

TOWN OF SEVEN DEVILS
August 8, 2023
Public Hearing – 5:00pm
Regular Council Meeting - 5:30pm

- 1) PRAYER/INVOCATION
- 2) PLEDGE OF ALLEGIANCE
- 3) CALL TO ORDER - 5:00pm
- 4) OPEN PUBLIC HEARING -Rezoning Request – Mayor Fontaine - *Motion*
 - A. Presentation – Eddie Barnes, Zoning Administrator
 - B. Presentation – Jim Jones, Chairperson of the Planning Board
 - C. Public Comments
- 5) CLOSE PUBLIC HEARING - *Motion*
- 6) RECESS – *Optional – If needed - Motion*
- 7) CALL TO ORDER – *From recess - Motion*
- 8) ADOPT AGENDA
- 9) CONSENT AGENDA
 - A. Motion for Consideration
 - (i) Adopt minutes of Town Council meeting –July 11, 2023
- 10) CITIZENS COMMENTS
- 11) OLD BUSINESS - None
- 12) NEW BUSINESS
 - A. Proclamation – International Overdose Awareness Day
 - B. Chestnut Ridge Waterline Replacement Project
 - (i) West Consultants PLLC – Bid Tabulation
 - (ii) Carolina Grading & Utilities - Reduced Scope of Work
 - (iii) Resolution #2023-02 – Award of Bid - *Motion*
 - C. DISCUSSION OF REZONING REQUEST – 2058 Skyland Drive
 - (i) RB to HDR – 17.32 acres - *Motion*
 - (ii) HD to LDR – 17.32 acres - *Motion*
- 13) ADMINISTRATIVE UPDATE
- 14) COMMITTEE REPORTS
 - A. Board of Adjustment – Draft minutes
 - B. Planning Board – No meeting
 - C. Public Works – No meeting
 - D. Public Safety Committee – No meeting
 - E. Parks & Recreation Committee –July minutes
 - F. TDA – July minutes
 - G. ABC Board – June minutes
 - H. Tree Committee – No meeting
 - I. Police Report
 - J. Fire Report
 - K. Financial Report
- 15) COUNCIL COMMENTS
- 16) ADJOURN



TOWN OF SEVEN DEVILS

NORTH CAROLINA

The Town Council of Seven Devils will hold a Public Hearing on Tuesday, August 8, 2023, 5:00pm at Town Hall, 157 Seven Devils Road, Seven Devils, NC 28604 to consider the following rezoning request:

A request to rezone parcel 1868-74-0469 owned by Hanging Rock Golf Club, Inc and a portion of 1868-73-7927, owned by Ski Hawks Nest, Inc consisting together of approximately 17.32 acres and being further identified as being located in Watauga County at the Avery County line on the south side of Skyland Drive and abutting Leonard Cottom Jr, Living Trust on the west, east and south and Skyland Drive on the north be rezoned from Recreational Business (RB) to High Density Residential (HDR).

A request to rezone the following 3 parcels owned by Leonard Cottom, III and Denise Cottom, trustees and being further identified by Watauga County tax records; 1868-94-6713 consisting of 7.89 acres, parcel 1878-04-3716 consisting of 2.03 acres and parcel 1868-94-8525 consisting of 7.40 acres for a total of 17.32 acres to be rezoned from High Density Residential (HDR) to Low Density Residential (LDR), said property being abutted by Skyland Drive and BGB partnership on the north, Town of Seven Devils on the east, Blue Ridge Conservancy on the south and Hanging Rock Golf Club, Inc on the west.

Interested parties are encouraged to attend and citizens can email comments to: publiccomments@sevendevils.net

Emailed comments will be provided to the Town Council, but not read aloud at the Public Hearing.

A map of the proposed zoning change is available at Town Hall & posted at www.sevendevils.net

For information contact Eddie Barnes, Zoning Administrator at 828-963-5343, ext. 104

This the 26 Day of July 2023

AGENDA ITEM

4)A

Facts to Consider Regarding the Current Rezoning Request

As many of you know there is a Rezoning Request to be heard by the Town Council on Tuesday, August 8, 2023. The Town Council will hold a public hearing to answer questions and hear comments regarding the request. There is a lot of misinformation being circulated and discussed, so here are some facts for you to consider:

***The Rezoning Request that is under consideration will cause a maximum increase of 15 single family dwellings over the zoning that is currently in place.** The proposed zoning would relocate the development rights of High Density Residential (HDR) (zoning already in place) from a heavily forested tract to the old golf course which is a meadow with better topography, currently zoned Recreational/Business.

***Should the Town Council approve this request, it is only a zoning change.** There are still **many steps to be made before any building or ground preparation could begin** as specified by the Town's Unified Development Ordinances (UDO) as well as the many forms and permits that are required by the county where the property is located.

***Definitions and relevant information**

- High Density Residential HDR allows **six (6) homes per acres.**
- Medium Density Residential (MDR) allows **three (3) homes per acre.**
- Low Density Residential (LDR) allows **one (1) home per acre.**
- Please consult page 32 in UDO for permitted uses for the above Density districts.
- Please consult UDO Articles 8,9,10 with regard to Design Standards for Subdivisions

***No condos are allowed** according to the Town's UDO.

***The applicant for the Rezoning Request is offering to donate 2 acres to the Town to help alleviate parking issues for Otter Falls. Along with this he will give an easement along Otter Creek for a trail that will connect to the existing trail at Otter Falls.**

For a summary of all actions taken on this request so far, please review the following:

July 19, 2022: - Planning Board - Rezoning Request from Leonard & Denise Cottom

- Rezone 17.32 acres of HDR to MDR - property adjacent to Hanging Rock Villas; Reduce total number of single-family homes from 104 to 52
- Rezone 25.5 acres from RB to MDR - property located west of above-mentioned 17.32 acres; 3 homes per acre for total of 112 single family homes
- Rezone 21.32 acres from RB to HDR - property between Avery/Watauga line and the above-mentioned 25.5 acres; 6 single family homes per acre for a total of 128 dwellings
- **Total property requested to be Rezone 76.12 acres; possible 292 dwellings; net increase of 240 dwellings**
- REQUEST TABLED FOR MORE INFORMATION
 - **August 16, 2022; - Planning Board -** Reopened the tabled request for 3 rezoning applications
- Board requests traffic analysis & more info regarding impact of 240 dwellings on infrastructure capacity. **Zoning Requests tabled** until information is provided

September 20, 2022 - Planning Board - Re-opened tabled matter

- Rezoning application has been revised
 - Change 17.32 acres of HDR to LDR; lowers current 104 dwellings to 17 dwellings
 - Lower proposed MDR from 52 to 17
 - **Brings total of 240 dwellings to 205; reduction of 35 dwelling units**
- Board Actions (after lengthy discussion)
 - **Approved** zoning request for 17.32 acres from HDR to LDR
 - **Deny** zoning request for 25.5 acres of RB to MDR
 - **Deny** zoning request for 21.3 acres from RB to HDR
- Board suggest they would be in favor of an even acre for acre swap
 - Motion (3A) approved 15.32 acres (17.32 less 2 acres applicant stated would be given to Town for Otter Falls parking) to be Rezoned from RB to HDR; changes total acreage of rezoning to 31.5 with total density of 107 dwellings; net increase 3 dwellings
 - Applicant did not concur with this recommendation at the meeting
- Board forwarded applicant's rezoning request to Town Council for Public Hearing to be set
 - Favorable recommendation for 17.32 acres of LDR
 - Unfavorable recommendation for 25.5 acres of MDR
 - Unfavorable recommendation for 21.3 acres of HDR

December 13, 2022 - Town Council Meeting & Public Hearing

- Applicant presented rezoning request
 - Rezoning of 25.5 acres from RB to MDR was withdrawn
 - Agreed to Planning Board motion (9/20/22) reducing HDR from 21.3 to even exchange to LDR
- Council hears public comments
- Council remands matter back to Planning Board for a new map removing 25.5 acres of MDR and reducing 21.3 acres of HDR
- Matter tabled until Planning Board provides this information

January 17, 2023 - Planning Board

- New map presenting showing proposed changes
- New members present on Board asked for more time to consider proposal and for a site visit
- **Matter tabled**

