

**TOWN OF SEVEN DEVILS
PUBLIC HEARING & TOWN COUNCIL MEETING**

July 11, 2017

The Seven Devils Town Council met for a Public Hearing for the Blue Ridge Conservancy Annexation on Tuesday, July 11, 2017, at 5:00PM and in a Regular Meeting at 5:30PM at Town Hall. Present at the Public Hearing were Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert and Council Members Kay Ehlinger, David Ehmig and David Hooper. Manager Debbie Powers was present; Town Attorney Rob Angle joined at the Regular Meeting; the minutes were recorded by Hillary Gropp, Town Clerk.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

CALL TO ORDER

Mayor Fontaine explained the rules of a Public Hearing and then asked for a motion to open the Public Hearing.

Member Hooper called to open the Public Hearing at 5:02PM. Member Ehmig seconded the motion. The members agreed unanimously.

PUBLIC HEARING – BLUE RIDGE CONSERVANCY ANNEXATION

Manager Powers explained this is a voluntary annexation requesting 2 parcels to be annexed into the Town of Seven Devils. A map served as a visual to display the parcels.

Eric Heigl – Interim Executive Director for the Blue Ridge Conservancy gave a brief history and mission of the BRC. BRC is a private non-profit land conservation organization covering 7 NW North Carolina counties. The BRC owns parcels to accommodate the extension of hiking trails within Town limits. BRC are private land owners that follow zoning laws, rules & regulations within a community.

Additionally, Eric Heigl invites the residents of Seven Devils to a Meet & Greet party being hosted by the BRC on Tuesday, July 25, 2017 at 5:00pm at Hawksnest.

PUBLIC COMMENTS

Kenneth Meyer – 225 Isle of Skye, Banner Elk, NC – Adjacent property owner; Mr. Meyer has reviewed the BRC website and the plans for the trails. His concern is how close the trail will be to his property? Mr. Meyer's property runs to the ridge and he does not want the trail to run along his property. Eric Heigl reports the boundary and property lines are now marked and the trail will not affect his property.

Mr. Meyer inquired about trash disposal for the hikers, as he is concerned about trash/litter on his property.

Mayor Fontaine reports that to date we have not had issues with the Otter Falls trail and litter, therefore, we do not anticipate problems with the hikers on these new trails.

Mr. Meyer asked what the procedure will be about marking the boundary of the property? His concern is hikers crossing his boundary and subsequent liability to him.

Mayor Fontaine states the trail will have markers/signage posted for hikers to stay on the trail. The trail will be classified as moderate to strenuous. A certified trail builder will be utilized and the trail will be noticeable, along with accessibility for 1st responders.

The following individuals did not sign up to speak but was recognized by the Town Council and given the opportunity to speak and ask questions.

Cathy Campbell- 121 Woodwinds Lane- What will happen to the house and road that are located on the Parcel?

About 2 acres have been surveyed and sub-divided from parcel and will be available for sale, as the BRC is not interested in retaining ownership of the house.

Mayor Fontaine commented that by keeping the parcel within the town limits, this property will fall under the jurisdiction of the Town of Seven Devils, NC.

Mark White – 220 Woodwinds Lane – Asked if the trails are featured on the Blue Ridge Conservancy website? Do these trails already exist?

Eric Heigl states the BRC website features an architectural rendering of the proposed trails for the purposes of the RTP grant submittal.

Manager Powers advised a map of the proposed trails is available at Town Hall.

Mayor Fontaine states there are not any proposed trails that will run behind the Woodwinds neighborhood.

CLOSE PUBLIC HEARING

With no further questions or comments, Member Hooper made a motion to close the Public Hearing. Member Ehlinger seconded the motion. The members agreed unanimously.

RECESS

Member Hooper made a motion to recess. Member Ehlinger seconded the motion. The members agreed unanimously. Council went into recess at 5:20PM.

CALL TO ORDER FROM RECESS – 5:30PM

Member Hooper made a motion to come out of recess. Member Ehmig seconded the motion. The members agreed unanimously.

