Minutes-Special Meeting of the Boone Town Council
Water Use Committee
March 28, 2013

A special meeting of the Boone Town Council was called to order at 5:00 p.m, Thursday, March 28, 2013, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council Members present were: Mayor Pro-Tem Jamie Leigh, Lynne Mason, Alan Scherlen, Andy Ball and Rennie Brantz. Members of the Water Use Committee Present were: Dr. Kristan Cockerill, Dr. Fred T. Badders, Dr. James Buchanan, Pam Williamson, Patrick Beville, Tim Wilson and Joanna Weintraub. Committee Member Tom Purpur arrived at 5:30. Staff Members present were Greg Young- Town Manager, Rick Miller- Public Utilities Director, Josh Eller-Utilities Technician and Lane Weiss-Water Conservation Program Coordinator, Committee Secretary. Town Attorney Sam Furguiele was also in attendance.

Tentative Agenda Adoption

Council Member Rennie Brantz presented the following changes to the agenda:

1. Addition of Closed Session (Pursuant to NCGS 143-318(a)(3):
   -Item VII Legal Advice – To consult with the Town Attorney in order to preserve the attorney/client privilege between the attorney and the public body which is hereby acknowledged to consider and give instruction concerning the handling or settlement of threatened judicial and administration actions by the Watauga County Commission Chairman against the Town.

Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to adopt the agenda, as amended.

VOTE: Aye – All
Nay – None

Discussion of New Appointment to Conservation Sub-Committee

Mayor Clawson opened the discussion by stating that Committee Member Bunk Spann has resigned his position on the Water Committee and the Water Sub-Committee. Currently, the Town Council is reviewing applications for his replacement. When his replacement is chosen a Committee Member will be nominated to replace him on the Sub Committee.

Discussion of Ordinance 11-01 Expiration

Public Utilities Director Rick Miller opened the discussion by stating that as currently written Ordinance 11-01 is set to expire on December 31, 2013, continuing that it was expected that new water intake would be online by this point and Ordinance 11-01 would then have become unnecessary. However, he went on to say that the intake is not online and requested the opinion of the Committee as to how to address this. Council Member Mason stated that she felt it necessary to retain some form of allocation considering that the new intake is not online and due to a limited supply. Committee Member Dr. Fred Badders stated that he noted a few areas of contradiction in Ordinance 11-01 and requested that Public Utilities Director Rick Miller and Town Attorney Sam Furguiele review, at a future date, the minor changes he felt needed to be addressed. After short discussion, there was general consensus that Ordinance 11-01 be addressed at a future meeting.

Discussion of Anticipated Legislative Action Concerning Proposed New River Intake

Public Utilities Director Rick Miller opened the discussion by stating that in his opinion there is no legislative action that directly affects the intake, but that there were several proposed bills that pertained to water systems. Council Member Andy Ball noted that the General Assembly had been in discussion of the consolidation and reorganization of public utilities in the state, by making regional boards or water authorities. Committee Member Pam Williamson voiced

concern for numerous bills that had been introduced that could indirectly affect the need for a new water intake. Committee Member Williamson warned that these bills could possibly effect the population needing to be served, several funding issues, a possible takeover of the current system and the possible loss of zoning regulations in the Extra Territorial Jurisdiction (ETJ). Committee Member Dr. James Buchanan questioned the motivation for the bills. Committee Members Tim Wilson and Pam Williamson expressed the need for further information from staff to effectively address the numerous bills that could possibly affect the New River Intake. Specifically, information regarding capacity needed, water needs in Town limits, population estimates, current cost of intake and an update on legislation. After continued discussion Committee Member Patrick Beville stated that with the volume of bills being considered all with different implications for the intake, that the Committee wait until a bill is passed before meeting again. Committee Member Dr. Badders expressed his need for research on proposed legislation before he felt capable to make any decisions. Discussion then moved to outline the specific information needed from staff to address the different issues. After discussion outlining the information needed Committee Member Williamson requested that the Water Committee set a date approximately a month away to give staff time to compile necessary information.

At this time Committee Member Wilson made a motion that the staff collect the information discussed and bring it back to committee at a future date. This motion was seconded by Committee Member Williamson and had a unanimous vote.

Following a brief discussion Committee Member Dr. Kristan Cockerill made a motion that the Water Committee meet on Wednesday, May 1, 2013 at 6pm in Council Chambers located at 1500 Blowing Rock Road. This motion was seconded by Committee Member Wilson and had a unanimous vote.

Discussion of Permit Status for Proposed New River Intake

Public Utilities Director Rick Miller opened the discussion by stating at this time the Town is at a stage where approximately fifty percent of permits needed have been acquired. Director Miller went on to inform the Committee that some of the remaining permits needed involved land acquisitions and he would not be able to disclose much detail. After brief discussion, the Committee moved to the next agenda item.

Discussion of Actual Versus Predicted Water Usage Numbers

Public Utilities Director Rick Miller opened the discussion by noting that no action was needed on the item, but that the item was more of an update. Referring Committee Members to the report located at the back of the agenda packet and explaining the report as presented. After brief discussion and some clarification the Committee then moved onto the next agenda item.

Closed Session

Upon a motion by Council Member Brantz, seconded by Council Member Jamie Leigh, Council moved to enter Closed Session at 6:46 p.m. pursuant to NCGS 143-318-11a(3)(5) to hear the following items:

A. Legal Advice – To consult with the Town Attorney in order to preserve the attorney/client privilege between the attorney and the Town Council to consider and give instruction concerning the handling or settlement of threatened judicial and administration actions by the Watauga County Commission Chairman against the Town.

VOTE: Aye – All
Nay – None

Upon a motion by Council Member Brantz, seconded by Council Member Ball, Council moved to exit Closed Session at 9:22 p.m.

VOTE: Aye – All
Nay – None

Adjournment

Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to adjourn at 9:23 p.m.

VOTE: Aye – All
Nay – None

Lane Weiss, Committee Secretary

Loretta Clawson, Mayor