

**TOWN OF SEVEN DEVILS
TOWN COUNCIL
MINUTES – REGULAR SESSION
July 12, 2010**

The Town of Seven Devils Town Council met in regular session on Monday, July 12, 2010, at Town Hall. Present were Mayor Bob Dodson, Mayor Pro Tem Kathy Copley, and Council Members Kay Ehlinger, David Ehmig, Richard DeMott. Also in attendance were Town Manager Ed Evans, and Town Attorney Rob Angle. Town Clerk Bethany Higgins recorded the minutes.

CALL TO ORDER

Mayor Dodson called the meeting to order at 5:33 p.m.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

ADOPT AGENDA

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

APPROVE MINUTES

Member Ehlinger made a motion to approve the June 14, 2010 regular meeting minutes. Member DeMott seconded the motion. The members agreed unanimously.

CITIZEN COMMENTS

Kevin McCarthy, Knob Hill Lane – Briefly drew reference to the Tourist Development Authority's (TDA) Occupancy tax on short term rentals (less than 90 days). The Town Council clarified that the TDA decides how to spend the occupancy tax revenues with a required 2/3 on promotion of Seven Devils and 1/3 on capital projects. Mr. McCarthy made a recommendation to the Town Council that property owners and/or property managers register short term tenants with the Town's Tax Administrator to be shared with the Police Department to promote safety and give some recourse to property owners in the cases of tenant property damage. After a brief discussion by the Town Council about privacy issues and how mandatory registration might deter rental activity, the following actions will be taken:

- The Town Manager will investigate and report back if it is within the Town's authority to require property owners and/or property managers to register short term tenants.
- Per Town Council recommendation, the staff will advise the TDA of this issue for their feedback.

ADMINISTRATIVE UPDATE

The Town Manager reviewed his Administrative Update with the Town Council and reported:

- 1) Although the FEMA deadline has passed, the storm debris removal contractor is continuing to finish the job according to his contract terms with the Town.
- 2) The Town is in receipt of an award letter from the NCDENR Division of Forest Resources, Urban and Community Forestry Grant Program for a grant totaling \$6044.00 which will be used to help with the tree inventory and for professional expertise in reviewing the Town's Tree Ordinance. Member Kay Ehlinger thanked Mr. Evans for his efforts.
- 3) Mandate on Ethics Training has been completed by the Town Council and the Town Manager will try to provide an Ethics Policy Draft by the next Town Council meeting.
- 4) 100% of active businesses in the Town have paid their privilege license tax for FY 10-11.
- 5) The Consumer Confidence Report (CCR) 2009 Annual Water Quality is available on the Town's website at www.sevendevils.net, and the website is averaging 55-60 hits from unique viewers per day, reflecting that there is an increased use by our citizens.

- 6) A new 2011 Ford pickup truck has been delivered and in use by the Public Works with the Town's new police vehicle scheduled for delivery within two weeks. The Town saved over \$12,000 on the original sticker price on the truck.
- 7) The Police Security Form has been updated and posted on the Town website, as part of a coordinated effort to synchronize the information between Town Hall and the Police Department. The Town Manager urged citizens to complete the form by either downloading from the website or picking one up at Town Hall. Member Ehmig wondered if this form could be used to include the short term tenant information provided by the property owner, and the Town Manager said the form indirectly addresses this issue by asking for the property manager's name and number.
- 8) After repeated attempts to get the State to paint the faded lines on Seven Devils Road and Skyland Drive and install centerline reflectors since last fall, the State has now said that they were running behind schedule due to a paint shortage, and even if they had paint, the State Revenue crisis now dictates that high count state roads are being prioritized.

Mayor Dodson reviewed a written response by the TDA outlining how they spend their revenues, but Mayor Dodson said that the Town Council's original request was for the TDA to describe their marketing strategies.

OLD BUSINESS

Proposed Changes to Water Use Ordinance - The Town Manager went over the changes made to the amended Water Use Ordinance as recommended by the Town Council at the last Town Council meeting. There was brief discussion by the Town Council regarding the interpretation of the 7.1.2 (2) provision requiring citizens who are provided with a Town water line within 200 ft. of their property to sign on regardless of being private well users. The Town Manager questioned the fairness and equity of this interpretation. Currently private well users pay a minimum of \$15/month. Member Copley pointed out that item 7.1.2 (4) makes it look like all private well users are grandfathered in (exempt from tying into town water) prior to the adoption date of June 14, 2010. The Town Manager clarified that the footer should have the actual date the ordinance was adopted and that June 14, 2010 should have been labeled as "amended." After reviewing the Water Use Ordinance, the Council agreed to make the following changes to the Ordinance:

- 1) To include an omitted change under Section 4.4. (1) and 4.4 (4) that now requires citizen to have and/or install a private water shut off valve within two (2) feet of the meter to be eligible for water bill adjustments.
- 2) Fix a scrivener's error for item 7.1.2 (4) where "...**homeowner's** wells" should read "...**homeowners'** wells."
- 3) Clarification of 7.1.2 (4) by inserting in the footer the original adoption date of the ordinance to understand who is grandfathered in under this provision plus adding an amendment date.
- 4) On page 2-1, item 2.7 (1) change the last word from "Town" to "Council."
- 5) For Clarification, change the Ordinance footers to include the adoption date of original ordinance and add an amended date.
- 6) On page 7-1, Item 7.1.2 (3) change the wording from "property owners shall build and maintain a private well" to "property owners shall **drill** and maintain a private well"

Member Ehmig made a motion to approve the Water Use Ordinance as amended for 2010-2011. Member DeMott seconded the motion. The members agreed unanimously. **CLOSED**

NEW BUSINESS

A. Budget Amendment Fiscal Year 2009-2010. The Town Manager reviewed the Final Budget Amendments for FY 2009-2010. He said that Town ended up with more revenues than anticipated due to an increase in franchise utility taxes, permits & fees.

