

**TOWN OF SEVEL DEVILS  
TOWN COUNCIL  
MINUTES – REGULAR SESSION  
September 13, 2010**

The Seven Devils Town Council met in regular session on Monday, September 13, 2010, at Town Hall. Present were Mayor Bob Dodson, Mayor Pro Tem Kathy Copley, and Council Members Richard DeMott, Kay Ehlinger, David Ehmig. Also in attendance were Town Manager Ed Evans and Town Attorney Rob Angle. The minutes were recorded by Beth Taylor, Town Clerk.

**CALL TO ORDER**

Mayor Dodson called the meeting to order at 5:30 p.m.

**PLEDGE OF ALLEGIANCE**

Council members and citizens recited the Pledge of Allegiance.

**ADOPT AGENDA**

Mayor Dodson asked for a motion to be made to adopt the agenda. Member DeMott made a motion to adopt the agenda. Member Ehlinger seconded the motion. The members agreed unanimously.

**APPROVE MINUTES**

The following changes were recommended for the August 9, 2010 minutes:

On page 1, first paragraph after the heading, correct the spelling of Mayor Pro Tem **Cathy** Copley to ‘Mayor Pro Tem **Kathy** Copley’.

A motion was made by Member DeMott to approve the August 9, 2010 minutes as amended. Member Ehlinger seconded the motion. The members agreed unanimously and the minutes were approved.

The following changes were recommended for the August 23, 2010 continuation minutes:

On page 1, the second paragraph under ‘Open Session’, change the wording from “Additionally, a discussion ensued about **an accused** Council Member’s participation...” to “Additionally, a discussion ensued about **a hypothetically accused** Council Member’s participation...”

A motion was made by Member DeMott to approve the August 23, 2010 continuation minutes as amended. Member Ehlinger seconded the motion. The members agreed unanimously and the minutes were approved.

**CITIZEN COMMENTS**

There were no citizen comments.

**ADMINISTRATIVE UPDATE**

Manager Evans informed the Council Members that the Snow Cloud water hydrant project is complete. He was happy to note that it was completed under budget.

There were two calendar amendments that Manager Evans wanted to point out and correct:

1. The Department of Commerce representative will be in Boone on Monday, September 27, 2010 for a joint meeting with officials from other towns and Watauga County. Member Evans verified that he is the only one attending.

2. The Intergovernmental Retreat on Tuesday, September 28, 2010 should be at 5:30 p.m. (not 5:00 p.m.). Manager Evans verified that Members Copley, DeMott and Ehmig are still planning to attend.

Manager Evans announced to the Council Members that Tree Master’s has completed the right-of-way clearing on Seven Devils Road and Skyland Drive. He further stated that the State denied the use of the spray that Tree Master’s wanted to use to halt the re-growth of

the trees that they trimmed. In answer to a question posed by several Members regarding monetary reimbursement from the State, Evans responded that we might get some reimbursement, but not much.

Manager Evans also told the Council that FEMA has been delayed for 2-3 weeks. They were returning to Seven Devils as a follow-up to our Christmas Day Ice Storm of 2009. They will get in touch to reschedule and they would like the Town to re-submit all necessary paperwork.

Member Copley wanted to address the issue of who would be responsible for declaring an emergency in the event the Mayor is not available to declare an emergency. It was agreed that more information is needed.

## **OLD BUSINESS**

### **A. Report from Keith Seramur on Seven Devils Road & Notifying NCDOT**

Town Manager Evans informed the Council Members that, according to Michael Poe from Watauga County NCDOT, there is no need for the Town to go to any expense to compile a report on the roads. Mr. Poe is willing to come up and evaluate the situation. If there is a need, Mr. Poe will then get in touch with Asheville and have an engineer come to the Town. **CLOSED**

## **NEW BUSINESS**

### **A. Swearing in of Elizabeth Taylor as Town Clerk**

Mayor Dodson administered the Oath of Office to Elizabeth Taylor, officially swearing her in as Town Clerk. **CLOSED**

### **B. Discussion and consideration of a Coal Tar Sealant ban**

Member DeMott gave a summary as to what environmental impact the use of Coal Tar Sealant is having. In some areas, the fish in the local streams have been killed as a result of the sealant contaminating the water. Once the contamination has occurred, the water will be unsafe for at least a year. This sealant also has been known to be absorbed through the skin, as it is easily transmitted onto any surface that comes in contact with it. Member DeMott suggested that we consider adopting a Ban ordinance. Member Copley recommended what could be an easy fix of simply putting in a driveway/street ordinance that prohibits the use of the sealant on all roads and driveways in the Town. Member Copley suggested that the issue be given to the Public Safety Committee for review. Major Dodson stated that a Public Hearing should be scheduled if the Public Safety Committee recommends the adoption of the Coal Tar Sealant Ban.

