

**TOWN OF SEVEN DEVILS
TOWN COUNCIL
MINUTES – REGULAR SESSION
August 8, 2011**

The Seven Devils Town Council met in regular session on Monday, August 8, 2011, at Town Hall. Present were Mayor Bob Dodson, Mayor Pro Tem Kathy Copley, Council Members Richard DeMott, Kay Ehlinger and David Ehmig. 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 5:30 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 Ehlinger seconded the motion. The members agreed unanimously.

APPROVAL OF MINUTES OF REGULAR MEETING JULY 11, 2011

Mayor Pro Tem Copley suggested changing the sentence on page 2, under 'NEW BUSINESS' under 'Seven Devils Tree Inventory...' the second sentence beginning with "They went over how..." change the following from "...show any problematic trees that needed to be removed." to "...show any trees that the studies author's warranted any attention."

Member Ehmig made a motion to adopt the minutes as amended. Member Ehlinger seconded the motion. The members agreed unanimously.

CITIZEN COMMENTS

Bobbye Hurlbrink, of 129 Greenview, expressed her concern that the current vacancy on the TDA was not posted on the website or on the Town bulletin board so that citizen could apply if desired. She further stated to the Council that she felt the TDA would benefit greatly from having a woman serving on the TDA, since right now it is made up of men. Mrs. Hurlbrink knew that Anne Fontaine was interested in serving on the TDA and wanted to let the Council know that in her opinion, Mrs. Fontaine is highly qualified to serve, were she to be selected.

In response to Mrs. Hurlbrink's concern, Manager Evans stated that the TDA was aware that one of their Members was going to have to resign and therefore had already discussed a possible replacement. At the time the announcements of Board/Committee vacancies were to be announced via the website & bulletin board, the TDA had already given a written recommendation to be supplied to the Council.

ADMINISTRATIVE UPDATE & CALENDAR

No additional comments.

OLD BUSINESS

None

NEW BUSINESS

Recognition of Bill & Elaine Deircksen – Deirckson Day

Mayor Dodson stated that as a way of recognizing Bill & Elaine Deircksen for all they have done for some of America's soldiers in the Special Forces 5th Group and the 101st Airborne Division from Fort Campbell, KY, the Town Council would like to make August 9, 2011 'Diercksen Day'.

Mayor Dodson read the Resolution of Appreciation and made a motion to adopt the Resolution of Appreciation of Bill & Elaine Diercksen. Member Ehmig seconded the motion. The members agreed unanimously.



Resolution of Appreciation Bill and Elaine Diercksen

WHEREAS, Bill and Elaine Diercksen have distinguished themselves as ambassadors of good will in the Town of Seven Devils; and

WHEREAS, Bill and Elaine Diercksen have created unique opportunities for some of America's soldiers in the Special Forces 5th Group and the 101st Airborne Division from Fort Campbell, Kentucky who have recently returned home from combat in Afghanistan by making their home available to some of these soldiers for well deserved rest and relaxation (R&R); and

WHEREAS, Bill and Elaine Diercksen personally donated the use of their rental home in Seven Devils for the past five years and have worked with other homeowners to the same end, collectively serving approximately sixty-five families with donated vacation homes; and

WHEREAS, Bill and Elaine have been instrumental in organizing this program and helping to expand the program since its inception so that more soldiers can participate; and

WHEREAS, Bill and Elaine have gone beyond donation of their home and have made special arrangements for use of private facilities in Seven Devils and the provision of meals from other citizens, and have provided meals to soldiers themselves;

NOW THEREFORE BE IT RESOLVED that the Town Council of Seven Devils extends their appreciation to and commends Bill and Elaine Diercksen for their commitment to soldiers from the United States Army and in so doing, have promoted and have brought honor to and distinguished Seven Devils by their generosity; and

BE IT FURTHER RESOLVED THAT the Town Council of Seven Devils wishes to recognize August 9, 2011 as Bill and Elaine Diercksen Day in the Town of Seven Devils; and

FURTHER, BE IT RESOLVED, that Bill and Elaine Diercksen be furnished a copy of this Resolution, which is recorded in the official minutes of the August 8, 2011 Town Council meeting.

Unanimously approved this 8th day of August, 2011

Bob Dodson,

Mayor Attest: Beth Taylor, Town Clerk

Draft Ordinance – Public Trees

Manager Evans gave a briefing on the need for a Public Tree Ordinance and discussed the draft ordinance.

Member DeMott made a motion stating that the Town Council has reviewed the Draft Public Tree Ordinance and that the Council is committed to pursuing it to an end for inclusion in our Zoning Ordinance. Member Ehmig seconded the motion. The members agreed unanimously.

Mayor Pro Tem Copley would like to see a coordinated effort to tie together the Tree Inventory results, the Public Tree Ordinance, Public Work's relationship to tree maintenance, the Public Safety Committee's relationship to good right of ways and safety so that we can come up with a policy that is not bits and pieces, but a complete document that encompasses everything we want. She further stated that this would be a good thing to discuss in a Town Council workshop. Member Ehmig stated that he would like to wait until after the next Public Safety & Public Works Committees have met so that the Council could get their input. It was agreed to schedule a Town Council workshop on Monday, August 29, 2011 at 10:00.

Draft Ethics Policy for bodies making binding decisions - BOA, Planning Board, TDA

Member DeMott made a motion to approve the Ethics Policy for bodies making binding decisions – BOA, Planning Board, TDA. Mayor Pro Tem Copley seconded the motion. The members agreed unanimously.

TDA member recommendation

Due to a high volume of calls and concerns over this matter, Mayor Dodson made a motion to postpone the decision of selecting a new TDA member until next month, allowing time for the vacant position to be advertised on the website & bulletin board for 30 days. Member DeMott seconded the motion. It was agreed upon unanimously.

