TOWN OF SEVEL DEVILS TOWN COUNCIL MINUTES – REGULAR SESSION April 11, 2011

The Seven Devils Town Council met in regular session on Monday, April 11, 2011, at Town Hall. Present were Mayor Bob Dodson, Mayor Pro Tem Kathy Copley, Council Members Richard DeMott and David Ehmig. Member Kay Ehlinger was absent and excused. Also present 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 5:33 p.m.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

ADOPT AGENDA

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

APPROVAL OF MINUTES:

MARCH 14, 2011, REGULAR MEETING

Mayor Pro Tem Copley made a motion to approve the March 14, 2011 minutes as is. Member DeMott seconded the motion. The members agreed unanimously.

CITIZEN COMMENTS

Kevin McCarthy of 193 Knob Hill Lane wanted to address the Council. There was an incident Mr. McCarthy wanted to bring the Council's attention to involving a rental unit at neighboring home, 166 Knob Hill Lane. A couple years ago some kids from the rental unit across the street were shooting rocks at Mr. McCarthy's house with a sling shot. It was addressed to the Council at that time but there was not much to be done about it. Now Mr. McCarthy has discovered someone has shot his chimney with a BB gun. He has addressed this with Police Chief Davis, who informed him that his hands are tied. Mr. McCarthy is addressing the Council tonight in hopes they will be able to offer assistance in this matter. He is willing to call the FBI to see if they can be of help if the Council is unable to do anything. The only thing Mr. McCarthy can offer to narrow down the person responsible is that he takes pictures of all the rental cars and writes down their tag information. The rental agency manager of Blue Ridge Rentals is reluctant to help and there has been no luck in contacting the homeowner. Mr. McCarthy is hoping for more police patrol in hopes to fix the problem.

Mayor Dodson responded that they would talk to the Town Attorney to see if there was anything they could do.

ADMINISTRATIVE UPDATE & CALENDAR

Manager Evans introduced Chad Simons to the Council, informing them that he will be working here as an intern for the next few weeks.

Mayor Pro Tem Copley pointed out that the public might be interested in #9 on the Administrative Update- Getting money from FEMA. Manager Evans responded that he expect the check for the Federal portion to arrive any day now. **~CLOSED~**

OLD BUSINESS

Water Use Ordinance Revision

Manager Evans went over the handout dealing with the conservation of water and water use restrictions during water shortages. DENR provided the Town with a sample resolution to use as a guideline, as they felt our current conservation portion was insufficient. Evans stated that he called DENR to speak with them, as he felt the penalties they were suggesting were harsher than what the Town wanted to use. Evans then proceeded to point out the potential changes to the Water Use Ordinance. Mayor Pro Tem Copley wanted clarification to what each penalty would be, listed on the penalties chart on page 8-2 under each stage. Evans stated that he will make sure that each stage will state if and what the penalties will be. Mayor Dodson wanted to know, since the Town does shut off water if we don't have payment, is there a way we can apply that for penalties also? Mayor Pro Tem Copley clarified what Mayor Dodson meant that if somebody uses too much water, violating the Ordinance, we

could fine them for the violation. Then, if they didn't pay the fine, we could then shut the water off? Mayor Dodson also wanted to know if the Town had to go to court first in order to shut the water off in that instance. Attorney Rob Angle stated that any kind of fine usually has to go through the court for the Judge to approve it. After further discussion of when the Town can shut off water, they decided on the following changes to the Water Use Ordinance:

-On page 9-1 of Article 9-Enforcement, adding the words, "further, attorney fees and court cost will be assessed" to the end of the first paragraph after "to recover the amount of money owed."

-To add what each penalty that applies to the different stages listed on the chart on page 8-2

Member DeMott wanted to add a general statement that he knows how important our water is and he appreciates Manager Evans efforts in keeping the Council up to date on how things are. He wanted to remind everyone that we need to keep in mind the water needs of the future and with that, we need to keep working on trying to maintain and keep our water system as good as possible. Mayor Pro Tem Copley stated that at another meeting it was decided to use the NC Drought Monitoring website to determine when we might need to start enforcing water restrictions. Manager Evans pointed out that in addition to the website, you will find on page 8-3 of the Ordinance what the triggers are that indicate a water shortage. It basically boils down to what our pumping times are. When we have to pump longer to get the same amount of water, that indicates a water shortage.

