

TOWN OF SEVEN DEVILS
Tuesday, September 12, 2023
Regular Council Meeting
5:30pm

- 1) PRAYER/INVOCATION
- 2) PLEDGE OF ALLEGIANCE
- 3) CALL TO ORDER - 5:30pm
- 4) ADOPT AGENDA
- 5) CONSENT AGENDA
 - A. Motion for Consideration
 - (i) Adopt minutes of Public Hearing & Town Council meeting –August 8, 2023
- 6) CITIZENS COMMENTS
- 7) OLD BUSINESS
 - A. Rezoning Request – 2058 Skyland Drive - Update
- 8) NEW BUSINESS
 - A. FY23 Town Audit Presentation – Misty Watson, CPA
 - B. Capital Project Budget Ordinance – Chestnut Ridge Waterline Replacement
 - C. Art in The Park at Seven Devils – Bob Bridges, Parks & Recreation Committee Chair
 - D. Discussion of Paving – Lillian Drive
 - E. Proclamation – Constitution Week – September 17-23, 2023
- 9) ADMINISTRATIVE UPDATE
- 10) COMMITTEE REPORTS
 - A. Board of Adjustment – No meeting
 - B. Planning Board – No meeting
 - C. Public Works – No meeting
 - D. Public Safety Committee – September minutes
 - E. Parks & Recreation Committee –No meeting
 - F. TDA – August minutes
 - G. ABC Board – July & August minutes
 - H. Tree Committee – No meeting
 - I. Police Report
 - J. Fire Report
 - K. Financial Report
- 11) COUNCIL COMMENTS
- 12) ADJOURN

**TOWN OF SEVEN DEVILS
TUESDAY, AUGUST 8, 2023
PUBLIC HEARING – 5:00PM
REGULAR COUNCIL MEETING – 5:30PM**

The Seven Devils Town Council met for a Public Hearing for two (2) Rezoning Requests on Tuesday, August 8, 2023 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 5:01pm. Mayor Fontaine explained the purpose of the Public Hearing is to receive public comment for the two (2) 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.

OPEN PUBLIC HEARING

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

Presentation – Eddie Barnes, Zoning Administrator

On June 20, 2023, the Planning Board reviewed revised applications submitted by Lenny & Denise Cottom – Hawksnest Snowtubing for the following:

- **High Density Residential (HDR) to Low Density Residential (LDR) – 17.32 acres**
- **Recreation Business (RB) to High Density Residential (HDR) – 17.32 acres**

The Planning Board voted 4-2 to send with favorable recommendation to the Town Council for rezoning. If approved, the rezoning will transfer HDR building rights from the heavily wooded location adjacent to Hanging Rock Villas, approximately 1,500 ft. west to a new 17.32 acre parcel near the Avery/Watauga County line, the site of the former golf course.

At the July 11, 2023 Town Council meeting, action was taken to hold a public hearing on August 8, 2023 for the rezoning.

On July 25, 2023, the public hearing notice was mailed via 1st Class US Postal mail to 65 adjoining/adjacent property owners. Two signs were posted on the subject property notifying the date, time, and location of the public hearing.

Advertisement for the Public Hearing was published in the Watauga Democrat two times on the dates of Wednesday, July 26th and Wednesday, August 2nd. The notice and rezoning map were posted on the Town's website; a rezoning fact sheet was emailed or mailed to all water billing customers, and citizens of Woodwinds I & II.

Zoning Administrator Barnes stated the Applicant has current zoning that allows for 104 Single Family (SF) dwellings, and if approved, as submitted, the net gain in the proposed LDR will be 15 SF dwellings, excluding donation of 2 acres for Otter Falls parking.

Zoning Administrator Barnes stated current uses allowable with a Special Use Permit (SUP) in RB zoning according to the table of Permitted Uses in the Town's UDO. Examples of some RB uses include, but not limited to are a petting zoo, museum, clubhouse, tavern, hotel/motel, and amusement/recreation.

Presentation – Jim Jones, Chairperson of the Planning Board

Planning Board Chairperson Jones provided an overview of the timeline and history of the Planning Board's actions to date.

