

**MINUTES - REGULAR MEETING  
BOONE TOWN COUNCIL  
JULY 19, 2007**

A regular meeting of the Boone Town Council was called to order at 6:30 p.m., Thursday, July 19, 2007 in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro-Tem Lynne Mason, Rennie Brantz, Janet Pepin, Bunk Spann and Dempsey Wilcox. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young; Town Clerk Freida Van Allen; Finance Director Amy Davis; Police Chief Bill Post; Fire Chief Reggie Hassler; Personnel Director Peri Moretz; Special Assistant to the Manager Jim Byrne; Development Services Director John Spear; Public Utilities Director Rick Miller and Public Services Director Blake Brown.

**TENTATIVE AGENDA ADOPTION**

Town Manager Greg Young presented the following changes to the agenda:

-Addition of two items to the Consent Agenda:

1. Adoption of DBDA Roster.
2. Correction to March 8, 2007, minutes.

-Deletion of Item 5.A. - Consideration of zoning amendments.

-Deletion of Item 5.H. - Adoption of Ordinance - Weber-Hodges, Inc., Legal Action.

-Addition of Weber-Hodges Settlement Offer to Closed Session.

On a motion by Council member Pepin, seconded by Council member Brantz, Council moved to adopt the agenda as amended.

Before voting, Council member Mason presented a brief history regarding the zoning text amendment which was to be presented and said ASU officials would like to be a part of this discussion; therefore, the zoning text amendment will be postponed until Town Council can meet with ASU officials. Council member Spann agreed that both parties are interested in working together on the text amendments. Council suggested meeting with ASU officials on either August 16, 2007 at 5:00 p.m. or August 9, 2007 at 5:00 p.m.

VOTE: Aye-All

Nay-None

**CONSENT AGENDA ADOPTION**

On a motion by Council member Brantz, seconded by Council member Spann, Council moved to adopt the following consent agenda items:

Minutes:        June 7, 2007 - Special Meeting.  
                      June 13, 2007 - Special Meeting.  
                      June 14, 2007 - Special Meeting.  
                      June 21, 2007 - Special Meeting.

Approval of Agreement - Mutual Aid for Fire Protection. Council member Brantz requested that the word "halocaust" be removed since it is an unnecessary word in this context.

**MUTUAL AID AGREEMENT FOR FIRE PROTECTION**

**NORTH CAROLINA  
WATAUGA COUNTY**

THIS AGREEMENT, made and entered into the 19<sup>th</sup> day of July, 2007, by and between the **Town of Boone**, a municipal corporation existing of Watauga County, North Carolina and **Cove Creek VFD**, a corporation existing under the laws of the State of North Carolina, hereinafter referred to as "the corporation".

**WITNESSETH:**

**THAT, WHEREAS**, the General Assembly of North Carolina did enact into law an act to authorize mutual aid assistance between fire departments whereby full authority may be exercised for fire departments to send firefighters and apparatus beyond the territorial limits which they normally serve, said act having been codified as Chapter 69, Section 40, of the General Statutes of North Carolina;

**WHEREAS**, the purpose of this agreement is to provide each of the parties hereto, through their mutual cooperation, a predetermined plan by which each of them might render aid to the other in case of conflagration, civil disorder, or natural disaster, any of which demand fire services to a degree beyond the existing capabilities of either party;

**WHEREAS**, it is deemed to be in the public interest for the parties hereto to enter into an agreement for mutual assistance in fire protection and in order to increase fire defenses and to assume proper fire control, as well as providing reserves needed to assure the community of adequate protection;

**WHEREAS**, by action of the Town Council of the Town of Boone on the 19<sup>th</sup> day of July, 2007, and also by appropriate action on behalf of "the corporation", this agreement for reciprocal mutual aid assistance was duly authorized;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein by and between the parties hereto, it is hereby agreed as follows:

1. Should it become necessary to activate the terms of this agreement as herein set forth, due to conflagration, civil disorder, or natural disaster, the Chief of the Fire Department of "the corporation" shall have the implicit authority, upon notification by one of the parties to the other that an emergency does in fact exist and that aid is needed, to order available apparatus, equipment, and manpower into action to assist the requesting party as may be required.
2. It shall be the responsibility of the chief of the fire department of the responding party that all personnel responding to the request for assistance are responsible persons.
3. Each party to this agreement shall assume all liability and responsibility for the death of or injury to any personnel of their own command responding to the request for mutual aid.
4. The party responding under the terms of this agreement shall assume no responsibility or liability for property damaged or destroyed at the actual scene of any civil disorder, conflagration, or natural disaster due to fire fighting and rescue operations, fire control tactics and strategy or other operations as may be required or ordered; said liability and responsibility shall rest solely with the party requesting such aid and within whose boundaries the property shall exist, or the incident occur.
5. The party responding to the request for mutual aid under the terms of this agreement shall assume all liability and responsibility for damage to its own apparatus and/or equipment. The party responding shall also assume all liability and responsibility for any damage caused by its own apparatus while in rout to or returning from a specific location.
6. The party who request mutual aid shall in no way be deemed liable or responsible for the personal property of the members of the fire department of the responding party which may be lost, stolen, or damaged while performing their duties under the response terms herein.
7. Each party to this agreement shall assume all costs of salaries, wages, bonuses, or other compensation for its personnel that responds for duty under the terms of this agreement and shall also assume all costs involving the use of apparatus,

equipment, tools used specifically in response to the request for aid and shall make no charge for such use to the party requesting assistance; however, any special extinguishing agents used by the responding party from its own supply shall be paid for by the party requesting the aid upon receipt of an itemized statement of costs for such extinguishing agents.

8. Upon receipt of a request for assistance by the chief of the fire department from the requesting party, and upon a determination by the chief of the fire department of the responding party that the request may be honored without impairing the capacity to provide fire protection within its own jurisdiction, the chief of the fire department may take such steps as necessary to furnish apparatus, manpower and assistance to the requesting party as he deems appropriate. Such response shall remain solely the decision of the chief of the fire department of the responding party.
9. The chief of the fire department in whose community the emergency exists, and who places the request for assistance, shall in all instances be in command of the emergency as to the aspects of strategy, fire control tactics, and overall direction of the operations. All orders or directions regarding the operations of the responding party shall be relayed to the chief firefighting officer in command of the responding party.
10. Neither party to this agreement shall be bound to dispatch apparatus, equipment or personnel to the assistance of the other but every effort should be made to furnish such assistance if, in the judgement of the chief of the fire department of either party, shall dispatch would not impose upon his own respective community a serious impairment to the fire defenses and fire protection.
11. Either party may, at any time, terminate this agreement, through its respective fire chief, upon the serving of a thirty-day written notice to the fire chief of the other party.
12. When fire department personnel are sent to another community pursuant to this agreement, the jurisdiction, authority, rights, privileges, and immunities, including coverage under Workers' Compensation laws, which they have in the sending fire department shall be extended to and include the area in which like benefits and authorities are or could be afforded to fire department personnel of the requesting fire department and shall also be extended to the area located between their respective communities when said personnel are acting within the scope of the authority conferred by this agreement.

**IN WITNESS THEREOF**, **Town of Boone** has caused this instrument to be signed in its corporate name by its Mayor, attested by its Town Clerk, and its corporate seal affixed, and **Cove Creek VFD, Inc.**, has likewise caused this instrument to be signed in its corporate name and its corporate seal affixed, all on the day and year first above written and this agreement is executed in duplicate.

Approval of Agreement - Fire Protection Contract for Automatic Aid.

**STATE OF NORTH CAROLINA  
COUNTY OF WATAUGA**

**THIS AGREEMENT**, made and entered into the 19<sup>th</sup> day of July, 2007, by and between the Town of Boone, a municipal corporation of Watauga County, North Carolina hereinafter referred as the party of the **FIRST PART**, and **Cove Creek Fire Department**, a corporation existing under the laws of the State of North Carolina, hereinafter referred as the part of the **SECOND PART**.

**WITNESSETH:**

**WHEREAS**, the **Boone Fire Department** (the party of the **FIRST PART**) wishes to increase its Fire Insurance Boundary to six (6) miles, wherever possible, and in

accordance with the rules as set forth and administered by the North Carolina Department of Insurance, Office of the State Fire Marshal.

**WHEREAS**, the part of the **FIRST PART** is therein required to have a contract with the adjoining districts, thereby demonstrates their willingness and assurances of participation or rendering automatic aid.

**WHEREAS**, the County has written automatic aid protocols which is maintained and utilized by the Watauga County Telecommunications Center, and is utilized on all structure fires whereby it simultaneously dispatchs the closest automatic aid department.