Member DeMott made a motion to approve the Water Use Ordinance Revision as amended. Member Ehmig seconded the motion. The members agreed unanimously. ~*CLOSED*~

Resolution - Water Shortage Response Plan

Mayor Pro Tem Copley made a motion to adopt the Water Shortage Response Plan Resolution as presented. Member DeMott seconded the motion. The members agreed unanimously. *~CLOSED~*



RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 [I] requires that each unit of local government that provides public water services or plants shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interests of sound planning, a Water Shortage Response Plan for the Town of Seven Devils, has been developed and submitted to the Town Council for approval; and

WHBREAS, the Town Council finds that the Water Shortage Response Plan is in accordance with the provisions of the North Carolina General Statute 143-355 (I) and that it will provide appropriate guidance for the future management of water supplies for the Town of Seven Devils, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Seven Devils that the Water Shortage Response Plan entitled, Town of Seven Devils Water Shortage Response Plan, dated April 11, 2011 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Town Council intends that this plan shall be revised to reflect changes in the relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 11th day of April 2011.

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Name: Bob Dodson, Mayor

Attest: Both Taylor, Town Clerk

NEW BUSINESS

Amendment of Budget Calendar

Member Ehmig made a motion to approve the amendment of the Budget Calendar. Member DeMott seconded the motion. The members agreed unanimously. **~CLOSED~**

Declare equipment surplus

Manager Evans stated that right now the generator has a fuel filter problem or something. In the hopes of getting more money for it, Evans intends to fix it before it is listed for sale, so it can be listed as 'in working condition'. Mayor Dodson asked how much it would take to get it running. Manager Evans replied it would cost a couple hundred. Mayor Dodson then wanted to know how much we could get for it. Evans stated he has seen them selling from \$4,000-\$1,000 depending on condition. He thinks we will be in the lower range, due to its age and the fact we bought as surplus originally.

Member DeMott made a motion to declare the old generator as surplus. Member Ehmig seconded the motion. The members agreed unanimously. ~*CLOSED*~

Travel request - Ed to Town Hall Day - Raleigh

Mayor Dodson made a motion to approve the travel request for Ed Evans to attend Town Hall Day in Raleigh. Member DeMott seconded the motion. The members agreed unanimously. ~*CLOSED*~

COMMITTEE REPORTS

Planning Board (No March Meeting)
Public Works
Public Safety Committee
Recreation Commission (No Quorum)
ABC Board
TDA (No March Meeting)
Public Safety Department
-Police Report

Financial Report

Mayor Pro Tem Copley wanted to know if we anticipate getting the rest of the funds shown in the 'anticipated revenues by category' under State Share Revenue. Manager Evans replied that we do.

Mayor Pro Tem Copley made a motion to accept the Financial Report. Member DeMott seconded the motion. The members agreed unanimously.

COUNCIL COMMENTS

-Fire Report

-None

ADJOURN

Mayor Pro Tem Copley made a motion to adjourn the meeting. Member DeMott seconded the motion. The members agreed unanimously. The meeting was adjourned at 6:20 pm.

