

TOWN OF SEVEN DEVILS
TUESDAY, SEPTEMBER 12, 2023
REGULAR COUNCIL MEETING
5:30pm

The Seven Devils Town Council met for a regular meeting on Tuesday, September 12, 2023 at Town Hall. Attendance included: Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, and Council Members – Wayne Bonomo, Leigh Sasse and Jeffrey Williams. Staff included: Town Manager Johnathan Harris, Town Attorney Rob Angle; the minutes were recorded by Town Clerk Hillary Gropp.

INVOCATION

Mayor Fontaine gave the Invocation for the Town Council meeting.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

CALL TO ORDER

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

AMEND AGENDA

Mayor Pro Tem Lambert made a motion to amend the agenda and remove New Business Item A. FY23 Town Audit Presentation; Member Bonomo seconded the motion. All members agreed.

ADOPT MINUTES

Public Hearing & Town Council Meeting Minutes of August 8, 2023 - Member Sasse made a motion to approve and adopt the minutes; Mayor Pro Tem Lambert seconded the motion. All members agreed.

CITIZENS COMMENTS

Fred Dorman – 195 Black Hawk Drive- asked to delay his comments to the Town Council until later in the meeting at New Business, Agenda Item, D., Paving – Lillian Drive; Town Council agreed to delay.

Mary Ballinger – 526 Buckeye Lane- read a letter from **Citizen Ware – 202 Cliffside Lane** about unreasonably high water rates, no advance notification, and the effect on full-time owners. Ballinger continued on with Citizens Comments, thanking staff for help in understanding consumption at their location. Ballinger protests the new rate increase and requests the Town Council amend the FY Budget with reduction of rates and CIP. Mayor Fontaine replied with details of gallons being pumped increasing from 9 million in 2018 to 14 million currently. The increase rates provide the revenue funding needed to treat the water, as well as other expenses. Member Bonomo also stated the increase will affect some owners with locations being used as short term vacation rentals. The increase rate for CIP will help plan for future needs and make repairs on the aging waterlines. Recently there have been three (3) water line breaks and repairs in the Town.

Ginger Asbill – 846 Alpine Drive – asked about the recent Town Hall meeting, and budget meetings being viewed online by citizens.

Town Manager Harris replied that the recent Town Hall meeting was not an official Town meeting, but rather citizen organized for informational purposes with Council Member Sasse and staff including the Fire Chief and Town Manager. The new website and boardroom set up will allow citizens to view meetings live or recordings.

Member Bonomo also stated the Town Hall meeting was not a Town Council meeting.

Rosalyn Thorpe – Woodwinds Circle – spoke about the natural and serene beauty of the Town, low traffic and the infrastructure cannot hold more traffic. She is not in favor of rezoning or the Alpine coaster and asked citizens to raise their hands if they too were opposed.

Town Manager Harris replied, the decision of the Alpine coaster was by the Board of Adjustment, not the Town Council.

Town Manager Harris reported the update of the rezoning request is on tonight's agenda.

Margaret Clark – 199 Hawkspeak Lane – commented that towns and communities lose their charm with each rezoning or variance request, one at a time.

Jean Harrison – Woodwinds Court – Asked that even though the rezoning request has been withdrawn, can rezoning be applied for again? Mayor Fontaine replied that he does not think the Applicant will want to apply or go through process again.

Mayor Fontaine thanked the Planning Board, staff, and citizens for the many hours on the rezoning request. Mayor Fontaine acknowledged the rezoning request has been a divisive issue for the community and citizens.

Mayor Fontaine shared the many ways the citizens have contributed to the betterment of the Town, including Otter Falls and donations, the New Town Hall purchase, the remodeling of the Community Center, input on surveys for recreation goals and the PARTF grant, the walking trails, music events and The Park at Seven Devils improvements.

Mayor Fontaine wants the community to be unified again, but also stated it is wrong for citizens to slander any Town Council member as has occurred in recent months.

