

**MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL
DECEMBER 6, 2005**

A special meeting of the Boone Town Council was called to order at 4:36 p.m., Tuesday, December 6, 2005, in the Town Council Chambers, 1500 Blowing Rock Road, Boone, NC. Mayor Velma C. Burnley presided. Council members present were Mayor Pro-Tem Loretta Clawson, Lynne Mason, Dempsey Wilcox, Graydon Eggers, and Bunk Spann. Council member-elect Rennie Brantz was also in attendance. Water Study Committee members present were Pam Williamson, Skip Greene, Rob Holton, Steve Owen, and Mary Ruth McRae. Town staff members present were Greg Young-Town Manager, Rick Miller-Public Utilities Director, Jim Byrne-Special Assistant to the Town Manager, John Spear-Development Services Director, Kim Tester-Deputy Town Clerk, and Megan Wilson-Program Coordinator I. Town Attorney Sam Furgiuele was also present.

The purpose of the meeting was to discuss water allocation transfer.

Mayor Burnley welcomed everyone to the meeting. She requested that Public Utilities Director Rick Miller update the Water Study Committee members on the situation resulting from the November Town Council meeting. Mr. Miller explained that Ralph Leonard appeared before the Town Council at the November meeting to request a transfer of his 2005 water allocation to 2006 because the one-year time limit was due to expire and not all development permits had been obtained. At that meeting, the Town Council had become concerned about the application of the water ordinance to subdivisions, with Council member Eggers stating that it is unfair to require the applicant to pay the availability fee up-front, then possibly lose both the money and the right to the water allocation. Committee member Holton stated that single-family subdivisions should be considered differently since homes are not always constructed immediately. Regarding the one-year time limit, Section 5 of Ordinance 05-01 states:

Any applicant granted the right to connect to the Town's water distribution system, without regard to the calendar year to which the applicant's predicted water usage is attributed, must obtain all needed development permits within one year of the approval by the Town Council or Public Utilities Department of the water application, or said approval will expire and the allocated water usage shall return into the overall water census for redistribution (Amended 6/27/05). Upon subsequent action by the Boone Town Council, the approval of a water application may be extended for a second year from the date of the initial approval, whether by the Town Council or staff of the Public Utilities Department, upon payment by the applicant of a non-refundable availability fee in the amount of the normal availability fee established by the Town of Boone Water and Sewer Code for use(s) of the type proposed (Amended 6/27/05). Previously approved requests which have not been connected shall likewise expire within one year of enactment of this ordinance. However, they, too, may be extended for a second year upon payment by the approved applicant on a non-refundable availability fee in the amount of the normal availability fee established by the Town of Boone Water and Sewer Code for the use(s) of the type proposed.

The Council and Committee discussed at length how this regulation affects water allocation for subdivisions. Development Services Director John Spear suggested this situation may be remedied by clarifying the interpretation of "development permits." Council member Mason suggested having Town Attorney Sam Furgiuele meet with Development Services Director John Spear, Public Utilities Director Rick Miller, and Town Manger Greg Young to draft a clarification of the ordinance language to be presented at the December council meeting.

Mayor Burnley declared a break at 6:44 p.m. She reconvened the meeting at 6:55 p.m. Upon a motion by Council member Wilcox, seconded by Council member Mason, Council moved to enter closed session at 6:56 p.m. pursuant to NCGS 143-318.11a)3)5) in order to discuss the following matter: ASU agreement negotiation.

VOTE: Aye - All

Nay - None

Upon a motion by council member Wilcox, seconded by Council member Clawson, Council moved to exit Closed Session at 7:35 p.m.

VOTE: Aye - All
 Nay - None

On a motion by Council member Clawson, seconded by Council member Wilcox, Council moved to adjourn the meeting at 7:36 p.m.

VOTE: Aye - All
 Nay - None

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Deputy Town Clerk

Mayor