

**MINUTES - REGULAR MEETING  
BOONE TOWN COUNCIL  
AUGUST 21, 2008**

A regular meeting of the Boone Town Council was called to order at 6:30 p.m., Thursday, August 21, 2008, in the Council Chambers, 1500 Blowing Rock Road. Mayor Loretta Clawson presided. Council members present were Mayor Pro-Tem Lynne Mason, Janet Pepin, Liz Aycock, and Stephen Phillips. Town Attorney Sam Furgiuele was also present. Staff members present were Town Manager Greg Young, Deputy Town Clerk Kimberly Brown, Assistant to the Town Manager Jim Byrne, Police Chief Bill Post, Fire Chief Reggie Hassler, Public Works Director Blake Brown, Public Utilities Director Rick Miller, Finance Director Amy Davis, Human Resources Director Peri Moretz, and Development Services Director John Spear.

**ANNOUNCEMENTS**

Mayor Clawson called the meeting to order and welcomed all in attendance. She noted that anyone wanting to speak during the public comment session would need to sign the public comment sign-up sheet.

**TENTATIVE AGENDA ADOPTION**

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

1. Deletion of Item 6.E. - Permission to apply for CDBG Grant.
2. Addition of Item 6.Q. - Adoption of Zoning Amendments.
3. Addition of Item 6.R. - Planning Commission and Board of Adjustment ETJ position vacancies.
4. Addition of Item 6.S. - Adoption of Resolution - NCLM Green Challenge.
5. Deletion of Item 7.F. - Requested Appearance - Madge Anagnos.

Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to adopt the agenda as amended.

VOTE:           Aye - All  
                      Nay - None

**CONSENT AGENDA ADOPTION**

Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to adopt the following consent agenda items:

Minutes:        July 17, 2008 - Regular Meeting.  
                      July 24, 2008 - Special Meeting.  
                      July 31, 2008 - Special Meeting.

Tax Releases & Refunds - June 2008.

**TAX RELEASES  
JUNE 2008**

Taxpayer	Year	Amount	Description
FRANKHOUSER, GABE	2007	9.32	REDUCE TO PURCHASE PRICE
PRICE, CARL E	2007	51.71	DOES NOT LIVE IN CITY
PRICE, CARL E PRICE, REBA R	2007	20.72	INCORRECT SITUS
NEW RIVER LIGHT & POWER CO	2007	54.95	EXEMPT

COMBS, ANNE HELSTEIN HELSTEIN, RICHARD SIMON	2007	40.53	TURN IN TAG
<b>TOTAL</b>		<b>177.25</b>	

**TAX REFUNDS  
JUNE 2008**

Taxpayer	Year	Amount	Description
LUBSEN, TRACY HOPE LUBSEN, ERIC CHRISTOPHER	2007	4.57	SOLD VEHICLE
MCKIBBIN, MICHAEL CREMINS MCKIBBIN, SHARON HUGHES	2007	3.33	TURN IN TAG
LEE, RICKEY A LEE, CHERYL L	2007	10.47	TURN IN TAG
<b>TOTAL</b>		<b>18.37</b>	

**MSD  
JUNE 2008**

Taxpayer	Year	Amount	Description
LUBSEN, TRACY HOPE LUBSEN, ERIC CHRISTOPHER	2007	2.59	SOLD VEHICLE
<b>TOTAL</b>		<b>2.59</b>	

Adoption of Ordinance - ASU Interconnection:

**GRANT PROJECT ORDINANCE  
NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER, INC.  
CONTRACT REF#: 2008-182-40101-112**

**BE IT ORDAINED** by the Town Council of the Town of Boone, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**SECTION 1.** The project authorized is to construct a water interconnection between Appalachian State University and the Town of Boone, North Carolina.

**SECTION 2.** The scope of the work is anticipated to be completed by June 2009.

**SECTION 3.** The officers of this until are hereby directed to proceed with the grant project within the terms of the grant agreement documents, and the budget contained herein.

**SECTION 4.** The following amounts are appropriated for the project:

Construction of Infrastructure for Water Interconnection Between Appalachian State University & the Town of Boone, NC	<u>\$168,000</u>
<b>Total</b>	<b>\$168,000</b>

**SECTION 5.** The following revenues are anticipated to be available to complete this project.

NC Rural Economic Development Center, Inc.-Grant	<u>\$168,000</u>
<b>Total</b>	<b>\$168,000</b>

**SECTION 6.** The Finance Officer is hereby directed to maintain within the Grant Project Funds sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements. The terms of the grant agreement shall also be met.

**SECTION 7.** Copies of this grant project ordinance shall be furnished to the Clerk to the Town Council, to the Budget Officer & the Finance Officer for direction in carrying out this project.

Adopted this the 21<sup>st</sup> day of August 2008.

ATTEST:

Mayor

Town Clerk

**(ORDINANCE TO BY TYPED IN BOOK 3, PAGE 355)**

Adoption of Ordinance - Blowing Rock Interconnect:

**GRANT PROJECT ORDINANCE  
NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER, INC.  
CONTRACT REF#: 2008-258-40101-112**

**BE IT ORDAINED** by the Town Council of the Town of Boone, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**SECTION 1.** The project authorized is to construct an emergency water interconnection between the Towns of Boone & Blowing Rock, North Carolina.

**SECTION 2.** The scope of the work is anticipated to be completed within 34 weeks.

**SECTION 3.** The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant agreement documents, and the budget contained herein.

**SECTION 4.** The following amounts are appropriated for the project:

Construction of Infrastructure for Emergency Water Interconnection Between the Towns of Boone & Blowing Rock, NC	<u>\$1,000,000</u>
<b>Total</b>	<b>\$1,000,000</b>

**SECTION 5.** The following revenues are anticipated to be available to complete this project.

NC Rural Economic Development Center, Inc.-Grant	<u>\$1,000,000</u>
<b>Total</b>	<b>\$1,000,000</b>

**SECTION 6.** The Finance Officer is hereby directed to maintain within the Grant Project Funds sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements. The terms of the grant agreement shall also be met.

**SECTION 7.** Copies of this grant project ordinance shall be furnished to the Clerk to the Town Council, to the Budget Officer & the Finance Officer for direction in carrying out this project.

Adopted this 21<sup>st</sup> day of August, 2008.

