. 75

 § 72.02 PARKING PROHIBITED FOR CERTAIN PURPOSES.

No person may park any vehicle or permit it to stand upon any street for any of the following principal purposes:

- (A) Displaying it for sale, except foreclosure and judicial sales;
- (B) Washing, greasing, changing tires or repairing the vehicle, except to the extent necessitated by an emergency;
- (C) Storing it; and
- (D) Advertising.

Penalty, see § 70.99

 § 72.03 MANNER OF PARKING.

~~—(A) Except as otherwise provided in this title, no person may park a vehicle or permit it to stand in a roadway other than parallel with the edge of the roadway, heading in the direction of lawful traffic movement and with the wheels of the vehicle within 18 inches of the curb or the edge of the roadway.~~

~~—(B) The Administrator may mark any street where parking is permitted with lines that indicate the parking space for vehicles and no person may park any vehicle outside the lines.~~

~~—(C) Whenever pavement markings have been installed to indicate that angle parking is permitted, no person may park or permit a vehicle to stand within an area so marked unless the vehicle is located entirely within a marked space.~~

~~Penalty, see § 70.99~~

~~Cross-reference:~~

~~—Locations where angle parking permitted, see Ch. 75, Schd. III~~

§ 72.034 SNOW EMERGENCY ZONES.

(A) Whenever a snow emergency zone is designated and marked by traffic-control devices, no person may park any vehicle within the zones between the hours or during the periods specified in the traffic-control devices.

(B) (1) Whenever snow accumulates on the town streets, where parking is otherwise allowed, these streets must be kept clear of parked vehicles to enable town crews to clear the streets of snow in the most effective and efficient manner.

(2) The Administrator shall install appropriate traffic-control devices to give clear notice that parking within the zones is not permissible during the stated hours or times indicated during periods of snow accumulation.

Penalty, see § 70.99

Cross-reference:

Snow emergency zones designated, see Ch. 75, Schd. IV

§ 72.045 LOADING AND UNLOADING ZONES.

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

Penalty, see § 70.99

§ 72.056 SCHOOL LOADING ZONES.

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

Penalty, see § 70.99

§ 72.067 COMMERCIAL LOADING ZONES.

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

Penalty, see § 70.99

§ 72.078 PUBLIC CARRIER LOADING ZONES.

(A) Whenever a bus stop or taxicab stand is designated and marked by traffic-control devices, no person may park any vehicle other than a bus or a taxicab, respectively, in any zone so designated and marked.

(B) Whenever a bus stop or taxicab stand is necessary in a particular location to accommodate the needs of those requiring access to a public carrier and a zone is consistent with the necessary free flow of traffic and the public safety, the Administrator may install appropriate traffic-control devices to give clear notice that parking or standing within those locations, except for buses and taxicabs, respectively, is prohibited.

(C) The operator of a bus shall not stop the vehicle upon any street or at any place for the purpose of loading or unloading passengers or their baggage, except at a bus stop designated in accordance with this section.

Penalty, see § 70.99

72.09 Using slugs or substitutes, tampering with or injuring parking meters

(A) It shall be unlawful to deposit a slug or other substitute for a coin of the United States or city-issued parking meter token in any city parking meter.

(B) It shall be unlawful to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any city parking meter, except that duly authorized persons may make necessary collections and repairs.

Penalty, see § 70.99

APPROVAL OF SIDEWALK EASEMENT AGREEMENT - HOWARD STREET

SIDEWALK EASEMENT AGREEMENT

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

THIS SIDEWALK EASEMENT AGREEMENT (this “Agreement”) is made this the ____ day of _____, _____ by and between Howard Street Ventures II, LLC, a North Carolina limited liability company, & Wilcox & Wright, LLC, a North Carolina limited liability company, (hereinafter collectively referred to as “Grantor”) and the Town of Boone, a North Carolina municipal corporation (hereinafter referred to as “Grantee”). Grantor and Grantee are collectively referred to as the “Parties.” The designation Grantor and Grantee, as used herein, shall include said Parties, their heirs, successors and assigns, and shall include singular, plural, masculine or feminine, as required by context.

Recitals

WHEREAS, Grantors are the owner of parcels located on the north side of Howard Street, such lots also being known as 151 and 161 Howard Street, and identified by Watauga County tax parcel numbers 2900-79-7282-000 and 2900-79-8147-000, located in the Town of Boone, Watauga County, North Carolina, being conveyed to Grantor by those certain instruments recorded at Book 348, Page 893 and Book 1367, Page 183, Office of the Register of Deeds for Watauga County, North Carolina.

