

**MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL
SEPTEMBER 29, 2005**

A special meeting of the Boone Town Council was called to order at 5:20 p.m., Thursday, September 29, 2005, at the Council Chambers, 1500 Blowing Rock Road. Mayor Velma C. Burnley presided. Council members present were Mayor Pro-Tem Loretta Clawson, Graydon Eggers, Lynne Mason and Dempsey Wilcox. Town Attorney Sam Furguele was also present. Staff present were Town Manager Greg Young; Town Clerk Freida Van Allen; Public Utilities Director Rick Miller; Assistant to the Manager Jim Byrne and Development Services Director John Spear.

REQUEST FROM TWO RIVERS COMMUNITY SCHOOL FOR WATER AND SEWER SERVICE TO PROPERTY LOCATED AT 1018 ARCHIE CARROLL ROAD.

Town Attorney Sam Furguele opened the public hearing at 5:21 p.m. to hear sworn testimony from Natalie Lewis, Roy Bingley, Public Utilities Director Rick Miller and Development Services Director John Spear for a request for water and sewer service to property located at 1018 Archie Carroll Road. Ms. Natalie Lewis of Two Rivers Charter School said this property was formerly the Wiggles & Giggles Daycare. Public Utilities Director Rick Miller estimated that the Charter School would use 750 gallons of water per day, a 222-gallon decrease from the 972-gallons-per-day useage of the daycare. Council member Mason questioned why this request was sent to the Town Council. Public Utilities Director Miller felt the request should be approved by Town Council since the property is both outside the Town's ETJ and corporate limits. Council member Mason asserted that this request would place no additional demand on the water system. Public Utilities Director Miller said that was correct. Council member Wilcox again asked why this request was sent to the Town Council. Town Attorney Sam Furguele interjected and said it was upon his advice that the matter was sent to the Town Council. Council member Mason questioned if this request for service would have come before Town Council if the Town were not faced with water rationing. Town Attorney Furguele said yes. Council member Eggers questioned if a future use at this address would have to come before Town Council for water and sewer service. Town Attorney Furguele said yes, according to his interpretation of Section 6-6 of the Water and Sewer Code, but indicated that Council could make it a condition on approval of this request. Council member Wilcox questioned who the current property owner is. Ms. Lewis said that High County Bank is the current owner, but that Two Rivers Charter School has entered into a lease agreement until school representatives can purchase the property. Mr. Roy Bingley of High Country Bank testified that bank officials are the owners of the property now, but that Two Rivers officials have entered into a temporary lease agreement and a contract to purchase the property. The Town Attorney questioned if the closing is scheduled for October 31, 2005 and who the proposed buyer is. Mr. Bingley testified that the closing is scheduled for October 31, 2005 and that the borrower details will be worked out by closing and before the deed is recorded. Town Manager Greg Young asked if the building would house the entire school. Ms. Lewis said yes. There being no further testimony, the public hearing closed at 5:43 p.m. On a motion by Council member Mason, seconded by Council member Clawson, Council moved to grant the water and sewer request with the following conditions:

1. Any future change of use will constitute the opportunity for the Boone Town Council to rescind service, continue service or require annexation.
2. Water usage above 972 gallons per day will constitute an appearance before the Town Council.
3. No annexation is required at this time since Two Rivers Charter School is considered non-profit.

VOTE: Aye-All

Nay-None

Absent-1 (Spann)

ADJOURNMENT

On a motion by Council member Mason, seconded by Council member Clawson, Council moved to adjourn at 5:45 p.m.

VOTE: Aye-All

Nay-None

Absent-1 (Spann)

Town Clerk

Mayor