ATTEST:

Mayor

Town Clerk

**(ORDINANCE TO BE TYPED IN BOOK 3, PAGE 356)**

Adoption of Ordinance - Disposal of Personal Property Valued at less than \$30,000:

**AN ORDINANCE PRESCRIBING PROCEDURES FOR DISPOSING OF PERSONAL PROPERTY VALUED AT LESS THAN \$30,000**

**BE IT ORDAINED** by the Town Council of the Town of Boone, North Carolina:

SECTION 1. The Finance Officer is hereby authorized to dispose of any surplus personal property owned by the Town of Boone, whenever he or she determines, in his or her discretion, that:

- (a) the item or group of items has a fair market value of less than thirty thousand dollars (\$30,000.00);
- (b) the property is no longer necessary for the conduct of public business; and,
- (c) sound property management principles and financial considerations indicate that the interests of the Town of Boone would best be served by disposing of the property.

SECTION 2. The Finance Officer may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of N.C. Gen. Stat. Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.

SECTION 3. The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or service useful to the Town of Boone if greater value may be obtained in that manner, and the Finance Officer is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Finance Officer may retain the property, obtain any reasonable available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the Town Council.

SECTION 4. The Finance Officer shall keep a record of all property sold under authority of this Ordinance and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

SECTION 5. This Ordinance is enacted pursuant to the provisions of N.C. Gen. Stat. §160A-266 (c).

SECTION 6. This Ordinance shall become effective upon adoption.

Adopted this 21<sup>st</sup> day of August, 2008.

ATTEST:

Mayor

Town Clerk

**(ORDINANCE TO BE TYPED IN BOOK 3, PAGE 357)**

Surplus Property List:

AT&T W/CORDLESS HANDSET  
LUCENT ISDN CONSOLE PHONE  
LUCENT ISDN CONSOLE PHONE  
PANASONIC 4-LINE W/CORDLESS  
PANASONIC KX-TG2267  
PANASONIC 2.4  
PANASONIC 4-LINE W/CORDLESS  
PANASONIC KX-TG2770  
AT&T 2-LINE  
PHONE LARGE BUTTON  
PANASONIC KX-TG5671  
PANASONIC KX-TG5672 W/EXTRA HANDSET  
PLANTRONICS CORDLESS HANDSET  
GE 2-LINE W/CALLER ID  
PANASONIC KX-TG2770 W/CORDLESS  
PANASONIC KX-TG2770 W/CORDLESS  
BELLSOUTH VINTAGE PHONE  
PANASONIC KX-TG2770  
V-TECH VT9241  
PANASONIC KG-TG2770  
PANASONIC KX-TG2267  
PANASONIC 2-LINE  
PANASONIC KX-TG2238  
PANASONIC 2-LINE  
PANASONIC 2-LINE  
PANASONIC 2-LINE  
PANASONIC 2-LINE  
AT&T MBK 6508T ISDN CONSOLE  
PANASONIC KX-TG2740 EXPANDABLE W/4 CORDLESS HANDSETS  
MACROTEL MT-16T  
MACROTEL MT-16T  
MACROTEL MT-16T  
MACROTEL MT-16T  
MACROTEL MT-16T  
PANASONIC KX-TG5672 W/EXTRA HANDSET  
AT&T 2-LINE  
GE PHONE  
PANASONIC GX-TG6500  
BELL PHONE  
PANASONIC 5.8 GHz  
UNIDEN 2-LINE  
UNIDEN POWER MAX

UNIDEN 5.8 Ghz  
UNIDEN 2-LINE  
UNIDEN 2.4 Ghz  
PANASONIC KX-TG5480  
AT&T 2-LINE  
PANASONIC 2-LINE  
PANASONIC 2-LINE  
BELL VINTAGE PHONE  
BELL VINTAGE PHONE  
BELL VINTAGE PHONE  
BELL VINTAGE PHONE  
STARPLUS VINTAGE PHONE  
BELL VINTAGE PHONE  
BELL VINTAGE PHONE  
BELL VINTAGE PHONE  
CERAMIC JAR 8W X 12H  
CERAMIC JAR 7 ½ W X 10 H  
GRAY OFFICE CHAIR  
GRAY OFFICE CHAIR  
GRAY OFFICE CHAIR  
KNEELING CHAIR PNEUMATIC CONTROL 21"-25" HIGH AND 16" WIDE  
KNEELING CHAIR 16" WIDE  
KNEELING CHAIR  
HOLMES CERAMIC HEATER 8W X 11H  
MARSHALL 2000 POWER AMPLIFIER 17W X 3.5H X 12.75D  
DELL DIMENSION XPS T500  
DELL OPTIPLEX GX270  
COMPUTER CABINET WOODEN 23.25W X 29.5H X 21D  
HON FILE CABINET 2-DRAWER LEGAL SIZE 18.5W X 29H X 25D  
BOOKSHELF WOODEN 31.4W X 72H X 10D  
BOOKSHELF WOODEN 31.4W X 72 H X 10D  
3M PRIVACY SCREEN W/DELL KEYBOARD  
3M PRIVACY SCREEN W/DELL KEYBOARD  
ARTIFICIAL TREE 6' FICUS  
PANASONIC KX-TG2238  
PANASONIC W/CALLER ID  
PANASONIC OLD STYLE  
UNIDEN DIGITAL  
UNIDEN 5.8 Ghz  
UNIDEN DIGITAL  
UNIDEN VISUAL RINGER  
UNIDEN 2.4 GHz  
UNIDEN 2.4 Ghz  
UNIDEN POWERMAX 5.8 Ghz  
V-TECH 5.8 Ghz  
SONY SPP-933  
SONY SPP-Q110  
GE 2.4 Ghz  
AT&T 959  
GE 12 MEMORY  
GE PHONE  
AT&T PHONE W/ANSWERING MACHINE  
AT&T PHONE W/ANSWERING MACHINE  
GE 2-LINE  
AT&T 210  
DURABRAND PHONE  
DURABRAND PHONE  
GE W/CALLER ID  
PLANTRONICS HEADSET

