

**TOWN OF SEVEL DEVILS
TOWN COUNCIL
MINUTES – REGULAR SESSION
December 14, 2009**

The Town of Seven Devils Town Council met in regular session on Monday, December 14, 2009 at Town Hall. Members present were Mayor Bob Dodson, Mayor Pro Tem Richard DeMott, and Council Members Kay Ehlinger, Bill Wilkinson, and Kathy Copley. Also in attendance were Town Manager Ed Evans, Town Attorney Rob Angle, newly-elected Town Council member David Ehmgig, and Lois Evans, who recorded the minutes in the Town Clerk's absence.

CALL TO ORDER

Mayor Dodson called the meeting to order at 5:32 p.m.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

ADOPT AGENDA

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

Mayor Dodson recognized outgoing Town Council Member Bill Wilkinson and presented him with a plaque in appreciation of his years of service on the Town Council.

OATH OF OFFICE – COUNCIL MEMBERS

Council Members Bob Dodson, Kay Ehlinger, Richard DeMott, Kathy Copley, and David Ehmgig were administered the oath of office.

ELECTION OF MAYOR AND MAYOR PRO-TEMPORE

Member Copley nominated Bob Dodson. Member DeMott seconded the motion. Member Copley moved to accept by acclamation. Member DeMott seconded the motion to approve by acclamation, which was approved.

There were no nominations for Mayor Pro-Tempore. Members DeMott, Copley, and Ehlinger indicated a willingness to serve. Member Copley moved to extend the election of the Mayor Pro-Tempore until January. The motion was seconded by Mayor Dodson and subsequently approved.

RECESS – RECEPTION

A recess was called at 5:39 p.m. The session reconvened at 5:52 p.m.

APPROVE MINUTES

A motion to approve the minutes of the October 12, 2009 meeting was made by Member Copley, seconded by Member DeMott, and approved unanimously.

The following corrections were made to the November 9, 2009 minutes:

1. Change the date on the first line of the first paragraph to November 9 (instead of 11).
2. On page 5, item G, first line, add the word "resolution" after "this."

A motion was made by Member Ehlinger and seconded by Member DeMott to approve the November 9 minutes with the corrections noted. The motion carried.

CPA ANNUAL AUDIT REPORT

Sharon Gillespie, CPA, of Young, Miller and Gillespie reviewed the annual audit report, which had been distributed to Council members. She reported that the Town "is in compliance" with Generally-Accepted Accounting Principles (GAAP). Ms. Gillespie praised Debbie Powers for her excellent recordkeeping.

APPOINTMENTS – MANAGER, FINANCE OFFICER, ATTORNEY

Member DeMott made a motion to reappoint the Town Manager, Finance Officer, and Attorney. The motion was seconded by Member Ehlinger and approved. The oath of office was administered to Ed Evans, Debbie Powers, and Rob Angle.

CITIZEN COMMENTS

Tom Bookstaver expressed his concern regarding some residents not registering their vehicles in the county and paying applicable vehicle taxes. Kevin McCarthy asked if he heard correctly from Sharon Gillespie's presentation of the Audit Report that the Town is still paying for a water project that was begun eight or more years ago that cost nearly \$400,000. He expressed his belief and understanding that a water assessment of the specified amount, from several years back, should have paid for the project. Council Members stated they thought different projects were being discussed. The Town Manager will follow up on this inquiry.

ADMINISTRATIVE UPDATE

The Town Manager expressed appreciation, on behalf of all the staff, for the Christmas bonuses. He announced that the deed has been received for a piece of property donated by Mark Harrell. He reported that the Town received notification from the Clean Water Management Trust Fund that the Town's application for the storm water mini-grant was not funded and the program has been suspended until further notice. The Town Manager announced the Christmas luncheon is scheduled for Friday at noon.

OLD BUSINESS

- A. **Planning Board Recommendation – Amend the Nuisance Ordinance – Article 6.6 (Addressing Bears/Trash Cans).** Member Copley stated that clarification is needed as to how the owner will be notified and when the "72 hours" starts. She also noted several grammatical changes: Where the word "cleanup" is used as a verb, it should be "clean up." In all references to "he" (referring to the owner), this should be changed to "the owner." Under "B" line 7, add the words "and subsequent" following "third."

Following discussion, a motion to amend the recommendation was made by Member DeMott, seconded by Member Ehlinger, and approved: "...the owner will be notified by telephone, if possible, and sent a certified letter, return receipt requested. The owner will be given seventy-two hours from the date of notification to remedy."