WHEREAS, Grantee is undertaking certain improvements along Howard Street between Water and Depot Streets to include streetscape, sidewalk, and other improvements;

WHEREAS, Grantor has agreed to grant a perpetual non-exclusive easement to construct, install, use, repair, replace and maintain a pedestrian sidewalk located or to be located on the Property in the areas described in Exhibit A attached hereto and incorporated herein by this reference, as approximately shown on the maps attached hereto as Exhibits B & C and incorporated herein by this reference, to Grantee, as well as for the use of the easement for pedestrian traffic by the public, pursuant to this Agreement.

NOW, THEREFORE, for and in consideration of \$1.00 and the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties covenant and agree as follows:

1. **Recitals Incorporated Herein.** The above recitals are incorporated in and made a part of this Agreement as fully as if set forth verbatim herein.

2. **Grant of Easement.** Grantor hereby grants, bargains, sells and conveys to Grantee a perpetual, non-exclusive easement that area of the Property shown on Exhibit A hereto as the “Easement Area” for the purpose of installing, constructing, operating, maintaining, replacing and repairing a pedestrian sidewalk, for use by pedestrians in connection with use of other sidewalks operated or maintained by Grantee on adjoining property (the “Easement”). The Easement is hereby dedicated in perpetuity to Grantee and to the common use of the public, and shall constitute a covenant running with the land in perpetuity for the benefit of Grantee, its successors and assigns. By execution of this Agreement and acceptance of the Easement, Grantee accepts such dedication on behalf of its citizens and the public.

IN WITNESS WHEREOF, the Parties have executed this Sidewalk Easement Agreement on the dates shown below.

[Multiple signature pages follow]

GRANTOR:

WILCOX & WRIGHT, LLC

By: _____

Print name: Roger D. Wright
Print title: Member

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

I, certify that _____ personally came before me this ____ day of _____, 2016 and acknowledged that s/he is a Member of Wilcox & Wright, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, s/he signed the foregoing instrument in its name on its behalf as its act and deed.

Official Signature of Notary Public

Notary's Printed/Typed Name

My _____ Commission
Expires: _____

By: _____
Print name: C. Kenneth Wilcox
Print title: Member

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

I, certify that _____ personally came before me this ____ day of _____, 2016 and acknowledged that s/he is a Member of Wilcox & Wright, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, s/he signed the foregoing instrument in its name on its behalf as its act and deed.

Official Signature of Notary Public

Notary's Printed/Typed Name

My _____ Commission
Expires: _____

By: _____
Print name: John Winkler
Print title: Member

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

I, certify that _____ personally came before me this ____ day of _____, 2016 and acknowledged that s/he is a Member of Wilcox & Wright, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, s/he signed the foregoing instrument in its name on its behalf as its act and deed.

Official Signature of Notary Public

Notary's Printed/Typed Name

My _____ Commission
Expires: _____

GRANTOR:

HOWARD STREET VENTURES II, LLC

By: _____
Print name: Roger D. Wright
Print title: Member

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

I, certify that _____ personally came before me this ____ day of _____, 2016 and acknowledged that s/he is a Member of Howard Street Ventures II, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, s/he signed the foregoing instrument in its name on its behalf as its act and deed.

Official Signature of Notary Public

Notary's Printed/Typed Name

My _____ Commission
Expires: _____

By: _____
Print name: C. Kenneth Wilcox
Print title: Member

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

I, certify that _____ personally came before me this ____ day of _____, 2016 and acknowledged that s/he is a Member of Howard Street Ventures II, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, s/he signed the foregoing instrument in its name on its behalf as its act and deed.

Official Signature of Notary Public

Notary's Printed/Typed Name

My _____ Commission
Expires: _____

By: _____
Print name: John Winkler
Print title: Member

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

I, certify that _____ personally came before me this ____ day of _____, 2016 and acknowledged that s/he is a Member of Howard Street Ventures II, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of such entity, s/he signed the foregoing instrument in its name on its behalf as its act and deed.

Official Signature of Notary Public

Notary's Printed/Typed Name

My _____ Commission
Expires: _____

GRANTEE:

The foregoing instrument is accepted, this ____ day of _____, 2016.