PANASONIC KX-TG5471  
PANASONIC KX-TG5471  
PANASONIC KX-TG5471  
PANASONIC KX-TG5471  
SONY SPP-205  
AT&T VINTAGE PHONE  
AT&T VINTAGE PHONE  
AT&T MBK 6508T ISDN CONSOLE  
AT&T ISDN 8510T  
AT&T MBK 6508T ISDN CONSOLE  
LUCENT ISDN 8510T  
AT&T VINTAGE PHONE  
MICROTEL CORDLESS  
AT&T 700  
PLANTRONICS HEADSET  
PLANTRONICS HEADSET M135  
UNIDEN EXPANDABLE BASE W/2 EXTRA PHONES  
AT&T VINTAGE PHONE  
AT&T 700  
LENOX KB330  
AT&T 959  
UNIDEN 2-LINE  
V-TECH CORDLESS  
UNIDEN 2-LINE  
PANASONIC CORDLESS  
BELL CORDLESS  
BELL CORDLESS  
UNIDEN EXPANDABLE BASE W/2 EXTRA PHONES  
SOUTHWESTERN BELL VINTAGE PHONE  
130 USED PHONES  
2 CERAMIC JARS  
13 OFFICE CHAIRS  
1 HOLMES CERAMIC HEATER  
1 MARSHALL 2000 AMPLIFIER  
10 DELL COMPUTERS  
1 RUGGEDIZED LAPTOP  
1 COMPUTER CABINET  
1 HON 2-DRAWER FILE CABINET  
2 WOODEN BOOKSHELVES  
2 3M PRIVACY SCREENS  
1 ARTIFICIAL FICUS TREE  
1 PEAVY AUDIO SYSTEM W/SPEAKERS  
1 HP MULTIFUNCTION 3330 PRINTER  
16 DELL MONITORS  
1 IBM SERVER W/KEYBOARD AND MONITOR  
1 VISIONEER 9320  
10 SUNDRY KEYBOARDS  
1 24" X 36" QUARTET CORK BOARD W/WOODEN FRAME  
1 24" X 24" QUARTET CORK BOARD W/WOODEN FRAME  
1 SHARP AL 1631 MULTIFUNCTION PRINTER  
2 CORD REELS  
1 HOSE WASHER  
1 ACCUMET ION METER  
3 12' X 12' GARAGE DOORS W/HARDWARE  
2 WOODEN DESKS  
1 HP LASERJET 4000  
1 APC POWER CELL  
30 STACKING CHAIRS  
1 BOX OF (ANALOG) CELL PHONES W/CHARGERS

2 TURBIDMETERS  
1 TITRATOR  
2 POCKET CHLORINATORS  
3 PH METERS  
1 OKIDATE PRINTER  
1 HP PRINTER  
1 HOT PLATE  
1 LAB GLASSWARE WASHER  
1 COMPUTER DESK & HUTCH

**SURPLUS VEHICLES:**

#3891	2000 FORD	CROWN VICTORIA
#3098	1995 CHEVROLET	TRUCK/WATER SEWER
#3423	1998 FORD	F-150/POWELL BILL
#2705	1991 CHEVY	DUMP TRUCK/STREET
#2313	1996 CHEVY	IMPALA/PD
#2350	1999 FORD	CROWN VICTORIA/PD
#3912	2001 CHEVY	IMPALA/PD
#2194	1998 DODGE	RAM TRUCK/RURAL FIRE

VOTE:           Aye - All  
                  Nay - None

**PUBLIC HEARING - ON ADOPTION OF BOND ORDER**

Mayor Clawson opened a public hearing at 6:32 p.m. to receive public comment on the adoption of a Bond Order. Town Manager Greg Young explained that the Bond Order is to authorize the issuance of \$25,000,000 General Obligation Water System Bonds for the Town of Boone, North Carolina for a new water source along the South Fork of the New River. There being no public comment offered, Mayor Clawson closed the public hearing at 6:33 p.m.

**ADOPTION OF BOND ORDER**

Upon a motion by Council Member Mason, seconded by Council Member Pepin, Council moved to adopt the following:

**Bond Order Authorizing the Issuance of \$25,000,000  
General Obligation Water System Bonds  
of the Town of Boone, North Carolina**

**WHEREAS**, the Town Council of the Town of Boone, North Carolina, (the “*Town Council*”) has ascertained and hereby determines that it is necessary to pay the capital costs of acquiring, constructing, and equipping facilities for a new water source along the South Fork of the New River, including the costs of related studies, plans and design; acquiring land and rights-of-way in land and installing water transmission lines related to the acquisition of the new water source; renovating the Town of Boone Water Treatment Plant in order to increase its daily capacity, including improvements to and the acquisition and installation of plant equipment; and

**WHEREAS**, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Water System Bonds hereinafter described as required by the Local Government Bond Act, and the Town Clerk has notified the Town Council that the application has been accepted for submission to the Local Government Commission.

**NOW, THEREFORE, BE IT ORDERED** by the Town Council of the Town of Boone, North Carolina, as follows:

Section 1.       In order to raise the money required for the public improvement purposes described above, in addition to any funds which may be made available for such

purpose from any other source, General Obligation Water System Bonds of the Town are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Water System Bonds authorized by this order shall be \$25,000,000.

- Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Water System Bonds when due shall be annually levied and collected.
- Section 3. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.
- Section 4. This bond order shall take effect when approved by the voters of the Town at a referendum scheduled for November 4, 2008.

VOTE:       Aye - All  
              Nay - None

**ADOPTION OF RESOLUTION - SETTING A SPECIAL BOND REFERENDUM AND PUBLICATION OF NOTICE**

Town Manager Greg Young stated that this resolution will set the bond referendum date for November 4, 2008 and direct the Town Clerk to publish a notice of a special bond referendum. Upon a motion by Council Member Brantz, seconded by Council Member Phillips, Council moved to adopt the following resolution:

**RESOLUTION SETTING A SPECIAL BOND REFERENDUM AND DIRECTING THE PUBLICATION OF NOTICE OF A SPECIAL BOND REFERENDUM AND NOTIFICATION OF THE WATAUGA COUNTY BOARD OF ELECTIONS**

*WHEREAS*, the Town Council of the Town of Boone, North Carolina has adopted the following bond order and such bond order should be submitted to the voters of the Town of Boone, North Carolina for their approval or disapproval in order to comply with the constitution and laws of North Carolina:

**“Bond Order Authorizing the Issuance of \$25,000,000 General Obligation Water System Bonds of the Town of Boone, North Carolina;”**

*NOW, THEREFORE*, be it resolved by the Town Council (“*Town Council*”) of the Town of Boone, North Carolina, as follows:

