

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

October 8, 2012

The Seven Devils Town Council met in regular session on Monday, October 8, 2012, 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 Manager Ed Evans and Attorney Rob Angle. The minutes were recorded by Sara Miller, Town Clerk.

CALL TO ORDER

Mayor Fontaine called the meeting to order at 5:35 PM.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance

ADOPT AGENDA

Two changes needed to be made to the Agenda, both of which were New Business items. The first is to include New Business item F, to approve the changes to meeting times in the Rules of Procedure. The second is to move New Business item A, the Town Audit Report by Sharon Gillespie to a position above Old Business and just after the Public Hearing for Ms. Gillespie benefit. Member Ehlinger made a motion to adopt the agenda. Member Hooper seconded the motion. The Members agreed unanimously.

CONSENT AGENDA – ADOPTION OF MINUTES

Motion for Consideration – Adopt minutes of Regular Meeting September 10, 2012

Motion for Consideration – Adopt minutes of Special Meetings-UDO Workshop-September 20, 2012

Motion for Consideration—Request to change meeting date for Recreation Commission

Motion for Consideration—Request to change meeting date for Public Safety Committee

CITIZEN COMMENTS—None

ADMINISTRATIVE UPDATE & CALENDAR—Town Manager Evans stated that there would be an ABC Board meeting on October 11, 2012. Mayor Fontaine volunteered to be present at this meeting.

PUBLIC HEARING—Uniform Development Ordinance and Zoning Map—Mayor Fontaine briefly discussed that the Uniform Development Ordinance is a combination of Zoning, Subdivision, and Construction Ordinances. Mayor Fontaine made some brief comments of explanation. The people in attendance voiced no questions. Mayor Pro Tem Lambert made a motion to close the public hearing. Member Hooper seconded the motion. The Members agreed unanimously.

New Business—Presentation—Town Audit Report—Sharon Gillespie—Sharon Gillespie, of Young, Miller, & Gillespie gave an overview of the Financial Audit report. Copies of the report were given to each Council Member, and a copy was placed in Town Hall for citizens to review. She commented that the Town passed the Audit, and they were able to give a clean opinion of the Town's financial status. Ms. Gillespie thanked the Town for the opportunity to perform the audit and expressed appreciation for the good working relationship with the Finance Officer, Debbie Powers. **~CLOSED~**

OLD BUSINESS

Nuisance Ordinance—Trash—Bears—After discussion, Mayor Pro Tem Lambert suggested that Section 6.6.c say “adequate trash receptacles” instead of “at least two trash receptacles”. Town Attorney Angle suggests rewording the last sentence of Section 6.6.c to say “as needed and specified in D and E below.” Town Manager Evans questioned the fine

of \$75 for each Town clean up of trash and asked if others thought that is enough. Mayor Fontaine suggested the Town go up to \$100 for each cleanup. He also desired to educate Town Residents as well as possible through the Echo, water bills, and the Town website. Mayor Fontaine wished to also strike the last two paragraphs of the draft of Section 6.6, stating that he wanted these procedures to be effective immediately. Town Attorney Angle suggested that the \$500 fine be placed in the last paragraph of Section 6.6, stating, “the owner will be subject to a \$500 fine as described in Article 11 – Enforcement of the Nuisance Ordinance”. Member Ehmig made a motion to approve the above changes to Section 6.6 of the Nuisance Ordinance. Member Ehlinger seconded the motion. The Members agreed unanimously. **~CLOSED~**

Lakes Roads—Letter on ponds and common areas—After discussion, a decision to not accept ownership of the ponds in the common areas of the Lakes was found to be in the best interest of the Town. Thus, no ownership will be taken over by the Town of Seven Devils. Town Manager Evans will have the road dedication resolution for the Lakes Community roads ready for the November 2012 Town Council meeting. The Town will accept the conditions and explanations stated in the document from the Lake’s Community attorney regarding accepting the Lakes Community roads. No action was taken. **~OPEN~**

NEW BUSINESS

Presentation—Town Audit Report—Sharon Gillespie—Moved Above Old Business

Adopt Unified Development Ordinance—Mayor Pro Tem Lambert pointed out that the Building Height definition in Section 7.07 of the UDO was different than the definition in the Definitions Section of the UDO. He suggested that the definition from the Definitions Section be moved to the body of the UDO in Section 7.07. Member Hooper made a motion to adopt the Unified Development Ordinance containing this amendment. Member Ehlinger seconded the motion. The Members agreed unanimously. **~CLOSED~**

Adopt Official Zoning Map—Member Hooper made a motion to accept the new Official Zoning Map of the Town of Seven Devils. Member Ehmig seconded the motion. The Members agreed unanimously. **~CLOSED~**

Nuisance Ordinance—Fires and Fire pits—Mayor Fontaine pointed out one change to Section 10.2.2, adding the sentence “Fire pit owners are responsible for cleaning the fire pit out as needed to maintain a proper firebox depth of two feet”. Mayor Pro Tem Lambert asked if these regulations apply to UL approved appliances, and if those will be permitted. Mayor Fontaine suggested a change to Section 10.2, stating that UL approved appliances will be permitted, with the final Nuisance Ordinance Section 10.2 stating “UL approved fireplaces/appliances are exempt from the following requirements”. Member Hooper made a motion to approve the Nuisance Ordinance Article 10 with the two recommended changes. Mayor Pro Tem Lambert seconded the motion. The Members agreed unanimously. **~CLOSED~**

Request from Marty Butcher to waive \$50 water reconnect fee—After brief discussion, the Council denied the request for relief from resident Marty Butcher. Member Hooper made a motion to deny the request based on the evidence provided. Member Ehmig seconded the motion. The Members agreed unanimously. **~CLOSED~**

Rules of Procedure—changes to meeting times—Mayor Fontaine pointed out that the Rules of Procedure meeting dates have been changed to correspond with the changed meeting day and time for several of the Town meetings. Member Hooper made a motion to accept the changes to the Rules of Procedure. Member Ehmig seconded the motion. The Members agreed unanimously. **~CLOSED~**

COMMITTEE REPORTS

Planning Board—No meeting

Public Works

Public Safety Committee—No meeting

Recreation

ABC Board

TDA
Public Safety Department
Police Report
Fire Report
Financial Report

COUNCIL COMMENTS

Mayor Fontaine recognized resident Kay Lambert, 430 Wildcat Rocks Rd., who announced that Operation Medicine Cabinet would be held on October 27, 2012 from 9AM until 2PM at the Watauga County Sanitation location at 336 Landfill Road, Boone. She asked that everyone please participate.

Member Hooper was chosen by the Council in a motion made by Mayor Pro Tem Lambert and seconded by Member Ehmig to represent Seven Devils as the Avery County Comprehensive Transportation Plan elected official. The Members agreed unanimously.

Member Ehlinger commented that the Fall décor around Town looks wonderful.

ADJOURN

Mayor Pro Tem Lambert made a motion to adjourn. Member Ehlinger seconded the motion. The members agreed unanimously. The meeting was adjourned at 7:10 PM.

Larry Fontaine, Mayor

Sara Miller, Town Clerk