Town of Boone

By: _____
Rennie Brantz, Mayor

Attested By: _____(SEAL)
Clerk, Town of Boone

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

I, a Notary Public of the County and State aforesaid, certify that **Christine Pope** 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 her as the Town Clerk.

Witness my hand and official stamp or seal, this ____ day of _____, 2016.

Notary Public

Printed Name of Notary Public

My Commission Expires: _____

EXHIBIT A

Sidewalk Easement area - Parcel No. 2900-79-8147-000

Commencing from an existing NCGS Monuments "Gaging Station 3215", having NAD 83 (2011) coordinates of N: 908,798.799 and E: 1,208,083.411; Thence N 26°40'31" W a ground distance of 423.33 feet to a computed point, said computed point having NAD 83 (2011) coordinates of N: 909,177.02 and E: 1,207,893.39, also being located on the northern right-of-way of Howard Street (Public right-of-way varies), being the southwest corner of Wilcox & Wright 179 Howard, LLC, Parcel No: 2900-79-8185-000 (Deed Book 1373, Page 867 and Plat Book 20, Page 108), being the southeast corner of Howard Street Ventures, LLC, Parcel No: 2900-79-8147-000 (Deed Book 1367, Page 183) and being the Point and Place of the Beginning. Thence leaving said Wilcox & Wright 179 Howard, LLC and Wilcox & Wright, LLC and along said Howard Street northern right-of-way N 53°51'30" W 50.34 feet to a computed point, said computed point being the southwest corner of said Howard Street Ventures, LLC, and being the southeast corner of Wilcox & Wright, LLC, Parcel No: 2900-79-7282-000 (Deed Book 348, Page 893 and Deed Book 1367, Page 183); Thence leaving said Howard Street northern right-of-way and along said Wilcox and Wright, LLC and said Howard Street Ventures, LLC; N 33°52'48" E 7.25 feet to a computed point, said computed point being a point on the eastern property line of Wilcox & Wright, LLC, a point on the western property line of said Howard Street Ventures, LLC and being the northwest corner of the Proposed Sidewalk Easement; Thence leaving said Wilcox & Wright, LLC and Howard Street Ventures, LLC and along said Proposed Sidewalk Easement northern line and said Howard Street Ventures, LLC the following three (3) courses and distances, 1) S 55°12'18" E 28.17 feet to a computed point; Thence 2) S 33°39'39" W 3.26 feet to a computed point; Thence 3) S 55°20'20" E 22.09 feet to a computed point; said computed point being a point on the eastern property line of said Howard Street Ventures, LLC and being on the western of said Wilcox & Wright 179 Howard, LLC; Thence with said Howard Street Ventures western property line and said Wilcox & Wright 179 Howard, LLC eastern property line, S 33°31'22" W 5.23 feet to the Point and Place of the Beginning; containing 323 square feet, more or less.

Sidewalk easement area - Parcel No. 2900-79-7282-000

Commencing from an existing NCGS Monuments "Gaging Station 3215", having NAD 83 (2011) coordinates of N: 908,798.799 and E: 1,208,083.411; Thence N 34°38'33" W a ground distance of 587.59 feet to a computed point, said computed point being located on the northern right-of-way of Howard Street (Public right-of-way varies), being the southeast corner of Town of Boone, Parcel No: 2900-79-7397-000 (Deed Book 1668, Page 382 and Plat Book 23, Page 261), being the southwest corner of Wilcox & Wright, LLC, Parcel No: 2900-79-7282-000 (Deed Book 348, Page 893 and Deed Book 1367, Page 183), and being the Point and Place of Beginning. Thence leaving said Howard Street northern right-of-way and along the eastern property line of said Town of Boone and the western property line of said Wilcox & Wright, LLC, N 34°20'50" E 6.45 feet to a computed point, said computed point being the northwest corner of the Proposed Sidewalk Easement; Thence leaving said Town of Boone and Wilcox & Wright, LLC along the Proposed Sidewalk Easement northern line S 54°12'50" E 127.86 feet to a computed point, said computed point being the northeast corner of said Proposed Sidewalk Easement, being located on the eastern property line of said Wilcox & Wright, LLC and being located on the western property line of Howard Street Ventures, LLC, Parcel No: 2900-79-8147-000 (Deed Book 1367, Page 183); Thence S 33°52'48" W 7.25 feet to a computed point, said computed point being located on the northern right-of-way of said Howard Street, being the southeast corner of said Howard Street Ventures, LLC and being the southwest corner of said Wilcox & Wright, LLC; Thence leaving said Howard Street Ventures and along said Howard Street northern right-of-way; N 53°51'30" W 127.94 feet to the Point and Place of the Beginning; containing 876 square feet, more or less.

