

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

**July 9, 2013**

The Seven Devils Town Council met in regular session on Tuesday, July 9, 2013, at Town Hall. Present were Mayor Larry Fontaine, Council Members Kay Ehlinger, David Ehmig, and David Hooper. Mayor Pro Tem Brad Lambert and Town Attorney Rob Angle were absent. Also present was 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 Hooper seconded the motion. The members agreed unanimously.

**CONSENT AGENDA – MOTION FOR CONSIDERATION**

**Adopt minutes of Special Meeting/Budget Workshop—June 12, 2013**

**Adopt minutes of Special Meeting/Budget Workshop—June 13, 2013**

**Adopt minutes of Special Meeting/Budget Public Hearing June 25, 2013**

**Final Budget Amendments—FY 2012-2013**

Mayor Fontaine stated his desire that the name of the new Recreation Commission member, Dr. Michael Potter, to be added to the June 11, 2013 Regular Town Council Minutes. Manager Evans stated that the proper procedure would be to move these minutes from the Consent Agenda and considered separately. Mayor Fontaine stated that this item would become item D in Old Business. Member Hooper made a motion to move the Regular Town Council Minutes to Old Business item D. Member Ehlinger seconded the motion. The members agreed unanimously.

Member Ehlinger made a motion to approve the remaining items on the Consent agenda. Member Ehmig seconded the motion. The members agreed unanimously.

**PUBLIC HEARING—COMMUNICATION TOWER ORDINANCE**

Member Hooper made a motion to open the Public Hearing regarding the Communication Tower Ordinance. Member Ehmig seconded the motion. The members agreed unanimously.

Mayor Fontaine opened the floor for citizen comments regarding the proposed Ordinance. No comments were made.

Mayor Fontaine made a motion to close the Public Hearing regarding the Communication Tower Ordinance. Member Ehlinger seconded the motion. The members agreed unanimously.

**CITIZEN COMMENTS**

**Bob Bridges, 147 Deepwood Court**, expressed concern over the condition of the drainage grate at the base of Seven Devils Road, at the edge of Hwy 105. He stated that it is in great disrepair and is concerned that it will end up damaging his or another residents tire. Manager Evans stated that he had called in the past about repair to that area, and a temporary repair was made, but he will call and check again about getting a more permanent repair done.

**Anne Fontaine, 127 West Rocky Top**, stated that the total miles walked so far had reached 2169.06 miles. She also reminded everyone that the Salamander workshop will be held at Town Hall on July 12 starting at 10:30AM.

**Gary Rose, 268 Lillian Drive**, stated that he had several concerns to express to the Council regarding the pending purchase of Otter Falls. He and his family have owned property in Seven Devils for 6 years. His concerns were two fold; the first of which was the private road being used by citizens excessively; second, unauthorized use of the green space, which is part of their HOA, and a liability issue.

Mayor Fontaine stated that the Town dropped the ball regarding notification in our advertising that the Otter Falls property is 'private' as is the access. He stated that the presentation for SafetyFest (board in meeting room) with the pictures should have noted this. He stated that the Town did not adequately inform people and he apologized and that if this had been done, it would have mitigated some of the intrusion over that weekend. "The enthusiasm was great for this possible acquisition and that overcame their sensibilities that weekend," he stated. "They walked right by the no trespassing signs. Their enthusiasm was based on giving money, and they wanted to see more than pictures to base their investment on." The Mayor said, "The Town is going to get more signs to be put up even before the sale goes through. Once the sale goes through, the Town will provide access that would not utilize Lillian Dr., and signs would state that it is not an official entrance. The Town would provide an entrance on Skyland on the other side of the property, a trail, trailhead, and pull out. The Town would placard Lillian Dr. as private property and that access to Otter Falls was not permitted through Lillian Dr. and Blair Mountain Estates." Mayor Fontaine apologized again, and said he was shocked when he heard who went down during SafetyFest weekend. He understood their feelings about liability and the road was already in rough shape with washouts. Mayor Fontaine stated that he had "talked to Officer Jimmy Keener, and the policemen were aware of the situation. The Seven Devils community association gave \$5,000.00 to help with the acquisition. If the Town acquires the property it would improve everyone's property value. But that the Town would not want to impose and negatively affect Blair Mountain Estates property values because of the access, etc."