**WHEREAS**, that the **Cove Creek Volunteer Fire Department** (party of the **SECOND PART**) hereby contracts and agrees that:

Except as to the extent specified in that certain agreement dated July 19, 2007 between **Town of Boone** and **Cove Creek VFD**, the party of the **SECOND PART**, when alerted for automatic aid, will respond with a piece of fire apparatus capable of carrying a minimum of 1,000 gallons of water to the party of the **FIRST PART** to a specified location for structure fire protection.

**IN WITNESS THEREOF**, **Town of Boone** has caused this instrument to be signed in its corporate name by its Mayor, attested by its Town Clerk and its corporate seal affixed, and **Cove Creek Volunteer Fire Department, Inc.**, has likewise caused this instrument to be signed corporate name and in its corporate seal affixed, all on the day and year first above written and this agreement is executed in duplicate.

Adoption of DBDA Roster:

<p><b>Mike Boone</b> 140 South Depot St. Boone NC 28607 Telephone: 265-2211 mikeboone@magiccycles.com Appointed: 05-07 Term Ends: 05-09 Magic Cycles <i>President</i></p>	<p><b>Nelson Garcia</b> 128 Appalachian Street Boone, NC 28607 Telephone: 262-3661  Appointed: 05-07 Term Ends: 05-09 Nelson's Salon <i>Secretary</i></p>
<p><b>Trey Morrison</b> 475 Blowing Rock Rd. Boone NC 28607 Telephone: 773-6769/262-5655 treymorrison@bellsouth.net Appointed: 05-06 Term Ends: 05-09 Broker- MAP Realty <i>Treasurer</i></p>	<p><b>David Brewer</b> PO Box 152 Boone NC 28607 Telephone: 828-264-2262 dave@highcountypress.com Appointed: 06-07 Term Ends: 06-09 The High Press <i>Board Member</i></p>
<p><b>Scott Warren</b> 2408 Highway 105 Boone NC 28607 Telephone: 773-3014/262-1836 Scottwarren47@hotmail.com Appointed: 05-06 Term Ends: 05-09 Realtor- Coldwell Banker Board Member</p>	<p><b>Ritchie Jacobs</b> 611 West King St. Boone NC 28607 Telephone: 264-9998 Rjacobs7@bellsouth.net Appointed: 06-06 Term Ends: 06-09 Art Walk <i>Vice-President</i></p>
<p><b>Dan Meyer</b> 208 Howard St. Boone, NC 28607 Telephone: 264-2225 danmeyer@boonechamber.com Appointed: 05-06 Term Ends: 05-09 Boone Area Chamber of Commerce Board Member</p>	<p><b>Tommy White</b> 630 King Street Boone, NC 28607 Telephone: 262-0000 <b>Twhite@Mastgeneralstore.com</b> Appointed: 06-06 Term Ends: 06-09 Mast General Store Board Member</p>

Correction of March 8, 2007, Minutes:

The fourth speaker was Mr. Lorin Baumhover, Chief of Staff to the Chancellor's Office at Appalachian State University of 1200 Pinnacle Drive. Mr. Baumhover said that the university has no intentions of moving into the central business district, however, he doesn't know what the future holds for growth of the university. ~~He spoke against in support of the proposed text amendment. (Corrected 5/17/06 under Consent Agenda)~~ **He requested that Council proceed carefully with the proposed ordinance change.**

**ADOPTION OF RESOLUTION - DIRECTING CLERK TO INVESTIGATE DEN MAC ANNEXATION**

Development Services Director John Spear explained that this petition for satellite annexation is for property located at the intersection of Brookhollow and Bamboo Road. Mr. Spear said the 4.47-acre property is being annexed as a condition for obtaining water and sewer services. Council member Spann asked if there were any concerns regarding the proposed annexation. Development Services Director Spear said no that so far the petitioners were in compliance with all regulations. On a motion by Council member Mason, seconded by Council member Brantz, Council moved to adopt the following resolution:

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-58.1  
(Den Mac, LLC Annexation)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on July 19, 2007 by the Town Council; and

**WHEREAS**, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Town Council of the Town of Boone deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Boone that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.

Adopted this the 19<sup>th</sup> day of July, 2007.

Mayor

ATTEST:

Town Clerk

**(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 36)**

VOTE: Aye - All  
Nay - None

**CAC APPOINTMENTS**

On a motion by Council member Mason, seconded by Council member Brantz, Council moved to appoint Adrian Tait to a three year term on the Community Appearance Commission. His term will expire 6/30/10.