APPROVAL OF BUDGET AMENDMENTS

Description:	Account:	To:	From:
Wide Area Network – Special Projects	010-411-000-549111	\$32,500	
Appropriated Fund Balance	010-000-000-499900		(\$32,500)
Town Council – Priority Projects	010-411-000-549130	\$16,500	
Appropriated Fund Balance	010-000-000-499900		(\$16,500)
Community Development	010-418-000-553112	\$750	
Miscellaneous Revenue	010-000-000-489900		(\$750)
Maintenance Vehicles	010-500-300-525301	\$2,403	
Miscellaneous Revenue	010-000-000-489900		(\$2,403)
Fleet Miscellaneous	010-600-404-519900	\$837	
Miscellaneous Revenue	010-000-000-489900		(\$837)
Maintenance – Vehicles	010-500-300-525301	\$1,810	
Miscellaneous Revenue	010-000-000-489900		(\$1,810)
State Revolving Loan – Principal	030-700-890-581090	\$640,000	
State Revolving Loan – Interest	030-700-890-582090	\$18,880	
Transfer from Sewer Capital Reserve	030-000-000-498032		(\$658,880)

QUASI-JUDICIAL HEARING

REQUEST FOR WATER AND SEWER SERVICE - MR. HAYWOOD SCOTT DEBRULE

Town Attorney Allison Meade noted this request by Haywood Scott DeBrule for water service to property located on/near 199 Cane Road was a continuation of the request at the September meeting. Town Manager John Ward noted there was no additional information for Council's consideration. Ms. Meade confirmed there was no need to reopen the hearing. Upon a motion by Council Member Mason, seconded by Council Member Underdown Collins, Council moved to approve Mr. DeBrule's request for water service to property located on/near 199 Cane Road with the stipulation that he cover the cost of the connection per the Town's policy. Council Member Mason noted that there is not a condition on this approval that Mr. DeBrule annex his property because it is located within an existing subdivision and the request is being granted due to the lead issue, making this a public health concern.

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

COUNCIL MATTERS

CONSIDERATION OF CASES HEARD AT SEPTEMBER PUBLIC HEARING

Planning Director Bill Bailey stated that, of the cases heard at the public hearing, two were before Council for consideration, both with regard to Hampton Property LLC.

CASE 20160497 HAMPTON PROPERTY - GENERAL USE ZONING MAP AMENDMENT

Scott Porter of Hampton Property LLC has filed a zoning map amendment petition to rezone 1.04 acres of a property located at the end of Stratford Lane (Watauga County PIN 2920-09-6084-000, located near Bub Teems Road) from R-A Residential Agriculture and R-3 Multi-Family Residential to B3 General Business.

CASE 20160497 VOTE #1:

Upon a motion by Council Member Mizelle, seconded by Council Member Clawson, Council moved that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable, adopted plans of the Town which relate to this application, because the property is located adjacent to a major highway corridor and adjacent to other similar B-3 zoned properties.

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

CASE 20160497 VOTE #2:

Upon a motion by Council Member Mizelle, seconded by Council Member Underdown Collins, Council moved to approve the proposed amendment to the Town's zoning map, and believe approval is reasonable and in the public interest because it makes reasonable use of said property and does not negatively impact any adjacent properties, it will encourage B-3 land uses in accordance with adopted plans. The rezoning specifically promotes Comprehensive Plan policy, Economic Development 2.1.1(D): Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.

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

CASE 20160499 HAMPTON PROPERTY - CONDITIONAL DISTRICT ZONING MAP AMENDMENT

Scott Porter with Hampton Property LLC has filed a zoning map amendment petition for 2.85 acres of property located at the end of Stratford Lane (Watauga County PIN 2920-09-6084-000) to rezone from R-A Residential Agriculture and R-3 Multi-Family Residential to Conditional District R-2 Two-Family Residential for a 20-lot subdivision for Use 1.01 Single-Family Dwelling and Use 1.06 Duplex.