Member DeMott made a motion to approve the Final Budget Amendments for FY 2009-2010 as presented. Member Kay Ehlinger seconded the motion. The Motion carried unanimously by the Members (5-0). **CLOSED**

COMMITTEE REPORTS

- A. Planning Board – There were no additional comments.
- B. Public Works – Mayor Pro Tem Copley reminded the Council and Citizens that Public Works and Staff had been looking at a loan for water project improvements on Four Diamond and Grandview with an opportunity to add 16 other projects including deteriorating, undersized, no water hydrant lines and the 70,000 gallon tank on Rocky Top Trail totaling over \$2 million. Due to new information from Sandy Lawrence at USDA which says all USDA loan repayments must come out from the water fund, the Town does not have enough revenues in the water fund to service a loan of that size. In response, the committee is re-organizing project priorities and the Town Manager is pursuing a downsized combination loan of approximately \$400,000 from USDA and part from local lending. Loan applications are in committee review at BB & T and RBC. Member Copley clarified that the Town would repay the road portion of the project from operating funds, and the water portion would be paid from water funds on two separate loans. Mayor Dodson mentioned the attached refurbished water tank estimates that proved to be cost prohibitive at \$500k.
- C. Public Safety – Mayor Dodson commented that the Town had a good SafetyFest this year. George Ehlinger said it was too early to report fundraiser revenues as he was still gathering final expense receipts.
- D. Recreation Commission – There were no additional comments.
- E. ABC Board – Mayor Dodson noted that per Lois Dodson, ABC revenues were down due to patrons purchasing cheaper brands of liquor. Citizen Sarah Manning mentioned HB 1717, ABC Statute, is on the governor’s desk awaiting his signature. Town Manager replied that he had sent Members an email on this topic.
- F. TDA – There were no additional comments.
- G. Public Safety – Police and Fire reports – After a brief update from the May and June Police Reports and the May Fire Report, the Town Manager said that the June Fire Report would be included with July’s Fire Report at the next Town Council meeting as Fire Chief Powell was on medical leave. The following action item(s) were noted:
- The Town Manager will ask Police Chief Davis why there is a date overlap for the reporting periods between the May and June Police Reports.
 - The Town Manager will get an updated vehicle inventory list from Fire Chief Powell in response to how the recently awarded grant monies will be used. The Town Council previously agreed that replacing parts on the older fire truck was not feasible. The Town Manager thought that the Town’s pumper truck (~ 1976) would be the first to be replaced with a diesel.
- H. Financial Report – Member DeMott made a motion to accept the financial report as submitted. Member Ehlinger seconded the motion. The members agreed unanimously. **CLOSED**

TOWN COUNCIL COMMENTS

Mayor Dodson referred to the attached original Town Charter for Members’ general information.

There was a discussion about the Town participating in a “Proclamation of Lyme Disease Awareness.” Members and Citizens agreed that the issue was important in terms of decreasing Lyme disease via public awareness and education efforts. The Town Council made a recommendation to postpone passing a resolution until the next Council meeting, so that Members may conduct further research on other towns’ Lyme Disease Resolutions. **OPEN**

In action item(s):

- The Town Manager will email Members links to the Lyme Disease Attachment

In other business, Member Ehmig notified the Town Council that he has resigned as an Alternate Member of the Board of Adjustment, expressing his concern about the Ethics of having three (3) Town Council Members on the BOA. Additional discussion centered on securing a new BOA member and standardized committee rules and procedures via a combined Draft Ethics Policy workshop or independently. In response the following action item(s) were noted:

- The Town Manager will post an advertisement & deadline for a BOA member via the Town website, with an application available for download online or at Town Hall.
- The Town Manager will work with the Town Council in determining the Rules & Procedures filtered through the Draft Ethics Policy in terms of setting up committees, number of members, term lengths, appropriate methods of recusal, attendance requirements, and other pertinent issues as applicable to various committees.
- Mayor Pro Tem Copley will put on the Public Works Agenda an item calling for the Public Works Committee to brainstorm about committee rules & procedures to submit to the Town Council for consideration.

In final discussion, it was unanimously agreed by the Town Council to publicly recognize David Hooper with a plaque as outgoing chair of the Planning Board at the next Town Council Meeting in August. ***OPEN***

ADJOURN

At 6:59 p.m., by general consent, Mayor Dodson made a motion to adjourn. Member Ehlinger seconded the motion. The members agreed unanimously.

Bob Dodson, Mayor

Bethany Higgins, Town Clerk