

TOWN OF BOONE PLANNING RETREAT
Friday, January 21, 2022

Town Council members in attendance: Tim Futrelle-Mayor, Edie Tugman-Mayor Pro-Tem, Todd Carter, Dalton George, Becca Nenow, and Virginia Roseman

Planning & Inspections Staff in attendance: Jane Shook-Director of Planning & Inspections, Stacey Miller-Deputy Director/Chief Building Inspector, Jessica Mitchell-Long Range/Special Projects Planner, and Brenda Henson-Administrative Support/Permit Tech

Other Town Staff in attendance: John Ward-Town Manager

Legal Counsel in attendance: Allison Meade-Town Attorney

Others in attendance: JC Feimster

Call to Order

Mayor Futrelle called the meeting, held via WebEx, to order at 9:05 a.m.

Moment of Silence

A moment of silence was observed.

Council, Staff & Town Attorney Priorities

Ms. Shook noted the first item for discussion was Council Priorities. She added that Mr. Ward might have some priorities as well. Ms. Shook stated that the work plan may need to be modified to reflect the current Council's priorities.

Mayor Futrelle asked Council Member Carter for his list of priorities. Council Member Carter stated that affordable housing was his number one priority. His other priorities were sustainability, non-discrimination ordinance, proclamations for Black History Month and other native populations, as well as Pride Month in June.

Council Member George listed his priorities as affordable housing, preserving Boone, sustainability, substandard housing, land trusts, and encouraging public discussion.

Council Member Nenow listed her priorities as affordable housing, walkability, other types of housing such as sustainable housing, contacting the Junaluska Heritage Association to see what concerns the residents have about a new housing development in their neighborhood, and expansion of the small business community.

Council Member Roseman listed her priorities as having better communication between the Town, County, and University, keeping in motion the items that staff has already worked so hard on, and proper pay for staff.

Mayor Pro-Tem Tugman listed her priorities as updating the Comprehensive Plan, fully utilizing the Daniel Boone Park, fully utilizing the Rivers property, and affordable housing. She stated she would like to get an update on the development of the Bolick property, get a better understanding of how Neighborhood Conservation Districts work, and get some information about a parking deck ASU was planning that would back up to Howard Street.

Mayor Futrelle stated he concurred with all of the priorities mentioned and listed his priorities as fostering the Town, County, and University relationship, update the Comprehensive Plan, fine tuning the UDO, becoming more business-friendly, sustainability, stormwater and water usage, and housing and affordable housing.

Mr. Ward agreed that the Comprehensive Plan needed to be updated. He suggested that Council might want to revisit the 2030 Plan and incorporate some of the good parts into the Comprehensive Plan to create one document. Mr. Ward noted that an update to the Comprehensive Plan would need to have significant public involvement and felt this would happen

more effectively in-person versus virtually.

Mr. Ward stated there was a master plan for the Daniel Boone Park and he had been working with Mark Freed on some creative ideas for the park. He stated that he was awaiting cost estimates for some improvements to the Rivers House. Mr. Ward thought that, with some creative funding, it could function more like a visitor's center and expand the Town's Cultural Resources to offer interpretive exhibits, etc. He stated that plans for the Rivers property would be brought before the Council in the near future.

Ms. Shook stated that the Comprehensive Plan did need to be updated and felt that inclusiveness and non-discrimination issues could be incorporated into the plan. She noted that she had spoken with Roberta Jackson from the Junaluska community who indicated there was some concern in their community regarding gentrification. Ms. Shook added that the Junaluska community was interested in becoming a Neighborhood Conservation District.

Ms. Shook felt that affordable housing and the Comprehensive Plan were both topics that warranted further discussion. Ms. Meade agreed with Ms. Shook and stated she would encourage Council to spend a lot of time creating a positive and clear vision for development of the town through the Comprehensive Plan process. Ms. Meade stated that understanding what the Council and the town wanted would be crucial to developing a positive plan. She felt that there could be some regulations that no longer served a positive vision and were not serving the end they were meant to serve. Ms. Meade stated that this could create unnecessary obstacles and irritation which could reflect on how the town was viewed as a whole.

Ms. Meade noted that the Planning department had been involved in helping the prior Council enact a tremendous amount of projects and regulations in the last few years and, in her perspective, Planning had never really been given a chance to thoughtfully, deeply, and institutionally implement the changes. Ms. Meade cited changes to short term rentals and the new historic district as recent, big projects that staff needed time to properly implement before just moving on to the next big item, otherwise the vision would be lost.

