

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

March 11, 2014

The Seven Devils Town Council met in regular session on Tuesday, March 11, 2014, at Town Hall. Present were Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, Council Members Kay Ehlinger and David Ehmig. Member David Hooper was absent. Also present were Town Attorney Rob Angle and Town Manager Ed Evans. The minutes were recorded by Sara Miller, Town Clerk.

CALL TO ORDER

Mayor Fontaine called the meeting to order at 5:30 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 Ehmig seconded the motion. The members agreed unanimously.

CONSENT AGENDA – MOTION FOR CONSIDERATION

Adopt Minutes of Regular Town Council Meeting—February 11, 2014

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

PUBLIC HEARING—UNIFIED DEVELOPMENT ORDINANCE CHANGES

Mayor Pro Tem Lambert made a motion to open the Public Hearing regarding the Unified Development Ordinance changes. Member Ehmig seconded the motion. The members agreed unanimously.

There were no citizen comments or questions.

Mayor Pro Tem Lambert made a motion to close the Public Hearing regarding the Unified Development Ordinance changes. Member Ehlinger seconded the motion. The members agreed unanimously.

CITIZEN COMMENTS

Kay Lambert, 430 Wildcat Rocks, again announced that SafetyFest would be on Saturday, July 5, 2014. They still need more volunteers, and she planned to post a sign-up sheet at Town Hall soon.

Anne Fontaine, 127 West Rocky Top, stated that the 2nd Annual Seven Devils Walking Challenge set a new goal of 6,500 miles to walk. More information would be available closer to the start of the Challenge.

ADMINISTRATIVE UPDATE & CALENDAR—Town Manager Evans stated that the ABC

Board would meet on March 13, at 4:00PM. Manager Evans then gave an Otter Falls update to the Council and citizens. He stated that he and Tim Johnson, Regional Trails Specialist from NCDENR hiked the property on February 27 and had a preliminary trail plan. A piece of land contiguous to the Otter Falls property would greatly benefit the trail making process, and Manager Evans stated that he was attempting to contact the owner to obtain this property. There were past due property taxes on the land, and Manager Evans stated that a possible idea would be for the Town to forgive those in exchange. Attorney Angle stated that he had been attempting to reach the owner as well. Mayor Pro Tem Lambert suggested that the Council preapprove the forgiveness of those taxes, if the property owner were willing to move ahead with deeding the land to the Town, as to not miss out on the opportunity. He then made a motion for this preapproval, and Member Ehmig seconded the motion. The members agreed unanimously.

OLD BUSINESS

ALTERNATIVE ENERGY ORDINANCE—Mayor Fontaine called attention to the section titled Accessory Wind Energy Conversion Systems, Utility Scale, Section e, asking if in the second to last sentence it should say "...any installed solar system.", or if it solar should be replaced with the word "wind". Manager Evans agreed that it should be changed to "wind". Mayor Pro Tem Lambert made a motion to adopt the Alternative Energy Resources Ordinance as amended. Member Ehlinger seconded the motion. The members agreed unanimously. **~CLOSED~**

BOARD OF ADJUSTMENT STRUCTURE— Member Ehmig made a motion for the structure of the Board of Adjustment to be changed to 5 voting members and 2 alternate members, from 7 voting members and 2 alternate members. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. **~CLOSED~**

UDO CHANGES—Manager Evans stated that most of the changes to the UDO were changes straight from the legislature. He also stated that he had talked with Member Hooper about his concerns and changes and those were incorporated into the UDO. Mayor Pro Tem Lambert stated that he had a few questions. The first of which was on page II-4, Section 2.03, (b) Tenure: the statement "...first meeting of the new year." did not specify if it was a fiscal or calendar year. Manager Evans stated that it should be calendar, and that he would insert that into the sentence.

Mayor Pro Tem Lambert then called the Council's attention to Page II-6, Section 2.03, (g) Voting. He stated that the first sentence of Section (g) could be interpreted several ways, because of the use of the word "membership". After discussion, the Council agreed to change the first sentence to read "...The concurring vote of four-fifths (4/5) of the membership (5 members) of the Board of Adjustment shall be necessary to grant a variance (a minimum of 4 voting members is required to take any action)." Mayor Pro Tem Lambert made a motion to approve this change. Member Ehlinger seconded the motion. The members agreed unanimously.

Mayor Pro Tem Lambert stated that in Section 2.03, (i) Oaths, the first sentences states "...and the clerk to the board." yet there is no separate clerk to the board. Perhaps to make this less ambiguous, it should read "Town Clerk", considering the Town Clerk was the clerk to the board. Manager Evans stated that he would add "Town Clerk" making the statement read "...and the clerk(Town Clerk) to the board are authorized."

Mayor Fontaine made a motion to approve the Unified Development Ordinance changes as amended. Member Ehlinger seconded the motion. The members agreed unanimously. **~CLOSED~**

POSSIBLE TOWN COUNCIL RETREAT DATES—After brief discussion, the Council agreed upon Monday, April 7, 2014 for their Council Retreat date. No action was taken. **~CLOSED~**

NEW BUSINESS

PROPOSED CHANGES TO RULES OF PROCEDURE—Mayor Fontaine stated that the same language as approved above in the Unified Development Ordinance regarding the 4/5 vote of the BOA be included within the Rules of Procedure changes. Manager Evans stated that he would make sure they were the same. Mayor Pro Tem Lambert made a motion to approve the amended changes to the Rules of Procedure. Member Ehlinger seconded the motion. The members agreed unanimously. **~CLOSED~**

PROPOSED BUDGET CALENDAR—After brief discussion, the Council changed the Town Council Budget Workshop on April 10, 2014 to April 9, 2014, and the Town Council Budget Workshop on April 16, to April 24, 2014. Member Ehmig made a motion to approve the proposed Budget calendar as amended. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. **~CLOSED~**

COMMITTEE REPORTS

- Planning Board—No meeting**
- Public Works—No meeting**
- Public Safety Committee**
- Recreation—No meeting**

TDA

ABC Board—Mayor Fontaine called upon Lois Dodson, ABC representative for comments regarding the meeting held with the three municipalities regarding changes to the enforcement of ABC regulations the previous week. The State has stated that it plans to withdraw those officers in charge of this enforcement. The meeting was to collect ideas regarding these changes from the Mayors, Managers, and Police Chiefs.

- Public Safety Department**
 - Police Report**
 - Fire Report**
- Financial Report**

COUNCIL COMMENTS- NONE

RECESS

Member Ehlinger made a motion to recess until the Town Council Retreat on April 7, 2014. Member Ehmig seconded the motion. The members agreed unanimously. The meeting was recessed at 7:04 PM.

Larry Fontaine, Mayor

Sara Miller, Town Clerk