

Town of Seven Devils
Planning Board Minutes
November 16, 2021 – 5:30pm

The Seven Devils Planning Board met on Tuesday, November 16, 2021 at 5:30pm. The format of this meeting was dual format Electronic – Go To Meeting#296431421 and In-Person at Town Hall. Attendance In-Person included Jack Byrnes, Frank Sell, and Joan Streightiff. Members Walt Hogan, Jim Jones and John Wells IV attended remotely. Bert Valery was absent. Staff attendance included Town Manager-Zoning Administrator Debbie Powers; Police Chief Jonathan Harris; Town Clerk Hillary Gropp recorded the minutes.

Call to Order

Chair Byrnes called the meeting to order at 5:30pm.

Roll Call

Members of the Planning Board stated their name for Roll Call.

Adopt Agenda

Member Sell made a motion to adopt the agenda; Member Streightiff seconded the motion. All members agreed.

Approve Minutes – September 21, 2021

Member Jones made a motion to approve the minutes of September 21, 2021; Member Streightiff seconded the motion. All members agreed.

Administrative Comments

Town Manager/Zoning Administrator Powers stated the purpose of tonight’s meeting is to review the recommendations to the Town’s Nuisance Ordinance to be in compliance with SB 300. Police Chief Harris will present at New Business.

Old Business - None

New Business

A) Proposed changes to Nuisance Ordinance, pursuant to SB300 – Police Chief Harris

Gov. Roy Cooper on September 2, 2021 signed into law a wide-ranging piece of legislation that creates new databases, requires additional background checks and decriminalizes certain local government ordinances. Senate Bill 300 (S.L.2021-138) may require town councils to adopt or amend ordinances, create new databases, or establish new practices or processes.

Decriminalization of Certain Ordinances (Part XIII) removes the current presumption that all local ordinances may be enforced criminally and states that ordinances may be enforced criminally “only if the city specifies such in an ordinance”. It also includes a list of statutory sections in which cities cannot adopt ordinances with criminal enforcement, such as: planning & regulation of development, setback lines, ordinances regulating trees.

For ordinances that will not be enforced criminally, establish administrative capabilities to issue and collect civil citations or fines violations and to provide for an appeals process. For arrestable offenses, judicial officials have the authority to obtain personal ID. In civil matters, where only a citation or fine can be issued, obtaining the ID of the alleged violator may be difficult or impossible.

Legislation requires the criminal authority to be specified in "the ordinance," towns and cities should carefully specify criminal enforcement in each applicable ordinance.

Police Chief Harris reviewed the Town's ordinances and has made recommendations in the Town's Nuisance Ordinance, as needed to comply with the December 1, 2021 deadline.

The amended Nuisance Ordinance will be reviewed by the Town Council on December 14, 2021.

Until then, the gap between December 1st and December 14th, all proposed recommendations default to non-criminal and with a maximum penalty of \$50.00

Member Streightiff made a motion to approve and forward this item to the Town Council; Member Sell seconded the motion. All members agreed. ~CLOSED~

Clerks Note:

The Nuisance Ordinances with proposed edits will be included with the final minutes of the Planning Board. The document can be reviewed in the Clerk's office.

Citizens Comments -Larry Fontaine asked about posting the police telephone number on the website, so citizens can call it directly for reasons such as reporting a Noise Ordinance. Police Chief Harris stated the number is posted. He explained when a call is made to the police line, if it's not directly answered by Seven Devils Police, it then rolls over to dispatch for the officer on duty. This method provides a recording and monitoring of the call.

Member Comments -Joan Streightiff inquired about additional correspondence provided by Town Manager/Zoning Administrator Powers in regard to a State Data Base. Police Chief Harris stated there are standards set out by the state on incidents that are required to be reported. Seven Devils is in compliance on all reporting.

Adjourn

Member Sell made the motion to adjourn; Member Streightiff seconded the motion. All members agreed. The meeting adjourned at 5:59pm.


Jack Byrnes, Chair




Hillary Gropp, Town Clerk