BOONE TOWN COUNCIL
PLANNING RETREAT
Tuesday, March 5, 2019

Town Council members in attendance: Mayor Rennie Brantz, Mayor Pro Tem Loretta Clawson, Connie Ulmer, Sam Furgiuele, Marshall Ashcraft, and Lynne Mason (arrived at 9:08 a.m.)

Planning & Inspections Staff in attendance: Jane Shook, Brian Johnson, Christy Turner, Marty Little, Stacey Miller, and Brenda Henson

Other Town Staff in attendance: John Ward-Town Manager (arrived at 12:15 p.m.)

Others in attendance: Allison Meade-Town Attorney and Phil Trew-Facilitator

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Call to Order

Mayor Brantz called the Planning Retreat to order at 9:00 a.m. Everyone in attendance introduced themselves.

Planning & Inspections Update

Ms. Shook began by providing a brief update of the work of Planning & Inspections during the past year. She noted that permit numbers were down overall but project value was up by $30,000,000. Ms. Shook stated that there were a total of 120 enforcement actions, which included investigations, most of which were corrected before having to be placed in violation. Mayor Brantz asked about the enforcement procedure, particularly for occupancy complaints. Ms. Shook explained that staff first had to conduct an investigation and that could take 1-2 weeks. Staff visits the property and attempts to make contact with the tenants and this often requires several trips. Ms. Shook stated that all attempts to contact were documented. If corrective action is necessary, staff follows the guidelines provided in the Ordinance. Ms. Shook explained that if the violation is corrected within five days then no action is taken. If the violation is not corrected within five days, staff would then issue a notice of violation allowing up to 30 days for resolution. Ms. Shook noted that if the violation is not corrected within the 30 days, penalties would begin to accrue for each violation. She explained that if there were five extra people living in the house the penalty would be $200 per day per person. Mayor Brantz asked what happened if the violation was still not corrected. Ms. Shook replied that had not happened to date, noting that so far all violations had been corrected. Ms. Shook stated that occupancy complaints were the hardest to investigate when you are driving by from 8 a.m. to 5 p.m. because the bulk of vehicles would not be parked at a residence during the day. Council Member Furgiuele asked if there should be some type of flex plan where staff patrols after business hours. Ms. Shook replied that could be looked at if it was something Council wanted to pursue. She also noted that staff did try this a number of years ago but it was primarily just to check on particular properties under investigation. Council Member Furgiuele asked if it worked and Ms. Shook responded that it was somewhat successful. Council

Member Ashcraft asked if investigations were complaint driven only. Ms. Shook replied that they were not just complaint driven. She explained that staff does patrol their assigned areas of Town and would begin an investigation if they saw or felt there was an issue. Council Member Furgiuele did not feel it would be difficult to identify if a property was in violation of occupancy. He mentioned a case in Wilmington several years ago, noting that it caused the Town to not be able to require owner occupancy in an R1A. Ms. Meade stated that Asheville's Air BnB regulations do not distinguish between owner versus tenant of the main house and they only allow home stays when the occupier of the main dwelling is there, which would suggest that the Town could look at the legality of accessory apartments being allowed if the landlord occupies the property. Ms. Shook stated that some properties were grandfathered under the current Ordinance but noted that Council had initiated steps toward amortization that could address that particular issue.

Board/Committee Update and Direction

Board of Adjustment

Ms. Shook began the Board Update with the Board of Adjustment. Council Member Furgiuele stated he would like to know what committee members could be reappointed and what members could not be reappointed. Council Member Mason noted that Board of Adjustment members did not have a term limits. Ms. Shook stated this was due to the fact that there is extensive training and expertise for BOA members. Council Member Furgiuele felt that Board of Adjustment members should have term limits instead of being able to serve an unlimited number of terms. Mayor Pro Tem Clawson agreed, noting it was good to allow others an opportunity to serve. Council Member Furgiuele agreed that there was a lot of technical for the Board of Adjustment and both the BOA and the Planning Commission were important board, which was why he had wanted Council to select the Chair and Vice Chair of those board. Council Member Furgiuele felt there were several developments that people of the town will be unhappy about that are due to the fact that Planning Commission delayed taking action on the requests. Council Member Mason and Council Member Ashcraft stating they would be willing to revisit the idea of term limits for Board of Adjustment members and Mayor Brantz stated he would hate to lose any expertise. Council Member Fugiuele felt the Chair of boards should be experienced and have served on the board for a period of time and this could be a requirement for appointment by Council. Mayor Pro Tem Clawson asked if Council currently appointment the Board of Adjustment Chairperson and Council Member Furgiuele replied that they did not. Ms. Shook noted that it was on Staff's work plan to make Ordinance changes to have Council appoint the Chair and Vice Chair of the Board of Adjustment and Planning Commission. Council Member Furgiuele stated that Planning Commission took it as an affront that Town Council wanted to appoint the Chair and Vice Chair of boards. He noted that these boards have so much impact on the way things go in the Town and the Council ends up taking the responsibility for things that happen that they have no control over. Council Member Mason argued that it was the Council's responsibility to make sure there were policies in place that created the development that the Town wants so that board members have the structure within the policy to make the decisions. Council Member Furgiuele felt the poor developments were caused by delayed action on the part of Planning Commission not because of poor policy.