- (1) For the purpose of determining the question whether the qualified voters of the Town of Boone, North Carolina shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the General Obligation Water System Bonds of the Town authorized by said bond order, which indebtedness shall be secured by a pledge of the Town's full faith and credit and (b) the levy of a tax for the payment thereof, said bond order shall be submitted to the qualified voters of said Town at a special bond referendum to be held in said Town on November 4, 2008.
- (2) The Town Clerk is hereby authorized and directed to publish a notice of said referendum which shall be in substantially the form entitled “**Town of Boone, North Carolina Notice of Special Bond Referendum,**” attached hereto. Said notice of referendum shall be published at least twice. The first publication shall not be less than 14 days, and the second publication shall be not less than 7 days, before the last day on which voters may register for the special bond referendum.
- (3) The Watauga County Board of Elections is hereby requested to print and distribute the necessary ballots and to provide the equipment for the holding of said referendum and to conduct and to supervise said referendum.
- (4) The ballots to be used at said referendum shall contain the following words:

*“SHALL the order authorizing \$25,000,000 of bonds secured by the pledge of the full faith and credit of the Town of Boone, North Carolina to provide funds to pay the capital costs of acquiring, constructing and equipping facilities for a new water source along the South Fork of the New River, including the costs of related studies, plans and design; acquiring land and rights-of-way in land and installing water transmission lines related to the acquisition of the new water source; renovating the Town of Boone Water Treatment Plant in order to increase its daily capacity; including improvements to and the acquisition and installation of plant equipment, and a tax to be levied for the payment thereof be approved?”;*

with squares labeled “**YES**” and “**NO**” beneath or beside such words in which squares the voter may record his or her choice on the question presented; and

(5) The Town Clerk shall mail or deliver a certified copy of this resolution to the Watauga County Board of Elections within three days after this resolution is adopted.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective on the date of its adoption which is August 21, 2008.

ATTEST:

Mayor

Town Clerk

**(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 70)**

**ADOPTION OF RESOLUTION - DECLARING INTENT OF THE TOWN OF BOONE TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES RELATED TO THE RAW WATER PROJECT**

Town Manager Greg Young stated that this action is recommended by the Bond Counsel in order for the Town of Boone to reimburse itself for costs associated with the Raw Water project and incurred prior to the sale of tax-exempt bonds. Upon a motion by Council Member Brantz, seconded by Council Member Aycock, Council moved to adopt the following resolution:

**RESOLUTION DECLARING THE INTENT OF THE TOWN OF BOONE TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION OF A NEW WATER SOURCE ALONG THE SOUTH FORK OF THE NEW RIVER AND RELATED IMPROVEMENTS FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE ISSUED DURING FISCAL YEARS 2010 THROUGH 2012**

*WHEREAS*, the Town Council hereby finds and determines that it is in the best interests of the Town to provide for (1) the acquisition, construction and equipping of facilities for a new water source along the South Fork of the New River, including the costs of related studies, plans and design; (2) the acquisition of land and rights-of-way in land and installing water transmission lines related to the acquisition of the new water source; (3) the renovation of the Town of Boone Water Treatment Plant in order to increase its daily capacity, including improvements to and the acquisition and installation of plant equipment (collectively, the “*Project*”);

*WHEREAS*, the Town reasonable expects to receive the proceeds of the sale of tax-exempt obligations (“*General Obligation Bonds*”) during calendar years 2010 through 2012 to finance the Project;

*WHEREAS*, the Town desires to proceed with the Project and will incur capital expenditures (the “*Capital Expenditures*”) in connection therewith before the issuance of the General Obligation Bonds; and

*WHEREAS*, the Town will advance moneys from funds currently on hand to pay for the Capital Expenditures and the Town intends, and reasonably expects, to reimburse itself for the

Capital Expenditures from a portion of the proceeds of the General Obligation Bonds to be issued by the Town;

*NOW, THEREFORE, BE IT RESOLVED* by the Town Council of the Town of Boone, North Carolina as follows:

- Section 1. **Official Declaration of Intent.** The Town presently intends and reasonably expects to reimburse itself for the Capital Expenditures to be incurred and paid by the Town in connection with the Project before the issuance of the General Obligation bonds from a portion of the proceeds of the General Obligation Bonds, which are reasonably expected to be issued during fiscal years 2010 through 2012. The Town Council expects that the maximum principal amount of tax-exempt obligations reasonably expected to be issued as part of the General Obligations Bonds for the Capital Expenditures to be \$25,000,000.
- Section 2. **Compliance with Regulations.** The Town adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended.
- Section 3. **Itemization of Capital Expenditures.** The Finance Director of the Town or her designee, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the Town for the purpose of determining and itemizing all of the Capital Expenditures for which the Town reasonably expects to reimburse itself in connection with the Project.
- Section 4. **Effective Date.** This Resolution is effective immediately on the date of its adoption.

*ADOPTED* this the 21<sup>st</sup> day of August, 2008.

ATTEST:

Mayor

Town Clerk

**(RESOLUTION TO BY TYPED ON BOOK 3, PAGE 71)**

VOTE:       Aye - All  
              Nay - None

**ADOPTION OF RESOLUTION - SUFFICIENCY OF PETITION FOR ANNEXATION**

Development Services Director John Spear explained that Hampton Property LLC has requested this petition for voluntary contiguous annexation in order to receive water and sewer service. He stated that the property contains .2 of an acre within the corporate limits and .576 of an acre located outside of the town limits, and the applicant intends to recombine the two lots in order to create two buildable lots in which to build two single-family dwelling units. Upon a motion by Council Member Mason, seconded by Council Member Phillips, Council moved to adopt the following resolution:

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-31  
(Hampton Property LLC Annexation)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on August 21, 2008 by the Town Council; and

WHEREAS, G.S. 160A-31 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.

ATTEST:

Mayor

Town Clerk

**(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 72)**

VOTE:       Aye - All  
              Nay - None

**GREENWAY COMMITTEE RECOMMENDATIONS - COMMITTEE SIZE & TERMS**

Public Works Director Blake Brown presented the following recommendation from the Greenway Committee regarding the committee size and implementation of staggered terms of service:

1. The Greenway, Parks & Gardens Committee consists of up to thirteen (13) citizens and up to two (2) Town Council members. New applications will be accepted for membership as current committee members complete their terms.
2. Implementation of 3-year terms. Initial implementation will request current committee to serve for one, two, or three more years of service on the committee.
3. Members must step down after serving two consecutive terms.

Upon a motion by Council Member Brantz, seconded by Council Member Aycock, Council moved to approve the aforementioned recommendations for committee size and the implementation of staggered terms as recommended by the Greenway, Parks & Gardens Committee.

