

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

March 12, 2013

The Seven Devils Town Council met in regular session on Tuesday, March 12, 2013, 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 5:33 PM.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance

ADOPT AGENDA

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—February 12, 2013

Motion for Consideration—Rescind Obsolete Golf Cart Ordinance

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

CITIZEN COMMENTS

Kevin McCarthy, 193 Knob Hill Lane, voiced concerns regarding the acquisition of Otter Falls. He had done research regarding the PARTF Grant that the Town planned to use towards the acquisition. He spoke about requirements listed when a Town uses a PARTF Grant, such as making any improvements completed by the Town ADA complaint, and the cost of such an endeavor. Town Manager Evans informed Mr. McCarthy that he had done research as well and is aware of the requirements that come along with using this kind of Grant. He also stated that the Town will take all of those requirements into consideration when planning improvements. Mr. McCarthy also commented that his street light was turned off in order to save the Town money, and now the Town is able to obtain a piece of land for a park. Surely his light could be turned back on. Manager Evans thanked Mr. McCarthy for his research and information.

Leigh Sasse, 245 Chestnut Ridge Trail, asked if the Town would have to build improvements to the Otter Falls property. Manager Evans stated that the Town would have to do some improvements to the road and parking area, etc.

Kay Lambert, 430 Wildcat Rocks Rd, thanked the Public Works Department again for the great job they do keeping the roads in Seven Devils safe for travel during the winter months. She wanted to also thank the Town employees, Bobby, and the Fire Department for what a wonderful job they did responding to the house fire that occurred two weeks prior. She also wanted to announce that

Operation Medicine Cabinet will be held again on Saturday, May 4, 2013 from 10:00AM until 2:00PM at the Foscoe Fire Department.

ADMINISTRATIVE UPDATE & CALENDAR—Town Manager Evans reminded everyone that the ABC Board will be meeting on Thursday, March 14, 2013 at 4PM at the ABC Store. He also announced that Town Hall will be closed on April 1, 2013 for Easter Monday.

OLD BUSINESS

Emergency Procedures Policy—After discussion, the Resolution Adopting a Policy for Declaration of Local Emergency in Seven Devils was adopted with two changes. The first change was to add “designee” after “Town Manager” to numbers 2 and 3 of the “NOW, therefore” paragraph near the end of the Resolution. The second change was to add a “Whereas” paragraph regarding G.S.166A-19.31, which would define the powers given in an emergency situation. Member Ehlinger made a motion to adopt the Resolution with the recommended changes. Member Hooper seconded the motion. The members agreed unanimously. **~CLOSED~**