Council Member Furgiuele expressed concern about Board of Adjustment evidence and the idea that someone could get something approved by the Board just by saying they have a real estate expert available if the Board

wants to hear from them. He felt this showed a fundamental misunderstanding on the part of the Board about what it is supposed to do, which is to make sure that people establish the transitional zone criteria and UDO criteria that the developer, who is holding all the cards, under state law has to actually put the experts forward, they are subject to cross examination, and the Board does not have to accept them just because they say they are a real estate appraiser. Ms. Shook stated that would be part of the training the Board would be receiving. Ms. Meade stated she should have given them better direction and expressed concern with how the Board proceeds with its evidence. Ms. Meade stated she may be coming back to Council with some suggested changes to the Board's procedures. Council Member Furgiuele stated variances were a concern as well. Ms. Meade stated she had talked with other Town attorneys who indicated their Boards of Adjustment also had difficulty applying the hardship standards for variances.

Council Member Mason felt that, over time, Planning Commission has done a far better job at considering things, debating, and connecting to the Comprehensive Plan. She stated she had seen a definite increase in what went behind their recommendations.

Council Member Furgiuele expressed concern about the Planning Commission reopening public hearings to hear additional testimony that Council is not a party to. Council Member Furgiuele suggested that Town Council and Planning Commission meet after the public hearing so they could discuss their concerns with Planning Commission prior to Planning Commission making recommendations.

Ms. Shook noted that Planning Commission was not given any time to digest the information they just heard because they go straight from the public hearing to the Planning Commission meeting. She felt the process could be revised to allow more time for Planning Commission to consider all case information if Council would like to pursue that avenue. Ms. Shook stated it was difficult for Planning Commission members to sit until 9 p.m. in a public hearing and then go right into a Planning Commission meeting to make recommendations. Ms. Meade added that this was all without Planning Commission having the opportunity to have any back and forth with Council about their ideas or concerns and did not allow Planning Commission to know and senses of urgency that Council might have regarding particular cases. Council Member Furgiuele wished to clarify that he was not against reopening public hearings in general, just reopening public hearings where both boards are not present. He stated he would like to see a gap between the public hearing and the Planning Commission meeting, just not a month gap, then have a joint meeting with Town Council and Planning Commission before Planning Commission makes their recommendations to Council.

Ms. Shook suggested adding a purpose and intent of amendments section to staff reports. Council Member Furgiuele stated he would be in favor of that.

Ms. Shook noted that staff could look at the public hearing process and ordinances for adoption to bring back to Town Council.

<u>Community Appearance Commission</u>
Ms. Shook noted that the Community Appearance Commission had been tasked on the work plan to work on tree

standards in residential areas and this would be the next item they work on after they complete the Downtown Design Guidelines. Ms. Shook noted that the Downtown Design Guidelines would replace the interim B1 Design Standards that were adopted this past year. Ms. Shook stated that the Community Appearance Commission also serves as the Tree Board.

Council Member Furgiuele felt the CAC was doing a great job and currently only has 3 active members. He suggested the Commission have a membership of 5. Mayor Pro Tem Clawson mentioned recruiting a student as a member.

Ms. Shook stated the CAC was close the finishing the Downtown Design Guidelines and anticipated an April or May completion, at which time they would be sent to Allison for review before going on to Town Council.

Council Member Furgiuele stated that too many topics on an agenda creates confusion and less end product so the scope of a committee should be narrow. The goal for the Community Appearance Commission for 2019 is to complete the Downtown Design Guidelines and begin work on residential tree standards.

Historic Preservation Commission

Council Member Furgiuele asked if the Historic Preservation Commission needed 7 members and Mayor Pro Tem Clawson suggested this number should be reduced to 5.

Council Member Mason noted the HPC seemed to have a lot of agenda items and asked if they needed a more narrowed focus. Mayor Pro Tem Clawson replied that this was the workingest board she served on and they got the most accomplished.

Council Member Furgiuele stated if the Town did not get a Historic Downtown District soon they might as well forget about it. He expressed concern that the John Turner office was about to be torn down and the Wade Brown building had already been torn down.

Ms. Turner noted that the Phase I Survey report for the Downtown area should be sent to Town Council in April. Ms. Turner stated that Eric Plaag volunteered his time to do this for the Town and the Local District Designation would likely be presented to Town Council in June. Ms. Shook added that staff would need to have a lot of things prepared such as forms, fees, training, and process for the district designation.

Council Member Furgiuele suggested a moratorium on demolition of buildings in Downtown once the Downtown district has been designated.

Ms. Shook noted there was a lot of work to be done by Staff to create all of the necessary forms and process in order to move forward. She stated there was currently no associated fees on the fee schedule and training would have to be provided to board members regarding quasi-judicial hearings. Ms. Shook stated the district would require a zoning map amendment so the hearing process will still have to be followed.

Ms. Shook stated that the Historic Preservation Commission would need to work on getting the Historic District Design Guidelines completed by sometime this summer and Staff will work on forms, fees, process, and training. Ms. Shook felt this would happen at about the same time as the Downtown Design Guidelines.

