

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

**January 9, 2018**

The Seven Devils Town Council met in regular session on Tuesday, January 9, 2018, at Town Hall. Present were Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, Council Members Tina Bailey, Kay Ehlinger. Member David Ehmig and Town Attorney Rob Angle were absent. Also, present Town Manager Debbie Powers. The minutes were recorded by Hillary Gropp Town Clerk.

**CALL TO ORDER**

Mayor Fontaine called the meeting to order at 5:30PM.

**PLEDGE OF ALLEGIANCE**

Council members and citizens recited the Pledge of Allegiance

**ADOPT AGENDA**

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

**CONSENT AGENDA**

**ADOPT MINUTES OF TOWN COUNCIL ORGANIZATIONAL MEETING-December 12, 2017.**

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

**CITIZEN COMMENTS**

Kay Lambert, **430 Wildcat Rocks Rd.**, offered a sincere “Thank you” to the Public Works Department, Police Department, 1<sup>st</sup> Responders, and Staff during the recent snowstorm. Kay Lambert noted the SafetyFest will be held on Saturday, June 30, 2018 and volunteers will be needed.

**ADMINISTRATIVE UPDATE**

Manager Powers provided the following update:

The Town currently has a 93.3% Tax Collection Rate as reported by Helga Sappington, Finance Officer.

Town Hall will be closed on Monday, January 15, 2018 for Martin Luther King, Jr. holiday.

A Proposed Budget Calendar FY19 has been given for review to Town Council. Feedback is requested for any adjustments to dates and a final Budget Calendar FY19 will be presented at next Town Council meeting.

A visual demonstration of the NCDOT website [www.ncdot.gov](http://www.ncdot.gov) was given with the useful tools and methods of communicating road hazards/updates for citizens & travelers.

Speed Enforcement Evaluator reports with graphics have been provided by Police Chief Chuck Davis. The data on this report includes the number of cars within a specified period of time on designated roads.

Recently, routine maintenance and updates have been made to Town facilities such as the handicap ramp, plumbing repairs, well doors, gas fireplace inspection and carpets cleaned.

Town Manager Debbie Powers will attend a grant workshop in Asheville on January 11<sup>th</sup> for the Urban & Community Forestry Grants.

Town Clerk Hillary Gropp will attend UNC SOG New Clerks School in Durham on Jan. 17<sup>th</sup>.

Mayor Pro Tem Brad Lambert & Town Manager Debbie Powers will attend a grant planning meeting for the upcoming RTP & PARTF grant opportunities on January 17<sup>th</sup> at the Blue Ridge Conservancy office.

The Powell Bill is complete for 2017 and \$14,653 was received on December 29, 2017.

The final payment on the boom mower was made in January; thanks to TDA support of \$445/month.

Mrs. Hongisto, Grandfather Circle is very appreciative to the 1<sup>st</sup> Responders who assisted with help during a recent medical event.

The Town received an invoice of \$1,521.68 from Avery County Board of Elections for the November 7<sup>th</sup> Municipal Election.

Manager Powers provided an update on Tree Permits, Projects, Fence Permit, Complaints and Real Estate Closings.

### **OLD BUSINESS- NONE**

### **NEW BUSINESS**

#### **8) A. GUEST SPEAKER-GEORGE BRUDZINSKI-WATAUGA CO. VETERANS MEMORIAL**

George Brudzinski with the High Country Chapter of the Military Officer's Association gave a presentation for a Veterans Memorial in Watauga County. The project is currently underway and will honor 3500+ retired/former Military in Watauga County. Many donations have already been received, including in-kind donations, which include a 40' x40' piece of land for the location on King Street in the Town of Boone. Initially, the monetary goal for this endeavor was \$250,000, however because of the generosity of donors, a reduced new monetary goal is \$165,000; to date 79% has been reached. Fred Schmitt-Head of Construction spoke of the design elements and material being used for the sculpture. A design competition was held and the winning sculptor for the memorial is Suzie Hallier from Banner Elk, NC. The target date for a ceremonial grand opening is the July 4<sup>th</sup> holiday. Tonight's presentation is a request for monetary support from the Town and the details of this presentation will be provided to the TDA of Seven Devils for further discussion. ~CLOSED~

## 8) B. HAZARD MITIGATION PLAN

### (i) Plan Review

The Hazard Mitigation Plan is located on the Seven Devils website [www.sevendevils.net](http://www.sevendevils.net)  
It is a requirement by U.S. Department of Homeland Security - FEMA for the Town to have a Hazard Mitigation Plan. ~CLOSED~

### (ii) Resolution #2018-01



#### RESOLUTION

#2018-01

#### RESOLUTION OF ADOPTION TOWN OF SEVEN DEVILS HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within the Town of Seven Devils are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to natural hazards such as floods, landslides, winter storms, severe thunderstorms, and wildfires, and human caused hazards such as chemical releases and hazardous material spills; and

WHEREAS, the County desires to seek ways to mitigate the impact of identified hazard risks, and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 ---Senate Bill 300 effective July 1, 2001), states therein in Item (a) (2) "For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act"; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five-year cycle; and

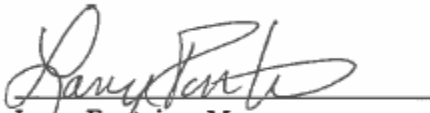
WHEREAS, the Town of Seven Devils has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Town Council of the Town of Seven Devils to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

NOW, therefore, be it resolved that the Town Council of the Town of Seven Devils hereby:

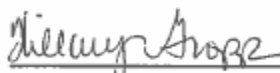
1. Adopts the High Country Regional Hazard Mitigation Plan; and
2. Vest the Emergency Manager of Watauga County, North Carolina with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action.
  - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints the Emergency Manager of Watauga County, North Carolina to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Town Council of the Town of Seven Devils for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted on this day, January 9, 2018 the Town Council of the Town of Seven Devils.

