

**MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL JUNE
23, 2009**

A special meeting of the Boone Town Council was called to order at 6:00 p.m. in the Westwood Elementary School in West Jefferson, NC. Mayor Loretta Clawson presided. Council members present were Mayor Pro-Tem Lynne Mason, Liz Aycock, Rennie Brantz, Janet Pepin and Stephen Phillips. Town Attorney Sam Furgieuele was also present. Staff members present were Town Manager Greg Young; Town Clerk Freida Van Allen, Town Attorney Sam Furgieuele, Assistant to the Manager Jim Byrne, Public Utilities Director Rick Miller and Administrative Support Specialist Marlene Crosby. Members of the Ashe County Board of Commissioners were also present. They are Commission Chairman Judy Poe, Vice-Chair Larry Rhodes and Commissioners Richard Blackburn, Gary Barber and Gerald Price. Also present were Brian Tripp and Ward Mariotti of W.K. Dickson Engineering, Max Justice of Parker Poe Associates and Lee Spencer of NC Division of Environmental and Natural Resources (DENR).

The purpose of the meeting was to answer questions and take comments regarding the proposed water intake project planned by the Town of Boone, along Brownwood Road in Watauga County. Mayor Clawson presented the New River Project powerpoint (**permanently on file in the office of Town Clerk.**)

Chris Robinson, Ashe Director of Wilkes Community College was presented as the facilitator of the meeting. Mr. Robinson presented the ground rules/guidelines for the meeting. The first speaker was Frank Packard.

Frank Packard - 485 Railroad Grade Road, Todd. Mr. Packard pointed out there are numerous discrepancies on the Town's website regarding water intake and capacity. Mr. Packard said that according to his calculations Boone will not reach 82% water capacity until 2030; therefore, there is no real need for the additional water at this time. Mr. Packard asked where the factual data is that shows that Boone has reached 80% capacity and that there is a need to pull an additional seven million gallons of water from the South Fork of the New River. Public Utilities Director Rick Miller responded that the figures on the website are from 2007 and that the site has not been updated with 2008 figures. Mr. Brian Tripp of W.K. Dickson said the engineering report and environmental assessment for the intake project will show that the Town is at 80% water capacity. Mr. Tripp said both reports are being finalized and will be presented for final comments soon. Mr. Packard also pointed out that the Town's conservation efforts must not be working if water usage is increasing.

Mia Hartsook - Box 217, Fleetwood. Ms. Hartsook presented a press packet and position papers regarding the opposition to the water intake project (**permanently on file in the office of the Town Clerk.**) Ms. Hartsook asked what consideration has been given, specifically, to the historic nature of the New River, which is an American Heritage River. Mr. Max Justice, Attorney with Parker Poe Associates, said Boone is mindful of the historic aspect of this river and that once the environmental assessment is ready for review, a public comment period will begin. Mr. Justice said the Army Corps of Engineers, DENR water quality and various other state and federal agencies will review extensively the project before permits are issued. Ms. Hartsook again said that she did not see any special consideration given to the fact that the New River is an American Heritage river.

Jeremy Packard - 485 Todd Railroad Grade Road, Todd. Mr. Packard asked if actual water flow tests were taken at the proposed intake site. Mr. Brian Tripp responded that three flow tests were taken at the proposed intake site and that the data will be included in the upcoming engineering report.

Kathy Packard - PO Box 166, Todd. Ms. Packard asked if the Town of Boone has informed its citizens that it will be consuming water that may include pharmaceuticals. Mr. Max Justice replied that pharmaceutical drugs in raw water is a new issue for both the state and federal governments. Mr. Justice said he anticipated there will be further research and development regarding pharmaceuticals in raw water. Mr. Justice said the Town of Boone uses the latest wastewater technology and once regulations are developed on a state level regarding testing of pharmaceuticals, the Town of Boone will incorporate them in the treatment process. Council

member Mason agreed that pharmaceuticals are affecting all water supplies. Ms. Packard then asked if the voters had been informed of the pharmaceutical issue before the bond referendum. Town Manager Greg Young reiterated that the Town will be faced with treating pharmaceuticals in the future.

