

**TOWN OF SEVEN DEVILS**  
**TUESDAY, DECEMBER 13, 2022**  
**PUBLIC HEARING – 5:00PM**  
**REGULAR COUNCIL MEETING – 5:30PM**

The Seven Devils Town Council met for a Public Hearing for three (3) Rezoning Requests on Tuesday, December 13, 2022 at 5:00pm and followed by a Regular Town Council meeting at Town Hall.

Attendance included: Mayor Larry Fontaine, Mayor Pro Tem Lambert, Council Members – Wayne Bonomo, Leigh Sasse & Jeffrey Williams.

Staff included: Town Manager Johnathan Harris, Zoning Administrator Eddie Barnes, Town Attorney Rob Angle; the minutes were recorded by Town Clerk Hillary Gropp.

**INVOCATION**

Mayor Fontaine gave the Invocation for the Public Hearing and Town Council meeting.

**PLEDGE OF ALLEGIANCE**

Council members and citizens recited the Pledge of Allegiance.

**CALL TO ORDER**

Mayor Fontaine called the Public Hearing to order at 5:03pm. Mayor Fontaine explained the purpose of the Public Hearing is to receive public comment only for the three (3) rezoning requests by Applicant, Lenny Cottom. No other business will be presented or considered at this hearing. Mayor Fontaine outlined the following guidelines:

- Citizens who want to speak during the public comment must sign up.
- Speakers will be limited to two (2) minutes each. The clerk controls the timer.
- Speakers must make presentations from the podium.
- It is encouraged to provide a designation of a spokesperson for groups of persons supporting or opposing the same positions.
- Seven Devils will provide for the maintenance of order and decorum in the conduct of the public hearing.
- Citizen comments that have been emailed have been provided to the Town Council but will not be read aloud.

**OPEN PUBLIC HEARING**

Mayor Fontaine asked for a motion to Open the Public Hearing. Member Williams made a motion to open the Public Hearing; Member Sasse seconded the motion. All members agreed.

**Presentation – Eddie Barnes, Zoning Administrator**

Zoning Administrator Barnes explained the three (3) rezoning requests would be applied to approximately 64 acres owned by the applicant. Currently, zoning allows for 128 dwellings on the applicant's land. The three rezoning requests will allow for a total of 244 dwellings, which is a 116 increase of dwellings to the original 128 already allowed.

Tonight's public hearing was set by the Town Council at the November 8, 2022 meeting. Notification methods were provided, pursuant to the NC GS and Town's UDO.

The Town of Seven Devils Planning Board reviewed a request from Mr. Lenny Cottom on September 20, 2022.

1. High Density Residential (HDR) to Low Density Residential (LDR) 3 parcels for a total of 17.32 ac Owner / Applicant – Leonard and Denise Cottom

**Action – Unanimously Approved**

Recap of density change is HDR = 104 to LDR = 15 SF dwellings

2. Recreation Business (RB) to Medium Density Residential (MDR) 25.5 ac Owner/Applicant – Hanging Rock Golf Club, Lenny Cottom

**Action – Denied (3-1 vote) – Unfavorable Recommendation**

Recap of density if it was approved = 75 SF dwellings

3. Recreation Business – High Density Residential 21.23 ac. Owner /Applicant -Hawksnest Zipline Inc. – Lenny Cottom

**Action – Unanimously Denied - Unfavorable Recommendation**

Recap of density if it was approved = 126 SF dwellings

The Planning Board recommended an alternative motion to item 3, noted as 3 Alpha in the Planning Board minutes. This motion was to recommend approval of approximately 15 acres of the 21.23 acres of item 3 be rezoned to High Density Residential (HDR) to offset the rezoning change of item 1 where the applicant is reducing the HDR to LDR, thereby reducing the density of 6 homes per acre to 1 home per acre which is a reduction of 85 dwellings, pursuant to the applicant going forward with the zoning change for item 1.

Mayor Fontaine asked Zoning Administrator Barnes, how many acres does the applicant have in HDR prior to this rezoning request?

The applicant has two (2) parcels, 17.32 acres + 4.5 acres = 21.82 acres currently zoned HDR.

Mayor Fontaine asked if the 17 acres were developed to HDR, how many dwellings could be built?

The 17 acres allows for 6 units per acre = 104 SF dwellings. A reduction to 15 acres = 90

No condos would be allowed, townhomes could be built. No more than 3 or 4 units under roof with a 35ft height restriction. Development of the zoning would require Subdivision review in the Town's UDO.

Member Sasse asked if the properties were in a flood zone?

Zoning Administrator Barnes replied the property is not in a designated flood zone. Any development would require stormwater mitigation.

