

**TOWN OF SEVEN DEVILS
TOWN COUNCIL
MINUTES – REGULAR SESSION
March 9, 2009**

The Town of Seven Devils Town Council met in regular session on Monday, March 9th, 2009 at Town Hall. Members present were Mayor Bob Dodson, Mayor Pro Tem Richard DeMott and Council Members Kay Ehlinger and Kathy Copley. Member Bill Wilkinson was absent and excused. Also in attendance were the Town Attorney Rob Angle and Zoning Administrator Don Fulkerson. Town Clerk Karen E. Daniels recorded the minutes.

CALL TO ORDER

Mayor Dodson called the meeting to order at 5:33 p.m.

PLEDGE OF ALLEGIANCE

Council members and Citizens recited the Pledge of Allegiance.

ADOPT AGENDA

Member Copley requested *Old Business – Item A. Stormwater Mini-Grant Application* to be added to the Agenda.

Member Ehlinger made a motion to adopt the agenda as amended. Mayor Pro Tem DeMott seconded the motion. The members agreed unanimously.

APPROVE MINUTES

- February 9, 2009 Regular Meeting
- March 5, 6, & 9 Continuation Meetings

Member Copley noted a scrivener error on page two (2) of the February 9, 2009 regular meeting minutes.

Mayor Dodson made a motion to approve the February 9, 2009 regular meeting minutes as amended. Member Ehlinger seconded the motion. The members agreed unanimously.

Member Copley made a motion to approve the March 5, 6, & 9 continuation meeting minutes. Mayor Pro Tem DeMott seconded the motion. The members agreed unanimously.

CITIZEN COMMENTS

None

STAFF UPDATE

Zoning Administrator Don Fulkerson told the Council and Citizens there will be a regular scheduled meeting for the Board of Adjustment on Monday, March 23, 2009.

OLD BUSINESS

- A. **Stormwater Mini-grant Application** – Kathy Copley presented the e-mailed amended Stormwater Mini-grant Application she had received from Adam Williams to the Town Council. The Council reviewed the following amended Stormwater Mini-grant Application and Stormwater Mini-grant Application Budget.

Stormwater Mini-Grant Application

Refer to Stormwater Mini-grant Guidelines for information on stormwater mini-grants and the application process. A complete application includes this form and maps.

Applicant Name: Town of Seven Devils

Federal Tax ID number: 56-1245010

Fiscal year end date: June 30th

Contact Name: Brad Lambert -- Town Manager

Street Address: 1356 Seven Devils Road

City, State, Zip: Seven Devils, NC

Phone Number: 828-963-5343 Fax Number: 828-963-7418

Email: 7devilsmanager@charterinternet.com

Receiving water name(s): Valley Creek

River basin: Watauga County: Watauga / Avery

The undersigned acknowledges that he/she has the authority to submit this application and to enter into a grant agreement that may result from this grant application.

Signature of applicant: _____

Typed or printed name: Brad Lambert

Title: Town Manager

Date: March 5, 2009

Stormwater Mini-grant Application

Check the box for the status that is true for the local government where the funds will be applied.

NPDES Phase I Stormwater community (not eligible for CWMTF Stormwater Mini-grant Funds)

NPDES Phase II Stormwater community

Not regulated by NPDES Stormwater Phase I or II Rules

Describe the activity you wish to pursue with mini-grant funds.

Name the activity, tell us why it is important, and then list the specific tasks you will need to complete to finish the project. Finally, list the expected outcomes and results. Refer to the Stormwater Mini-grant Guidelines for appropriate activities and example tasks.

Since the 2004 hurricanes (Francis and Ivan) the Town of Seven Devils has become more aware of water quality, water quantity, and stormwater management issues. The majority of the town is situated along the headwaters of Valley Creek, a step-pool bedrock channel that is classified as a Class-C Trout waterbody. A small portion of the town exists adjacent to and within the watershed of an Un-named Tributary to the Watauga River (UT-Watauga River; see attached maps). Due to steep mountain slopes and increased development (consequently increasing total impervious surface area), the watershed has become victim to overland non-point source pollution associated with stormwater runoff.

During the aforementioned 2004 flooding, the Town of Seven Devils noticed many problems associated with their existing stormwater infrastructure. Notable problems include (but are not limited to):

* Undersized diversion pipes (and infrastructure) along Seven Devils Road -- many of the stormwater culverts were overwhelmed during this event and failed.