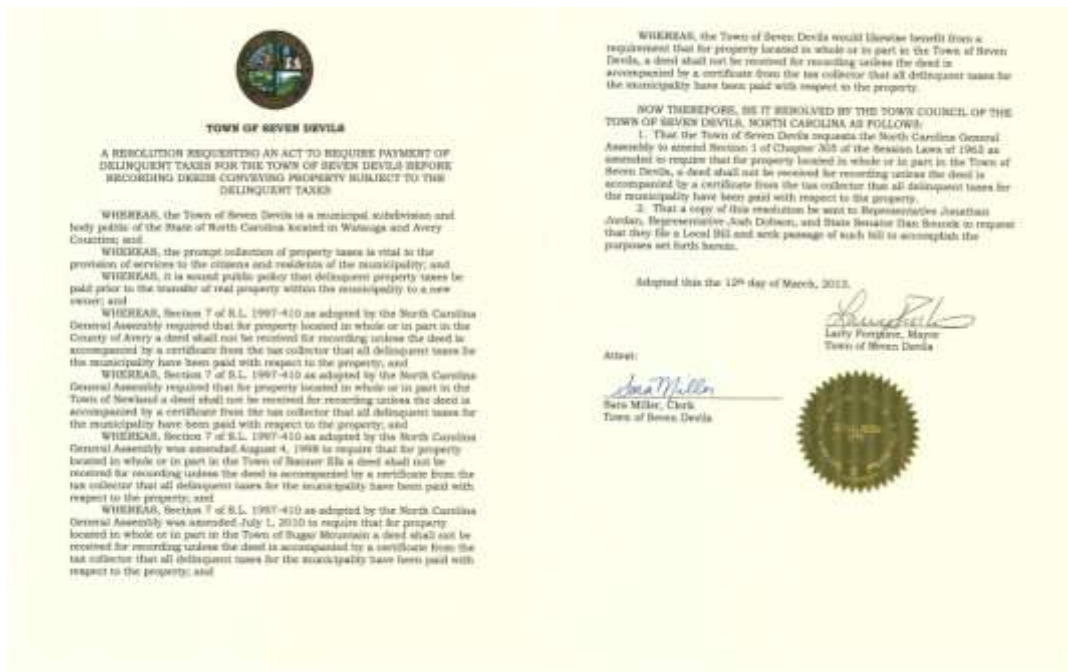


NEW BUSINESS

Cell Tower Discussion—After much discussion, the Council decided to schedule a Public Hearing for the next Town Council meeting, to discuss a proposed change to the UDO regarding conditional use of properties for cell and other communication towers. Member Hooper made a motion to schedule a Public Hearing. Member Ehmig seconded the motion. The members agreed unanimously. **~OPEN~**

Discussion—Request for legislation to prohibit recording of deeds in Seven Devils when taxes have not been paid—After discussion, the Council found that supporting this multiple municipality effort to be in the Town’s best interest. Town Hall will begin to use a Seven Devils Tax Certificate form, which can be signed and certified by any of the three administrative employees present at Town Hall. No additional action was taken. ~CLOSED~

Resolution—Certification of payment of delinquent taxes before recording deeds—The Council adopted the Resolution Requesting an Act to Require Payment of Delinquent Taxes for the Town of Seven Devils Before Recording Deeds Conveying Property Subject to the Delinquent Taxes, which lists support by Avery County, the Town of Newland, the Town of Banner Elk, and the Town of Sugar Mountain. Member Hooper made a motion to adopt the Resolution. Member Ehmig seconded the motion. The members agreed unanimously.



Manager Evans brought another Resolution to the attention of the Council, which listed signatures of all of the municipalities that wished to support this effort. He stated that he was not sure as of yet which Resolution should be used. Mayor Pro Tem Lambert made a motion to approve the Mayor signing either version of the Resolution. Member Hooper seconded the motion. The members agreed unanimously. ~CLOSED~

Discussion—mini-parks (road ROW; areas maintained by 7D)—After discussion, the Council agreed that Manager Evans should approach the property owners of land along Seven Devils Road that is desirable for use as potential mini-parks and seek a possible conveyance of the property to the Town or seek to enter into some formal agreement with the Town regarding maintenance (landscaping). Mayor Pro Tem made a motion to allow Manager Evans to proceed. Member Hooper seconded the motion. The members agreed unanimously. ~CLOSED~

COMMITTEE REPORTS

Planning Board—No meeting

Public Works—No Meeting

Public Safety Committee

Recreation—No Meeting
ABC Board
TDA—No Meeting

Public Safety Department

Police Report

Fire Report—Mayor Fontaine wanted to extend the thank-you that Fire Chief Bobby Powell did within his Fire report, to the volunteer fireman that responded to the house fire two weeks prior to the meeting. Thanks went to not only the Seven Devils Fire Department but also Foscoe, Newland, and Linville Fire Departments.

Financial Report

COUNCIL COMMENTS

Mayor Pro Tem Lambert commented that all residents need to remember, when they have an emergency, to please dial 911, and not to call Town Hall or the Police line. Manager Evans stated that the Town has a notice on the Town's website homepage stating this.

ADJOURN

Mayor Pro Tem Lambert made a motion to adjourn. Member Ehlinger seconded the motion. The members agreed unanimously. The meeting was adjourned at 7:00 PM.

Larry Fontaine, Mayor

Sara Miller, Town Clerk