

**TOWN OF SEVEN DEVILS  
TOWN COUNCIL – AGENDA  
February 14, 2011**

The Town of Seven Devils Town Council met in regular session on Monday, February 14, 2011, at Town Hall. Present were Mayor Bob Dodson, Mayor Pro Tem Kathy Copley, Council Members Richard DeMott, Kay Ehlinger and David Ehmig. Also in attendance were Town Manager Ed Evans and Town Attorney Rob Angle. The minutes were recorded by Beth Taylor, Town Clerk.

**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 asked if there was a motion to adopt the agenda. Member DeMott made a motion to adopt the agenda. Mayor Pro Tem Copley seconded the motion. The members agreed unanimously.

**APPROVAL OF MINUTES:**

**January 10, 2011**

Mayor Dodson pointed out two corrections that should be made to the January 10, 2011 minutes. On page 3 under the heading ‘Proposed changes to the Personnel/Employee Handbook (travel, meals, per diem)’ the word “Polices” should be “**Policies**” in each of the four paragraphs beginning with ‘In Article X’.

Also on page 3, under the same heading, in the second paragraph the word “begging” should be “**beginning**” in the sentence “In Article X, Other Policies, Section 1. Travel Policy, bullet D 1...”

Mayor Dodson asked if there was a motion to approve the January 10, 2011 minutes as amended. Member DeMott made the motion to approve the minutes as amended. Member Ehlinger seconded the motion. The Members agreed unanimously.

**PUBLIC HEARING TO ALLOW COMMENT ON PROPOSED TEXT  
AMENDMENT CHANGE TO THE ZONING ORDINANCE**

Before opening the Public Hearing, Town Manager Evans stated that the reason to have the Public Hearing regarding the potential text amendment change is more a matter of making what we have already done correct. We are not really changing anything; we are just making what has been done legal.

Mayor Dodson asked if there was a motion to open the Public Hearing. Member DeMott made a motion to open the Public Hearing. Mayor Pro Tem Copley seconded the motion. The Members agreed unanimously.

Mayor Dodson asked if there were any comments from the public. Manager Evans asked if Mayor Dodson wanted him to go through the specific changes, to which Mayor Dodson replied he did not, unless someone asked. There were no comments from the public. Mayor Pro Tem Copley made a motion to close the Public Hearing. Member DeMott seconded the motion. The Members agreed unanimously. The Public Hearing was closed.

**CITIZEN COMMENTS**

None

**ADMINISTRATIVE UPDATE & CALENDAR**

Mayor Pro Tem Copley stated that she would like to see something in the ECHO about the Waterline Mapping Project.

Mayor Dodson wanted to know if the notice to proceed for the Water Project has been sent. Manager Evans replied that he does not know if it is actually in their hands yet, but it will probably be there by Friday.

Mayor Dodson commented that the new Public Safety storage cabinets look good.

Mayor Pro Tem Copley wanted to know if we were in compliance regarding storage of firearms. Manager Evans replied that he did not think we were just yet, but that we are making good progress.

Manager Evans pointed out that Police Chief Davis has a lot of things (records and such) stored in his office that shouldn't be there. Now that we have a secure place finished downstairs, (a single room was divided into two rooms) we can utilize it to store personnel records, payroll records, and other things we are required to keep and the second room will be utilized to store evidence that no one will have access to but the Police. Mayor Dodson wanted to know if we can use that old safe. Evans replied that he has been trying to locate the combination. After searching for manufacturer info online, he discovered that the last date those safes were made was 1955 and they were mainly used for secure fire-proof storage of documents, not necessarily to keep someone from breaking the code. He stated that due to its age, we are not certain how well the fire-proofing still is, but we have disabled the lock and have it in a secure, locked location so that we can still use to store documents.

### **OLD BUSINESS**

Mayor Pro Tem Copley made a recommendation to postpone any further discussion on the Water Shortage Response Plan and the Water Use Ordinance Revision until Town Manager Evans is ready in April, then the Council can make comments in the May meeting and schedule the Public Hearing for June. The bonus to postponing this until June is that it allows for the summer residents to be in attendance at the Hearing. Mayor Pro Tem Copley also pointed out that the Town most likely will not be suffering from a water shortage before then.

