

Minutes-Special Meeting of the Boone Town Council

Water Use Committee

September 24, 2015

A special meeting of the Boone Town Council was called to order at 5:30 p.m., Thursday, September 24, 2015 in Council Chambers located at 1500 Blowing Rock Road. Mayor Pro Tem Rennie Brantz presided. Council Members present: Lynne Mason, Fred Hay, Loretta Clawson and Quint David. Members of the Water Use Committee present: Dr. James Buchanan, Dr. Kristan Cockerill, Pam Williamson, John Prickett and Jon Tate. 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 Pro Tem Brantz called the meeting to order and welcomed all in attendance. Mayor Pro Tem Brantz noted the request to add two items to the agenda.

1. Update on the Water Intake Project
2. Discussion of Feasibility of Including a Public Comment Period Before or After Water Use Committee Meeting

At this time Council Member Lynne Mason sought the opinion of Town Attorney Allison Meade concerning amending the agenda. Mrs. Meade then informed the Committee of three different areas she thought may be conditional. Mrs. Meade highlighted that the most imperative area to be addressed will be proper notice to the public, specifically, if action is to be taken. Council Member Mason voiced her concern about wanting to discuss these two important agenda items but in the proper manner. Town Attorney Meade agreed that the Committee Members need to have the ability to have items of concern added to the agenda. Town Manager John Ward stated that he sees two options moving forward to make sure that member items are added to the agenda. The first option having a predetermined scheduled meeting date with an agenda deadline date, or secondly, once a meeting date is set, notifying all Committee Members and setting up an agenda deadline date. Committee Member Pam Williamson pointed out that the two items being requested were for discussion only and not action.

Upon a motion by Council Member Loretta Clawson, seconded by Council Member Fred Hay, Council moved to adopt the tentative agenda.

VOTE

Aye- All

Nay-None

Discussion of and Possible Action Regarding the Requested Revision of Ordinance 11-01, Specifically Pertaining to the Vesting Period

Mayor Pro Tem Rennie Brantz looked to Public Works Director to address this agenda item. Public Works Director Rick Miller reviewed the proposed language and gave a brief history of the original language. After short discussion of the water allocation process, Planning and Inspections Director Bill

Bailey pointed out that as projects are getting larger and more complex, the need for review time may be significantly increased. Mayor Pro Tem Brantz voiced concern that by extending an allocation it may be tying up water for other projects. Other committee members voiced their concerns about the possibility of tying up the Town's water resources. Committee Member Kristan Cockerill questioned if there were any checks in place to make sure that, if additional time was given, the applicants continued to move forward with the project. After continued discussion of different scenarios, a member of the public asked to speak on behalf of the applicant who proposed the language. Town Attorney Allison Meade informed the gentleman that unless the Council were to amend the agenda again there would be no public comment. Mayor Rennie Brantz asked the Council if there was a motion to amend the agenda to add public comment. There was no motion. Extended discussion continued regarding the most effective way to address the possibility of lengthy review times and extending water allocations. During discussion, Council Member Quint David made a motion to open public comment to the applicants as it pertains to the ordinance as written. Town Attorney Allison Meade offered that if public comment was going to be added to the agenda it needed to be open to everyone not just the specific applicants. Council Member David then amended his motion to open the meeting to include public comment. The motion failed to garner a second. After brief conversation, Committee Member Pam Williamson made the following motion "To recommend to Town Council that at the discretion of Council a third one-year vesting period may be approved and/or valid with 20% payment towards availability fee." This motion was seconded by Lynne Mason. There was some discussion regarding the logistics for this motion being effective for the applicants in question. At the end of discussion Committee Member Williamson chose to withdraw her motion. Committee Member Williamson then made a motion to recommend to Town Council to leave the Ordinance written as is. This motion was seconded by Committee Member Jim Buchanan.

Vote: Aye (4) J. Buchanan, P. Williamson, L. Clawson, F. Hay

Nay (6) Q. David, J. Tate, R. Brantz, L. Mason, K. Cockerill, J. Prickett

The motion failed. At this time Committee Member Jon Tate made a motion to recommend to Town Council that the applicant may come back at the end of the two years and ask for an additional year with the payment of 20% towards the availability fee. This motion was seconded by Council Member David.

Vote: Aye (5) K. Cockerill, J. Tate, F. Hay, Q. David, L. Mason

Nay (5) P. Williamson, R. Brantz, L. Clawson, J. Prickett J. Buchanan

The motion failed. At this time Council Member Lynne Mason made a motion to recommend to Town Council that prior to the end of the second year, the applicant may request an extension of an additional year with an additional payment of 30% towards the availability fee. This motion was seconded by Committee Member Cockerill.

Vote: Aye (6) L. Mason, K. Cockerill, Q. David, J. Prickett, R. Brantz, J. Buchanan

Nay (4) P. Williamson, L. Clawson, J. Tate, F. Hay

The motion passed. At 6:48 the Town Attorney Meade left due to prior commitments.

Update on the Water Intake

Town Manager John Ward took this time to update the Committee regarding permitting, easements, mitigation credits and property acquisitions. Mr. Ward also noted that the Town is in the final stages of the construction review process, with hopes to go out for bid this fall. After the Town Manager updated the Committee, Committee Member Pam Williamson stated that she had numerous questions of which she submitted for the record and are attached with the minutes. Lengthy discussion ensued concerning the opinions of the Committee Members in response to Mrs. Williamson's questions and the implications of the water intake project. During this discussion, Mrs. Williamson asked that it be noted for the record that Council Member Quint David and Mayor Pro Tem Rennie Brantz do not believe that the NC General Assembly will pass a bill stripping the Town of its regulating authority into the County jurisdiction. Council Member David responded with a prepared statement that is attached to the minutes. At the end of discussion, Member Williamson distributed a timeline of events, for the record, that she felt led up to, in her opinion the Town being deceived by some local representatives, these are also attached to the minutes.

Discussion of Feasibility of Including a Public Comment Period Before or After a Water Committee Meeting

Mayor Pro Tem Brantz noted that this item might be more appropriately addressed by Town Council when reviewing the agenda setting process for the Committee. After brief discussion Committee Member Jon Tate made a motion to recommend to Town Council that they address the issue of holding public comment at Water Use Committee meetings. This motion was seconded by Committee Member Pam Williamson.

Vote: Aye-All

Nay- None

Committee Member Jon Tate made a motion to adjourn. This motion was seconded by Committee Member Buchanan and had a unanimous vote. The Committee adjourned at 7:50pm.