

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

April 9, 2013

The Seven Devils Town Council met in regular session on Tuesday, April 9, 2013, 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 Attorney Rob Angle. The minutes were recorded by Sara Miller, Town Clerk.

CALL TO ORDER

Mayor Fontaine called the meeting to order at 5:34 PM.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance

ADOPT AGENDA

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

CONSENT AGENDA – ADOPTION OF MINUTES

Motion for Consideration – Adopt minutes of Regular Meeting—March 12, 2013- Mayor Pro Tem Lambert pointed out that New Business item “Discussion—mini-parks (road ROW; areas maintained by 7D)” should be left as an open item, instead of a closed item. The members agreed.

Motion for Consideration—Surplus obsolete office equipment

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

Public Hearing—Watauga County Comprehensive Transportation Plan Presentation—Phil Trew—HCCOG—Manager Evans introduced Phil Trew from the High Country Council of Governments, who gave a presentation regarding the Watauga County Comprehensive Transportation Plan. The contents of the presentation are summarized within the following summary:

“In March of 2010, the Transportation Planning Branch of the North Carolina Department of Transportation and Watauga County initiated a study to cooperatively develop the Watauga County Comprehensive Transportation Plan (CTP), which includes Boone, Blowing Rock, Seven Devils, and Beech Mountain. This is a long range multi-model transportation plan that covers transportation needs through 2040. Modes of transportation evaluated as part of this plan include: highway, public transportation and rail, bicycle, pedestrian. This plan does not cover routine maintenance or minor operations issues.”

Mr. Trew stated that Highway 105 has been a focus of the DOT and currently the only project discussed is 4-laning of the stretch from Boone to Broadstone Road (Valle Crucis Bridge). Mayor Pro Tem Lambert asked if the plan included adding a turn lane to the north-bound lane just before the Valle Crucis Bridge, to alleviate some of the congestion created there during busy times. Mr. Trew stated that this was included in the future plan for the 4-laning of 105.

Mayor Fontaine stated that the Council would entertain citizen comments regarding the CTP.

Sarah Manning, 277 Four Diamond Drive, stated that she was disappointed that more emphasis was not given to extend public transportation – specifically AppalCart routes – closer to Seven Devils. Cooper Fowler, with the NC DOT Planning Division, stated that AppalCart was represented in the studies for the CTP. He also stated that they do not have the proper funding to extend routes as far as Seven Devils at this time.

Council Member Ehlinger asked if the 4-lane project for 105 would be a median divided 4-lane. Mr. Trew stated that it would be, but it is too early in the planning stage to tell which design.

Mayor Fontaine asked if there would be any other meetings once the planning and funding stages were underway. Mr. Trew stated that there would be.

Mayor Pro Tem Lambert asked if the CTP would ever be revisited or revised, and if so what would the frequency be. Mr. Trew stated that it would be revisited every 5-10 years, unless something urgent was presented.

Lenny Cottom, Hawksnest Resort at 2058 Skyland Drive, stated that the Broadstone Road/Valle Crucis Bridge issue is one that should be considered sooner. He said, "When tourism is at its peak season, traffic can back up there a great distance." He felt that this would hinder people from having a desire to come back to the area for future vacations. He also inquired if traffic direction could be done during peak seasons. Dean Ledbetter with the NC DOT Planning Division stated that adding a turn lane would be a major project which would include a new bridge project as well. Ledbetter stated that he does not think there would be time between now and when the 4-laning project begins to start and complete a project like that. Regarding traffic direction, Mr. Ledbetter stated that decision would be up to the Sheriff's department.

With no further comments, Member Hooper made a motion to close the Public Hearing regarding the Comprehensive Transportation Plan. Member Ehmig seconded the motion. The members agreed unanimously.

Public Hearing—Moratorium on Commercial Communication Towers—Member Hooper made a motion to open the Public Hearing regarding the Moratorium. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. Mayor Fontaine stated that communication towers have been listed as "C," Conditional Use, in the grid of land uses in our Zoning/Unified Development Ordinance for a number of years. It was incorporated from the Zoning Ordinance into the UDO, which allows for conditional use permits. Until recently, there have not been many inquiries regarding this issue. Now, several inquiries regarding placement of possible commercial communication towers have been received, and the Council wants to the citizens to have time to understand and deliberate the pros and cons. The Moratorium, for 180 days, would allow an opportunity for public input on how residents wish to regulate the placement of these kinds of towers. The Town would also need input and a recommendation from the Planning Board. Manager Evans stated that the Moratorium will not necessarily last for the complete 180 days, but for the amount of time it takes for the Town to come to a decision, which will hopefully be less than 180 days.