Mayor Pro Tem Copley made a motion that Manager Evans give the Resolution to us in the April meeting, that it be on our May agenda for the Council to make any comments and that we hold a Public Hearing in June. Member Ehlinger seconded the motion. The Members agreed unanimously.

### **Resolution – Water Shortage Response Plan**

See comments above under 'Old Business' ~*OPEN*~

### **Water Use Ordinance Revision**

See comments above under 'Old Business' ~*OPEN*~

### **Proposal to replace culvert on Devils Lake Drive – revisited**

#### **(See Eggers Quote below the text)**

Mayor Pro Tem Copley stated that the estimated amount shown in the Council Members handout is the same as the one we received previously, but that now we have an itemized bid. The purpose of this is so that we could compare Eggers version 'A' bid to that of Iron Mountain's 'Scenario 2.' She continued to state that there were no further recommendations since we had two bids from reputable companies and it is now just a Council decision as to whom to contract with.

Mayor Dodson asked what the situation was regarding the temporary road and said that it used to be listed under Option B in the Eggers quote. He wanted to know if we still need that. Manager Evans replied that we will have to keep the road open and that they are estimating it will take two to three days. Keeping the road open with a temporary road is included in both Eggers and Iron Mountain's proposal. Evans further stated that the biggest difference between options A & B on the original Eggers estimate is that in option B they will be filling the entire depth with washed gravel, whereas in option A they would only be filling 2 feet on top of the compacted dirt with the washed gravel. Manager Evans informed the Members that according to David Poore, as long as the dirt is compacted we do not need the entire depth filled with gravel. Mayor Dodson pointed out that in the Public Works minutes it was mentioned that if they raise the upper end it might need homeowner approval. Mayor Dodson wanted to know if that has been resolved. Manager Evans stated that it would require approval if we did that, and it has not been resolved at this time. Evans further clarified that there is no home there, it is just a lot, but we will need to talk with the owner. Evans continued that he doesn't foresee there being a problem, as the owner will benefit tremendously from this if done. It will basically turn their unusable front yard into a useable front yard. Member Ehlinger wanted to clarify that the only change on the original

December 14 Eggers proposal is that it is now itemized. Manager Evans stated that is correct. They only itemized option B, since we were not interested in option A. Mayor Pro Tem Copley was under the impression it would change the quote price, which is why we asked for an itemized proposal to begin with, however, the price did not change. Manager Evans pointed out that the big difference between the Iron Mountain and Eggers quotes are due to the price of the pipe. Eggers quoted 100 ft of pipe at \$110 a foot. Iron Mountain quoted 80 ft of pipe at \$400 a foot. Manager Evans also told the Members, referring to the handout from Eggers, that he asked Eggers what the worst case scenario would be if they had to import/export dirt. There is a maximum of \$1,875 for exporting dirt at \$75 per load, and a maximum of \$1,920 for importing dirt for \$120 a load.

Mayor Dodson asked what the Council’s pleasure is on this.

Member Ehlinger asked if we already had the money set aside for this. Manager Evans replied that we had already discussed using the \$23, 975 of Powell Bill money for that portion of it and the balance to come from the appropriated fund balance.

Member DeMott made a motion to approve the proposal. Mayor Dodson seconded the motion. It was agreed upon unanimously.

(See Eggers Quote below)

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| <b>EGGERS ORIGINAL PROPOSAL FOR 36" DEVILS LAKE CULVERT REPLACEMENT</b>  |  |
| Option A:  |  |
| Excavate Dirt and use on site for temporary road. Fill area above pipe.<br>Raise upper end of culvert. Install 100' of 36" Pipe. Backfill with dirt<br>From on site. Top 2 feet of trench and shoulder to be backfilled with<br>ABC Stone. |  |
| \$28,500.00  |  |
| NOTE:  | No Pavement Repair<br>If On Site Dirt is Unsuitable: Export Dirt @ 75.00 per load<br>Import Dirt @ 120.00 per load |
| Option B:  |  |
| Excavate Dirt and use on site for temporary road. Fill area above pipe.<br>Raise upper end of culvert. Install 100' of 36" Pipe. Backfill with all<br>ABC Stone 8' wide all the way up to the top.   |  |
| \$54,000.00  |  |
| NOTE:  | No Pavement Repair<br>If On Site dirt needs to be Removed: Export dirt @ 75.00 per load                            |