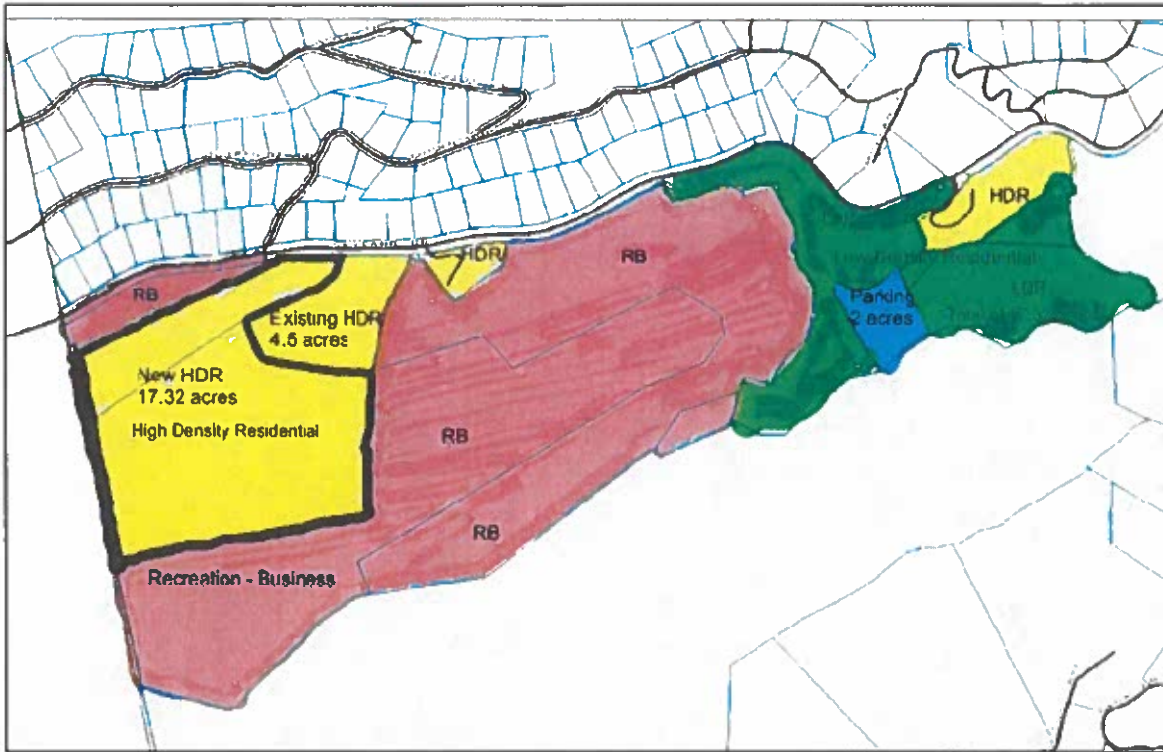
During July 2022 to September 2022, the Planning Board initially reviewed three (3) rezoning requests by the Applicant. The Applicant has current zoning that allows for 128 dwellings in existing HDR zoning. At that time, the Applicant's request would have had a net gain of 116 dwellings, or a maximum of 244 dwellings, if the Planning Board had approved those 3 rezoning requests. The Planning Board discussed many concerns, including density and increased traffic. Data was provided for vehicular traffic on Skyland Drive. The Planning Board's action included denying one (1) of the applications for rezoning, as well as reducing the request of acreage/density for two (2) other applications.

The Applicant's rezoning requests have passed back and forth between the Planning Board and Town Council, with a public hearing occurring in December 2022. Ultimately, dialogue with the Applicant and Zoning Administrator Barnes, along with the requests/recommendations of the Planning Board and Town Council, the Applicant submitted two (2) revised applications for rezoning, as presented tonight by Zoning Administrator Barnes.

The two (2) revised applications were reviewed by the Planning Board on June 20, 2023.

- **High Density Residential (HDR) to Low Density Residential (LDR) – 17.32 acres**
- **Recreation Business (RB) to High Density Residential (HDR) – 17.32 acres**

A motion to approve the two (2) revised applications passed 4 yeas – 2 nays



Planning Board Chairperson Jones stated the two (2) revised applications tonight come after much discussion and thought by the Planning Board, when considering what is in the best interest of the Town, while being fair to the Applicant.

Points of consideration by the Planning Board members included:

- Tree preservation on the parcel with HDR to LDR.
- A buffer of approximately 100 ft of land will be provided along Skyland Drive in RB.
- The parcel of land for HDR slopes away from Skyland Drive and the dwellings will be situated below Skyland Drive.
- Reducing impact in density.
- When considering the current zoning already exists on the Applicant's parcel for 104 SF dwellings, the Planning Board's recommendation allows for a net gain of 15 SF dwellings only.

Member Sasse stated the review of previous rezoning applications seems disconnected from the Planning Board meetings and Town Council review, making it difficult to understand.

Planning Board Chairperson Jones and Zoning Administrator Barnes agreed, the initial applications have been revised since August 2022. Tonight's presentation is the most current revised application.

Public Comments:

Darlene Kronemann-166 Cliff Dwellers Lane- Not in favor due to concern about infrastructure for existing citizens including H2O supply and a single road in/out of the town.

Jim Shafer - 105 Longview Drive - Not in favor as it conflicts with the Town's vision statement about managing growth with a primary focus on owner occupied SF homes. Shafer read Webster's definition of primary and suggested the Applicant is requesting the HDR rezoning swap as it's a better parcel to build

on vs the parcel with trees, and the level ground is worth more money. The property on Skyland Drive is an open green space and it is wrong to allow townhomes and more vehicles and traffic. Rezoning does not affect the Town Council members as they do not live in this area of the town.

Bill Prewitt – 277 Snowcloud – Not in favor, Prewitt has rented seasonally in the Town for 25 years and recently purchased because of the views. Rezoning will change the natural beauty and become urban with increased traffic, and the road is the only way in/out of the town.

Karen Prewitt – 277 Snowcloud – Not in favor, Prewitt purchased 2 years ago using an inheritance and this town is a sanctuary for calm from Charleston, SC, where Prewitt has a home in the high tourist area. Prewitt fears the rezoning will ruin this sanctuary. Prewitt showed a photo of the view and land for proposed rezoning to the Town Council while speaking at the public hearing.