ADOPT AGENDA

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

CONSENT AGENDA

ADOPT MINUTES OF TOWN COUNCIL MEETING – June 13, 2017

Member Ehlinger made a motion to adopt the Consent Agenda. Member Ehmig seconded the motion. The members agreed unanimously.

CITIZENS COMMENTS

Sarah Manning – **277 Four Diamond Drive**; recommends having recycling bins at future SafetyFests.

Kay Lambert – **430 Wildcat Rocks Road**; On behalf of the PBSO and Public Safety committee, thank you is given to all who volunteered/donated/participated in SafetyFest 2017; Proceeds will benefit police, fire and public works departments for safety equipment; A volunteer appreciation luncheon will be on Tuesday, July 18th.

Mayor Fontaine commented on the success of the day.

ADMINISTRATIVE UPDATE

Manager Powers provided the following update:

A successful SafetyFest was held on July 1, 2017 with special thank you to volunteers.

TDA sponsored Music on the Lawn featuring the Johnson Brothers on June 23, 2017.

Blue Ridge Conservancy will host a “Meet & Greet” on Tuesday, July 25th and invitations were mailed in the utility billing.

Finance Officer Helga Sappington attended a fraud workshop sponsored by BB&T bank on June 6, 2017.

On June 19, 2017, PARTF representative Judy Francis visited Otter Falls-Phase II for a final walk through. She viewed the construction on new trails, benches, railings, signage

and paving of the parking lot. After her visit, the PARTF reimbursement form was submitted.

Nominations for HC COG Elected Official and Manager of the Year are due by Wednesday, July 12, 2017. The annual dinner will be held on Friday, September 8th.

The “Bark for your Park” dog park grant is completed and submitted on June 27, 2017.

Manager Powers will attend the UNC SOG – Chapel Hill for an Economic Development course during July 24-28, 2017. This is a scholarship course compliments of Avery County. Course fees and hotel are provided at no charge.

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

OLD BUSINESS – NONE

NEW BUSINESS

12) A. BLUE RIDGE CONSERVANCY ANNEXATION

(ii) Ordinance – Annexation 2017-01

ORDINANCE BLUE RIDGE CONSERVANCY ANNEXATION 2017-01

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SEVEN DEVILS, NORTH CAROLINA

WHEREAS, the Town Council of Seven Devils, North Carolina has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Council of Seven Devils, North Carolina has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall at 5:00pm on Tuesday, July 11, 2017, after due notice by publication on Wednesday, June 28, 2017 in the Watauga Democrat newspaper; and

WHEREAS, the Town Council of Seven Devils, North Carolina finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Seven Devils, North Carolina that:

Section 1. By virtue of the authority granted b G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Seven Devils, North Carolina as of Tuesday, July 11, 2017:

DESCRIPTION OF ANNEXATION PROPERTIES

Parcel #1878-14-3193-000 – (18.76 acres) – deeded on September 22, 2016 from Grantors, Kristopher and Teresa Penland, to Grantee, Blue Ridge Conservancy, a North Carolina non-profit corporation, recorded at the Watauga County Register of Deeds, Book 1881, Page 181.

Parcel #1868-82-6529-000 – (25.9 acres) – deeded on March 15, 2016 from Grantors, BH Land Acquisition, LLC to Grantee Blue Ridge Conservancy, recorded at the Watauga County Register of Deeds, Book 1853, Page 110.

Section 2. Upon and after Tuesday, July 11, 2017, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Seven Devils, North Carolina and shall be entitled to the

same privileges and benefits as other parts of the Town of Seven Devils, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Seven Devils, North Carolina shall cause to be recorded in the office of the Register of Deeds of Watauga County, North Carolina, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Watauga County Board of Elections, as required by G.S. 163-288.1.

Larry Fontaine, Mayor

ATTEST:

APPROVED AS TO FORM:

Hillary Gropp, Town Clerk

Rob Angle, Town Attorney

Town Clerk Hillary Gropp read the above Ordinance- Blue Ridge Annexation 2017-01; A typo was noted in the ordinance supplied in the provided agenda packet to the Town Council and is corrected in the above version. ~**CLOSED**~

(iii) Consistency Statement

CONSISTENCY STATEMENT

This Ordinance – Blue Ridge Conservancy Annexation 2017-01 has been reviewed by this Town Council to insure consistency with planning documents already adopted by this Board, such as The Comprehensive Land Use Plan, dated November 9, 2009 and the Parks and Recreation Ordinance, dated September 13, 2016, and is consistent with the policies and goals of this Board.

