

**MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL
JUNE 16, 2009**

A special meeting of the Boone Town Council was called to order at 5:13 p.m., Tuesday, June 16, 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. She then invited members to introduce themselves as the committee has several new affiliates.

REVIEW AND UPDATE OF ORDINANCE #05-01

Public Utilities Director Rick Miller pointed out instances in which applicants have received water allocations and have let the allocation expire in order to reapply for a new allocation, especially when the applicant does not agree with the conditions imposed with the water allocation. He stated that Ordinance #05-01 does not address this situation.

Council Member Pepin listed several issues for discussion:

- § Sewer-only requests.
- § Use of clear criteria during deliberation of requests, especially in hardship cases.
- § In-depth discussion of projects during deliberations of water and sewer requests.

Public Utilities Director Rick Miller stated that the Water & Sewer Code allows for the acceptance of private wastewater from Appalachian State University. Council Member Mason explained that during the water shortage these past few years, several requests for sewer-only have been granted with the condition that the applicant will connect to Town water when it becomes available. Committee Member Lisenby questioned the possibility of overbalancing the sewer system by granting sewer-only requests. Mr. Miller agreed with Ms. Lisenby's point and noted that this overbalance could also cause an overload on the capacity of the Wastewater Treatment Plant. Furthermore, he noted that a maximum of six sewer-only requests have been granted in the past couple of years and that water will become available only when the new water intake is online. Council Member Phillips suggested a procedural change for sewer-only requests. The Committee agreed that criteria should be established for hardship cases for sewer-only requests.

Committee Member Williamson voiced a concern with extending water and sewer services into unzoned areas. She pointed out that if the services are there, people will want to connect to the lines and that action is counter to any efforts for effective planning. Town Attorney Sam Furgiuele stated that the Town is under no legal obligation to provide water and sewer services to properties lying outside the Town's corporate limits. He also pointed out that imposing development conditions outside the Town limits raises enforcement issues.

In discussion of Section 4 of Ordinance #05-01, brief discussion ensued concerning revising the language of the text in regard to extensions outside the Town's corporate limits. Upon a motion by Committee Member Williamson, seconded by Committee Member Spann, the Committee moved to recommend the following changes to the text:

- § An applicant whose property is partly or wholly outside the Town limits may petition the Town for annexation, and if the property is annexed, in accordance with the requirements of North Carolina General Statutes and the Town of Boone's Ordinances, water services may be extended to such property **by a supermajority vote of the Town Council**, in accordance with the provisions of this Resolution.
- § Language listing examples of when extensions could be granted must be drafted by the Town Attorney and the Public Utilities Director.

VOTE: Aye - All
 Nay - None

The Committee briefly discussed Section 3(d) of Ordinance #05-01. Council Member Mason stated that she feels requirements of that section make it reasonable for the Council to get more information regarding projects that are requesting water and sewer services. Council Member Pepin stated that there is a perception that, when the Council asks for information regarding the development of the project, the Council is giving approval of the project.

In discussing water and sewer extensions in the secondary pressure zone, Committee Member Williamson moved to add the requirement of a supermajority vote of the Town Council for approval. It was the consensus of the Committee to continue discussion of extensions into the secondary pressure zone at a future meeting. Committee Member Williamson withdrew her motion.

DISCUSSION OF WATER SHORTAGE RESPONSE PLAN

Public Utilities Director Rick Miller presented correspondence from the North Carolina Division of Water Resources concerning the Town of Boone's Water Shortage Response Plan. He explained that in order to meet the State requirements, several clarifications must be provided within the plan and that specific triggers are needed. It was the consensus of the Committee to have the issue reviewed by the Water Conservation Subcommittee with input from other committee members.

ADJOURNMENT

With no other items for discussion, Mayor Clawson adjourned the meeting at 6:46 p.m.

Deputy Town Clerk

Mayor