Debra Macey - 205 H. Stanley Miller Road, Deep Gap. Ms. Macey pointed out that property owners adjacent to a body of water have the right to “reasonable use.” She then asked how confident the Town of Boone is that the riparian rights of adjacent property owners will not be violated. Town Attorney Sam Furguele said the Town will be held responsible for riparian rights; otherwise adjacent property owners will have the right to pursue legal action. Mr. Brian Tripp further explained that the Town plans to withdraw four million gallons of water per day and that almost four million gallons of water will be discharged back into the river. Mr. Tripp calculated a drop of three, one-hundredths of a foot (0.03) in the river. Ms. Macey then asked if the Town of Boone has plans to sell treated water to other municipalities in Watauga County. Council member Mason responded that the Town has an inter-connect with the Town of Blowing Rock; however it will be used only during emergency situations. Town Manager Young reminded everyone that the original water supply report does include a 500,000-gallon-per-day water allocation for the Town of Blowing Rock.

Phil Lewis - 10688 NC Highway 194N, Todd. Mr. Lewis presented a list of questions which the Clerk did not receive. Mr. Ward Mariotti responded to one of the questions by reiterating that the river may drop 0.03 of a foot once the intake project is complete. Council member Phillips responded to another question by saying that the recreational purposes of the river will not be disrupted. Council member Mason responded to another question saying that the pharmaceutical issue will affect all communities and that Boone should not be isolated in this issue.

Deborah Hollingsworth - 639 Edwards Road, West Jefferson. Ms. Hollingsworth asked if the recent smart growth audit includes all stakeholders of Boone, not just developers. Council member Mason said there was heavy community participation in the charrette process. Council member Brantz agreed. Council member Pepin pointed out the Town of Boone is passionate about environmental protection too, giving the recent viewshed and steep slope regulations as an example. Council member Phillips agreed that the smart growth charrettes had been very well attended by the community. Council member Aycock said all “walks of life” were included in the process. Ms. Hollingsworth asked if the water intake situation was discussed during the charrettes. Council member Mason said yes and that a master plan will be developed for future water and sewer extensions.

Linda Foulsham - 10688 NC Highway 194N, Todd. Ms. Foulsham asked what Town officials can say to the citizens of Todd who were not given the opportunity to vote in this project. Mr. Brian Tripp said the citizens of Todd will have a 30-day comment period once the environmental assessment report is released. A notice of the comment period will be published in both the *Watauga Democrat* and the *Jefferson Post*. Town Manager Young again elaborated on the Town’s efforts to educate all citizens regarding the project.

James Lewis - PO Bo 168, Todd. Mr. Lewis asked the Ashe County Commissioners how this intake project will affect development in Ashe County. Mr. Dan McMillan, Ashe County Manager responded that the Town of West Jefferson has an intake and discharge system on the New River and that the County has the same concerns as all downstream citizens. Mr. McMillan said the County has no legal, regulatory standings with the project. Mr. Lewis then asked if a new water classification will affect development in the County. Mr. McMillan said he was not sure since the new classifications have not been announced.

Mike Sawyer - 506 Oak Avenue, West Jefferson. Mr. Sawyer asked what control Ashe County will have once the intake project is completed and operational. Mr. John Kilby, Attorney for Ashe County, said that Ashe County has no special interest other than that of any other downstream property owner. Council member Mason said the project will be heavily regulated from both state and federal agencies and that the Town has cooperated with Ashe County residents in providing essential information to them. Mr. Max Justice said that any downstream property owner affected by the project has the right to pursue legal action. Mr. Lee Spencer of DENR said the Town of Boone representatives have the foresight to make sure they have a

sufficient public water supply and that he suggested a SCADA system be installed on the intake site.

Ed Kline - 136 Raleigh Lane, Fleetwood. Mr. Kline commented that the Town of Boone does not have the infrastructure to handle all the projected growth. Mr. Kline then asked about the Town's water conservation efforts. Public Utilities Director Miller explained in depth the Town's water conservation efforts, pointing out the 5,000-gallon cistern in place at the stockyard. Council member Pepin said the Town is trying to balance water availability, conservation and growth and that this project is a major effort for the future of the Town. Council member Aycock said the Town is trying to concentrate the growth in Boone and that the Town can't completely stop growth.