Ms. Turner stated the Cemetery survey should be done by August, 2019. Council Member Furgiuele felt this was a good project but focus needed to be on the Downtown District. Ms. Shook stated she could check with Eric Plaag to see if the process could be expedited in any way.

Council Member Mason asked for a status of the 2018 HPC agenda items. Ms. Turner outlined the following:

- Phase I Survey Report – done by April, 2019
- Downtown Design Guidelines – may need to be contracted out because the current document is not specific to Downtown

Council Member Mason asked if these guidelines were the same as the ones the Community Appearance Commission was working on. Ms. Shook explained that they were completely different, noting that historic guidelines would contain different standards than what would be required for appearance.

Ms. Turner continued with the status report.

- Boone Cemetery Survey – done by August, 2019
- Union Soldier Marker Dedication – done
- Boone History Webpage – not done
- This Place Matters – done
- Boone Flood Marker – done
- WCHS/Digital Watauga Partnership – work in progress
- Historic Design Guidelines – almost complete
- Sustainability Forum – done
- Power House – working in conjunction with ASU
- Earth Awareness Day – done
- Property Plaque Design – work in progress
- Next Local Markers – work in progress
- Junaluska Community Marker Application Review – close to being done
- Linville River Railway 100th Anniversary Celebration – scheduled for May 3, 2019

Council Member Mason stated she would like to see a coordinated effort between the Community Appearance Commission and the Historic Preservation Commission regarding Downtown guidelines.

<u>Planning Commission</u>

Based on earlier discussion, Ms. Shook stated staff needed to work on ordinances for adoption and the public hearing process.

Sustainability Committee

Ms. Shook noted that Marty Little serves as Staff for the Sustainability Committee. She asked that Council provide some very clear direction on tasks they wanted the SEEC to work on because Town Staff found it difficult to determine if everyone was working on the same page. Ms. Shook stated that the Energy Action Plan was a huge subject with a lot of moving parts and there needed to be a clearer, more focused task determined in order for the Committee to produce an end product.

Council Member Furgiuele stated that one thing that has alarmed him about Sustainability is how overwhelmed the group is because people are not even talking about the same thing at the same time. He expressed concern that Committee members were pricing things out when that was the job of the Town Manager. Council Member Furgiuele felt the Committee should be goal setting only and have a narrower focus.

Mayor Pro Tem Clawson stated that the email they received from the Chairman of the Committee was alarming. Council Member Furgiuele stated that the last SEEC meeting was uncomfortable because it was almost like a turf fight.

Ms. Shook felt that, from a Staff perspective, when committees reach this sort of point it is very hard for Staff to step in by themselves and manage the topics and different personalities. In order to refocus some of the energy within the group and draw from the expertise of Committee members in order to get an amazing work product Council will need to provide some focus. Ms. Shook stated she would be willing to go to the Sustainability meeting and outline any change in direction for the group.

Council Member Mason stated when Council adopted the resolution for the 2050 goal she felt the Sustainability Committee would designate things the Town could work on to achieve that goal. She felt there were some really great minds on the Committee and they have great passion. Ms. Shook felt that was the design of the Energy Action Plan but because the Plan is made up of so many different parts there has been confusion on which parts of the Plan should receive the focus. Ms. Shook asked Council what part of the Energy Action Plan they would like to see a work product for.

Council Member Furgiuele stated that the 2050 goal is to be totally renewable and he thought that did not seem ambitious enough until he got on the Committee. Council Member Furgiuele stated it was not just about vehicles, noting it was more complex than he had thought. He stated the 2030 goal for climate neutrality was something totally different and was an easier goal because the Town can do carbon off-sets. Council Member Furgiuele stated he may put forth a proposal for a resolution that distinguishes and reinvigorates because everything got so confused, partly because a member came forward with their idea of a conversion to all renewables by 2030 and that member felt Town Council endorsed the idea and, in a way, funded it to him personally, which may not have been the intent of the Council. Council Member Furgiuele stated Council needed to clarify the goals because there is confusion on the Committee about what the goals are. He felt it might be helpful to ask the members of the Committee what they see as their expertise and how they feel they can help facilitate the Committee moving toward the over-arching goals. Council Member Furgiuele felt goals such as coordination with ASU were being lost because of lack of focus. He stated there were members with different expertise in different areas of sustainability

and they could be making recommendations for Council to send resolutions to the State level but their expertise was not being utilized.

Council Member Mason stated she would like to get recommendations from committees to Council instead of committee members pushing their own agenda and it should be a committee recommendation to Council rather than an individual committee member. She stated there was a lot of passion and a lot of important issues but there seemed to be a lot of confusion.

Council Member Furgiuele stated that Council had not tasked Town departments directly to get their input on the 2030 and 2050 goals. He stated that the Committee has mentioned the Wastewater Treatment Plant as being a big producer of greenhouse gases but the director of that department has not been asked to make any recommendations or provide any information regarding possible solutions. Council Member Furgiuele felt Council had been tasking the Committee with things they should have been tasking department heads with. He felt the Sustainability Committee should be thanked for all the work they have done to date and then start with a fresh slate because they are so trapped in the discussions of the past.