Lisa Otter Rose – 268 Lillian Drive – Not in favor. Lisa stated her middle name is Otter, the same as the falls, and 16 years ago, she and family vacationed in the Town, and they are still here with a home and their daughter attended ASU. She stated the Town has approximately 582 homes, and should the rezoning be approved, there will be a 38% increase in the population/homes. There is one road in/out of the Town, and this provides safety and security. New homes will probably not be owned by year-round or seasonal citizens but become short term rentals making the town less safe. TDA benefits from the Occupancy tax. Property values will go down. Construction will cause traffic issues on Skyland Drive.

Mary Ballinger – 526 Buckeye Lane – Ballinger yield the 2 minute speaking time to the next citizen, allowing ample time for a letter to be read to the Town Council.

Olga Davies – 299 Cliffside Lane – Davies read a letter from her husband, who could not be in attendance. Davies is very concerned about the proposed rezoning and wants to retain the scenic quality of the Town. Davies does not understand since the Town has increased property taxes, why there is a financial need to increase housing and the tax base. Rezoning will cause some property owners a negative impact and declining property values due to increased traffic. The Planning Board recommendation for tonight's meeting was not unanimous, and 1/3 did not vote in favor. Other negative impacts include a strain on the Town's water system, light pollution on the mountain, and increased traffic, including during winter weather conditions that cause stranded vehicles or other issues on Seven Devils Road. The 2 acre donation for Otter Falls parking is the benefit but will come at a financial cost to the Town. The Town Council's responsibility should be more towards the citizens of the Town, and not the tourists.

Cindy Miller – 1584 Skyland Drive – Miller thanked the Town Staff – Harris, Barnes & Gropp for answering her questions recently about the proposed rezoning. Miller acknowledges the view from her property is due to Cottom's ownership of the parcel. Miller spoke about the Town's Comprehensive Land Use Plan and the primary focus on owner-occupied SF dwellings, preservation, and natural beauty of the mountain and questions how a condo is different aesthetically from a townhouse. Miller brought up Town Council action from 2 years prior, when a resolution was passed against zoning reform legislation. Miller spoke of language from the resolution in reference to townhouses, development becoming uncontrollable and reckless, the strain of the Town's infrastructure, and declining property values. Miller asked the Town Council if they were opposed to the legislation two years ago, what has changed that this proposed rezoning application is even being discussed now. Miller thinks the donation of 2 acres is a bribe by the applicant and is opposed to rezoning.

Sally Lovejoy – 215 Greenview Drive – Not in favor, Lovejoy now owns the home her parents purchased years ago because of the view of the golf course and ski slope. The Town has outdated pipes and citizens recently experienced water problems/outages. The Town has approved an alpine coaster, and this will add to congestion on Seven Devils Road.

Jim Shafer – 105 Longview Drive – Asked permission from Town Council to submit signatures of approximately 90 citizens opposed to the rezoning. Council agreed, Shafer submitted to Town Clerk.

Mayor Fontaine reply:

Following the public comments, Mayor Fontaine addressed some of the issues that were spoken about.

Tonight's meeting is only about the proposed rezoning request, not permitting for construction or development. Any future development will follow the Town's UDO – Article 7 – Intensity Regulations, Article 8 – Community Design Standards and Article 9 – Subdivision – Minor & Major.

Water infrastructure will be provided by any new development, not the Town's current water system. The Applicant has an existing Wastewater Treatment Plant (WWTP) permit and can be expanded to treat 100,000 gallons of wastewater daily. Currently, the WWTP is utilized at a significantly lower amount.

Citizens who are concerned about the view should know the Town of Seven Devils worked with the Blue Ridge Conservancy to purchase Peak Mountain Ridge, to retain the view forever after and to avoid development of that parcel several years ago. This proposed rezoning parcel is privately owned, and the Cottom's have property rights, as well as being the largest landowner and taxpayer in the Town.

Mayor Fontaine addressed Jim Shafer directly, as he does not appreciate the misinformation that has been circulated among citizens, including posting this misinformation in a public building or illegally putting letters in the citizen's mailboxes. The rezoning will not add 300 homes, or apartments/condo to the Town.

Mayor Fontaine addressed Cindy Miller's comments about Resolution #2021-02 passed by Town Council. Mayor Fontaine explained legislation in SB349/HB401 would have eliminated zoning rights for the Town, causing many more issues, not allowing for regulations, and would have reduced property values. The legislation promoted statewide zoning, eliminated single family dwellings, and encouraged multi-family housing, as affordable housing. The Town Council passed Resolution #2021-02 to Oppose Zoning Reform that was being considered.

Mayor Fontaine spoke about the recent water outages in the Town but reports the Town's water loss rate is superior at 97%. Recent improvements to the Town's water infrastructure include replacing five (5) Pressure Reduce Valves. Future projects include removing old plastic waterlines, which are subject to breaks, and upgrading with ductile iron waterlines. The recent increase in water rates/tiers, effective July 1st (FY24) is a decision by the Town Council, to increase the revenue for water projects and operate with a gain, not a financial loss. The rate tiers increase for high usage customers, who should pay more.