VOTE: Aye - All  
Nay - None

**BOARD OF ADJUSTMENT APPOINTMENTS**

Council member Spann nominated Dan Collins for a three-year term on the Board of Adjustment. Council member Mason nominated Morgan Murray. The following votes were cast:

Collins - 4 (Brantz, Pepin, Spann, Wilcox)  
Murray - 1 (Mason)

Dan Collins was appointed. His term will expire 6/30/10. On a motion by Council member Mason, seconded by Council member Pepin, Council moved to appoint James Milner to an alternate resident position on the Board of Adjustment. His term will expire 6/30/09.

VOTE: Aye-All  
Nay-None

**ADOPTION OF RESOLUTION - REQUEST NCDOT MAINTENANCE OF CECIL MILLER ROAD**

Public Services Director Blake Brown said Cecil Miller Road connects to the proposed Watauga High School project. Mr. Brown said once DOT improves the road it will be turned over to the Town for future maintenance. On a motion by Council member Spann, seconded by Council member Pepin, Council moved to adopt the following resolution:

**A RESOLUTION REQUESTING THAT NCDOT TAKE OVER THE MAINTENANCE OF CECIL MILLER ROAD FROM THE TOWN OF BOONE**

**WHEREAS**, the North Carolina Department of Transportation (NCDOT) has the necessary funding for the Watauga High School project; and

**WHEREAS**, the Town of Boone, North Carolina, respectfully requests that NCDOT take over the maintenance of Cecil Miller Road from the Town of Boone in order to utilize these funds;

**NOW, THEREFORE BE IT RESOLVED**, that, I, Loretta Clawson, Mayor and on behalf of the Boone Town Council, formally request that NCDOT take over maintenance of Cecil Miller Road and upon adoption of this resolution, NCDOT shall assume all maintenance responsibilities for this municipal street.

**ADOPTED** this the 19<sup>th</sup> day of July, 2007.

ATTEST:

Loretta Clawson, Mayor

Freida Van Allen, Town Clerk

**(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 37)**

VOTE: Aye - All  
Nay - None

**DISCUSSION OF BRIDGE MAINTENANCE AGREEMENT OPTIONS WITH NCDOT**

Public Services Director Blake Brown explained that the Town contracts with NC Department of Transportation to inspect the five bridges located within Town limits, every two years. Council member Brantz asked if funds are allocated for the inspection. Mr. Brown said yes, that the inspections will cost between \$2-\$3,000. On a motion by Council member Brantz, seconded by

Council member Spann, Council moved to select option c (80/20 split) for the bridge inspections. A formal agreement will be forwarded for Council approval at a later date.

VOTE: Aye-All  
Nay-None

**ADOPTION OF ORDINANCE - ROBERT F. DISNEY LEGAL ACTION**

Town Attorney Sam Furgiuele explained that this legal action transpires from a street closing request made by Bob Disney earlier this year, which was subsequently denied by Council. The Town Clerk sent a certified letter and statement for \$438 for the costs. Mr. Disney refused that letter and another letter sent from the Town Attorney. Council member Brantz questioned the cost of initiating a lawsuit. Town Attorney Furgiuele said it costs between \$50-\$150 but that all court costs and attorney fees are included in the lawsuit. On a motion by Council member Spann, seconded by Council member Pepin, Council moved to adopt the following ordinance:

**ORDINANCE #07-06**

**WHEREAS**, upon the request of Robert F. Disney, the Town of Boone duly considered a request to close a portion of a Town street, Hunting Hills Lane; and

**WHEREAS**, in accordance with that request, the Town Council directed the Town Clerk to advertise a Resolution of Intent to close the requested street, as required by North Carolina law, N.C. Gen. Stat. § 160A-299(a); and

**WHEREAS**, at the expense of the Town, said resolution was duly advertised for four successive weeks on the Watauga Democrat, the newspaper of general circulation in the Town of Boone; and

**WHEREAS**, the Town expended a total of \$438.00 in processing the application of Robert F. Disney and advertising his requested street closing; and

**WHEREAS**, the Boone Town Council conducted a public hearing on the request of Robert F. Disney, and although Mr. Disney did not attend, a number of other persons potentially affected by the proposed street closing attended and voiced their opposition to the closing of the street, after which the Town Council voted to deny the request; and