Mr. Rose stated that was one of their concerns, the private roads having a lot of use. The HOA may put a gate up on the private road and more signs. It was a beautiful place, and they love it. The community was more concerned about the liability and road.

Mayor Fontaine stated that he had "walked down a month ago, and parked in the circle in Blair Mountain Estates. The area was beautiful and Otter Falls would hopefully be owned by the Town. The Town would only allow limited access and was not interested in a road down or a camp ground. The intent was to try to keep it as pristine as possible. If people brought things in, they bring them out. The area would need to be policed. There would be times when Public Works may need access through Lillian Dr., and would call regarding obtaining access. The Town hoped to easily cooperate with the Blair Mountain Estates community and the public would not be traipsing through their private property."

Mr. Rose asked if the goal was not to put facilities down there, and just to construct a walking trail. Mayor Fontaine stated, "The Town's only intention was to construct a trail, with no campground or large scale facilities."

Lisa Otter Rose stated that her concern was regarding how the police would be able to monitor what happens at the falls. She had gone down to the falls and had seen college students there illegally. Past where the trail turns, the visibility is very limited to see who and what would be at the falls, unless you hike in.

Mayor Fontaine stated that a gate could help at the beginning of the access road. He also stated that he "believes the people Mrs. Rose referred to would have no issues parking anywhere and walking down. The Town's parking area would be a dawn to dusk parking area, so if cars were present after those hours, they would be ticketed." Mayor Fontaine said that expecting the police officers to hike down to the falls was a little unreasonable, but the Town would have no problem with the Public Works employees making a tour of the place and keeping it up as a public facility. The Town did not intend to put trash barrels down at the falls.

After more discussion, Manager Evans stated that he told Lisa Rose that he would put up signage, but did not get to it today, and would complete the task tomorrow. He intended to put up *private property* and *no trespassing* signs to help deter people from coming in for now. The Town would try its best to eliminate as much traffic as possible.

Mrs. Rose stated that someone had parked in the middle of the road in Blair Mountain Estates and she and her party proceeded to go to the falls. She tripped and fell in the green space, but she was not hurt. If she had hurt herself it would have been the HOA's responsibility and liability to take care of. She then asked if they could put up no parking signs. Manager Evans stated that the Town saw no issue with signage to prevent parking near the green space.

Mayor Fontaine concluded with saying that Otter Falls had always been accessed that way, so it would be a learning curve for people to relearn not to go that way. He asked for those concerned in Blair Mountain Estates to please be as patient as possible as the Town worked to alleviate the issues.

**ADMINISTRATIVE UPDATE & CALENDAR**—Town Manager Evans stated that the ABC Board will meet on Thursday, July 11, 2013 at 4:00PM. Manager Evans also stated that the Consumer Confidence Report (CCR) from DENR is available on the Town's website and at Town Hall, and that residents were informed via the July water bill and the summer Echo edition that it would not be mailed.

**OLD BUSINESS**

**COMMUNICATION TOWER ORDINANCE**—After a brief discussion, Member Ehmig made a motion to adopt the Communication Tower Ordinance. Member Hooper seconded the motion. The members agreed unanimously.

Member Hooper then made a motion to rescind the Communication Tower Moratorium. Member Ehmig seconded the motion. The members agreed unanimously. **~CLOSED~**

**DISCUSSION—MINI-PARKS (ROW; AREAS MAINTAINED BY SEVEN DEVILS)**—Manager Evans stated that there was no update at that time. **~OPEN~**

**OTTER FALLS—DUE DILIGENCE ISSUES**—Manager Evans gave a brief update regarding the Otter Falls acquisition process. He stated that the Town received the contracts from DENR, and the Town needed to receive a signed copy from NC DENR before proceeding with an appraisal. **~OPEN~**