CLOSE PUBLIC HEARING

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

RECESS

Member Williams made a motion to Recess; Member Bonomo seconded. All members agreed. The Town Council recessed at 5:40pm.

CALL TO ORDER- End Recess

Member Williams made a motion to End Recess and call the meeting to order at 5:50pm; Mayor Pro Tem Lambert seconded the motion. All members agreed.

ADOPT AGENDA

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

CONSENT AGENDA

Adopt minutes of Town Council meeting – July 11, 2023.

Mayor Pro Tem Lambert made a motion to approve and adopt the minutes; Member Sasse seconded the motion. All members agreed.

CITIZEN COMMENTS

Sunny Hand – 160 Snowcloud – Stated the decision for the two (2) rezoning requests, should include consideration for citizen's safety with another road access to Highway 105, as construction traffic will be a problem with big trucks on the curves of Seven Devils Road and it's dangerous.

Town Manager Harris replied, NCDOT recently painted the center lines on Seven Devils Road, and another access road from the mountain was closed permanently due to a legal judgement and will never be reopened for daily access. A sign is posted at the beginning of Seven Devils Road alerting long trucks to call for Police escort up the mountain, or a violation will be issued.

OLD BUSINESS - None

NEW BUSINESS

A. Proclamation – International Overdose Awareness Day

Following a presentation by Mary McKinney about the statistics of drug overdose in the community and the stigma in families, Mayor Fontaine read the Proclamation recognizing August 31, 2023 as End Overdose Day in Watauga County.



**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/qvss/prov-county-drug-overdose.htm>

B. Chestnut Ridge Waterline Replacement Project


Mayor Fontaine stated the Town of Seven Devils was awarded a \$700,000 American Rescue Plan (ARP) grant for water infrastructure projects. The Chestnut Ridge Waterline Replacement was identified for use of these funds. Town Engineer Thomas of West Consultants, PLLC prepared and advertised the bid package and in July received three (3) bids at the official bid opening. All bids received were in excess of the \$700,000 funds. The scope of work for the Chestnut Ridge Waterline Project was scaled down and Carolina Grading & Utilities, Inc. of Jefferson, NC, the low bidder reduced their bid in correlation.

Member Sasse inquired if all three (3) companies who bid on the original package were asked to reduce their bid to correlate with the reduced scope of work. Mayor Fontaine replied, no.

Mayor Fontaine stated the grant requires the Town to pay out costs for the project, and then be reimbursed the funds. Estimated timeline for reimbursement is 2-3 months.

Member Bonomo asked for details of how many customers will be affected by the reduced scope of work. No negative outcome and all existing customers on Chestnut Ridge will be included in the project.

Resolution #2023-02 – Award of Bid


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


R2023-02

ATTEST:


Hillary Gropp, Town Clerk

Member Bonomo made a motion to adopt Resolution #2023-02; Member Williams seconded the motion.

Roll Call:

Mayor Fontaine – Yea	Mayor Pro Tem Lambert– Yea	Member Sasse – Yea
Member Bonomo – Yea	Member Williams – Yea	
Motion passed – 5 Yeas	0 Nays	

C. Discussion of Rezoning Request – 2058 Skyland Drive

(i) RB to HDR – 17.32 acres

Member Sasse stated the Town Council should take time following tonight's public hearing to consider the comments received and to delay action, so discussion and decision can occur at a future meeting.

Member Sasse stated the rezoning request of RB to HDR benefits the Applicant, not the Town, as it's a parcel, where currently no development can occur.

Mayor Fontaine replied, the revised rezoning applications benefit both the Applicant and the Town.

Member Sasse made a motion to Delay/Table Item 12) New Business, C. Rezoning Request, (i) RB to HDR – 17.32 acres; Member Bonomo seconded the motion.

Roll Call:

Mayor Pro Tem Lambert – Yea Member Bonomo – Yea Member Sasse – Yea

Mayor Fontaine – Nay Member Williams – Nay

Motion passed – 3 Yeas 2 Nays

Item Tabled ~OPEN~

(ii) HD to LDR – 17.32 acres

Mayor Fontaine suggested a request to the Applicant be made for this rezoning be revised to:

Withdraw HDR to LDR – 17.32 acres to revised HDR to RB -17.32 acres which includes the 2 acre donation for Otter Falls Parking. All rezoning details will include legalities for roads, right of way, easements, and metes & bounds description, etc.

The Applicant is a long time business owner, this zoning designation land swap will be equal changes for both parcels.

Member Bonomo suggested the Town Council should take time to consider how the RB zoning will affect the Town.

No Council member made a motion for Mayor Fontaine's suggestion.

Member Sasse made a motion to Delay/Table Item 12) New Business, C. Rezoning Request, (ii) HD to LDR – 17.32 acres; Member Bonomo seconded the motion.

