

Minutes-Special Meeting of the Boone Town Council
Water Use Committee
February 4, 2015

A special meeting of the Boone Town Council was called to order at 5:30 p.m., Wednesday, February 4, 2015 in Council Chambers located at 1500 Blowing Rock Road. Mayor Andy Ball presided. Council Members present: Lynne Mason, Jennifer Pena, Quint David and Rennie Brantz. Members of the Water Use Committee present: Dr. James Buchanan, Dr. Kristan Cockerill, Emily Bish, Joanna Weintraub, Amy Adams, Loretta Clawson, Pam Williamson, Dr. Fred Badders, and Jon Tate. Committee Member Patrick Beville arrived at 5:45. Staff Members present: Town Manager John Ward, Public Works Director Rick Miller, Planning and Inspections Director Bill Bailey, Utilities Technician Josh Eller and Committee Secretary Lane Weiss. Town Attorney Allison Meade was also in attendance.

Mayor Ball called the meeting to order and welcomed all in attendance.

As Mayor Ball moved to the agenda items Committee Member Pam Williamson made a point of order regarding the items listed for discussion on the agenda. Committee Member Williamson stated that she requested items to be placed on the agenda, that weren't, and she asked Mayor Ball the procedure for Committee Members getting items on the agenda. Mayor Ball clarified that the Water Use Committee is a recommending board appointed by the Town Council, for recommending purposes back to the Town Council on various policies, continuing that the Water Use Committee initially has three charges. Mr. Ball stated that agenda item requests could be made to staff or himself but that he would make the call if any items were found to be in question of the scope or charges of the Committee. Committee Member Williamson asked who added the third agenda item titled "Discussion of and Possible Action on the Clarification of Water Use Committee Purpose and Scope of Duties." Mayor Ball stated that he added the item as a modification of Mrs. Williamson's requested items. Mrs. Williamson then questioned the Mayor's authority to add the agenda item without the approval of Town Council. Committee Member Williamson continued to voice her concern over the addition of the agenda item, past agenda item requests and the sending of the tentative agenda. After some debate regarding the setting of the agenda, Committee Member Williamson made a motion to amend the agenda to include an update on the water intake. This motion was seconded by Committee Member Loretta Clawson. Council Member Quint David noted that it was an unsuitable time to make a motion. There was brief discussion before Committee Member Williamson stated that she objected to the consideration of agenda item number III because she felt it was illegal. Mayor Ball then referred to Town Attorney Allison Meade. Ms. Meade stated that Mayor Ball had the right to overrule Mrs. Williamson's objection and then it will go to a majority vote if there is objection to the overrule. Ms. Meade continued and gave her opinion of the agenda setting process. Lengthy discussion ensued regarding the agenda setting process and the differing opinions of the legality of the agenda. Mrs. Williamson reminded the Committee that there was a motion on the floor that had a second. Mayor Ball called that motion out of order. Committee Member Williamson then called the meeting out of order and made a motion that agenda item number III not be discussed because it is illegal for

consideration of the meeting. The motion was seconded by Committee Member Loretta Clawson. Mayor Ball declared the motion out of order. Discussion ensued concerning the validity of the agenda and how to address future processes for the addition of agenda items.

After continued discussion, Committee Member Patrick Beville made a motion to amend the committee purpose and scope of duties to include, after consolidation of pressure zones, the committee should also discuss in order to make recommendations to Council the following items; water conservation, water rates and deposit fees, general water and sewer policy, the new water intake, as well as any other items that might have an impact on the town water and sewer system and be considered pertinent to the Town's current water situation. This motion was seconded by Jon Tate. At this time Council Member Quint David inquired if approval of the agenda is required before voting on Committee Member Beville's motion. Mayor Ball turned to Town Attorney Allison Meade for guidance. Ms. Meade confirmed that the agenda must be approved before the motion can be voted on.

Council Member Brantz then made a motion to approve the agenda as presented. This motion was seconded by Committee Member Kristan Cockerill.

Vote: Aye (11) P. Beville, K. Cockerill, R. Brantz, J. Tate, J. Weintraub, L. Mason, Q. David, E. Bish, A. Adams, J. Pena, J. Buchanan

Nay (3) L. Clawson, P. Williamson, F. Badders

Committee Member Williamson requested that it be recorded that she is voting against the motion because she feels that the motion is illegal.

