

TOWN OF SEVEN DEVILS
REGULAR TOWN COUNCIL MEETING
August 13, 2019
5:30pm

- 1) INVOCATION/PRAYER
- 2) CALL TO ORDER – 5:30pm
- 3) PLEDGE OF ALLEGIANCE
- 4) ADOPT AGENDA
- 5) CONSENT AGENDA
 - A. MOTION FOR CONSIDERATION
 - (i) Adopt minutes of Town Council Meeting on July 9, 2019
- 6) CITIZENS COMMENTS
- 7) ADMINISTRATIVE UPDATE
- 8) OLD BUSINESS
 - A. New Town Hall Update
- 9) NEW BUSINESS
 - A. Sara Brewer – High Country ABC Board – Updates for HB 971 – House ABC Committee
 - B. Mandy Melanson – Parks & Rec Technician
- 10) COMMITTEE REPORTS
 - A. Board of Adjustment – No meeting
 - B. Planning Board – No meeting
 - C. Public Works – No meeting
 - D. Public Safety Commission – July minutes
 - E. Parks & Recreation Committee – No meeting
 - F. TDA – July minutes
 - G. ABC Board – June minutes
 - H. Tree Committee – No meeting
 - I. Public Safety Department
 - (i) Police Report
 - (ii) Fire Report
 - J. Financial Reports
- 11) COUNCIL COMMENTS
- 12) ADJOURN

TOWN OF SEVEN DEVILS
TOWN COUNCIL MEETING
July 9, 2019
5:30pm

The Seven Devils Town Council met in regular session on Tuesday, July 9, 2019 at Town Hall. Present were Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, Members Tina Bailey, Kay Ehlinger and David Ehmig. A quorum was met. Also, present were Town Attorney Rob Angle, Town Manager Debbie Powers; the minutes were recorded by Town Clerk Hillary Gropp.

INVOCATION

Mayor Fontaine gave the Invocation for tonight's meeting.

CALL TO ORDER

Mayor Fontaine called the meeting to order at 5:30pm.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

AMEND AGENDA

Mayor Pro Tem Lambert requested to remove Item 5) CONSENT AGENDA C. ADDITION TO UDO – Table 5.1 Table of Permitted Uses. Member Ehlinger made a motion to amend the agenda as requested; Member Ehmig seconded the motion. The members agreed unanimously.

CONSENT AGENDA

ADOPT MINUTES OF TOWN COUNCIL MEETING on June 11, 2019

ADDITIONS/CHANGES TO THE NUISANCE ORDINANCE

(i) Table of Contents

(ii) Article 4 – Animal Control – Added fees under 4.3

(iii) Article 5 – Unreasonable & Disturbing Noises – Added hours under 5.1(7)

(iv) Added Article 11 - Drones

Member Ehlinger made a motion to adopt the Consent Agenda; Member Ehmig seconded the motion. The members agreed unanimously.

CITIZENS COMMENTS

Kay Lambert – 430 Wildcat Rocks Road, thanked the Town staff & volunteers for support of SafetyFest 2019. The volunteer luncheon will be on Thursday, July 18th at 11:30am; RSVP to the Town Clerk.

ADMINISTRATIVE UPDATE

Manager Powers provided the following update:

June 5th – Public Works Director Aldridge & Manager Powers met with new DOT maintenance supervisor for Avery County.

Police Chief Harris & Fire Chief Powell attended a 3-day “Crisis Intervention” course – June 5th -7th.

Manager Powers & Finance Officer Sappington listened to a STR conference call, by NC RTCC.

July 10th – Dept. of Insurance Town Hall meeting will be at Watauga HS – 7:00pm.

Traffic count report by the 7D police was provided for Memorial Day period.

June 20th – ABC Budget meeting; reports there will be an increase distribution to 3 Towns.

June 27th – Watauga County Board of Elections inspected the Skyline Building.

July 2nd – All employee performance reviews have been completed.

Candidate filing period – July 5th @ noon until July 19th @ noon.

Updates for: Tree Permits, Projects, Fence Permits, Complaints & Real Estate Closings.