Bob Dodson, Mayor	Beth Taylor, Town Clerk

TOWN COUNCIL CONTINUATION MEETING Wednesday, April 13, 2011

The Seven Devils Town Council reconvened at 9:00 a.m. on Wednesday, April 13, 2011 at the Valle Crucis Conference Center in Valle Crucis for its annual Town Council Retreat. Members of the Town Council present were Mayor Bob Dodson, Mayor Pro Tem Kathy Copley, Council Members Richard DeMott, Kay Ehlinger, and David Ehmig. Finance Officer Debbie Powers and Town Manager Ed Evans were also present. At 9:05 a.m., Mayor Dodson made a motion to come out of recess. Member Ehmig seconded the motion. The members agreed unanimously. Mayor Dodson presented the Agenda for the meeting. He started the meeting by addressing the Council's Long and Short-term Goals established last year for FY10-11. He opened the meeting to discussion regarding how the Town did in meeting the goals. Manager Evans reported that the Town had done quite well meeting some goals and was still in the process of working on some. Evans stated that the Planning Board is currently working on the unification of the Zoning, Construction, and Subdivision Ordinances and that several of the goals will be accomplished when the document is complete. These include revisions to omit references to the Town of Seven Devils Building Inspector, to assure conformance with NC General Statutes, to see if changes to the Tree Protection section of the Ordinance are needed, to updating of Permitted Uses, and to other changes. These are well underway and will be completed and ready for a Council review and subsequent Public Hearing soon and all of these were goals for FY10-11. Evans reported that all committee minutes' notebooks have been brought up to date at Town Hall and that ordinance amendments, both in paper and online, have been brought up to date. It was noted that the Town Council meeting packets now include police and fire reports as requested. Evans reported that attempts have been made to leverage more fire tax money from Avery and Watauga County, but that the outcome was uncertain at best and the likelihood of receiving additional money from Watauga County is out of the question and uncertain from Avery County. An additional goal established dealt with an attempt to help solve leaf collection problems at some ten to fifteen trouble spots around Town. Evans reported that the Public Works Department now has a monthly checklist for inspection of these areas and takes remedial action if problems are found. This is helping to resolve drainage problems. Another goal centered on maximizing the Recreation Commission. Evans reported that the Commission has a new member – Anne Fontaine – who is also a new member on the Watauga County Recreation Commission. He stated that Anne's membership on both the Watauga and Seven Devils Recreation Commission is a positive step. A major short-term goal of the Council was to move forward on one or more approved and unfunded water projects. This goal was met with our Build America Bond loan and water infrastructure upgrade project for the Grandview Drive loop area and other areas of Town that are already in progress. This is a very positive step for Seven Devils in an area that has great need for upgrades. Among the long-term goals, Evans reported that the goal of monitoring water loss is ongoing, that water loss is improving, and that the goal would be carried forward continuously. Maintaining a fund balance of 50% is also ongoing and continuous and has remained strong. Finance Officer Powers described how administration has made efforts to improve Occupancy Tax collection by getting rental information from local property management companies and online sites such as Vacation Rentals by Owner (VRBO). This has resulted in additional collections. Several job descriptions have been completed and more are expected to be complete before the end of the fiscal year. The Town is almost finished with an inventory and tagging of Town property will be complete soon. Powers and Evans described how the goal of maintaining excellent fund control is a continuous goal and noted that steps have been taken to assure internal control. Regarding a long-term goal to upgrade snow removal equipment, Evans reminded the Council that the Town had made the decision not to purchase any expensive equipment and instead has decided to take advantage of the offer from Hawksnest, Inc. to help if asked. Evans reported that the goal of consolidating and cataloging maps and plats is currently in process with the aid of our new intern and completion is expected during the internship. Another goal of the Council was to enhance the volunteer experience in Seven Devils. This was accomplished with an appreciation dinner and will be an ongoing goal. Additionally, the Council and staff at Seven Devils are making verbal efforts to let volunteers know they are appreciated. The long-term goal of doing what is necessary to maintain our fire rating is being accomplished through significant training of our volunteer firefighters and the addition of more fire hydrants and protection equipment.

Short-term goals were established for FY11-12.

- Archive minutes
 - O Determine the best way to store or archive (better systems, i.e. computer, phone, other hardware)
 - o Implement the recommended storage means
- Determine and implement the best method for archiving other critical documents
- Proceed with attempt to do what is necessary to bring Peregrine Well online for town water use
- Complete the revision of the Zoning Ordinance
- Complete the assessment of the Tree Protection portion of the Ordinance
- Develop an analysis tool for water infrastructure and water lines similar to the blind road analysis tool used for roads
- Determine implications of building on steep slope (revisit steep slope issues)
- Continue to monitor and reduce water loss
- Continue prompt update of ordinances and minutes in Town Hall books and electronically
- Communicate town expectations to renters (e.g., noise, trash disposal). Develop method to notify renters?

The following were established as long-term goals:

- Implement an internal fund control audit (headed by David Ehmig)
- Maintain a 50% fund balance
- Monitor water loss and improve losses
- Review and make changes if warranted to Erosion Control and Stormwater –
 Ordinance

Members discussed the blind road analysis submitted by the Public Works Committee for review for FY11-12 and discussed water service improvements and how additional projects can be accomplished in the future.

Manager Evans and Finance Officer Powers presented the Annual Operating Budget for fiscal year 2011 and the Capital Improvement Plan for FY 11- 15. Discussion followed concerning the 2011 Budget and CIP.

Following a discussion of the CIP and Annual Operating Budget, Council Members discussed the use of teleconferencing and other electronic means for participating in Council Meetings without actually being present. This discussion was supplemented by materials written by faculty at the UNC School of Government on this topic. In reviewing these materials, the Members noted that the majority of the opinions presented did not recommend teleconferencing and other electronic participation by Members who cannot be present for meetings. Thus, the Council decision was as follows: 'to not allow a Member to participate by this means as an active participant.'