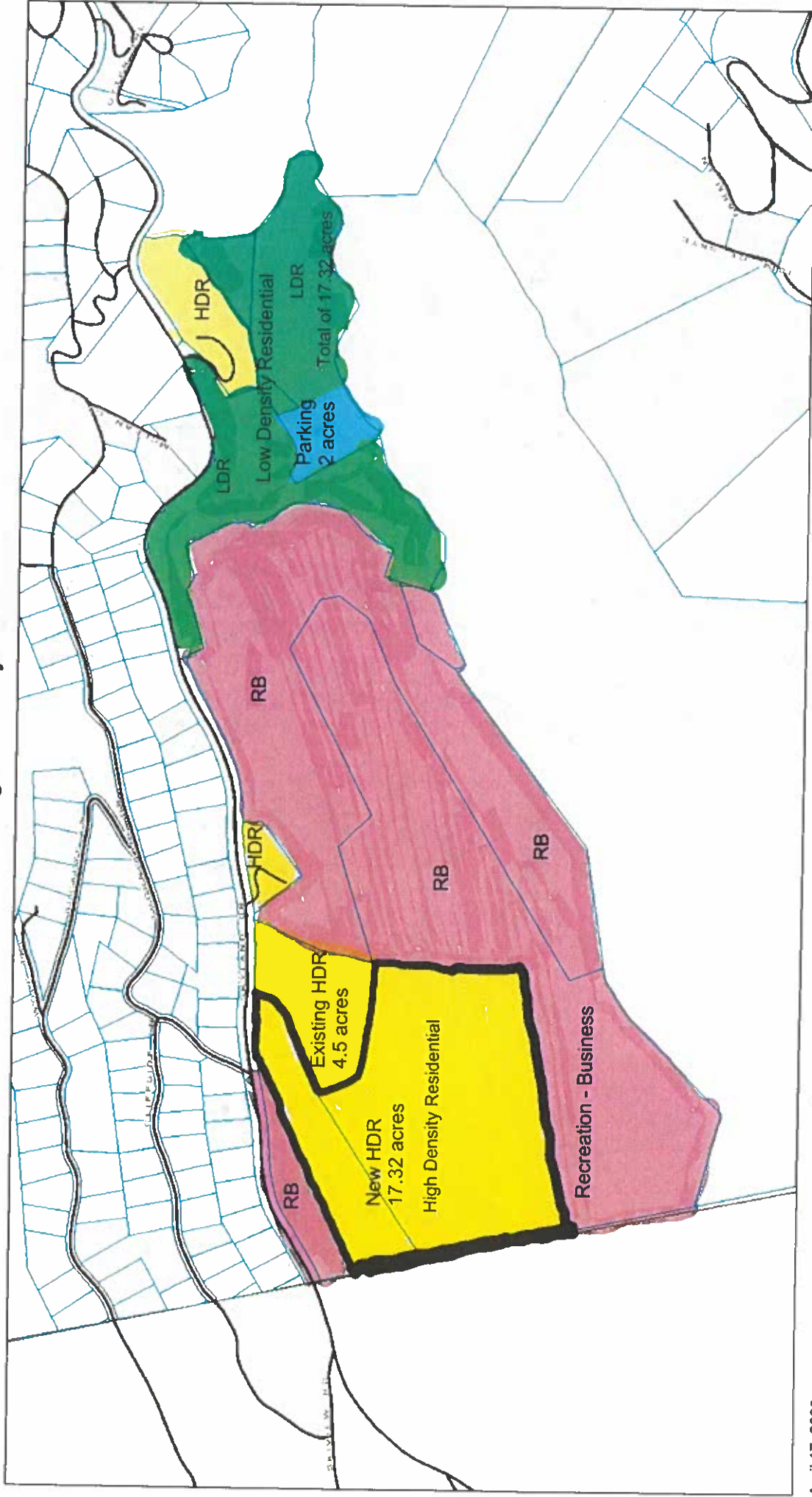
April 18, 2023 - Planning Board

- Reviewed new map and heard presentation from Denise Cottom
 - Requested actual 17.32 acres swap not 15.32 acres
- Board asks applicant to provide a revised application with exact acreage and zoning being requested
- **Matter tabled** until application is revised

June 20, 2023 - Planning Board

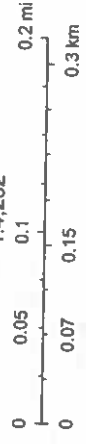
- Board reviews revised application
 - 17.32 acres from HDR to LDR
 - 17.32 acres from RB to HDR
 - Relocate development rights of HDR from heavily forested area to old golf course meadow with better topography
 - **Net gain of residential dwellings (excluding 2 acres donated for Otter Falls parking) will be a maximum of 15 single family dwellings**
- Board favorably recommended request to Town Council for a public hearing to be set (Vote passed 4-2)

Watauga County Auditor



April 17, 2023

1:4,232



TOWN MANAGER
Debbie Powers, MSBA, CZO

TOWN FINANCE OFFICER
Helga Sappington

TOWN CLERK
Hillary Gropp, CMC, NCCMC



TOWN COUNCIL

MAYOR - *Larry Fontaine*
MAYOR PRO-TEM - *Brad Lambert*
Wayne Bonomo
Leigh Sasse
Jeffrey Williams

TOWN OF SEVEN DEVILS

Consistency Statement for Rezoning of Property from RB to HDR

The Town of Seven Devils Planning Board having heard the rezoning request from Hawks Nest Zipline & Lenny Cottom on June 20, 2023, do hereby forward a favorable recommendation to the Town Council of the Town of Seven Devils for the proposed plan. The Planning Board recommends for the Town Council to hold a public hearing to consider the rezoning request of portions of parcels 1868-74-0469 and 1868-73-7927 consisting of approximately 17.32 acres and being further identified as being located in Watauga County at the Avery County line on the south side of Skyland Drive and abutting Leonard Cottom Jr, Living Trust on the west, east and south and Skyland Drive on the north be rezoned from Recreational Business (RB) to High Density Residential (HDR). The board finds that said rezoning is consistent with the Comprehensive Land Use Plan vision statement giving emphasis to the development of single family, owner occupied homes and the Unified Development Ordinance, Article 1, page 7, encouraging a primary focus on the development of owner occupied single family homes, and Article 5, section 1, to encourage developers to utilize land and public facilities more efficiently and to provide flexibility in the relation of buildings to each other and to critical environmental areas.

Signed *[Signature]* Chairman

Date 8/1/2023

**TOWN OF SEVEN DEVILS
TUESDAY, JULY 11, 2023
REGULAR COUNCIL MEETING – 5:30pm**

The Seven Devils Town Council met for a regular meeting on Tuesday, July 11, 2023 at Town Hall. Attendance included: Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, and Council Members – Wayne Bonomo, Leigh Sasse and Jeffrey Williams. Staff included: 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 Town Council meeting.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

CALL TO ORDER

Mayor Fontaine called the meeting to order at 5:30pm.

ADOPT AGENDA

Member Williams made a motion to adopt the agenda; Mayor Pro Tem Lambert seconded the motion. All members agreed.

ADOPT MINUTES

Public Hearing FY24 & Town Council Meeting Minutes of June 13, 2023 - Member Bonomo made a motion to approve and adopt the minutes; Member Sasse seconded the motion. All members agreed.

CITIZENS COMMENTS

Jim Shafer – 105 Longview Drive – Stated he objects to the (2) Rezoning applications and presented letters and signatures of other citizens not in favor of the rezoning.

Letters were provided to Town Clerk at meeting

Darlene Kronemann – 166 Cliff Dwellers Lane – Asked why her road has not been paved as it has water runoff problems and is dangerous. She has owned and paid taxes on her property for 44 years and requests the road be paved or reduce her property taxes.

Mayor Fontaine explained the process of the Blind Road Analysis in determining road projects.

Bill Prewitt – 277 Snowcloud Drive – Submitted a letter opposing the (2) Rezoning applications.

Tom Bookstaver – 231 Snowcloud Drive – Thanked the TDA, Staff & Kay Lambert for the efforts and support of the BBQ lunch on June 30th.

OLD BUSINESS

Revised Final Budget Amendment FY23

Increase of \$37,692 to General Fund:

\$12,692 = NC Sales Tax Refund

\$25,000 = HC ABC Board Bonus

Member Bonomo made a motion to approve the Revised Final Budget Amendment FY23; Member Williams seconded the motion. All members agreed. **~CLOSED~**

NEW BUSINESS

(2) Revised Rezoning Applications – Lenny Cottom – 2058 Skyland Drive

Mayor Fontaine reported the Planning Board met on June 20, 2023 to review the (2) Revised Rezoning Applications submitted by Lenny Cottom, Applicant as follows:

- **17.32 acres HDR to LDR – Revised Application, dated 05/15/2023**
- **17.32 acres RB to HDR – Revised Application, dated 05/15/2023**

The action of the Planning Board was approval with recommendation to the Town Council.

Mayor Fontaine stated a letter will be composed and mailed to the citizens outlining the timeline, factual information and other details in regard to this item of business, prior to the public hearing.

