

**MINUTES - SPECIAL MEETING  
BOONE TOWN COUNCIL  
MARCH 3, 2008**

A special meeting of the Boone Town Council was called to order at 4:07 p.m., Monday, March 3, 2008, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council Members present were Mayor Pro Tem Lynne Mason (arrived at 4:23 p.m.), Janet Pepin, Rennie Brantz, Stephen Phillips and Liz Aycock. Water Study Committee members present were Mary Ruth McRae, Patrick Beville, and Bunk Spann. Staff members present were Greg Young-Town Manager, Kimberly Tester-Deputy Town Clerk, Rick Miller-Public Utilities Director, and John Spear-Development Services Director. Town Attorney Sam Furgieuele was also present.

The purpose of this meeting was to discuss revisions to the Water Conservation Ordinance.

**DISCUSSION OF REVISIONS TO WATER CONSERVATION ORDINANCE**

Public Utilities Director Rick Miller presented a draft ordinance prepared by the Town Attorney which reflects changes recommended after the last meeting of the Water Study Committee and suggestions from the Water Sub-Committee. Committee Member McRae suggested changing the introductory paragraph for clarification after the discussion held at the last meeting. Her revised paragraph reads as follows:

*“BE IT ORDAINED by the Boone Town Council that a water shortage shall be deemed to exist when the quantity of water flowing from the system, or an expected increase in that level of water flow, will be equal to or greater than the Town’s raw water supply or transmission capabilities. This water flow quantity may be the result of demand for finished water from the Town of Boone’s water system customers or a serious malfunction in the water transmission system. When the water outflow pattern will result in a condition whereby customers cannot be supplied with sufficient water to protect their health and safety, then the customer demand for water must be curtailed.”*

Town Attorney Sam Furgieuele suggested replacing the word “will” in the third line from the bottom of the paragraph with the phrase “is expected to..” It was the consensus of the committee that the text in the revised preamble is much clearer than the text in the original ordinance.

Public Utilities Director Rick Miller listed the following changes in each section:

**Section 7-1. Applicability of Water Conservation Regulations.**

The following sentence was added to the end of this section: *“However, this Article is not intended to supersede or amend the Town’s responsibilities under any interconnect agreement with another water system.”* Mr. Miller explained that this addition refers to the ASU interconnection and a possible interconnection with the Town of Blowing Rock. Mr. Furgieuele stated that interconnection agreements contain provisions that address these issues.

**Section 7-4. Goals for Each Water Shortage Stage.**

Public Utilities Director Rick Miller pointed out that the revised text reflects an increase in the percentage of the water use reduction goal for each stage:

- § Stage I Water Shortage - 10% instead of 5%
- § Stage II Water Shortage - 25% instead of a range of 10-15%
- § Stage III Water Shortage - 50% instead of a range of 15-20%.

He noted that the increase in the percentage goal is stricter and reflects the seriousness of the situation in each water shortage stage. The Committee discussed the method of calculation to be used in determining the usage amount for which each water reduction goal should be measured against. Committee Member McRae suggested using a three-year moving average of the prior month’s usage. After further discussion, it was the consensus of the Committee to include language which uses the average daily demand for the same calendar month for each of the three prior years.

## Section 7-5. Specific Conservation Methods and Recommendations Applicable to All Water Shortages.

Public Utilities Director Rick Miller pointed out the following changes, in bold text, of this section:

“A. *During Stage I, Stage II and Stage III Water Shortages, the following non-exclusive conservation methods shall be encouraged **or required**. Each method shall be voluntary unless it is superseded explicitly ~~or by implication~~ by the mandatory **provisions requirements** of Sections 7-7 or 7-9:”*

“1. **Reusing water whenever possible unless such reuse is prohibited under this code, e.g., black water or grey water.**”

“5. ~~Watering shrubbery to the minimum required, reusing household water when possible.~~”

Mr. Miller stated that the original regulation #5 was deleted since these requirements are covered in the revised regulations #1 and #3.

“9. *Using disposable and biodegradable dishes to the extent possible;*”

“10. *Using flow restrictive and water saving devices to the extent possible;*”

It was the consensus of the Committee to change the phrase “to the extent possible” in regulations #9 and #10 to “as much as possible.”

“13. ~~*Reusing water whenever possible; and*~~”

Mr. Miller stated that regulation #13 was deleted to avoid redundancy.

“14. ~~*Taking all other measures which the customer **or Director** recognizes will conserve water use.*~~”

## Section 7-7. Stage II Water Shortage Restrictions.

Public Utilities Director Rick Miller stated that revisions were made to this section to create a gender-neutral text.

It was the consensus of the Committee to include in this section a statement indicating that a water customer’s total water consumption may be limited and surcharged by action of the Town Council and a statement encouraging participation in a water audit.

## Section 7-8. Stage III Water Shortage Restrictions and Measures.

After a brief discussion, it was the consensus to omit item A. 3. of this section regarding the use of water sources other than the Town’s water system for fire protection.

## Section 7-11. Penalties.

Town Attorney Sam Furgiuele explained that this section was revised to list penalties for Stage II and Stage III violations separately. The penalties for violation of the provisions for Stage III water shortage were revised as follows:

- |   |   |
|---|---|
| “1. <i>First Offense</i>                                | <i>Warning \$200.00;</i>                      |
| 2. <i>Second Offense</i>                                | <del><i>\$100.00</i></del> <i>\$500.00;</i>   |
| 3. <i>Third Offense</i>                                 | <del><i>\$250.00;</i></del>                   |
| 4. <del><i>Fourth and Each Subsequent Offense</i></del> | <del><i>\$500.00</i></del> <i>\$1,000.00.</i> |
- 5.4. *In addition to these civil penalties, violation of a prohibition or requirement of a Stage III Water Shortage shall be a misdemeanor, pursuant to N.C. Gen. Stat. § 14-4, punishable by a fine ~~for repeat offenses~~ up to a maximum of \$500.00, and imprisonment for each offense of up to thirty (30) days.”*

Public Utilities Director Rick Miller explained that the sub-committee recommended harsher penalties for violations of the Stage III regulations due to the severity of the situation during this stage. In regard to the issuance of civil penalties, it was the consensus of the Committee to include language stating that the civil penalty shall be assessed by the Director of his/her designee.

**Section 7-12. Appeals.**

After discussion of this section, it was the consensus of the Committee to revise this section to clarify the issue of appeals to distinguish the fact that water customers do not have the right to appeal a citation or a surcharge imposed by these provisions. A following paragraph will detail the appeal process for termination of water service by the Town as set forth in Article III, Section 3-10 of the Water and Sewer Use Ordinance.

Upon a motion by Committee Member Spann, seconded by Council Member Aycock, the Committee moved to recommend approval of the amendments to Article VII Water Conservation Regulations as accepted by the Water Use Committee with minor editorial modifications.

VOTE:           Aye - All  
                      Nay - None

Committee Member Beville asked that the Water Study Committee revisit the issue of the reuse of grey water. Also, Public Utilities Director Rick Miller stated that a definition of the term “blackwater” should be created and included in the Water and Sewer Use Ordinance.

**ADJOURNMENT**

With no further discussion, Mayor Clawson adjourned the meeting at 5:13 p.m.

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Deputy Town Clerk

Mayor