Council Member Ashcraft stated it was understandable that the group could lose focus given the broad topic of sustainability. He suggested the Committee be tasked with finding ways for the Town to reduce the climate impacts of Town operations and to see where the Town could work with others to encourage public education and public participation to reduce consumption in ways that would be more climate neutral.

Council Member Furgiuele felt that might still be too broad and suggested the Committee be re-tasked to 1) present Council with recommendations of ways to cooperate and coordinate with ASU in their efforts to achieve sustainability and 2) propose resolutions to Town Council for consideration of adoption and forwarding to our State representatives about ways that they can support our movement toward sustainability. Council Member Furgiuele stated those might not be the tasks chosen for the Committee but felt the focus at least needed to be that narrow. He felt that Council needed to be plain that everything else was off the table and the item or items now tasked to the Committee were the only items they were to work on.

Council Member Ashcraft stated he was trying to think through the implications of limiting the first goal to cooperation and coordination with ASU only and not mentioning New River Light & Power or NTE. Council Member Furgiuele felt that was not an issue of concern for the Sustainability Committee but more for the Town Manager. He stated that policy recommendations should come from the Town and then ask Sustainability for feedback.

Ms. Shook stated there had been some confusion with the term “we”, such as “we as a Town” or “we as Town operations”, “we as a committee”, or “we as an outside group”. She felt there was value in getting feedback from departments as well as value in leveraging some of the expertise within the Committee for suggestions of ways the Town operations could be climate neutral that the Town itself has not thought about.

Council Member Furgiuele suggested forgetting both of the previous suggestions and going with a different model

which is to task the Committee over the next year to meet individually with the department heads to talk about department operations and to make recommendations toward achieving the two goals of going to all renewables and how to get to climate neutrality. Council Member Ashcraft stated he would rather the Committee meet with the Town Manager instead of department heads so there would be no misconception that the Committee was giving direction to department heads. Council Member Furgiuele agreed. Council Member Ashcraft suggested that department heads participate in goal setting so they could consider the practicalities of operation.

Council Member Furgiuele felt there were members on the Committee who might be able to review the Town's contract with New River Light & Power and provide feedback before the Town enters into a contract.

Council Member Ulmer stated she thought the problem was that the Town didn't know what it wanted to try. She noted that the Sustainability Committee had 12 people on it and they had already talked about numbers being hard to deal with. Council Member Ulmer stated that the Committee members were coming from all over the map of the word sustainability which was a good thing and a bad thing. She noted that committee membership numbers were mentioned on several other boards while there was no mention of reducing the membership of Sustainability. Council Member Ulmer felt that maybe there were too many members on this board to do the tasks that the Town would like to have done.

Council Member Furgiuele felt the Town should be using every tool they had to accomplish the goal of being renewable Town-wide and not just within Town operations and felt this should be discussed at the Council meeting.

Ms. Shook stated that having a Council-led vision that goes down to the Town Manager, then department heads, and so on regarding their goals on sustainability is a good thing. She stated that the Sustainability Committee could offer suggestions regarding Town partners who utilize sustainable methods and give input on things the Town could do at a management level to be more sustainable.

Council Member Mason felt the Sustainability Committee could provide the Town with a tool kit of things that departments could pick and choose from to fit their operation.

Ms. Shook stated that other Town departments had not participated in sustainability discussions to the same level that Planning & Inspections has and other departments were likely not as familiar with what it meant to be sustainable or climate neutral. She felt all Town departments could benefit from the suggestions of the Sustainability Committee on ways to reduce consumption.

Council Member Furgiuele stated there were individual members of the Committee who were interacting with department heads now and going out and examining the expenditure figures for departments and trying to look at their operations individually and that is outside the scope of what they should be doing. Council Member Furgiuele felt they were trying to make policy without knowing the operations and for the Committee to make useful recommendations they would need to understand the nuts and bolts of the operation of each department. He suggested having the Town Manager and one department head at a time meet with the Sustainability

Committee to discuss the operations of their department. Council Member Ashcraft stated he would be okay with that.

Mr. Trew asked for clear direction on what task they wanted the Committee to focus on.

Council Member Furgiuele felt that, except for the over-arching goal that has already been set of the 2050 renewables, all the other stuff should be forgotten about and is now off the table.

Ms. Meade suggested giving the Committee a new written charge much like was done for the Water Committee, which is not quite a resolution. Council Member Furgiuele agreed that this would make clear that all of the old charges were done away with and everything would be different. Ms. Meade stated that Mr. Little could put together some draft language that Council could discuss at their March meeting and narrow down what kind of charge they wanted to give the Committee.

Council Member Mason felt that having the Committee provide suggestions to reduce consumption in Town departments could also provide education to Town citizens for ideas they could use in their homes.

Council Member Furgiuele felt that at the next Council meeting they should talk about adopting a goal of climate neutrality by 2030 and 100% all renewables Town-wide by 2050. Council Member Furgiuele felt it was important that the Sustainability Committee understand that they will no longer be discussing the things they had been and the slate would be wiped clean. He stated it also needed to be clarified if these goals were for Town operations or the Town as a whole.

