

**TOWN OF SEVEN DEVILS  
TOWN COUNCIL  
MINUTES – REGULAR MEETING**

**March 12, 2012**

The Seven Devils Town Council met for regular session on Monday, March 12, 2012, at Town Hall. Present were Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, Council Members Kay Ehlinger, David Ehmig and David Hooper. Also present were Town Manager Ed Evans and Town Engineer David Poore. Town Attorney Rob Angle was absent. The minutes were recorded by Beth Taylor, Town Clerk.

**CALL TO ORDER**

Mayor Fontaine called the meeting to order at 5:30 pm.

**PLEDGE OF ALLEGIANCE**

Council members and citizens recited the Pledge of Allegiance.

**ADOPT AGENDA**

Mayor Fontaine suggested adding agenda item “*G. Replacement of the Kubota Tractor*” under New Business.

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

**APPROVAL OF MINUTES OF REGULAR MEETING FEBRUARY 13, 2012,**

Member Ehmig made a motion to approve the February 13, 2012 minutes. Member Hooper seconded the motion. The members agreed unanimously.

**CITIZEN COMMENTS**

Leigh Sasse, 245 Chestnut Ridge Trail, wanted to thank the Council for the timely manner in which they addressed the problem she was having with neighboring homes garbage.

**ADMINISTRATIVE UPDATE & CALENDAR**

None

**OLD BUSINESS**

**Presentation of Resolution of Appreciation for service – Kathy Copley**

Mayor Fontaine presented & read a Resolution of Appreciation for service to Kathy Copley.  
~*CLOSED*~

**Recommendations from Planning Board, BOA, Public Works, TDA and Public Safety Member appointments**

Mayor Pro Tem Lambert made a motion to accept all the appointment recommendations made by the various Boards & Committees. Member Ehlinger seconded the motion. The members agreed unanimously. The following members were approved by this action:

**Board of Adjustment:** Sarah Manning to fill the unexpired term of Carol Isquith ending January 1, 2014, Reappointment of Carroll Berkley as an BOA Alternate with term to expire January 1, 2015;

**Planning Board:** Reappointment of Bob Haugh, George Ehlinger, and Barbara Williams, each with terms to expire on January 1, 2014, New member appointment of Frank Sell to fill the unexpired term of Larry Fontaine expiring on January 1, 2013;

**Tourism Development Authority:** Reappointment of Tom Gidley with term to expire January 1, 2014;

**Public Works:** Appointment of Richard DeMott with term to expire January 1, 2015, Appointment of Yardy Williams with term to expire January 1, 2014;

**Public Safety Committee:** Appointment of Richard DeMott with term to expire January 1, 2014. ~*CLOSED*~

### Lakes roads presentation

Mayor Pro Tem Lambert presented a slide show illustrating to the Council the findings of the Public Works Committee, the Town Manager, and the Town Engineer David Poore, regarding the Lakes Community's proposal to dedicate the roads in the Lakes Community to the Town. After some discussion, Member Ehmig made a motion to approve the Lakes Community proposal, subject to the Lakes Community's approval of the Town's conditions. Member Ehlinger seconded the motion. The members agreed unanimously. **This does not infer acceptance of a proposed dedication at this time, only agreement to consider.**  
**~CLOSED~**

### Policy on water accounts – Foreclosure and bankruptcy – Resolution

Member Ehlinger made a motion to adopt the Resolution Policy on water accounts. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. **~CLOSED~**

#### RESOLUTION FOR ACCEPTANCE OF INTERNAL POLICY REGARDING WATER ACCOUNTS AFFECTED BY FORECLOSURE OR BANKRUPTCY

WHEREAS, the Town Staff have identified a problem regarding billing of water accounts where foreclosures or bankruptcies are an issue, and the Town Staff desire a clear, Town Council approved policy to deal with these accounts;

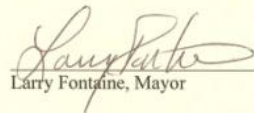
NOW, THEREFORE, BE IT RESOVED by the Town Council of the Town of Seven Devils that the policy here-to-fore shall be as follows:

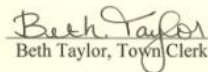
**When the Town receives official notification of foreclosure on a property or bankruptcy of a properties owner, and assuming no one is living in the house at the time,**

**the Town staff desires the authority to lock the meter and declare the account inactive, and stop the monthly \$35 billing. All collection efforts for any past due water account balance would be made against the owner who did not pay the bill, not against the new owner.**

**Once the new owner – bank or individual – makes a request for water service again, the account will be activated, unlocked, and billing (from a zero dollar balance starting point) would begin.**

