MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL
NOVEMBER 24, 2008

A special meeting of the Boone Town Council was called to order at 5:10 p.m., Monday, November 24, 2008, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council Members present were Mayor Pro-Tem Lynne Mason (arrived at 5:21 p.m.), Janet Pepin, Rennie Brantz, and Stephen Phillips (arrived at 5:13 pm.). Members of the Water Use Committee present were Patrick Beville, Kristan Cockerill, Bunk Spann, and Phil Templeton. Staff members present were Greg Young-Town Manager, Kimberly Brown-Deputy Town Clerk, Rick Miller-Public Utilities Director, and Andrea Gimlin-Program Coordinator. Town Attorney Sam Furgiuele was also in attendance.

Mayor Clawson called the meeting to order and welcomed all in attendance.

DISCUSSION OF MEETING ATTENDANCE

Public Utilities Director Rick Miller began discussion by presenting the following attendance record for each committee member for meetings held since November 2007:

Bunk Spann - 2
Mary Ruth McRae - 5
Skip Greene - 0
Rob Holton - 0
Phil Templeton - 0
Pam Williamson - 1
Steve Owen - 0
Patrick Beville - 4
Kristan Cockerill - 1

He informed the group of a new attendance policy recently adopted by the Town Council. Town Attorney Sam Furgiuele stated that a member of any Town committee is subject to automatic dismissal after missing three meetings in a row or if the committee member does not attend more than half of the committee meetings scheduled during the period of one year. It was the consensus of the group to follow this new policy from this meeting forward. Mr. Miller stated he will email all of the members of the Water Study Committee to inform them of this new policy.

WATER-USAGE NUMBERS FROM NOVEMBER 2007 TO NOVEMBER 2008

Public Utilities Director Rick Miller presented the water-usage report for November 2007 to November 2008 **(Exhibit A, attached)**. He noted that the usage during the past year has decreased compared to previous years and cited conservation efforts and the impact of the economy as possible reasons for the decrease in usage. Council Member Pepin pointed out that the predicted amount of water allocation is markedly higher than the actual usage amounts for multi-family projects than those projects with single units. Mr. Miller was directed to analyze the water usage for multi-unit projects and to include information regarding the number of bedrooms and the usage of low-flow devices within the structures. Mr. Miller stated he will compile this information for various projects developed since the 1970's until the present and present it to the committee at a future meeting. He indicated that the amount of water allocation that can be returned for future allocations as 30,767 gallons. Upon a motion by Council Member Pepin, seconded by Council Member Brantz, the committee recommended that 15,384 gallons per day be returned to the 2009 allocation total and 15,384 gallons per day be returned to the 2010 allocation total.

VOTE: Aye - All
Nay - None

DISCUSSION OF FUTURE WHS ALLOCATION

Council Member Phillips asked about reserving a water-allocation amount for the old Watauga High School site for the future development of the property. Council Member Mason pointed out that by the time that the property will be available to be redeveloped the Town will have

begun construction of the new water intake and that the interconnect between the Town of Boone and ASU should be completed. With these new water sources in place, Council Member Mason suggested that the Council may be able to ease up on allocation restrictions in the future.

PROPOSED RATE INCREASE DURING WATER SHORTAGE CONDITIONS

Public Utilities Director Rick Miller stated that the Water Subcommittee is recommending an increase in water rates during the declaration of a Stage II or Stage III Water Shortage Condition as a means of helping to ensure the conservation of water resources during that critical time specifically for customers who use the greatest amounts of water. Committee Member Beville added that an increase in rates could help with conservation efforts but still provide revenue for the Town to continue providing water service. The recommended increase for Stage II is proposed to be 1.5 times more than the current rate and for Stage III, two times more than the current rate. Council Member Pepin noted that high-end users would have a greater incentive to conserve water as a result of a rate increase. Town Attorney Furgiuele questioned whether a rate increase in conjunction with conservation requirements during Stage II or Stage III would affect the declaration of these stages by the Town Manager or the Public Utilities Director. Discussion ensued regarding the implementation of a time period during which mandatory conservation measures can be put into place and, if not effective, then a rate increase can be enforced. It was the consensus of the group to return this issue to the subcommittee for further study including the effect of a rate increase on affordable housing issues.

