

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

November 13, 2012

The Seven Devils Town Council met in regular session on Tuesday, November 13, 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 Attorney Rob Angle. The minutes were recorded by Sara Miller, Town Clerk.

CALL TO ORDER

Mayor Fontaine called the meeting to order at 5:32 PM.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance

ADOPT AGENDA

Member Ehmig made a motion to adopt the agenda. Member Hooper seconded the motion. The members agreed unanimously.

CONSENT AGENDA – ADOPTION OF MINUTES

Motion for Consideration – Adopt minutes of Regular Meeting October 8, 2012

Member Hooper made a motion to adopt the consent agenda. Member Ehlinger seconded the motion. The members agreed unanimously.

CITIZEN COMMENTS—

Kay Lambert, 430 Wildcat Rocks Rd, thanked everyone that participated in Operation Medicine Cabinet, which took place on October 27, 2012. She offered a special thanks to Bobby Powell who volunteered his time and to the Foscoe Volunteer Fire Department for the use of their facility.

Kevin McCarthy, 193 Knob Hill Lane, spoke about the employee Christmas Bonus program. He voiced his opinion that the bonuses should be cut, stating the Town has implemented many different things in order to cut costs, including turning off street lights (including his own), so he felt that employees should not receive Christmas bonuses. He also commented that the Public Works department has not been doing a satisfactory job, and that they do not lift a finger to do anything extra around Town. The Fire Department members have never received a raise, and he felt that perhaps the Council should consider them instead of Christmas bonuses for the Town employees.

ADMINISTRATIVE UPDATE & CALENDAR— Manager Evans reminded everyone in attendance that the 2nd Annual *Light up the Night* will be on Friday, December 7, 2012 at 5:30PM at Town Hall. He also reminded everyone that Town Hall will be closed on Thursday, November 22, and Friday, November 23, 2012 in observance of the Thanksgiving holiday.

OLD BUSINESS

Resolution—Dedication of the Lakes Community Roads



Mayor Fontaine stated that the documentation signed and recorded to complete this transaction was reviewed by Town Attorney Angle and by The Lakes Community attorney Charles Bennett from Matthews, NC. Mayor Fontaine then read the Resolution aloud. Member Hooper made a motion to approve the resolution adding the Lakes Community streets to the Town's street system. Member Ehmig seconded the motion. All members agreed unanimously. **~CLOSED~**

Nick Bennett thanked all those involved in making this transaction possible.

NEW BUSINESS

Presentation—ABC Audit Report—Sara Brewer—Sara Brewer presented the members with the audit summary for the High Country ABC to review. She briefly highlighted the sales for the year as well as pointed out that they have given approximately \$2,000,000 in distributions to the three towns since 1998. She also thanked Manager Evans, Mayor Fontaine, and Finance Officer Debbie Powers for attending the ABC 101 course. **~CLOSED~**

Resolution—Transitional Hold Harmless

Member Hooper made a motion to approve a Resolution of the Seven Devils Town Council Concerning Loss of “Transitional Hold Harmless” Reimbursement Funds. Member Ehlinger seconded the motion. All members agreed unanimously. ~CLOSED~



**RESOLUTION OF SEVEN DEVILS TOWN COUNCIL
CONCERNING LOSS OF "TRANSITIONAL HOLD HARMLESS"
REIMBURSEMENT FUNDS**

Whereas, in 2002 the General Assembly authorized an additional local option sales tax, and repealed existing reimbursements to local governments resulting from earlier repeal of the inventory tax base of local governments; and

Whereas, as part of the 2002 repeal of reimbursements, 122 municipalities and 17 counties had negative budget impacts from the combined repeal of reimbursement and new sales tax have received transitional hold harmless payment for ten years, and

Whereas, the growth in sales tax over the ten year period of reimbursement is less than projected, resulting in continuing losses to local governments receiving “transitional hold harmless” payments unless the ten year period is extended; and

Whereas, the 2011 – 2012 State Budget does not include extension of the “transitional hold harmless” period to protect those local governments from losses caused by the 2002 repeal of reimbursements; and

Whereas, the Town of Seven Devils will lose approximately \$8,600 in its 2013-2014 budget year due to the failure of the General Assembly to extend “transitional hold harmless” payments for a reasonable period of time to allow sales tax revenue to grow to replace the “transitional hold harmless” payments, and

Whereas, the town budget shortfall will shift the burden to the General Assembly’s inaction on extension of “transitional hold harmless” payments to the Town of Seven Devils citizens and taxpayers.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF SEVEN DEVILS THAT:

The North Carolina General Assembly is urged to restore “transitional hold harmless” payments to local governments for a reasonable period of time to allow growth in sales tax revenue to replace “transitional hold harmless” payments, as envisioned in 2002 when reimbursements to local governments were repealed.