Approved this 12<sup>th</sup> Day of March 2012

  
 Larry Fontaine, Mayor

  
 Beth Taylor, Town Clerk



### NEW BUSINESS

#### Letter from Carter Asbill – reference Telemark Road

Mayor Fontaine informed Mr. Asbill that the Town could not assume any maintenance on Telemark Road until the road was brought up to meet Town standards. He offered a few suggestions as to what Mr. Asbill could do to solve his problem of people using Telemark as a cut through; however, Mr. Asbill stated he would not be doing anything about it at this time. **~CLOSED~**

#### Snowcloud lots – Survey

Manager Evans made a recommendation to combine several Town owned Snowcloud lots in the proposed lot exchange with Mr. Alan Andre. Member Ehmig made a motion to allow Manager Evans to combine all proposed lots as presented for the potential land swap

regarding Peregrine Well, and to spend up to \$3,000 to pay for a perk test, deed transfer, survey, and other expenses. Member Hooper seconded the motion. The members agreed unanimously. **~CLOSED~**

**Ethics policy recommendation for BOA**

Members reviewed the Ethics Policy. Member Ehmig made a motion to approve the recommended Ethics policy for the BOA. Member Ehlinger seconded the motion. It was agreed unanimously. **~CLOSED~**

**Resolution – Appoint Town Clerk as tax collector**

Member Ehlinger made a motion to adopt the Resolution appointing the Town Clerk as tax collector. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. **~CLOSED~**

**RESOLUTION**

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Seven Devils that:

Section 1: The governing body of the Town of Seven Devils does hereby appoint the Town Clerk, as tax collector of said taxing unit.

Section 2: The term of this appointment shall be in effect until rescinded

Section 3: The governing body does hereby set the amount of the bond required by statute of the tax collector at \$50,000.

Section 4: Two copies of this resolution will be duly certified by a Notary Public to the governing body and transmitted to the Secretary of the Local Government Commission together with such other documents and instruments as required by the Secretary. The action of the Secretary shall be brought before the governing body and duly recorded in the minutes.


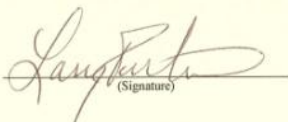
Section 5: This Resolution shall become effective upon its adoption.

Upon motion of Kay Ehlinger, seconded by Brad Lambert,  
(Name) (Name)  
 the foregoing Resolution entitled "A Resolution of the Town of Seven Devils appointing the Town Clerk as Tax Collector" and was passed by the following vote:

Ayes:

Nays: .....

I, Larry Fontaine, Mayor of the Town of Seven Devils, do hereby certify  
(Name)  
 that the foregoing Resolution was duly adopted by the governing body of the Town of Seven Devils at a regular meeting thereof, a quorum being present.  
 The 12 day of March, 2012.

### Public Safety Committee Establishment – Resolution

Member Ehlinger made a motion to adopt the Resolution Establishing the Public Safety Committee. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. ~CLOSED~

**Resolution Establishing  
Town of Seven Devils  
Public Safety Committee**

**Mission Statement**

The mission of the Seven Devils Public Safety Committee, hereafter referred to as PSC, is to improve the overall safety of the community, recommend and implement safety initiatives, raise awareness of safety concerns and serve as a forum for input on matters of public safety.

**Membership**

The PSC shall consist of a minimum of five (5) voting members, selected by the PSC and appointed by the Town Council. Applicants for PSC membership should have knowledge and/or experience in municipal safety and must have the interest and time to devote to volunteer activities of the PSC.

**Tenure**

Members of the PSC shall be appointed to serve terms of three (3) years or until their respective successors have been appointed, and they may be reappointed.

**Officers**

The PSC shall elect a Chairman, Vice-Chairman, and Secretary from among its members, for a term of one (1) year with eligibility for reelection. Other officers may be appointed as the membership sees fit. Officers shall be elected as the first item of New Business at the first meeting of the PSC each calendar year.

**Regular Meetings of the PSC**

The PSC holds regular meetings on the 4<sup>th</sup> Tuesday of each month. If a legal holiday causes a conflict with regular meeting days, the PSC shall meet on the next available business day. Meetings shall be held at Town Hall and shall begin at 5:30 pm. A copy of the PSC's current meeting schedule shall be filed with the Town Clerk. Meetings shall be open to the public in accordance N.C. General Statutes.

**Attendance at Meetings**

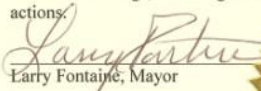
Any member of the PSC who misses more than three (3) consecutive regular meetings or more than half (½) the regular meetings in a calendar year may be subject to removal from the PSC. Absence due to sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the PSC.

**Voting**

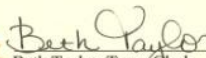
A minimum of half the membership of the PSC must be present at any meeting for any official action to be taken. The concurring vote of a simple majority (more than half) of those members present shall be necessary to take any official action.

**Rules of Procedures**

The PSC shall operate under the *Rules of Procedures* adopted by the Seven Devils Town Council and keep a record of meetings, including attendance of its members, its resolutions, findings, recommendations, and actions.

