MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL MAY
20, 2005

A special meeting of the Boone Town Council was called to order at 12:30 p.m. in the Burris Room, ASU Broyhill Inn and Conference Center. Mayor Velma C. Burnley, along with Mayor Pro-Tem Loretta Clawson, Council members Graydon Eggers, Lynne Mason, Bunk Spann and Dempsey Wilcox were in attendance. Staff in attendance were Town Manager Greg Young; Town Clerk Freida Van Allen; Development Services Director John Spear and Town Attorney Sam Furgiuele.

The purpose of this meeting was to meet jointly with Watauga County Commissioners and ASU representatives, along with Institute of Government Professor David Lawrence to discuss matters of mutual concern.

The first item discussed was extra-territorial jurisdiction. Mr. Lawrence explained that, unless the County provides for zoning within its jurisdiction, the Town can enforce its land-use regulations one mile outside the corporate limits. Land-use regulations include zoning, subdivision, building codes, minimum housing and historic preservation. A question was asked about who should enforce a junk car ordinance in the ETJ. Mr. Lawrence explained that the Town has no jurisdiction to enforce a junk car ordinance in the ETJ, but that the County could enforce that type of ordinance in the ETJ. Mr. Lawrence pointed out that the Town does not have police powers in the ETJ. After a lengthy discussion about the Town's and County's responsibilities in the ETJ, Mr. Lawrence summarzied that the Town and County should have their staff review what ordinances are enforced in the ETJ and provide for expansion if it is possible.

The second item discussed was the Town of Boone's jurisdiction over Appalachian State University. Mr. Lawrence said there is much case law in other states regarding municipal authority over state property, but none in North Carolina. Mr. Lawrence said in most NC university towns there is tension between the municipality and university, but that most universities try to comply with local zoning laws. Council member Mason stated that the Town of Chapel Hill and the University of North Carolina have just developed a Master Development Plan, and that as long as UNC follows the plan the university has expedited processes from the Town of Chapel Hill. All agreed a Master Development Plan could be developed by ASU, the Town and the County.

The third item discussed was how to provide services to tax-exempt property. Mr. Lawrence said tax-exempt properties are not supposed to be discriminated against; that is why they are "tax-exempt."

The fourth item discussed was the development of a County-wide water system. Mr. Lawrence said there is a variety of legal authorities that could be used in developing a county-wide water system. He indicated that a separate governmental entity, such as a Water and Sewer Authority, could be established or that local agreements could be used. County Commissioner Jim Deal pointed out that if a water and sewer authority is established, each governmental entity would have to relinquish control and that most likely is a huge issue.

In discussing the fifth item, the three groups agreed that the Community Council should be kept in tact and continue the discission that the three formal groups have begun.

The sixth item discussed was the use of force accounts on joint projects. Mr. Lawrence said Frayda Bluestein of the Institute of Government is the expert on governmental contracts and that the group should contact her for more concise information; however, Mr. Lawrence stated that, if a project costs more than $175,000, private contractors must be used.

The seventh item discussed was the Town and County jurisdiction on overlapping properties. Mr. Lawrence said the most expeditious move would be to relocate the ETJ lines so they do not divide property; otherwise, the agreement currently in place between the Town and County might be challenged by adjoining property owners.

The meeting concluded with all agreeing that three projects should be worked on together in the near future.

The meeting adjourned at 3:00 p.m.

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Town Clerk Mayor