

**TOWN OF SEVEN DEVILS
TOWN COUNCIL
MINUTES – REGULAR MEETING**

August 11, 2015

The Seven Devils Town Council met in regular session on Tuesday, August 11, 2015, at Town Hall. Present were Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, Council Members Kay Ehlinger, David Ehmig and David Hooper. Also present were Town Attorney Rob Angle and Town Manager Ed Evans. The minutes were recorded by Emma Wynn, filling in for the Town Clerk.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance

ADOPT AGENDA

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

OPEN PUBLIC HEARING FOR UDO CHANGES

Member Hooper made a motion to open the Public Hearing for UDO Changes. Member Ehmig seconded the motion. The members agreed unanimously.

Zoning Administrator Evans reviewed the recommendation submitted by the Planning Board at the June 9, 2015 Town Council meeting to add language to Article IX, Section 9.01 (a), General Provisions. Evans explained that the additional language protects the Town of Seven Devils during Subdivision development covering damage caused by the contractor to the town's infrastructure, i.e. roads, water and sewer systems. The paragraph will read:

“After the Preliminary Plat is approved and prior to commencing construction, all plans shall have been approved and all permits obtained from the Town of Seven Devils and any other entities as required. Additionally, the developer/owner shall meet with the Zoning Administrator, and/or the Public Works Director and Town Engineer for guidance and location of present infrastructure, and conditions of connection to Town infrastructure. The developer/owner shall sign an acknowledgement that he/she is responsible for repairing any damage to Town owned infrastructure, including but not limited to roads and water systems, caused by the construction.”

PUBLIC COMMENTS

Stan Panoutsos, 142 Mountaintop Trail questioned whether this change would apply to private roads. Zoning Administrator Evans stated that this change only applies to Seven Devils' roads; damage to private roads is between the owner and the contractor.

Zoning Administrator Evans then reviewed the recommendation submitted by the planning Board at the June 9, 2015 Town Council meeting to update the Board of Adjustment voting structure as listed in Article XIV, Section 14.03 (f) Conditional Use Permits of the Unified Development Ordinance due to Legislative changes. A four-fifths (4/5) vote is required to grant a variance. All other quasi-judicial matters only require a majority vote. The updated UDO reads as follows:

A minimum of four (4) voting members shall be required to take any action. The concurring vote of four-fifths (4/5) of the membership of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. All regular rules and regulations for voting apply to members of the Board of Adjustment in enforcement of this Ordinance.

PUBLIC COMMENTS

None

CLOSE PUBLIC HEARING FOR UDO CHANGES

Member Ehmig made a motion to close the Public Hearing for UDO Changes. Member Ehlinger seconded the motion. The members agreed unanimously.

OPEN PUBLIC HEARING FOR CELL TOWER REQUEST

Member Ehmig made a motion to open the Public Hearing for the Cell Tower Request. Member Hooper seconded the motion. The members agreed unanimously.

Zoning Administrator Evans reviewed the information presented at the June 9, 2015 Town Council meeting regarding placement of cell towers in the Town of Seven Devils. He stated that a couple years ago a request was received from BREMCO/AT&T to place a cell tower in Seven Devils. At the time there was not a wireless communication ordinance. A temporary moratorium was enacted to give the Planning Board time to write the ordinance. The Wireless Communication Ordinance was adopted by the Town Council in July 2013. However, BREMCO/AT&T was no longer interested.

Carolina West is requesting to install a cell tower to enhance wireless communication for the Town of Seven Devils and the Hwy 105 corridor in addition to enhancing Verizon service. The proposed freestanding 150' monopole would be in a compound that is 30' x 60' and would be located behind the Public Works building on Chinkapin Road. Photos were reviewed of the monopole from various locations (Chinkapin Road, across from Town Hall, Wayside Court and Hwy 105). Maps showing the coverage area for LTE & CDMA before and after the cell tower installation were reviewed.

Chris Iverson with Carolina West was in attendance and explained how the mountain terrain hinders cell reception, noting that generally there is better coverage in winter when the leaves have fallen from trees. He stated the pole is normally gray but it can be painted any color. It was noted that galvanized material is not good to paint over.

Zoning Administrator Evans reviewed the proposed lease agreement. The lease would be for 5 year terms, renewable for 5 terms. There will be no cost to the Town. The Town would receive \$1100 a month with a ten percent increase for each 5 year renewal period.

PUBLIC COMMENTS

Richard Nelson, 420 Highcliff Circle stated that he is in favor of the new cell tower. He feels it is a public safety issue. A strong cell signal is needed when there are emergencies and the income will benefit all. He stated it was a great presentation.

Earl Pariseau, 132 Meadowview Court stated that he runs a property management business and the most common complaint from visitors is the lack of cell reception. He is in favor of the new cell tower.

Barbara Periseau, 132 Meadowview Court added that she is in favor of the new tower noting how often her calls are dropped due to poor cell reception.

Bob Grosby, 1628 Skyland Drive strongly endorses the addition of the cell tower; agrees with previous resident comments.

Mike Tarlton, 236 Edgecliff Lane stated he is in favor of the cell tower. The Planning Board and Town Council did a service passing the Wireless Communications Ordinance and it looks like Carolina West has met the requirements of the Ordinance. It is a huge amount of money to receive for a town this size.

Kevin McCarthy, Lots 95 & 96 is against the placement of the cell tower. He feels the Town should protect the property rights and values of the residents. He suggested that short-term rental should be limited and/or the Town should require rental properties to have landlines.