**TOWN COUNCIL REGULAR MEETING MINUTES—JUNE 11, 2013—REVISION**—Member Ehmig made a motion to approve the amended minutes, with Dr. Michael Potter mentioned as the new Recreation Commission member. Member Ehlinger seconded the motion. The members agreed unanimously. **~CLOSED~**

**NEW BUSINESS**

**ANNEXATION REQUEST—TWO PARCELS—1.011 ACRES AND 1.505 ACRES—ALDRIDGE ROAD**—After a brief discussion, Member Ehlinger made a motion adopt the *Resolution Fixing Date of Public Hearing on Question of Voluntary Annexation Pursuant to GS 160A-31*. Member Ehmig seconded the motion. The members agreed unanimously. The public hearing was scheduled for the next regular Town Council meeting, Tuesday, August 13, 2013. **~OPEN~**



**RESOLUTION**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF VOLUNTARY ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council of the Town of Seven Devils has directed the Town Clerk to investigate the sufficiency of the petition, and Clerk has investigated the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition; and

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Seven Devils Town Hall at 1356 Seven Devils Road at 3:30 P.M. on August 13, 2013.

Section 2. The areas proposed for annexation are described as follows:

BEING A 1.505 ACRE PARCEL LYING IN WATAUGA TOWNSHIP, WATAUGA COUNTY, N.C. AND LYING ON THE SOUTH SIDE OF N.C. HIGHWAY 105 AND THE WEST SIDE OF ALDRIDGE ROAD (N.C.R. 1386), BEGINNING ON A NEW IRON PIPE SET IN THE SOUTH MARGIN OF N.C. 105 AND THE WESTERN RIGHT-OF-WAY OF ALDRIDGE ROAD SAID IRON PIPE HAVING N.C.G.S. COORDINATES OF N= 444,063.377' AND E= 1,175,341.867' SAID IRON PIPE BEING LOCATED 345.94161872 FEET FROM N.C.G.S. BOUNDARY "POINT" N=84802.522' AND EAST 1,173,341.822' WITH A CORNER GRID FACTOR OF 8.99948862 (NAD 1983) THENCE FROM THE BEGINNING AND WITH THE WEST RIGHT-OF-WAY OF ALDRIDGE ROAD THE FOLLOWING SEVEN COURSES AND DISTANCES S 26-54-00E 300.47' TO A POINT, S 88-14-08E 22.25' TO AN EXISTING IRON PIPE S 41-18-00E 10.04' TO AN EXISTING IRON PIPE S 46-31-00E 93.84' TO AN EXISTING IRON PIPE S 60-01-00E 91.37' TO A POINT S 40-45-00E 111.62' TO AN EXISTING IRON PIPE S 60-06-00E 42.77' TO A POINT ON THE SOUTH BANK OF THE WATAUGA RIVER THENCE LEAVING THE WESTERN RIGHT-OF-WAY OF ALDRIDGE ROAD S 49-15-00E 199.29' TO A POINT ON THE SOUTH BANK OF THE WATAUGA RIVER THENCE N 45-43-00W 8.25' TO A POINT IN THE WATAUGA RIVER THENCE N 41-40-00W 49.01' TO AN EXISTING IRON PIPE IN THE LINE OF ERIC ELLER (BOOK OF RECORD 03 PAGE 799) THENCE CONTINUING WITH THE ELLER LINE S 44-45-00W 92.59' TO A POINT THENCE N 41-43-00W 37.13' TO AN EXISTING IRON PIPE A CORNER TO "GREEN MANOR" (BOOK 3 PAGE 9) THENCE ALONG THE EAST LINE OF "GREEN MANOR" N 42-21-00W 47.62' TO AN EXISTING IRON PIPE THENCE N 42-24-00W 102.17' TO AN EXISTING IRON PIPE ON THE SOUTH SIDE OF N.C. 105 THENCE ALONG THE SOUTH MARGIN OF N.C. 105 (N 04-11-01E 102.94' TO THE POINT AND PLACE OF BEGINNING CONTAINING 1.501 ACRES AS COMPUTED BY COORDINATE GEOMETRY, THIS BEING THE SAME PROPERTY AS RECORDED IN BOOK OF RECORD 067 PAGE 899.