Council Member Carter asked Ms. Shook what things were not working for staff and how Council could help. He stated that he hears from business owners about the length of time it takes to get permits.

Council Member Nenow asked what it would actually look like to make sure that there was time for things to be done well and thoroughly. Mr. Ward replied that Town Council's priorities in the past had been numerous and staff's regular work had to be done, as well as work on Council's priorities. This created a slow-down and back up because staff could not keep up. Mr. Ward expressed the need for a healthy work life balance, and noted that Ms. Shook had made some sacrifices to accomplish what she had. He asked that Council set up realistic expectations for staff so there could be a healthier work environment. Mr. Ward stated there needed to be agreement of what the priorities were so that the town could be more successful and not spread themselves too thin by trying to work on six different people's top priority all at the same time.

Mayor Futrell felt that the Council and staff needed to get together and talk about what their vision was for Boone, and then discuss ways to implement that vision that would be intentional and attainable without overtaxing staff.

Ms. Meade noted that Council tended to see, prioritize, and react to the things that were brought before them. She suggested that Ms. Shook, either monthly, bi-monthly, or quarterly, appear before Council to provide them with updates on projects, talk about priorities and implementation, discuss any concerns she might have, and get direction from Council. Ms. Meade felt that patience and an understanding of Planning's workload were necessary to success. Mr. Ward agreed with Ms. Meade. He stated that on-going communication between staff and Council would be beneficial.

Ms. Meade listed her priorities as updating the sign ordinance, updating the Comprehensive Plan, amending the UDO to reflect State law changes and correct ambiguities, public and private tree protection, streams and stormwater, housing related issues, and implementation and enforcement.

Mr. Ward stated that the town had received a good bit of input regarding the unused or underutilized ground floor space in mixed-use buildings. He explained that there was not a good market for developing retail space with an unknown tenant. Mr. Ward explained that the owner could write off lost rents and further increase their bottom line. He expressed concern that the town may have set up a situation that would encourage unfinished, unused commercial space on the bottom floors

of mixed-use buildings. Mr. Ward cited this issue as something that needed to be revisited.

Mr. Ward suggested, regarding the Comprehensive Plan update, that Council be provided with some information that they could react to and tweak together, and then have a public meeting to gain input. He felt this approach might offer Town Council more control.

Council Member Roseman asked if was possible to implement any type of fines or fees on property owners who do not rent their bottom floor commercial spaces. Mr. Ward replied that the developer did exactly what they were required to do per the code, so going back and fining them for following the code would not be reasonable.

Mayor Futrell called a break in the meeting from 11:07 a.m. until 11:22 a.m.

Ms. Shook mentioned the idea of inclusionary zoning as a possible way to help with affordable housing. She also noted that staff had already completed work related to affordable housing that could provide useful information. Ms. Shook suggested holding sessions during the year with the small business community as a way to help guide them through the permitting end of their small business start-up.

Ms. Meade urged the Council to consult with people who had experience or expertise in the housing field such as local developers, design professionals, builders, etc. when discussing affordable housing, multi-family housing, or mixed-use projects.

Ms. Shook felt that there would be opportunities through the Comprehensive Plan process to have focus groups who could provide feedback regarding issues that developers and the general public face during the permitting process. She noted some of the things that were burdensome or difficult to work around were related to the multifamily standards and the mixed use standards, citing livability space in particular. Ms. Shook felt that careful, thoughtful, and intentional consideration needed to be made regarding where the town would like to see multi-family housing located. Ms. Meade agreed with Ms. Shook and added that the size of multi-family developments should also be considered.

Ms. Shook restated, based on the discussion, what she felt were Council's three main priorities; the Comprehensive Plan, affordable housing, and economic prosperity as it related to small businesses.

Mayor Futrelle called a break in the meeting from 11:58 a.m. until 12:18 p.m.

P&I Work Plan

Ms. Shook presented the P&I Work Plan that was based on the previous Town Council's priorities. She noted that the state had a new model ordinance for soil erosion and sedimentation control and the town would have to modify their ordinance to be in compliance. This same thing applied to the watershed ordinance.

Mr. Ward stated that the P&I Work Plan was overwhelming. He noted that the Planning Department, by far, had to host and staff the largest number of committee meetings and that caused the staff to have less time to work on the projects identified as Council priorities, as well as maintain daily work flow. He felt that scaling back on the priority list and picking and choosing the main things that Council would like have staff work on would be a big help to staff.

