

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

**September 10, 2013**

The Seven Devils Town Council met in regular session on Tuesday, September 10, 2013, 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 Ehmig made a motion to adopt the agenda. Member Ehlinger seconded the motion. The members agreed unanimously.

**CONSENT AGENDA – MOTION FOR CONSIDERATION**

**Adopt minutes of Regular Town Council Meeting—August 13, 2013**

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

**PUBLIC HEARING—VOLUNTARY SATELLITE ANNEXATION (pursuant to NC GS 160A-58.2)**—Mayor Pro Tem Lambert made a motion to open the Public Hearing regarding the Voluntary Satellite Annexation. Member Ehmig seconded the motion and the members agreed unanimously. Mayor Fontaine opened the floor for public comment.

**Kevin Townsend, 393 Aldridge Rd.**, expressed concern regarding the annexation. He stated that he understood the annexation was voluntary, but residents of the Aldridge Road area had no desire to be part of the Town of Seven Devils. He was also concerned about the type of business that would be put on the property and the environmental effects it could cause.

**Frank Aldridge, 10036 Hwy 105 S**, presented a petition to Mayor Fontaine with numerous signatures from residents of the Aldridge Road/Foscoe/Grandfather Community area. Mr. Aldridge inquired as to why the Town of Seven Devils even wanted to be on HWY 105. He stated that it more than likely had to do with obtaining an alcohol license, and that he did not support that.

**Robin Townsend, 324 Aldridge Rd.**, expressed concern regarding the possibility of having a business on Aldridge Road that sold or served alcohol, and the noise that could produce. She was also concerned about the environmental impact the business could have, and what the owners would do if the area has a large flood.

**Charlie Clement, 756 W. King St.**, stated that he took a neutral position regarding the annexation. He also stated that he owned property across Hwy 105 from Aldridge Road, and that he understood the opinions of those that lived on Aldridge Road.

**George Wright, 219 Rosebay Way**, stated that he was concerned about Seven Devils having to be the first responders to the area if there were an emergency, and how that would negatively affect Foscoe Fire's reputation and standing in the community.

**Johnny Townsend, 273 Aldridge Rd.**, stated that he did not want alcohol near his residence, and that he was concerned that any changes to the property would negatively affect his property value and cause him to have to pay more taxes. He was also concerned about the environment around the area.

**Bob Smith, 441 Aldridge Rd.**, stated that he moved to the area for a secluded and quiet place to live. He was concerned about noise and alcohol if the property were to be a restaurant. He did not believe that the annexation was in the best interest of those that lived on Aldridge Road.

**Chris Taylor, 1077 Chestnut Ridge Tr.**, stated that he did not live near the annexation property, but he supported the annexation, and believed it would be a positive move for the Town.

**Bob Bridges, 147 Deepwood Ct.**, stated that he understood the positions of those that live on Aldridge Road and the surrounding community. He suggested that the Council consider the diversification of the tax base of the Town of Seven Devils.

Ron Sayles, the owner of the voluntary annexation property, asked Mayor Fontaine if he may make a statement. Mayor Fontaine granted Mr. Sayles permission to speak. Mr. Sayles stated that he did not have a concrete plan for the property, nor did he have a lease signed for a restaurant. He also stated that the flooding issue had been resolved on the property.

**Annette Hemingway, 774 Aldridge Rd.**, asked Mr. Sayles what the advantages were of being in Seven Devils versus just going with Watauga County regulations. Mr. Sayles stated that there were more restrictions with the County than with the Town of Seven Devils.

**Frank Aldridge, 10036 Hwy 105 S**, stated that he hoped the Council would seriously consider all of the opinions given, and that he would stop the potential for alcohol to be on Aldridge Road. Mr. Aldridge asked the Council when the vote would be done to approve or not approve the annexation, and Mayor Fontaine told Mr. Aldridge it would occur at the same meeting.