OLD BUSINESS

A. SKYLINE BUILDING PURCHASE UPDATE

This business item was included on the agenda of the monthly LGC (Local Government Commission-Raleigh, NC) meeting that occurred today, July 9th. This is a required step, as the Town needs to be granted approval by the LGC prior to purchase/real estate closing. Manager Powers & Finance Officer Sappington attended via telephone conference call to answer any questions by the LGC. At the conclusion, approval has been granted by the LGC to the Town of Seven Devils.

Communication will occur between Town Attorney Angle, Mayor Fontaine & Town Manager to set a closing date for the purchase of the Skyline Building. Mayor Pro Tem suggested this item of business should now be called the New Town Hall. ~OPEN~

NEW BUSINESS - None

COMMITTEE REPORTS

Board of Adjustment – No meeting

Planning Board – June minutes

Public Works – No meeting

Public Safety Committee – *Chair George Ehlinger reports a SafetyFest 2019 recap will be presented at the August 6th meeting for Public Safety Committee; the public is invited to attend.*

Parks & Recreation Committee – No meeting

TDA – June minutes
ABC Board – May minutes
Tree Committee – No meeting
Public Safety Department
 Police Report
 Fire Report
Financial Report

COUNCIL COMMENTS

Member Bailey inquired about the hours allowed for construction on a holiday. She has reviewed the Nuisance Ordinance and did not find any curfew or limitation of hours for noise from construction on a holiday. Manager Powers will review as the Zoning Administrator and have the Planning Board review this item at a future meeting.

Mayor Pro Tem inquired about setting a Public Hearing for changes/additions to the UDO. Manager Powers to follow up.

ADJOURN

Mayor Pro Tem Lambert made a motion to adjourn; Member Bailey seconded the motion. The members agreed unanimously. The meeting adjourned at 6:00pm.

Larry Fontaine, Mayor

Hillary Gropp, Town Clerk

**Town Council
Administrative Update
August 13, 2019**

- 1) **August 23rd – Seven Devils 40th Anniversary Celebration** – Events for the day include and scheduled as: 10:00 am Ribbon Cutting at New Town Hall, 11:30am – BBQ Lunch at Old Town Hall and Music by the Lake at Resort Club from 4:00pm – 8:00pm featuring two bands – Dixie Dawn & Kruger Brothers. 600 Invitations have been mailed. 40th Anniversary “Swag Bags” to be given to the first 250 attendees.
- 2) Tentative moving dates to New Town Hall – September 17th & 18th ; Town Hall to be closed. New Town Hall Address – 157 Seven Devils Road, Seven Devils, NC 28604
- 3) Municipal Filing ended – July 19th – 3 open seats on Town Council and the following four candidates have filed: Larry Fontaine (I), Wayne Bonomo, Kay Ehlinger (I), Jeffrey Williams *(I) denotes Incumbent – Town Elections are Tuesday, November 5th.
- 4) A voter information group is being formed by Martha Stearns & Phyllis Miller. In the September billing, a request will be sent to citizens for questions/topics to be discussed at the Candidate Forum to be held, Wednesday, October 9th @ 6:30pm – New Town Hall; The Candidate Forum will be moderated by Phyllis Miller.
- 5) TDA has a vacancy due to resignation of Jack Duncan; two applications have been received and the vacancy is posted on the Town’s website.
- 6) There will be several expiring terms on various boards/committees; Applications are available on website or Town Hall, and Applicants to submit completed form to Town Clerk.
- 7) HCCOG Annual Banquet is Friday, September 6th – RSVP by August 23rd to Town Clerk
- 8) Thank you to Police Officer-Matt Millsaps from Ed Livingston, seasonal residents, the Livingstons are thankful for his assistance during their visit to the Town.
- 9) Bear Decorating Contest – Winners on the website – Thank you note from a judge.
- 10) Town Hall Closed, Monday, September 2nd for Labor Day holiday.
 - Tree Permits – 2
 - Projects – 1
 - Fence Permits – 0
 - Complaints – 11
 - Real Estate Closings - 2