All methods of Public Hearing notification for Rezoning will be met according to the NC General Statutes.

Member Sasse made a motion to set a public hearing for (2) Rezoning Applications; Member Williams seconded the motion. All members agreed.

Public Hearing – Tuesday, August 8, 2023 at 5:00pm – Town Hall

ADMINISTRATIVE UPDATE

Mayor Fontaine read the administrative update:

- The 2 webcams are now working – 1 at Town Hall and 1 at Seven Devils Community Center
- June 30th Community Celebration Day attendance recap – BBQ lunch = 236 Music event = 180
- Update on the new Seven Devils website – Estimated launch date to be October 1st.
- The Town's audit process is underway.
- Filing with the Board of Elections for Town Council candidates is open until noon – July 21st.
- Voter ID & registration is required to vote in municipal elections Avery & Watauga counties.
- An update on a recent medical call (cardiac arrest) and arrival of the Town's 1st Responders was given; the Town will be hosting a CPR Lunch & Learn on August 30th for all interested citizens.
- Parks & Recreation Meeting – July 13th – 9:00am
- TDA Meeting – July 25th – 9:00am
- Board of Adjustment Meeting – July 25th – 5:30pm
- Public Safety Committee Meeting – August 1st – 10:00am
- July 14th – Dog Costume Contest & Summer Concert

COMMITTEE REPORTS

Board of Adjustment – June draft minutes

Planning Board – June draft minutes

Public Works Committee – No meeting

Public Safety Committee – No meeting

Parks & Recreation Committee – June minutes

TDA – June minutes

ABC Board

Tree Committee – No meeting

Police Report

Fire Report

Financial Report

COUNCIL COMMENTS

Council Member Sasse requested the rezoning letter that will be mailed to citizens in the H20 bill, also be posted on the Town's website with the rezoning map.

ADJOURN

Mayor Pro Tem Lambert made a motion to adjourn; Member Sasse seconded the motion. All members agreed. The meeting was adjourned at 6:02pm.

Larry Fontaine, Mayor

Hillary Gropp, Town Clerk



Proclamation
International Overdose Awareness Day

WHEREAS, the Town of Seven Devils, North Carolina does affirm and acknowledge the harm and hardship caused by drug overdose; and

WHEREAS, we recognize the purpose of International Overdose Awareness Day as remembering loved ones lost to overdose and ending the stigma of drug-related deaths; and

WHEREAS, we resolve to play our part in reducing the toll of overdose in our community, which claimed the lives of more than 14¹ residents of Watauga County last year, together with countless more affected forever; and

WHEREAS, we affirm that the people affected by overdose are our sons and daughters, our mothers and fathers, our brothers and sisters, and deserving of our love, compassion and support;

THEREFORE, I, Larry Fontaine, do hereby proclaim August 31, 2023, as End Overdose in Watauga Day in Seven Devils, North Carolina, and encourage all residents to consider being trained in the use of life-saving overdose reversal medication and having it available to use.

This the 8th day of August, 2023.

Larry Fontaine, Mayor

¹ Source for 2022 overdose deaths by county:

<https://www.cdc.gov/nchs/nvss/prov-county-drug-overdose.htm>



405 South Sterling Street, Morganton NC 28655

828 433 5661 / fax 828 433 5662 / info@west-consultants.com

August 1, 2023

Johnathan Harris
Town of Seven Devils
157 Seven Devils Road
Seven Devils, NC 28604

RE: Town of Seven Devils
Chestnut Ridge Trail Waterline Replacement Project
SRP-D-ARP-0012

Dear Mr. Harris:

On Tuesday, July 18, 2023, at 2:00 PM, bids were received for the above referenced project. A copy of the bid tabulation is enclosed for your review.

The lowest base bid submitted is from Carolina Grading & Utilities, Inc. of Jefferson, North Carolina in the amount of \$912,325.00. Since the low bid exceeds the available funds, we recommend reducing the scope of the project by eliminating the improvements on Chestnut Ridge Trail from Station 21+00 (Sheet 2) to the end of Presnell Drive (Sheet 3). The majority of the project's objectives would be preserved, including the replacement of water mains in roads that are scheduled to be resurfaced later. The estimated resulting contract price, using the low bid unit prices, would be approximately \$715,000. This includes \$20,000 for new water taps for future houses (vacant lots). This expense is not eligible for grant reimbursement. Therefore, the grant-eligible construction costs would be approximately \$695,000. The available ARP grant is \$700,000.

A recommended project budget under this scenario would be:

Construction (reduced scope):	\$715,000
Contingencies (5%):	\$35,750
Engineering (grant ineligible)	\$35,000
Miscellaneous (permit fees, advertising)	1,250
Total	\$787,000

Based on this budget, the Town of Seven Devils would need to supplement the grant with local funds of approximately \$87,000. With the grant-ineligible costs being estimated at \$55,000, the net increase in local funds required is approximately \$32,000. Please be aware that all of the budget items listed are subject to change based on various conditions (for example, the quantity of rock encountered during the project may exceed the estimated amount). The bid prices include sales taxes on materials and these taxes can later be reimbursed by the State. The grant cannot be used for reimbursable sales taxes.

We recommend awarding the contract to Carolina Grading & Utilities, Inc. in an amount based on the reduced scope of work as described above, and subject to final approval by the NC Department of Environmental Quality, Division of Water Infrastructure.

If you have any questions concerning the above, please let me know.

Sincerely,

WEST CONSULTANTS, PLLC

Benjamin B.

Thomas

Benjamin B. Thomas, P.E.

Digitally signed by Benjamin B. Thomas
DN: cn=Benjamin B. Thomas, o=West
Consultants, PLLC, ou,
email=bthomas@west-consultants.com,
c=US
Date: 2023.08.02 00:45:2 -04'00'

/kj

Enclosures

**TOWN OF SEVEN DEVILS
CHESTNUT RIDGE TRAIL WATERLINE REPLACEMENT PROJECT
SRP-D-ARP-0012**

BID TABULATION

Item		Quantity	Unit	Carolina Grading & Utilities, Inc. Jefferson, NC	Buckeye Bridge, LLC Canton, NC	Iron Mountain Construction Co., Inc. Mountain City, TN
1.	6" CL-350, Ductile Iron Waterline*	7,500	LF	\$64.75	\$74.00	\$94.00
2.	6x6 Tapping Sleeve and Valve	2	EA	\$6,400.00	\$10,016.00	\$6,588.00
3.	6" Gate Valve and Box	10	EA	\$3,535.00	\$1,718.00	\$1,770.00
4.	Fire Hydrant Assembly, Complete (Includes Valve, Rods, Etc.)	7	EA	\$8,675.00	\$6,677.00	\$7,825.00
5.	Fittings	2,250	LB	\$6.50	\$12.40	\$0.00
6.	Replace and Re-connect Existing 3/4" Services	15	EA	\$2,250.00	\$2,394.00	\$3,152.00
7.	1" Service Line to Vacant Lots, Including Tap, Corp. Stop, and Curb Stop with Meter Box (Excludes Meter and Setter) - Grant Ineligible	10	EA	\$2,000.00	\$1,345.00	\$2,462.00
8.	Trench Rock Excavation**	100	CY	\$150.00	\$150.00	\$150.00
9.	Pressure Reducing Valve and Vault	1	Lump Sum	\$37,350.00	\$35,825.00	\$62,120.00
10.	Remove Existing PRV Manhole/Structure and Backfill with Compacted Earth	1	Lump Sum	\$3,500.00	\$5,328.00	\$3,600.00
11.	Aggregate Base Course	2,200	TN	\$39.50	\$50.10	\$42.00
12.	2" Asphalt Surface Course	260	TN	\$195.00	\$441.00	\$240.00
13.	Find End of 3" Waterline and Disconnect from 6" Water Main (Incl. Restrained Joint Plug and Concrete Blocking)	2	EA	\$6,500.00	\$4,975.00	\$3,840.00
14.	Find Existing Gate Valve and Connect to it (Near Wildcat Rocks Road and Knob Lane Intersection)	1	EA	\$6,500.00	\$5,105.00	\$3,840.00
15.	Connect to Existing 6" PVC Waterline on Chestnut Ridge Trail from Booster Pump Station, (Sheet 3)	1	EA	\$6,000.00	\$2,716.00	\$6,120.00
16.	Disconnect Existing 6" Waterline on Presnell Drive (Sheet 3)	1	EA	\$6,500.00	\$2,592.00	\$3,840.00
17.	Bonds and Mobilization (Max. 3% of Total Bid)	1	LS	\$24,000.00	\$15,745.00	\$33,600.00
Total of Base Bid				\$912,325.00	\$1,033,352.00	\$1,153,151.00

Alternate Bid (required to be submitted)

A.1	Pressure reducing and pressure relief valves manufactured by Mueller-Singer (indicate price increase, if any, to Bid Item No. 9)	\$4,500.00	\$41,321.00	\$0.00
Write in name of manufacturer for PRV's used as basis for price for Bid Item No. 9 in Base Bid:		Wilkins	none listed	Singer

*NOTE: Bidder agrees that costs for all by-pass pumping or pumping and hauling (if required); landscaping, fertilizing, seeding, and mulching; erosion control measures; fence replacements; culvert replacements; stone foundation conditioning; and any existing conditions restorations not otherwise listed as bid items have been included in the unit prices for the various bid items. No separate payment will be made for these items.