Clyde Ingle - 9550 Sheets Gap Road, Laurel Springs. - Mr. Ingle read a letter from his wife (**permanently on file in the office of Town Clerk**) and asked if there is an actual need for the water or if the Town is just planning for growth. Mr. Ingle also questioned which governmental entity is responsible for the watershed. Mayor Clawson said the population of Boone is expected to double within 50 years. Council member Mason pointed out that water is becoming a regional issue and that there is a possibility in the future that Watauga County may have a regional water system. Ashe County Commissioner Gary Barber agreed that the State is encouraging regional water systems. Ashe County Commission Chairman Judy Poe said there is very little that the Ashe County government can do regarding the proposed intake since it is located in Watauga County; however, she indicated that Boone has been including Ashe County in the process.

Irmaly Brackin - 153 Maggies Lane, Boone. Ms. Brackin said she is very much concerned about this situation and felt that Boone could get water from ASU. Ms. Brackin wanted a guarantee that the Town of Boone would repair the river if it is damaged by the intake project.

Elizabeth West - 1639 Edwards Road, West Jefferson. Ms. West said the project was introduced to Town citizens three months before the election and that she did not feel that was enough time. Ms. West also felt that the Town of Boone is not effective in its conservation efforts. Ms. West felt that ASU water should be used first and that DENR and the NC Fish and Wildlife Commission should refute the data presented by the Town. Ms. West asked how the Town of Boone had the audacity to take Ashe County's water without first approaching ASU. Ms. West said the water is sacred. Public Utilities Director Miller said that ASU treats two million gallons of water per day and is presently at 60% water capacity. Council member Brantz pointed out that ASU growth is mandated by the State of North Carolina and that the Town of Boone has no authority over ASU. Town Manager Young explained that ASU's treatment process can not meet the Town's needs and peak demands.

Martha Enzmann - 10279 Threetop Road, Todd. Ms. Enzmann said that the United Nations estimates that a person needs only five gallons of water per day. Ms. Enzmann asked how many gallons per day does the average citizen of Boone need. Mr. Tripp said that the average Town of Boone citizen uses 82 gallons of water day. Ms. Enzmann then asked how much information do the citizens of Boone really know about this water intake issue. Council member Mason said there was a good-faith effort on the part of the Town to make sure the citizens of Boone understood the water intake issue. Public Utilities Director Miller pointed out that the Town of Boone has seen a 13% decrease in water usage over the past year, due mostly the conservation efforts of town citizens.

Jedd Ferrington - 3874 NC Highway 16S, Jefferson. Mr. Ferrington said this project is about economic warfare in that the New River is the livelihood of Ashe County residents. Mr. Ferrington asked if the people in charge of the projections and studies are the same people that will construct the project. Mr. Brian Tripp explained that WK Dickson has been used its engineers on the project from the beginning and will see the project through to the construction phase.

Fred Woolard - PO BOX 182, Fleetwood. Mr. Woolard asked if the site off Brownwood Road was chosen because it was the least expensive. Town Manager Young said the Town chose the site because it has the best flows and is in the same river basin as the other intake. Mr. Young said the Town is increasing water rates in order to pay for the debt of this project. Mr. Woolard felt that the interbasin issue is more political than environmental. Mr. Woolard also commented that if the capacity of this project is so great why don't the current water rates reflect the same.

Council member Mason said she is confident that this project will not have a significant impact on Ashe County or its citizens.

Emilie Enzmann - 3899 Todd Railroad Grade Road, Todd. Ms. Enzmann felt the Town of Boone could do more with its conservation efforts, making them mandatory instead of voluntary. Ms. Enzmann said the Town's growth plan and watershed regulations do nothing for the community of Todd. Ms. Enzmann asked if the growth projections will be the same given the current economic situation. Council member Pepin concluded that even though she feels the Town's conservation efforts are good, they will never be enough for the citizens of Todd. Council member Mason said she felt the Town of Boone is acting responsible for the environment and that drilling wells along side the river in the County has an impact, too.