### **Presentation – Lenny Cottom, Applicant**

Applicant Cottom thanked the Town Council for their consideration of his rezoning requests. He provided an update on his applications with amendments as follows:

Application 1 – HDR to LDR – 17.32 acres – No change, submitted as originally.

Application 2 – RB to MDR – 25.5 acres – Withdraw application

Application 3 – RB to HDR – 21.23 acres – Reduction of acreage to 17.32 acres with 2 acres to the Town of Seven Devils for Otter Falls parking.

Applicant Cottom stated the infrastructure includes a wastewater treatment plant with current usage of 10K daily but will allow for greater capacity of 100K daily.

The water /well would be supplied by the applicant, per the Town's UDO-Subdivision.

Member Bonomo asked the Applicant why he has not developed his HDR.

Applicant Cottom replied his focus is on the Zipline & Snowtubing business.

### **Public Comments:**

**Ed Meilus** – Fifth Fairway – Hawksnest has done a good job of providing recreational business. He objects the change of zoning as it will cause overcrowding, require more police and fire, increase water runoff, and disturb the nature and peace of the town. He requests the Town to partner with Hawksnest and reopen the golf course.

**Ginger Asbill** – Alpine Drive – Not in favor and agrees with the previous speaker and rezoning would alter the aesthetic of the town.

**Clifton Fogleman** – Skyland Drive – Not in favor as this will ruin the view, increase traffic, create water runoff, and require more police and fire staff.

**Brian Davie** – Cliffside Lane – Not in favor as it will increase traffic.

### **CLOSE PUBLIC HEARING**

Member Williams made a motion to Close the Public Hearing; Member Bonomo seconded the motion. All members agreed.

### **RECESS**

Member Sasse made a motion to Recess; Member Bonomo seconded. All members agreed. Town Council recessed at 5:43pm.

### **CALL TO ORDER- End Recess**

Member Williams made a motion to End Recess and call the meeting to order at 5:53pm; Member Sasse seconded the motion. All members agreed.

**ADOPT AGENDA**

Member Sasse made a motion to adopt the Agenda; Member Williams seconded the motion. All members agreed.

**CONSENT AGENDA**

**Adopt minutes of Town Council meeting – November 8, 2022.**

Member Bonomo made a motion to approve and adopt the minutes; Member Sasse seconded the motion. All members agreed.

**OLD BUSINESS**

**A. FY23 Budget Items**

- (i) Public Works Building – New Roof**
- (ii) Public Works Building – Paint**

These two (2) items were deleted from the FY23 Budget Workshop in May 2022. Discussion occurred to include/add them to the FY23 Budget. Further discussion included what is the more appropriate steps to take, whether the Public Works building should be repaired or replaced. Town Council Member Williams is to evaluate the current state of the building with Public Works Director and will follow up to Town Council. ~OPEN~

**NEW BUSINESS**

**A. Board/Committee Appointments/Reappointments 2023**

**Submitted Board/Committee Applications for terms beginning – January 2023**

*Recommendations for appointment/reappointment highlighted in yellow*

Board of Adjustment has three (3) expiring terms and one (1) vacant seat  
3-year term – Must be property owners or registered voters of the Town – UDO Article 2

<u>Reappointment Applications</u>	<u>New Appointment Applications</u>
<b>John Wells IV</b> – Regular Term Expires 12/2025	<b>Richard Blonshine</b> – Alternate Term Expires 12/2024
	<b>Quinn Morris</b> – Alternate Term Expires 12/2025
	<b>Stuart Ryan</b> – Regular Term Expires 12/2025

Planning Board has four (4) expiring terms  
2 year term – Must be property owners or registered voters of the Town; Knowledge/Experience with Planning Evaluation and/or Experience with Municipal Government – UDO Article 2

<u>Reappointment Applications</u>	<u>New Appointment Applications</u>
<b>Walt Hogan</b>	<b>Richard Blonshine</b>
<b>Jim Jones</b>	
<b>Stuart Ryan</b>	

*\*\*All terms for above will expire 12/2024*

Public Works has two (2) expiring terms  
3 year term – Public Works Committee shall consist of five (5) voting members, who are full-time residents and two (2) voting members who are part-time residents. Max of two (2) Town Council members; Knowledge/Experience with Town’s facilities & infrastructure – Resolution dated July 9, 2012

<u>Reappointment Applications</u>	<u>New Appointment Applications</u>
<b>Larry Fontaine</b> – Term Expires 12/2025	None Received - Vacant Seat

Parks & Recreation Committee has one (1) expiring term and one (1) vacant seat  
3-year term – Resolution #2012-4

<u>Reappointment Applications</u>	<u>New Appointment Applications</u>
	<b>Joseph Alfonso</b> – Term Expires 12/2025
	<b>Rebecca Ryan</b> – Term Expires 12/2025
	<b>John Wells IV</b>