Seven Devils local delegation to the General Assembly is urged to support restoration of “transitional hold harmless” payments to local governments for a reasonable period of time.

The North Carolina League of Municipalities is urged to make restoration of “transitional hold harmless” payment one of its highest legislative goals in the 2013 Session of the General Assembly.

Adopted by the Seven Devils Town Council this 13th day of November 2012.



 Larry Fontaine, Mayor





 Sara Miller, Town Clerk

2012-18

Adopt: Municipal Records Retention and Disposition Schedule (September 10, 2012)— Mayor Pro Tem Lambert made a motion to adopt the Resolution for the Municipal Records Retention and Disposition Schedule. Member Hooper seconded the motion. The members agreed unanimously. ~CLOSED~



Municipal Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provision in Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records including electronic records not listed in this schedule are not authorized to be destroyed.**

This local government agency and the Department of Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow these records to be destroyed when "administrative value ends." The local government agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "destroy when administrative value ends." If a municipality does not establish internal policies and retention periods, the municipality is not complying with the provisions of this retention schedule and is not authorized by the Department of Cultural Resources to destroy the records with the disposition instruction "destroy when administrative value ends."

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED



City/Town Clerk



Sarah E. Koontz, Director
Division of Archives and Records



Chief Administrative Officer/
Town Manager



Linda A. Carlisle, Secretary
Department of Cultural Resources

APPROVED



Mayor

September 10, 2012

2012-19



Municipality: Town of Seven Devils

Adopt: Resolution Defining 'Administrative Value Period' in the Municipal Records Retention and Disposition Schedule

Member Hooper made a motion to adopt the Resolution: Defining 'Administrative Value Period' in the Municipal Records Retention and Disposition Schedule. Member Ehmig seconded the motion. The members agreed unanimously. **~CLOSED~**



Employee Handbook—Manager Evans gave the Council an Employee Handbook draft with recommendations changes. Mayor Fontaine tabled the issue until a special Town Council workshop on this matter and scheduled the workshop for Wednesday, December 5, 2012 at 9:00AM at Town Hall. No action was taken. **~OPEN~**

Consideration of Christmas bonuses for employees—Manager Evans stated that the past several years, employees that have been with Seven Devils more than 1 year received \$350.00, and employees that have been with Seven Devils less than 1 year have received \$100.00. Mayor Fontaine asked if this amount was considered in the Town Budget and Manager Evans stated that it was. Member Ehlinger made a motion to approve the \$350/\$100 Christmas bonus amounts. Member Hooper seconded the motion. All members agreed unanimously. **~CLOSED~**

COMMITTEE REPORTS**Planning Board****Public Works—No Meeting****Public Safety Committee—No meeting****Recreation—No meeting****ABC Board****TDA****Public Safety Department****Police Report****Fire Report****Financial Report****CLOSED SESSION—Personnel Issues—Pursuant to NCGS 143-318.11 (a)(6)**

At 6:35PM, Mayor Pro Tem Lambert made a motion to go into closed session pursuant to NCGS 143-318.11(a)(6), Personnel issues. Mayor Fontaine seconded the motion. All members agreed unanimously.

At 7:05PM, Mayor Pro Tem Lambert made a motion to come out of closed session. Member Hooper seconded the motion. All members agreed unanimously.

No action was taken and no decisions were made during the closed session.

COUNCIL COMMENTS

Mayor Pro Tem Lambert brought up the topic of the Otter Falls property for a potential Town acquisition. Manager Evans stated that he has already gone to work on the topic and is looking to secure potential grant money and is working with Kelly Coffey at the HCCOG.

ADJOURN

Member Ehmig made a motion to recess until December 5, 2012 at 9:00AM. Member Hooper seconded the motion. The members agreed unanimously. The meeting was recessed at 7:10 PM.

Larry Fontaine, Mayor

Sara Miller, Town Clerk