

**TOWN OF SEVEN DEVILS**  
**TUESDAY, FEBRUARY 13, 2024**  
**PUBLIC HEARING – 5:00PM**  
**REGULAR COUNCIL MEETING – 5:30PM**

The Seven Devils Town Council met for a Public Hearing for UDO & Nuisance Ordinance edits on Tuesday, February 13, 2024 at 5:00pm and followed by a Regular Town Council meeting at Town Hall.

Attendance included: Mayor Larry Fontaine, Mayor Pro Tem Lambert, Council Members – Wayne Bonomo and Leigh Sasse.

*One (1) vacant seat on Town Council, effective January 26, 2024.*

Staff included: Town Manager Johnathan Harris, Zoning Administrator Eddie Barnes, Town Attorney Jonathan Green; the minutes were recorded by Town Clerk Hillary Gropp.

**INVOCATION**

Mayor Fontaine gave the Invocation for the Public Hearing and Town Council meeting, with words honoring recently deceased Town Council member Bob Bridges.

**PLEDGE OF ALLEGIANCE**

Council members and citizens recited the Pledge of Allegiance.

**CALL TO ORDER**

Mayor Fontaine called the Public Hearing to order at 5:03pm. Mayor Fontaine explained the purpose of the Public Hearing is to receive public comment for UDO & Nuisance Ordinance edits as recommended by the Planning Board. No other business will be presented or considered at this hearing. Mayor Fontaine outlined the following guidelines:

- Citizens who want to speak during the public comment must sign up.
- Speakers will be limited to three (3) minutes each. The clerk controls the timer.
- Speakers must make presentations from the podium.

**OPEN PUBLIC HEARING**

Mayor Fontaine asked for a motion to Open the Public Hearing. Member Bonomo made a motion to open the Public Hearing; Member Sasse seconded the motion. All members agreed.

**Presentation – Eddie Barnes, Zoning Administrator**

- On November 21, 2023 the Planning Board recommended text amendments to the UDO and the Nuisance Ordinance and forwarded it to the Town Council to set a public hearing.
- A public hearing was set for February 13, 2024 and legal notice was published in the Watauga Democrat on January 31, 2024.
- Unified Development Ordinance (UDO) Article 10, Section 2(b) construction time frame be changed from completion of exterior from 18 months to 24 months, Certificate of Occupancy be changed from 24 months to 30 months before penalties are imposed.
- Nuisance Ordinance – Article 10 – Fire Pits and Recreational Fires – a new provision numbered 10.2(1) requires all owners of non-gas firepits to submit an application to the Fire Chief or their designee showing compliance with the requirements of 10.2(2-11). Permits are free.
- Section 10.3 – add a \$500 fine for any outside fires during a state or town initiated Fire Ban.
- Article 6, Section 6.6 of the Nuisance Ordinance – increase the clean-up fee incurred by the town from \$100 to \$500.

**Public Comments - None**

**CLOSE PUBLIC HEARING**

Mayor Pro Tem Lambert made a motion to Close the Public Hearing; Member Bonomo seconded the motion. All members agreed.

**RECESS**

Mayor Pro Tem Lambert made a motion to Recess; Member Bonomo seconded. All members agreed. The Town Council recessed at 5:05pm.

**CALL TO ORDER- End Recess**

Mayor Pro Tem Lambert made a motion to End Recess and call the meeting to order at 5:30pm; Member Sasse seconded the motion. All members agreed.

**ADOPT AGENDA**

Member Bonomo made a motion to adopt the Agenda; Mayor Pro Tem Lambert seconded the motion. All members agreed.

**CONSENT AGENDA**

**Adopt minutes of Town Council meeting – January 11, 2024**

Member Bonomo made a motion to approve and adopt the minutes; Mayor Pro Tem Lambert seconded the motion. All members agreed.

**CITIZEN COMMENTS - None**

**OLD BUSINESS**

**A. Resolution #2024-02 – Water Shortage Response Plan**

Mayor Fontaine stated the Water Shortage Response Plan needs to be approved every five years. Member Sasse asked if the Town has ever had to follow the Water Shortage Response Plan. Mayor Fontaine replied, No.