~CLOSED~

**NEW BUSINESS**

**Vote on proposed text amendment change to the Zoning Ordinance**

Per Mayor Dodson’s request, Manager Evans explained that in studying the Ordinances and actions that have taken place in the past, some activities may be questionable and may not have been completed correctly, such as tubing, zipping, and biking (which Hawksnest never had a permit for). He stated that the Zipline, which went before the Board of Adjustment process, was granted a Conditional Use Permit but it was really putting the cart before the horse since Ziplining (or some catch all phrase that would have allowed Ziplining) was not incorporated into the Zoning Ordinance under Permitted or Conditional Uses. So what we did was allow a Conditional Use that was not allowed in our Ordinance (thus not legal) as it was not listed as a potential Conditional Use in our Ordinance. So to straighten that out we are going back to make the Ordinance consistent with what we allowed, or intended to allow, in our Ordinance. Member Ehlinger wanted to know if, now that we have non-motorized biking listed, will they still have to get a permit. Manager Evans stated that they will still have to get a permit.

Member DeMott made a motion to approve the text amendment change to the Zoning Ordinance. Member Ehlinger seconded the motion. The members agreed unanimously.

~CLOSED~

### **Recognition of workers participating in Operation Medicine Cabinet**

Manager Evans presented certificates of appreciation from Sherriff Hagaman to the following people in recognition for their work with Operation Medicine Cabinet:

- Members DeMott, Ehmig and Ehlinger
- Kay Lambert

Other recipients who were not in attendance, but also received certificates were:

- Officer Jimmy Keener
- Police Chief Edward T. Davis
- Fire Chief Bobby Powell
- David M. Tarlton

Citizen Kay Lambert pointed out the George Ehlinger, Brad Lambert and Sarah Manning were also willing volunteers and deserve recognition.

Member Ehlinger pointed out the next Operation Medicine Cabinet will be May 14, 2011, and will hopefully be held at Foscoe Fire Department. She further stated that she would like to see something in the ECHO to let people know they can drop drugs off at the Foscoe Fire Department on the day of the event. Kay Lambert pointed out that they also accept animal medications as well. She would also like to thank Polly from Foscoe Pharmaceutical for all her efforts. **~CLOSED~**

### **Report on Legislative Reception sponsored by Boone Area Chamber of Commerce – Mayor Pro Tem Copley**

Mayor Pro Tem Copley reported that it was mostly about the need to do more with less and about the challenges of budgeting without knowing what was happening at the state level.

**~CLOSED~**

### **Request for Zoning School at UNC SOG and Travel – Feb 28 to March 4 – Ed**

Member DeMott made a motion to approve Zoning School at UNC SOG and Travel for Manager Evans on Feb 28-March 4. Mayor Pro Tem Copley seconded the motion. The Members agreed unanimously.

Manager Evans wanted to point out that he may not be able to attend the school this time around due to a possible schedule conflict during one of the days. He further stated that if he could not attend all the classes, he would not attend any at this time, rather opting to wait for the next time it is offered.

Mayor Dodson stated that was fine, since the Members have approved him attending the school he could go whenever he was able to go. **~CLOSED~**

### **Streetlight Issue at Edgecliff Lane/Chestnut Ridge Trail**

The Members received letters from Bob Haugh, as well as Mr. & Mrs. Watts explaining that the street light which is currently shining through the bedroom window in the Watts home would be better if moved to the corner of Edgecliff Lane and Chestnut Ridge Trail. That intersection is currently a danger as it is poorly lit and would benefit from having a streetlight.

After reading the letters provided by the residents affected by the streetlight issue, Mayor Dodson wanted to know if we were sure that there would be no charge from Blue Ridge Electric to move the streetlight. Manager Evans stated that Bob Haugh spoke to Blue Ridge Electric and there is no charge. He further stated that he has left Blue Ridge Electric a message to confirm this.