**WHEREAS**, despite repeated requests, Robert F. Disney has failed and refused to repay the Town said \$438.00; and

**WHEREAS**, North Carolina law, N. C. Gen. Stat. §§ 160A-11 and 160A-12, empowers the Boone Town Council to institute a civil action against Robert F. Disney to recover the costs which it advanced in connection with his street closing request;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BOONE, NORTH CAROLINA, PURSUANT TO N. C. GEN STAT. § 160A-12**, that the Town Attorney is ordered to initiate a legal action in the General Court of Justice in Watauga County, North Carolina against Robert F. Disney to recover \$438.00, including available attorney's fees and costs.

13. This Ordinance shall be recorded in the registry of the Watauga County Register of Deeds under the name Robert F. Disney.

**ADOPTED** this 19<sup>th</sup> day of July, 2007.

ATTEST:

Mayor

Town Clerk

**(ORDINANCE TO BE TYPED IN BOOK 3, PAGE 335)**

VOTE: Aye - All  
Nay - None

**ADOPTION OF ORDINANCE - LYLE T. & SUSAN E. LIGHT LEGAL ACTION**

Town Attorney Sam Furgiuele said this legal action transpires from an occupancy violation at 125 Cherrybrook Drive. Town Attorney Furgiuele said the Lights contend that the residence at this location is grandfathered as a duplex and so they used the residence as a boarding house. Town Attorney Furgiuele said the Lights have been in violation since April 19, 2007 and are accumulating a \$250 penalty per day. Council member Spann said Council should pursue this matter in hopes that the Lights will come into compliance. On a motion by Council member Pepin, seconded by Council member Mason, Council moved to adopt the following ordinance:

**ORDINANCE #07-07**

**WHEREAS**, the Town of Boone has duly adopted a Unified Development Ordinance, (hereinafter, the "UDO"); and

**WHEREAS**, the UDO regulates the number of unrelated people who can reside in particular dwelling units in particular zoning districts within the Town of Boone and its planning jurisdiction; and

**WHEREAS**, following a February 1, 2007 inspection by personnel from the Development Services Department of the Town of Boone of a home located at 125 Cherrybrook Drive, Boone, North Carolina, Watauga PIN 2910-08-1627-000, owned by Lyle T. Light and Susan E. Light, staff notified Mr. and Ms. Light that said home was being rented as a boarding house, as that term is defined in the UDO, in violation of the UDO, that the grandfathered use of the property as a duplex in an R-1 zone had been discontinued for a period of 180 days and was thus no longer available, and that Mr. and Ms. Light were repeat violators; and

**WHEREAS**, by letter dated April 19, 2007, a penalty of \$1,000.00 plus \$250.00 per day until the violations were discontinued was assessed; and

**WHEREAS**, the property has continued to be used in violation of the UDO; and

**WHEREAS**, neither Lyle T. Light nor Susan E. Light filed an appeal of the staff violation determination, the staff determination that the grandfathered use of the property had expired, nor the determination of the penalty imposed upon them to the Town of Boone Board of Adjustment, and their time to do so has now expired, resulting in the staff decisions becoming the final decisions of the Town; and

**WHEREAS**, despite a demand letter from the Town Attorney, Mr. and Ms. Light have failed and refused to pay any penalty;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BOONE, NORTH CAROLINA, PURSUANT TO N.C. GEN. STAT. §§ 160A-11, 160A-12, AND 160A-175, AS FOLLOWS:**

14. Lyle T. Light and Susan E. Light have violated the Unified Development Ordinance of the Town of Boone by using their property at 125 Cherrybrook Drive, Boone, North Carolina, Watauga PIN 2910-08-1627-000, as a boarding house, as that term is defined under the UDO.
15. There has been an interruption of 180 days in the previous grandfathered use of said property as a duplex, and henceforth, the property may only be used in conformity with the requirements of the UDO as they apply to the R-1 zoning district.
16. Lyle T. Light and Susan E. Light have continued to violate the Unified Development Ordinance of the Town of Boone by renting their property in violation of the requirements of the R-1 zoning district. Said violations are continuing in nature and thus constitute repeated violations of the Ordinance.