Member Copley made a motion to refer the issue to the Public Safety Committee to discuss at their meeting which will be held on Tuesday, September 28, 2010. Member Ehlinger seconded the motion. The Town Council Members agreed upon the motion unanimously. **OPEN**

### **C. Discussion of Water System Upgrades**

Manager Evans began the discussion of the Water System Upgrades by informing the Members that our Public Works Department has done extensive study of how to make the Town's water system the best it can be. As of right now, 75% of the system is in great shape, it's the remaining 25% that needs to be brought up to par. There were a total of 16 projects discussed between the Town Manager and the Public Works Department and Public Works Committee, with 5 being designated as 'Top Priority'. Manager Evans provided a handout to the Council Members to illustrate the possible projects. Since the Town has limited funds, it was agreed that whichever project is selected needs to offer the most for the money. Manager Evans stated that he had entered into discussions with many banks regarding potential loans without much luck. He was finally able to find a lender who is interested in providing a loan and came up with a sum that the Town would be able to afford to borrow. Manager Evans proceeded to outline the possible projects for the Town Council to discuss. Member Copley wanted to know what happened to separating Four Diamond into separate projects. In response, Manager Evans informed the Members that the State will not approve installing hydrants without including a new water tank. Therefore,

there is no way to get the hydrants if the project is divided. Town Attorney Angle was curious as to how much money the Town could come out of pocket with. Manager Evans informed him that he is not sure of exactly how much we could come out of pocket with, but that we definitely can cover some expense from the General Fund. Evans noted that there is approximately \$100,000 that was set aside for paving, as well as the some reimbursement that should be coming from FEMA funds. Member Copley pointed out that we have three loans about to mature (by 2014), which will then free up additional funds. Members Copley, Ehlinger and Ehmig agreed that going with Option 1 would provide the biggest bang for our buck. At this time, Mayor Dodson opened the floor to any comments the citizens in attendance might have. The citizens had no additional comments. Town Attorney Angle volunteered to look for Bond Attorneys in our area to help with this project.

**i. Projects to include**

Option 1 includes installing new water lines, hydrants, and road repair to the Grandview Loop, Chinkapin Drive, Wayside Court, and Hanging Rock Villas. This project will cost approximately \$633,800.

Option 2, the Four Diamond Project, includes upgrading the water lines and installing a new water tank on Skiview, as well as including fire hydrants on Four Diamond. This project will cost approximately \$702,000.

**ii. Bank terms**

Manager Evans provided the Council Members with a handout from RBC Bank to illustrate the terms of the loan, which are summarized as follows: The term of the loan would be for a period of 10 years at a fixed interest rate of 5.37%. The payment amount would be \$41,370.97 with the level principal and interest paid semiannually (in arrears). The effect Rate is 3.4905% (this takes into consideration the federal rebate of the interest of the Build America Bonds Program). The rates listed are guaranteed no later than October 15, 2010. The total amount listed on the rate sheet was for a loan of \$633,810.00.

Member DeMott made a motion to accept the bank proposal. Member Copley seconded the motion. The members agreed unanimously. **CLOSED**

**D. Budget Amendment**

Manager Evans proposed an amendment to the Annual Budget, Public Works Department, Capital Outlay line item of \$25, 000, which is earmarked for the “2009 Christmas Ice Storm” expense. He proposed using \$6,000 of this to pay for a new snowplow that had to be purchased for the new Public Works truck.

Mayor Dodson asked if there was a motion to approve amendment to the budget. Member DeMott made the motion to amend the budget. Member Copley seconded the motion. The Members agreed unanimously. **CLOSED**

**COMMITTEE REPORTS**

- A. Planning Board**
- B. Public Works**
- C. Public Safety Committee**
- D. Recreation Commission**
- E. ABC Board**
- F. TDA**
- G. Public Safety Department**
  - i. Police Reports**
  - ii. Fire Reports**
- H. Financial Report**

Member DeMott made a motion to accept the finance report, which was seconded by Member Copley and unanimously agreed upon by the Members.

**COUNCIL COMMENTS**

Manager Evans wanted to send a big “Thank You!” to the TDA for funding the power washing for the deck, as well as the right of way clearing.

Manager Evans expressed his thanks to Tom Bookstaver for his dedication to Seven Devils Fire Department and his services as an EMT.

Member Ehmig wanted to state that Mr. Cope was a good friend of his and that Mrs. Cope really appreciated all that Seven Devils did for her and her family in their time of need.

Member Copley volunteered to adapt the Ethics Policy to make it applicable to other Boards if they wanted to pursue that option. Manager Evans will forward the information to the Planning Board and TDA.

**ADJOURN**

Mayor Dodson requested a motion be made for the meeting to be adjourned. Member Copley made that motion and it was seconded by Member Ehlinger. The Members agreed unanimously. The meeting was adjourned at 7:01 pm.

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Bob Dodson, Mayor

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Beth Taylor, Town Clerk