

**Minutes – Special Meeting**  
**Boone Town Council/ Water Committee**  
**March 1, 2010**

A special meeting of the Boone Town Council was called to order at 5:30p.m., Monday, March 1, 2010, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council Members present were Mayor Pro-Tem Lynne Mason, Rennie Brantz, Stephen Phillips, Andy Ball and Jamie Leigh. Members of the Water Use Committee present were Donna Lisenby, Dr. James Buchanan, Zachary Ollis, Pam Williamson, and Patrick Beville. Staff members present were Greg Young- Town Manager, Rick Miller-Public Utilities Director, and Lane Weiss- Water Conservation Program Coordinator. Town Attorney Sam Furguele was also in attendance.

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

**Discussion of Availability Fee Deposit**

Public Utilities Director Rick Miller opened discussion by noting that both the Water Committee and Sub-Committee have been charged with providing recommendations regarding an availability fee deposit. Mr. Miller then directed attention to the agenda packet which contained both recommendations (**Permanently on file in the March 2010 meeting information file**). The Sub-Committee's recommendations addressed the need to avoid misuse of water allocations while incorporating water conservation. The Sub-Committee proposed a 10% deposit on the availability fee at the onset of a project; however, if the project can show a 20% reduction in water usage over a period of time, the applicant should have 10% of the availability fee returned. Committee Member Buchanan acknowledged some confusion in the verbiage of the recommendation. Committee Member Beville clarified that a "20% reduction in water usage" was in reference to LEED/U.S.Green Building Standards which require plumbing fixtures to be low-flow, thus creating a 20% reduction in water usage, not reduction over a period of time. Committee Member Beville acknowledged that the 10% refund left areas open for discussion, especially concerning when the deposit should be refunded and the verification of the installed low-flow fixtures. Council Member Leigh also voiced concern regarding the accounting necessary to satisfy the refunds, implying that it could make accounting difficult. Mr. Miller clarified that the 10% deposit was not in addition to the availability fee but a deposit on the current availability fee owed. Council Member Brantz recognized that the revenue from the availability fees was already stretched thin and refunding any part of that fee would put further strain on budget needs. Lengthy discussion ensued concerning possible remedies.

Rick Miller then noted that the Sub-Committee had touched on the subject of rebate programs, suggesting that a rebate program could avoid any confusion in verbiage, also noting other rebate programs around the state. These rebates could be applied to a variety of fixtures or appliances to encourage installation with a monetary rebate from the Town. Committee Member Lisenby raised concern about the cost associated with a rebate program, proposing the need to find a revenue-neutral solution. Town Attorney Sam Furguele reiterated the complexities associated with any refunds, acknowledging that a credit on the availability fee would be more feasible. However, after some discussion of the suggestion of a credit on availability fees, it was determined that all recommendations (refund, rebate, and credit) would require further research.

Discussion then moved to the Water Committee's recommendations of a 5% or 10% deposit on availability fees to avoid misuse of water allocations. Town Attorney Sam Furguele presented the appropriate language for possible changes to Ordinance 05-01. (**Permanently on file in the March 2010 meeting information file**) Mr. Furguele directed attention to the language pertaining to extending vesting rights, citing a possible conflict with Senate Bill 831. He proposed a review of current and expired allocations to avoid such conflicts. The committee then discussed possible conflicts and effects on current and future allocations.

In summation of the Water Committee's deliberation, Committee Member Williamson made the following motion: *"The Committee request more information concerning rebates, reductions and refunds of availability fees from the Water Sub-Committee. The Committee also requests information regarding other current rebate systems with a focus on funding or revenue neutral programs. All research to be brought back to the committee for review."* This motion was seconded by Council Member

Leigh. Committee Member Buchanan amended the motion by adding “A request for clarification of the 100% or 80% building code standards in regards to water use reduction.” Council Member Leigh amended the motion by adding, “The need for research or a cost benefit analysis of the feasibility concerning refunds on the availability fee.” Committee Member Williamson and Council Member Leigh both accepted the amendments.

**Aye-** All  
**Nay-** None

Committee Member Williamson then made a motion: “To recommend that Council amend Ordinance #05-01 to require applicant deposit percentages to ten percent and twenty percent” (Referring to the new language drafted by Town Attorney Furguiele concerning Ordinance #05-01, new paragraph # 4) This motion was seconded by Committee Member Patrick Beville with the following amendment : “That the Committee change the wording in sentence three, paragraph four from ‘significantly different’ to ‘substantial change’.” And to include the following definition: A “substantial change” is one for which a different type of principal zoning use is proposed, e.g. multi-family to commercial, or there is more than a ten percent (10%), plus or minus, in the predicted water use for the site specific development plan, as determined by the calculations prescribed in paragraph 5. Also, noting that all drafted changes are to be revisited at a future meeting.

**Aye-**All  
**Nay-** None

After the vote, a brief discussion ensued concerning the receiving of meeting minutes. Committee Member Williamson requested that the Water Committee receive copies of all sub-committee minutes and requested the verification of current committee members contact information to ensure delivery

#### **Consideration of Amendment to Ordinance #05-01 to require a super-majority vote for service outside of the corporate limits**

Town Attorney Furguiele stated that a new paragraph 5 and 6 in Ordinance #05-01 addresses the new requirement of a super-majority vote for service outside the corporate limits. Committee Member Williamson made the motion: “To amend Ordinance #05-01 as written and proposed” This motion was seconded by Committee Member Buchanan.

**Aye-** All  
**Nay-**None

#### **Schedule Special Meeting- Water Study Committee to review and update Ordinance #05-01 and to develop a water allocation plan for the next 5 years.**

Mayor Clawson opened the discussion by noting the importance of a Water Study Committee, recommending the need for research before beginning the planning stages. Council Member Mason suggested the need to update all committee members of the history and processes of the Water Committee. Committee Member Williamson then made the following motion: “Recommending that Rick Miller-Public Utilities Director along with other necessary staff, gather any pertinent information, meet with appropriate Town Staff and gather the necessary research to plan the first discussion. With the goal of setting a meeting date by May or June.” This motion was seconded by Council Member Leigh.

**Aye:** 10 (Brantz, Leigh, Mason, Lisenby, Williamson, Ollis, Buchanan, Phillips, Ball, Clawson)  
**Nay:** 1 (Beville)

Committee Member Mason left the meeting at 7:20 PM due to prior engagements.

Committee Member Williamson then made the following motion: “That Council be summoned to write the charge or mission of the Water Committee and have it presented at a future Water Committee Meeting.” This motion was seconded by Council Member Leigh.

**Aye:** All  
**Nay:** None  
**Absent:** 1 (Mason)

Council Member Ball then made the following motion: “That we consider drafted changes to Ordinance #05-01at a future Water Committee meeting; setting a meeting date for Monday, March 15, 2010 in Council Chambers at 7 o’clock PM.” This motion was seconded by Council Member Phillips.

**Aye:** All  
**Nay:** None  
**Absent:** 1 (Mason)

Council Member Brantz then made a motion to adjourn that was seconded by Council Member Ball. The Water Committee Meeting was adjourned at 7:26 PM.

**Aye:** All  
**Nay:** None  
**Absent:** 1 (Mason)

Lane Weiss, Committee Secretary		Loretta Clawson, Mayor