It has been determined that this ordinance is reasonable, and in the best public interest.

Larry Fontaine, Mayor

ATTEST:

Hillary Gropp, Town Clerk

Mayor Fontaine read the above Consistency Statement as part of the annexation procedure.

Member Ehmig made a motion to approve the Ordinance – Annexation 2017-01 and Consistency Statement; Member Hooper seconded the motion; the members agreed unanimously. ~**CLOSED**~

12) B. BRUNCH BILL

(ii) Ordinance 2017-02

**"BRUNCH BILL"
ORDINANCE 2017-02**

**TOWN OF SEVEN DEVILS
NORTH CAROLINA**

ADOPTED

JULY 11, 2017

Article 1.

An ordinance to authorize the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00AM on Sundays.

WHEREAS, N.C. G.S. 160A-205.3 authorizes the cities to adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00AM on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001; and

WHEREAS, this ordinance shall become effective upon adoption;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVEN DEVILS, NORTH CAROLINA;

The sale of malt beverages, unfortified wine, fortified wine, and mixed beverages shall be allowed within the corporate limits of the Town of Seven Devils, North Carolina on Sundays beginning at 10:00 AM pursuant to the licensed premises' permit issued under G.S. 18B-1001.

ADOPTED THIS 11TH DAY OF JULY 2017.

Larry Fontaine, Mayor

ATTEST:

Hillary Gropp, Town Clerk

Mayor Fontaine read the "Brunch Bill" Ordinance 2017-02 and upon discussion an error was discovered with the incorrect General Statute; the above is the corrected and agreed upon final version of Brunch Bill Ordinance 2017-02.

Mayor Pro Tem Lambert made a motion to approve "Brunch Bill" Ordinance 2017-02; Member Hooper seconded the motion; the members agreed unanimously. ~CLOSED~

12) C. DISCUSSION ON RTP GRANT ALTERNATE PARKING OPTIONS

Mayor Fontaine offered the following:

Option #1 – Will the Blue Ridge Conservancy purchase additional land for parking?

Option #2 – Conversation to occur with Hawksnest about utilizing mutual parking.

Member Hooper inquired if the above options are alternatives to the proposed Skiview Road parking. Mayor Fontaine reinforced the right of Blue Ridge Conservancy to have a parking lot on their property and the above alternatives do not satisfy other issues such as accommodations for a variety of skill level of hikers, and access for 1st responders. Member Hooper expressed concerned about the parking area being turned into a picnic area.

Police Chief Chuck Davis offered his opinion on potential increase of traffic, but it should be limited after the initial opening of the trail based on the history of the Otter Falls trail. The Seven Devils police will increase patrol as necessary. Future measures

that can be taken to control traffic included a limitation on vehicle size/length, additional signage, issuing hiker permits. Chief Davis would report to the Town Council of any issues that arise and need to be addressed.

The Town Council engaged in discussion of the RTP Grant and the parking should not affect the process of acquiring this grant.

COMMITTEE REPORTS

Planning Board – No June meeting

Public Works – No June meeting

Recreation Commission – June Minutes

TDA – June Minutes

Tree Committee – No June meeting

Public Safety Department

Police Report

Fire Report

Financial Report

COUNCIL COMMENTS- NONE

Member Hooper made a comment about the success of SafetyFest 2017.

Mayor Pro Tem Lambert encouraged future participants of the “The Hawk” in September to get conditioned for the challenge. There will be a category for “Phantom Hawk” for people who prefer to donate instead of participating.

ADJOURN

Member Ehlinger made a motion to adjourn. Member Hooper seconded the motion. The members agreed unanimously. The meeting adjourned at 6:10PM.

Larry Fontaine, Mayor

Hillary Gropp, Town Clerk