Mayor Dodson made a motion to approve moving the streetlight, on the condition that there is no charge to the Town. Member DeMott seconded the motion. The Members agreed unanimously. **~CLOSED~**

## **COMMITTEE REPORTS**

**Planning Board**

**Public Works**

**Public Safety Committee**

**Recreation Commission (No Quorum)**

**ABC Board (No January Meeting)**

**TDA-**

Mayor Pro Tem Copley made a comment that she was happy to see that TDA's income was exceeding expectation. She also wanted to clarify whether or not the Avery Chamber was asking us for money or if they were giving the TDA money. Manager Evans stated that they were asking us for money, which the TDA gave in the past, contingent upon us getting reports to see where the funds were going. We have not yet received any such reports from them.

Mayor Pro Tem Copley stated that maybe the TDA minutes should be amended so that someone reading them later would be clear that the Avery Chamber was asking us for money.

Mayor Dodson wanted to know how long the Holiday flags and lighted sleigh would be left up. Manager Evans stated that Public Works has been waiting for good weather to take them down.

Member DeMott pointed out there is a sign missing, as well as one hanging upside down on Alpine Drive. Manager Evans stated that he will bring that up to Public Works.

### **Public Safety Department**

#### **Police Report**

#### **Fire Report**

#### **Financial Report**

Member DeMott made a motion to accept the Financial Report. Mayor Dodson seconded the motion. The Members agreed unanimously.

### **COUNCIL COMMENTS**

Mayor Pro Tem Copley stated, in reference to the streetlight issue previously discussed, she has been thinking about a number of things regarding streetlights. For example: How do we decide where to put them as new development takes place? When do we put them in? When there is one house that has been using an intersection that has not been previously lighted? Who puts it in? Does the developer put it in or does the Town?

She commented that Public Works Director Kevin Aldridge and George Ehlinger have been working on determining where our lights are located and if they are serving a public purpose, or are they lighting someone's driveway without serving a public purpose.

Mayor Pro Tem Copley made a recommendation that Public Safety Committee considers all the ramifications of decisions about the streetlights. She further stated that she would like to see something nailed down that would address this issue so it is not something we have to decide on a case by case basis. She would like to make it part of a plan.

Mayor Pro Tem Copley made a motion that the Public Safety Committee consider the elements of a policy on placement of street lighting or removal of street lighting which they will forward to the Council for consideration at their earliest convenience. Member DeMott seconded the motion. The Members agreed unanimously.

Member DeMott wanted further clarification regarding the water demands of the Town. According to a book Member DeMott was given produced by the High Country Council of Governments, the Town's water supply is in good shape.

Mayor Dodson asked what the status is of the High Country Municipal Association meeting scheduled for this Thursday night at Town Hall. Manager Evans stated he is waiting to hear back from Nancy Henderson, but that he has lined up what he feels to be an interesting speaker to talk about 2011 HR issues and the Health Care Reform timeline.

Manager Evans stated that he attended the High Country Council of Governments Intergovernmental Retreat Planning Meeting this morning, where he learned that the Intergovernmental Retreat is to be held March 28, 2011 from 5:00-7:00 pm at the Broyhill Center and dinner will be included. Seven Devils is in charge of providing that dinner, as they are next in the rotation, which will cost roughly \$16 a head (about \$750). Mayor Pro Tem Copley replied that she has been to all the meetings and doesn't remember them ever bringing up having individual Towns pay for the dinner. Manager Evans stated that he did not know when the practice started, but that Boone and Watauga County paid for the last two dinners. Manager Evans replied that due to the small sizes of Beech Mountain and Seven Devils, it has been agreed that Beech Mountain and Seven Devils will be splitting the cost each time.

Mayor Dodson commented that he is currently working on the Council Retreat agenda. If anyone has anything to put on the agenda feel free to e-mail him, keeping in mind that the agenda is already pretty full at the moment.

**ADJOURN**

Mayor Dodson made a motion to adjourn. Member DeMott seconded the motion. The members agreed unanimously. The meeting was adjourned at 6:30pm.

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Bob Dodson, Mayor

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Beth Taylor, Town Clerk