Mayor Pro Tem Lambert made a motion to adopt Resolution #2024-02; Member Sasse seconded the motion. All members agreed. ~CLOSED~



**Town of Seven Devils, NC  
Resolution 2024-02  
Approval of Water Shortage Response Plan**

WHEREAS, North Carolina General Statute 143-355(l) requires that each local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the Town of Seven Devils, NC, has been developed and submitted to the Town Council of Seven Devils for approval; and

WHEREAS, the Town Council of Seven Devils finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355(l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Seven Devils, NC, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Seven Devils of the Town of Seven Devils, NC that the Water Shortage Response Plan entitled, Town of Seven Devils, North Carolina, dated June 26, 2023 is hereby approved, and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Town Council of Seven Devils intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 13<sup>th</sup> day of February, 2024.

  
Larry Fontaine, Mayor

ATTEST:  
  
Hillary Gropp, Town Clerk



R2024-02

**NEW BUSINESS**

**A. Approval of UDO & Nuisance Ordinance Amendments**

Mayor Pro Tem Lambert made a motion to approve the recommended amendments to the UDO and Nuisance Ordinance as presented during the public hearing; Member Sasse seconded the motion. All members agreed. ~CLOSED~

**B. FY24 Audit Engagement Letter/Contract – Misty Watson, CPA**

Discussion occurred with Town Attorney Green about review of this contract; Town Attorney Green confirmed that it is acceptable.

Mayor Pro Tem Lambert made a motion to approve the FY24 Audit Engagement Letter/Contract; Member Bonomo seconded the motion. All members agreed. ~CLOSED~

**C. Past Due Property Taxes 2023**

A list of Past Due Property Taxes for 2023 is provided by Finance Officer Sappington.

**D. Authorization Property Tax Lien – NC GS 105-369**

Member Bonomo made a motion to Authorize the Property Tax Lien process; Mayor Pro Tem Lambert seconded the motion. All members agreed. ~CLOSED~

**E. Town Council Vacant Seat**

Mayor Fontaine stated an appointment will be made to fill the vacant seat on the Town Council at a future meeting. The term will expire in December 2025. Citizens who are interested and meet the requirements will be considered. Citizens should follow up with Town Manager Harris for details.

**ADMINISTRATIVE UPDATE**

Town Manager Harris provided the administrative update:

- The Town is recognized again as a Tree City USA for 2023.
- All state & federal tax reporting has been completed and submitted.
- TR2 property tax state reporting has been completed.
- The 2<sup>nd</sup> reminder for unpaid property taxes has been mailed out.
- The electronic sign has been removed from the Community Center.
- Thank you to the Public Works department for their hard work with keeping the roads clear during the winter weather.
- Summer events are being booked and a rack card will be available soon.
- An extra police officer will be on duty during the weekends through February; sponsored by TDA.
- Subscribe to the Town’s website for text/email notifications.
- The Planning Board meeting will be held on February 20<sup>th</sup> at 5:30pm.
- TDA meeting is scheduled on February 27<sup>th</sup> at 9:00am.
- Town Hall will be closed on Monday, February 19<sup>th</sup> for Presidents Day.
- Voting locations for Primary elections on March 5<sup>th</sup> – Banner Elk Town Hall – Avery County & Foscoe Christian Church – Watauga County.
- Zoning Administrator Barnes reported updates – currently, 8 new construction, 2 pending permits for homes and several remodel jobs.
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**COMMITTEE REPORTS**

**Board of Adjustment** – Draft minutes

**Planning Board** – No meeting

**Public Works Committee** -No meeting

**Public Safety Committee** – No meeting

**Parks & Recreation Committee** – January minutes

**TDA** – January minutes

**ABC Board** – December minutes

**Tree Committee** – No meeting

**Police Report**

**Fire Report**

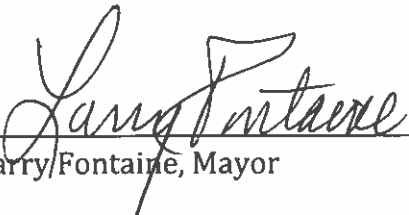
**Financial Report**

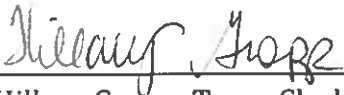
**COUNCIL COMMENTS**

Member Sasse thanked the Public Works staff & Fire Department for their hard work during recent winter weather and snowfall.

**ADJOURN**

Mayor Pro Tem Lambert made a motion to adjourn the meeting; Member Bonomo seconded the motion. All members agreed. The meeting was adjourned at 5:52pm.

  
Larry Fontaine, Mayor

  
Hillary Gropp, Town Clerk