John Wells – 457 Skiview Road – Asked if the Applicant has withdrawn the request for the Alpine coaster, as well as the status of the lawsuit? Wells inquired if the Town is using the same legal counsel as the Applicant?

Town Manager Harris reported the Town has separate legal counsel for the Alpine coaster lawsuit.

OLD BUSINESS

A. Rezoning Request – Lenny Cottom – 2058 Skyland Drive – Update

- 17.32 acres HDR to LDR – Revised Application, dated 05/15/2023
- 17.32 acres RB to HDR – Revised Application, dated 05/15/2023

Mayor Fontaine provided an update; the Applicant has withdrawn the rezoning requests. ~CLOSED~

NEW BUSINESS

B. Capital Project Budget Ordinance – Chestnut Ridge Waterline Replacement



TOWN OF SEVEN DEVILS
CHESTNUT RIDGE TRAIL WATERLINE REPLACEMENT
SRP-D-ARP-0012

Capital Project Budget Ordinance

BE IT ORDAINED by the Town Council of the Town of Seven Devils, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of the **Chestnut Ridge Trail Waterline Replacement (SRP-D-ARP-0012)**, to be financed by a State Fiscal Recovery Fund (ARP) grant.

Section 2. The officers of the Town of Seven Devils are hereby directed to proceed with the capital project within the terms of the grant documents, and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Account Description	Account Code	Amount
Planning and Design		\$ 35,000
Legal, Testing, Advertising		1,250
Construction		709,800
Contingency (5% of Construction)		34,590
Total		\$781,540

Section 4. The following revenues are anticipated to be available to complete this project:

Revenue Description	Account Code	Amount
NCDEQ – State Fiscal Recovery Fund (ARP Grant)		\$700,000
Utility Fund (Cash)		81,540
Total		\$781,540

CRT H2O Capital Project Budget Ordinance

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Section 5. The Finance Officer is hereby directed to maintain within the Capital Project fund sufficient specific detailed accounting records to satisfy the requirements of the grant agency.

Section 6. Funds may be advanced from the Utility Fund for the purpose of making payments as due. Reimbursement requests should be made to the grant agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

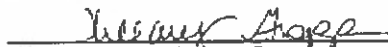
Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to the Town Council.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 12th day of September, 2023 at Seven Devils, North Carolina.


Larry Fontaine, Mayor

ATTEST:


Hillary Gropp, Town Clerk



Mayor Pro Tem Lambert made a motion to approve and adopt the Capital Project Budget Ordinance; Member Bonomo seconded the motion. All members agreed. ~CLOSED~

C. Art in The Park at Seven Devils – Bob Bridges, Chairperson of Parks & Rec Committee

Bob Bridges gave a presentation to the Town Council of an opportunity being offered by a local artist to display a weatherproof mosaic art piece, approximately 4.5 ft. in height, depicting the 4 seasons of the region to be displayed in The Park of Seven Devils as visual enjoyment to visitors. This offer comes at no cost or risk to the Town of Seven Devils or TDA for a duration of 1 year. At the conclusion of 1 year, it can be returned to the artist, or kept as a donation by the artist. The Parks & Recreation Committee have endorsed this offer, time being of the essence, as the offer is now, or forfeited, and the location for the display will be decided upon if the offer is accepted. Chair Bridges asks the Town Council to consider this opportunity and to direct Johnathan Harris, Town Manager, to move forward with a Memorandum of Understanding regarding this donation.

Member Bonomo made a motion to approve the donation of art for The Park at Seven Devils; Member Sasse seconded the motion. All members agreed. ~CLOSED~

D. Discussion – Paving – Lillian Drive

Citizen Fred Dorman has lived at 195 Black Hawk Drive for 1-2 years, this is a gravel road, and Dorman acknowledged it is a private road. Dorman requests the Town consider paving and road maintenance on Lillian Drive, and other Blair Mountain roads.

As provided in the agenda packet, Public Works Director Aldridge received a quote from Moretz Paving of \$14,400.00 for paving the entrance easement portion only, as accessed by the Town in case of an emergency.