Planning Director Bill Bailey noted that in addition to the five conditions recommended by the Planning Commission, the applicant has agreed to an additional three conditions which Council may consider.

CASE 20160499 VOTE #1:

Upon a motion by Council Member Mason, seconded by Council Member Underdown Collins, Council moved that the proposed amendment to the Town's zoning map is consistent with the Town's Comprehensive Plan and other applicable, adopted plans of the Town which relate to this application, because it is in agreement with the Comprehensive Plan Update, Section 1.2 Growth Strategy Map, it is located in a primary growth area that is already in place and can be provided services most cost effectively, it is located in an area where primary growth is encouraged. The property is located in the G-1 sector within the Framework Plan as defined in the Boone 2030 Land Use Plan. This sector includes existing low-density residential neighborhoods that are not appropriate for redevelopment. It also includes lands that are not proximate to thoroughfares and are not projected to be high growth areas due to limited access to transportation networks and utilities. In addition, the proposed development is in alignment with the 2006 Comprehensive Plan Update Section 2.3.2(E): Community Character: New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High Country small town.

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

CASE 20160499 VOTE #2:

Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved to approve the proposed amendment to the Town's zoning map, and believe approval is reasonable and in the public interest, because it provides workforce housing, it is in alignment with the existing character of the neighborhood, it is in alignment with the 2006 Comprehensive Plan Update and Section G-1 of the Boone 2030 Land Use Plan; and approval is subject to include the following conditions as follows:

1. Where there is a conflict between the application information and the plans (dated September 20, 2016), the plans shall control. Insignificant deviations may be permitted to comply with the requirements of the UDO;
2. Any commitments and representations concerning the proposed project made by the applicants or its representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated;
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building Code and any other applicable plans for review and approval necessary to issue zoning and building permits;
4. The applicant shall demonstrate that each lot meets the minimum parking space requirements. Each lot shall provide parking spaces outside of the street right-of-way which meet UDO requirements;
5. The applicant shall add a fire hydrant at the top of the grade change;
6. Applicant agrees to provide two standard-sized parking spaces for each of the residences constructed upon the approved lots;
7. Applicant agrees to provide at least six standard-sized guest parking spaces within its property denoted as POA2 in the application materials; and,

8. Applicant will install storm water detention facilities for the approved lots in accordance with the Town of Boone UDO.

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

CONSIDERATION OF AMENDMENTS TO UDO ARTICLE 24: PARKING

Town Attorney Allison Meade noted the revisions to UDO Article 24: Parking included in the packet were made as directed by Council at the September public hearing and would be included in the November meeting packet for consideration and action (**drafted revisions on file in October 2016 meeting packet.**)

TRANSPORTATION COMMITTEE REQUEST - SCHEDULING OF SPECIAL MEETING FOR COMMUNITY INPUT REGARDING W. KING STREET TO JUNALUSKA ROAD AREA

Public Works Director Rick Miller presented a request by the Transportation Committee to schedule a special community input meeting for the Junaluska/Eastbrook/Westbrook community to discuss potential options to address the safety concerns regarding excessive speeding, pedestrians and bicycle travel along the residential routes. A resident in the community appeared before Council to provide more details of the issues he sees on a regular basis. Upon a motion by Council Member Mason, seconded by Council Member Underdown Collins, Council moved to schedule a special meeting in order to hold a community input session with the Transportation Committee and members of the Junaluska/Eastbrook/Westbrook/Cherry Street community for Monday, Nov. 7, 2016, at 5:30 p.m. at the Council Chambers located at 1500 Blowing Rock Road.

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

TRANSPORTATION COMMITTEE RECOMMENDATION - SCHEDULING OF SPECIAL MEETING FOR COMMUNITY INPUT REGARDING NEW MARKET BOULEVARD

Council Member Mason presented a request by the Transportation Committee to schedule a special community input meeting for the New Market Boulevard community to discuss potential options to address the safety concerns regarding excessive speeding, pedestrians and bicycle travel along this route. Upon a motion by Council Member Mason, seconded by Council Member Underdown Collins, Council moved to schedule a special meeting to hold a community input session with the neighborhood along New Market Boulevard, Hardin Park School officials and Boone United Methodist Church leaders for Monday, Dec. 12, 2016, at 5:30 p.m. in the Council Chambers located at 1500 Blowing Rock Road.