AGENDA ITEM 7) - Complaints

5-Jul Hunn	Peter	316 Buckeye	runoff	water causing damage to his foundation - very angry	Kevin and Bubba reviewed; cleaned ditch; ditch is all rock & cannot be dug deeper or wider; needs to re-direct water away from house
8-Jul Lee	Traci	912 Skiview	street sign	Skiview/Tangle sign is missing - 2nd call	Watauga County responsible for street signs; 2nd request submitted.
12-Jul various			music	what happens if it rains tonight at concert?	bring umbrella, rain jacket, or get wet concert will go on
12-Jul unknown			pens	bought pens here with blue ink - need black ink	exchanged pens
12-Jul		Swiss Lane	unknown	"calling my house phone-are you there?"	Called Town Hall - we are not at his home - cannot help him
12-Jul Zeitlin	Karen	5th Fairway	left something	"left something important in my house-you need to call new owners & tell them"	She sold home in October 2019 - told to contact her closing attorney or real estate agent
22-Jul Cope	Nancy	270 HawksLake	911 emergency	"so upset" to see accident victim at Villas "who was it?" "what happened?" Is he OK?"	Cannot reveal PHI (personal health information)
23-Jul Cope	Nancy	270 HawksLake	911 emergency	"wants to speak to Police Chief to get details of yesterdays accident "I'm so upset"	Chief on vacation; cannot reveal PHI
23-Jul Bradford	Mickey	137 Cherokee	weeds/grass	neighbor property at 433 Grandview is unsightly	Ordinance states weeds/grass in excess of 18" constitutes a violation; already issued \$50 fine
24-Jul Coppotelli		142 Hawks Lake	misc	we rent thru VRBO & just lost our housekeeper; can you find us another one?	Town cannot recommend contractors
25-Jul Metzger	Lee	1202 Devils Lake	paving	Is paving complete? Big drop off if you run off road; needs more work; not better, it's worse	Paving is complete; remain on road

From: High Country ABC <abcstore@highcountryabc.com>

Sent: Wednesday, July 24, 2019 1:00 PM

To: dbdicks@skybest.com; 'David Miller' <dcmillerncsu@gmail.com>; 'Winston Ammann' <bayouwinston@aol.com>; 'Robin Dunn' <perryhouse2001@gmail.com>; 'Sarah E Manning' <sevendevels@skybest.com>; 'Leigh Sasse' <leighsasse@gmail.com>

Subject: FW: Update on HB 971 (privatization bill) and House ABC committee hearing

This was for discussion ONLY – however we must stay alert – we know something can always be ‘slipped in” at the last moment.

From: Jon Carr [<mailto:JCarr@jordanprice.com>]

Sent: Wednesday, July 24, 2019 10:46 AM

To: Jon Carr <JCarr@jordanprice.com>

Cc: Catherine Holmes <cholmes@jordanprice.com>

Subject: Update on HB 971 (privatization bill) and House ABC committee hearing

To: Local ABC Board General Managers (please forward to your board members)

Cc: Officers, Directors and Legislative Committee

From: Jon Carr

Re: Update on HB 971 (privatization bill) and House ABC committee hearing

HB 971 (Modern Licensure Model for Alcohol Control) was heard in the House ABC Committee for discussion only. No public comment was accepted, though there were many people prepared to speak. Attached is the new version of the bill, the Committee staff’s explanation of the bill and a Fiscal Analysis Memo prepared by legislative staff.

The major changes to the bill include:

- “package store” as new type of business that could hold a liquor permit (sales of alcohol greater than 50% of gross receipts), with 500 yards separation between permittees, except existing beer and wine permittees would be exempt from the separation requirement.
- January 1, 2022 warehouse operations would cease
- After July 1, 2021 and before January 1, 2022, ABC Boards would cease and liquidate all assets with funds going to general fund of the city or county in which the board was established, eliminating requirement that the funds be used for school construction
- Private sellers would begin sales July 1, 2021
- the state would share 30% of its excise tax revenue with local governments (25% in last version of bill)
- there is no limit on the number of permits; I cannot tell if this was intentionally omitted or not, particularly since the Fiscal Memo notes there could be up to 1,500 outlets

Some highlights from the Fiscal Memo include:

- See page 12 and the revenue chart and focus on the 2022-2023 fiscal year estimates and note net total new state and local revenue of \$221 million, with \$166.1 million of that for State uses and \$54.9 million of that for Local uses; I cannot tell if this \$221 million increase is based upon increased excise taxes or increased sales
- Analysis assumes 20% wholesaler markup and 20% retailer markup

Rep. McGrady made a few comments: this is one of the most complex bill; ABC law enforcement officers are eliminated under the bill but that issue is a work in progress, current system is inefficient, mixed beverage permittees sell liquor already; local government revenues would fare better under this bill; the bill is a work in progress; “not trying to pass the bill this year”