Mr. Johnson stated he liked the idea of a tool kit to provide guidance to departments and citizens.

Council Member Mason felt it was critical for local governments to take a really active stance and do what they could do to send the message up the government chain.

Ms. Shook noted there would be a Sustainability meeting that happened before the next Council meeting and asked how that should be handled. Council Member Mason suggested cancelling the meeting. Council Member Furgiuele asked if Council would endorse the idea he had about Staff drafting a resolution to be presented to Council relating to the Town's representatives in Raleigh to support the move for state-wide renewables. Mayor Brantz stated that was different than a charge. Council Member Ashcraft expressed concern that the Committee, instead of seeing as something to focus on, would add it to the list. Council Member Furgiuele agreed.

Council Member Furgiuele asked Council members what task the Committee could work on in the time that it takes for Council to revise their charge. Mr. Little suggested the Committee make a resolution regarding the 2030 climate neutrality. Ms. Shook felt the Committee could work on the tool kit for Town operations.

Council Member Furgiuele suggested at the next Sustainability Committee meeting they have the Town Manager and one department head of the Town Managers choosing be present to learn about the operations of that

department and make recommendations in the form of a tool kit for that department of ways that the department can increase climate neutrality and reduce consumption. Mayor Brantz felt that was a reasonable step. Council Member Mason stated she was comfortable with it. Council Member Furgiuele suggested that once recommendations were made to each department, the department would then have a discussion with Council as to which of the suggestions they could implement.

Ms. Turner stated that ASU students had suggested that plastic grocery bags be outlawed and noted that some states had already adopted that policy.

Mayor Brantz called for a break from 11:16 a.m. until 11:28 a.m.

Mr. Trew asked for clarification of the direction regarding Sustainability.

Ms. Shook felt the direction was for Mr. Little to draft a new charge for the Committee to send to Town Council, have the Town Manager and a department head attend the next Sustainability meeting so they can learn about the operations of the department in order for them to make suggestions on meeting the goals of the 2030 climate neutrality and 2050 renewable resources. She also noted the climate neutrality resolution and stated it was possible they could get a rough draft to Council for recommendations at their next meeting. Council Member Furgiuele did not feel the climate neutrality resolution should go to the Sustainability Committee. Ms. Shook stated she was just thinking of leveraging some of the Committee member's expertise on the language. Ms. Meade thought Council Member Furgiuele meant that Staff would draft the climate neutrality resolution and Council would decide if it would be for the Town operations or the Town as a whole before sending anything to the Sustainability Committee. Council Member Furgiuele stated that was correct.

For clarification, Ms. Shook stated Mr. Little would submit an action request with draft language for a new charge and an action request for more discussion on climate neutrality to be sent to the next Council meeting. She suggested having all department heads have their meetings with the Committee and Town Manager before making their recommendations. Council Member Furgiuele stated that department heads should then come to Council with their recommendations of what items on the list they feel they can implement. Ms. Shook felt the recommendations by the Committee should go to Council and then Council should supply the department heads with the list. Council Member Furgiuele was okay with that.

Council Member Furgiuele stated he would put on the Town Council agenda to invite grocery store managers to the April Town Council meeting to get their suggestions on reducing the use of plastic bags.

Fee Schedule

Mr. Trew stated that Council expressed a desire at the Budget Retreat to increase permit fees to adequately cover operating costs.

Ms. Shook provided everyone with a handout containing cost recovery comparisons for permits at 100%, 75%, and

50% cost recovery.

Council Member Furgiuele asked why an Appeal of Administrative Review for Occupancy was $25 when an Appeal of Administrative Decision was $300. Ms. Shook replied that this rate was set by Council several years ago and suggested that this fee be reconsidered if that was the desire of Council.

Ms. Shook noted a proposed fee change for new single family zoning permits that would charge based on land disturbance of up to 1 acre versus up to ½ acre to be more in line with state requirements. Ms. Shook noted that on April 1, 2019 state law would change to require an applicant disturbing over 1 acre of land to go online and file an NPDES permit, which will require additional inspections on the Town's part and additional responsibilities for this unfunded mandate.

Ms. Shook stated no additional charge was proposed for viewshed or steep slope review as they fell into the environmental unfunded mandates by the state. Council Member Furgiuele asked if there was extra work involved when properties were located within a viewshed or steep slope. Ms. Shook replied that there was additional work involved in that a site visit would be required, there would be additional review, and calculations were needed for land disturbance and intensity. Council Member Furgiuele felt there should be a zoning fee for projects located within a viewshed or steep slope area due to the extra work required, noting these were important issues to the Town. He also suggested that commercial projects be charged a higher fee than single family projects.

Ms. Shook stated there would be some fees that would be due at the time of application submittal, some fees, such as additional plan review fees, would be due before issuance of a permit, and other fees, such as inspection fees, would be due before the issuance of a C.O.

Council Member Furgiuele asked if the UDO addressed non-payment of fees and Ms. Shook replied that it did not. Council Member Furgiuele felt that the UDO should state if permit fees were not paid in a timely manner then no further review would take place or non-payment would be considered a withdrawal of the application. Council Member Furgiuele also suggested plan review fees be charged at 50% of the original fee with each sub-category review being charged at 50% as well.

