

**TOWN OF SEVEN DEVILS
TOWN COUNCIL
MINUTES – REGULAR SESSION
September 14, 2009**

The Town of Seven Devils Town Council met in regular session on Monday, September 14th, 2009 at Town Hall. Members present were Mayor Bob Dodson, Mayor Pro Tem Richard DeMott and Council Members Kay Ehlinger, Bill Wilkinson. Member Kathy Copley was absent and excused. Also in attendance were Town Manager Ed Evans and Town Attorney Rob Angle. Town Clerk Karen Daniels recorded the minutes.

CALL TO ORDER

Mayor Dodson called the meeting to order at 5:35 p.m.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

ADOPT AGENDA

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

APPROVE MINUTES

Mayor Pro Tem DeMott made a motion to approve the August 10, 2009 regular meeting and August 26, 2009 continuation meeting minutes as submitted. Member Ehlinger seconded the motion. The members agreed unanimously.

CITIZEN COMMENTS

Sarah Manning, Four Diamond Drive presented the following comments regarding changes in the Zoning Ordinance 8.9.3.3 #4 in writing for the Town Council's consideration:

- I was at the Planning Board meeting when this item was discussed; my perception was that the Planning Board wanted to retain the appearance of the Town but also wanted to carry out what they perceived as the Town's wishes to allow home owners to maintain their views.
- If the Town wants to prohibit "topping" as is written in this part of the Ordinance, then it needs to say so clearly, in one separate sentence, with **TOPPING** defined so that a nonprofessional tree trimmer can understand it. A suggested definition is: *Topping is the removal of top limbs so that the shape of the tree is changed.*
- This is a tough rule. This means that the top of no tree, under any condition, of any species can be altered.
- The current ordinance has an "however". It allows limb removal (which may be top limbs) if someone judges that the tree's health is not affected. If there is someone here in Seven Devils who has the knowledge to determine that, I have not met them. The "however" clause does allow homeowners to protect their views and allows trees to be altered. This does affect the Town's appearance and its tree canopy.
- What is the Town's wishes? To allow the view protection by owners or retain its current appearance and tree canopy? My assumption is that the answer is both. I suggest we do what the original Tree Ordinance Committee did in the beginning: go to a professional.
- I suggest members of the Planning Board with Ed meet with several tree arborists, review ordinances from other Towns and get their input on our dilemma. There are several towns who have had this issue and I am sure each has its own solution.

- The original Tree Committee recommended that qualified arborists were the only ones permitted to clear permitted tree limbs. If we don't do that, then unknowledgeable limb cutters will be allowed to continue.

ADMINISTRATIVE UPDATE

The Town Manager reviewed his administrative update with the Council. Ed told the Council that an item not included in the administrative update is the fire department has just received another grant. Ed requested Fire Chief Bobby Powell tell the Council about the grant. Bobby told the Council it is a 95/5 match Federal FEMA Fire Grant in the amount of \$84,600. He told the Council this will allow the fire department to purchase eight (8) new air packs and twelve (12) sets of gear.

The Town Manager announced to the Town Council and citizens that Richard DeMott received an award on Friday, September 11th from the High Country Council of Government for “*Outstanding Executive Board Member of the High Country Council of Government for 2008-2009*”. Ed presented Richard with a plaque and read from the plaque: *For Outstanding Service and Effort in Promoting Cooperation Among Local Governments and Region D*. The Council and citizens gave a round of applause in congratulations to Richard DeMott for his outstanding service.

OLD BUSINESS

- A. Recreation Commission – Update** – Mayor Pro Tem DeMott told the Council he has spoken with Mark Garrett and Marks voiced extreme interest in serving on the Seven Devils Recreation Commission. Mayor Pro Tem DeMott said Mark has a very busy schedule as the Principal of Avery County High School and requested the Recreation Commission Chairman Tom Bookstaver contact Mark Garrett to discuss a possible date and time Mark would be available to attend Recreation Commission meetings.

OPEN

- B. Recommended Changes to Employee Handbook-Personnel Policy** – The Town Manager told the Council he and Debbie had met with North Carolina League Loss Control Consultant on Thursday, September 10th. He explained Amy consults with participants in the league – sponsored insurance programs on loss control and risk management issues. He said Amy reviewed policies that were relevant to Worker’s Compensation and the changes he submitted are to meet requirements of the League and standards in general statutes. Ed told the Council this is the beginning of the process and he and Debbie will continue to work with Amy to improve policies and standards. The Council and Town Attorney reviewed the proposed changes to the Employee Handbook – Personnel Policy.

Mayor Dodson made a motion to accept the Seven Devils Employee Handbook – Personnel Policy as amended. Mayor Pro Tem DeMott seconded the motion. The members agreed unanimously. ***CLOSED***

NEW BUSINESS

- A. Recommended changes to Zoning Ordinance 8.9.3.3 – 4** – The Town Council reviewed the Planning Board recommendation to modify the **Zoning Ordinance 8.9.3.3 – 4**. The Town Manager presented the Town Council with information and pictures from the Agricultural Extension Service regarding tree topping. Mayor Dodson read from the literature:

What is Topping?