Dorman stated he didn't realize paving costs would be this significant.

Dorman stated the roads are located within the Town limits and it would not require a large expense or time, suggesting the Town purchase a Kubota tractor and box blade. As a taxpayer, he stated this is reasonable, or suggested his tax bill should be reduced.

Mayor Fontaine replied it is the policy of the Town to not pave or maintain private roads. Mayor Fontaine explained the process of meeting standards of width, paving and dedicating a private road to the Town. This process involves the oversight of the Town Engineer prior to any obligation or subsequent maintenance by the Town.

Mayor Fontaine cited examples of roads dedicated to the Town in the Woodwinds Community and The Lakes Community.

Mayor Fontaine stated the FY Budget funding is limited to the maintenance of existing Town roads. Mayor Fontaine asked Town Attorney Angle, "Is it a conflict for the Town to use public funds on private roads?" Attorney Angle replied that it would be a Town Council decision to enter into a Private Road Maintenance Agreement.

Member Sasse stated without a Private Road Maintenance Agreement, a private road is the owner's responsibility, not the Town's responsibility. Member Williams agreed, responsibility is on the owner. Mayor Pro Tem Lambert agreed, and stated if the Town does break policy of paving or maintenance on these roads, "once started, when does it end?"

Member Bonomo asked for clarification about the roads in Woodwinds Community, to confirm they were private roads and brought up to Town standards, and now Town roads. Mayor Fontaine replied, "yes".
~NO ACTION TAKEN~ ~CLOSED~

E. Proclamation – Constitution Week

Mayor Fontaine read the following Proclamation recognizing September 17th-23rd as Constitution Week.



ADMINISTRATIVE UPDATE

Town Manager Harris provided the administrative update:

- Town Council members send RSVP to HCCOG Banquet to Town Clerk by September 18th.
- The estimated launch date of the new Town website is October 2nd.
- Boardroom furniture is scheduled for delivery on September 15th.
- Staff met with citizens to discuss emergency exit strategies.
- The deadline for Town debris pick up is October 1st; pick up will occur the following week.

- Board & Committee applications are being accepted for new terms.
- Parks & Recreation meeting on September 14th @ 9:00am
- TDA meeting – September 26th at 9:00am
- Town Clerk let citizens know about NCCash.com for unclaimed money at NC State Treasurer.

COMMITTEE REPORTS

- Board of Adjustment** – No meeting
- Planning Board** – No meeting
- Public Works Committee** – No meeting
- Public Safety Committee** – September minutes
- Parks & Recreation Committee** – No meeting
- TDA** – August minutes
- ABC Board** – July & August minutes
- Tree Committee** – No meeting
- Police Report**
- Fire Report**
- Financial Report**

COUNCIL COMMENTS

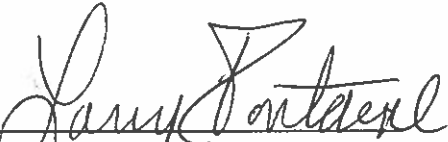
Council Member Sasse thanked Town Manager Harris and Fire Chief Millsaps for their time and knowledge at the Town Hall meeting for citizens. The topics included an emergency action plan and alert systems at the county levels. Suggestions include a registration page for short term rentals and fire pit inspections as a precaution.

Council Member Sasse would like the new Town website to offer a feature for Citizens Concerns to be submitted.

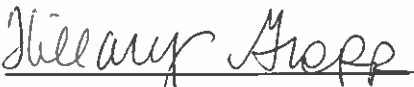
Council Member Sasse quoted a citizen statement that is opposed to the rezoning requests, that “more parking at Otter Falls equals more people”.

ADJOURN

Mayor Pro Tem Lambert made a motion to adjourn; Member Sasse seconded the motion. All members agreed. The meeting was adjourned at 6:40pm.



Larry Fontaine, Mayor



Hillary Gropp, Town Clerk