Dr. William Powell - PO Box 1606, West Jefferson. Dr. Powell pointed out that most of the pharmaceuticals in water actually comes from cows and the digestion of soy products. Dr. Powell said the Town of Boone operates one of the best water and wastewater systems in the State. Dr. Powell commented that the growth of Boone is important to the economic growth of Ashe County. Dr. Powell thanked the Town Council for coming to Ashe County to answer questions and said ultimately that the State of NC owns the river and will have the final say on the project.

Beth Morrison - 262 Laurel Mountain Estates Drive, Todd. Ms. Morrison asked if the design of the project and all the studies were put out to bid. Town Manager Young said the design did not have to be put out to bid; however, the Town chose WK Dickson because of its expertise. Ms. Morrison asked the Ashe County Commissioners if they were comfortable with the information they had been given by the Town of Boone. Ashe County Commission Chairman Poe said yes that she is comfortable with the information. Ashe County Commissioner Richard Blackburn said he will wait until the final studies are presented before commenting and that he is concerned about future watershed designations. Ashe County Commissioner Gary Barber said the Town of Boone is following a process and felt it was premature to answer at this time. Ashe County Commissioner Gerald Price said he felt the same as the other commissioners. Ashe County Commissioner Larry Rhodes said it is neighborly of the Town to come to Ashe County to answer questions and that it is not the responsibility of the Ashe County government to say nay or yea to the project; however he indicated that Ashe County will continue to monitor the project.

Jack Rielly - PO Box 91, Todd. Mr. Rielly, affiliated with the Ashe County Board of Realtors, said and that he is unsure how this intake will impact development in Ashe County. Mr. Rielly said was proud of the citizens in that they presented well thought-out questions. Mr. Rielly asked if the Town would be willing to hold a similar type meeting in Boone so the citizens of Todd can tell Boone constituents their thoughts. Mayor Clawson responded, "Absolutely yes." Mr. Rielly, addressing the Ashe County Commissioners, said this is a political issue and asked if they are willing to take political action to stop this project. Ashe County Commission Chairman Judy Poe said that they are trying to do what they are allowed to as citizens and commissioners.

Rhyll Tonge - Arcata, California. Ms. Tonge asked how climate change is affecting the studies. Mr. Brian Tripp responded that in the 20-year projections, climate change is not included. Ms. Tonge asked why the citizens of Boone were not informed about the other options. Mr. Tripp said the 27 other options will be included in the environmental report.

Andriana Perrachon - Asheville. Ms. Perrachon asked if there is actual documentation of the Town of Boone discussing water issues with ASU. Council member Phillips said yes there is, in that the Town of Boone regularly attends inter-governmental retreats with ASU, Watauga County, the Towns of Blowing Rock, Beech Mountain and Seven Devils.

Kenneth Delia - 130 Locust Grove Road, Weaverville. Mr. Delia asked what this meeting was actually accomplishing and asked if the water intake issue will ever be presented on a ballot in Ashe County. Ashe County Commission Chairman Poe reiterated that Ashe County has no legal stance in the project since the intake is located in Watauga County. Council member Aycock said she felt that the intake project will raise property values and that she has a concern about water privatization on the river. Mr. Delia asked if the citizens of Ashe County take a stance on the project, will the Ashe County Commissioners also take a stance. Ashe County Commission Chairman Poe said that Ashe County representatives can not tell the Town of Boone or Watauga

County what to do and that Ashe County government must operate within legal limits. Ashe County Commissioner Gary Barber felt that State Senator Steve Goss and House Representative Cullie Tarleton should have attended the meeting since they wanted the County and Town to conduct the meeting. Mr. Delia asked if this site was chosen because of close proximity to Ashe County. Council member Mason said, “Absolutely not,” that the site was chosen because it is the best site. Ms. Mason said the Town reviewed all 27 sites and worked through the pros and cons of each site. Ms. Mason said it was intentional of the Town to stay within Watauga County. Ashe County Commission Chairman Poe asked the National Committee for the New River members if they had a stance on the project. Mr. George Santucci, Executive Director for the National Committee of the New River, said the organization is struggling with this issue but that members have completed as many scientific studies as they can at this point. Mr. Santucci said they are waiting to review the environmental assessment report.

There being no further comments, Ashe County Commission Chairman Poe adjourned the meeting at 9:56 p.m.

Town Clerk

Mayor