

**MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL
OCTOBER 2, 2006**

A special meeting of the Boone Town Council was called to order at 6:30 p.m., Monday, October 2, 2006, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Bunk Spann, Dempsey Wilcox, Lynne Mason, Janet Pepin, and Rennie Brantz. Staff members present were Greg Young-Town Manager, Freida Van Allen-Town Clerk, Kimberly Tester-Deputy Town Clerk, Jim Byrne-Special Assistant to the Town Manager, and John Spear-Development Services Director. Town Attorney Sam Furgiuele was also present.

The purpose of this meeting was for discussion of and consideration of the following zoning text amendments:

Case 20060535 – The Town of Boone has initiated text amendments in order to create a Geologic Hazard overlay zoning district. This district graphically depicts areas of high, moderate, and low geologic hazards and sets forth requirements for development of property within high and moderate geologic hazard zones.

Case 20060536 – The Town of Boone has initiated text amendments to UDO Articles II, IV, and XVI in order to incorporate recommendations made by Trigon Engineering. These recommendations are designed to strengthen current regulations pertaining to grading, erosion control, and stormwater management.

Case 20060537 – The Town of Boone has initiated zoning map and text amendments in order to create a Viewshed Protection overlay zoning district. This district graphically depicts land areas that are more than 100 feet above major valley floors and roadways in Boone's jurisdiction and sets forth requirements for development of property within this area.

Mayor Clawson welcomed all in attendance. She informed the audience that the purpose of the meeting was not to accept public comment but to discuss each of the zoning text cases. Mayor Clawson stated that any disorderly conduct would not be tolerated and that, if needed, persons who become disruptive might be escorted from the building. She invited each of the Council members to present statements or comments concerning the zoning text amendments.

Council member Brantz stated his concern about the quality of life and the safety of the citizens of the town. He further stated that he is dedicated to protecting the aesthetic beauty of Boone.

Council member Mason gave the following statement:

We all have experienced democracy in action over the past several months as we have considered the adoption of steep slope regulations. Since I was not on the task force, I have spent literally hours obtaining and understanding information needed to make an informed decision. (Comments that Watauga County has categories 30% as steep slope and that 64% of communities that have adopted steep slope regulations use 15% or below as the starting point for steep slopes.) I have also attended public information meetings, the public hearing and the joint meeting with the Planning Commission during which additional public comment was received. I have received many phone calls, letters, and e-mails, all of which I have attempted to respond to. I am saddened by the tactics used by many of those that disagreed with the proposed amendments. On the other hand, many others both in support of and opposed to the proposed steep slope regulations provided constructive input. And thought the opposition would have you believe otherwise, there is in fact wide based community support for the adoption of reasonable steep slope regulations.

After the Public Hearing, I made the motion for modifications to address concerns raised prior to and at the Public Hearing. And yes, I did come prepared with a proposal for modifications to address community concerns raised during public information sessions, from phone calls, letters, e-mails, recommendations from the Committee for Responsible Environmental Regulations and comments at the Public Hearing. The proposed modifications represented a compromise as I truly believe that the best decisions must be

about balance and must benefit the common good of the community.

I considered myself to be very blessed to live in this community. From the day that my family and I moved here, we have embraced this community striving to always give back to the community we call home. I strive each day to make this world a better place and to be a good steward of all that God has entrusted us with. I would never do anything to hurt this community that I have grown to love. There are no hidden motives, I represent no special interests nor do I have anything to gain from the passage of steep slope regulations other than a safer, greener, and cleaner community for all of us.

There are those that say what's the rush? Well, it is time. The task force has been meeting for 18 months and they did exactly what they were supposed to: investigate, collect facts and specialized information, hear public input and make recommendations taking into consideration the health, safety and general welfare of our local citizens. Now it is time for the Town Council to make a decision.

The Town has had two recent wake up calls not to mention many other landslide events in Watauga County in the past 25 years. It would be irresponsible for us to do nothing. We must make sure we have measures in place to make sure what happened at White Laurel and what happened behind Wal-Mart does not happen again.

The modified amendments represent compromise. The intent is not to prevent development on steep slopes. We are not trying to stop building, just trying to identify geologic hazards such that they can be remediated. And what I have proposed in my compromise protects single family residential rights.

I am not afraid to make a decision and to do what is right and will vote accordingly tonight.

Council member Pepin stated that she has had a concern about the misinformation circulating about the proposed regulations. She stated that the Council must look to the future and that these regulations represent such forward thinking. Furthermore, Council member Pepin stated the compromise version of the proposed regulations is not as strong as the original proposals.