Mayor Ball then acknowledged the passing of the motion and turned back to Committee Member Beville to restate his motion. Committee Member Beville restated his original motion to amend the committee purpose and scope of duties to include, after the words "consolidation of pressure zones", the committee should also discuss in order to make recommendations to Council the following items water conservation, water rates and deposit fees, general water and sewer policy, the new water Intake, as well as any other items that might have an impact on the town water and sewer system and be considered pertinent to the Town's current water situation. This motion was seconded by Jon Tate. Mayor Ball inquired if Committee Member Beville's motion is a recommendation to Town Council. Committee Member Beville agreed. Mayor Andy Ball opened the floor for discussion. Committee Member Williamson stated that she thought it was an illegal vote and that is why she would be voting against the motion. Mayor Ball disagreed that it would be an illegal vote and discussion ensued regarding the active motion. Committee Member Williamson stated that she thought the end of the motion needed to be amended to say "current and future water situation." However, Committee Member Williamson did not offer the amendment because it was still her opinion that the motion was illegal. Discussion briefly moved to the process for adding agenda items but was then directed back to the active motion. Committee Member Dr. Kristan Cockerill encouraged the Council to consider examining what is wanted from the Committee before deciding on language for the scope to prevent questionable circumstances for discussion in the future. After continued discussion Committee Member Cockerill offered an

amendment that the motion exclude the specific language and say that we recommend that the Council come back to visit expanding the scope of this Committee based on the current conversation. At this time Committee Member Beville amended his motion to include verbiage in the scope that would say something to the effect that the Committee should also discuss, in order to make recommendation to Council, any needed items that might have impact on the Town Water and Sewer policy and be considered pertinent to the Town's current and future water situation. This motion was seconded by Committee Member Kristan Cockerill.

Vote: Aye (12) P. Beville, K. Cockerill, R. Brantz, J. Tate, J. Weintraub, L. Mason, Q. David, E. Bish, A. Adams, J. Pena, J. Buchanan, F. Badders

Nay (2) L. Clawson, P. Williamson

Committee Member Williamson noted again that while she supported the motion she would vote against because she did not feel that the motion was legal.

At this time the Committee moved back to discuss agenda item II- Discussion of 2014 Actual VS Predicted Report Numbers. Public Works Director Rick Miller opened the discussion by reviewing the attached charts and numbers associated with the item. Committee Member Williamson inquired if the county had requested any amount of water. Mr. Miller stated that he was not aware if they had. Committee Member Beville pointed out that in the past the Committee used the expected date of the new water intake as an aid in setting yearly allocation amount and inquired if the schedule was still the same. Mr. Miller stated that in 2013 the water was allocated out through 2016 in anticipation of construction of the water intake. Mr. Beville and Mrs. Williamson asked for clarification if the 2016 date was a bid-out date or a turn-on date and requested the expected turn on date for the intake. This prompted discussion of the expected timeline for the intake as well as clarification for the bid-out date versus the turn on date that led to Mr. Miller defining the expected date of turn on for 2019. After some discussion Committee Member Williamson inquired if anyone was aware of House Bill 3 and what effect it may have on the status of the intake. Committee Member Beville commented that since it had not been signed by the Governor then it was fruitless to discuss. However, Mrs. Williamson stated that she thought that it was pertinent and took a moment to inform the Committee of the bill while passing copies of it. There was brief discussion concerning the possible effect of the bill. Committee Member Loretta Clawson then inquired the status of the agreement with ASU and if they were still receiving free water from the town. Public Works Director Rick Miller gave a brief review of the agreement and the corresponding taps. After brief discussion of the ASU taps, Committee Member Williamson asked Public Works Director Miller if it will be possible for him to calculate the estimated remaining water needs within town jurisdiction and the ETJ. Mr. Miller responded that it will be pure speculation with many variables. Committee Member Williamson then requested parts of the original engineering report that addressed the estimated future water needs. After continued discussion, Public Works Director Mr. Miller brought discussion back to the future yearly allocation amounts. During this time Committee Member Beville pointed out that the agenda item was not for action and a formal recommendation may not be made. However, Mr. Beville thought that it was important to discuss the numbers to address the yearly allocations. Mr. Beville continued that it will be prudent to look 4 years out, which will make for 200,000 gallons

per year, but to be conservative we may continue with 150,000 gallons as in years past. After brief discussion, the Committee decided that a consensus regarding the future year allocations will suffice and reached consensus to recommend to Town Council that they continue with the precedent of allocating 150,000 gallons per year for the next 4 years.

After the consensus Committee Member Fred Badders made a motion to adjourn that was seconded by Committee Member Jim Buchanan and had a unanimous vote. The Committee adjourned at 7:10pm.

Lane Weiss, Committee Secretary

Andy Ball, Mayor