17. The Town Attorney is ordered to initiate a legal action in the General Court of Justice in Watauga County, North Carolina against Lyle T. Light and Susan E. Light, seeking a mandatory injunction requiring Lyle T. Light and Susan E. Light to immediately and permanently abate its violation of the UDO, and to collect the unpaid penalties for its violations of the Ordinance, including attorney's fees and costs.
18. This Ordinance shall be recorded in the registry of the Watauga County Register of Deeds under the names Lyle T. Light and Susan E. Light.

**ADOPTED** this 19<sup>th</sup> day of July, 2007.

ATTEST:

Mayor

Town Clerk

**(ORDINANCE TO BE TYPED IN BOOK 3, PAGE 336-337)**

VOTE: Aye - All  
Nay - None

#### **ADOPTION OF TEXT AMENDMENTS - WATER & SEWER CODE**

Public Utilities Director Rick Miller said the proposed text amendments would allow for the harvesting and use of rainwater. Council member Spann felt this is an opportunity to do something positive for the long-term stability of Boone and hoped that commercial properties will contemplate harvesting rainwater. Council member Pepin reminded Council that the Community Appearance Commission will be discussing standards for the collection system. On a motion by Council member Mason, seconded by Council member Spann, Council moved to adopt the following text amendments to the Water and Sewer Use Code.

***Grey Water** is water generated from the use of the shower, bathtub, spa bath, hand basin, laundry tub, clothes washing machine, kitchen sink, and/or dishwasher. Grey water may not contain wastewater from the toilet, urinal or bidet.*

***Rainwater Harvesting and Reuse** is the collection, storage and treatment of rain from roofs or from surface catchments that is recycled back into the natural environment for safe allowable non-drinking purposes. The water is generally stored in rainwater tanks or directed into mechanisms which recharge groundwater.*

#### **Section 4-7. Rainwater Harvesting and Reuse Systems.**

*Rainwater Harvesting and Reuse Systems with a capacity less than 500 gallons may directly or indirectly connect to the sanitary sewer system only with written approval of the Superintendent. Rainwater Harvesting and Reuse Systems with a capacity of 500 gallons or more may directly or indirectly connect to the sanitary sewer system if they met the following criteria,:*

- a) the system must include a meter provided by the town, at the consumers expense, which allows the Town to accurately monitor the flow of water into the public sanitary sewer system;*
- b) the system user timely pays for the consequent use of the public sanitary sewer system at rates established by the Boone Town Council;*
- c) the system must use the water for the limited purposes of flushable fixtures and/or only.; and*
- d) the system user must obtain written approval from the Superintendent prior to installation of the system.*

#### **Section 4-15. Use of Grey Water Prohibited.**

*The use of grey water is prohibited.*

**Section 4-24. Unauthorized Connections.**

No person(s) shall ~~make connection~~ **connect** of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater ~~to a building sewer or building drain which in turn is connected~~ directly or indirectly to a public sanitary sewer **without specific written approval from the Superintendent.**

**Section 8-1. Illegal Discharges.**

No person(s) shall discharge or cause to be discharged any ~~unpolluted waters such as~~ stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any public sanitary sewer **without specific written approval from the Superintendent.**

**Section 8-2. Unpolluted Drainage.**

~~Stormwater and All other unpolluted drainage, such as storm water, shall be discharged to such sewer as are specifically designated as storm sewers or to a natural outlet. approved by the Superintendent and other regulatory agencies. Unpolluted Industrial cooling waters, or process waters, and approved harvested rainwater may shall due to a storm sewer or natural outlet be discharged into the public sanitary sewer system.~~

VOTE: Aye - All  
Nay - None

**MONTHLY WATER USE STATUS REPORT**

As requested by Town Council, staff and I have compiled the following information concerning water use for the month of June. The Water Treatment Plant recorded a maximum daily demand of 1.933 million gallons on Tuesday, June 19, 2007, and the average daily demand was 1.765 million gallons for the entire month.

Attached you will find a chart that depicts a comparison of the maximum daily demands for the month of June since 1995. Included is an average trend line that illustrates the extent the maximum daily demand has increased during the last thirteen years.

As adopted in Ordinance 05-01, the Town of Boone Council has appropriated for 25,000 gallons per day usage for year 2007 for allocation to customers. Council chose to allocate 4,800 gallons from 2007 and after adding back the 6,788 gallons carried over from 2006, a balance of 25,943 gallons remaining for allocation in 2007. At the last Town Council meeting, Council chose to allocate 1,650 gallons per day to one project and since then the Public Utilities approved one project that subtracted 490 gallons per day from the 2007 allotment. The total water allotment remaining for the year 2007 has not broken the sixty percent threshold. All future water service requests in excess of 3000 gallons per day usage will be forwarded to Town Council as required in Ordinance 05-01.