STANDARDS FOR CONNECTIONS IN SECONDARY PRESSURE ZONE - SECTION 5 OF ORDINANCE 05-01

Public Utilities Director Rick Miller gave a brief summary of Section 5 of Ordinance 05-01 regarding extensions and connections in the secondary pressure zone. He explained that this section of the ordinance does not take into account properties that are outside town limits and may be considered for annexation in the future. Mr. Miller stated that there are properties outside town limits that are adjacent to water mains and, although he is unsure of why the lines were placed in those areas, it is obvious that the lines were put there for future connections. Committee Member Templeton stated that the Town needs to accommodate those properties since they may be located in areas where future growth may occur. Council Member Mason pointed out that only connections are being considered, not extensions in the secondary pressure zone. Council Member Brantz asked that the term "single-family dwelling" be revised possibly to "single unit." Upon a motion by Council Member Mason, seconded by Committee Member Cockerill, the committee recommended that Section 5 of Ordinance 05-01 be revised by the Town Attorney in regard to allowing connections in the secondary pressure zone and to amend the wording "single-family dwelling" to "single unit."

VOTE: Aye - All
Nay - None

Council Member Mason moved to modify the agenda so that the committee could consider a proposed text regarding extensions or connections to affordable housing projects. Committee Member Beville seconded the motion.

VOTE: Aye - All
Nay - None

CONSIDERATION OF PROPOSED AMENDMENT TO ARTICLE VI - WATER AND SEWER EXTENSIONS

Council Member Mason informed the group of discussion by the Affordable Housing Task Force regarding issues that affect affordable housing, including projects outside the town limits that are subject to double-rates for water and sewer service, such as the rental properties in the White Laurel development. She stated that paying double-rates does impose a hardship for those who are living in that situation. Furthermore, she indicated that the proposed amendment will apply only to properties that are managed by a housing authority. Council Member Pepin noted that such projects must still comply with all other Town requirements in order to receive water and sewer services. Council Member Mason agreed and reiterated that this amendment will help to keep housing affordable. Upon a motion by Committee Member Spann, seconded by Committee

Member Beville, the committee moved to recommend the following proposed amendment for consideration by the Town Council:

ARTICLE VI
WATER AND SEWER EXTENSIONS

. . .

Section 6-6. Extensions Outside of Town.

. . .

E. Except for those applications. . .

. . .

3. When an extension or connection to an Affordable Rental Housing Project outside the Town limits has been authorized under this Article and other pertinent ordinances, customers thereby served shall be charged at the rate as in-town customers if all of the following are met:

a. The Project is managed by a duly created and authorized Housing Authority, as that term is defined pursuant to N.C. Gen. Stat. 157-3;

b. All residents of the Project qualify for and receive housing assistance under the Section 8 Program, United States Housing Act of 1937, as amended, or all residents of the Project qualify for and receive public housing, as that term is defined under the United States Housing Act of 1937, as amended; and

c. The Housing Authority which manages the Project executes an agreement to indemnify and reimburse the Town for any undercharge due the Town as a result of the cessation of the Project's compliance with the criteria of this section, § 6-6 (E)(3), until sixty days after the Housing Authority has notified the Town in writing that the Project is no longer entitled to the in-town rate.

VOTE: Aye - All
Nay - None

At this point, Mayor Clawson adjourned the members of the Water Study Committee at 6:59 p.m. so that the Council could discuss Planning Commission priorities.