Roll Call:

Mayor Pro Tem Lambert – Yea Member Bonomo – Yea Member Sasse – Yea

Mayor Fontaine – Nay Member Williams – Nay

Motion passed – 3 Yeas 2 Nays

Item Tabled ~OPEN~

ADMINISTRATIVE UPDATE

Town Manager Harris provided the administrative update:

- The Town audit process is complete, and the presentation will be at the September meeting.
- The final summer concert is Friday, August 11th featuring Wayne Henderson.
- The bid process for the Chestnut Ridge waterline project is complete.

- PARTF awards ceremony will be August 11th in Raleigh.
- A water leak on Buckeye was repaired.
- A well pump was replaced at the Town Hall.
- Preventative maintenance was done on exercise equipment at 7D Community Center.
- The TDA meeting will be on August 23 at 9:00am.

COMMITTEE REPORTS

Board of Adjustment – June draft minutes

Planning Board – No meeting

Public Works Committee -No meeting

Public Safety Committee – No meeting

Parks & Recreation Committee – July minutes

TDA – July minutes

ABC Board – June minutes

Tree Committee – No meeting

Police Report

Fire Report

Financial Report

COUNCIL COMMENTS

Mayor Fontaine stated the filing period for Municipal elections for three (3) Town Council seats was in July with the Board of Elections office.

Mayor Fontaine & Council Member Bonomo filed for re-election and Citizen Bob Bridges filed for election.

Council Member Bonomo thanked Mayor Fontaine for his commitment to the Town of Seven Devils and all his time and effort.

Mayor Pro Tem Lambert and Council Members Sasse & Williams agreed and thanked Mayor Fontaine.

Council Member Williams spoke in general to the audience and encouraged citizens to serve on the various Boards & Committees in the Town.

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 6:35pm.

Larry Fontaine, Mayor

Hillary Gropp, Town Clerk



AGENDA ITEM

7)A.

Hawksnest

September 7, 2023

Jonathan Harris
Town Manager
Town of Seven Devils

Mr. Harris,
I would like to withdraw our application for a zoning change of 17 acres.

Regards,
Lenny Cottom
Hawksnest Snowtubing and Zipline



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

Capital Project Budget Ordinance

BE IT ORDAINED by the Town Council of the Town of Seven Devils, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of the **Chestnut Ridge Trail Waterline Replacement (SRP-D-ARP-0012)**, to be financed by a State Fiscal Recovery Fund (ARP) grant.

Section 2. The officers of the Town of Seven Devils are hereby directed to proceed with the capital project within the terms of the grant documents, and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Account Description	Account Code	Amount
Planning and Design		\$ 35,000
Legal, Testing, Advertising		1,250
Construction		709,800
Contingency (5% of Construction)		<u>34,590</u>
Total		<u>\$781,540</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Revenue Description	Account Code	Amount
NCDEQ – State Fiscal Recovery Fund (ARP Grant)		\$700,000
Utility Fund (Cash)		<u>81,540</u>
Total		<u>\$781,540</u>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project fund sufficient specific detailed accounting records to satisfy the requirements of the grant agency.

Section 6. Funds may be advanced from the Utility Fund for the purpose of making payments as due. Reimbursement requests should be made to the grant agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to the Town Council.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Town Council, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 12th day of September, 2023 at Seven Devils, North Carolina.

Larry Fontaine, Mayor

ATTEST:

Hillary Gropp, Town Clerk





Moretz Paving, Inc

PO Box 270
Zionville, NC 28698
828-297-5048



Proposal & Acceptance

Submitted to	Email Address	Date
Town of 7 Devils		7/11/2023
Attn: Kevin Aldridge	Phone	Project Name
	828-773-6504	Blair Development
Description	Total price	
To add stone base, grade, compact and prep to pave.		
To pave (290' x 16') with 2 inches compacted surface asphalt.	\$14,400.00	
We propose to furnish material & labor - complete in accordance with above specifications for the sum of:		\$14,400.00
<small>Notes: 1) A standard rock clause applies to grading operations in the event that rock is encountered during excavation. 2) Not responsible for underground utilities. 3) Not responsible for scuffing. 4) This quote is based on the current asphalt material pricing at the time of quote. Due to the volatility of the petroleum market, Moretz Paving reserves the right to adjust the quote based on increases to the cost of asphalt plant mixes. 5) All material is guaranteed to be as specified. All work to be completed in a workman-like manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or other unforeseen circumstances.</small>		
Payment to be made in full upon completion of work.		 Authorized Signature
This proposal may be withdrawn by us if not accepted within 30 days		
Acceptance of Proposal		
The above prices and specifications are satisfactory and are hereby accepted. You are authorized to do the work as specified.		Signature
Payment will be made as outlined above.		Date of Acceptance

AGENDA ITEM 8) E.

Proclamation

North Carolina Society Daughters of the American Revolution
Grossmore Chapter NSDAR

Constitution Week
September 17-23, 2023

WHEREAS: It is the privilege and the Duty of the American people to commemorate the two hundred thirty-first anniversary of the drafting of the Constitution of the United States of America with the appropriate ceremonies and activities and

WHEREAS: Public LAW 915 guarantees the issuing of a proclamation of each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE I, Larry Fontaine as Mayor of the Town of Seven Devils, North Carolina; do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

And urge all citizens to study the constitution, and reflect on the privilege of being an American with all the rights responsibilities which that privilege involves.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town to be fixed, this 12th day of September in the year of our Lord, 2023.

