

**BOONE TOWN COUNCIL - SPECIAL MEETING
BOONE AREA PLANNING COMMISSION**

**April 18, 2005
Meeting Minutes**

Planning Commissioners in attendance: Mary Ruth McRae-Chairperson, Charlie Walker, Paul Welsh, Matthew Robinson, G. Perry "Skip" Greene, Gayle Turner, Lee Wood and Stephen Phillips (arrived at 7:02 p.m.)

Town Council Members in attendance: Loretta Clawson- Mayor Pro-Tem, Lynne Mason, Bunk Spann, Dempsey Wilcox and Graydon Eggers

Planning Staff in attendance: John Spear-Director and Brenda Henson-Board Secretary

Others in attendance: Greg Young-Town Manager and Jim Byrne-Special Assistant to the Town Manager

Note:

The Town Council met jointly with the Planning Commission for discussion of Case RZ2005-6, the proposed amendment to eliminate stormwater retention requirements. Mayor Pro-Tem Clawson called the meeting to order at 7:01 p.m. and Chair McRae began the meeting by amending the agenda to move discussion of the text amendment as the first item of business.

CASE NO. RZ2005-6 The Town of Boone has initiated a zoning amendment to UDO Section 316 regarding off-line stormwater retention requirements. It is the purpose of this proposed amendment to repeal Boone's stormwater quality requirements.

Council Member Mason presented a handout to each board member containing questions related to stormwater management.

Chairperson McRae questioned the reason Town Council wishes to withdraw stormwater requirements.

Council Member Wilcox replied that, due to the lack of a proper maintenance program, many systems are failing. It was felt that it would be better to have no system at all than to have one that is very expensive for the property owner to install, yet does not work.

Council Member Mason pointed out that this request affects the retention requirements only and that detention requirements will remain in place.

Council Member Wilcox stated that program requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II program will not come into effect for several years.

Commissioner Greene stated that, if the model plan will be released in July, 2005, there is no reason to eliminate the current requirements when the new requirements could be in place within one year. Jim Byrne stated that current UDO stormwater retention requirements create liability issues due to underground storage of what he has deemed to be hazardous materials.

Council Member Mason further explained that the antiquated language in the UDO could create a hardship for property owners.

Council Member Wilcox stated that stormwater retention should be considered a utility, much like water and sewer. Mr. Wilcox mentioned that stormwater utility fees have been instituted in various North Carolina cities that have been designated under the NPDES program.

Council Member Eggers pointed out that, although there will be no stormwater retention requirements if the text amendment is passed, minimum state requirements for stormwater management will still have to be met.

Greg Young commented that the state requirements for stormwater management apply only to property that is located in a water supply watershed.

Chairperson McRae felt there needs to be some continuity of language in the UDO to indicate that the Town will be having new stormwater requirements in the near future.

Council Member Spann noted that the Town's current stormwater retention requirements have caused poorly designed stormwater systems.

Mr. Spear wished to clarify that neither the Town nor the UDO encourages the placement of poorly designed or substandard stormwater retention systems. Mr. Spear states that the Town ordinance provides only a standard to be met and does not dictate specific solutions. The cause of system failure would be a lack of maintenance. This is currently a property owner responsibility.

Commissioner Turner reiterated the need for alternate language in Section 316 that would give notice that the Town is serious about water quality and actively working on alternate ordinance standards that will conform to state standards.

Mr. Spear noted that any addition of new language in the text could constitute the need for another public hearing. Council Member Eggers suggests consulting the town attorney to see if a public hearing will be required for such directional language.

Commissioner Turner made a motion to recommend denial of Case No. RZ2005-6, stating that substitute language should be put in its place before striking the current language. With no second being made to the motion, Commissioner Turner made a second motion to recommend approval of Case No. RZ2005-6 subject to the attorney's ruling on whether or not the substitute directive language can be inserted.

Commissioner Greene seconded the motion and asked for an amendment to add a one-year time frame for implementation of the new stormwater retention regulations. Commissioner Turner accepted this

amendment, and it was agreed that Planning Commission will draft proposed directive language for Section 316 for the town attorney to review.

VOTE: Aye – 6 (Commissioners Turner, Welsh, Walker, Greene, McRae, Wood)
 Nay – 1 (Commissioner Robinson)
 Abstain – 1 (Commissioner Phillips)

The motion passed by majority vote.

The Town Council adjourned at 8:47 p.m.

Velma Burnley, Mayor

Brenda Henson, Planning Board Secretary