VOTE:       Aye - All  
              Nay - None

**GREENWAY COMMITTEE RECOMMENDATIONS - PHASE 1 & 2 DANIEL BOONE HILL**

Public Works Director Blake Brown explained that the Greenway, Parks & Gardens Committee, upon agreement with the Southern Appalachian Historical Association, is suggesting the following recommendation regarding Phase One and Phase Two for Daniel Boone Hill:

Phase One:

- \$ Name change to Strawberry Hill Arboretum: Designed by T. K. Pease - \$0.00
- \$ Welcome sign and entrance - \$1,000.00
- \$ Re-establishment of original trails - \$0.00
- \$ Identification of specimen and other significant trees - \$0.00

Phase Two:

- \$ Sidewalks on Horn in the West Drive on Daniel Boone Hill side - \$5,000.00

\$ Curb and guttering - \$9,000.00  
\$ Parking - \$0.00

Several members of the Council expressed concern regarding the cost and the issue of priority for the implementation of sidewalks and curb/guttering as proposed in Phase II. Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to approve Phase One of the recommendations from the Greenway, Parks, & Gardens Committee.

VOTE: Aye - All  
Nay - None

Upon a motion by Council Member Mason, seconded by Council Member Pepin, Council moved to direct the Transportation Committee to review the Phase Two proposal in order to determine the level of priority for sidewalks and curb/guttering in the overall list of sidewalk plans within the Town of Boone and to revisit the proposal for Phase Two in the next fiscal year.

VOTE: Aye - All  
Nay - None

### **TDA APPOINTMENTS**

Council Member Mason, the Council liaison to the Tourism Development Authority Board, presented applications from the following persons for consideration for reappointment to the board:

Brian Newall (Resident position)  
Jeannine Underdown-Collins (Resident in Chamber of Commerce)  
Anne Peacock (Resident who owns/operates a taxable tourist accommodation).

Upon a motion by Council Mason, seconded by Council Member Aycock, Council moved to reappoint Brian Newall, Jeannine Underdown-Collins, and Anne Peacock to serve terms on the Tourism Development Authority Board.

VOTE: Aye - All  
Nay - None

### **ANNOUNCEMENT OF CABLE TV ADVISORY COMMITTEE POSITIONS**

Mayor Clawson announced two positions are still vacant on the Cable TV Advisory Committee. She noted that the Town Clerk will continue to advertise the vacancies in hopes that applications will be received for these positions.

### **OUTSIDE AGENCY FUNDING COMMITTEE - RECOMMENDATIONS**

Council Member Brantz presented the following report for recommendations from the Outside Agency Funding Committee:

#### **OUTSIDE AGENCY FUNDING REVIEW COMMITTEE AUGUST 19, 2008 - MEETING NOTES**

Members present: Liz Aycock, Dana Roten, Rennie Brantz, and Kellie Ashcraft

Staff present: Town Manager Greg Young and Town Clerk Freida Van Allen

The meeting began at 11:05 a.m.

The committee discussed the possibility of removing the Rescue Squad from the Outside Agency funding in the future. After discussing the merits of each agency and working within the

parameters and funding remaining, the Outside Agency Funding Committee made the following recommendations:

Agency	Average Score	Amount Requested	Amount Recommended	Comments
Watauga County Rescue Squad		\$16,000	\$7,818	Felt they provide a substantial service to TOB residents
Watauga County Project on Aging		\$6,000	\$3,911	Even though Town residents pay County taxes to fund this service, the Committee hopes that no services will be cut to TOB residents.

The Committee wishes it had the money to fund both agencies fully; however, there were not sufficient funds available. Also, the Committee feels that a statement regarding the “duplication of taxes” should be included on next year’s application and agreed that a statement will be included in the letter requesting the year-end reports informing agencies of the application deadline.

The meeting adjourned at 11:24 a.m. Meeting summary submitted by Freida Van Allen, Town Clerk.

Upon a motion by Council Member Pepin, seconded by Council Member Brantz, Council moved to grant \$7,818 to the Watauga County Rescue Squad and to grant \$3,911 to the Watauga County Project on Aging.

Council Member Pepin suggested, and the Council agreed, that the outside agency funding process should be reviewed to explore double-taxation issues and options for funding certain agencies from other than the outside agency budget.

**SCHEDULING OF INTERGOVERNMENTAL RETREAT**

Upon a motion by Council Member Brantz, seconded by Council Member Phillips, Council moved to hold a special meeting on Monday, September 22, 2008, at 5:00 p.m. at the Broyhill Inn & Conference Center in which to meet with ASU officials, the Watauga County Board of Commissioners, and the Blowing Rock Town Council.

VOTE:           Aye - All  
                       Nay - None

**RESCHEDULING OF OCTOBER TOWN COUNCIL MEETING**

Upon a motion by Council Member Aycock, seconded by Council Member Mason, Council moved to reschedule the October regular Council meeting to Wednesday, October 29, 2008, at 6:30 p.m. with the location to be announced due to the fact that the Board of Elections will be using the Council Chambers as a site for one-stop voting and to allow for Council Member Mason to attend the NC Affordable Housing Conference.

VOTE:           Aye - All  
                       Nay - None

**AWARD OF BID - RAINBOW TRAIL TANK**

Public Utilities Director Rick Miller requested the awarding of the bid for the Rainbow Trail Water Tank Replacement project to Crom Corporation in the amount of \$669,000. He explained that the Local Government Commission must approve the bid since the amount is more than \$500,000 and that the LGC will hold its next meeting on September 2, 2008. Furthermore, Mr. Miller requested that Council approve a bid extension to allow for approval of the bid by the LGC at the September meeting. Upon a motion by Council Member Pepin, seconded by Council Member Brantz, Council moved to award the bid for the Rainbow Trail Water Tank Replacement project to Crom Corporation in the amount of \$669,000 contingent on approval by the Local Government Commission.

VOTE:           Aye - All  
                  Nay - None

Upon a motion by Council Member Pepin, seconded by Council Member Brantz, Council moved to approve an extension through September 22, 2008 for the bid by Crom Corporation in the amount of \$669,000 to allow for approval by the Local Government Commission at its next meeting on September 2, 2008.

