

**MINUTES - SPECIAL MEETING  
BOONE TOWN COUNCIL  
DECEMBER 7, 2009**

A special meeting of the Boone Town Council was called to order at 5:13 p.m., Monday, December 7, 2009, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council Members present were Mayor Pro-Tem Lynne Mason, Janet Pepin, Rennie Brantz, and Stephen Phillips. Members of the Water Use Committee present were Donna Lisenby, Patrick Beville, Kristan Cockerill, Bunk Spann, Pam Williamson, and James Buchanon. Staff members present were Greg Young-Town Manager, Kimberly Brown-Deputy Town Clerk, and Rick Miller-Public Utilities Director. Town Attorney Sam Furgiuele was also in attendance.

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

**DISCUSSION OF ACTUAL VS. PREDICTED USAGE NUMBERS**

Public Utilities Director Rick Miller opened the meeting by presenting a report (**Permanently on file in the December 2009 meeting information file**) comparing the actual water usage for projects that have received water allocations with the predicted water usage that was calculated using the NCRD Discharge Rate Schedule. Also included in the report were several tables that illustrate the water usage amounts recorded at the Water Treatment Plant since 2007 and the amount of water released from business and homes displaced by the US Highway 421 Widening Project (U-4020). Mr. Miller noted that the amount allocated was higher than the actual usage. Committee Member Beville pointed out that Discharge Rate Schedule that is being used could be considered outdated. Mr. Miller explained that to meet the North Carolina State Waste Water Treatment requirements, the Town must continue using the current NCRD Discharge Rate schedule. The idea was proposed for a possible incentive plan for developers to use water-efficient plumbing fixtures in order to receive a lower rate for availability fees. Upon a motion by Council Member Pepin, seconded by Committee Member Cockerill, the Water Conservation subcommittee was charged with the study of the issue of an incentive plan.

VOTE: Aye - All  
Nay - None

Discussion continued concerning the actual water usage amounts. Upon a motion by Council Member Pepin, seconded by Committee Member Cockerill, the Committee moved to distribute the difference in water usage, 22,240 gallons-per-day, as follows: 11,120 gallons to the 2010 allotment and 11,120 gallons to the 2011 allotment.

VOTE: Aye - All  
Nay - None

**DISCUSSION OF POSSIBLE MODIFICATION TO ORDINANCE #05-01 REGARDING LLC**

Public Utilities Director Rick Miller explained that this issue has been brought before the committee due to a number of LLCs (Limited Liability Corporations) that have been granted a water allocation but have not paid the non-refundable availability fee. He pointed out that Ordinance #05-01 limits a water allocation to a one-year time limit and that payment of the non-refundable availability fee for the project is required to extend the water allocation. Mr. Miller further explained that in several cases the name of the LLC is changed so that a water allocation can be granted for the same property without the original grantee having to pay the non-refundable availability fee. Council Member Phillips pointed out that this action is not attempted by all of the LLC's receiving water allocations but agreed that the situation does occur. Discussion ensued concerning the suggestion of having each water applicant to pay a percentage of the availability fee initially, with the remainder of the availability fee due when the one-year time limit expires if all of the development permits have not been obtained by the applicant. Another suggestion considered by the committee is to extend the water allocation time period to a two-year limit and to tie the water allocation to the property instead of the applicant. After further discussion, Council Member Pepin moved to direct the Town Attorney and the appropriate staff to draft language for the payment of 5% of the availability fee with approval for

allocation for a one-year period and for payment of 10% of the availability fee with approval for allocation for a two-year period. She further moved that the proposed language be brought before the Water Study Committee for review before being placed on the agenda for consideration by the Council. Committee Member Buchanon seconded the motion.

VOTE: Aye - All  
Nay - None

**ADJOURNMENT**

Upon a motion by Committee Member Buchanon, seconded by Committee Member Wilson, the meeting adjourned at 6:22 p.m.

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Deputy Town Clerk

Mayor