**NOTE: Compensation for all rock excavation shall be limited to the unit prices shown. If Bidder believes actual cost per cubic yard will be higher, such incremental cost should be added to the cost for waterline installation and based on Bidder's own estimate of total quantity of rock. No payment above \$150/CY for trench rock excavation will be made.

I, Benjamin B. Thomas PE, do hereby certify that this is a true and correct copy of the canvass of bids received on Tuesday, July 18, 2023 at 2:00 PM for the Chestnut Ridge Trail Waterline Replacement Project.

Benjamin B. Thomas
Benjamin B. Thomas, PE





Carolina Grading & Utilities, Inc.

P.O. Box 785 • Jefferson, North Carolina 28640 • 336-384-3800 • Fax: 336-384-3802

Physical Address: 3677 Hwy. 88 West • Warrensville, NC 28693

Randy Carpenter, Owner/President

August 3, 2023

Town of Seven Devils
157 Seven Devils Rd
Seven Devils, NC 28604

Subject: Chestnut Ridge Trail Waterline Replacement Project

Carolina Grading and Utilities, Inc. is agreeable to contract this project with a reduced scope of work for \$709,800.

The proposed scope reduction presented to us by West Consultants is attached herewith.

A handwritten signature in blue ink that reads 'Sid Carpenter'.

Sid Carpenter, VP Carolina Grading & Utilities, Inc.

**TOWN OF SEVEN DEVILS
CHESTNUT RIDGE TRAIL WATERLINE REPLACEMENT PROJECT
SRP-D-ARP-0012**

Item	Bid Quantities		Carolina Grading & Utilities, Inc. Jefferson, NC	Proposed Reduction in Quantities	Proposed New Quantities	Proposed Adjusted Bid Price
	Quantity	Unit				
1. 6" CL-350, Ductile Iron Waterline*	7,500	LF	\$64.75	-1,680	5,820	\$376,845.00
2. 6x6 Tapping Sleeve and Valve	2	EA	\$6,400.00	-1	1	\$6,400.00
3. 6" Gate Valve and Box	10	EA	\$3,535.00	1	11	\$38,885.00
4. Fire Hydrant Assembly, Complete (Includes Valve, Rods, Etc.)	7	EA	\$8,675.00	-2	5	\$43,375.00
5. Fittings	2,250	LB	\$6.50	-375	1,875	\$12,187.50
6. Replace and Re-connect Existing 3/4" Services	15	EA	\$2,250.00	0	15	\$33,750.00
7. 1" Service Line to Vacant Lots, Including Tap, Corp. Stop, and Curb Stop with Meter Box (Excludes Meter and Setter) - Grant Ineligible	10	EA	\$2,000.00	0	10	\$20,000.00
8. Trench Rock Excavation**	100	CY	\$150.00	0	100	\$15,000.00
9. Pressure Reducing Valve and Vault	1	Lump Sum	\$37,350.00	-1	0	\$0.00
10. Remove Existing PRV Manhole/Structure and Backfill with Compacted Earth	1	Lump Sum	\$3,500.00	-1	0	\$0.00
11. Aggregate Base Course	2,200	TN	\$39.50	-315	1,885	\$74,457.50
12. 2" Asphalt Surface Course	260	TN	\$195.00	0	260	\$50,700.00
13. Find End of 3" Waterline and Disconnect from 6" Water Main (incl. Restrained Joint Plug and Concrete Blocking)	2	EA	\$6,500.00	-1	1	\$6,500.00
14. Find Existing Gate Valve and Connect to it (Near Wildcat Rocks Road and Knob Lane Intersection)	1	EA	\$6,500.00	0	1	\$6,500.00
15. Connect to Existing 6" PVC Waterline on Chestnut Ridge Trail from Booster Pump Station, (Sheet 3)	1	EA	\$6,000.00	0	1	\$6,000.00
16. Disconnect Existing 6" Waterline on Presnell Drive (Sheet 3)	1	EA	\$6,500.00	-1	0	\$0.00
17. Bonds and Mobilization (Max. 3% of Total Bid)	1	LS	\$24,000.00	-0.2	0.80	\$19,200.00
Total of Base Bid			\$912,325.00			\$709,800.00



RESOLUTION #2023-02

**Town of Seven Devils
Resolution of Award
Chestnut Ridge Trail Waterline Replacement
SRP-D-ARP-0012**

WHEREAS, the Town of Seven Devils publicly advertised for bids to be received for the Chestnut Ridge Trail Waterline Replacement Project (SRP-D-ARP-0012); and

WHEREAS, the bids were publicly opened on July 18, 2023, and read aloud; and

WHEREAS, American Rescue Plan Act (ARPA) grant funding from the State Fiscal Recovery Fund established in S.L. 2021-180 (SRP-D-ARP-0012) is expected to be provided by the North Carolina Department of Environmental Quality, Division of Water Infrastructure, in the amount of \$700,000; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SEVEN DEVILS that the construction contract be awarded to, subject to final documentation and final funding being provided and approved by the aforementioned funding agency, in accordance with the Engineer's recommendation:

**Carolina Grading & Utilities, Inc.
Jefferson, NC**

Not to Exceed \$715,000

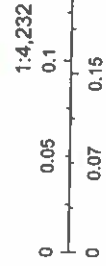
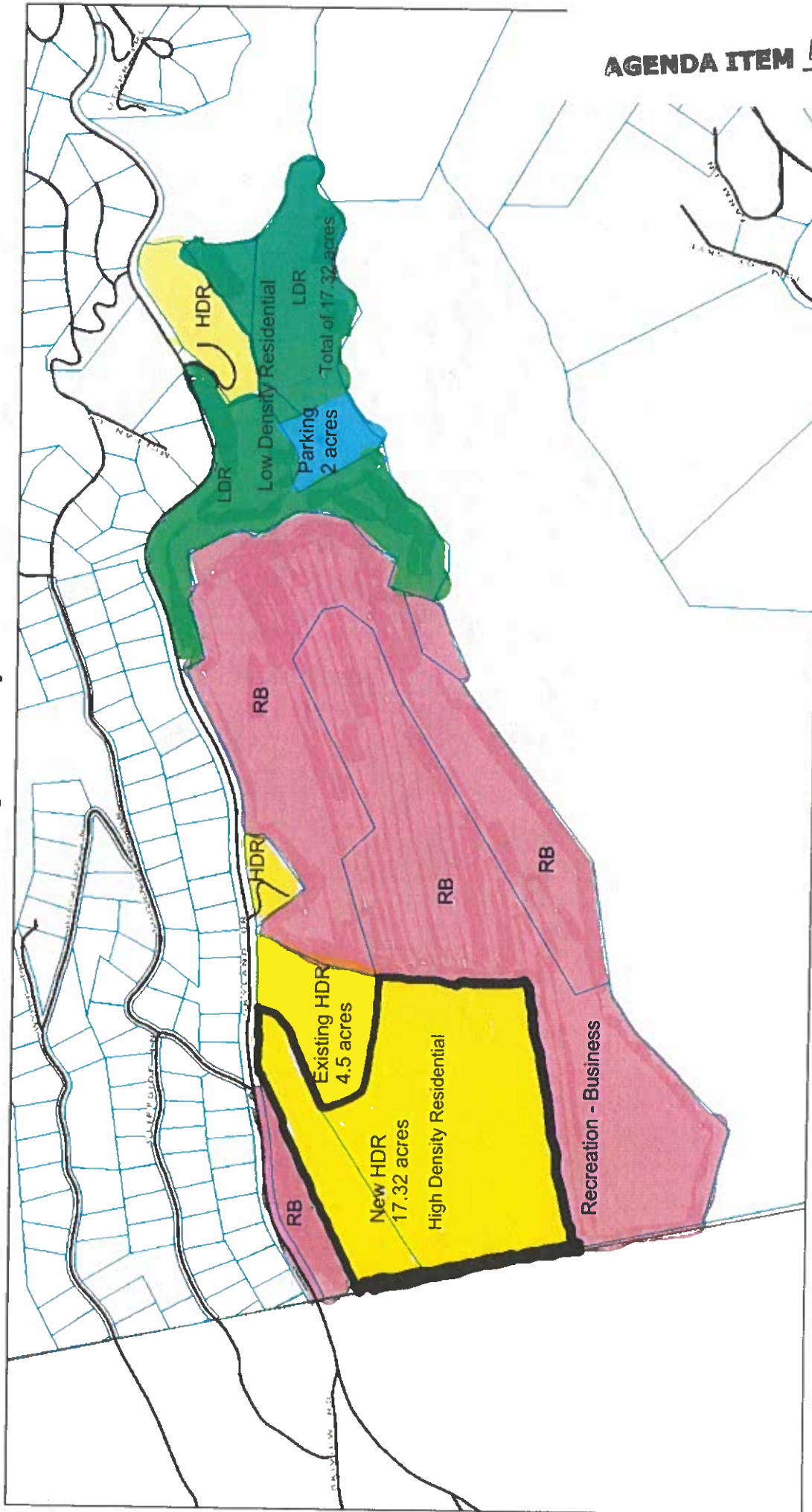
Adopted this the 8th day of August, 2023 at Seven Devils, North Carolina.