There were no citizen comments regarding this issue.

Mayor Pro Tem Lambert made a motion to close the Public Hearing regarding the Moratorium. Member Hooper seconded the motion. The members agree unanimously.

CITIZEN COMMENTS

Kay Lambert, 430 Wildcat Rocks Rd, wanted to announce that Operation Medicine Cabinet will be held again on Saturday, May 4, 2013 from 10:00AM until 2:00PM at the Foscoe Fire Department. She also wanted to announce that Household Hazardous Waste Day will be on Saturday, May 4, 2013 from 9:00AM until 2:00PM at the Watauga County Landfill.

ADMINISTRATIVE UPDATE & CALENDAR—Town Manager Evans reminded everyone that the ABC Board will be meeting on Thursday, April 11, 2013 at 3PM at the ABC Store. He also announced that the Town Council Retreat will be on Thursday, April 18, 2013 from 10:00AM until 4:00PM at the Valle Crucis Convention Center, and is a public meeting.

OLD BUSINESS

None

NEW BUSINESS

Resolution—Watauga County Comprehensive Transportation Plan—Mayor Pro Tem Lambert made a motion to adopt the Resolution. Member Hooper seconded the motion. The members agreed unanimously. ~CLOSED~



Moratorium on Commercial Communication Towers—Member Hooper made a motion to adopt the Moratorium. Member Ehlinger seconded the motion. The members agreed unanimously. ~CLOSED~



Resolution—PARTF Funding Resolution—After a brief discussion, Mayor Pro Tem Lambert wished for Manager Evans to further investigate the bridge loan process. Member Ehmig also suggested that Manager Evans ask what it would take to have a bridge loan for the entire purchase amount, in a situation where Seven Devils did not receive a PARTF Grant. Member Hooper made a motion to adopt the Resolution. Member Ehmig seconded the motion. The members agreed unanimously. ~OPEN~


A RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT INTEGRITY AND FUNDING FOR THE PARKS AND RECREATION TRUST FUND (PARTF)

WHEREAS, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches and more. Generations of residents and visitors have delighted in these landscapes and park facilities; and

WHEREAS, The Parks and Recreation Trust Fund (PARTF) was established with its primary support on July 16, 1994 to fund improvements in the state's park system, to fund grants to local governments and to increase the public's access to the state's beaches and coastal waterways; and

WHEREAS, since its inception The Parks and Recreation Trust Fund has provided \$481 million via 722 grants to 370 local governments in 96 counties and has been matched with \$312 million of local and private dollars for the purchase of land park land, building and renovation of facilities and development of greenways and trails; and

WHEREAS, North Carolina's population has grown to make it the 10th most populous state in the nation with projections for the significant growth to continue in the coming decades, and more state and local parks are needed to meet the increased demands; and

WHEREAS, parks are identified as key contributors to North Carolina's tourism industry that generated nearly \$20 billion in annual economic impact; and

WHEREAS, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

WHEREAS, The Parks & Recreation Trust Fund has leveraged funds that allowed our State to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

WHEREAS, The Parks & Recreation Trust Fund has funded capital improvement projects in the state parks such as visitor centers and exhibit halls which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and swimming beaches, and local capital projects including construction of community centers, athletic fields and greenways; and

WHEREAS, the annual economic impact to local economies of all tourists visiting the state parks system was estimated at more than \$400 million in sales and income, as well as nearly 3,000 jobs according to a 2008 study.