Mayor Fontaine asked if there were any other comments. There were none. Mayor Pro Tem Lambert made a motion to close the Public Hearing. Member Ehlinger seconded the motion. The members agreed unanimously. **~CLOSED~**

**PUBLIC HEARING—ZONING OF VOLUNTARY ANNEXATION PROPERTY and OFFICIAL ZONING MAP AMENDMENT**—Mayor Pro Tem Lambert made a motion to open the Public Hearing regarding the zoning of the Voluntary Annexation property. Member Ehmig seconded the motion and the members agreed unanimously. Mayor Fontaine opened the floor for public comment and did not receive any. Member Ehlinger made a motion to close the Public Hearing. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. **~CLOSED~**

**PUBLIC HEARING—REZONING OF 4.79 ACRE TOWN OWNED PROPERTY and OFFICIAL ZONING MAP AMENDMENT**—Mayor Pro Tem Lambert made a motion to open the Public Hearing regarding the rezoning of 4.79 acre Town owned property. Member Ehlinger seconded the motion and the members agreed unanimously. Town Attorney Angle stated that it would be a good move for the Town to proceed with the land deal and the rezoning. Member Ehlinger asked what changing the zoning from High Density Residential to Recreation Business would do. Manager Evans stated that since the property is currently restricted in the deed and cannot have any residential structures, the residential zoning basically would not allow any use of the property. He further stated that the only use of the property by right (permitted) if rezoned to Recreational Business would be a 'park, greenway, or playground.' If any other use was pursued consistent with the Recreational Business district that is listed as a Conditional Use, an application would be required to the Board of Adjustment for the Conditional Use. There were no public comments. Member Ehmig made a motion to close the Public Hearing. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. **~CLOSED~**

**PUBLIC HEARING—OTTER FALLS PROPERTY ACQUISITION LOAN AUTHORIZATION**—Member Ehlinger made a motion to open the Public Hearing regarding the Otter Falls property acquisition loan authorization. Member Ehmig seconded the motion and the members agreed unanimously. After a brief history of the Otter Falls transaction thus far, Mayor Fontaine opened the floor for public comment.

**Kevin McCarthy, 193, Knobhill Lane**, expressed his concern about the long-term commitment the Town would make to the State if they go through with the PARTF grant, and the cost it would incur to the Town. He also stated that he was worried about his property tax value being negatively affected. He presented a resolution to the Council for consideration. Mayor Fontaine thanked him for his comments.

**Tom Bookstaver, 231 Snowcloud Dr.,** stated that he did not understand why the Town would be borrowing money to fund such a big project, when they cannot afford to fund streetlights or fixing things like pot holes. He stated that he was also concerned with carryout rescues at Otter Falls if there were emergencies. He stated that the Fire Department would need special training and equipment for such a process. Mayor Fontaine thanked him for his comments.

There were no more public comments. Mayor Pro Tem Lambert made a motion to close the public hearing. Member Ehmig seconded the motion. The members agreed unanimously. **~CLOSED~**

### **CITIZEN COMMENTS**

**Kay Lambert, 430 Wildcat Rocks Rd.,** wanted to remind everyone that Operation Medicine Cabinet had been scheduled for October 19, 2013, from 10:00AM until 2:00PM at the Foscoe Fire Department.

**Anne Fontaine, 127 West Rocky Top,** stated that the Seven Devils Walking Challenge was close to wrapping up. The final day and celebration would be on September 30, 2013 at 4:30PM, with a group walk and refreshments afterwards.

**ADMINISTRATIVE UPDATE & CALENDAR**—Town Manager Evans stated that the ABC Board will meet on Thursday, September 12, 2013 at 4:00PM.

