

**TOWN OF SEVEN DEVILS
TOWN COUNCIL
MINUTES – REGULAR SESSION
October 12, 2009**

The Town of Seven Devils Town Council met in regular session on Monday, October 12th, 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 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 Pro Tem DeMott made a motion to adopt the agenda. Member Ehlinger seconded the motion. The members agreed unanimously.

APPROVE MINUTES

A scrivener correction was made to the September 14, 2009 regular meeting minutes in the first sentence of the **ADMINISTRATIVE UPDATE** (placing a period after the word Council.)

Member Ehlinger made a motion to approve the September 14, 2009 regular meeting minutes as amended. Mayor Pro Tem DeMott seconded the motion. The members agreed unanimously.

CITIZEN COMMENTS

Kay Lambert, 430 Wildcat Rocks Road thanked the Tourism Development Authority under the leadership of Bill Wilkinson for the beautiful Town Hall fall decorations.

Mayor Dodson announced the Tourism Development Authority now has a link on the Town of Seven Devils website.

Elaine Diercksen, 265 Tangle Lane requested the Council contact the NC State Highway Department to see if the main Seven Devils road could be relined. The Council agreed to check into this request.

ADMINISTRATIVE UPDATE

The Town Manager reviewed his administrative update with the Council. Ed told the Council the paving is completed and the Public Works Department has almost completed with raising the shoulders.

Mayor Dodson requested the Town Manager check into a reflector for Moonlight Trail.

Member Copley asked the Town Manager how the end cost of the paving project compared to what was budgeted. The Town Manager said the wedging of the roads required more asphalt than was originally budgeted. He told the Council he should have the figures by the end of the week.

Town Manager Ed Evans reminded the Council that “Candidates Forum” will take place this Thursday, October 15, 6:30 - 8:30 p.m. at Seven Devils Town Hall.

The Town Manager explained to the Citizens that due to the State's budget squeeze NC DENR DWQ will not be coming back to Seven Devils to resume drilling the monitoring wells. He told the Citizens someone from DENR will be coming to officially seal the hole but that DENR DWQ still plan to resume the operation at some time in the future when the State has the funding to pursue the project.

OLD BUSINESS

- A. Recreation Commission – Update** – Mayor Pro Tem DeMott told the Council Tom Bookstaver said he would contact Mark Garrett. Mayor Pro Tem DeMott agreed to check further into this subject. The Council agreed this item should be closed until further discussion is deemed necessary. **CLOSED**
- B. Recommended changes to Zoning Ordinance 8.9.3.3 - 4** – The Council agreed to *defer action on this topic* to the November 9th Town Council regular scheduled meeting. **OPEN**
- C. Consider adoption of Public/Private Road Awareness Form** – Town Manager explained at the September 21st Planning Board meeting, the Planning Board agreed since public/private road is addressed on the Zoning Permit Form, this item required *no action*. The Town Council reviewed the submitted amended *Zoning Permit Form*. Ed pointed out the following note added to the middle of the Zoning Permit Form. (Note: No maintenance or snow removal is provided by the Town of Seven Devils on private roads/streets, etc.) Discussion followed among the Council. It was the consensus of the Council that the amended *Zoning Permit Form* sufficiently addresses Public and Private Roads.

Member Copley made a motion to adopt the amended *Zoning Permit Form* as submitted. Mayor Dodson seconded the motion. The members agreed unanimously. **CLOSED**

- D. Discussion of past due property taxes** – Town Manager Ed Evans told the Council he and the Finance Officer are in the process of preparing a list of the highest tax debtors. Ed told the Council all people with past due property taxes have received two letters. One letter was from the Town Attorney and the other was from the Town of Seven Devils. **OPEN**

NEW BUSINESS

- A. Green Cove Road Improvement Project** – The Town Council reviewed the following letter from Steve Robertson:

October 05, 2009

TOWN OF SEVEN DEVILS
1356 SEVEN DEVILS ROAD
SEVEN DEVILS, NC 28604

RE: GREEN COVE ROAD UPGRADE

ATT: MR. ED EVANS – TOWN MANAGER

Dear Ed:

Please be advised that I have decided to pay for the upgrades to Green Cove Road as per the Egger's Construction proposal dated September 01, 2009. I agree to do this under the following conditions:

1. THE TOWN OF SEVEN DEVILS WILL PAY (\$5,000) TO EGGERS CONSTRUCTION TOWARDS THE GREEN COVE ROAD UPGRADES.
2. UPON COMPLETION OF THESE UPGRADES, THE TOWN OF SEVEN DEVILS WILL MAINTAIN GREEN COVE ROAD AS A TOWN ROAD.

Please be advised that Bob Haugh is authorized to coordinate the Green Cove Road upgrades on my behalf. Bob is also authorized to represent me at town meetings with regard to the Green Cove Road issues.