Larry Fontaine, Mayor

ATTEST:

Hillary Gropp, Town Clerk

Seal



Revised

AGENDA ITEM 12) C. (i)

Figure 4.1: Application for Change in Zoning Classification of Property - Town of Seven Devils

Town of Seven Devils
157 Seven Devils Road
Seven Devils, NC 28604
Phone: (828) 963-5343

Description of Property

Location of Property: 2058 Skyland Dr
Size of Property 17.32 County Watauga PIN # 1868737927000
Current Zoning District Recreational Change Current Zoning to High density
Business
The property is best suited for the requested change for the following general reason(s):

Applicant Information

Name: Lenny Cotton
Title: President
Address: 2058 Skyland Dr
Seven Devils
Phone # (s): 828-773-5450
E-mail: lenny@hawksneststabling.com

Property Owner Information

Name: Hawksnest Stabling, Inc
Title: _____
Address: 2058 Skyland Dr
Seven Devils
Phone # (s): _____
E-mail: _____

In order for this application to be complete, the applicant must submit the following:

- Two (2) copies of this completed form, typed, or filled out in black ink.
- Two (2) copies of current zoning map with location of property indicated.
- Two (2) copies of any additional information the applicant intends to present at the public hearing.
- A list of names and addresses of the owners of property within 100 feet of the property in question.
- Personal or Certified Check in the amount determined by the current Fee Schedule for each application for a zoning classification change to cover the necessary administrative costs.

To be placed on the agenda, completed applications, fees, and all accompanying materials must be presented no less than thirty (30) days before the next scheduled meeting of the Planning Board.

Signature of Applicant

Amount Paid N/A

Received by

Eddie Bonner

Date 5/15/23

5/15/23
Date

Revised

AGENDA ITEM 12)c.(ii)

Figure 4.1: Application for Change in Zoning Classification of Property - Town of Seven Devils

Town of Seven Devils
157 Seven Devils Road
Seven Devils, NC 28604
Phone: (828) 963-5343

Description of Property

Location of Property: 2058 Skyland Dr 1878043716000
Size of Property 17.32 County Watauga PIN # 186894013000
Current Zoning District low high density Change Current Zoning to high density
low

The property is best suited for the requested change for the following general reason(s):

Applicant Information

Name: Lenny Cotton
Title: _____
Address: 138 Trout Lilly Lane
Boone
Phone # (s): 828-773-5450
E-mail: Lenny@hawksnesttubing.com

Property Owner Information

Name: Leonard Cotton, Denise Cotton
Title: _____
Address: 138 Trout Lilly Lane
Boone
Phone # (s): 828-773-5450
E-mail: _____

In order for this application to be complete, the applicant must submit the following:

- Two (2) copies of this completed form, typed, or filled out in black ink.
- Two (2) copies of current zoning map with location of property indicated.
- Two (2) copies of any additional information the applicant intends to present at the public hearing.
- A list of names and addresses of the owners of property within 100 feet of the property in question.
- Personal or Certified Check in the amount determined by the current Fee Schedule for each application for a zoning classification change to cover the necessary administrative costs.

To be placed on the agenda, completed applications, fees, and all accompanying materials must be presented no less than thirty (30) days before the next scheduled meeting of the Planning Board.

Signature of Applicant

Amount Paid N/A

Received by Eddie Barnes

5/15/23

Date

Date 5/15/23

ADMIN UPDATE for July 2023

- The audit process is complete. The Audit Presentation will take place at the September Council meeting.
- Our final summer concert featuring Wayne Henderson and Friends is scheduled for Friday August 11th.
- The bid process for the Chestnut Ridge water project is complete.
- PARTF awards ceremony will be held August 11th in Raleigh.
- Water leak repaired on Buckeye.
- Well-pump replaced at Town Hall.
- The exercise equipment preventative maintenance was performed.
- TDA meeting August 23rd at 9 am.

**Town of Seven Devils
Board of Adjustment Meeting
Tuesday July 25, 2023
5:30pm**

The Seven Devils Board of Adjustment met on Tuesday, July 25, 2023, at Town Hall.

Attendance included Members - Bob Bridges, Faye Brock, Bobbye Hurlbrink, Stuart Ryan, and Richard Blonshine – Alternate & Quinn Morris – Alternate.

Member John Wells IV was absent.

Staff in attendance included Zoning Administrator Eddie Barnes, Town Attorney Rob Angle; Town Clerk Hillary Gropp recorded the minutes.

Town Manager Johnathan Harris represented the Town of Seven Devils, as the Applicant.

CALL TO ORDER

Chairperson Bridges called the meeting to order at 5:30pm.

ROLL CALL

Richard Blonshine, Faye Brock, Bob Bridges, Bobbye Hurlbrink and Stuart Ryan stated their name and announced their presence for Roll Call. A quorum was met.

Quinn Morris- Alternate viewed the proceedings from a front row seat in the audience, should it be needed to call him to participate.

ADOPT AGENDA

Member Brock made a motion to adopt the agenda; Member Ryan seconded the motion. All members agreed.

OLD BUSINESS

A. Approve minutes – Board of Adjustment meeting – June 27, 2023

Member Blonshine made a motion to approve the minutes; Member Brock seconded the motion. All members agreed.

NEW BUSINESS

A. Application for Special Use Permit – Town of Seven Devils

Johnathan Harris, Town Manager/Applicant

AGENDA ITEM S/A.

Figure 14.1—Application for Special Use Permit

Application for a Special Use Permit for Property in the Town of Seven Devils

Town of Seven Devils
157 Seven Devils Road
Seven Devils, NC 28604
Phone: (828) 963-5343

To the Board of Adjustment for the Town of Seven Devils:

I hereby petition the Board of Adjustment for a Special Use Permit as authorized by Article 14 of the Unified Development Ordinance for the Town of Seven Devils. I understand that the requirements set forth in the Town of Seven Devils Unified Development Ordinance will apply to all plans submitted.

Description of Property

Physical Location of Property (including street address): 157 Seven Devils Rd,
Seven Devils, NC 28604

Size of Property 7.34 acres County Watauga PIN # 1878-33-8610-000

Current Zoning District GB

General Use of Property: Government office,

Applicant Information

Name: Town of Seven Devils
Title: _____
Address: 157 Seven Devils Rd
Seven Devils, NC 28604
Phone # (s): 828-963-5343

E-mail: townmanager@sevendevils.net

Property Owner

Name: Town of Seven Devils
Title: _____
Address: 157 Seven Devils Rd
Seven Devils, NC 28604
Phone # (s): 828-963-5343

E-mail: townmanager@sevendevils.net

In order for this application to be complete, the applicant must submit the following:

- Two (2) copies of this completed form, typed, or filled out in black ink.
 - Eight (8) copies of current zoning map with location of property indicated.
 - A surveyed plat of the property in question.
 - Statements from the applicant describing how the proposed Special Use would meet the criteria for approval of such a permit as described in Article 14 of the Unified Development Ordinance.
 - Personal or Certified Check in the amount of \$500 for the application fee. Application fee shall be paid to the Town of Seven Devils, NC for each application for a Special Use Permit in order to cover the necessary administrative costs.
- I certify that all of the information presented by me in this application is accurate to the best of my knowledge.

Johnathan Harris
Signature of Applicant

06-26-2023
Date

Amount Paid: _____ Received by: Chloe Barnes Date 6-26-23

Open Evidentiary Hearing

Member Blonshine made a motion to open the evidentiary hearing; Member Brock seconded the motion. All members agreed.