- B. **Planning Board Recommendation – Amend Zoning Ordinance (Possible Section 8.2.3 – New Subsection - Uncovered Walkways).** The Planning Board brought forth a recommendation at the November 9, 2009 Town Council meeting to amend the Zoning Ordinance to reflect "uncovered walkways, regardless of whether in or out of the setback, must be a minimum of forty-two inches wide (42") and can be up to a maximum of sixty inches wide (60")." Member Copley asked for clarification regarding the definition of "uncovered walkway." Following discussion a motion was made by Member DeMott, seconded by Mayor Dodson and approved to use the wording "structural walkway." The Town Manager will add the definition of a structural walkway.
- C. **Planning Board Recommendation – Modify Zoning Ordinance 8.9.3.3 (Tree Removing/Pruning).** Carry forward to January.

NEW BUSINESS

- A. **Consideration of Resolution in support of the David M. Lawrence Distinguished Professorship Campaign Goal.** Following discussion, Member Copley made a motion to adopt the resolution and make a \$350 donation from the Town's donation line item. The motion was seconded by Mayor Dodson and approved.
- B. **Recommendation from the Public Works Committee to proceed with obtaining engineering plans for a water upgrade plan for the Four Diamond Loop.** Member Copley noted that this recommendation addresses fire hydrants, water pressure, and water quality and will cost between \$3,000-\$5,000.
- C. **Recommendation from the Public Works Committee to proceed with obtaining engineering plans for a Snow Cloud water line.** It was noted that this recommendation is for a fire hydrant.

Following discussion of both recommendations (B and C), a motion was made by Member DeMott to approve both recommendations not to exceed a total of \$7,000. The motion was seconded by Member Ehlinger and approved.

- D. Recommendation from the Public Works Committee regarding trimming of vegetation along road right-of-ways.** The Town Manager stated that this recommendation primarily relates to rhododendron bushes that have grown too large and are hanging over the roadway. Following discussion, members agreed to put an article in the *Echo* addressing this issue. The Town Manager and the Public Works Director will identify the properties in question. Property owners will be notified by telephone and given a deadline for trimming the bushes. Public Works will trim the bushes if there is no response. Mayor Dodson noted that the Town already has the authority to do the trimming if needed.
- E. Discussion of Town Street Lights.** The Town Manager stated that he would like to conduct an inventory of all street lights to determine which lights should be paid for by the Town. He said that BREMCO will provide a map to identify the locations. It was noted that a number of lights shine only in the owner's yard and that there are other locations where street lights need to be added. Members were in agreement to proceed with the inventory.
- F. Board appointments for Board of Adjustments, Planning Board, and TDA.** A recommendation was made by Member Ehlinger to reappoint Richard DeMott, Lois Dodson, and Bill Wilkinson to the Board of Adjustments. The motion was seconded by Member Copley and approved

A motion was made by Member Copley to reappoint George Ehlinger and Bob Haugh to the Planning Board. The motion was seconded by Member Ehlinger and approved.

Member Ehmig noted the need to add in Rules and Procedures that no Town Council members can serve on the Planning Board. Following discussion, a motion to this effect was made by Member Ehmig, seconded by Mayor Dodson, and approved.

Member Ehmig initiated a discussion regarding Town Council members serving on the Board of Adjustment. He stated that he was not sure it was consistent with public, open meeting law for three or members of the Town Council to serve on the BOA because it would constitute a meeting of the Town Council. The Town Council asked Rob Angle and Ed Evans to look into the matter.

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.
- D. Recreation Commission** – No meeting was held. The Town Manager stated that the Recreation Commission does not have a budget and suggested that perhaps they should be combined with the TDA. Member Copley said that she liked the idea of the Recreation Commission working with the TDA in an ad hoc manner. Mayor Dodson suggested that the discussion be deferred until later, as there are statute issues. Member Ehlinger noted that there are various ways the Recreation Committee could request funding.
- E. ABC Board** – There were no additional comments.
- F. TDA** – The Town Manager reported that the new flag pole will be installed within the next few days and that the Town has a new flag. He said that a weather station for Ray's Weather will be installed within the next couple of weeks. A web cam may be added later.
- G. Financial Report** – There were no additional comments. A motion to approve the report was made by Member Copley, seconded by Member Ehlinger, and approved.

The Town Council went into closed session at 7:50 p.m. A motion to come out of closed session was made by Member DeMott at 9:25 p.m., seconded by Member Ehlinger and approved.

The following motion was made by Member Copley, seconded by Member Ehlinger and approved:

To invoke FMLA on behalf of the Town Clerk which shall include six days of concurrent and paid sick leave and seventeen days of concurrent paid vacation for a total of twelve consecutive calendar

weeks of paid and unpaid leave which began November 23, 2009, and ends February 15, 2010.
Return to work shall be governed by the provisions of the Town of Seven Devils Personnel Policy.

ADJOURN

At 9:28 p.m. a motion to adjourn was made by Mayor Dodson, seconded by Member DeMott, and approved.

Bob Dodson, Mayor

Lois Evans, representing Town Clerk