* Lack of correct stormwater conveyances -- The Hawksnest golf course once existed just downslope of Seven Devils Road and between the road and Valley Creek. The 2004 flooding caused extensive damage to the course as concentrated impervious runoff cut large rills across many of the course fairways and greens. Since the flooding, the golf course has been fallow.

The Seven Devils Town Council understands that as development and associated ground disturbing activities increase, these problems will continue to occur. The council's specific goals were brought to attention in the January 7th, 2009 Stormwater Management Ad Hoc Committee Meeting and are outlined below.

* = Proposed Tasks

1) Address infrastructure needs (e.g., correct size and location of stormwater culverts, etc.): What is in place? Where are the vulnerable areas? What actions (and cost) will be required to ameliorate problem areas? How will the Town fund improvements?

* (a) Locate and identify non-point and/or point-source source pollutants through site reconnaissance.

* (b) Map the entire stormwater infrastructure system in the subject area. Investigate existing infrastructure (and any weaknesses therein).

2) Review and, where appropriate, revise existing ordinances to ensure they: address issues unique to Seven Devils (e.g. small lot sizes of the 90-100

remaining undeveloped lots), meet High Quality Watershed (HQW) standards, and address future growth as it pertains to stormwater management.

- * Thoroughly review the existing ordinances specific to land disturbance and stormwater regulation. Make cost-effective recommendations to ensure that the town regulation meets HQW watershed standards.

- * Develop a comprehensive framework within which town decisions with stormwater implications are made. For example, policies on how to handle management practices an individual homeowner implements that may have wider effects, land use ordinances and their enforcement, and infrastructure.

3) Generate preliminary recommendations and design of stormwater retrofits and proactive BMP opportunities.

- * Identify proactive BMP opportunities intended to ameliorate flooding and maximize retention for aquifer recharge (e.g., residential and commercial rain gardens and/or cisterns, stormwater wetlands, permeable pavement, etc.).

- * Analyze and recommend specific BMP retrofits (preliminary design).

- * Develop detailed cost estimates specific to final design, permitting, and construction/implementation.

4) Develop a public-information program to keep the public well informed about what the town is doing, including realistic expectations of what can be accomplished.

- * Conduct a Task-Oriented Group Facilitation.

- * Provide a layman-friendly public information piece that would include recommendations for private property owners on stormwater management on their individual property.

5) Water quality monitoring.

- * The NC State Cooperative Extension Program (NCCEP) is currently working with volunteers to monitor macrobenthic species in the Valley Creek watershed. Furthermore, Appalachian State University (ASU) Professor Dr. Shea Tuberty (and graduate students) is currently monitoring the chemistry of Valley Creek. Due to the fact that the watershed is currently being monitored, no grant funded monitoring is proposed at this time. The Town of Seven Devils will make every effort to obtain the aforementioned data and work hand-in-hand with NCCEP and ASU.

The aforementioned goals and tasks are proposed to enhance and stabilize the Town of Seven Devils stormwater system which will in-turn decrease the non-point source pollution contributed to the Valley Creek and UT-Watauga River watersheds. The goal is to work in cooperation with landowners and governmental entities within and/or adjacent to Seven Devils (e.g., newly acquired Bear Paw State Natural Area, Foscoe, Avery County, Watauga County, DWQ, and NCDOT [because the problems and solutions involve state roads, not just Seven Devils roads]) to ensure that the proposed enhancement does not stop along manmade boundaries (town limits) but rather extends throughout the subject watershed.

Stormwater Mini-grant Application Budget

Complete the budget below. Use one line item per task that you listed in your description of the activity you wish to pursue.

Funding caps:

Total CWMTF contribution	\$50,000
Mapping	\$25,000
Water quality monitoring	\$5,000
Public education, outreach	\$5,000

and involvement (Phase II communities are not eligible for this item)

Task	Amount Requested from CWMTF	Matching Funds*	Total
1a) Site reconnaissance: location and evaluation of stormwater “hot spots”	\$10,000		\$10,000
1 b) Map stormwater infrastructure	\$18,000	\$2,500	\$20,000
2) Review and, where appropriate revise existing ordinances	\$2,500		\$2,500
3) Generate preliminary recommendations/design of stormwater retrofits and proactive BMP opportunities	\$14,500	\$2,500	\$15,000
4) Public education – outreach	\$5,000		\$5,000
Project Administration Cost		In-kind administrative assistance: zoning admin., planning board, public works dept., town clerk, town manager, etc.)	\$0
Total	\$50,000	\$5,000	\$55,000

* A minimum 10% cash match is required.

