

**TOWN OF SEVEN DEVILS
TOWN COUNCIL MEETING
May 14, 2019
5:30pm**

The Seven Devils Town Council met in regular session on Tuesday, May 14, 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 Pro Tem Lambert gave the Invocation for tonight's meeting.

CALL TO ORDER

Mayor Fontaine called the meeting to order at 5:34pm.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

ADOPT AGENDA

Member Ehlinger made a motion to adopt the agenda; Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously.

CONSENT AGENDA

ADOPT MINUTES OF TOWN COUNCIL MEETING on April 9, 2019

ADOPT MINUTES OF TOWN COUNCIL BUDGET WORKSHOP on May 1, 2019

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

CITIZENS COMMENTS

Kay Lambert - 430 Wildcat Rocks Road, announced tickets and a volunteer sign-up sheet are at Town Hall for SafetyFest 2019.

ADMINISTRATIVE UPDATE

Manager Powers provided the following update:

Due to a PRV replacement, the upper portion of the Town from HRV up Skyland might experience water outage on Thursday, May 16th. Affected residents have been notified.

The new rack cards with the 2019 Parks & Recreation activities arrived & mailed in May water bills.

Town Attorney Angle is working with the Caruso property owners for a deed of easement to 7D.

- April 4th – Conference call with LGC about application procedures/deadline.
- April 5th – Debbie Powers & Helga Sappington attended a LGERS webinar.
- April 5th – Tina Bailey & Debbie Powers met with Red Cross Manager for renewal.
- April 11th – Debbie Powers met with Don Iverson to discuss variance procedure for the BOA.
- April 15th – RTP grant approval for initial form; invited to apply for form B.
- April 23rd – BOA meets & elected officers; Don Iverson gave his presentation.
- April 26th – Arbor Day Celebration at Town Hall; Tree City USA Designation – 43 attended lunch
- April 30th – Public Hearing for the purchase & finance of the Skyline Building
- April 30th – PARTF grant application submitted

May 27th – Town Hall will be closed on Monday for Memorial Day
 Updates for: Tree Permits, Projects, Fence Permits, Complaints & Real Estate Closings.

OLD BUSINESS

A. SKYLINE BUILDING PURCHASE UPDATE

Mayor Fontaine reported a contract for purchase of the Skyline Building has been finalized. Town Attorney Rob Angle represented the Town. ~OPEN~

NEW BUSINESS

A. PUBLIC WORKS RECOMMENDATION FY19

Public Works Committee Recommendation to Town Council
May 14, 2019

The Public Works Committee met at their regularly scheduled March 2019 and April 2019 meetings to review and discuss the Blind Road Analysis. In view of the overall good conditions of Town roads, the following is the Committee Recommendation:

1. Widen and Wedge Devils Lake Drive near the intersection of Grandview and pave. Moretz Paving estimate is \$42,360
2. Hot patch areas on Alpine Drive. Potholes USA estimate \$10,000
3. Rip Rap areas on Thorncliff and Little Boulder Lane. Estimate \$5,000
4. Gravel as needed. Estimate \$4,000

Total to be included in FY20 budget: \$61,360.

5. Continue PRV replacement in the CIP @ \$36,500
6. Currently there is no Ordinance regarding damage to roads (only language and Performance Bonds for new construction). Planning Board should review and make recommendation to Town Council.

Respectfully Submitted,

Brad Lambert

Public Works Committee Chair

Member Ehlinger made a motion to approve the Public Works Recommendation FY19; Member Ehmig seconded the motion. The members agreed unanimously. ~CLOSED

B. RESOLUTION #2019-06



RESOLUTION #2019-06 IN SUPPORT OF THE CURRENT ABC CONTROL SYSTEM FOR THE SALE OF LIQUOR

WHEREAS, the citizens of the Town of Seven Devils voted to permit the sale of liquor through the establishment of an ABC Board, which is a part of the North Carolina's control system for the sale of spirituous liquors;

WHEREAS, House Bill 971 (Modern Licensure Model for Alcohol Control) was filed on April 25, 2019 and this bill privatizes the retail sale and wholesale distribution of liquor, allows a minimum of 1,500 permits to be issued to any business that sells food (grocery stores, convenience stores, pharmacies, variety stores, etc.) or to any "retail business", with additional numbers of permits available for issuance based on population growth, with retail liquor sales authorized between the hours of 7 a.m. and 2 a.m., and with those businesses allowed to ship liquor directly to individuals in or out of the State;

WHEREAS, North Carolina's local ABC boards operate about 423 retail stores, balancing access to liquor and generating local revenue while maintaining control;