Committee members made comments:

Rep. Alexander – 500 yard separation should be a mile; suggests that the state allocation of excise tax to locals of 30% may need to be 50%

Rep. Hurley – unnecessary bill; bad policy; NC collects most revenue; alcohol is 3rd leading cause of preventable death; concerns about job loss and payment of benefits; hurting people of NC with this bill
Rep. Turner – questions about local assets upon dissolution
Rep. Willingham – agrees with Rep. Hurley; effective system now; 3 states that privatized none ended up better off; NC is a leader; addressed misconceptions about current system; notes hardware store could sell liquor; needs more study
Rep. Saine – interested in providing more supply of product to permittees
Rep. Dahle – concerns about job loss, where stores would be located, stores on every corner?; some places cannot get a grocery store but would have a liquor store; this is a whole lot of change in 2 years; not voting for or against bill
Rep. McGrady – number of permits is on the table; not trying to pass the bill this year; starting conversation
Rep. Hardister – questions about dry areas and penalties for ABC selling to minor; asks what price increase would be (answer PED says 15.7% under licensure model)
Rep. Turner – asks about taxes and holding local government harmless
Rep. McGrady – no express hold harmless provisions in the bill but that is the intent and the effort
Staff – it is unknown how individual local government revenues would be affected
Rep. Turner – concerns about efficiencies and access to products; looks forward to bill moving forward
Rep. Willingham – private sellers would not have same selection as currently

I am copying my office assistant Cathy Holmes in case you need assistance accessing the attached pdfs.

Jon P. Carr, Attorney at Law
Partner
NCDRC Certified Superior Court Mediator



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Seven Devils Public Safety Committee
Tuesday July 2, 2019

MINUTES

Members Present: George Ehlinger, Jack Byrnes, Brad Lambert, David Hooper, Dick Nelson, Tina Bailey, Kay Lambert

Others Present: Debbie Powers (Town Manager), Bobby Powell (Fire Chief), Kevin Aldridge (Public Works Director)

The meeting was called to order at 5:32pm by George Ehlinger, Chairman.

Brad Lambert moved to approve the June 4, 2019 Minutes. David Hooper seconded. All agreed.

The goal of this meeting was to "dot the is and cross the ts" for the SafetyFest to be held Saturday July 6, 2019.

- * Pork butts will be picked up Friday morning and smoking them will commence at Public Works.
- * Bob Bridges will pick the slaw up at Pedalin' Pig Saturday at 10am.
- * Silent Auction is set up in Town Hall for active bidding all week. Bidding will close at 2:30pm Saturday.
- * Kay Ehlinger and Kay Lambert will go to Sam's and Costco to purchase the remaining food.
- * Brad Lambert and Kevin Aldridge will purchase a BBQ grill at Lowe's to cook hot dogs at the SafetyFest and for use throughout the year by the Fire Department and Public Works.
- * Public Works will set up tables and chairs in the Fire Bay Thursday or Friday. They will put tables, chairs, tents, Public Safety Committee Booth items for sale and books on the trailer to be ready for Saturday morning setup.
- * Jack Byrnes reported that we were short of volunteers. He supplied a schedule of those who have committed. Kay Lambert will try to round up a few more.
- * Public Works will begin to set up around 7:30am. George Ehlinger suggested that Committee members helping be there by 9am.

The meeting adjourned at 6:25pm. See you Saturday July 6, 2019 for the 2019 SafetyFest!

The next regularly scheduled meeting will be Tuesday August 6, 2019 at 5:30pm.

**Town of Seven Devils
Tourism Development Authority Meeting
July 23, 2019**

The Town of Seven Devils Tourism Development Authority met in regular session on Tuesday, July 23, 2019 at Town Hall. Chair Anne Fontaine, Member Tom Gidley, Member Jack Duncan, Town Manager Debbie Powers, Finance Officer Helga Sappington and Parks & Rec Program Tech Amanda Melanson were present.

Call to Order

Chair Anne Fontaine called the meeting to order at 9:00 am.

Adopt Agenda and Approve Minutes

Member Jack Duncan made a motion to adopt the agenda and to approve the minutes from the June 25, 2019 meeting. Member Tom Gidley seconded the motion. The motion passed unanimously.

