MINUTES – SPECIAL MEETING
BOONE TOWN COUNCIL

A special meeting of the Boone Town Council was called to order at 4:04 p.m., Wednesday, July 2, 2014, in the Administrative Conference Room, 567 West King Street. Mayor Andy Ball presided. Council members present were Lynne Mason, Jennifer Peña, and Quint David. Staff members present were Town Clerk Kimberly Brown, Planning Director Bill Bailey, Public Utilities Director Rick Miller, Planners Jane Shook and Christy Turner. Town Attorney Sam Furgiuele was also in attendance.

DISCUSSION OF SB865 – ETJ LEGISLATION

Mayor Ball stated that the General Assembly has passed State Bill 865 which takes away the Extra Territorial Jurisdiction (ETJ) for the Town of Boone. Discussion ensued regarding concerns about water extensions in the ETJ, as well as the effect of private wells and septic systems on the surrounding watershed. Council Member Mason stated that allegations have been made about abuse of power by the Town of Boone to those within the ETJ but that she has not received any input from ETJ residents in this regard. Council Member Peña voiced her concern about the need for a new water intake with the ETJ being abolished. Council briefly discussed any avenues of recourse available to the Town for reversal of this law. Town Attorney Sam Furgiuele stated that he was not prepared to make a legal statement regarding the matter. It was the consensus of the Council to direct the Town Attorney to prepare a legal statement to be reviewed by the Council at either the July or August regular meeting regarding the loss of the Town's ETJ.

CLOSED SESSION

Upon a motion by Council Member David, seconded by Council Member Peña, Council moved to enter into Closed Session at 4:54 p.m. pursuant to NCGS §143-318.11(a)(1)(3)(6) for the following items:

a. Pursuant to NCGS §143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the pubic body, which privilege is hereby acknowledged, to consider and give instructions to the attorney concerning the handling of a claim by the Town.
b. Pursuant to NCGS §143-318.11(a)(1)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, to consider and give instructions to the attorney concerning the handling of a potential claim.
c. Pursuant to NCGS §043-318.11(a)(1)(6), to prevent the disclosure of information that is privileged or confidential pursuant to NC Gen, Stat. §160A-168 and to consider the qualifications and conditions of initial employment of a prospective employee.

VOTE: Aye – All
Nay – None
Absent – 2 (Brantz, Hay)

At 7:10 p.m., Council Member Peña moved that the Council exit closed session, and that was seconded by Council Member David.

VOTE: Aye – All
Nay – None
Absent – 2 (Brantz, Hay)

The Council then resumed open session. The first matter to be considered was the Town's policy toward applications for water service for property outside the corporate limits as Town Ordinance 11-01 currently allows staff to approve such applications in cases where the predicted water usage is five hundred gallons per day or less. Following discussion, Council Member Mason moved that Council instruct staff that effective immediately, staff suspend all staff approvals of water applications for service to property outside the corporate limits, pending

consideration by and recommendations from the Water Committee and further action by Town Council. That motion was seconded by Council Member Peña, following the opportunity for further discussion.

VOTE: Aye – All
Nay – None
Absent – 2 (Brantz, Hay)

Council then took up the issue of the scheduling of a special meeting in order to go into closed session pursuant to NC Gen. Stat. §143-318.11(a)(1)(6), to prevent the disclosure of information that is privileged or confidential pursuant to NC Gen. Stat. §160A-168 and to consider the qualifications and conditions of initial employment of a prospective employee. Council Member Mason moved that the Town Council hold a special meeting for that purpose on July 8, beginning at 4:30 p.m., in the administrative conference room at Boone Town Hall located at 567 West King Street, Boone, NC 28607. That motion was seconded by Council Member Peña.

VOTE: Aye – All
Nay – None
Absent – 2 (Brantz, Hay)

ADJOURNMENT

Upon a motion by Council Member Peña, seconded by Council Member David, Council moved to adjourn at 5:42 p.m.

VOTE: Aye – All
Nay – None
Absent – 2 (Brantz, Hay)

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Kimberly S. Brown, Town Clerk Andy Ball, Mayor