

**MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL
JANUARY 4, 2005**

A special meeting of the Boone Town Council was called to order at 4:03 p.m., Tuesday, January 4, 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, Graydon Eggers, Lynne Mason, Dempsey Wilcox, and Bunk Spann. Members of the Water Study Committee present were Skip Greene, Pam Williamson, Mary Ruth McRae, and Rob Holton (arrived at 4:13p.m.). Town staff present were Greg Young-Town Manager, Rick Miller-Public Utilities Director, John Spear-Development Services Director, Amy Davis-Finance Director, and Kim Tester-Deputy Town Clerk. Town Attorney, Sam Furgiuele, was also present.

The purpose of the meeting was further discussion of the water use recommendations submitted by Rick Miller, Director of the Public Utilities Department, relating to the immediate water systems needs of the town.

Mayor Burnley welcomed everyone to the meeting and began by initiating a discussion of the topics covered in the meeting minutes of the December 21, 2004 meeting. Several members of the group asked for further discussion of the topic of extending water service into the secondary pressure zone areas. Mayor Burnley asked all members to list any items they feel need further discussion.

Committee member Williamson suggested that, while examining this issue, the Council and Committee members should use this opportunity to consider the future growth of the town and to consider which uses should be encouraged or discouraged. She further suggested that a moratorium could be considered while the Town further examines the Comprehensive Plan and a long-range plan.

Committee member Holton stated the Committee needs to make both short-term and long-term decisions. He suggested a moratorium could result in a high number of septic tanks surrounding the Town. He also voiced a concern with a policy concerning the secondary pressure zones within the Town limits and ETJ area.

Council member Mason listed two areas of concern: the immediate needs of the Town and long-range planning. She stated both should reflect the growth strategy guidelines within the Comprehensive Plan. She further stated there should be a balance of competing needs: single-family/multi-family housing and economic development.

Committee member McRae agreed that both short and long term planning are needed. She stated that a moratorium could result in unintended consequences. She cautioned that there must be flexibility in dealing with secondary pressure zones.

Committee member Greene advised that the process should be logical so that the applicant is not burdened by obtaining all the necessary permits and then not be approved for water connections. He stated that the Development Services and Public Utility Departments should both be involved in the initial process.

Council member Wilcox stated he is encouraged by the numbers represented in the reports indicating that there is still a sufficient amount of water to supply the Town through this study period. He stated that, by dealing with this situation now, the Town is taking proactive measures to divert a future emergency situation.

Council member Clawson stated that considering a moratorium until further study is accomplished could be beneficial. She also stated that there should be no high-density development in the secondary pressure zone areas.

Council member Eggers agreed that the Town is not currently in an emergency situation. He indicated that a moratorium should be a last resort. He furthermore stated that he is hesitant to implement any policies that may set a precedent for any future situations.

Council member Spann stated that the Council and Committee must decide some guideline as to

the allocation of the current amount of water during this time period. He indicated that the input from this group can be used to create the guidelines. Again, he stated that the tax-paying citizens of the Town must have top priority. He further indicated that the Comprehensive Plan is the most helpful, current guideline to utilize in this situation.

At this point, Mr. Furgiuele advised the group that there must be standards by which the Council uses to decide each application for water connection since the Council would be acting in a quasi-judicial capacity. He pointed out that the water allocation and secondary pressure zone issues are separate issues for consideration. Mr. Furgiuele stated the Town has no legal responsibility to provide water service to areas outside the corporate limits; however, he indicated that there is a responsibility for providing water service inside the corporate limits.

On the issue of moratoriums, Mr. Furgiuele stated they can be instituted for a specific length of time during which the Town is pursuing a study of what action to take. He pointed out that the Council would need to provide information concerning why the moratorium is in place and the exact length of time it is needed.

The group discussed the issue of secondary pressure zones. Mr. Young stated that the configuration of secondary pressure zones is different from the main pressure zones within the Town. He listed two factors in deciding extension of water into a secondary pressure zone:

- The system must provide for enough pressure to meet State regulations.
- The system must be able to be utilized by the Fire Department for fire protection.

A discussion ensued concerning a current example of a water system in the secondary pressure zone in the Town. Mr. Young presented a map detailing the areas in both the main and secondary pressure zones within the Town limits and ETJ area. Mr. Miller noted that most of the area within the corporate limits is in the main pressure zone and that the properties within the secondary pressure zones are currently served with water. The group discussed the option of no water connections to any areas in the secondary pressure zone within the ETJ area.

Mayor Burnley directed the group to the draft resolution contained in the packet of information presented by Mr. Miller (**Exhibit A**). Several changes were discussed pertaining to the draft resolution. Council member Eggers suggested that the draft reference a specific time period. Council member Wilcox suggested allocating 100% of the water to properties within the Town limits on a first-come, first-served basis. He explained that this move would mean that properties in the ETJ area must complete the annexation process in order to apply for utility service. It was the consensus of the group that properties outside both the Town limits and ETJ would not receive any consideration for water service during the six-year study period. Committee member Holton suggested that applications for projects that would utilize more than 3000 gallons of water must come before the Town Council for approval. He stated that the 3000-gallon threshold could be used during the first three months as a trial period and be adjusted if needed. Mayor Burnley asked about the procedure for phased projects. The decision of the group was that, if a project receives approval, the approved number of gallons will be allocated as long as the necessary permits are obtained within one year. Council member Mason stated that language for hardship situations should be included in a draft resolution. Mr. Furgiuele also advised that usage figures from the North Carolina Discharge Rate Schedule should be used in a draft resolution.

Council member Spann asked if there is enough information for a new draft resolution to be created. Mr. Young stated that he would meet with Mr. Furgiuele, Mr. Miller, and Mr. Spear to formulate a new draft resolution reflecting all of the information gathered from this meeting. Mayor Burnley asked that the revised draft resolution be sent to each Council and Committee member prior to the next meeting. The group decided to meet again before the regular January Town Council meeting to discuss the revised draft resolution on Wednesday, January 19, 2005, at 3:00 p.m. in the Council Chambers.

There being no further discussion, Mayor Burnley adjourned the meeting at 6:25 p.m.

Deputy Town Clerk		Mayor