Very Truly Yours,

Steve Robertson

FILE: STEVE ROBERTSON GREEN COVE RD LETTER TO TOWN 100509

**CONTACT INFORMATION – STEVE ROBERTSON
(561 315-3255 / 561 586- 6621)**

Town Manager Ed Evans told the Council he the Town Engineer David Poore and the Public Works Director Kevin Aldridge had met with the contractor. He said specifics were laid out about what would be required in order for the Town to agree to maintain Green Cove as a Town road. He told the Council some of the specifics were the following:

- The road must meet Powell Bill standards.
- The road must be a minimum of 16' overall (shoulders, ditches, etc.)
- The road must be a minimum of 12' graveled travel surface.
- There must be proper drainage with instillation of culverts.
- There must be proper ditching.

Member Copley made a motion to accept Steve Robertson's proposal for the upgrades to Green Cove Road with the following conditions:

- The maximum expenditure for the Town of Seven Devils is \$5,000.00.
- The road must be constructed to the Town of Seven Devils standards.

Mayor Dodson seconded the motion. The members agreed unanimously. **CLOSED**

B. Debt Set Off Resolution - The Town Council reviewed the following *Debt Set Off Resolution*:

Town of Seven Devils Town Council
Resolution for NC Local Government Debt Setoff Program

Whereas, NCGS Chapter 105A, Setoff Debt Collection Act, authorizes the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to qualifying local agencies and who are due refunds from the Department of Revenue; and

Whereas, the law authorizes the setting off of certain debts owed to qualifying local agencies against tax refunds; and

Whereas, the North Carolina Association for County Commissioners and the North Carolina League of Municipalities have jointly established a clearinghouse to submit debts on behalf of the Town of Seven Devils as defined in G.S. 105A-2 (6), effective January 1, 2006 and thereafter as provided by law;

Now Therefore, be it Resolved by the Town Council of the Town of Seven Devils to participate in the debt setoff program and hereby designates the Town Manager as the Hearing Officer and conduct necessary proceedings.

The Governing Body Chair and Town Manager are hereby authorized to execute such documents and agreements as necessary to participate in the debt setoff program.

Adopted by the Town of Seven Devils Town Council on the 12th day of October, 2009.

Bob Dodson, Mayor

Karen Edi Daniels, Town Clerk

The Town Manager told the Council the North Carolina League assists North Carolina local governments with the recovery of any delinquent debts by offsetting debtors' North Carolina state tax refunds and Education lottery winnings. He said as long as the debt has been delinquent 60 days the process can begin. He told the Council this is a win – win situation. There is no cost to participate and the debtor pays all the fees. He explained the only cost to the Town will be the required cost of mailing notification letters.

Member Copley made a motion to adopt the proposed *Debt Setoff Resolution*. Member Ehlinger seconded the motion. The members agreed unanimously. **CLOSED**

COMMITTEE REPORTS

- A. **Planning Board** – There were no additional comments.
- B. **Public Works** – The Town Clerk was instructed to change the spelling of Ms. Cruso on page #2 to Ms. Caruso and the spelling of Mark Carol on page #3 to Mark Harrell.
- C. **Public Safety** – No meeting was held. Member Ehlinger complimented the Public Safety Committee for their participation in the Operation Medicine Cabinet Pharmaceutical Drug Take Back Project. Mayor Pro Tem DeMott told the Council the project was a hugely successful event capturing approximately 40,000 pills, 2000 sharps-needles, syringes and lancets, and a glucose meter. Mayor Dodson reviewed the September 2009 Seven Devils Fire Department report.
- D. **ABC Board** – Mayor Dodson told the Council and Citizens the High Country ABC Store had a very successful grand “Re-Opening”.
- E. **TDA** – There were no additional comments.
- F. **Recreation Commission** – Mayor Dodson requested the Town Clerk to try to obtain the Recreation Commission September minutes prior to the next Town Council meeting.
- G. **Financial Report** – The Town Manager reviewed the September 2009 monthly finance report with the Town Council.

The Town Manager told the Council at the June 8th, 2009 Town Council meeting the Council took the action to appoint Debbie Powers to dual role of Seven Devils Finance Officer and Seven Devils Tax Collector. He explained when the paper work for Debbie's dual role was submitted to the Local Government Commission the request was denied. Our current CPA's Young, Miller, and Gillespie are checking with other small municipalities to see how they handle this. He told the Council it may be necessary to appoint the Town Clerk to this role.

Mayor Pro Tem DeMott made a motion to accept the financial report as submitted. Member Wilkinson seconded the motion. The members agreed unanimously.

TOWN COUNCIL COMMENTS

None

ADJOURN

At 6:20 p.m. Member Copley made a motion to adjourn. Member Ehlinger seconded the motion. The members agreed unanimously.

Bob Dodson, Mayor

Lois Evans, on behalf of Town Clerk