Opening Statement

Chair Bridges read the following opening statement:

"This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land use decisions like rezoning cases."

"The board's discretion is limited. The board must base its decision upon competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the ordinance and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference, or opinion."

"Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have rights to participate fully. Parties may present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the local government, and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the board. General witness testimony is limited to facts, not opinions. For certain topics, this board needs to hear opinion testimony from expert witnesses. These topics include projections about impacts on property values and projections about impacts of increased traffic. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion."

"Witnesses must swear or affirm their testimony."

Determination of Witnesses

- **Parties with Standing**

Johnathan Harris, Town Manager
Eddie Barnes, Zoning Administrator

- **Expert Witnesses – None**
- **General Witnesses – None**

Chair Bridges asked Rob Angle, Town Attorney, to take the Witness Oath, as he would be asked questions during the proceedings.

Witness Oath

Town Clerk Gropp administered the Witness Oath to Johnathan Harris, Eddie Barnes & Rob Angle.

Disclosures

Chair Bridges stated the following:

"The parties to this case are entitled to an impartial board. A board member may not participate in this hearing if she or he has a fixed opinion about the matter, a financial interest in the outcome of the matter, or a close relationship with an affected person. Does any board member have any partiality to disclose and recusal to offer?"

No board member replied.

Ex Parte Communication

Chair Bridges stated the following: *"The parties to this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the case outside of the hearing. That may include site visits as well as conversations with parties, staff, or the general public. Does any board member have any site visits to disclose?"*

No board member replied.

Chair Bridges asked the following: *"Does any board member have any conversations or other communications to disclose?"*

No board member replied.

Chair Bridges asked the following specific question to the Board of Adjustment members: *"Does anyone on the Board of Adjustment also serve on the Town's Planning Board with participation concerning policy for a Special Use Permit?"*

Members Blonshine and Ryan disclosed they are Planning Board members.

Chair Bridges asked, *"Can they be impartial for tonight's Board of Adjustment proceedings?"*

Members Blonshine and Ryan replied, "yes."

Chair Bridges asked the following specific question to the Board of Adjustment members: *"Does anyone on the Board of Adjustment also serve on the Town's TDA (Tourism Development Authority)?"*

Member Blonshine disclosed he is on the TDA and voted for funding of the Town's events.

Chair Bridges asked, *"Can he be impartial for tonight's Board of Adjustment proceedings?"*

Member Blonshine replied, "yes."

Chair Bridges asked the following specific question to the Board of Adjustment members: *"Does anyone on the Board of Adjustment also serve on the Town's Parks & Recreation Committee?"*

Member Brock & Chair Bridges disclosed they are on the Parks & Recreation Committee.

Chair Bridges asked, *"Can we be impartial for tonight's Board of Adjustment proceedings?"*

Member Brock & Chair Bridges replied, "yes."

Chair Bridges asked the following: *"Based on the disclosures we've heard from the board concerning partiality and ex parte communications, does any member of the board or any party to this matter have an objection to a board member's participation in this hearing?"*

No board member, nor party with standing replied.

Presentations of Findings of Fact – Eddie Barnes, Zoning Administrator

The Special Use Permit application was filed on June 26, 2023, by the Town of Seven Devils, with Town Manager Johnathan Harris as the Applicant. The request is to allow for an Open Air Market in the Town's General Business district (GB), most specifically for a farmers' market to be held in August 2023 at 157 Seven Devils Road. The Town's UDO does not define Open Air Market, but as Zoning Administrator, a farmer's market is acceptable. It will be temporary, seasonal and for occasional use and in the spirit of the General Business zoning of the surrounding area, which is for commercial purposes and retail sales.

Notices in accordance with the UDO and NCGS 160D were mailed to all property owners as “parties with standing” as defined by the UDO as those within 100 feet of the project. Nine (9) notices were mailed via 1st class mail on July 10, 2023, with sign posted on the property the same day. To date, there has been no reply from any of the “parties with standing.”

Presentation of Application – Johnathan Harris, Town Manager

Town Manager Harris provided the following details:

1. The purpose of applying for a Special Use Permit is for a farmer’s market on Friday, August 18, 2023, from 3:00pm to 6:00pm.
2. There are temporary toilets for the citizens & vendors.
3. No alcohol is allowed.
4. This event is sponsored and funded by the TDA of the Town of Seven Devils.
5. It is understood that the Special Use Permit stays valid in perpetuity as long as the event is held annually, otherwise it will expire.
6. A Special Use Permit is required for Open Air Markets, according to the Town’s UDO. Other types of uses the Town have currently planned include food trucks, vendors, and outdoor concerts.
7. These events will occur in the General Business zoning district of the Town of Seven Devils.

Chairperson Bridges asked for questions or discussion from the Board of Adjustment members, as deliberations will conclude with one of three decisions: Approve, Approve with Conditions, or Deny.

Chair Bridges asked, “Why the hours of 3:00pm to 6:00pm?”

Town Manager Harris replied that the event and hours are planned by Jewel McKinney, Parks & Recreation Director of the Town of Seven Devils.

Chair Bridges inquired with Town Manager Harris how come Jewel McKinney, Parks & Recreation Director is not making the presentation tonight.

Town Manager Harris replied, McKinney does not like public speaking, so he is making the presentation.

Chair Bridges then asked each of the staff members who were administered the witness oath the following questions, for clarification of representation for this evidentiary hearing.

Who are you representing at tonight’s meeting?

- Eddie Barnes replied as both for the Town of Seven Devils and Board of Adjustment as the Zoning Administrator.
- Johnathan Harris replied as the Applicant for the Town of Seven Devils.
- Town Attorney Rob Angle replied as both for the Town of Seven Devils and Board of Adjustment. Chair Bridges inquired does this presents a conflict of interest, procedurally? Chair Bridges continued, that should Town Attorney Angle have to choose representation, what is his response? Town Attorney Angle stated that his duty is to the Town of Seven Devils over the Board of Adjustment.

Member Ryan asked, “Who is requiring this Special Use Permit and why?” “Is it the county?”

Town Manager Harris replied, no, not the county, but the Town of Seven Devils requires it in the UDO, under the Table of Permitted uses.

Member Ryan stated that last year a farmer’s market was held in the Town of Seven Devils.

Town Manager Harris confirmed that to be true, however it was unknown at that time a Special Use Permit was required, so now the procedure is being followed correctly.

Member Hurlbrink asked, "Will there be restrictions on the type of vendors?"

Zoning Administrator Barnes stated the ordinance does not provide language on vendors.

Town Manager Harris reported that at this time vendors will provide food items, local grown produce, or plants, however, in the future might include arts & crafts.

Chair Bridges stated the Parks & Recreation Committee will provide guidance as to the type of vendors.

Member Brock asked, "Do the vendors have insurance?"

Town Manager Harris stated the property in the Town of Seven Devils is covered by liability insurance.

Member Ryan asked, "Is there a fee for a Special Use Permit?" "Did the Town pay the fee?"

Manager Harris replied, yes there is a fee for a Special Use Permit, but the Town is waived the fee.

Chair Bridges inquired about potential traffic issues.

Town Manager Harris stated last year about 40 citizens attended the farmer's market and it is unknown what the attendance will be in the future. The location has ingress & egress from Seven Devils Road, and recently the parking lot has allowed 400+ citizens to attend the music events. The Town of Seven Devils has police on duty to help with traffic issues.

Chair Bridges asked, "Will there be noise?" "Or any complaints of noise from previous events?"

Town Manager Harris reported that since Town Clerk Gropp answers most phone calls/complaints, that she provides this information.

Town Clerk Gropp stated that no complaints were received about last year's farmer's market, or any other events.

Zoning Administrator Barnes mentioned that since there is not a definition of Open Air Market in the Town's Permitted Use Table, that any restrictions tonight can set precedent, and/or future considerations can be decided on case by case basis.

Chair Bridges replied that the Town's Planning Board should decide any definition of Open Air Market, not the Board of Adjustment.

Member Ryan asked, "Is there a cost for the vendor?" and "Does this provide revenue to the Town?"

Town Manager Harris stated this event is funded by the Town of Seven Devils TDA with the Occupancy Tax collected from short term rentals.

Member Ryan stated he does not agree with more taxation of citizens.

Member Brock asked for clarification, "Do the vendors keep the money of items sold?"

Town Manager Harris stated "yes," and this farmer's market offers citizens of the Town or surrounding areas the ability to purchase fresh produce and items.

Board of Adjustment Deliberations

Chair Bridges read the following statement:

"We will now begin the deliberation of this request. As a reminder this board is tasked with deciding if, based on the evidence presented, this proposal meets the applicable standards. This decision cannot be based on the personal preference of board members. Rather it is based on standards and evidence.