Council Member Furgiuele suggested that the new fee schedule be implemented at 100% of cost recovery and stated that people who are developing should have to pay their own way.

Council Member Ashcraft asked if there had been a comparison of fees to other jurisdictions and how this proposal compared. Ms. Shook replied that it fell somewhere in between. She stated the proposed fees would be more in line with those charged by neighboring jurisdictions.

Ms. Shook noted that additional zoning permit categories were being proposed in an effort to be more equitable to various sizes of projects.

Records retention was discussed. Ms. Shook explained that all current files were being scanned and all old files

were being scanned before being destroyed.

Ms. Shook noted the addition of fees for changes of use, lighting/parking/landscaping modifications, flood map revisions, and wireless transmission facilities.

Council Member Furgiuele asked what percentage of the budget was currently being collected in permit fees. Ms. Shook replied that Planning and Inspections currently collected about 23% of the P&I budget. Council Member Furgiuele asked if the new permit fees would capture 100% of the P&I budget if Council adopted the fee schedule at 100% of cost recovery. Ms. Shook stated that it would not capture 100% of the budget but hoped it would capture 50%. She added that it would be a couple of years before she would know what percentage was being captured on average due to the variables in economy and numbers of permit applications submitted.

Council Member Ashcraft asked if current fees were basically being doubled. Ms. Shook explained that consideration was given to the proposed fees so they reflected what a particular type of permit actually costed the Town and while some fees may have doubled, others may be lower. Ms. Shook stated that fees were not being inflated just because there had been no permit fee increase for 20 years but were more of a true reflection of actual costs.

Council Member Furgiuele asked why there no fees were proposed for pavement sealants. Ms. Shook replied that she had not been able to complete the proposed fees for pavement sealants but noted there would be fees. She added that the coal tar pavement sealant fee would be higher but not significantly higher because true cost recovery could not justify the current fee of $500.

Ms. Shook noted that there is currently no charge for home occupations but has proposed a charge due to the trend toward more home-based businesses. She stated she would also like to charge for zoning compliance letters.

Ms. Shook noted that neighborhood conservation district parking stickers used to be free and when the Town started charging $5 for the stickers, compliance dropped. Ms. Shook suggested there be no charge for Neighborhood Conservation District parking stickers. Council Member Furgiuele agreed that there should be no charge because tenants were not asking the Town for a service.

There was a lunch break from 12:17 p.m. until 12:55 p.m.

Ms. Shook continued her presentation of the revision of the fee schedule and provided a handout outlining permit fees for several recent projects under the current fee schedule and the proposed fee schedule. She explained that under the current fee schedule new construction is charged based on square footage while renovations are charged based on project value. Ms. Shook stated that, under the current fee schedule, renovation projects sometimes pay more than if the project was a new construction. She noted that money was currently being lost on inspections. Ms. Shook stated that, according to the North Carolina Building Code, 7 inspections are required for new single family homes and the new fee schedule proposed having the 7 inspections included in the permit

fee. Single family renovations would pay a flat fee and be charged for each inspection.

Ms. Shook stated that new commercial fees were being proposed at $0.27 per square foot with an additional $.03 per square foot for fire department review and this would include all building inspections. Renovations would pay a base fee and be charged for each inspection. Council Member Furgiuele stated there was no disincentive built into the new commercial construction fees to discourage builders from requesting numerous inspections. Ms. Shook explained that limiting the number of inspections included in new commercial permits was considered but she felt it would be difficult to keep track of and would present more room for errors. Ms. Shook stated that the $0.27 per square foot was intended to cover all the inspections and felt that educating builders as to how their inspections should be managed would be helpful. Council Member Furgiuele stated he was not against the proposed fees but felt new commercial construction should be monitored for abuse of inspections and possible revisions to the fee to set limits on numbers of inspections available before extra inspection charges begin.

Council Member Ashcraft stated he was okay with a 100% cost recovery for commercial permits but was unsure about 100% cost recovery for single family.

Ms. Shook stated, as an option, single family permit fees could include all inspections and this could help to bring down that permit cost. Council Member Mason felt that was a good idea.

Council Member Mason stated she would like to find a way to incentivize the installation of fire sprinkler systems when they were not required by the code.

Council Member Mason noted that she liked the format of the new fee schedule because it was easier to read than the previous fee schedule.

A time frame for the adoption of the fee schedule was discussed. Mr. Ward suggested adopting a town-wide fee schedule at the same time as the budget to be effective July 1, 2019

Mr. Trew provided a recap stating that new single family permits would be captured at 100% cost recovery with unlimited inspections. New commercial and all renovation permits would also be captured at 100% of cost recovery and the revised fee schedule, after adoption, would be effective July 1, 2019.

There was a break in the meeting from 2:00 p.m. until 2:15 p.m.