Mayor Pro Tem DeMott made a motion to submit the above modified Stormwater Mini-grant Application and Stormwater Mini-grant Application Budget as presented. Member Ehlinger seconded the motion. The members agreed unanimously. **CLOSED**

NEW BUSINESS

- A. **Planning Board Recommendation – Recreation Commission** – Mayor Dodson told the Town Council in reviewing the Town Council minutes from July 14, 2008 the Town Council had voted unanimously to appoint a continuing five member recreation Commission. Mayor Dodson said seven (7) names were submitted from the Planning Board and two (2) names have been removed. He said the recommendation from the Seven Devils Planning Board has been amended to read as follows:

Recommendation To: Seven Devils Town Council

Recommendation: The Planning Board Recommends that the following people (who have agreed to serve on the Commission) be appointed to the Recreation Commission:

Tom Bookstaver, 231 Snow Cloud Drive, 963-6049
Mark Garrett, 833 Alpine drive, 963-7106
Butch McLean, 146 Deepwood Court, 963-9560
Peggy Sell, 640 Thorncliff Drive, 963-7266
Martha Stearns, 251 Skiview Road, 963-1967

Mayor Pro Tem DeMott objected to a five (5) member Recreation Commission voicing a seven (7) member Recreation Commission would give more diversity and better serve the community.

Mayor Pro Tem DeMott made a motion to rescind the July 14, 2008 motion for a five (5) member Recreation Commission. Having received no second, the motion failed.

Member Copley made a motion to approve the continuing five (5) member Recreation Commission recommended by the Seven Devils Planning Board. Member Ehlinger seconded the motion. The motion passed three (3) to one (1).

- B. **Resolution Honoring Mr. Loren Williams** – The Town Council discussed Loren’s many contributions to the Town of Seven Devils.

Mayor Dodson made a motion to pass the Resolution Honoring Mr. Loren Williams. Mayor Pro Tem DeMott seconded the motion. The members agreed unanimously.

- C. **Resolution Authorizing the Grandview Waterline Project**

Mayor Pro Tem DeMott made a motion to adopt the Resolution Authorizing the Grandview Waterline Project. Member Ehlinger seconded the motion. The members agreed unanimously.

- D. **Resolution Required for Application for American Recovery and Reinvestment Act Funding**

Member Copley made a motion to adopt the Resolution By Governing Body of Applicant. Mayor Dodson seconded the motion. The members agreed unanimously.

Mayor Dodson complimented retired Town Manager Brad Lambert for all the hard work he did to achieve this project.

- E. **Board of Adjustment Membership**

Mayor Dodson nominated Carol Isquith for membership on the Seven Devils Board of Adjustment.

Mayor Pro Tem DeMott nominated David Ehmig be moved from alternate member to permanent member on the Seven Devils Board of Adjustment.

Member Copley asked Carol Isquith what assurance the Council has that her real estate connection would not influence her decisions on the Board of Adjustment. Carol told the Town Council she is a resident first and foremost and that her personal integrity would not allow that to happen. She said if it ever became a conflict of interest she would recuse herself in that situation. Member Copley asked Ms Isquith to explain her absences from TDA meetings and whether the Board of Adjustment could expect better attendance. Ms Isquith explained the reasons for her absences and explained they will not affect her Board of Adjustment attendance.

Then Town Council then voted for either Carol Isquith or David Ehmig for membership to the Seven Devils Board of Adjustment. The vote tied two (2) to two (2). The Town Council agreed this item should be postponed.

COMMITTEE REPORTS

- A. Planning Board – There were no additional comments.
- B. Public Works – Member Copley pointed out the map showing hydrant coverage on the wall of the Council meeting room and explained the town will have a lower fire rate of six (6) in lieu of a nine (9) effective May 1, 2009 which will result in lower insurance premiums for Seven Devils residents.
- C. Public Safety – Mayor Dodson reviewed the Seven Devils February 2009 Fire Department report.
- D. ABC Board – There were no additional comments
- E. Financial Report – Mayor Pro Tem DeMott made a motion to accept the financial report as submitted. Member Copley seconded the motion. The members agreed unanimously.
- F. TDA – There were no additional comments.