Council member Spann stated that Council member Mason's proposal is a fair and balanced compromise. He informed the Council of some sage advice offered by former Mayor Velma Burnley: do what you think is right, and remember that you are elected to serve all of the citizens, not a select few. Council member Spann stated he would utilize that advice when making a decision on the proposed amendments.

Council member Wilcox stated that more work is needed for the current zoning ordinance to address concerns with development on steep slopes. He stated that the current compromise zoning amendments put undue burden on single-family homeowners, are an attack on the local economy, and are bad ecologically since they will force development out into Watauga County, increasing traffic congestion. Council member Wilcox stated he would support the proposed amendment regarding the recommendations from Trigon Engineering with a change to reflect the steep slope threshold at 30%.

Mayor Clawson asked Development Services Director John Spear to present each of the cases. Mr. Spear began with Case 20060535. He stated that a valid protest petition was received for this case, thus imposing a supermajority vote for the adoption of the case. He indicated that the Planning Commission had recommended denial of Case 20060535 after receiving public comment and deliberation of the case on September 25, 2006. Upon a motion by Council member Mason, seconded by Council member Spann, Council moved to amend the original proposed ordinance Case #20060535 in its entirety by substituting the alternative text amendment in its entirety to include one modification which is the removal of the language "If the administrator requires further study, and" in Section 160[d](2) and (3), noting the alternative text amendment has been distributed and posted on the Town's website and is included in the Board Packet. Council member Wilcox stated this motion needs to be voted down.

VOTE: Aye – 4 (Spann, Mason, Pepin, Brantz)
 Nay – 1 (Wilcox)

Upon a motion by Council member Mason, seconded by Council member Brantz, Council moved that the application is consistent with all the objectives and policies for growth and development contained in the 2006 Boone Comprehensive Plan. Council member Wilcox stated the application does not promote polices concerning affordable housing.

VOTE: Aye – 4 (Spann, Mason, Pepin, Brantz)
 Nay – 1 (Wilcox)

Upon a motion by Council member Mason, seconded by Council member Pepin, Council moved that the application is both reasonable and in the public interest for the following reasons:

For at least the past 15 years, the Town has recognized and has attempted to address the problems of steep slope development and never before has there been input from a comprehensive cross section of the community both in the public forum and privately, and the proposed amendment is supported by the following Comprehensive Plan policies:

P2.1.1 Economic Development

A.2 Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.

P2.2.5 Environmental Quality

A. Development of ridge-tops and excessive slopes shall be strongly discouraged. Where development is allowed, stringent performance standards shall be met.

A.1 Continue working on the preparation of hillside and ridge-top regulations for consideration and adoption of Town Council.

D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.

E. Development which preserves the natural features of the site, including existing topography, streams, and significant trees and vegetation shall be reflected in the Town's Development Standards.

P2.3.1 Community Appearance

A. Measures to improve the effectiveness of grading, landscaping, and buffering standards for new and existing developments shall be encouraged.

P2.3.3 Housing and Neighborhoods

C. Proposed residential development which would expose residents to harmful effects of incompatible development or to environmental hazards shall be prohibited.

VOTE: Aye – 4 (Spann, Mason, Pepin, Brantz)
 Nay – 1 (Wilcox)

Upon a motion by Council member Mason, seconded by Council member Pepin, Council moved to approve the application for Case 20060535 with an effective date of October 12, 2006.

VOTE: Aye – 4 (Spann, Mason, Pepin, Brantz)
 Nay – 1 (Wilcox)

Development Services Director John Spear informed the Council that the Planning Commission recommended denial of Case 20060536 after receiving public comment and deliberation of the case on September 25, 2006. Council member Wilcox moved to approve the application with a change to the steep slope threshold of 30%. The motion died for lack of a second. Upon a motion by Council member Spann, seconded by Council member Brantz, Council moved to approve the application as presented and moved that the application is consistent with all the objectives and policies for growth and development contained in the 2006 Boone Comprehensive Plan.

VOTE: Aye – 4 (Spann, Mason, Pepin, Brantz)
 Nay – 1 (Wilcox)

Upon a motion by Council member Spann, seconded by Council member Mason, Council moved that the application is both reasonable and in the public interest for the following reasons:

In May of 2005, the Town of Boone retained Trigon Engineering Consultants to review several projects that were located on steep slopes and, as a result of their site inspection document reviews, the consultant made several recommendations. The proposed amendment is designed to ensure development is designed and constructed in conformance with the dictates of the site and to ensure oversight by responsible design professionals. In addition, the proposed amendment is supported by the following Comprehensive Plan policies:

P2.2.5 Environmental Quality

A. Development of ridge-tops and excessive slopes shall be strongly discouraged. Where development is allowed, stringent performance standards shall be met.