Cottage Housing

Ms. Shook stated that cottage housing was broken up into two pieces; one being the cottage housing district, which Council has had more discussion on; the other being cottage housing as a use, which has not had a whole lot of discussion. Ms. Shook felt that cottage housing as a use would be a lengthy conversation and she was concerned that time constraints would not allow a complete discussion of cottage housing as well as allow time for discussion of the work plan today. She added that Ms. Meade had not yet reviewed the cottage housing

information. Ms. Shook asked that the work plan be discussed before the cottage housing district and cottage housing as a use be removed from today's agenda altogether. Council Member Furgiuele agreed and expressed concern with cottage housing as a use until they had more experience with how cottage housing as a district was going to work. Ms. Shook stated a lot more discussion was needed in order for staff to understand what Council wanted when it came to cottage housing.

Council Member Ashcraft made a motion to change the agenda to hear the Work Plan next. The motion was seconded by Mayor Pro Tem Clawson.

VOTE: Aye – All
Nay – None

The vote was unanimous.

Work Plan

Ms. Shook referred to the work plan beginning on page 36 of the packet and noted that items shown in yellow were currently in progress. Items shown in red are items that have been completed and items shown in white have not been started. Ms. Shook explained that items on the list were placed in the order in which they were expected to be accomplished, but noted it was a fluid document. Ms. Shook stated that staff had worked very hard this past year to accomplish the goals set forth by Council but noted the level they have had to work may not always be sustainable. She went on to explain that zoning project reviews are supposed to be done within 20 business days and it has been very difficult to meet that deadline as well as work on the tasks on the work plan. She noted that review of Downtown related projects or large, complicated projects within the allowed 20-day time frame was almost impossible and asked that Council consider removing the 20-day restriction from the UDO. Council Member Furgiuele asked if it was correct that if the Town did not respond within 20 business days it was considered an approval of the project. Ms. Shook replied that was correct and it really put the Town in a bad position. Mr. Ward questioned why the time limit was placed in the UDO. Ms. Meade felt it should be an internal policy instead of an Ordinance requirement. Council Member Mason stated that the 20-day review period was a big disadvantage to small businesses who had financing issues or had to wait in line behind other, larger projects to be reviewed.

Mr. Ward noted that the work plan was almost a full-time job and juggling the work plan with numerous plan reviews was causing staff to rush plan reviews in order to meet the 20-day deadline.

Ms. Shook noted that any change to the UDO would be a text amendment and would have to go through the public hearing process.

Ms. Shook then addressed the items listed on the work plan as follows:

1. UDO Section 15.10 will be going to Council in March.

2&3. Burden of proof and wireless transmission facilities will be going to the March public hearing.

4. R3/R4 is on the agenda for discussion at the March 6, 2019 Planning Retreat.
5. Scheduling Planning Retreat has been done.
6. The Comprehensive Plan and other Town adopted plans still needs to be discussed.
7. Draft Downtown Design Guidelines (CAC) – Ms. Shook noted that the Community Appearance Commission has met jointly with Town Council and the Historic Preservation Commission multiple times to discuss the Downtown Design Guidelines and the different districts that were formed. She stated that two Downtown districts were decided upon and would be called the Downtown Core and the Downtown Interface. Ms. Shook stated there was a set of standards for the Downtown Core and a slightly different set of standards for the Downtown Interface. She explained that the Core would be comprised of properties that the Town wanted to protect as the core of Downtown and the Interface would serve as a transition from the Core to the rest of the Town. Ms. Shook stated that the Core would be primarily the King Street and Howard Street area from Water Street to Appalachian Street with the Interface running from the Hardin Street intersection to Pinnacle Drive. Ms. Shook noted there were 2 options for implementation; 1) handle as an overlay, or 2) rezone properties. Ms. Shook stated that an overlay would mean you did not have to change the base zoning district but she would recommend rezoning the properties to B1 Downtown Core and B1 Downtown Interface. Council Member Furgiuele agreed that the properties should be rezoned and felt this should move up to near the top of the Work Plan. Ms. Shook noted that this would require a text and map amendment, advertising, and notification to each property owner and would be quite time consuming. Ms. Shook reminded Council members of other large items on the work plan such as amortization and R3/R4 that would generate a lot of public interest and explained that Staff still had their normal, day to day workload as well. Ms. Shook stated she would need direction from Council on how they would like to handle the public involvement process regarding B1 rezoning. She suggested holding a public meeting at the Jones House with stations set up where property owners could speak with staff about their property.

Council Member Mason stated that planning was critical to the community and she was unsure if there was adequate Staff to accomplish everything Council had placed on the Work Plan as well as handle the amount of development that is occurring.

Council Member Ashcraft asked if Downtown rezoning should move ahead of R3/R4 on the Work Plan.

Ms. Shook stated that if Town Council placed more work on Planning Staff she would need to hire another planner.

Ms. Shook mentioned the interim Design Standards and stated they did not address the idea of allowing period appropriate features, awnings for example, that were not historic to the building itself. Ms. Shook asked Council if they would agree to allow this change to be included in the Design Guidelines. She noted that when the Historic Preservation Commission's standards are developed awnings may not be allowed so allowing period appropriate awnings are an interim measure.
Council Member Furgiuele felt allowing period appropriate canopies with wires or cables was a good idea and this was also the consensus of Council to consider a text amendment in May.