  
Larry Fontaine, Mayor



Certified by:

 on date of January 9, 2018.  
Hillary Gropp, Town Clerk

Member Ehlinger made a motion to approve Resolution #2018-01; Mayor Pro Tem Lambert seconded the motion; the members agreed unanimously. ~CLOSED~

## 8) C. BUDGET AMENDMENT #3 - FY18 - WATER METERS

### Budget Amendment #3 - FY18

Purpose: Purchase of 48 Water Meters from Core & Main (previously HD Supply) @ \$188 each - \$9,024.

In the CIP, in prior years, we have already set aside \$40,000 for water meters. In Budget Amendment #1 earlier this fiscal year, we pulled \$14,100 for 75 meters. The total pulled from our reserves for meters will now total \$23,124.

As Public Works reads meters each month, and investigates the meters that have zero readings, they are replacing the ones that have batteries that have failed. Battery life is approximately 10 years; many meters are 10 years or older.

From Capital Reserve...30-810-90.....\$9,024.

To Capital Outlay.....30-810-74.....\$9,024.

*Debbie Powers, Town Manager*

Mayor Pro Tem Lambert made a motion to approve Budget Amendment #3-FY18; Member Bailey seconded the motion; the members agreed unanimously. ~CLOSED~

## 8) D. NUISANCE ORDINANCE/ARTICLE 7/NUISANCE VEHICLES/7.2 AUTHORIZED REMOVAL OF NUISANCE VEHICLES/G.S. 160A-193

### Article 7 Nuisance Vehicles

#### 7.1 Definition

*Nuisance motor vehicle* or *nuisance vehicle* means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, or an attractive nuisance, and thus is unlawful. The term "Nuisance Vehicle" includes, but is not limited to, vehicles found to be:

8) One that is parked so as to prevent safe passage of any vehicle on the public road

#### 7.2 Authorized Removal of Nuisance Vehicle

Upon investigation, the Department of Public Safety or other authorizing official may determine and declare that a vehicle is a nuisance vehicle as defined above, and order the vehicle removed under the authority of G.S. 160A-175 and G.S. 160A-193.

### G.S. 160A-193 Abatement of public health nuisance

(a) A city shall have the authority to summarily remove, abate, or remedy everything in the city limits, or within one mile thereof, that is dangerous or prejudicial to the public health or public safety.

Due to recent winter weather, many vehicles were abandoned within the Town. After a joint meeting with the Public Safety Officers and Public Works department, it was discovered that the existing Ordinances do not address the fees for Non-Moving Vehicle Violations. ~CLOSED~

## 8) E. BUDGET AMENDMENT #4-FY18–NON-MOVING VEHICLE VIOLATION NOTICE FEE

### Budget Amendment #4 – FY18

**Purpose:** To add Non-Moving Vehicle Violation Notice fees to the Budget Ordinance FY18

**Background:** After discussion in a joint meeting with the Public Safety Officers and Public Works department, we discovered that the existing Ordinances do not address the fees for Non-Moving Vehicle Violations; this is to correct for this Budget Year FY18. In FY19, these fees will be included in the Budget Ordinance under “Other Fees”.

**Note:** Moving Violations are issued separately on a State Violation format, and fees are regulated by the State.

#### \$50.00 Violation:

- Blocking Intersection
- No Parking Area
- Parking in Travel Lane

#### \$250.00 Violation:

- Fire Hydrant
- Fire Lane
- Handicapped Zone
- Other \_\_\_\_\_

*Debbie Powers, Town Manager*

Mayor Pro Tem Lambert made a motion to approve Budget Amendment #4-FY18; Member Bailey seconded the motion; the members agreed unanimously. ~CLOSED~

### **COMMITTEE REPORTS**

**Board of Adjustment** – No Meeting

**Planning Board**—No Meeting

**Public Works**—No Meeting

**Public Safety Committee**—No Meeting

**Recreation Commission** - No Meeting

**TDA** – No Meeting

**ABC Board** – November Minutes

**Tree Committee** – No Meeting

#### **Public Safety Department**

##### **Police Report**

Mayor Fontaine inquired about the status of the used Police Vehicle; Manager Powers stated the exterior detailing is complete and the vehicle will be advertised for sale; the asking price is \$29,000.

##### **Fire Report**

Mayor Fontaine inquired about the circumstances of a recent alarm call; Fire Chief Powell met with the Watauga County Fire Marshall to discuss the details.

#### **Financial Report**

**COUNCIL COMMENTS**

Member Ehlinger stated Police Officer Harris has been very busy with the havoc caused by the recent winter weather conditions.

Mayor Fontaine noted the signage at the beginning of Seven Devils Road is confusing to vehicular traffic; the language on the two different signs is conflicting. The Town is to discuss a solution with Hawksnest.

**ADIOURN**

Member Ehlinger made a motion to adjourn. Member Bailey seconded the motion. The members agreed unanimously. The meeting adjourned at 6:35 PM.

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Larry Fontaine  
Mayor

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Hillary Gropp  
Town Clerk

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