Signed _____
Larry Fontaine, Mayor

ADMIN UPDATE for August 2023

- If you plan to attend the High Country Council of Government Banquet, RSVP to Town Clerk Gropp by September 18th
- Estimated launch date for new website, October 2nd
- Council furniture is scheduled to be delivered September 15th.
- Staff met with citizens to discuss emergency exit strategies.
- October 1st deadline for debris pick-up.
- We are now accepting Board and Committee applications for new members and reappointments.
- Parks & Recreation Meeting – September 14th at 9:00am
- TDA Meeting – September 26th at 9:00am

NC*Cash.com*
Search for Unclaimed Cash Online!



**Are you owed any of the millions
in the unclaimed property fund?**

NORTH CAROLINA STATE TREASURER
Dale R. Folwell, CPA
Folwell@nctreasurer.com

Seven Devils Public Safety Committee
September 5, 2023

MINUTES

Members Present: Wayne Bonomo, Tom Bookstaver, Brad Lambert, Dick Nelson,
Kay Lambert

Others Present: Town Manager Johnathan Harris, Fire Chief Matt Millsaps,
Police Officer Cody Fields

The meeting was called to order at 10:10am by Chairman Wayne Bonomo.

The Amended Agenda and June 6, 2023 Minutes were accepted and approved.

Fire Chief Matt Millsaps briefed us on the following:

- * SD Emergency Helo Pad - site approved, wind sock will be mounted on small firetruck and lights are back-ordered but will be available shortly.
- * CPR Class/Lunch held on August 30th was well attended. Due to more interest, additional classes will be scheduled. Update: CPR class/Lunch scheduled for Thursday September 7th 11am-4pm.
- * He plans to teach some General First Aide classes in the near future.
- * Emergency Action Plan - Seven Devils Road is "one way in/one way out public access". In the event of an emergency, First Responders are aware of alternate routes off Seven Devils. He is continuing to fine tune and will get written approvals of owners with the Town Manager, Mayor and attorney present. He will keep us updated.
- * He is working on an Automated Call Out and Emergency Code Red Notification System.
- * Air packs will need to be replaced in the near future. It is required to have 4 per truck. These are extremely expensive and may need to be purchased a few at a time. Hopefully grant money will come available along with Town funding.
- * At the moment there is enough turnout gear and equipment for Town firefighters. More Tshirts and ballcaps might be desired.
- * Wayne Bonomo spoke for all of us when he said that all of Matt's hard work is appreciated.

Town Manager Johnathan Harris reported that there's Narcan available for EMRs if they want it but stressed that it is advisable to have police present due to possible patient reaction.

Tom Bookstaver reported that he was asked what to do with outdated household fire extinguishers. Matt Millsaps said they could be turned into him and he would give them to the Rep that services the Town's fire extinguishers.

Tom Bookstaver reported that the Fire Safety Awareness visit to Valle Cruis Elementary School has been scheduled. Seven Devils FD will team with Shawneehaw to take trucks, make a presentation and give handouts (helmets, etc.). PBSO will send \$250 to Shawneehaw VFD Ladies Auxiliary to help defray the cost.

It was suggested that a Safety Echo go out highlighting:

- * Emergency Action Plan
- * Future CPR and First Aide Classes
- * General fire safety awareness
- * Clean your chimney in the Fall

The next regularly scheduled meeting will be Tuesday October 3, 2023 at 10am.

The meeting was adjourned at 11:15am.

Thank you again Matt for all you have done and are doing for Seven Devils and neighboring towns. We are in good hands!

BE SAFE!

**Town of Seven Devils
Tourism Development Authority Meeting
August 22, 2023**

The Town of Seven Devils Tourism Development Authority met in regular session on Tuesday, August 22, 2023, at Town Hall. Chair Anne Fontaine, Member Leigh Sasse and Member Rick Blonshine attended in person. Member Alejandra Fernandez was absent. 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

Member Leigh Sasse made a motion to adopt the agenda; motion was seconded by Member Rick Blonshine; the motion passed.

A motion to approve the minutes from the July 25, 2023, meeting was made by Member Rick Blonshine and seconded by Member Leigh Sasse; all approved. The motion passed unanimously.

Old Business

- Parks & Recreation Director Jewel McKinney updated the TDA Members on the 2023 Summer Events.

New Business

- Member Rick Blonshine made a motion to approve the Avery County Habitat for Humanity Autumn Mountain Classic Golf Tournament Sponsorship. (\$ 1,000.00); motion was seconded by Member Leigh Sasse; the motion passed.
- Parks & Recreation Director Jewel McKinney made suggestions for 2023 Fall - 2024 Spring Events to the TDA Members.

Financial Statement

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

Citizen Comments

Larry Fontaine, Bob Bridges and Wayne Bonomo were present.

There was a discussion on the PARTF Grant for The Park at Seven Devils.

Town Manager Johnathan Harris reported that while there was no grant awarded on 8.11.2023, more grants may be approved once the State budget is approved.