WHEREAS, a portion of The Parks & Recreation Trust Fund is designated for the Public Beach and Coastal Waterfront Access Program to improve access to beaches and coastal waterways by funding public boat ramps and public beach access; and

WHEREAS, access to parks, recreation facilities and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities thereby reducing costs associated with obesity, heart disease, diabetes and high blood pressure; and

WHEREAS, research has documented that structured park and recreational opportunities in local communities can prevent crime and provide positive activities and directions for young people; and

WHEREAS, dedicated, recurring funding of the Parks & Recreation Trust Fund allows for structured and objective planning and efficient management of the system at both the state and local levels for today and future generations; and

WHEREAS, the success of The Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Seven Devils does call on the members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for The Parks and Recreation Trust Fund.

The Clerk is directed to send a copy of this resolution to each of the members of the General Assembly representing the people of Town of Seven Devils and the North Carolina Recreation and Park Association.

This the 8th day of April 2013,


Mayor/Chair

Attest:

Town Clerk



2013-10

Resolution—Support of the Reallocation of Sales Tax within Watauga County—After discussion, Member Hooper made a motion to adopt the Resolution. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. ~CLOSED~


TOWN OF SEVEN DEVILS
A RESOLUTION IN SUPPORT OF THE REALLOCATION OF SALES TAX WITHIN WATAUGA COUNTY

WHEREAS, the Town of Seven Devils is a municipal subdivision and body politic of the State of North Carolina located in Watauga and Avery Counties; and

WHEREAS, N.C. Gen. Stat. §106-472 provides for the allocation of sales tax between cities and counties within North Carolina; and

WHEREAS, N.C. Gen. Stat. §106-472(b) allows a Board of County Commissioners to determine, on a yearly basis, whether such allocation is made on a per capita distribution or an ad valorem distribution; and

WHEREAS, for a number of years, Watauga County has distributed sales tax revenues on a per capita basis to the towns and cities within Watauga County; and

WHEREAS, the distribution of sales tax revenues on a per capita basis has resulted in an equitable share of the sales tax revenues being distributed to one municipality to the disadvantage of the towns of Blowing Rock, Beech Mountain, and Seven Devils; and

WHEREAS, the Town of Seven Devils acknowledges that Watauga County would potentially lose revenue under this change were it not assisted by the municipalities in supporting this change in the distribution of sales tax revenues; and

WHEREAS, the Town of Seven Devils is willing to assist Watauga County in addressing its financial needs upon the reallocation of sales tax revenues to an ad valorem method from a per capita method; and

WHEREAS, the Town of Seven Devils appreciates its good working relationship with Watauga County and the ability of the Town and County to address issues within

the community to the mutual benefit of the citizens of both the Town of Seven Devils and Watauga County.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SEVEN DEVILS, NORTH CAROLINA AS FOLLOWS:

1. That the Town of Seven Devils supports and encourages the Watauga County Board of Commissioners to Adopt and Pass a Resolution altering the distribution of sales tax revenues between Watauga County and the municipalities from a per capita method to an ad valorem method.
2. That the Town of Seven Devils is willing to commit to Watauga County that upon the reallocation of sales tax revenues to an ad valorem method that the Town of Seven Devils will provide, as part of its budgetary process, an amount equal to sixty percent (60%) of the FY2014 in gross revenues accruing to the Town over and above the amount which would have otherwise been realized under the per capita method, to costs and expenditures as requested by Watauga County.

Adopted this the 9th day of April, 2013,


Town of Seven Devils
Larry Fortaine, Mayor

Attest:

Lisa Miller, Clerk
Town of Seven Devils



2013-11

COMMITTEE REPORTS**Planning Board—No meeting****Public Works—No Meeting****Public Safety Committee****Recreation****ABC Board****TDA****Public Safety Department****Police Report****Fire Report****Financial Report****COUNCIL COMMENTS**

Member Ehmig stated that he was happy to see the sales tax change come up in Watauga County. Seven Devils can use any additional income without having to raise property taxes.

Mayor Fontaine stated that he had served on the High Country Council of Government's Executive Board as the representative for Seven Devils. Manager Evans stated that his appointment was listed in past minutes, but an official letter needs to be sent to the High Country Council of Governments regarding his appointment. The members agreed unanimously that Mayor Fontaine would be the representative for the Town of Seven Devils.

ADJOURN

Mayor Pro Tem Lambert made a motion to adjourn. Member Ehlinger seconded the motion. The members agreed unanimously. The meeting was adjourned at 6:40 PM.

Larry Fontaine, Mayor

Sara Miller, Town Clerk