"Board members are encouraged to reference the applicable standards and specific evidence in their deliberation.

"For this particular case, the board is asked to decide: Does the record include competent, relevant, and substantial evidence that the required standards have been met. The board shall issue the Special Use Permit unless it concludes, based on the information submitted, that one (1) or more of the following is true.

- 1. The application is incomplete.**
- 2. The proposed use will be located, designed, and/or operated in a way that will endanger the public health, safety, or general welfare.**
- 3. The proposed use will seriously interfere with existing uses on adjacent properties, with the character of the area, or with the purpose of the zone in which it is proposed.**
- 4. The proposed use will impose an undue burden on any public improvements, facilities, utilities, or services available to the area.**
- 5. The proposed use will substantially injure the value of adjoining or abutting property.**
- 6. The proposed use will not be in general conformity with the Vision Statement, Comprehensive Land Use Plan or other plan officially adopted by the Town Council.**

Decision – Findings of Fact

Chairperson Bridges stated the following:

- 1) The application is incomplete. – **FALSE**
All material to be considered for a Special Use Permit has been submitted.
- 2) The proposed use will be located, designed, and/or operated in a way that will endanger the public health, safety, or general welfare. – **FALSE**
The proposed use will be managed and overseen by the staff of Seven Devils; the area is a municipal park and will be limited to pedestrian traffic; a separate parking lot is provided for vehicles.
- 3) The proposed use will seriously interfere with existing uses on adjacent properties, with the character of the area, or with the purpose of the zone in which it is proposed. – **FALSE**
The proposed use is consistent with uses in the General Business (GB) district; the open air market will be operated seasonally, with no permanent structure and be used for the sale of produce, plants and other goods found in a farmer's market.
- 4) The proposed use will impose undue burden on public improvements, facilities, utilities, or services. – **FALSE**
The proposed use will not use any utilities or permanent structures; the area is a municipal park and hours of operation will be set by staff of Seven Devils to not conflict with other activities.
- 5) The proposed use will substantially injure the value of adjoining or abutting property. – **FALSE**
The proposed use will be temporary, seasonal and no permanent structures.

- 6) The proposed use will not be in general conformity with the Town's Vision Statement, Comprehensive Land Use Plan, and other adopted plans. – **FALSE**
The proposed use is consistent with uses in the General Business (GB) district of the Town's UDO and will provide citizens with the opportunity to purchase local grown food or local crafts.

Chair Bridges asked for a motion.

Member Brock made a motion to approve the Special Use Permit application as submitted; Member Blonshine seconded the motion.

Roll Call:

Richard Blonshine, Alternate-Yea Faye Brock-Yea Bob Bridges-Yea

Bobbie Hurlbrink-Yea Stuart Ryan-Yea

Motion passed 5 yeas - 0 nays

Close Evidentiary Hearing

Member Blonshine made a motion to close the evidentiary hearing; Member Hurlbrink seconded the motion. All members agreed.

ADJOURN

Member Blonshine made a motion to adjourn the meeting; Member Brock seconded the motion. All members agreed. The meeting was adjourned at 5:57pm.

Robert D. Bridges, Chairperson

Hillary Gropp, Town Clerk

**Clerk's note - Support documents/evidence to be attached with the minutes.*

**THE TOWN OF SEVEN DEVILS
PARKS AND RECREATION COMMITTEE
MINUTES - REGULAR SESSION
JULY 13, 2023**

The Town of Seven Devils Parks and Recreation Committee met at 9:00 AM in Town Hall on July 13, 2023.

Chairman Bob Bridges called the meeting to order at 9:00 AM. Members present were Ed Beck, Marino Fernandez, Bob Bridges, Faye Brock, Kay Lambert and Freddie Blonshine. Members absent were Joe Alfonso, Rebecca Ryan and Mark Williams. Jewel McKinney, Parks and Recreation Director also attended.

Faye Brock moved to approve the Agenda, and Kay Lambert seconded. The motion was approved.

Marino Fernandez moved to approve the minutes of the June 25, 2023 meeting. Ed Beck seconded. The motion was approved.

OLD BUSINESS

- A. Trash Can Update - one trash can has been installed at the Park at Seven Devils, and three more will be arriving in the near future.
- B. Summer 2023 Update -
- Food contributions are slightly down for the ongoing Food Drive.
 - The Taco Truck at the Music on the Lawn Concerts has been well received.
 - Independence Day BBQ was a huge success. Thanks to Kay Lambert, the Fire Department and Public Works.
 - Bob Bridges asked Jewel McKinney to find out the status of the Blood Drive at Tynecastle so we can help publicize this event.
 - The Resort Club will not be able to participate in a Bake Sale at the Farmers Market.
 - Yard of the Month sign was given to the winner.
 - It was suggested to schedule Tai Chi in the winter.
 - Marino Fernandez reported pickle ball attendance in the high 20's and low 30's. The level of play has improved. Marino suggested having a Beginners Pickleball Day on Wednesday. This was approved and will start in the near future.
 - Attendance numbers for all current seasonal events will be reviewed and will be the major focus to determine the degree of success for all programs to be renewed for the 2024 season.
 - In the absence of Joe Alfonso, an update regarding Seven Devils logo t-shirts will be deferred until the August meeting.

NEW BUSINESS

- A. New Ideas
- Tom Bookstaver from the Volunteer Fire Department spoke about bringing the Parks and Recreation Committee and The Fire Department together to offer classes for citizens assisting those who have fallen. He also presented information on the Lucas Compression Machine, which does physical compressions used in CPR. The median price of a machine is \$17,000.
 - The CPR class is scheduled, and the refresher class will be scheduled in the near future.
 - A local artist has offered to donate a piece of sculpture for The Park at Seven Devils. If we accept, the artist would like right of first refusal if future pieces of art are purchased for the Park. Marino Fernandez made a motion to take this to the Visionary Committee of the Park for further review. Faye Brock seconded, and the motion was approved.
- B. Member Comments
- Faye Brock suggested having a cookie bake-off in conjunction with Lite the Night. It was decided to hold this event in the afternoon, and the cookies could be used as dessert for the dinner. Jewel McKinney will look into this.
 - Jewel McKinney announced that Ballots for the Bear Decorating Contest will be ready Friday, July 21.

Kay Lambert moved to adjourn the meeting at 9:59 and Faye Brock seconded. The meeting was adjourned.

Submitted by:
Freddie Blonshine
Parks and Recreation Committee Secretary

**Town of Seven Devils
Tourism Development Authority Meeting
July 25, 2023**

The Town of Seven Devils Tourism Development Authority met in regular session on Tuesday, July 25, 2023, at Town Hall. Chair Anne Fontaine, Member Leigh Sasse, Member Alejandra Fernandez and Member Rick Blonshine attended in person. Town Manager Johnathan Harris, Finance Officer Helga Sappington and Parks & Recreation Director Jewel McKinney were present.

Call to Order

Chair Anne Fontaine called the meeting to order at 9:00 am.

Adopt Agenda and Approve Minutes

A motion was made to move the Financial Statements to the top of the agenda. Member Rick Blonshine made a motion to adopt the modified agenda; motion was seconded by Member Leigh Sasse; the motion passed.

A motion to approve the minutes from the June 27, 2023, meeting was made by Member Leigh Sasse and seconded by Member Alejandra Fernandez; all approved. The motion passed unanimously.

Financial Statement

Member Rick Blonshine made a motion to approve the financial statements; Member Alejandra Fernandez seconded; all approved. Motion carried.

Old Business

- Parks & Recreation Director Jewel McKinney updated the TDA Members on the ongoing Summer Events.
- There was a discussion about pickleball participation and ensuring that there is enough pickleball equipment.

New Business

- Member Alejandra Fernandez made a motion to approve the July 2023 photography invoice (\$1050.00); motion was seconded by Member Rick Blonshine; the motion passed. There was a discussion to ensure that the photographs will be used on the new website. It was confirmed that they will be used on the new website.

Citizen Comments

Brad Lambert and Bob Bridges were present.

Bob reported that the Parks & Rec Committee is actively working to ensure that they suggest and promote events that are desired to promote Tourism in the Town of Seven Devils.

Town Manager Johnathan Harris reported the PARTF Grant for The Park at Seven Devils will be decided on 8.11.2023.

Board Comments

Member Rick Blonshine mentioned that Tai Chi has been well received.

Adjourn

At 9:24 am, Member Rick Blonshine made a motion to adjourn; Leigh Sasse seconded; all approved. Motion carried.