Board Comments

None

Adjourn

At 9:26 am, Member Rick Blonshine made a motion to adjourn; Leigh Sasse seconded; all approved. Motion carried.

High Country ABC Board Meeting Minutes

July 20, 2023 at 5:00 pm ABC Store

The High Country ABC Board (Board) held its monthly meeting on Thursday, July 20, 2023 at 5:00 pm. Board Chair Robin Dunn; Board Member Anne Fontaine; Board Member Winston Ammann; Alternate Board Member Rob Corn; Alternate Board Member Leigh Sasse and Alternate Board Member David Miller; General Manager Bonnie Betz and guests Marisa Sedlak and Tom Pannill with Mountain Alliance were present.

In advance of the meeting, Board Chair Robin Dunn 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 Anne Fontaine and seconded by Winston Ammann, it was voted to approve the July 20, 2023 agenda. Upon a motion duly made by Anne Fontaine and seconded by Winston Ammann, it was voted to approve the minutes of the June 15, 2023 Board meeting.

Guest speakers Marisa Sedlak and Tom Pannill with Mountain Alliance came to update the Board with year-end reports for their two programs that the Board helped fund. They highlighted that the School's Out program had 216 student take advantage of the program to have assistance with tutoring with their homework and a safe place to stay after school. They are hoping to expand in the Avery County area since they have been well received in the Watauga County area. The Alternative Spring Break program gave students two options this year to travel to Savannah or Memphis to help clean up urban areas. This exposed the students who have not traveled outside of their local area and helped them see strategies to bring back to support their local area.

The General Manager reported that total sales for the month of June 2023 were \$567,412, which was up \$53,605 from last year's sales of \$513,807. Retail sales for June were \$393,046, up \$44,555 from last year's sales of \$348,491. Mixed beverage sales for June were \$174,366, up \$9,050 from last June sales of \$165,316.

The General Manager reported that the available balance in the business checking account at Mountain Community Bank was \$463,144. The available balance in the Mountain Community Bank money market account was \$100,071. The First National Bank checking account has a remaining balance of \$27,442. The General Manager will be meeting with Debbie at the CPA's office to review outstanding checks that have not cleared and then proceed to contact the vendors to inquire if they had received the checks and if so, then move those checks to escheatment in the State of NC.

The 6-mo CD at First National Bank has a balance of \$51,273.57 and matures today, 07/20/23. The General Manager has called several of the area local banks to find out what their current best rates were. Upon a motion duly made by Anne Fontaine and seconded by David Miller, it was voted to move the money into a 6-mo CD at Fifth 3rd Bank.

The General Manager announced that our annual audit had been performed today by Combs, Tenant and Carpenter. Brady stated that everything appeared to be going well but until all the entries have been completed, he couldn't officially state the outcome. This is also the reason our financial reports have "draft" written across them with the understanding that changes may possibly be made. Brady was aware that the Board liked having a copy to view for the end of the year in order to have an idea where the store was ending the year. He just wanted to make the Board aware that the numbers were not finalized.

Old Business:

Employee Will Wilson completed and passed his Level 1 Certification of the Wine Spirit Education Trust and has received his certificate. He would like to continue with Level 2 Certification-Spirits starting October 2nd. The cost of the course is \$549.62. Upon a motion duly made by David Miller and seconded by Anne Fontaine, the Board voted to pay for the online class for Will to continue to Level 2.

New Business:

We have received two grant requests from Mountain Alliance asking for \$6,000 for each of their programs, Schools Out and Alternative Spring Break that we have supported in the past. Upon a motion duly made by Anne

Fontaine and seconded by David Miller, it was voted to approve the request of \$6,000 to the School's Out program. Upon a motion duly made by Anne Fontaine and seconded by David Miller, it was voted to approve the request of \$6,000 for Mountain Alliance's Alternative Spring Break program.

We received quarterly reports from Club 12 and Williams YMCA Media Detective Program.

The General Manager reminded the Board that she and employee Kelsey Hayes will be attending the NC Association Conference August 6-9 in Cherokee, NC. The Board may reach out to Assistant Manager Sean Ulmer if they need anything.

There were no citizens in attendance.

The next scheduled board meeting will be on Thursday, August 17, 2023 at 5:00 pm.

David Miller made a motion to adjourn today's Board meeting. It was seconded by Anne Fontaine and approved by all in attendance.

Robin Dunn, Board Chair

Anne Fontaine, Board Member

Winston Ammann, Board Member

Date approved

High Country ABC Board Meeting Minutes

August 17, 2023 at 5:00 pm ABC Store

The High Country ABC Board (Board) held its monthly meeting on Thursday, August 17, 2023 at 5:00 pm. Board Chair Robin Dunn; Board Member Anne Fontaine; Board Member Winston Ammann; Alternate Board Member Rob Corn; Alternate Board Member Leigh Sasse; Alternate Board Member David Miller and General Manager Bonnie Betz were present.

In advance of the meeting, Board Chair Robin Dunn 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 Anne Fontaine and seconded by Winston Ammann, it was voted to approve the August 17, 2023 agenda. Upon a motion duly made by Anne Fontaine and seconded by Winston Ammann, it was voted to approve the minutes of the July 20, 2023 Board meeting.

