

INSTRUCTIONS TO APPLICANTS FOR WATER SERVICE **APPEARING BEFORE THE BOONE TOWN COUNCIL**

Location: Town of Boone - Council Chambers 1500 Blowing Rock Road (next to Boone Police Department.)

Introduction: Because the Town of Boone is currently facing a shortage in available water to allocate to new customers and developments, until a new source of water can be obtained, certain applications for water service must be presented to the Boone Town Council for consideration. The Town Council conducts monthly hearings for this purpose and can approve an application, turn the application, or approve the application with certain conditions. These hearings are *quasi judicial*. That means that the Town Council is acting as a court and must follow certain procedures. Boone's Public Works Department will advise you whether you must attend such a hearing, and if so, this instruction sheet is provided to assist you in preparing for your hearing.

The following rules apply to these hearings:

1. Before the hearing you cannot have any contact with any member of the Town Council about your request. If you have any such contact, the Town Council member will not be able to consider your application.
2. It is up to you to explain why your request should be granted. If you wish, you can have any attorney appear for you to help you present your case, but you are not required to do so. All presentations, other than those of any attorney who is summarizing your testimony and evidence, must be under oath. That means you have to swear or affirm that whatever information you present is true.
3. The Town Council usually receives a copy of your application and a map showing where the property is located. Sometimes there are other materials about your request provided to them in their board packet. Before they consider any of these materials, you will be given an opportunity to look at them and indicate whether you object to the Town Council considering them. During the hearing you may submit other materials in support of your application. Although it's not required, it's a good idea to bring a copy of anything you want to present for every Town Council member, so you should try to bring at least six copies of anything you want to be considered.
4. You can also have other people appear as witnesses for you, and they must also make their remarks under oath.
5. Once you have finished your presentation, other people can speak about your application. They, too, will be under oath. They have the right to support your application or oppose it, but when they have finished their presentation, you will be allowed to ask questions to them about their presentation. If anyone else testifies about your application, you will also be given the last word before the hearing is closed.
6. During the hearing Town Council members and the Mayor, as well as the Town Attorney, who usually conducts the hearings, can ask questions of you and any other people who appear. Most of the time, the Council requests that the Director of Public Works testify about an application. Again, if that happens, you will be given the right to ask the Director questions.

7. Particularly if there are a lot of applications to be considered in one meeting, the Town Council may impose other rules for you hearing. For example, they can set time limits for presentations and require sign-up sheets for anyone who wants to testify. The Town also insists on courteousness among the people speaking to a particular application. If participants get unruly, they will be asked to leave or be removed.
8. The Town Council may make its decision based upon some or all of the following factors so you try to present information which relates to these matters:
 - whether your property is in the Town;
 - whether the property is in the Town's secondary pressure zone, normally above 3,400 feet in elevation;
 - Whether the actual water you will end up using is likely to be lower than the water use predicted by the North Carolina Discharge Rate Schedule;
 - How much water has already been approved during the calendar year;
 - The amount of water usage in gallons per day predicted to be used by the applicant; generally with small requests preferred over large requests;
 - Whether the applicant is for a land use which is consistent with the Town's adopted policies concerning growth and development; and
 - Whether a particular project promotes or undermines the public health or safety, or the general welfare of the Town.
9. After the hearing is closed, the Town Council will ordinarily make its decision, but sometimes, for reasons which they will usually explain, they may table a decision until a future meeting.
10. If your request is granted, you will have the right to connect to the Town's water system for a full year.
 - **Initial Payment of fees.** Within thirty days of the time an application is approved and at the applicant's option, the applicant must pay either ten percent (10% - one year initial vesting period) or twenty percent (20% - two year initial vesting period) of the availability fee for the approved site specific development plan, dated from the date of approval by the Town Council or **Director of the application**. Such fee is non-refundable, but will be credited against the availability fee charged at the time of the actual connection to the Town's system if the site specific plan is constructed as proposed.
 - **Lapse of Vesting after Initial Period of Vesting.** Unless extended by the payment of full availability fees, any applicant granted the right to connect to the Town's water distribution system must obtain all needed development permits within the initial vesting period or said approval will expire and the allocated water usage shall return into the water census for redistribution.

**Note: A representative for the project must be present at the Council meeting in order for the project to be heard.*