Citizen Comments

Brad and Kay Lambert were present.

Old Business

- Town Manager Debbie Powers updated the TDA members on the scheduled events for the Town's 40th birthday celebration on August 23, 2019.
- Chair Anne Fontaine updated the TDA members on the outcome of the Bear Decoration Contest.
- The TDA will post an open position for a Committee Member to replace Member Jack Duncan.

New Business

- Parks & Rec Program Tech Amanda Melanson was introduced to the TDA members.
- Town Manager Debbie Powers updated the TDA members on the outcome regarding the LGC unit letter.
- Town Manager Debbie Powers presented painting quotes for the beautification of the new Townhall to promote tourism. Member Tom Gidley made a motion to approve funding the project (\$15,500.00). Member Jack Duncan seconded the motion and it was agreed upon unanimously.

Email/Invoice Approvals:

- Member Tom Gidley made a motion to approve damaged areas of pavement at Otter Falls to promote tourism. (\$995.00). Member Jack Duncan seconded the motion and it was agreed upon unanimously.

Financial Statement

- Member Jack Duncan made a motion to approve the financial statements. Member Tom Gidley seconded the motion and it was agreed upon unanimously.

Board Comments

- The TDA members thanked Jack Duncan for his service.
- **Adjourn**
At 9.20 am, Member Jack Duncan made a motion to adjourn. Member Tom Gidley seconded the motion and it was agreed upon unanimously.

High Country ABC Budget Hearing

June 20, 2019

The 2019-2020 Budget Hearing was held on Thursday, June 20 at 4:15pm. Upon motion duly made by Sarah Manning, seconded by David Miller. It was voted to open the budget hearing. General Manager Sara Brewer was asked to make a correction to the last line of the budget, on page 4, to change the final number to include the contingency amount. Upon motion duly made by David Miller, seconded by Sarah Manning, it was voted to close the budget hearing.

High Country ABC Board Meeting Minutes

June 20, 2019

The High Country ABC Board held its monthly meeting on Thursday, June 20 at 4:15 pm. Board chair Donna Dicks, board member Sarah Manning, alternate board member Robin Dunn, alternate board member David Miller, alternate board member Leigh Sasse and general manager Sara Brewer were present. Board member Winston Ammann was absent and David Miller represented Sugar Mountain. Seven Devils Town Manager Debbie Powers and Sugar Mountain Town Manager Sue Phillips were also in attendance.

Before the meeting, general manager Sara Brewer read the following conflict of interest statement; "In accordance with 18B-201, it is the duty of every board member to avoid both

conflicts of interests and appearances of conflicts. Does any board member have any conflicts of interests or appearances of conflicts with any matters coming to the board today?" Hearing none, the meeting continued.

Upon motion duly made by Sarah Manning, seconded by David Miller, it was vote to approve today's agenda. Upon motion duly made by David Miller, seconded by Sarah Manning, it was voted to approve last month's minutes.

General manager Sara Brewer reported on May's sales which were up \$29,970 over last year with total sales of \$320,459. The board discussed the financials July 2018 through May 2019.

Upon motion duly made by Sarah Manning, seconded by David Miller, it was voted to approve the 2019-2020 budget, as amended.

Old business: Donna Dicks discussed the YMCA report from Dennis Betz. The board members did not see that any teens were involved in a program and thought that Mr. Betz was more involved with the grant writing rather than actual programming. Donna Dicks and David Miller will meet again with Dennis Betz and Brian Miller, Teen Program Director with the YMCA, to get a better understanding of how the YMCA plans to implement programs and when those programs will begin. Donna Dicks also spoke with Zack Green, Mountain Alliance, and invited him to attend the July meeting and present their program for consideration of funding.

New business: Winston Ammann, Sugar Mountain and Robin Dunn, Banner Elk were reappointed to the board. Sara Brewer and Bonnie Betz will have employee evaluations done to present at the July board meeting. Sara Brewer will email her job description and evaluation form to all board members.

Citizen Comments: Debbie Powers, Seven Devils Town Manager and Sue Phillips, Sugar Mountain Town Manager, both expressed their thanks to the board for the increase in distributions for the FY2019-2020.

The next scheduled board meeting will be Thursday, July 18 at 4:15pm.

Upon motion duly made by Sarah Manning, seconded by David Miller, it was voted to adjourn the meeting.