P2.3.1 Community Appearance

A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

VOTE: Aye – 4 (Spann, Mason, Pepin, Brantz)
 Nay – 1 (Wilcox)

Upon a motion by Council member Spann, seconded by Council member Mason, Council moved to approve the application for Case 20060536 with an effective date of October 12, 2006.

VOTE: Aye – 4 (Spann, Mason, Pepin, Brantz)
 Nay – 1 (Wilcox)

Development Services Director John Spear informed the Council that a valid protest petition had been received for Case 20060537 thus imposing a supermajority vote for the adoption of the case and that the Planning Commission had recommended denial of Case 20060537 after receiving public comment and deliberation of the case on September 25, 2006. Upon a motion by Council member Brantz, seconded by Council member Mason, Council moved to amend the original proposed ordinance Case #20060537 in its entirety by substituting the alternative text amendment in its entirety to include two modifications which are the removal of the language “make a visual inspection of the property to” in Section 161[c] and removal of the language “In the event of a conflict in the requirements of this section and the portions of the UDO which otherwise regulate the particular zoning district or development, however, the provisions of the section shall control” in Section 161[d][8], noting that the alternative text amendment had been distributed and posted on the Town’s website and is included in the Board Packet.

VOTE: Aye – 4 (Spann, Mason, Pepin, Brantz)
 Nay – 1 (Wilcox)

Upon a motion by Council member Brantz, seconded by Council member Pepin, Council moved that the application is consistent with all the objectives and policies for growth and development contained in the 2006 Boone Comprehensive Plan.

VOTE: Aye – 4 (Spann, Mason, Pepin, Brantz)
 Nay – 1 (Wilcox)

Upon a motion by Council member Brantz, seconded by Council member Mason, Council moved that application is both reasonable and in the public interest for the following reasons:

For at least the past 15 years, the Town has recognized and has attempted to address the problems of steep slope development, never before has there been input from a comprehensive cross section of the community both in the public forum and privately, and the proposed amendment is supported by the following Comprehensive Plan policies:

P 2.1.1 Economic Development

A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most cost effective, long-term component of an economic

development strategy.

A.1 Continue to evaluate and amend development regulations to help ensure an aesthetic quality in the area and preserve the natural beauty of the area.

A.2 Adopt analytically sound, technically based hillside development regulations to preserve natural beauty.

P 2.1.4 Agricultural & Rural Development

A. Farms and woodlands shall be recognized as an integral part of the planning area's open space system.

P 2.2.5 Environmental Quality

A. Development of ridge-tops and excessive steep slopes shall be strongly discouraged. Where development is allowed, stringent performance standards shall be met.

A.1 Continue working on the preparation of hillside and ridge-top regulations for consideration and adoption of Town Council.

D. Runoff and drainage from development activities shall be of a quality and quantity as near to natural conditions as possible, with special emphasis given to critical watershed areas.

E. Development which preserves the natural features of the site, including existing topography, streams, and significant trees and vegetation shall be reflected in the Town's Development Standards.

P 2.3.1 Community Appearance

A. Measures to improve the effectiveness of grading, landscaping and buffering standards for new and existing developments shall be encouraged.

P 2.3.2 Community Character

D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.

Council member Wilcox stated that there has been an overwhelming amount of citizen input against these proposed regulations at both of the public hearings. He further pointed out that, when the public was properly notified and given an appointed time to voice their opinions, following the procedural law set forth by the State of North Carolina, the majority of public comment was against the proposals. He insisted that the amendments, as modified by Council member Mason, are not a compromise between the Town and the entire community. Council member Wilcox urged the Council not to ignore the sentiments of its citizens. Council member Pepin voiced her concern that a majority of citizens do support these regulations but suggested they may have been hesitant about voicing their support at a public hearing. She stated that she has received many email messages both in support of and against the proposed regulations. Council member Mason agreed stating she has received a large amount of correspondence, telephone calls, and email messages indicating broad-based community support of these proposed amendments. Council member Brantz stated he would like to amend his previous motion to include an effective date of October 12, 2006, for the text amendment. Council member Mason accepted the amended motion. Mayor Clawson stated she also has received input supporting the proposed regulations from persons who were afraid to speak out at the public hearing due to the chance of being ridiculed.

VOTE: Aye – 4 (Spann, Mason, Pepin, Brantz)
Nay – 1 (Wilcox)

ADJOURNMENT

Upon a motion by Council member Pepin, seconded by Council member Brantz, Council moved to adjourn the meeting at 7:17 p.m.

VOTE: Aye – All
Nay - None

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Deputy Town Clerk

Mayor