VOTE:           Aye - All  
                  Nay - None

### **AWARD OF BID - FINANCING OF RAINBOW TRAIL TANK**

Finance Director Amy Davis requested that Council award the bid for the financing of the Rainbow Trail Water Tank Replacement project to Branch Bank & Trust (BB&T) in the amount of \$529,400 contingent on approval from the Local Government Commission at its meeting scheduled for September 2, 2008. Upon a motion by Council Member Aycock, seconded by Council Member Mason, Council moved to adopt the following resolution awarding the bid for the financing of the Rainbow Trail Water Tank Replacement in the amount of \$529,400:

#### **RESOLUTION APPROVING FINANCING TERMS**

**WHEREAS**, the Town of Boone, North Carolina (the "Town") has previously determined to undertake a project for the Highway 194 Water Storage Tank Project (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

#### **BE IT THEREFORE RESOLVED, as follows:**

1. The Town hereby determines to finance the Project through Branch Banking & Trust Company ("BB&T"), in accordance with the proposal dated July 25, 2008. The amount financed shall not exceed \$529,400.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.19%, and the financing term shall not exceed three (3) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Finance Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery

constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved, and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted this the 21<sup>st</sup> day of August, 2008.

ATTEST:

Mayor

Town Clerk

**(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 73)**

VOTE:       Aye - All  
              Nay - None

**MONTHLY WATER STATUS REPORT**

Public Utilities Director Rick Miller presented the following status report:

As requested by Town Council, staff and I have compiled the following information concerning water use for the month of July. The Water Treatment Plant recorded a maximum daily demand of 1.853 million gallons on Monday, July 18, 2008, and the average daily demand was 1/704 million gallons for the entire month. The total amount of water treated was 52.82 million gallons. This is a 4.13 percent decrease over the total amount of water treated in July 2007.

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

At the last Town Council meeting, Council chose to allocate 1,050 gallons per day from the 2008 allotment for one project. Since the last Town Council meeting, the Public Utilities Department has approved one project that subtracted 60 gallons per day from the 2008 allotment. The total water allotment remaining for the year 2008 has broken the sixty percent threshold and all future water service requests in excess of 500 gallons per day 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 4,124 gallons per day remaining for allotment in 2008, 4,096 gallons remaining for 2009 and 43,373 gallons remaining for 2010.

As of today's date, the NC Drought Management Advisory Council still has Watauga County categorized at "Extreme Drought" status.

			<b>2008</b>			
<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>
						50000
			Mega Builders	11/15/07	14400	35600
			Anne Henning	11/15/07	795	34805
			Katrina Callio	11/15/07	90	34715
Brad Moretz	1/2/08	916				33799
Park Street Subdivision	1/2/08	810				32989
Bob Buyce	1/2/08	2043				30946
James Bates	1/2/08	270				30676
Beth Postlewait	1/2/08	270				30406
John Winkler	1/2/08	252				30154
Pat Carroll	1/2/08	936				29218
WWWC LLC	1/2/08	2682				26536
Carroll Companies	1/2/08	2730				23806
WWWC LLC	1/2/08	936				22870
WWWC LLC	1/2/08	2982				19888
			Oscorp Investment	1/17/08	6750	13138
Salvation Army	1/7/08	176				12962
			Adam Upchurch	2/21/08	7452	5510
			<b>Jamus FLP</b>	<b>2/16/06</b>	<b>4209</b>	<b>9719</b>
			<b>Jamus FLP</b>	<b>2/16/06</b>	<b>4209</b>	<b>13928</b>
Thomas McGowan	1/24/08	90				13838
Phillip Cresman	2/8/08	30				13808

John Winkler	2/11/08	30				13778
Den-Mac	3/4/08	15				13763
			John Winkler	3/20/08	3450	10313
			Michael Brown	3/20/08	2400	7913
Boone Drug	3/27/08	162				7751
			Warren Shepherd	4/17/08	30	7721
			Hollar & Greene	4/17/08	360	7361
Ethan Anderson	4/30/08	150				7211
			Brent Davis	5/15/08	60	7151
			High Country COG	5/15/08	465	6686
William Scantlin	5/6/08	150				6536
Templeton Properties	5/6/08	135				6401
APE Inc.	5/8/08	150				6251
Lee Bryant	5/21/08	12				6239
			James Hartley	6/19/08	270	5969
Greg Simmons	6/13/08	270				5699
University Nissan	7/2/08	450				5249
Blue Ridge Ear	7/2/08	15				5234
			Alliance Bible Fellowship	7/17/08	1050	4184
Boone Drug Inc.	7/14/08	60				4124
			<b>2009</b>			
<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>
						50000
			Leonard Soloman	11/15/07	8100	41900

			Oscorp Investment	1/17/08	4225	37675
			Adam Upchurch	2/21/08	20350	17325
			Boone Five LLC	2/21/08	8418	8907
			Charisma Partners	4/17/08	4176	4731
			Harris Teeter	6/19/08	635	4096
			<b>2010</b>			
<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>
						50000
			Hospitality House	4/17/08	4629	45371
			Wal Mart	6/19/08	1998	43373

**APPROVAL OF ENGINEERING CONTRACT - RAW WATER PROJECT**

Public Utilities Director Rick Miller presented for approval a contract (**contract permanently on file in Town Clerk’s office**) between the Town of Boone and W.K. Dickson for engineering services regarding the raw water project. He noted that the USDA prefers that the Town execute the contract in its entirety with the stipulation that the Town can choose to phase the work provided that written confirmation from the Town is submitted. Mr. Miller requested that the Council approve the contract contingent on approval by the Town Attorney and the USDA. Mr. Miller listed the items for which the Council could initially authorize implementation which total \$640,150. Council Member Mason requested a mechanism to evaluate the Town’s progress during this project. A brief discussion ensued concerning the suspension and termination clauses contained in the contract. Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to approve a contract between the Town of Boone and W. K. Dickson in the amount of \$1,675,4435 for engineering services for the Town of Boone Raw Water project contingent on approval of the contract by Town Attorney Sam Furgiuele and the United States Department of Agriculture.

VOTE:           Aye - All  
                      Nay - None

Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to authorize proceeding with the following items in the amount of \$640,150:

\$		Preliminary Design Phase	\$370,150
\$		EA(**Previously approved by the Town Council on 6/19/08)	\$45,000
\$		PER	\$15,000
\$		WTP, Intake, & Booster PS Preliminary Design Process Narrative	\$30,000
\$		Reclassification Assistance (NTE)	\$25,000
\$		Reimburseables (NTE) [previously \$153,866]	\$35,000
\$		Prop. Right Survey (NTE) [previously \$75,000]	\$40,000
\$		DOT US Hwy 421/Partial Controlled Access ROW Negotiations (NTE)	\$10,000
\$		Geotechnical Services (NTE)	\$25,000
\$		Fish & Mussel Survey (NTE)	\$20,000

\$	Permitting Assistance	\$10,000
\$	Bond Referendum Public Education Technical Assistance (NTE)	\$15,000
	<b>TOTAL:</b>	<b>\$640,150</b>

VOTE:           Aye - All  
                      Nay - None

**ADOPTION OF ZONING AMENDMENT**

Development Services Director John Spear presented the following cases:

**Case 20080304 Joseph Sykes** - Joseph Sykes request to change the zoning classification of 351 Hilltop Drive from RA, Residential/Agriculture to CDR-3, Conditional District Multi-Family Residential. Mr. Spear informed the Council that the Planning Commission tabled consideration of this case until September due to occupancy issues that need to be considered and because Mr. Sykes was unable to attend the Planning Commission meeting on August 18<sup>th</sup>.