Mr. Ward noted that the Town was looking to remove the awning at the Fire Department and do a façade

renovation.

8. Ms. Shook felt #8 Sustainability had been discussed.
9. HPC Design Guidelines should be moved up on the plan to be after #7 CAC Design Guidelines.
10. April 10 planning meeting with Town Council can be scheduled if needed.

It was noted that ASU was having a hard time finding M1 and OI zoned properties for temporary use and they may approach Town Council regarding allowing temporary uses in B3. Mr. Ward stated it could be a positive in that ASU could renovate empty spaces for temporary use that could later made the property more attractive for future uses. Discussion ensued regarding allowing temporary uses in B3. Council Member Furgiuele expressed concern that once the buildings were converted to office use they would never go back to retail. He suggested allowing it if they are a certain distance away from campus. Council Member Ashcraft stated he was okay with that but suggested it be a certain distance away from B1. Council Member Furgiuele stated there needed to be a protection area around the university with a 1,000 ft. distance between so there will be no cluster of temporary uses in B3.

Ms. Shook stated she would check with Planning Commission at the March meeting to see if they would be willing to move their April 22 meeting to April 29 and make it a Special Public Hearing to consider a text amendment to allow temporary university uses in the B3.

Ms. Shook asked Council to think about whether or not they wanted to continue the Planning Retreat on April 10 or just have Staff work on the items already on their plate.

11. Cottage Housing research and text is in progress.
12. Signs - need to have action taken on temporary signs soon in order to be in compliance with State law. Council Member Mason asked if businesses who went out of business were required to take down their signs. Ms. Shook replied that it was a requirement in the UDO and they had 60 or 90 days to remove the signs. Ms. Shook felt this item should be moved up on the priority list so that staff could accurately enforce the law that is not currently reflected in the UDO.

13-34. Anticipated dates were given for each of these items but with the current workload they will have to be pushed back farther and farther.

Council Member Furgiuele mentioned a prior discussion about bringing back minimum & maximum parking requirements and felt this should be added to the work plan.

Council Member Furgiuele suggested moving #6 Town plans down on the priority list and moving #24 & 25 Watershed & Stormwater up on the list and assign them outside. Ms. Shook explained that moving those items out would still require work from staff. Council Member Mason suggested adding #22 & 23 to #24 & 25. Council Member Furgiuele stated they should be moved above #16 Speculative grading. Council Member Furgiuele suggested grouping #13, 18 & 26 regarding trees together.

Council Member Mason stated that Planning Staff had done a phenomenal job with all the tasks they had been given. She felt the staff had a tremendous amount of stress and stated that Council needed to make sure the staff had what it needed in order to be successful in their day to day functions as well as the added tasks given by Council.

Ms. Shook stated she had an idea for some restructuring in the department that would shift some job responsibilities that she hoped would help allow planners more time to work on Council priorities. She stated she would like to try the restructuring before having to ask Council for additional employees.

Work Plan Priorities

1. Downtown – B1 Core & Interface, Design Guidelines
2. Parking
3. R3/R4
4. Stormwater
5. Amortization

Ms. Shook stated it seemed there was a need to have the April 10 meeting to discuss Downtown Uses, R3/R4, and provide a Stormwater Update.

Ms. Shook noted that the Town may have to look at scheduling Special Public Hearings for some of these topics.

Ms. Shook stated that tomorrow's agenda would start with the R5 discussion.

Recap & Direction

Mr. Trew provided a brief recap of the topics discussed that morning.

- Board of Adjustment – Consider changing term limits so members cannot serve unlimited terms.
- Planning Commission – Change the procedure so that there is some opportunity for Planning Commission and Town Council to discuss issues after the Public Hearing and before the vote.
- Community Appearance Commission – Develop tree standards, reduce membership to 5, and complete the Downtown Design Guidelines.
- Historic Preservation Commission – Reduce membership to 5, work on Downtown District Designation & Downtown District Guidelines.
- Sustainability Committee – Staff will develop a written charge with specific direction for the Committee. The Town Manager will meet with individual department heads at each Sustainability meeting in order for members to learn about the department's operations and, at the end, make recommendations on how departments can meet the Town's goals for 2030 and 2050. This list of recommendations will then be sent to department heads for them to choose items from the list that they feel their department can implement. The Sustainability Committee will start with a clean slate and discuss specific topics as assigned by Council. Discuss a possible reduction in membership to 5.

- Fee Schedule – Add viewshed review fee, do not increase fees in phases but do it one time, revise the UDO to address non-payment of fees, eliminate the fee for Neighborhood Conservation District parking stickers, unlimited inspections for single family.

Cottage Housing/R5 Zoning District

Council Member Furgiuele made a motion to table discussion of cottage housing until the first agenda item after Closed Session on March 6, 2019. The motion was seconded by Council Member Mason.

VOTE: Aye – All
Nay – None

The vote was unanimous.

Adjournment

Council Member Mason made a motion to adjourn the meeting at 4:46 p.m. The motion was seconded by Mayor Pro Tem Clawson.

VOTE: Aye – All
Nay – None

The vote was unanimous.

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Rennie Brantz, Mayor Brenda Henson, Admin. Support Specialist