*Topping is the excessive and arbitrary removal of all parts of the tree above and beyond a certain height with **no regard** for the structure or growth of the tree. The vertical stem or main leader and the upper primary limbs on trees are cut back to stubs at a uniform height. As opposed to topping, **pruning** is the selective removal of certain limbs based on the structure, crown form and growth of the tree.*

The Council reviewed and discussed problems caused by topping, pruning in lieu of topping, only allowing a tree arborist or certified/bonded tree removal service to remove trees, reinstatement of the Appearance Commission and reviewing the Zoning Ordinance to include language to give the Seven Devils Police legal authority to stop illegal cutting of trees.

After discussion it was the consensus of the Council that ***no action*** should be taken and to send this topic to the Planning Board for a more thorough review. ***OPEN***

B. Consider adoption of Public/Private Road Awareness Form – The Town Manager explained this is not a legal document. It is a form to make individuals who are wishing to build in Seven Devils aware of the public or private status of the road they are wishing to build a house on. Discussion followed and the Town Attorney said this information should be divulged by the Attorney or Realtor as part of their due diligence and he does not feel this is the responsibility of the Town. Bob Haugh said he feels the form needs to *allow the owner to authorize the contractor as their agent*. Mayor Dodson requested Bob to place this item on the September 21st Planning Board agenda.

After discussion it was the consensus of the Council that ***no action*** should be taken and to send this topic to the Planning Board for a more thorough review. ***OPEN***

C. Police staffing/hiring & retention issues – Mayor Dodson stated it would be nice if the police salaries could be competitive with other towns and asked the Town Manager what the starting salaries are with other similar municipalities. The Town Manager said we are \$3,500 below Sugar and Newland. Ed told the Council currently we have four officers and a vacancy. He explained that filling the vacancy will not solve the 24/7 police protection problem. Police Chief Chuck Davis said it would require six officers to cover 24/7 protection. Mayor Pro Tem DeMott told the Council if 24/7 protection is not maintained the fire department will lose its newly improved fire rating of six (6) which will result in a significant homeowner insurance premium increase to all Seven Devils residents. The Town Manager told the Council that our police officers are much more than police officers. He said they are also public safety officers who handle fires and medical calls and they require much more training than a police officer. Discussion followed among the Council regarding where the funding to increase police officer salaries may be obtained. The Town Manager said an ideal situation would be to have five (5) full time officers. Then Fire Chief Bobby Powell's principal job could be fire chief duties and attending the numerous classes required as fire chief and his secondary responsibility could be to fill in as a police officer.

Bill Wilkinson made a motion to hire two (2) new police officer's, increase new hire police officers starting salaries by \$3,000, existing junior police officer's salaries by \$3,000 and to and give the Town Manager the discretion to increase junior officer's salaries an additional 2% to 5%. Mayor Dodson seconded the motion. The members agreed unanimously. ***CLOSED***

D. Discussion of past due property taxes – Ed Evans – The Town Council reviewed a handout of past due property taxes totaling \$6,442.63 in Avery County and \$27,853.54 in Watauga County totaling \$34,296.17. The Town Manager told the Council two property owners are responsible for the majority of these past due taxes. One property owner owes \$8,189.09 and the other \$10,748.97 which totals a balance due of \$18,938.06. He explained that most of these taxes are from 2007-2008 and the 2009 tax bills will be going out shortly. The Town Attorney explained that the Town currently has a statutory lien on these properties. He told the Council he would not suggest foreclosing on small amounts and explained he does have a conflict with the two largest balances because they are his clients. The Town Attorney told the Council he will request these two clients wave their conflict. Discussion followed and the Council instructed the Town Manager to work with the Town Attorney on collection of the largest past due taxes. ***OPEN***

COMMITTEE REPORTS

A. Planning Board – There were no additional comments.

- B. Public Works** - There were no additional comments.
- C. Public Safety** – No meeting was held. Mayor Dodson complimented Fire Chief Bobby on the 95/5 matching FEMA Fire Grant in the amount of \$84,600. He then reviewed the August 2009 Seven Devils Fire Department report.
- D. ABC Board** – There were no additional comments.
- E. TDA** – There were no additional comments.
- F. Recreation Commission** – There were no additional comments.
- G. Financial Report** – The Town Manager reviewed the September 2009 monthly finance report with the Town Council.

Member Wilkinson made a motion to accept the Financial Report as presented. Mayor Dodson seconded the motion. The members agreed unanimously.

TOWN COUNCIL COMMENTS

Mayor Pro Tem DeMott reminded the council and citizens of the “*Operation Medicine Cabinet*” scheduled for Saturday, October 3, 2009 – 9 a.m. to Noon. He said there will be a preparation meeting on Friday, October 2, 2009 – 5:30 p.m.

Mayor Dodson asked the Town Manager to contact Blue Ridge Electric and see if in the future they can cut and remove the brush in lieu of spraying and leaving unsightly debris.

CLOSED SESSION

At 7:53 p.m. Mayor Dodson made a motion to go into Closed Session. Pursuant to G.S.143-318.11(a)(6) Personnel Matters and G.S.143-318.11(a)(3) Attorney/Client Matters. Member Wilkinson seconded the motion. The members agreed unanimously.

No action was taken during closed session.

OPEN SESSION

At 8:23 p.m. Mayor Pro Tem DeMott made a motion to come out of Closed Session. Member Wilkinson seconded the motion. The members agreed unanimously.

ADJOURN

At 8:25 p.m. Mayor Dodson made a motion to adjourn. Member Ehlinger seconded the motion. The members agreed unanimously.

Bob Dodson, Mayor

Karen E. Daniels, Town Clerk