### **OLD BUSINESS**

**DISCUSSION—MINI-PARKS (ROW)**—Town Manager Evans stated that things were moving forward with one of the properties, which should be deeded to the Town in the next few months. Manager Evans also stated that he had talked to the owner of the second property, but that the owner of the second property had not made any decisions. **~OPEN~**

**OTTER FALLS—DUE DILIGENCE ISSUES**—Town Manager Evans stated that the corners of the property had been marked and he had received copies of the plat and that the firm, West Consultants, was working on a preliminary park plan. He stated that they were also looking for possible access points. The loan entity in Washington D.C. has requested a Phase I Environmental from the Town regarding the property, and Manager Evans stated that the Town was negotiating with them to determine if it is a necessary step. **~OPEN~**

**ANNEXATION REQUEST—ORDINANCE NUMBER: ANNEX1-2013—TWO PARCELS—1.505 ACRES AND 1.011 ACRES LOCATED ON ALDRIDGE ROAD (NCSR 1594) (PURSUANT TO NC GS 160A-58.2)**—After brief discussion, Member Ehmig made a motion to approve the Annexation request with the proposed Ordinance No.: Annex1-2013. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. ~CLOSED~



**NEW BUSINESS**

**INTERGOVERNMENTAL RETREAT DISCUSSION—PHIL TREW, HCOG**—Phil Trew of the HCOG gave a presentation to the Council regarding the possibility of forming a committee of representatives from each municipality/town, to assess the efficiency and content of Intergovernmental Retreats hosted by HCOG. The Council expressed interest in this possibility, and Mr. Trew stated that he would keep them informed of developments after he meets with the remaining municipalities/towns. ~OPEN~

**INITIAL ZONING OF VOLUNTARY ANNEXATION PROPERTY—PLANNING BOARD RECOMMENDATION**—Member Ehmig made a motion to approve the recommendation from the Planning Board to zone the Voluntary Annexation property as General Business. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. ~CLOSED~

**REZONING—TOWN OWNED 4.79 ACRE PROPERTY—PLANNING BOARD RECOMMENDATION**—Member Ehlinger made a motion to approve the recommendation from the Planning Board to rezone the Town owned 4.79 acres Recreational Business from High Density Residential (HDR) to Recreational Business (RB). Member Ehmig seconded the motion. The members agreed unanimously. ~CLOSED~

**ZONING MAP AMENDMENTS—ADOPT OFFICIAL ZONING MAP—SEPTEMBER 10, 2013**—Member Ehmig made a motion to adopt the amended official zoning map of the Town of Seven Devils. Member Ehlinger seconded the motion. The members agreed unanimously. ~CLOSED~

**RESOLUTION—THE CONSERVATION FUND ACQUISITION LOAN**

**AUTHORIZATION**—After brief discussion, Member Ehmig made a motion to adopt the Resolution Authorizing the Filing of an Application for Approval of an Installment Financing Contract in the Amount of \$265,000.00 Authorized by North Carolina General Statute 160A-20 and Authorizing the Execution and Delivery of an Installment Financing Contract. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. ~CLOSED~



**RESOLUTION—FIXING DATE FOR PUBLIC HEARING TO AUTHORIZE THE SALE OF TOWN OWNED PROPERTY**

—Town Manager Evans stated that the Town had obtained an Offer to Purchase contract for the property, and that the deal was moving forward. Mayor Pro Tem Lambert asked if all of the easements regarding the Town wells and utilities would remain intact, and Attorney Angle responded that the utility easements would remain as they currently are. Member Ehmig made a motion to adopt the Resolution to Fix the Date of a Public Hearing for Disposition of Real Property Owned by the Town of Seven Devils. Member Ehlinger seconded the motion. The members agreed unanimously. ~CLOSED~



**HIGH COUNTRY ABC BOARD—TRAVEL POLICY**

—After some discussion, Mayor Fontaine made a motion to approve the High Country ABC Board's Travel Policy. Due to a lack of a second for the motion, Mayor Fontaine tabled the issue until the next meeting. ~OPEN~

**COMMITTEE REPORTS**

Planning Board—No meeting

Public Works—No meeting

Public Safety Committee

Recreation

TDA

ABC Board

Public Safety Department

    Police Report

    Fire Report

Financial Report

**COUNCIL COMMENTS**

Mayor Pro Tem Lambert stated that he was appreciative and thanked all of the citizens that came to the meeting to voice their opinions and comments regarding the public hearings.

**ADJOURN**

Member Ehlinger made a motion to adjourn. Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. The meeting was adjourned at 7:05 PM.

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Larry Fontaine, Mayor

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Sara Miller, Town Clerk