Byron Gentry, 172 Hanging Rock Villas has mixed feelings about the addition of a cell tower. He has a landline and Verizon cell phone. He stated that visibility is his biggest concern; he enjoys taking photos from various spots and the tower will be visible once installed. He stated houses are hard to sale when close to power lines, etc. Houses on the ridge will lose their view and can alter property values depending on where you are.

Stan Panoutsos, 142 Mountaintop Trail is in favor. He feels it is a safety issue. If you are injured in an outside area it is necessary to have an operable cell phone. He felt that the pole will not be as intrusive in the proposed location and that \$1100 a month is better than zero.

There was a question about the possibility of Verizon piggy backing on the pole. Chris Iverson stated that the pole will be marketed to add additional carriers. If approved, the work should be completed by the end of the year.

Another question was raised about any health hazard. Mr. Iverson stated there are no known health hazards. He added there is no microwave equipment on the pole. Additional information regarding hazards can be reviewed on the federal FCC website on Maximum Permissible Exposure (MPE).

Chief Davis questioned whether a VIPER system could be added to the pole stating it is a big help to first responders. Mr. Iverson stated it could be added but wouldn't get the top tier; would be 120' and under.

CLOSE PUBLIC HEARING FOR CELL TOWER REQUEST

Member Ehlinger made a motion to close the Public Hearing for the Cell Tower request. Member Hooper seconded the motion. The members agreed unanimously.

RECESS

Member Emig made a motion to take a 5 minute recess. Member Hooper seconded the motion. The members agreed unanimously.

Member Ehlinger made a motion to come back from recess. Member Ehmig seconded the motion. The members agreed unanimously.

CONSENT AGENDA – MOTION FOR CONSIDERATION

Adopt minutes of Town Council Meeting—July 14, 2015

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

CITIZEN COMMENTS

None

ADMINISTRATIVE UPDATE & CALENDAR

Manager Evans stated that the audit process is ongoing. Helga is doing a good job.

Residents are encouraged to stop by the new HQ Bicycle & Outdoor business located in the Tynecastle complex.

Manager Evans stated that well pump #2, located above Town Hall, has failed and requires replacement. So far, there have been no complaints about low water pressure. The cost will range between \$18,000 and \$20,000 and will come out of the Enterprise CIP.

Manager Evans stated that he will be taking an extended vacation; will be out of the office from August 26th through September 12th.

OLD BUSINESS

ACTION ON PROPOSED UDO CHANGES

Member Hooper made a motion to adopt the proposed UDO changes. Member Lambert seconded the motion. Member Ehlinger questioned whether a bond is required. Manager Evans stated a bond is required for public infrastructure work; not for private. The members agreed to adopt the proposed UDO changes unanimously. ~CLOSED~

ACTION ON CELL TOWER REQUEST

Mayor Pro Tem Lambert questioned if the council could see the contract in its entirety. Manager Evans stated that once Carolina West submits the revised contract, it will be reviewed with Mr. Angle and presented to the Town Council members for agreement.

Member Hooper made a motion to approve the revised contract and lease once reviewed by Manager Evans and Attorney Angle and conditional on approval of all Town Council members. If all members are not in agreement, it will be discussed further at the Town Council meeting. Member Ehlinger seconded the motion. The members agreed unanimously. ~CLOSED~

NEW BUSINESS**RECOMMENDATION FROM PUBLIC SAFETY COMMITTEE**

Mayor Fontaine reviewed the recommendation from the Public Safety Committee regarding safely exiting the Hess Service Station when turning right or left onto Seven Devils Road. The Public Safety Committee is recommending placement of a Stripe Stop Bar with directional arrows and the word "Stop" printed in front of the arrows. A cost estimate was obtained from Potholes USA along with a drawing of the work. The cost to the town will be approximately \$500. Manager Evans noted that the Hess Station is being replaced by Speedway in the near future. Once approved, the proposal would be presented to Speedway for approval and possible assistance with the costs. The State of NC was contacted and can provide a Stop sign for the Town to install if desired.

Member Ehmig made a motion to approve the recommendation from the Public Safety Committee to spend up to \$500 for safety improvement. This is contingent on Speedway agreeing to the work. Member Ehlinger seconded the motion. The members agreed unanimously. **~CLOSED~**

BONUS FOR EMPLOYEES WORKING AT SAFETY FEST

Mayor Fontaine stated that it has been suggested a \$100 bonus be given to the employees who worked at the Safety Fest. This would include Public Works employees and the additional Police coverage for that day. Manager Evans stated if this was a regular work day, the cost to the town for the 10 people who worked would be \$2299. Mayor Fontaine noted that the Safety Fest would not be possible without the help of these employees.

Mayor Pro Tem Lambert made a motion to approve the \$100 bonus to the 10 employees who helped with Safety Fest. Member Ehmig seconded the motion. This would be in addition to giving these employees a day off of work. The members agreed unanimously. **~CLOSED~**

COMMITTEE REPORTS**Planning Board—No meeting****Public Works—No meeting****Public Safety Committee****Recreation Commission****TDA**

ABC Board—Mike Tarlton, Seven Devils Representative, stated that the Highland Games were a success. A proposal for the repair of two sandblasted wooden signs was approved at a cost of \$600.

Public Safety Department**Police Report****Fire Report****Financial Report**

Member Hooper made a motion to adopt the Committee Reports. Member Ehlinger seconded the motion. The members agreed unanimously. **~CLOSED~**

COUNCIL COMMENTS

Member Ehmig expressed sympathy to the family of Manager Evans on the loss of his father-in-law.

ADJOURN

Member Ehlinger made a motion adjourn. Member Ehmig seconded the motion. The members agreed unanimously. The meeting was recessed at 7:35PM.

 Larry Fontaine, Mayor

 Emma Wynn, Interim Town Clerk