

**TOWN OF SEVEN DEVILS
TOWN COUNCIL
MINUTES – REGULAR SESSION
May 11, 2009**

The Town of Seven Devils Town Council met in regular session on Monday, May 11th, 2009 at Town Hall. Members present were Mayor Bob Dodson, Mayor Pro Tem Richard DeMott and Council Members Kay Ehlinger, Bill Wilkinson and Kathy Copley. Also in attendance were Town Manager Ed Evans and Town Attorney Rob Angle. Town Clerk Karen Daniels recorded the minutes.

CALL TO ORDER

Mayor Dodson called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

ADOPT AGENDA

Mayor Dodson requested *Old Business – Item A. Kessler request for water bill relief* be removed from the agenda. He explained Mr. Kessler has requested this item be placed on the June 8th, 2009 Town Council agenda.

Member Wilkinson made a motion to adopt the agenda as amended. Member Copley seconded the motion. The members agreed unanimously.

APPROVE MINUTES

Member Copley made a motion to accept the *April 14, 2009 Regular Meeting* and *May 8, 2009 Continuation Minutes* as presented. Mayor Pro Tem DeMott seconded the motion. The members agreed unanimously.

CITIZEN COMMENTS

Sarah Manning, Four Diamond Drive asked for an update on the Water Initiative and the Storm Water Management with Adam Williams.

Mayor Pro Tem DeMott said the drilling has stopped due to rain and lack of funding. The Town Manager explained the drill is set up and they have drilled sixty five feet (65'). He said this is a spare rig and will stay stationary until they get funding and can begin to drill again. He explained the large truck taking up six (6) parking spaces at Town Hall has been moved to DOT in Watauga County.

Member Copley addressed the Clean Water Management Trust Fund. She said the application for the mini grant was submitted in February. Member Copley said North Carolina's Governor removed \$100 million from the Clean Water Management Trust Fund due to budget shortfalls. She explained the 2008 allocation for stormwater minigrants (\$750,000) has been exhausted and there is a doubt that there will be any allocation for stormwater minigrants in June 2009. She further explained that there are a number of applications ahead of Seven Devils. Member Copley said Clean Water Management Trust Fund is looking for other sources of money with hopes to fund last year and this year. She told the Council Adam Williams is abreast of this and will keep them informed.

ADMINISTRATIVE UPDATE

Mayor Dodson requested the Town Clerk get a head count for the High Country Municipal association Meeting scheduled for 6:00 pm. on Thursday, May 21st at Sugar Mountain.

OLD BUSINESS

- A. **Discussion of large water bills & water billing** – The Town Council reviewed **ARTICLE 4 – APPLICATION, FEES AND BILLING & ARTICLE 5 – RESPONSIBILITY AND LIABILITY** in the Water Use Ordinance. Discussion followed and the Council agreed this subject requires a more in depth review.

Mayor Pro Tem DeMott made a motion to have a Continuation Meeting on the discussion of *Large Water Bills & Water Billing* at 10:00 a.m. on Thursday, May 14th at Town Hall. Member Copley seconded the motion. The members agreed unanimously. **OPEN**

- B. **Recommendation from Seven Devils Planning Board – Review & Update of the Comprehensive Land Use Plan** – Bob Haugh told the Council the Planning Board is offering their services to review the current Comprehensive Land Use Plan.

Mayor Dodson made a motion for the Seven Devils Planning Board to review the current Comprehensive Land Use Plan and upon completion of this review; the Planning Board should submit their recommendations for revision to the Town Council. Member Copley seconded the motion. The members agreed unanimously. **CLOSED**

- C. **Declaring Equipment Surplus** – The Council reviewed the following list of surplus equipment:

Surplus Equipment

**1 – Swenson Spreader
8 ½ HP Briggs 7' Box**

3 – 8' Straight Polar Snow Plows

**1 – ODB Street Sweeper 6'
Model RMB-500**

**1 – Lincoln Welder
Ideal Arc 250 amp**

**1 – 1976 Ford 900 Fire Truck
VIN C90LVC 89097
Color Red**

Mayor Pro Tem DeMott made a motion to declare the fore mentioned list of equipment as surplus. Member Wilkinson seconded the motion. The member agreed unanimously. **CLOSED**

NEW BUSINESS

- A. **Appoint Brad Lambert to the Public Works Committee**

Member Copley made a motion to accept the Public Work Committees recommendation to add Brad Lambert to the Public Works Committee. Member Ehlinger seconded the motion. The members agreed unanimously. **CLOSED**