WHEREAS, NC's Department of Health and Human Services' website notes that *excessive alcohol use cost NC more than \$7 Billion* in 2010, that excessive alcohol use is the third leading preventable cause of death in NC, and that according to Centers for Disease Control's Community Guide on Excessive Alcohol Use strategies to reduce excessive drinking include maintaining state control of alcohol sales and continuing to limit the number of outlets selling and distributing alcohol;

WHEREAS, the General Assembly's nonpartisan Program Evaluation Division (PED) was directed to examine whether other systems for alcohol beverage control, including privatized systems, are appropriate for North Carolina, specially to include the State of Washington, which recently changed its beverage control system from state government control of wholesale and retail control of spirituous liquor to a licensure model;

WHEREAS, The PED Report, "Changing How North Carolina Controls Liquor Sales Has Operational, Regulatory, and Financial Ramifications", released on February 11, 2019: (1) did not recommend privatization, (2) found that among the southeastern states, NC collects the most revenue per gallon, has the lowest outlet density and has the second lowest per capita consumption; and (3) the PED expects retail liquor consumption to increase by 20% with privatization based on 1,000 expected outlets.

WHEREAS, for fiscal year ending 2018, local ABC boards distributed \$430,635,861: County-City Distributions \$80 million; State General Fund \$323 million; Local Alcohol

Education/Treatment \$13 million; Local Law Enforcement \$8.8 million; and Rehabilitation Services \$5 million; and local ABC boards also paid \$17.7 million for the operation of the ABC Commission/Warehouse.

WHEREAS, North Carolina is unique as it allows communities to vote to establish local ABC boards for the sale of liquor in their communities, with liquor profits distributed back to those communities, thereby reducing the need to increase local property taxes.

WHEREAS, the citizens of the Town of Seven Devils, in voting to permit the operation of ABC stores, did not vote to allow spirits to be sold in private retail liquor stores and did not vote to allow spirits to be sold retail outlets where beer and wine are sold;

WHEREAS, No State funds are spent to distribute or sell liquor as the state and local operation of the ABC system is receipt supported;

WHEREAS, Of the 50 states, North Carolina ranks 44th lowest in consumption per capita and 7th highest in revenue per capita and NC's ABC system accomplishes both revenue and public health, welfare and safety objectives;

WHEREAS, privatization will result in a marked increase in the number of outlets, longer hours of sale, greater advertising and more promotion, significantly more consumption, and increased societal costs;

WHEREAS, local revenue from ABC stores operations is important;

WHEREAS, local control over the sale of liquor is an important function.

NOW THEREFORE, BE IT RESOLVED:

That the Town of Seven Devils desires to retain North Carolina's current control system for the sale of liquor and believes that privatization of liquor will lead to many adverse effects.


Larry Fontaine, Mayor


Hillary Gropp, Town Clerk

Date: May 14, 2019



Mayor Pro Tem Lambert made a motion to adopt Resolution#2019-06; Member Bailey seconded the motion. The members agreed unanimously. ~CLOSED

COMMITTEE REPORTS

- Board of Adjustment** – April minutes
- Planning Board** – No meeting
- Public Works** – April minutes
- Public Safety Committee** – April minutes
- Parks & Recreation Committee** – April minutes

TDA – April minutes

ABC Board – March minutes – Sarah Manning suggested the Resolution #2019-06 in Support of the Current ABC System that was passed at tonight’s meeting be sent to Watauga & Avery County, and Representative Virginia Foxx.

Tree Committee – No meeting

Public Safety Department

Police Report

Fire Report

Financial Report

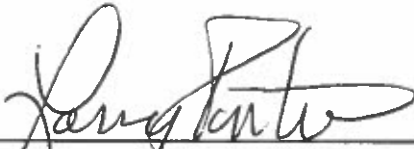
COUNCIL COMMENTS

Mayor Fontaine complimented Town Attorney Angle on a “job well done” with recent contractual negotiations on behalf of the Town.

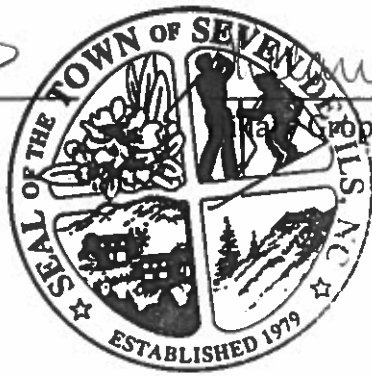
Mayor Fontaine answered a question from a resident in attendance at the meeting in regard to the grant applications. The RTP grant is 75%-25% and the PARTF grant is 50%-50% and the Town has allotted funds in the CIP for our portion of 25% and 50%.

ADJOURN

Member Ehlinger made a motion to adjourn; Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. The meeting adjourned at 6:03pm.



Larry Fontaine, Mayor





Virginia Gropp, Town Clerk