As you can see in the attached “Approved Water Connections” chart, the Public Utilities Department now has 16,222 gallons per day remaining for allotment in 2007 and 15,991 gallons remaining for 2008.

		Approved Water Connections				
		2007				
Staff Approved	Date	Projected Usage	Council Approved	Date	Projected Usage	Remaining Gallons
						25000
			Watauga County	Nov-06	4800	20200
			<b>2006 Balance Carry Over</b>	<b>Jan-07</b>	<b>6788</b>	<b>26988</b>
Park Street Subdivision	Jan-07	850				26138
Steven Airey	Jan-07	195				25943

Boone Mall	Jan-07	439				25504
<b>Sarvos Properties</b>	<b>Feb-06</b>	<b>2100</b>				<b>27604</b>
			Jamus FLP	Feb-06	4209	23395
Mauldin Chiropratic	Feb-07	69				23326
Ross Chrysler	Feb-07	60				23266
A-Z Enterprises	Feb-07	900				22366
			Fatbellies LLC	Mar-06	3750	18616
High Country Bank	Mar-07	450				18166
Enterprise Leasing	Mar-07	45				18121
James Maltba	Mar-07	31				18090
<b>Dana Willet</b>	<b>Jun-05</b>	<b>450</b>				<b>18540</b>
<b>Dana Willet</b>	<b>Jul-05</b>	<b>150</b>				<b>18690</b>
HW Partners	May-07	45				18645
Hoan Nguyen	May-07	283				18362
			CCC&TI	Jun-06	1650	16712
Jeff Templeton Rentals	Jul-07	490				<b>16222</b>
			2008			
<b>Staff Approved</b>	<b>Date</b>	<b>Projected Usage</b>	<b>Council Approved</b>	<b>Date</b>	<b>Projected Usage</b>	<b>Remaining Gallons</b>
						25000
			Watauga County	Nov-06	4800	20200
			Jamus FLP	Feb-07	4209	<b>15991</b>

**APPROVAL OF BUDGET AMENDMENTS**

On a motion by Council member Pepin, seconded by Council member Brantz, Council moved to adopt the following budget amendments:

<b>DESCRIPTION</b>	<b>ACCOUNT #</b>	<b>TO:</b>	<b>FROM:</b>
Capital Outlay-Office Equip. Finance	010-402-000-571000	\$1,920.00	
Office Equipment - Jones House	010-409-000-516200	\$900.00	
Advertising-Jones House	010-409-000-527001	\$500.00	
ATP/Greenway Project-Spcl. Projects	010-411-000-545100	\$388,462.00	
Stormwater Assessment-Spcl. Projects	010-411-000-549109	\$39,942.00	
Horn in the West-Spcl. Projects	010-411-000-549122	\$231,263.00	
Ann Marie/Elizabeth Dr.-Spcl. Projects	010-411-000-549123	\$50,000.00	
Howard Street-Special Projects	010-411-000-549124	\$152,715.00	
Space Needs-Special Projects	010-411-000-549125	\$7,250.00	
Tree Planting-Special Projects	010-411-000-549128	\$4,000.00	
Uniform Equipment - Police	010-500-300-511220	\$1,320.00	
Communications Equipment-Police	010-500-300-516300	\$3,815.00	
Public Safety Vehicle Equip.-Police	010-500-300-516400	\$998.00	