High Country ABC Budget Hearing

June 15, 2023 at 4:45 pm

The 2023-2024 Budget Hearing was held on Thursday, June 15 at 4:45 pm. Upon motion duly made by Robin Dunn, seconded by Winston Ammann, it was voted to open the budget hearing. There were no visitors or comments at the hearing. Upon motion duly made by Robin Dunn, seconded by Winston Ammann, it was voted to close the budget hearing.

High Country ABC Board Meeting Minutes

June 15, 2023 at 5:00 pm ABC Store

The High Country ABC Board (Board) held its monthly meeting on Thursday, June 15, 2023 at 5:00 pm. Board Chair Anne Fontaine; Board Member Robin Dunn; Board Member Winston Ammann; Alternate Board Member Donna Dicks; Alternate Board Member Leigh Sasse and Alternate Board Member David Miller via ZOOM; General Manager Bonnie Betz and guest Seven Devil's Mayor, Larry Fontaine were present.

In advance of the meeting, Board Chair Anne Fontaine read the following conflict of interest statement: "In accordance with 18B-201, it is the duty of every Board Member to avoid both conflicts of interest and appearances of conflicts. Does any Board Member have any conflicts of interests or appearances of conflicts with matters coming before the Board today?" Hearing none, the meeting commenced.

Upon a motion duly made by Robin Dunn and seconded by Winston Ammann, it was voted to approve the June 15, 2023 agenda. Upon a motion duly made by Robin Dunn and seconded by Winston Ammann, it was voted to approve the minutes of the May 25, 2023 Board meeting.

The General Manager reported that total sales for the month of May 2023 were \$436,165, which was up \$68,552 from last year's sales. Retail sales for May were \$303,618, up \$47,344 from last year's sales. Mixed beverage sales for May were \$132,547, up \$21,208 from last year's sales.

The General Manager reported that the available balance in the business checking account at Mountain Community Bank was \$474,808. The available balance in the Mountain Community Bank money market account was \$100,034. The First National Bank checking account has a remaining balance of \$27,442. The Board suggested that the General Manager try to reach out to those accounts that have not cashed their checks since we are trying to close that account.

The 6-mo CD at Mountain Community Bank has a balance of \$50,993. The 6-mo CD at First National Bank has a ledger balance of \$50,845 and will mature on 07/20/23. The Jumbo CD at First National Bank has a ledger balance of \$153,151 and will mature on 10/20/23.

The General Manager is adjusting the following expense line items in the current budget as follows:

INCREASE:	Budget	Add	New Amt
Insurance-Other	\$13,947	\$1,500	\$15,447
Bank Charges	\$722	\$200	\$922

DECREASE:	Budget	Minus	New Amt
Postage & Delivery	\$7030	\$1700	\$5330

Old Business:

Board Chair Anne and Bonnie had a lengthy telephone conversation with CPA, Brady Combs, to discuss whether or not we could afford to give the Towns a bonus and how to do the appropriate budget amendments. We realized that the store was very close to exceeding our Maximum Working Capital which could result in a budgetary compliance finding. In order to reduce our actual working capital, we are proposing increasing our revenue from sales to give each town a \$25,000 bonus. We would accomplish this by increasing our Town distributions by \$75,000. Brady said that we would need to increase

the excise tax and cost of sales (33%) in our budget amendment because they are based on sales.

$75,000 \times 1.33$ (to cover fees) = \$99,750

This is what the budget amendment will look like:

Increase:	Sales-Liquor Sales	\$99,750
Increase:	Town Distribution	\$75,000
	Excise Tax	\$12,375
	Cost of Sales	\$12,375

Upon a motion duly made by Robin Dunn and seconded by Winston Ammann, it was voted to approve giving each town a bonus of \$25,000.

The Board requested the General Manager get Brady's approval of the above before creating the checks for the Towns.

New Business:

Employee Will Wilson will be meeting with Avery Journal's Lilly Kincaid to do an article about the Crown Royal bag donation program that sends care packages to deployed troops. The ABC store has been collecting bags at the store since February.

Employee Will Wilson has completed his Level 1 Certification of the Wine Spirit Education Trust. He will receive his test results in 1-2 weeks. The General Manger asked the Board for approval to reimburse him for his class training expense of \$233. The Board agreed to cover the expense and wanted the other employees to be aware that the Board is willing to cover educational expenses with advance notice if it furthers the employee's knowledge and skills for the store.

The High Country ABC Store will be closed on Tuesday, July 4th.

There were no citizens in attendance.

The next scheduled board meeting will be on Thursday, July 20, 2023 at 5:00 pm.

Robin Dunn made a motion to adjourn today's Board meeting. It was seconded by Winston Ammann and approved by all in attendance.

Anne Fontaine, Board Chair

Robin Dunn, Board Member

Winston Ammann, Board Member

Date approved

Activity Log Event Summary (Totals)

SEVEN DEVILS PUBLIC SAFETY

(07/01/2023 - 07/31/2023)

<No Event Type Specified>	1	Alarm Activation	4
Animal Complaint	3	Assist Motorist	2
Assist Other Department	7	Assist Watuaga Sheriffs Office	1
Bank Deposit Escort	4	Business Check	399
Complaint	1	Disturbance	1
Drug Information	1	Escort Subject	1
Fight	1	Fire Department	3
Medical	2	Motor Vehicle Accident	1
Other	1	Patrol	78
Shots fired	1	Suspicious Activity	1
Suspicious Person	2	Trespassing	1
Unwanted Person	1	Vehicle Stop	2
Water Complaint	1	Welfare Check	1

Total Number Of Events: 521



SEVEN DEVILS FIRE DEPARTMENT

**1356 SEVEN DEVILS RD
SEVEN DEVILS, NC 28604
FIRE CHIEF MATTHEW MILLSAPS**

July 2023

This month we had 26 members participate in nearly sixty hours of training. We responded to seven calls, one mutual aid call, three medical calls and three calls for service (trees in road).

If you have any questions or concerns, please feel free to contact me at matthew.millsaps@sevendeils.net

Fire Chief

Matthew Millsaps

MONTHLY FINANCE REPORT
July 2023 -8.3%

	Budget	Actual		%
	Total	Previous	July	
Section 1. General Fund				
Anticipated Revenues by Category				
Ad Valorem Taxes	1,151,708.00	0.00	84.96	0.00
State Share Revenue	141,360.00	0.00	4,658.00	0.03
ABC Distribution	180,000.00	0.00	-	0.00
Powell Bill Allocation	33,000.00	0.00	-	0.00
Permits and Fees	7,000.00	0.00	45.00	0.01
Sales Tax	215,000.00	0.00	-	0.00
Misc Revs, Govt Grants, Sale of Assets	164,020.00	0.00	12,723.21	0.08
Capital Reserve Fund/FB	336,675.00	0.00	-	0.00
Occupancy Tax	395,000.00	0.00	-	0.00
Total	2,623,763.00	0.00	17,511.17	0.01
Authorized Expenditures by Department				
Governing Board	43,160.00	0.00	13,982.79	0.32
Administrative	403,995.00	0.00	82,065.78	0.20
Public Safety	821,215.00	0.00	62,177.12	0.08
Fire Protection	76,013.00	0.00	5,456.69	0.07
Zoning	30,540.00	0.00	2,214.68	0.07
Parks & Rec	201,658.00	0.00	7,248.62	0.04
Public Works	637,182.00	0.00	42,718.17	0.07
Powell Bill	15,000.00	0.00	-	0.00
Tourism Development Authority	395,000.00	0.00	-	0.00
Total	2,623,763.00	0.00	215,863.85	0.08

MONTHLY FINANCE REPORT
July 2023 - 8.3%

	Budget Total	Previous	Actual		%
			July	YTD	
Section 2. Enterprise Fund					
Anticipated Revenues by Category					
Water Operating Revenues	276,000.00	0.00	0.00	0.00	0.00
Water Taps and Connections	6,000.00	0.00	0.00	0.00	0.00
Non Operating Revenues	100.00	0.00	55.00	55.00	0.55
Capital Reserve for Capital Outlay	-	0.00	0.00	0.00	0.00
Grant Project Ordinance (ARP)	700,000.00	0.00	0.00	0.00	0.00
Total	982,100.00	0.00	55.00	55.00	0.00
Authorized Expenditures by Department					
Water-Operating	236,705.00	0.00	3216.35	3216.35	0.01
Non Operating	32,483.00	0.00	2622.63	2622.63	0.08
Capital Outlay	-	0.00	0.00	0.00	0.00
Capitap Reserve	12,912.00	0.00	0.00	0.00	0.00
Grant Project Ordinance (ARP)	700,000.00	0.00	0.00	0.00	0.00
Total	982,100.00	0.00	5838.98	5838.98	0.01