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

CONSIDERATION OF UPDATED SIDEWALK PRIORITY LIST

Upon a motion by Council Member Underdown Collins, seconded by Council Member Clawson, Council moved to approve the updated 2016/17 sidewalk priority list as revised (**copy of updated sidewalk priority list included in October 2016 meeting packet**).

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

CONSIDERATION OF AMENDMENTS TO TOWN CODE CHAPTER 73 (TOWING AND BOOTING)

Town Attorney Allison Meade presented proposed revisions to Town Code Chapter 73: Towing (**proposed revisions on file in October 2016 meeting packet**), adding that she heard during public comment an appropriate suggestion to send any revisions to a public hearing. She added that she felt there was some consensus of approval with regard to requiring companies to accept credit and debit card payments, the requirement to offer a receipt and to disclose fees. Ms. Meade also noted that there were two issues: requiring authorization of a property owner or agent and further requirements to change signs. She indicated that the police department believes the biggest problem is visibility of signs, and it may help if the Town provides more flexibility and less regulation, but ensures better sign placement. Ms. Meade suggested, instead of requiring property owner authorization, to have the property owner's name and contact information available to the vehicle operator as an outlet for complaints if they believe there has been improper activity. Brief discussion ensued regarding requiring fees to be listed on signs or disclosed to the police department. Ms. Meade indicated the companies could be given various options for how to disclose their fees.

Mayor Brantz declared a break at 7:19 p.m. Council reconvened at 7:28 p.m.

Police Captain Andy LeBeau provided a brief presentation on the possibility of, in addition to the minimum signage requirements, allowing police staff to work with individual property owners to make a customized plan for each property to ensure visibility of the signage.

Council was in consensus to have the town attorney rewrite the proposed revisions to reflect the items discussed and take the proposed revisions to public hearing at the Nov. 17 regular Town Council meeting.

RESULT:	CONSENSUS
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TOWN MANAGER UPDATE

Town Manager John Ward provided updates regarding improvements throughout town, upcoming events and leaf pick-up.

ANNOUNCEMENT OF BOARD VACANCIES

Mayor Brantz announced current board vacancies being advertised.

APPOINTMENT TO BOARD OF ADJUSTMENT

Council Member Mason nominated Becky Gosky for appointment to the alternate resident position on this board. Council Member Underdown Collins seconded the nomination.

Ms. Gosky's term will expire June 30, 2017.

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

APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

Council Member Mizelle nominated Nicholas Williams to serve on this commission. Council Member Underdown Collins seconded the nomination.

Mr. Williams' term will expire June 30, 2019.

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

APPOINTMENT TO SUSTAINABILITY, ECONOMICS AND ENVIRONMENT COMMITTEE

Council Member Mason nominated Andrew May and Grace Cochran to serve on this committee. Council Member Underdown Collins seconded the nominations.

Mr. May's and Ms. Cochran's term will expire Oct. 20, 2019.

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

APPOINTMENT TO TOURISM DEVELOPMENT AUTHORITY

Council Member Mason nominated Sheri Moretz and Jerry Lamonds for reappointment to this board. Council Member Underdown Collins seconded the nominations.

Ms. Moretz's and Mr. Lamond's term will expire Oct. 31, 2019.

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

CLOSED SESSION

ENTERING CLOSED SESSION

Upon a motion by Council Member Teague, seconded by Council Member Underdown Collins, Council moved to enter closed session at 7:54 p.m. to hear the following items:

1. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and give instructions to the attorney concerning the claims involving the Town of Boone and Mike Budka, et al.
2. Pursuant to N.C.G.S. 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and consider and give instructions to the attorney concerning various potential claims involving the Town of Boone.

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

EXITING CLOSED SESSION

Upon a motion by Council Member Underdown Collins, seconded by Council Member Clawson, Council moved to exit closed session at 8:34 p.m.

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

POSSIBLE ACTION FOLLOWING CLOSED SESSION

MOTION

Upon a motion by Council Member Mason, seconded by Council Member Clawson, Council moved to authorize the town attorney to take legal action involving the Mountain View Speedway.

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

ADJOURNMENT

MOTION TO ADJOURN

Upon a motion by Council Member Underdown Collins, seconded by Council Member Mizelle, Council moved to adjourn the meeting at 8:41 p.m.

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

Christine Pope, Town Clerk

Rennie Brantz, Mayor