

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

**February 13, 2012**

The Seven Devils Town Council met for regular session on Monday, February 13, 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 Town Attorney Rob Angle. The minutes were recorded by Beth Taylor, 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**

Mayor Fontaine suggested adding agenda item “J. *Resolution of appreciation for Kathy Copley*” under New Business.

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

**APPROVAL OF MINUTES OF REGULAR MEETING JANUARY 9, 2012**

Member Ehmig made a motion to approve the January 9, 2012 minutes. Member Hooper seconded the motion. The members agreed unanimously.

**CITIZEN COMMENTS**

Sarah Manning, 277 Four Diamond Drive, wanted to know when the Christmas lights were going to be taken down. Mayor Fontaine stated that they would be down at the end of February. *~CLOSED~*

**ADMINISTRATIVE UPDATE & CALENDAR**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

**Watauga County Hazard Mitigation Plan – Steve Suddereth**

Steve Suddereth gave a brief presentation explaining the Hazard Mitigation Plan and the fact it hasn't changed from the plan that was passed by the Council in 2005.

Member Ehlinger wanted to know if the plan also covered the Avery County side of Seven Devils, since the Town is split between the two counties. Mr. Suddereth assured her the Avery residents would be covered as well. *~CLOSED~*

**Resolution of Support for Hazard Mitigation Plan**

Member Hooper made a motion to adopt the Resolution of Support for the Watauga County Hazard Mitigation Plan. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. *~CLOSED~*

**RESOLUTION ADOPTING THE WATAUGA COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION ACTION PLAN**

WHEREAS, the citizens and property within the Town of Seven Devils are subject to the effects of natural hazards and pose threats to lives and cause damage to property, and with the knowledge and experience and certain areas, i.e., flood hazard areas, are particularly vulnerable to flood hazard events; and

WHEREAS, the Town 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 Watauga County Emergency Management Office and Seven Devils staff have performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated said plan as required under regulations of 44c 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 Town will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the Town:

WHEREAS, the Town of Seven Devils actively participated in the planning process of the Watauga County multi-jurisdictional plan and has fulfilled all the requirements pertaining to jurisdictions participating in a multi-jurisdictional planning as established by FEMA;

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

1. Adopts the Watauga County Mountain Hazard Mitigation Action Plan; and
2. Separately adopts the sections of the plan and are specific to the Town of Seven Devils;
3. Vests the Town Manager with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action;
  - (b) Develop an addendum or annex to the Watauga County Hazard Mitigation Action Plan as warranted by the unique situation of the Town;
  - (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain and other hazard areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and other hazard areas in order to prevent exacerbation of existing hazard impacts.
4. Appoints the Town Manager 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 of Seven Devils Town Council for consideration.
5. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan and the addendum and/or annex of the Town of Seven Devils to said Plan.

Adopted on this the 13<sup>th</sup> of Feb 2012

  
Larry Fontaine, Mayor

 ATTEST:   
Beth Taylor, Town Clerk

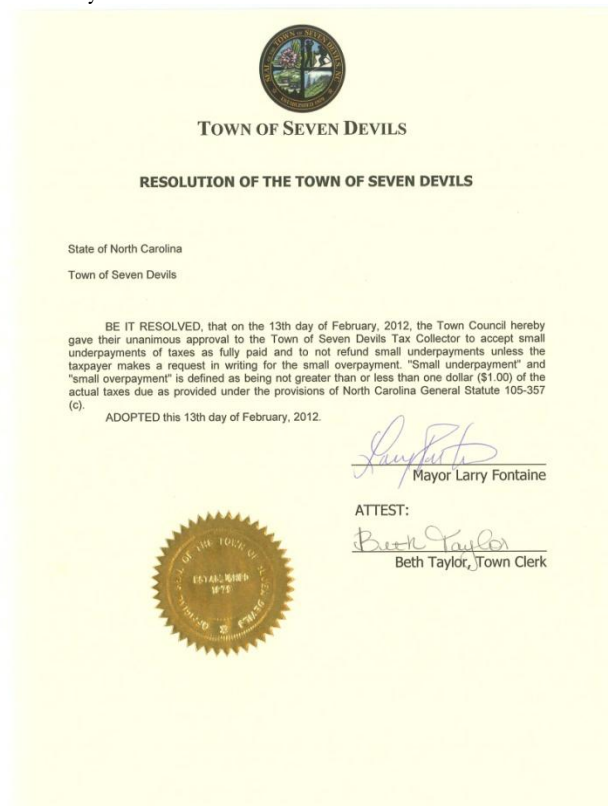
**Decision regarding Unpaid Property Taxes**

Manager Evans explained that the Finance Office was seeking approval from the Council to send out an additional bill/letter to those citizens with unpaid property taxes, letting them know it is past due and if it is not paid their names will be listed in the newspaper.

