

Minutes-Special Meeting of the Boone Town Council

Water-Use Committee

March 10, 2011

A special meeting of the Boone Town Council was called to order at 5:30 p.m., Thursday, March 10, 2011, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council Members present were Mayor Pro-Tem Lynne Mason, Jamie Leigh, and Andy Ball. Members of the Water Use Committee Present were Tim Wilson, Pam Williamson, Patrick Beville, Dr. Kristan Cockerill, Kimberly Marland, Dr. James Buchanan, George Santucci and Bunk Spann. Staff Members present were Greg Young- Town Manager, Rick Miller- Public Utilities Director, Bill Bailey- Planning and Inspections 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 Future Water Allocations

Public Utilities Director Rick Miller opened the discussion by stating that at the last Committee Meeting a request had been made to review the possibility of reserving future allocations for the old high school property. Planning and Inspections Director Bill Bailey informed the Committee of the different types of projects involving the property and estimated with the Committee an amount of water that could be reasonably reserved. Committee Member Mason noted the uncertainty the Town is facing with regarding the permitting phase of the new intake and stated that the Committee needs to work with the Community to help preserve our water sources by being good stewards of our water in combination with conservation. Committee Member Spann expressed the need to increase current water conservation requirements in order to protect and preserve our current water sources. The Committee also discussed and reviewed a variety of options that could possibly help mediate water allocations while waiting for more information regarding the permitting phase. After some discussion, the Committee resumed conversation with regard to reserving a specific amount of water for the old high school property. Committee Member Williamson inquired as to the legality of reserving water for one project. Town Attorney Sam Furguiele stated that he felt that since the water would be reserved for a specific, governmentally owned property, which has significant impact on the community, and not a specific project, the reserve fund would be appropriate. After continued discussion, Committee Member Williamson moved that the Water Committee make a recommendation to Town Council, that Council create a reserve fund of 70,000 gallons per day for the old high school property and that in order to apply for that reserve fund, which will expire at the end of the year, the minimum requirement will be that the development be done in accordance with all Town ordinances during all stages of development. Committee Member Spann seconded that motion. However, Committee Member Beville amended the motion by adding that the remaining 70,000 plus remaining gallons be available for allocation during the current year. Committee Member Beville requested to amend the motion again, adding that the Town continues its commitment to conservation. The amended motion was seconded by Council Member Mason.

Vote: **Aye**-(11) L. Clawson, A. Ball, J. Buchanan, K. Marland, P. Williamson, B. Spann, G. Santucci, L. Mason, T. Wilson, P. Beville and K. Cockerill
Nay-(1) J. Leigh

Discussion of Possible Commercial Usage Changes to Ordinance 11-01 (Formerly 05-01)

Public Utilities Director Rick Miller opened the discussion by noting that at a previous Town Council meeting, during the public comment period, a local developer expressed his concern that guidelines in Ordinance 11-01 regarding *Changes in Development Plan after Approval* were too strict to adhere to. Specifically when developing property that would be for mix-use, it would be difficult to accurately predict the specific business tenant thus causing a “substantial change” resulting in the possible loss of a monetary deposit and/or water allocation. Town Attorney Sam Furguiele then reviewed the section of Ordinance 11-01 in question and the committee discussed the different circumstances in which an applicant might lose his/her deposit and/or allocation due to a substantial change. (During this time Committee Member Tim Wilson left due to a prior engagement.) Committee Member Beville explained that he felt the Ordinance should not be adjusted due to the fact that developers should have a well developed plan in place before acquiring a water allocation. After continued discussion Committee Member Williamson moved

that Ordinance 11-01 be amended to modify what constitutes a substantial change in mixed use projects, as defined under UDO section 179, from a change of more than 10%, plus or minus, in the water predicted to be used for the full project, to a change of more than 10%, plus or minus, in the multi-family portion of the project, or a change of more than 10%, plus or minus, in the square footage of the commercial space from the amount of space described when the application for water was approved. The motion was seconded by Jamie Leigh.

Vote: Aye- L. Clawson, A. Ball, J. Buchanan, K. Marland, P. Williamson, B. Spann, L. Mason, K. Cockerill, J. Leigh

Nay-(1) P. Beville

Absent-(2) G. Santucci, T. Wilson

Discussion of Proposed Water Conservation Policy

Public Utilities Director Rick Miller opened the discussion by directing the Committee's attention to the last page of the agenda, in which a draft of the proposed Town of Boone Water and Sewer Management Policy is located, and then turned the meeting over to Water-Use Sub Committee Chair Bunk Spann. Committee Member Spann thanked Committee Members Patrick Beville and Kristan Cockerill for their hard work in drafting the policy and explained that he strongly endorsed the adoption of policy. Committee Member Cockerill noted that the Town will face numerous issues over the next few years regarding water and water ordinances alike. She also stated that a variety of these issues has been discussed during Water-Use Sub Committee meetings and it was indicated that a Water and Sewer Management policy would be a useful tool to help guide the Committees during future discussions. After brief discussion, Committee Member Bunk Spann made a motion that the Water and Sewer Management Policy be adopted as presented by the Committee and then recommended to Town Council for adoption. This motion was seconded by Committee Member Beville. During discussion the motion was amended to address changes needed in the Town's Comprehensive Plan, the 2030 Land-Use Master Plan, and the Unified Development Ordinance.

Vote: Aye- All

Nay- None

Committee Member Pam Williamson then made the following motion: That the Water Committee recommend to Town Council that should it adopt the first motion regarding the recommendation of a reserve account for the old high school property, issue a press release informing the public of the reserve fund, and attach the newly adopted Water and Sewer Management Policy to the press release. This motion was seconded by Council Member Andy Ball.

Vote: Aye- All

Nay- None

Committee Member Spann made a motion to adjourn; it was seconded by Committee Member Williamson.

Vote: Aye- All

Nay- None

The meeting was adjourned at 7:45pm.

Mayor Loretta Clawson

Committee Secretary Lane Weiss