DISCUSSION OF PLANNING COMMISSION PRIORITIES

Council Member Mason presented the following memorandum regarding planning priorities for consideration:

To: The Boone Area Planning Commission
From: The Boone Town Council
Date: November 20, 2008
Re: Planning Priorities following joint meeting on November 13, 2008

Short Term:

The following are amendments that were discussed at the joint meeting on November 13, 2008 that need to be reviewed and revised as needed. The Planning Commission should continue to work with the Town Attorney in consultation with the Development Services staff to draft an appropriate ordinance for presentation to the Council so that a date for a public hearing may be set. Council would like these to be ready for the February 2009 Quarterly Public Hearing. Due to the legal nature of these proposed changes, it is appropriate to include the Town Attorney in any discussions.

Case 20080389: Parking Requirements
There was agreement on the concepts presented by the Parking Subcommittee so after the review by the Planning Commission, this needs to be sent to the Town Attorney for review and needed language revisions to remove any ambiguity.

Case 20080390: Density & Dimensional Requirements.

There was general agreement to the concepts presented on increasing the intensity regulations for the following zones: R-3, O/I, B-1, B-2, B-3, and M-1. The Planning Commission should evaluate whether the following ratios are needed: Maximum Floor Area Ratio, Minimum Open Space Ratio, Minimum Livability Ratio, Minimum Recreation Space Ratio. Attention needs to be given to see what, if any, can be combined or eliminated. If height limitations are changed to stories instead of feet, language needs to remove ambiguities and set a limit to the maximum number of feet. If a building height bonus is to be given, clear standards need to be set. Also consider an incentive for parking that is not in front of a project. It is recognized that these are just interim measures and that many more changes will most likely be forthcoming once the Land Use Master Plan is adopted. After further input from the Planning Commission, this needs to be sent to the Town Attorney for review and needed language revisions to remove any language ambiguity.

Case 20080399: Signs
Though there is general agreement to the proposed changes, the Planning Commission needs to obtain further input from the Town Attorney and Town Manager on Right-of-Way, Easement and liability issues. Based on the recommendations, Council may need to provide additional direction on policy-related issues regarding liability. This will need to be sent to the Town Attorney for review and needed language revisions to remove any language ambiguity.

Long Term:

Once the Land Use Master Plan has been adopted by Council, which should be early Spring 2009, we will need to implement other interim measures for Smart Growth Implementation. The following are some preliminary areas for the Planning Commission to study and prepare recommendations to Council. This list is subject to modification following receipt of the Land Use Master Plan recommendations from the Lawrence Group. Council plans to have a Planning Retreat after adoption of the Land Use Master Plan to develop a strategy for implementing the recommendations. The Planning Retreat will be a joint Retreat with the Planning Commission.

Parking Requirements:
Continued review of current ordinance to include discussion on:
- *Eliminating parking requirements in certain zones*
- *Establishing a parking fund to construct public parking areas*

Water/Sewer Extension Plan:
Re-evaluate current zoning districts and evaluate the need for adding and changing some zoning districts to include current R-1 and High Density R-1 (to encourage affordable/work force housing), current (high density) R-3 and lower density R-3 (to encourage the development of multi-family housing options for young professionals and families), whether we needed higher and lower density business areas.

Provide incentives for Green Building Standards

In addition, other recommendations will be forthcoming from:
- *Affordable Housing Task Force*
- *Community Appearance Commission*
- *Tree Board*
- *Transportation Committee*
- *Historic Preservation Commission*

The Town Council welcomes input on other ideas that the Planning Commission has as we all want to maintain the momentum to implement needed changes to foster the development of sound smart growth strategies that will serve our community well for years to come.

Council Member Pepin stated that she agrees with the priorities and left the meeting at 7:10 p.m. Council Member Mason reiterated that each of these issues needs thorough review before proceeding with any amendments. Town Attorney Sam Furgiuele advised that the Planning Commission study only one issue per meeting and during review of each issue question the objective of the proposed change with planning staff. Council Member Phillips asked that consideration of the corridor overlay district also be an item for consideration. It was the

consensus of the Council to forward this information to the Planning Commission and to direct the Planning Commission to begin with a study of the parking issue at the December meeting.

ADJOURNMENT

With no other items for discussion, Mayor Clawson adjourned the meeting at 7:55 p.m.

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Deputy Town Clerk Mayor