Public Safety Vehicle Equip.- Police	010-500-300-516400	\$2,385.00	
Armory Supplies - Police	010-500-300-519200	\$1,465.00	
Armory Supplies - Police	010-500-300-519200	\$2,700.00	
Armory Supplies - Police	010-500-300-519200	\$1,050.00	
Communications Equipment- Fire	010-500-350-516300	\$4,171.00	
Communications Equipment- Fire	010-500-350-516300	\$1,900.00	
Contracted Services - Public Works	010-600-400-577000	\$15,000.00	
Maintenance & Repair Equip- Street	010-600-401-525201	\$918.00	
Contracted Services - Public Utilities	030-700-801-577000	\$22,000.00	
Contracted Services - Public Utilities	030-700-801-577000	\$398.00	
Meter Supplies - Water Ops.	030-700-802-517101	\$4,992.00	
Miscellaneous Supplies-Water Ops.	030-700-802-519900	\$6,687.00	
Miscellaneous Supplies-Water Ops.	030-700-802-519900	\$2,898.00	
Capital Outlay-Lines Water Ops.	030-700-802-575000	\$50,000.00	
Miscellaneous Supplies-Sewer Ops.	030-700-803-519900	\$16,948.00	
Miscellaneous Supplies-Sewer Ops.	030-700-803-519900	\$2,000.00	
Contracted Services-WTP	030-700-804-577000	\$37,300.00	
Communications Equip.-Rural Fire	051-451-000-516300	\$686.00	
NC DOT/Alternative Transportation	010-000-000-448025		(\$282,242.00)
Appropriated Fund Balance-GF	010-000-000-499900		(\$630,432.00)
Appropriated Fund Balance- W&S	030-000-000-499900		(\$143,223.00)
Appropriated Fund Balance- Rural Fire	051-451-000-499900		(\$686.00)
Street Garden Project-Town Hall Lot	010-411-000-549105	\$8,500.00	
Transfer from Park/Greenspace Fund	010-000-000-498014		(\$6,500.00)
Tree Planting Project-Special Projects	010-000-000-549128		(\$2,000.00)
Hospitality House-Subsidies & Allocations	010-412-000-549212	\$12,500.00	

Appropriated Fund Balance-GF	010-000-000-499900		(\$12,500.00)
Expendable Equipment-Street Dept.	010-600-401-514110	\$745.00	
Miscellaneous Revenue-GF	010-000-000-489900		(\$745.00)

VOTE:Aye - All  
Nay - None

**APPROVAL OF COUNCIL CHAMBER USE - ONE-STOP VOTING SITE**

Ms. Stella Anderson, Chairman of the Watauga County Board of Elections, appeared before Council to request use of the Council Chambers for one-stop voting for the primary and general 2008 presidential elections. Ms. Anderson explained that the Agricultural Center and Watauga County Administrative Building are currently used as sites for one-stop voting and because of the close proximity, the Board felt the Town Council Chambers would be an ideal location on another end of Town. Ms. Anderson pointed out that the room would need to be located and maintained as secure 24 hours per day, 7 days per week during the voting period. Police Chief Bill Post maintained that the Council Chambers are not as secure as the Board of Elections would need it to be and that the Police Department frequently holds officer training in the room; in addition other Board meetings are held in the room. Council member Mason suggested using the National Guard Armory as an alternate site. Council member Spann agreed and encouraged the Board to investigate another site.

**PUBLIC COMMENT**

Floyd Garrison appeared before Council to request that the Town consider the County’s counter-proposal for installation of a sewer line to the Elk Motel. Council member Pepin questioned how his fund-raising efforts are progressing. Mr. Garrison said he was confident he could raise 1/3 of the installation cost.

**CLOSED SESSION**

On a motion by Council member Wilcox, seconded by Council member Spann, Council moved to enter Closed Session at 7:26 p.m., pursuant to NCGS 143-318.11a)3)4)5) in order to discuss ASU violations; an update on the Howard Street project; property acquisition for water, economic development; consultation regarding the legal state of the community garden lease; a settlement proposal from Boone Ford, Lincoln, Mercury; and a settlement proposal from Weber-Hodges Realtors.

VOTE:Aye-All  
Nay-None

On a motion by Council member Brantz, seconded by Council member Brantz, Council moved to exit Closed Session at 9:01 p.m.

VOTE:Aye-All  
Nay-None

**ACTION TAKEN FOLLOWING CLOSED SESSION**

On a motion by Council member Wilcox, seconded by Council member Brantz, Council moved to record the Howard Street Deeds of Easement that have been received to date.

VOTE:Aye-All  
Nay-None

On a motion by Council member Wilcox, seconded by Council member Mason, Council moved to settle with Boone Ford, Lincoln, Mercury for \$500 for sign violations.

VOTE:Aye-All  
Nay-None

On a motion by Council member Wilcox, seconded by Council member Brantz, Council moved to settle with Weber-Hodges Realtors for \$100 for sign violations.

VOTE:Aye-All  
Nay-None

**ADJOURNMENT**

On a motion by Council member Brantz, seconded by Council member Pepin, Council moved to adjourn at 9:05 p.m.

VOTE:Aye-All  
Nay-None

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Town Clerk

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Mayor