Donna Dicks, Board Chair

Winston Ammann, Board Member

Sarah Manning, Board Member

date approved

Activity Log Event Summary (Cumulative Totals)

SEVEN DEVILS PUBLIC SAFETY

(07/01/2019 - 07/31/2019)

Alarm Activation	1	Assist Administration	1
Assist Avery Sheriffs Office	1	Assist Motorist	1
Assist Resident	1	Business Check	281
Code enforcement	1	Extra Patrol	12
Fire Department	1	Information	3
Item(s) found	1	Medical	1
Noise Complaint	2	Other	1
Patrol	73	Suspicious Activity	2
Suspicious Person	1	Trespassing	1

Total Number Of Events: 385

SEVEN DEVILS FIRE DEPARTMENT

1356 Seven Devils Road, Seven Devils, N.C. 28604

(828) 963-5343 (828) 963-6760

Fax (828) 963-1129

Fire Chief Bobby Powell

July 2019

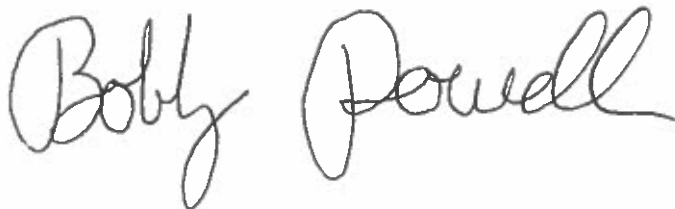
Fire Call: 2
Medical Call: 2
Training sessions: 7
Total Man-hours: 289 Hrs.

We completed our 17th Safety fest BBQ. There is no way we could do this without the support from everyone in the Seven Devils Community. Thank You!

All the firefighter ladders passed test this year and all have been serviced as required. We are required to test all our fire ladders once a year to NFPA standard.

2 Fire Calls: 1 Fuel Spill, 1 Asst with structure fire, Cancelled.
2 Medical calls: Sick Call, Fall.

Thank You,

A handwritten signature in cursive script that reads "Bobby Powell". The signature is written in black ink and is positioned below the typed name "Bobby Powell".

MONTHLY FINANCE REPORT
July 2019 - 8.3%

	Budget		Actual		%
	Total	Previous	July	YTD	
Section 1. General Fund					
Anticipated Revenues by Category					
Ad Valorem Taxes	806,000		1,828	1,828	0.23%
State Share Revenue	120,510		16,754	16,754	13.90%
ABC Distribution	100,000		20,000	20,000	20.00%
Powell Bill Allocation	30,000		0	0	0.00%
Permits and Fees	4,000		44	44	1.10%
Sales Tax	175,000		14,492	14,492	8.28%
Misc Revs, Govt Grants, Sale of Assets	203,930		42,547	42,547	20.86%
Capital Reserve Fund/FB	351,272				0.00%
Occupancy Tax	150,000				0.00%
Total	1,940,712	0	95,665	95,665	4.93%
Authorized Expenditures by Department					
Governing Board	100,050		1,148	1,148	1.15%
Administrative	485,856		46,877	46,877	9.65%
Public Safety	550,043		43,145	43,145	7.84%
Fire Protection	140,491		2,049	2,049	1.46%
Planning	1,500		0	0	0.00%
Public Works	482,772		55,326	55,326	11.46%
Powell Bill	30,000		30,000	30,000	100.00%
Tourism Development Authority	150,000		12,822	12,822	8.55%
Total	1,940,712	0	191,368	191,368	9.86%

MONTHLY FINANCE REPORT
July 2019 - 8.3%

	Budget Total	Actual		YTD	%
		Previous	July		
Section 2. Enterprise Fund					
Anticipated Revenues by Category					
Water Operating Revenues	244,500		20,425	20,425	8.35%
Water Taps and Connections	2,000		0	0	0.00%
Non Operating Revenues	1,296		0	0	0.00%
Capital Reserve for Capital Outlay	64,867		0	0	0.00%
Total	312,663	0	20,425	20,425	6.53%
Authorized Expenditures by Department					
Water-Operating	117,914		10,849	10,849	9.20%
Non Operating	142,249		2,294	2,294	1.61%
Capital Outlay	52,500		0	0	0.00%
Total	312,663	0	13,143	13,143	4.20%