Mr. Spear noted that the Planning Commission tabled consideration of the following cases until the regular meeting in September due to time constraints at the August 18<sup>th</sup> meeting:

**Case 20080389 Parking Requirements** - Boone Area Planning Commission request to update the parking requirements in Article XIX of the Unified Development Ordinance.

**Case 20080390 Density & Dimensional Requirements** - Boone Area Planning Commission request to update the density and dimensional requirements in Article VII of the Unified Development Ordinance.

**Case 20080399 Signs** - Community Appearance Commission request to update the sign requirements in Article XVII of the Unified Development Ordinance.

Mr. Spear presented the following case for Council’s consideration:

**Case 20080397 Appalachian State University** - Appalachian State request to change the zoning classification of two parcels of land adjoining the western campus boundary from R-1, Single-Family Residential to U-1, University District. Mr. Spear indicated that the Planning Commission recommendation is for approval and that the application is consistent with all of the objectives and policies for growth and development contained in the 2006 Boone Comprehensive Plan. Members of the Council indicated that it would be helpful in the decision-making process for these cases to have the minutes from the Planning Commission meeting which include discussion of the cases. Council Member Aycock stated her concern with this request stems from input from the Pond Road residents who expressed disappointment with the construction process of the new baseball field. Council Member Aycock moved to table this case until the next meeting to allow for ASU to develop specific plans for the project and to garner further input from the adjacent neighborhoods. The motion died for lack of a second. Council Member Mason acknowledged the need for student housing and pointed out that the Town and ASU are working on developing a joint master plan to address such issues as the need for student housing. She pointed out that issues regarding density and permissible uses within a zoning district cannot be addressed through the general use rezoning process. Council Member Mason stated that she feels she could support this project if it were submitted using the conditional district rezoning process. Council Member Brantz stated he will support the request since the university is proving to be a good neighbor and is responsible in planning these projects. He stated the location is an ideal place for residence halls. Council Member Pepin stated she feels that she cannot support the general-use rezoning request since there is no mechanism for placing conditions on the project. Council member Phillips asked if there was a way to reach a compromise so the University would not have to go before the Council of State in order to get permission to subject property owned by the state to the town's conditional land usage process. For instance, perhaps the land use agreement between the town and university that was approved in December 2007 could be amended to allow more protection to single-family neighborhoods

when such property adjoins university property. This agreement could be more specific about lighting, noise, storm water runoff, and buffering. Upon a motion by Council Member Pepin, seconded by Council Member Mason, Council moved to deny Appalachian State University's request to change the zoning classification of two parcels of land adjoining the western campus boundary from R-1, Single-Family Residential to U-1, University District.

VOTE:           Aye - 4 (Phillips, Aycock, Mason, Pepin)  
                  Nay - 1 (Brantz)

**ANNOUNCEMENT OF PLANNING COMMISSION AND BOARD OF ADJUSTMENT  
ETJ POSITION VACANCIES**

Development Services Director John Spear stated that he has received an application from D. J. Cecile, Jr. for a position on either the Planning Commission or the Board of Adjustment. He stated he was unable to contact Mr. Cecile to determine if he would prefer to serve on either the BOA or the Planning Commission. Upon a motion by Council Member Mason, seconded by Council Member Aycock, Council moved to table the consideration of this matter until the September meeting to allow for further advertisement.

VOTE:           Aye - All  
                  Nay - None

**ADOPTION OF RESOLUTION - NCLM GREEN CHALLENGE**

Upon a motion by Council Member Mason, seconded by Council Member Aycock, Council moved to adopt the following resolution:

**RESOLUTION**

**WHEREAS**, the Town of Boone wants to emphasize the benefits of energy conservation and conservation of other natural resources such as water; and

**WHEREAS**, the Town of Boone wants to demonstrate that conservation practices can be applied to the daily operations of municipal government and to infrastructure projects; and

**WHEREAS**, the Town of Boone seeks to find methods of service delivery and operations that conserve energy and resources, thus saving taxpayer dollars and protecting and preserving the environment; and

**WHEREAS**, sound conservation practices can reduce government costs over the long-term; and

**WHEREAS**, this government would lead by example to show the practicality and effectiveness of conservation practices; and

**WHEREAS**, Town of Boone seeks to encourage its citizens and its businesses to be stewards of the environment;

**NOW, THEREFORE, BE IT RESOLVED THAT THE** Town Council of the Town of Boone accepts the NCLM Green Challenge and pledges to work toward achieving the various levels of the challenge, indicating measures accomplished to save energy and other natural resources over the next three years.

**ADOPTED** by the Town Council of the Town of Boone this the 21<sup>st</sup> day of August, 2008.

ATTEST:

Mayor

Town Clerk

**(RESOLUTION TO BE TYPED IN BOOK 3, PAGE 74)**

VOTE:           Aye - All  
                  Nay - None

Mayor Clawson declared a break at 8:10 p.m. Council reconvened at 8:24 p.m.

**REQUESTED APPEARANCE – FAY BINNING**

Fay Binning appeared before the Council to request approval and to waive the fee for a Special Event Permit for the 2008 Howard’s Knob Run, Walk, Crawl event. Mr. Binning indicated that the two-mile event will be held on Friday, October 3, 2008, from 6:00 p.m. until 8:00 p.m. The race will begin at the Watauga Library on Queen Street and proceed to the top of Howard’s Knob. Mr. Binning stated that proceeds from the event will be used to benefit the Ted Mackorell Soccer Complex and the High Country Soccer Association scholarship fund. Police Chief Bill Post and Public Works Director Blake Brown stated that they have no concerns with the logistics of the event. Upon a motion by Council Member Mason, seconded by Council Member Aycock, Council moved to approve the Special Event permit for the 2008 Howard’s Knob Run, Walk, Crawl and to waive the application fees for the event.