After all other business concluded, the Council performed their Annual Town Manager Appraisal.

RECESS

At 5:20 p.m. Mayor Dodson made a motion to recess until 10:00 a.m. on April 18, 2010 at Town Hall. Member Ehlinger seconded the motion. The members agreed unanimously.

TOWN COUNCIL CONTINUATION MEETING APRIL 18, 2010

The Seven Devils Town Council reconvened at 10:00 a.m. on Monday, April 18, 2011 at Town Hall. Members of the Town Council present were Mayor Bob Dodson, Mayor Pro Tem Kathy Copley, and Council Members Richard DeMott, Kay Ehlinger, and David Ehmig. Town Manager Ed Evans was also present.

At 10:04 a.m., Mayor Dodson made a motion to come out of recess. Mayor Pro Tem Copley seconded the motion. The members agreed unanimously.

The Council and Manager Evans discussed the FY11-12 Capital Improvement Plan and Annual Spending Plan estimates for revenue and expenditures in the workshop.

RECESS

At 12:35 p.m. Member DeMott made a motion to recess until April 28, 2011 at 9:00 a.m. Member Ehmig seconded the motion. The members agreed unanimously.

TOWN COUNCIL CONTINUATION MEETING Thursday, April 28, 2011

The Seven Devils Town Council reconvened at 9:00 a.m. on Thursday, April 28, 2011 at Seven Devils Town Hall. Members of the Town Council present were Mayor Bob Dodson, Mayor Pro Tem Kathy Copley, and Council Members Richard DeMott, Kay Ehlinger, and David Ehmig. Town Manager Ed Evans was also present.

Mayor Dodson called the meeting to order at 9:18 a.m. and made a motion to come out of recess. Mayor Pro Tem Copley seconded the motion. The members agreed unanimously. The Council and Manager Evans continued discussing the FY11-12 Capital Improvement Plan and Annual Spending Plan estimates.

During discussion of the CIP and future water projects, Mayor Pro Tem Copley stated that the Public Works Committee is making a recommendation to the Town Council to authorize our Town Engineer, David Poore, to do the engineering required to get a permit for water infrastructure upgrades for the Snowcloud section of Town. Engineer Poore had presented the Snowcloud project as possibly a two phase or two section project to the Public Works Committee. Copley noted that doing the engineering now would make the project ready in the event that some type of funding would become available. Following discussion, Member Ehmig made a "motion to approve expenditure of up to \$10,000 for both sections of the Snowcloud Water Project." Member DeMott seconded the motion. The members agreed unanimously. It was agreed that Evans will talk to the Town Attorney about easement and right-of-way issues before instructing Engineer Poore to proceed.

RECESS

At 12:05 p.m. Mayor Pro Tem Copley made a motion to recess until May 5, 2011 at 9 a.m. Mayor Dodson seconded the motion. The Members agreed unanimously.

TOWN COUNCIL CONTINUATION MEETING Thursday, May 5, 2011

The Seven Devils Town Council reconvened at 9:00 a.m. on Thursday, May 5, 2011 at Seven Devils Town Hall. Members of the Town Council present were Mayor Bob Dodson, Mayor Pro Tem Kathy Copley, and Council Members Richard DeMott and David Ehmig. Member Kay Ehlinger was unable to attend. Town Manager Ed Evans was also present. At 9:03 a.m., Mayor Dodson called the meeting to order and made a motion to come out of recess. Member Ehmig seconded the motion. The members agreed unanimously. The Council and Manager Evans continued discussions on the FY11-12 Capital Improvement Plan and Annual Spending Plan estimates.

Mayor Dodson asked Evans if he is recommending any fee changes in this meeting. Evans replied that he is recommending fee changes, but not in this meeting. He noted that he intends to submit recommendations for fee changes at the next Town Council workshop. The Council discussed two sections of roadway that are among the highest priorities for paving. These two sections include a portion of Woodwinds Drive and a portion of Windy Knob Trail. These two sections are estimated at approximately \$21,000, which is the amount included in the budget as expected revenue from the Powell Bill. After discussion, the Council made a decision to consider resurfacing these two sections of roadway if money is available when we complete the FY11-12 budget and reserve the final decision until after we calculate where we are financially with our water infrastructure and associated road resurfacing projects.

ADJOURN

At 12:35 p.m. Mayor Dodson made a motion to adjourn. Member Ehmig seconded the motion. The members agreed unanimously.		
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Bob Dodson, Mayor	Ed Evans, Town Manager	