

**MINUTES - SPECIAL MEETING
BOONE TOWN COUNCIL
JULY 19, 2005**

A special meeting of the Boone Town Council was called to order at 6:35 p.m., Tuesday, July 19, 2005, in the Town Council Chambers, 1500 Blowing Rock Road, Boone, NC. Mayor Velma C. Burnley presided. Council members present were Mayor Pro-Tem Loretta Clawson, Lynne Mason, Graydon Eggers, Dempsey Wilcox, and Bunk Spann. Town Staff members present were Greg Young-Town Manager, Kim Tester-Deputy Town Clerk, Rick Miller-Public Utilities Director, and John Spear-Development Services Director. Town Attorney Sam Furgiuele was also present.

Mayor Burnley called the meeting to order and invited Town Attorney Sam Furgiuele to conduct the public hearings for the water requests.

Catacorner Investments, Inc.

Town Attorney Sam Furgiuele opened the public hearing at 6:35 p.m. to hear sworn testimony from Gregg Parsons and Public Utilities Director Rick Miller on a water request for property located at 1100 Highway 105 South. Mr. Parsons explained that this request was for water service to a proposed 100-room hotel on the site. He suggested that the approval for the request be contingent on the approval of his Conditional District Zoning Permit. Mr. Parsons distributed a preliminary site plan for the project (**Exhibit A**) and stated that the projected use for the project would be 7296 gallons per day. Mr. Parsons requested that the water be assigned from the 2006 allotment. Council member Mason asked how much water is remaining for the 2005 year. Public Utilities Director Rick Miller stated that there are 1,830 gallons remaining for 2005 and 20,800 gallons remaining for 2006. She also asked if Mr. Miller had an actual usage from a comparable project. Mr. Miller stated he did not. With no further public testimony, Mr. Furgiuele closed the public hearing at 6:51 p.m.

Council members Clawson and Spann expressed concern about setting a precedent of giving water allocated for future years. Council member Mason stated the Council could not ask applicants to wait until the year that they are ready to begin to request water.

Upon a motion by Council member Wilcox, seconded by Council member Eggers, Council moved to approve the request for water service with two conditions:

1. The water will be from the 2006 allocation.
2. The applicant must receive Council approval for the Conditional District Zoning Permit.

VOTE: Aye – 4 (Eggers, Mason, Spann, Wilcox)
 Nay – 1 (Clawson)

Mr. Donald Thompson

Town Attorney Sam Furgiuele opened the public hearing at 7:02 to hear sworn testimony from Mr. Donald Thompson and Public Utilities Director Rick Miller on a water request for property located on Green Street. Mr. Thompson explained that he owns property with an existing structure and would like to build a duplex on the adjacent tract. He further indicated that the proposed duplex would contain two levels with bedrooms and one and a half bathrooms for each unit with a proposed usage of 600 gallons per day. Mr. Thompson distributed a copy of the plat depicting the subdivided property (**Exhibit B**) and a copy of a letter (**Exhibit C**) from David Graham of the Development Services confirming the zoning designation of the property. Public Utilities Director Rick Miller stated that the property was not included in the vacant lot count for water taps. With no further testimony, Mr. Furgiuele closed the public hearing at 7:10 p.m.

Upon a motion by Council member Eggers, seconded by Council member Spann, Council moved to grant the request.

VOTE: Aye – All
 Nay – None

Mr. Charles Ulery

Town Attorney Sam Furgiuele opened the public hearing at 7:11 p.m. to hear sworn testimony from Richard Franklin and Public Utilities Director Rick Miller on a water request for property located at 1474 Highway 105 South. Mr. Franklin described the project has having three floors with the following uses:

- First Floor – 11 carwash bays, 3 stalls for vehicle repair
- Second Floor – Firing Range, 1 Classroom
- Third Floor – Paintball Competition Area

He explained that the applicant would like to utilize recycled water for the carwash bays. The applicant is proposing to house three 30,000-50,000 gallon tanks for the purpose of storing rainwater to use for the carwash bays. Mr. Franklin stated his estimate of daily usage would be 444 gallons per day based on calculations from the NC Plumbing Code. Public Works Director Rick Miller stated the estimation from his department on the number of gallons of water used daily was based on maximum occupancy numbers provided by the Development Services Department. He further indicated that the town would have no way of metering the water used from the carwash being sent into the sewer system. Council member Mason asked if there is technology in existence that would allow the recycling of rainwater and not be distributed into the town sewer system. Mr. Franklin stated that the technology exists to allow this system. Council member Spann asked about the effect of noise from the firing range on the surrounding neighborhood. Mr. Franklin stated the building is to be constructed using baffling around the exterior of the building to diminish the amount of noise from the firing range. Council member Spann asked Mr. Franklin if he would be amenable to gather information from other similar uses around the state about the number of gallons of water used daily, and he asked if Mr. Miller would also reevaluate the information provided by Mr. Franklin. Mr. Miller stated he would reevaluate the numbers if given verifiable information by Mr. Franklin.

Upon a motion by Council member Wilcox, seconded by Council member Eggers, Council moved to continue this request until the August meeting so further information can be obtained concerning this request.

VOTE: Aye – All
 Nay – None

United Development Corporation

Town Attorney Sam Furgiuele opened the public hearing at 7:40 p.m. to hear sworn testimony from Brad Dobbstein and Public Utilities Director Rick Miller on a water request for property located on US Highway 321 South adjacent to the Boone ABC Store. Mr. Dobbstein explained the request for water to construct a Sonic Drive-In Restaurant on the property. He stated that the restaurant would have both indoor and outdoor seating for a maximum capacity of 150-175 seats. Mr. Dobbstein informed the Council that other Sonic Restaurants in states like Texas and Oklahoma use an average of 50,000 gallons per month, but those facilities have sprinkler systems. He also stated that a new Sonic Restaurant was just recently completed in Wilkesboro and will be identical to the one proposed for Boone. Public Utilities Director Rick Miller stated that the proposed usage for the project is estimated to be 4,232 gallons per day and that credit for the Oakwood Motel is accounted in that figure. Council member Wilcox stated he would like to have more information on the projected water usage and asked that Mr. Dobbstein provide information on the water usage from the new restaurant in Wilkesboro. Mr. Furgiuele asked Mr. Dobbstein what position he employs with United Development Corporation and if the company owns the property under discussion. Mr. Dobbstein stated he is the president for the North Carolina region of the United Development Company. He stated that the property is not currently under contract and that the purchase of the property is dependent on the approval of the water request. With

no further testimony, Mr. Furgiuele closed the public hearing at 7:51 p.m.

Upon a motion by Council member Mason, seconded by Council member Clawson, Council moved to continue the request until the August meeting so that more information can be obtained concerning the projected water usage for the project.

VOTE: Aye – All
 Nay – None

There being no other items to come before the Council, Council member Clawson moved to adjourn the meeting. Council member Wilcox seconded the motion. The meeting adjourned at 7:55 p.m.

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Kimberly S. Tester,
Deputy Town Clerk

Velma Burnley, Mayor