Council Member George noted that, in the list of tasks that had not begun, he was in huge support of protections of the rivers and the permeable parking lots, as well as the standards for drive-thru uses. He suggested that these items remain on the priority list.

Council Member Carter stated he would like to further explore the idea of food trucks and suggested leaving that item on the priority list. Mr. Ward replied that there were some ideas in the works regarding food trucks that he hoped to present at a later date.

Ms. Shook stated she would like to get some direction regarding the tasks assigned to HPC and CAC. She noted that a lot of staff time was expended preparing for and attending those meetings. Mr. Ward added that some committees were having meetings that were longer than the Council meetings. He suggested that Council provide those committees with more specific direction in order to regain focus and possibly shorten meeting lengths. Ms. Shook stated that the Community Appearance Commission was working on tree cutting and healthy birds and bees. She noted that those topics would be

lengthy endeavors and involve having experts provide input. Ms. Shook asked what topic Council would like the CAC to work on first.

Mr. Ward felt that Council should pay specific attention to the assignment of resources. He stated that adding items to Planning, such as additional enforcement requirements and additional regulation for residential tree cutting, when they were already struggling with what they had could create the need for more staff. Council Member Roseman felt there was a need for some residential tree protection and suggested setting a diameter limit for residential tree removal.

Council Member Carter stated that the Town of Boone was not the first town to develop a tree ordinance. He suggested researching tree ordinances from comparable small towns instead of having a bunch of meetings and spending a great deal of time trying to craft something from scratch.

Mr. Ward stated that Council often assigned things to the committees, but what really ended up happening was that staff ended up doing all the work for the Committee's, in addition to all of their other work. He suggested that Council assign one task to each committee and another task would not be assigned to them until that task was completed and signed off on by the Council. Mr. Ward stated that the current process of Ms. Shook having 22 ongoing projects that she was expected to work on was not realistic, and it was also not realistic for the committees. He felt that if Council would pick and choose what they wanted each committee to do, and were very clear about it, it would contain meeting times and allow staff and committees to be more productive.

Discussion ensued as how to present priorities for Council to review. Ms. Meade suggested a two-step process where number one, she, Ms. Shook, and Mr. Ward discuss, prioritize, or condense the items currently on the list for each of the committees and bring that back to Council for consideration. She also suggested a model where staff would ask the committees to recommend their priorities for Council to consider. Mr. Ward felt it would be best to have staff make recommendations of committee topics to Town Council. He explained that certain priorities would be discussed at Council meetings that would shifted to committees, then the staff would do the work. Mr. Ward noted that the committees would add additional items on to their priority list, and get approval from Council to do so. He felt that a more Council-led initiative would create more efficiency and effectiveness.

Council Member Roseman expressed concern that all Town committees would not be treated equally. She asked if there were Town committees that did not involve Town staff. Mr. Ward replied that there was not a single Town committee that did not involve Town staff, and oftentimes administrative staff as well.

Ms. Meade stated she did not feel that all Town committees were equal. She stated that the Community Appearance Commission, the Historic Preservation Commission, the Planning Commission, and the Board of Adjustment were all created under statute, and their work either lead to quasi-judicial hearings and all the resources that entailed or their work lead to ordinances. Ms. Meade felt that there was a level of work from staff, herself, and Mr. Ward to create or amend ordinances, associated with these committees that made them very different from other committees. Council Member Roseman stated that Ms. Meade's explanation helped to ease her concern regarding assigning tasks to only certain committees.

Ms. Shook stated she would like to have a little bit more in-depth conversation about the Historic Preservation Commission. She stated that the HPC operated off of assignments given to them, and had traditionally came up with assignments on their own. Ms. Shook noted that the Commission did try to take on a lot of this work themselves, but at the same time, staff had to manage that and help them. She stated it was not the goal to try to frustrate the process, but thought it might be more productive to work on one item at a time, then move to the next one. Council Member Roseman stated that the Historic Preservation Commission did commendable work, but agreed that their list of agenda items was way too much.

Ms. Shook noted that the HPC was unique in that they now had both an advisory capacity and a quasi-judicial capacity. This created the question of whether or not the HPC needed to have two meetings a month or try to figure out a better way to conduct both types of business. Ms. Shook noted that the adoption of the historic district created the need for Certificates of Appropriateness. She stated that an applicant could not obtain any other permits until they had their Certificate of Appropriateness. Ms. Shook added that applicants could be frustrated with the process and felt there could be complaints.