Mayor Pro Tem Lambert made a motion to approve the request. Member Hooper seconded the motion. The members agreed unanimously. **~CLOSED~**

**Resolution Regarding Small Tax Under/Overpayments NCGS 105-357**

Member Hooper made a motion to approve the Resolution Regarding Small Tax Under/Overpayments NCGS 105-357. Member Ehlinger seconded the motion. The members agreed unanimously. **~CLOSED~**



**Public Safety Committee requests:**

***Include Emergency Shelter funding in FY 2012-13 Budget***

Manager Evans stated that the Public Safety Committee would like the Council to approve \$500 in the FY 2012-2013 Budget to provide funding for the Emergency Shelter here in Seven Devils.

Member Ehlinger made a motion to approve the Public Safety Committee request of \$500 to be added to the budget for the emergency shelter. Member Hooper seconded the motion. The members agreed unanimously. **~CLOSED~**

***Review Street Light Inventory – Possible action***

Manager Evans explained that there are several street lights that have been identified as being more of a benefit to the individual homeowner than it is to the Town. He continued by stating that the Public Safety Committee would like to send a letter to those residents to let them know the Town will no longer be paying for those lights and if they wish to continue to have the light they can have it put in their name and pay the bill.

Member Ehmig made a motion to accept the Public Safety Committees recommendation to remove lights not needed or not on Town property and to keep the lights that are needed. Member Hooper seconded the motion. The members agreed unanimously. **~CLOSED~**

**Resolution to create Public Works Committee and terms**

Member Hooper made a motion to adopt the Resolution to create Public Works Committee and terms. Member Ehlinger seconded the motion. It was agreed unanimously. **~CLOSED~**

**Request from Lakes Community – Dedication of roads**

After much discussion on this topic it was agreed the best place to send this request is to the Public Works Committee.

Member Ehlinger made a motion to pass the request from the Lakes Community to the Public Works Committee. Member Hooper seconded the motion. The members agreed unanimously. **~CLOSED~**

**Policy on water accounts – Foreclosure and bankruptcy**

Mayor Pro Tem Lambert made a motion to approve the suggested policy change as a resolution on water accounts that are foreclosure and bankruptcy. Member Ehmig seconded the motion. The members agreed unanimously. **~CLOSED~**

**Proposed Budget Calendar**

Mayor Pro Tem Lambert made a motion to approve the proposed budget calendar. Member Ehmig seconded the motion. The members agreed unanimously. **~CLOSED~**

**Resolution of appreciation for Kathy Copley**

Mayor Fontaine stated that Ms. Copley has requested that the resolution not be signed by the Council members. She also wanted a statement to be included in the resolution. After some discussion the Council agreed to include the statement, but insist that all resolution be signed by the Council members. Mayor Fontaine said he would pass the information on to Ms. Copley to see if she will accept the resolution.

Mayor Pro Tem Lambert made a motion to approve the Resolution of appreciation for Kathy Copley. Member Ehmig seconded the motion. The members agreed unanimously. **~CLOSED~**



**COMMITTEE REPORTS**

**Planning Board** – Member Hooper wanted to point out that after reading the Planning Board minutes and checking the Zoning Ordinance (in regards to changing the meeting schedule) he found a meeting schedule is located in Article 2.2.5 of the Ordinance. The only way the Planning Board can change their schedule is to either make a request to the Council to change the Zoning Ordinance or to informally agree to cancel meetings when nothing new is to be discussed.

**Public Works**

**Public Safety Committee** – Kay Lambert, 430 Wildcat Rocks Road, wanted to let everyone know that SafetyFest will take place this year on June 30<sup>th</sup>.

**Recreation Commission**

**ABC Board**

**TDA– No meeting**

**Public Safety Department**

**Police Report**

**Fire Report**

**Financial Report**

**COUNCIL COMMENTS**

**COG Report – Mayor Fontaine**

Mayor Fontaine wanted to point out that there was an article of ‘Old Business’ regarding the request made by Leigh Sasse to find a way to deal with bears getting in her neighbors trash. He stated that the issue was resolved and the item is now “closed”.

Mayor Fontaine stated that Member Hooper has agreed to take Richard DeMott’s place on the RTAC (Rural Transportation Advisory Committee) committee.

**ADJOURN**

Member Ehlinger made a motion to adjourn. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. The meeting was adjourned at 6:53 pm.

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Larry Fontaine, Mayor

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Beth Taylor, Town Clerk