COUNCIL COMMENTS

Mayor Pro Tem DeMott expressed concerns to the Council about a map or signs to distinguish which roads are public and which roads are private in the Town of Seven Devils. Member Copley said this subject could be added to the agenda for the next Public Works meeting on March 17th.

RECESS

At 6:13 p.m. Mayor Dodson made a motion to recess until 10:00 a.m. on Thursday, March 12th at Town Hall. Member Copley seconded the motion. The members agreed unanimously.

TOWN COUNCIL CONTINUATION MEETING Thursday, March 12th, 2009

The Seven Devils Town Council reconvened at 10:00 a.m. on Thursday, March 9, 2009 at Seven Devils Town Hall. Members present were Mayor Pro Tem Richard DeMott and Council Members Kay Ehlinger and Kathy Copley. Mayor Dodson and Member Wilkinson was absent and excused.

Mayor Pro Tem DeMott arrived at 10:33 a.m.

At 10:35 a.m. Mayor Pro Tem DeMott made a motion to come out of recess. Member Ehlinger seconded the motion. The members agreed unanimously.

The Town Council interviewed Melissa G. Patton from Granite Falls, North Carolina; Kenneth S. Weaver from Johnson City, Tennessee; Macon C. Sammons, Jr. from Mt. Airy, North Carolina and H. Edward Evans, Jr. from Boone North Carolina for the Town of Seven Devils Town Manager Position.

RECESS

At 3:55 p.m. Mayor Pro Tem DeMott made a motion to recess to 11:30 a.m. on Monday, March 16th at Town of Seven Devils Town Hall. Member Ehlinger seconded the motion. The members agreed unanimously.

TOWN COUNCIL CONTINUATION MEETING
Monday, March 16th, 2009

The Seven Devils Town Council reconvened at 11:30 a.m. on Monday, March 16, 2009 at Town of Seven Devils Town Hall. Members present were Mayor Bob Dodson, Mayor Pro Tem Richard DeMott and Council Members Kay Ehlinger, Bill Wilkinson and Kathy Copley.

At 11:30 a.m. Mayor Pro Tem DeMott made a motion to come out of recess. Member Ehlinger seconded the motion. The members agreed unanimously.

The Town Council discussed the current opening on the Seven Devils Board of Adjustment.

Mayor Dodson nominated Carol Isquith for the open position on the Seven Devils Board of Adjustment. There being no further nominations, the motion carried five (5) to zero (0).

RECESS

At 12:45 pm Mayor Dodson made a motion to recess to 9:00 am on Friday March 20th at Valle Crucis Conference Center. Member Ehlinger seconded the motion. The members agreed unanimously.

TOWN COUNCIL CONTINUATION MEETING
Friday, March 20th, 2009

The Seven Devils Town Council reconvened at 9:00 a.m. on Friday, March 20, 2009 at the Valle Crucis Conference Center in Valle Crucis. Members of the Town Council present were Mayor Bob Dodson, Mayor Pro Tem Richard DeMott and Council Members Kay Ehlinger, Bill Wilkinson and Kathy Copley. Finance Officer Debbie Powers was also present. Town Clerk Karen Daniels took notes.

At 9:00 a.m. Mayor Dodson made a motion to come out of recess. Member Ehlinger seconded the motion. The members agreed unanimously.

The Town Clerk passed out copies of the 2008-2009 Long-Term and Short-Term Goals. The Town Council reviewed the goals. The Town Council made the following list of Long-Term and Short-Term Goals for 2009-2010.

Short-Term Goals

- Up Date Tree Ordinance enforcement and weekend work
- Address desirable/unaccomplished Water Initiative concerns
- Maximize the potential of the Recreation Commission
- Monitor water loss in Seven Devils
- Pursue other shovel ready water projects and grants
- Project for potential golden leaf grant
- Better ditch maintenance
- Zoning Ordinance and Construction Ordinance - address standards of private roads
- Update all Committee note book minutes
- Improve archiving and access of minutes and records (check Raleigh)
- Updated version of all Ordinances – accessible to all
- Computer system back up
- Old excess equipment removal – check gov.fields.com
- Leverage more fire tax from Avery County