Discussion ensued regarding the fees associated with the Certificate of Appropriateness process. Ms. Shook asked Council if

they wanted to waive fees for the Certificates of Appropriateness as a way to make it more palatable to the people who already had to add a step to their permitting process. She noted that other many other jurisdictions either waived the fee or only charged a nominal fee to facilitate participation in the historic preservation process.

Mr. Ward stated that the Council adopted regulations for a historic district and then everyone was a little surprised by the cost and time associated with the process to appear before the HPC to request a Certificate of Appropriateness. He noted the drive to support small businesses while, at the same time, having set in motion a regulation that would take 2-3 months to even put up a sign. Mr. Ward advised Council that if cost recovery was not done for COA's, then they would need to be prepared to subsidize that work so that staff and everything was covered.

Mayor Futrelle stated he did not want to be in the business of micromanaging the staff, who had much more experience than Council members. He felt staff should be empowered. Mayor Futrelle stated that staff should not give up on the projects they had already put time and energy into, but thought staff could make the call as to what they felt should carry more weight on the priority list.

Discussion ensued as to what triggered a Certificate of Appropriateness. Ms. Shook noted that there may be other items similar to permanent signs that could be transitioned from what was considered major work that required a Certificate of Appropriateness to minor work, which would be administrative. She felt that could be key to having successful participation in a historic district. Mr. Ward stated that signs, fences, and other basic items could be handled by staff. This would greatly reduce costs because minor work did not require advertising and a meeting of the HPC.

Ms. Shook added that, from a department head perspective, she felt like sometimes staff was not given enough time to be successful. She explained that ordinances were changed and then staff was expected to immediately assimilate and produce forms and results based on those changes. Ms. Shook noted that in one-night Council adopted five ordinances and she was supposed to, within seven days, have those changes in the UDO, update staff, and teach them how to implement all of the changes. She stated it did take an emotional toll on some of the staff, especially the enforcement officers who tried very hard to balance the building inspections as well as code enforcement. Ms. Shook noted that Planning & Inspections only staffed 10 people, and everyone had a lot to do.

Mayor Futrelle stated that Council wanted to give staff the information they needed to be successful instead of overwhelmed. He stated he appreciated Ms. Shook being candid, open, and honest because this was a safe Council that all staff could be that way with without worry of retribution or criticism.

Mr. Ward referred back to their first discussion about setting a vision and felt this was like a reset for the community, for the Mayor and Council, and for staff. Mr. Ward stated he would get with the department directors and in February he would bring back to Council a list of the committee's priorities that they felt needed to be discussed.

Ms. Shook then asked for direction regarding staff attending a community-lead housing forum. She explained that some years ago departments were scolded for participating in an ad hoc committee because they did not officially get Council approval. Ms. Shook felt there was information that staff had that the forum could benefit from, but wanted to get direction from Council on what level of participation staff should have.

Discussion ensued about the housing forum. It was noted that four Council members were involved with the housing forum and Council Member Roseman expressed concern with that situation. Ms. Meade did not feel there was an issue with the Council member's participation with the forum as long as proper notice was given.

Mr. Ward stated he had sent George Santucci, who handled sustainability and special projects for the Town, to the housing meetings to find out what was going on. He added that Ms. Shook was likely the best person from the Town's staff to attend those meetings.

Council Member Tugman stated she thought the housing forum presented a good opportunity to develop community relationships between town government and local citizens. She felt it was a positive for Council members to participate in a citizen project. Mayor Futrelle felt that Council could help support initiatives as just community members instead of Town Council members.

Ms. Shook stated her understanding was that there was general consensus for her to participate in the housing forum and share the information staff already had. Council members indicated consent.

To recap, Ms. Shook noted that Council's priorities were the Comprehensive Plan, affordable housing, and small business/economic prosperity.

Mr. Ward mentioned short-term rentals and cautioned Council that there would be reactions once enforcement letters were sent out. He also felt there would be feedback from people who were trying to open up a business that would be dealing with delays and a costly sign permitting process if they had to obtain a Certificate of Appropriateness. Mr. Ward stated that Council needed to decide how to handle the COA process because it was directly impacting businesses now. He suggested that the historic district, as well as short-term rentals be top priorities and addressed before beginning work on other priorities.

Ms. Meade reminded Council that they had the power to reassess anything that was currently in place if they chose to.

Adjournment

With nothing further, Mayor Futrelle adjourned the meeting at 3:19 p.m.

Tim Futrelle, Mayor

Brenda Henson, Admin. Support/Permit Tech