BEING A 1.011 ACRE PARCEL LYING IN WATAUGA TOWNSHIP, WATAUGA COUNTY NORTH CAROLINA SAID PARCEL BEING BOUNDED ON THE NORTH AND EAST BY PROPERTY IN THE NAME OF MARY S. PERRY, (DEED BOOK 32 PAGE 46) ON THE WEST BY ALDRIDGE ROAD (N.C.R. 1386) AND ON THE SOUTH BY THE WATAUGA RIVER.

BEGINNING ON A NEW IRON PIPE SET IN THE EASTERN RIGHT-OF-WAY LINE OF ALDRIDGE ROAD A 60' RIGHT-OF-WAY SAID BEGINNING POINT BEING LOCATED N 72-43-00E 81.73' FROM AN EXISTING IRON PIPE ON THE WEST SIDE OF ALDRIDGE ROAD SAID REFERENCE POINT BEING THE TERMINUS OF THE FOURTH CALL OF THE DESCRIPTION OF THE 1.011 ACRE TRACTS RECORDED IN (BOOK OF RECORD 067 PAGE 899) THENCE FROM THE BEGINNING AND WITH THE POINT LINE N 44-36-00E 212.89' TO A NEW IRON PIPE SET THENCE CONTINUING WITH THE POINT LINE S 67-18-00E 108.49' TO A POINT IN THE WATAUGA RIVER THENCE WITH THE WATAUGA RIVER S 44-08-01W 200.49' TO A POINT SAID POINT BEING N 72-16-01E 81.81' FROM AN EXISTING IRON PIPE SAID IRON PIPE BEING THE TERMINUS OF THE SOUTH CALL ON THE 1.011 ACRE TRACT THENCE WITH THE EAST RIGHT-OF-WAY OF ALDRIDGE ROAD N 04-06-00W 205.49' TO THE BEGINNING CONTAINING 1.011 ACRES AS COMPUTED BY COORDINATE GEOMETRY.

Section 3. Notice of the public hearing shall be published in The Watauga Democrat newspaper, having general circulation in the Town of Seven Devils, at least 10 days prior to the date of the public hearing.

Adopted this 0<sup>th</sup> day of July, 2013.

  
Larry Fogelberg, Mayor

ATTEST:

  
Sara Miller, Town Clerk



**SIGNAGE ALONG NC HWY 105 AND TOWN SEAL**—After a brief discussion, the Town Council stated that they preferred the sign with a 14 inch Town Seal and simplified wording to be chosen. They asked that Manager Evans handle the matter. The Council did not see a need to change the Town Seal design at that time. **~CLOSED~**

**COMMITTEE REPORTS**

**Planning Board—No meeting**  
**Public Works—No meeting**  
**Public Safety Committee—No meeting**  
**Recreation**  
**TDA—No meeting**  
**ABC Board**  
**Public Safety Department**  
    **Police Report**  
    **Fire Report**  
**Financial Report**

**COUNCIL COMMENTS**

Mayor Fontaine thanked the Public Safety Committee for putting together a great SafetyFest event. He stated that a ‘thank you’ should be put in the fall edition of The Echo newsletter. Mayor Fontaine then thanked intern Will Doerfer for putting together the Otter Falls presentation board and stated that pledges of monetary support for the acquisition are starting to come in.

Mayor Fontaine stated that Mayor Pro Tem Lambert is still in the hospital following his emergency appendectomy, but is doing well and is stable.

Member Hooper stated that the Council needed to formally award Manager Evans his merit based bonus. Mayor Fontaine made a motion to approve the \$2,000.00 bonus to Manager Evans. Member Hooper seconded the motion. The members agreed unanimously.

**ADJOURN**

Member Ehmig made a motion to adjourn. Member Ehlinger seconded the motion. The members agreed unanimously. The meeting was adjourned at 6:35PM.

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Larry Fontaine, Mayor

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Sara Miller, Town Clerk