- B. **Bob Haugh – Request to install privacy gates at the entrance to the Nettles Knob sub-division** – The Council reviewed the following letter from Bob Haugh:

May 5, 2009

Town Council
Town of Seven Devils
1356 Seven Devils Road
Seven Devils, NC 28604

RE: NETTLES KNOB PRIVATE DRIVE AND ENTRY GATES

Dear Council Members:

My name is Robert Haugh. I am representing Bobby and Pat West and the Nettles Knob sub-division. We request the Town Council's approval to install privacy gates at the entrance to the Nettles Knob sub-division on Alpine Drive. The town would not be responsible to plow or maintain any roads within this sub-division. No Nettles Knob sub-division roads have been dedicated to the Town of Seven Devils. All Seven Devils Police, Fire and maintenance will have (24) hour access to the Nettles Knob sub-division.

Thank you in advance for your consideration.

**Very truly yours,
Bob Haugh**

The Zoning Administrator said a preliminary plat was approved by the Town Council showing Alpine Drive Extension as a road that was going to be dedicated to the town and would be a public street. He said the Planning Board approved the final plat and it was recorded that way. He explained anyone looking at that plat and buying into that subdivision would think they are purchasing property on a public maintained street.

The Town Attorney said this is private property and there is nothing in the zoning ordinance saying private gated communities are not allowed. He told the Council the only way to require all streets to be public would be to change the ordinance.

Discussion followed and the Council agreed there was no action to be taken on this matter.
CLOSED

- C. **Clyde D. Little request for approval of a well** – Mr. Little told the Council when he purchased the property from Jake Blair he was told power, water and cable ran across the front of the property. He said when he applied for a perk permit with the Watauga Health Department it was discovered that water does not run past the property. He said he went to Iron Mountain Construction Company for an estimate of costs to construct a water line to the property, as well as an estimate for engineering the water system from Catawba Valley Engineering Services. He said he also got an estimate from Dewey Wright Well & Pump Company for the cost of constructing a well. He said when he met with the Seven Devil's Public Works Department he discovered the property lies outside the 200 foot radius of an existing town water supply.

Member Copley made a motion for the Town Council to give Mr. Little permission to put a well on his property for one house pursuant to the Subdivision Ordinance for future development. Mayor Pro Tem DeMott seconded the motion. The members agreed unanimously. **CLOSED**

- D. **Balanced budget presented to Town Council** – The Town Manager/Budget Officer requested the Finance Officer Debbie Powers review the Annual Operating Budget for FY 09-10 with the Town Council.

Mayor Dodson made a motion to accept the Annual Operating Budget Ordinance as presented. Mayor Pro Tem DeMott seconded the motion. The members agreed unanimously. **CLOSED**

The Finance Officer Debbie Powers reminded the Council the public hearing for the proposed Town Budget for FY 09-10 is scheduled for 5:30 p.m. on Monday, June 1st, 2009 at Town Hall.

COMMITTEE REPORTS

- A. **Planning Board** – Member Copley said at the last regular scheduled Town Council meeting she said she would meet with David Hooper regarding weekend work and changes in the ordinance. She told the Council there is no need for a change in the ordinance because the officers have access to the Zoning Administrator's records to check for permits and the officer's can enforce the ordinance in Don's absence.
- B. **Public Works** – Member Copley gave an update on the stimulus money to the Council. She said there have been \$2 billion in applications in North Carolina for

\$67 million in stimulus money. She said the list of what projects made the cut was sent to the EPA two weeks ago but we do not know if we were on it. She said the money will be distributed in three waves. 75% in the first wave; 25% in the second wave and in the third wave (when money not spent in waves 1 and 2 will be distributed). She said if we get money for our \$500,000 project, 50% of that amount is forgiven and the remaining \$250,000 is a 0% loan for 20 years. The Town Manager told the Council the Town of Seven Devils did not get money in the first wave. The only people who got funding were category one entities and we are a category four. He said there are categories one through nine. Category nine is not eligible at all and categories one through eight are eligible. The Town Manager told the Town Council category one has already been posted and we are not included. He said there is still hope we might be included in the next round which is suppose to take place on June 3rd. Mayor Dodson asked the Town Manager if all the category ones were in the first round and the Town Manager said they did not.