- Clearer Capital Improvement Plan spread sheet

Long-Term Goals

- Article 11 Zoning Ordinance – Erosion Control
- Maintaining a Fund Balance of 50%
- Continue to evaluate storm water management and steep slope to mitigate erosion and damage
- Continue to evaluate tax rate and tax base versus Town funding needs
- Analyze our demographics to better attend to needs
- Continue with all efforts to engage and share information with and utilize the talents of our Community
- Maintain and improve the beauty of the Town
- Explore ways to gain access to Bear Paw
- Maintain ongoing financial oversight
- Look into methods to control ice on State and Seven Devils roads
- Extend Town water line to Highway 105

The Finance Officer presented the Annual Operating Budget for Fiscal Year 2010 and the Capital Improvement Plan for FY 10 – FY 14 prepared by Brad Lambert to the Town of Seven Devils Town Council for their review. A lengthy discussion followed concerning the Fiscal Year 2010 Budget and Capital Improvement Plan.

The Blind Road Analysis was distributed and reviewed by the Town Council. Member Copley told the Council that David Poore and Kevin Aldridge will do an update on the Blind Road Analysis at the Public Works meeting in April.

Mayor Dodson made a motion to recess until 10:00 a.m., on Wednesday, March 25th, 2008 at Town Hall. Member Ehlinger seconded the motion. The members agreed unanimously.

TOWN COUNCIL CONTINUATION MEETING Wednesday, March 25th, 2009

The Seven Devils Town Council reconvened at 10:00 a.m. on Wednesday, March 25, 2009 at Seven Devils Town Hall. Members present were Mayor Pro Tem Richard DeMott and Council Members Kay Ehlinger, Bill Wilkinson and Kathy Copley. Mayor Dodson was absent and excused.

At 10:00 a.m. Mayor Pro Tem DeMott made a motion to come out of recess. Member Ehlinger seconded the motion. The members agreed unanimously.

CLOSED SESSION

At 10:02 a.m. Mayor Pro Tem DeMott made a motion to go into Closed Session pursuant to G.S.143-318.11(a) (6) Personnel Matter. Member Ehlinger seconded the motion. The members agreed unanimously.

At 10:23 a.m. Mayor Pro Tem DeMott made a motion to come out of Closed Session. Member Ehlinger seconded the motion. The members agreed unanimously.

No action was taken during Closed Session.

OPEN SESSION

Mayor Pro Tem DeMott made a motion to hire H. Edward “Ed” Evans, Jr. as Town of Seven Devils Town Manager including the following provisions:

- The starting salary will be \$52,000
- A five percent (5%) increase of \$2,600 effective July 1, 2009
- Blue Cross Blue Shield of N.C. Health Insurance – one hundred percent (100%) paid by the Town (Health-Dental-Life-AD&D-Weekly Disability)
- 401(k) – matching by Town – up to two percent (2%) of gross pay
- Twelve (12) paid Holidays
- Accrue ten (10) days leave per year
- Accrue twelve (12) sick days per year
- FMLA – Family Medical Leave Act
- N.C. Retirement – mandatory six percent (6%) contribution by employee – Town contributes nine point eight percent (9.8%) to fund
- Probationary period – six (6) months

RECESS

At 10:25 a.m. Mayor Pro Tem DeMott made a motion to recess to 10:00 a.m. on Thursday, April 9th at Town of Seven Devils Town Hall. Member Ehlinger seconded the motion. The members agreed unanimously.

TOWN COUNCIL CONTINUATION MEETING Thursday, April 9th, 2009

The Seven Devils Town Council reconvened at 10:00 a.m. on Thursday April 9, 2009 at Town of Seven Devils Town Hall. Members present were Mayor Bob Dodson, Mayor Pro Tem Richard DeMott and Council Members Kay Ehlinger, Bill Wilkinson and Kathy Copley. Also present were Town Manager Ed Evans and Finance Officer Debbie Powers.

At 10:00 a.m. Mayor Dodson made a motion to come out of recess. Member Ehlinger seconded the motion. The members agreed unanimously.

The Annual Operating Budget for Fiscal Year 2010 and the Capital Improvement Plan for FY 10 – FY 14 were presented to the Town Council for their review. A lengthy discussion followed concerning the Fiscal Year 2010 Budget and Capital Improvement Plan.

Member Copley told the Council she had the new Blind Road Analysis information from David Poore and Kevin Aldridge and will be distributing the information at the Public Works meeting.

ADJOURN

At 12:10 pm Mayor Dodson made a motion to adjourn. Member Ehlinger seconded the motion. The members agreed unanimously.

Bob Dodson, Mayor

Karen E. Daniels, Town Clerk