VOTE:           Aye - All  
                  Nay - None

**REQUESTED APPEARANCE - NAN CHASE**

Nan Chase, on behalf of the Daniel Boone Native Gardens, appeared before the Council to request renewal of the lease with the Town of Boone. Town Manager Greg Young stated that the lease was originally adopted on June 30, 1959 for a forty-nine year term, which expired on June 30<sup>th</sup> of this year. He pointed out that since the lease has expired, the renewal option cannot be requested. Town Attorney Sam Furgiuele stated that since the time of the initial lease agreement, the law has changed, an act which would limit the Town’s ability to enter into a lease for longer than a ten year term. Ms. Chase stated that the Garden Club of North Carolina which oversees the local garden club meets in September and that she will approach the group with this matter to determine the details for a new lease agreement with the Town. Upon a motion by Council Member Mason, seconded by Council Member Aycock, Council moved to direct the Town Attorney to confer with Ms. Chase to propose a lease agreement for the Council’s consideration at the next meeting in September.

VOTE:           Aye - All  
                  Nay - None

**REQUESTED APPEARANCE - FIRST PRESBYTERIAN CHURCH**

Town Attorney Sam Furgiuele opened a public hearing at 8:49 p.m. to hear sworn testimony from Mark White and Kelvin Gryder of First Presbyterian Church, Public Utilities Director Rick Miller and Development Services Director John Spear. Mr. White began by explaining that the church is relocating from the downtown area and is hoping to become an important part of its new community. He stated that the request is for sewer-only 2022 gallons per day. He anticipates construction beginning in the spring of 2009 and, in addition to the sanctuary and church offices, the campus will include an emergency shelter and facilities to host the ASU ministry program and the First Morning Out daycare program. He stated that the installation of a septic system for the property would limit the church’s planned growth to accommodate these programs. Mr. White stated that there is a well-water system in place although he indicated that the church will agree to connect to the Town’s water system if it becomes available. Council Member Pepin voiced a concern with extending sewer lines to the property. Public Utilities Director Rick Miller stated that process will involve approval by the NC Department of Environment and Natural Resources and the Army Corps of Engineers since the line would cross

over two streams. Development Services Director John Spear stated that the property is located in the Rural Growth Area and in Watauga County, outside both the ETJ and town limits. Council Member Brantz questioned Mr. Spear regarding the possible annexation of the property. Mr. Spear stated that there are no foreseeable problems with the annexation process in itself; however, he pointed out that the watershed designation that would be designated by the Town for that property could be more limiting than the installation of a septic system. Mr. Kevin Gryder stated that the property is part of a six-parcel subdivision and that the owner of the other parcel is not interested in annexation at this time. With no further testimony, Mr. Furgiuele closed the public hearing at 9:17 p.m. Council Member Mason stated she would not be comfortable supporting this request without the annexation of the property. She also questioned whether the Town would like to participate at this time in the installation of a larger, upgraded line in anticipation of future growth, especially with several other capital projects underway. Council Member Pepin expressed concern with setting precedent by continuing to grant sewer-only requests without some type of criteria in place to make these decisions. Upon a motion by Council Member Mason, seconded by Council Member Brantz, Council moved to table the consideration of this request until further information can be provided by the Public Utilities Department regarding what the cost will be to upgrade the sewer line and so that the applicant can investigate the implications of the watershed designation if they were to annex the property.

VOTE:           Aye - All  
                      Nay - None

#### **REQUESTED APPEARANCE - PHILLIP STARKE LLC**

Town Attorney Sam Furgiuele opened a public hearing at 9:29 p.m. to hear sworn testimony from Madge Anagnos of Phillip Starke LLC, Public Utilities. Ms. Anagnos explained that the request is for 2,970 gallons per day for a mixed use development consisting of eleven 18-bedroom condominiums and four medical/professional offices located within the town limits off University Hall Road. She anticipates beginning construction immediately and completing the project within one year. With no further testimony, Mr. Furgiuele closed the public hearing at 9:34 p.m. Upon a motion by Council Member Mason, seconded by Council Member Aycock, Council moved to grant the request for 2,970 gallons per day from the 2008 water allocation.

VOTE:           Aye - All  
                      Nay - None

#### **REQUESTED APPEARANCE - TWO RIVERS COMMUNITY SCHOOL**

Town Attorney Sam Furgiuele opened a public hearing at 9:35 p.m. to hear sworn testimony from Mr. Lynwood Brown of Two Rivers Community School and Public Utilities Director Rick Miller. Mr. Brown explained that the request is for an additional 102 gallons per day for the installation of one modular unit. He noted that there will not be an increase in students but that this unit is needed to provide additional classroom space. Mr. Brown stated that the previous allocation granted by the Council was for 540 gallons per day but that the school was not using the full amount. Public Utilities Director Rick Miller informed the Council that the school's previous allocation will be evaluated in November. With no other public testimony offered, Mr. Furgiuele closed the public hearing at 9:40 p.m.

VOTE:           Aye - All  
                      Nay - None

#### **REQUESTED APPEARANCE - BECKY FOWLER**

Ms. Becky Fowler appeared before the Council to request approval of the Fourth Annual High Country Toy Run to be held on Saturday, October 11, 2008, from 9:00 a.m. until 3:00 p.m. She also requested waiver of the permit application fees. Ms. Fowler explained that the event will begin at the Boone Mall parking lot. She explained that the funds raised from this event will be used to purchase toys and essential items for children of inmates at the Watauga County Detention Center during the Christmas holiday. Upon a motion by Council Member Brantz,

seconded by Council Member Phillips, Council moved to approve the permit and waive the permit fee of \$250.00.

VOTE:       Aye - All  
                  Nay - None

**PUBLIC COMMENT**

There were no persons requesting to appear during public comment.

**CLOSED SESSION**

Upon a motion by Council Member Brantz, seconded by Council Member Mason, Council moved to enter Closed Session at 9:48 p.m. pursuant to NCGS 143-318.11a)3)5) in order to discuss the following matters:

- Howard Street Project.
- Legal Advice Regarding Disconnection of Sewer Service.

Upon a motion by Council Member Mason, seconded by Council Member Pepin, Council moved to exit Closed Session at 10:47 p.m.

VOTE:       Aye - All  
                  Nay - None

**ADJOURNMENT**

On a motion by Council Member Pepin, seconded by Council Member Mason, Council moved to adjourn the meeting at 10:48 p.m.

VOTE:       Aye - All  
                  Nay - None

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Deputy Town Clerk

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Mayor