Tourism Development Authority (TDA) has two (2) expiring terms  
2 year term – Members/Alternates must be individuals who are active in the promotion of travel & tourism in the Town – Resolution #2019-07

<u>Reappointment Applications</u>	<u>New Appointments Applications</u>
<b>Richard Blonshine</b> – Term Expires 12/2024	<b>John Wells IV</b>
<b>Anne Fontaine</b> – Term Expires 12/2024	

Member Bonomo made a motion to approve the Board/Committee recommendations; Member Williams seconded the motion. All members agreed. ~CLOSED~

## **B. Discussion of Rezoning Request**

- (i) HDR to LDR – 17.32 acres**
- (ii) RB to MDR – 25.5 acres**
- (iii) RB to HDR – 21.23 acres**

Discussion occurred among Council members on the rezoning applications as a collective group, not individually.

Mayor Fontaine stated the public comments received via email include the topics of increased infrastructure, the effects on the environment and creating a long range partnership for more hiking.

Member Bonomo stated more information is needed, additional study needs to be done in regard to increase traffic and the water supply. He commented that HDR is a negative rezoning.

Member Williams stated townhomes would increase the tax base and HDR = 6 dwellings per acre.

Mayor Pro Tem Lambert requests a new map be provided to Town Council to better understand what is proposed, indicating easements and the 2 acres designated for Otter Falls parking.

Mayor Fontaine commented this rezoning would follow the Town's UDO – Subdivision regulations. He inquired if the Town could limit/restrict STR for new development. Town Attorney Angle stated the Town cannot impose zoning through subdivision, as the declarant has property rights.

Town Council discussed delaying any decisions tonight on the rezoning and to acquire more information.

**Mayor Fontaine made the motion to table all three (3) Rezoning Requests; Member Sasse seconded the motion. All members agreed. ~OPEN~**

### **CITIZEN COMMENTS**

**Brian Davies** – Cliffside Lane – Commented if the rezoning requests are approved, the Town has given priority to the developer rather than the residents. HDR is not a quality standard.

**John Wells IV** – Skiview Road – Commented he is upset a council member stated this is at the end of the road, as this will affect his property, as well as others. Rezoning is a negative and will affect the view. He questions the ability to develop the 2 acre parcel for Otter Falls parking. He does not think the Town Council should be able to change the Planning Board's recommendation. Zoning does not allow for certain structures, and this rezoning to HDR should not be allowed if it's to increase the tax base.

**Ginger Asbill** – Alpine Drive – Commented to consider only one (1) road in/out of the town with a decision for rezoning. She also commented the Park at Seven Devils does not have trash receptacles.

### **ADMINISTRATIVE UPDATE**

Town Manager Harris provided the administrative update:

- Resume of Bob Bertini included as the Wat Co EDC nominee from 7D.
- Recap of Lite the Nite event – approximately 80 citizens attended.
- Blue Ridge Energy has repaired the streetlights.
- Parks & Rec Tech – Jewel McKinney passed the CPRP certification exam.
- Town Manager Harris completed Budgeting in Local Government course; he is registered for the Budgeting Officer Certification program.
- Tax bill reminders have been mailed; taxes due on January 5<sup>th</sup>
- Public Works Director is communicating with landscape company for winter work
- Town Hall is closed:
  - Friday & Monday – December 23<sup>rd</sup> & 26<sup>th</sup> for Christmas holiday
  - Monday – January 2<sup>nd</sup> for New Year holiday

Tree permits – 4    Violations – 1    Fence Permits – 1  
Compliments – 1    RE Closings – 7 YTD RE Closings 58 compared to 67 in 2021

### **COMMITTEE REPORTS**

**Board of Adjustment** – No meeting

**Planning Board** – No meeting

**Public Works Committee** -No meeting

**Parks & Recreation Committee** – No meeting

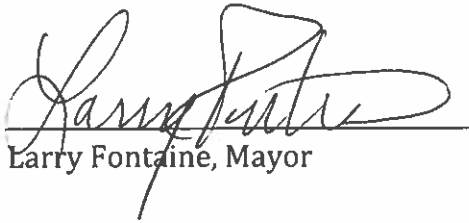
TDA – No meeting  
ABC Board – October minutes  
Tree Committee – No meeting  
Police Report  
Fire Report  
Financial Report

**COUNCIL COMMENTS**

Mayor Fontaine stated that Council members will be provided any future citizen's comments via email by the Town Clerk. Email to [publiccomments@sevendevils.net](mailto:publiccomments@sevendevils.net)

**ADJOURN**

Mayor Pro Tem Lambert made a motion to adjourn the meeting; Member Sasse seconded the motion. All members agreed. The meeting was adjourned at 7:05pm.

  
Larry Fontaine, Mayor

  
Hillary Gropp, Town Clerk