  
Larry Fontaine, Mayor



  
Beth Taylor, Town Clerk



## Recreation Commission Establishment – Resolution

Mayor Pro Tem Lambert made a motion to adopt the Resolution Establishing the Recreation Commission. Member Ehmig seconded the motion. The members agreed unanimously. **~CLOSED~**

### Resolution Establishing the Town of Seven Devils Recreation Commission

The mission of the Seven Devils Recreation Commission, hereafter referred to as 7DRC, is to encourage and support the development of recreational facilities, activities, and opportunities for the citizens, visitors, and members of the surrounding communities of Seven Devils. The 7DRC will utilize the Recreation Plan developed in March of 2008 as a guide to the development of recreational options and will seek out new opportunities as well to meet the needs of our citizens. The 7DRC will work to maintain open communication with citizens to establish priorities and coordinate recreational activities. The Town shall include a line item for funding of the Recreation Commission in its annual budget.

#### Membership

The 7DRC will consist of a minimum of five (5) voting members who are either full-time residents and/or part-time residents. All voting members shall be selected by the 7DRC and appointed by the Town Council.

#### Tenure

Members of the 7DRC shall be appointed to serve terms of three (3) years or until their respective successors have been appointed, and they may be reappointed. The terms of the members shall be staggered so that all terms do not expire simultaneously.

#### Officers

The 7DRC shall elect a Chairman from among its members, for a term of one (1) year with eligibility for reelection. Other officers may be appointed as the membership sees fit. The Chairman shall be elected as the first item of New Business at the first meeting of the 7DRC each calendar year. Other officers shall be elected as needed by the members.

#### Regular Meetings

The 7DRC holds regular meetings on the 1st Monday following the Town Council Meeting of each month. Meetings shall be held at Town Hall and shall begin at 4:30 pm. A copy of the 7DRC's current meeting schedule shall be filed with the Town Clerk. Meetings shall be open to the public in accordance to N.C. General Statutes.

#### Attendance at Meetings

Any full-time resident member of the 7DRC who misses more than two (2) consecutive regular meetings or any part-time resident member who misses more than two (2) consecutive meetings between May and October may be subject to removal from the 7DRC.

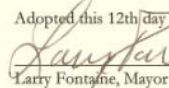
#### Voting

A minimum of three (3) voting members must be present at any meeting for any official action to be taken. The concurring vote of a simple majority (more than half) of those members present shall be necessary to take any official action.

#### Rules of Procedures

The 7DRC shall operate under Rules of Procedures adopted by the Seven Devils Town Council and keep a record of meetings, including attendance of its members, its resolutions, findings, recommendations, and actions.

Adopted this 12th day of M

  
Larry Fontaine, Mayor



  
Beth Taylor, Town Clerk

## Recreation Commission Appointments

Member Ehmig made a motion to approve the recommended appointments for the Recreation Commission. Member Ehlinger seconded the motion. It was agreed unanimously. The following were appointed to serve with the listed terms:

Kay Lambert to fill the vacated term of Butch McLean, ending January 1, 2013,  
Leigh Sasse, new member with a term to expire January 1, 2015. **~CLOSED~**

## Replacing the Kubota Tractor

Manager Evans presented a proposal to replace the Kubota Tractor with a larger 2011 John Deere Tractor, which is much better suited to the needs of the Town. Factors affecting the suitability include safety factors, efficiency factors, and the fact that the Kubota Tractor has just been repaired, including its third clutch. Evans stated that the trade-in value is as high right now as it will ever be and that it is within the Town's budget to move forward with a trade-in. \$27,500 has already been transferred into the Capital Reserve in prior years for potential purchase in 2014, and we are being offered \$17,500 in trade-in value now. The new tractor is \$53,367 and is discounted to \$47,500 because it is a new 2011 model. Thus, we can trade for approximately \$30,000 now.

After weighing the benefits of replacing the tractor sooner than was originally budgeted, Member Ehmig made a motion to approve the request to replace the tractor. Member Hooper seconded the motion. The members agreed unanimously. **~CLOSED~**

**COMMITTEE REPORTS****Planning**

**Public Works** – Mayor Pro Tem Lambert pointed out that the Public Works meeting time has changed to Thursdays at 5:30 pm in the hopes of getting the citizens involved more.

**Public Safety Committee****Recreation Commission****ABC Board****TDA– No meeting****Public Safety Department****Police Report****Fire Report****Financial Report****COUNCIL COMMENTS**

-None

**ADJOURN**

Mayor Pro Tem Lambert made a motion to adjourn. Member Ehlinger seconded the motion. The members agreed unanimously. The meeting was adjourned at 7:00 pm.

---

Larry Fontaine, Mayor

---

Beth Taylor, Town Clerk