Manager Evans stated that since he was unsure of what TDA's membership requirements are, he researched the By Laws for the TDA to see exactly what was required. According to Section 3, Qualifications for membership, Point B states that "All members of the TDA must be individuals who are currently active in the promotion of travel and tourism in the Town of Seven Devils." He further stated that while this will include many citizens in Seven Devils, he was unsure if it would apply to Anne Fontaine or whether the intent was to include someone engaged in these activities professionally (ie., in a business). In Manager Evans' opinion, this requirement applied to those who were actively promoting the Town in business, not just citizen's promotion. Anne Fontaine stated that she felt her work on Seven Devils Recreation Commission, as well as the Watauga County Recreation Commission, would qualify her for the position, as both of those promote the Town. She further stated that she is interested in attending Grant workshops to pursue Grant opportunities to enhance the Town. Mrs. Fontaine also helped develop the walking map brochures which are handed out to tourist.

Mayor Pro Tem Copley stated that to avoid the confusion in the future, it might be a good idea to change the application to include a section where applicants can list their qualifications for the Board/Commission they are applying for.

Even though Lenny Cottom, the other applicant, met the TDA qualification, he was given the opportunity to make a statement or to come back at the next meeting. Mr. Cottom stated that he would be fine to come back for the next meeting. In response to a question posed by Mayor Pro Tem Copley, Mr. Cottom stated that he has been interested in serving on the TDA since it was formed.

Proposed stipend for Intern – Chad Simons

To show our appreciation for the work Chad Simons did while interning here, the Council discussed providing a stipend for his work. Mayor Pro Tem Copley made a motion to award Chad Simons \$1,500 for his internship here. Member Ehmig seconded the motion. The members agreed unanimously.

Proposal from Society of Seven Devils' Artists

After discussing the benefits of having a Society of Seven Devils' Artists, which were presented to the Council in the form of a letter included in their packets, Mayor Pro Tem Copley made a motion to accept this proposal and that it be referred to the Recreation Committee to work out the details such as time and protection of the facility (paint spills, etc). Member Ehmig seconded the motion. The members agreed unanimously.

COMMITTEE REPORTS

Planning Board

Public Works

Public Safety Committee

Recreation Commission

ABC Board

TDA

Public Safety Department

i. Police Report

ii. Fire Report

Financial Report

Member DeMott made a motion to accept the Financial Report. Member Ehmig seconded the motion. The members agree unanimously.

COUNCIL COMMENTS

Mayor Pro Tem Copley asked if the Long & Short Term goals for the Council Members could be included in the next meeting packet so that they could get an idea of where the Council stands so far.

Mayor Pro Tem Copley also wanted to verify that we had a contract/agreement with the DOT that they pay us a stipend and we mow Seven Devils Rd. Manager Evans confirmed that we do have a contract. Mayor Pro Tem Copley stated that the residents of Woodwinds were wondering if the turn into Woodwinds could be mowed more, as the visibility is poor there. Mayor Pro Tem Copley asked if Evans would also look into the possibility of having

the sharp turns in the road widened to help solve the poor visibility problem. Manager Evans stated he would look into this.

Member Ehmig asked if Avery County was still planning on paving the road from the Watauga/Avery County line to the end of the state maintained road. Manager Evans stated as far as he knew that this section of the road would be resurfaced.

RECESS

Mayor Dodson made a motion to recess the meeting until Monday, August 29, 2011 at 10:00 am. Mayor Pro Tem Copley seconded the motion. The members agreed unanimously. The meeting was recessed at 6:31 pm.

TOWN OF SEVEN DEVILS TOWN COUNCIL MINUTES – WORKSHOP August 29, 2011

The Seven Devils Town Council met for a workshop on Monday, August 29, 2011, at Town Hall. Present were Mayor Bob Dodson, Mayor Pro Tem Kathy Copley, Council Members Richard DeMott, Kay Ehlinger and David Ehmig. Also present was Town Manager Ed Evans. The minutes were recorded by Manager Evans and typed by Beth Taylor, Town Clerk.

Mayor Dodson made a motion to come out of recess at 10:00 a.m. Mayor Pro Tem Copley seconded the motion. The members agreed unanimously.

The members discussed the proposed draft of the Public Tree Ordinance. After considerable discussion, several areas for additional work and wording were considered. Following discussion, Mayor Pro Tem Copley volunteered to write/record the areas for wording and work with Manager Evans to complete the draft.

The members also discussed the qualifications of the two applicants for the vacant TDA position.

Manager Evans presented the following budget amendment to the members:

Proposed Budget Amendment FY11 #6

Increase: 10-545-74 by \$20,000 – Capital Outlay
Increase: 10-399-00 by <\$20,000> – Transfers in from TDA
For Paving Project funded by TDA for Town Hall

Increase: 10-545-74 by \$99,499 – Capital Outlay
Increase: 10-334-00 by <\$99,499>Other Financing Sources Income
To Move part of BAB Capital Outlay to GF

Decrease: 10-545-77 by <\$5225> - Interest Expense
Increase: 10-545-75 by \$7020 – Principal Payments BAB
Increase: 10-334-00 by <\$1795> - Other Financing Sources Income
To Move Portion of BAB principal & interest payment to GF

Member Ehmig made a motion to approve the proposed budget amendment. Member DeMott seconded the motion. The members agreed unanimously.

Having nothing further to discuss at this time, Mayor Pro Tem Copley made a motion to adjourn at 12:21 p.m. Member Ehlinger seconded the motion. The members agreed unanimously.

Bob Dodson, Mayor

Beth Taylor, Town Clerk