- A. Public Safety – Mayor Dodson reviewed the April 2009 Fire Department report.
- B. ABC Board – There were no additional comments.
- C. 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.
- D. TDA – Mayor Dodson thanked the TDA and Bob Haugh for the remodeling of the Seven Devils Zoning Administrator’s office.

COUNCIL COMMENTS

Member Copley requested the Town Manager Ed Evans continue to research the golden leaf grant.

Member Copley stated there had been an e-mail circulated regarding the Recreation Commission’s up coming meeting and she hopes there will be a report at the next Town Council meeting.

CLOSED SESSION

At 6:37 p.m. Mayor Dodson requested a motion to go into Closed Session. Mayor Pro Tem DeMott made a motion to go into Closed Session pursuant to GS 143-318.11(a)(6), Personnel Matters. Member Wilkinson seconded the motion. The members agreed unanimously.

No action was taken during closed session.

OPEN SESSION

At 7:16 p.m. Mayor Pro Tem DeMott made a motion to come out of Closed Session. Member Wilkinson seconded the motion. The members agreed unanimously.

RECESS

At 7:20 pm Mayor Dodson made a motion to recess to 10:00 a.m. on Thursday, May 14th at Town Hall. Member Ehlinger seconded the motion. The members agreed unanimously.

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TOWN COUNCIL CONTINUATION MEETING
Friday, May 14th, 2009

The Seven Devils Town Council reconvened at 10:00 a.m. on Thursday May 14, 2009 at Town of Seven Devils 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 present was Town Manager Ed Evans.

At 10:05 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 reviewed the proposed changes in the **SEVEN DEVILS WATER USE ORDINANCE: ARTICLE 4 – APPLICATION, FEES AND BILLING & ARTICLE 5 – RESPONSIBILITY AND LIABILITY** presented by the Town Manager. The following changes were discussed as proposed changes in the **ANNUAL OPERATING BUDGET ORDINANCE FY 2010:**

WATER ACCOUNT FEES:

- Reconnection fee after non-payment \$50.00
- Request for Disconnection and Reconnection of Service (First Four Sets Free) N/C
- Request for Disconnection and Reconnection of Service (Each Set Thereafter) \$20.00
- Short Notice Fee for Disconnection or Reconnection (less than 48 hours notice) \$20.00 each
- Additional Meter readings, per homeowner request \$10.00 each

WATER (per quarter)

- Minimum Bill (9,000 gallons) \$90.00
- Additional gallons:
 - 9001 to 18,000 \$.01/gal.
 - 18,001 to unlimited \$.02/gal.
 - Water Bill for Well Users \$45.00

After a lengthy discussion, the Council agreed to place *Water Ordinance Changes* on the June 8, 2009 Town Council agenda.

The Town Manager told the Town Council he has been reviewing old minutes to see when the Fireman's Pension Fund was addressed. He told the Council after his conference call with the State representative it is apparent the Town of Seven Devils should be paying the Fireman's Pension Fund for each of our volunteer firemen. He explained this begins after one year of service and they have to complete a minimum of thirty six (36) hours of training a year to remain eligible. Manager Evans said out of all our volunteer firemen, we only have four (4) people who are in the system (Chuck, Bobby, Kevin McCarthy and Kevin Aldridge) and nothing has been paid on these four since the year 2000. He told the Council that based on previous Council decisions; we should to be paying \$120 per year for each of our volunteer firemen and the year 2000 was the last time we paid for the four individuals. He told the Council because these four are already in the system to get these four current we would need to pay \$120 per year for the years 2001 to 2008 plus the first six months of 2009 on each of these four volunteer firemen. The Town Manager told the Council that all other active firemen that have been with the Seven Devils Fire Department for one year should be eligible to participate in the Fireman's Pension Fund and Rhonda Stephens with the retirement system will do calculations on these people and let us know how much money it will take to bring accounts to current status. He said it appears the total cost to the town to make this right will be approximately \$20,000 to \$25,000.

Mayor Dodson made a motion the Town Council recertifies the Town of Seven Devil's participation in the Fireman's Pension Fund for all volunteer firefighters and to bring all pension fund accounts to current status. Mayor Pro Tem DeMott seconded the motion. The members agreed unanimously.

ADJOURN

At 12:27 p.m. Mayor Dodson requested a motion to adjourn. Mayor Pro Tem DeMott made a motion to adjourn. Member Ehlinger seconded the motion. The members agreed unanimously.

Bob Dodson, Mayor

Karen E. Daniels, Town Clerk