

Minutes-Special Meeting

Boone Town Council/Water Use Committee

April 8, 2010

A special meeting of the Boone Town Council was called to order at 5:40 p.m., Thursday April 8, 2010, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council Members present were Rennie Brantz, Jamie Leigh, Lynne Mason, Stephen Phillips, and Andy Ball. Members of the Water Use Committee present were Dr. James Buchanan, Bunk Spann, Tim Wilson, Patrick Beville, and Dr. Kristan Cockerill. Staff members present were Rick Miller- Public Utilities Director, Bill Bailey- Development Services Director, and Lane Weiss -Water Conservation Program Coordinator. Town Attorney Sam Furguiele was also in attendance.

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

Discussion of Proposed Changes to Ordinance #05-01

Town Attorney Sam Furguiele opened the discussion by noting that at the last Town Council meeting, the recommendation from the Water Committee concerning a two-thirds vote for water allocations outside the corporate city limits had been voted down. Attorney Furguiele proceeded to review the drafted changes to Ordinance #05-01 and any concerns. In regard to paragraph 3, Attorney Furguiele clarified that this paragraph defines where the water allocations are assigned and details regarding requests to move or change assigned allocations. Council Member Mason observed that changes could be required by conditions of permits or zoning requests, noting that the required changes could perhaps cause applicants to alter their water applications possibly causing them to relinquish and reapply. After some discussion, Council Member Mason made the following motion: *Whereas the committee chooses to adopt the new paragraph that begins with whereas {during the administration}, the adoption of the word "and", and to change the word adopts to amends. [Concerning the paragraph that begins with "Now, be it therefore resolved"]* Committee Member Beville seconded this motion.

Vote: Aye-All
Nay-None

Council Member Mason then made the following motion: *Addition of the language to address the conditions as a result of a special use permit requirements, Board of Adjustment changes, or any change of project due to zoning requirements. Committee Member Beville amended this motion by adding, that the Committee include the following sentence: "Unless the reduction results from a change to the plan initiated and mandated by the Board of Adjustment, in a special use permitting procedure, or the Town Council through a conditional district zoning permit procedure."* Council Member Mason approved the amendment, and Committee Member Beville seconded the motion.

Vote: Aye- All
Nay-None

Discussion then moved to drafted paragraph 4 concerning the payment of a non-refundable deposit on all water allocation impact fees. After lengthy discussion, Committee Member Beville made the following motion: *To accept paragraph four with one change: That the second-to-last sentence reference "as determined by calculations prescribed in paragraph five" and change the language regarding "substantial change" to reference paragraph three and not repeat that language.* This motion was seconded by Committee Member Cockerill.

Vote: Aye: 9 (P. Beville, K. Cockerill, L. Mason, J. Buchanan, J. Leigh, R. Brantz, A. Ball, B. Spann, L. Clawson)

Nay: 2 (T. Wilson, S. Phillips)

Next, discussion ensued regarding to the requirement of a super-majority vote for water allocations outside the corporate city limits in paragraph 5. Committee Member Beville made the following motion: *That the super-majority language as indicated in paragraph five and six, be amended to indicate "not to include properties within the ETJ", after the corporate limits of the Town. Having it read as follows: "Any request for service outside the corporate limits of the Town, not to include properties within the*

ETJ, without regard to the amount of the request, must be approved by a two-thirds super-majority of the Town Council members present and not excused from the vote.” This motion was seconded by Committee Member Spann.

Vote: Aye: 8 (P. Beville, K. Cockerill, B. Spann, L. Mason, L. Clawson, R. Brantz, S. Phillips, T. Wilson)
Nay: 3 (J. Buchanan, J. Leigh, A. Ball)

Committee Members Buchanan and Wilson left at 7:00 p.m. due to prior engagements.

The Committee then moved to discussion of paragraph 9. Paragraph nine addresses allocation extensions and transfers in relationship to fee payments. Committee Member Beville made the following motion: *To accept Paragraph 9 with the following two changes: Change the “significantly different” language to reference “substantial changed” as defined in paragraph 3. And to completely delete the fifth sentence in the paragraph that begins with “The amount of the availability fee actually charged...”* This motion was seconded by Council Member Ball.

Vote: Aye: All
Nay: None
Absent: T. Wilson, J. Buchanan

Discussion of Possible Recommendations concerning Multi-Family Applications during Moratorium

Town Attorney Sam Furguiele opened the discussion by informing the Committee of the moratorium that had been placed on multi-family housing in business-zoned areas. Committee Member Spann then made the following motion: *To recommend to the Town Council that applications for multi-family in business districts be suspended until the issue is resolved concerning changes within the UDO, regarding development in business districts.* This motion was seconded by Committee Member Cockerill.

Vote: Aye: All
Nay: None
Absent: T. Wilson, J. Buchanan

The special meeting of the Boone Town Council was adjourned at 7:10pm.

Mayor Loretta Clawson

Committee Secretary Lane S Weiss