The General Manager reported that total sales for the month of July were \$636,319, which was up \$59,506 from last year's sales of \$576,813. Retail sales for July were \$463,981, up \$30,718 from last year's sales of \$433,263. Mixed beverage sales for July were \$172,338, up \$28,788 from last July sales of \$143,550.

The General Manager reported that the available balance in the business checking account at Mountain Community Bank was \$533,625 but will go down since she had just paid our liquor vendors from Monday's delivery. The available balance in the Mountain Community Bank money market account was \$151,383. We were not able to complete our business with 5th3rd Bank since they were unable to offer us the rate they quoted. The Board decided to go with the bank with the next highest rate which was Truist Bank. The General Manager deposited the money from the CD into our money market account while waiting to hear back from Truist Bank. Truist did state that they could do a 7-month CD at 4.70%. The First National Bank checking

account has a remaining balance of \$27,442. There are no budget amendments at this time. The General Manager announced that our audit has been completed and that Mr. Combs will be here to discuss the audit at our September board meeting.

Old Business:

The General Manager and employee Kelsey Hayes attended the NC Association of ABC Boards Annual Meeting held in Cherokee, NC. It was Kelsey's first time ever attending the conference and she really appreciated having the experience of meeting the liquor vendors and learning about the new products coming out. As a result of the event, we are bringing in 15 new products to the store. We learned that there are 17 controlled states, and NC is listed as number 2 in liquor sales, with Michigan at number 1. In NC, this past year's sales revenues increased 7.87% over last year sales. Mixed Beverage sales for the state also increased 14.2% over last year. The state is adding 150,000 square feet to the warehouse for additional growth. With NC continuing to grow, they expect the Boards to start looking at ways to expand our stores for the future. They hope to take over Michigan for the number 1 position. The General Manager stated that she and Assistant Manager, Sean, had previously discussed asking the Board to rent out another office space in this same complex if there was one coming open for warehousing product. Another suggestion was possibly enclosing the covered area on the back side of the building. Winston, suggested that another possible option could be purchasing a storage container and possibly placing it up by the Lowes Food. The Board suggested that the General Manager contact the property owner and ask about renting another office space and what the requirements are if we want to enclose the outside of the building. Anne was going to have her husband come by the store and look at possible options for enclosing the outside or aloft area in the existing storeroom.

The General Manager mentioned to the Board that there is a 36-page legislation bill which is trying to pass Sunday sales of liquor starting as early as 10:00 AM. If it passes, it will be decided by each Board whether to sell on Sunday. The bill also proposes staying open on the following closed holidays: New Year's Day, 4th of July, and Labor Day.

The state is considering allowing gift card programs at the ABC store. EPI, our credit card processor, does not recommend it. It could not be used at other stores, only our store. It is often used as a retention tool. If processing rates go up, so do the gift cards.

EPI stated that we now will get government rates for our credit cards fees.

New Business:

The General Manager reminded the Board that the ABC store will be closed Monday, September 4, for the Labor Day holiday.

There were no citizens in attendance.

The next scheduled board meeting will be on Thursday, September 21, 2023 at 5:00 pm.

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

Robin Dunn, Board Chair

Anne Fontaine, Board Member

Winston Ammann, Board Member

Date approved

Activity Log Event Summary (Totals)

SEVEN DEVILS PUBLIC SAFETY

(08/01/2023 - 08/31/2023)

<No Event Type Specified>	2	911 Hang-up call	1
Alarm Activation	5	Animal Complaint	2
Assist Avery Sheriffs Office	1	Assist Emergency Medical Services	1
Assist Maintenance Department	1	Assist Other Department	4
Assist Watuaga Sheriffs Office	1	Bank Deposit Escort	2
Business Check	440	Complaint	2
Damage to property	1	Direct Traffic	1
Escort Subject	1	Escort Vehicles	1
Fire Department	5	Fraud	1
Funeral Escort	1	Medical	2
Motor Vehicle Accident	3	Noise Complaint	1
Other	3	Patrol	70
Remove Debris from Roadway	1	Residence Check	1
Suspicious Person	1	Unwanted Person	3
Vehicle Stop	8	Warrant	1
Water Complaint	1	Welfare Check	2

Total Number Of Events: 570



SEVEN DEVILS FIRE DEPARTMENT

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

August 2023

This month we had 27 members participate in one hundred and seventy-seven combined hours of training. We responded to eight calls, one gas leak, five medical calls and two calls for service (trees in road).

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

Fire Chief

Matthew Millsaps

MONTHLY FINANCE REPORT
AUGUST 2023 -16.67%

	Budget	Actual		%
	Total	Previous	August	
Section 1. General Fund				
Anticipated Revenues by Category				
Ad Valorem Taxes	1,151,708.00	84.96	14,737.61	1%
State Share Revenue	141,360.00	4658.00	7,988.14	9%
ABC Distribution	180,000.00	0.00	-	0%
Powell Bill Allocation	33,000.00	0.00	-	0%
Permits and Fees	7,000.00	45.00	32.00	1%
Sales Tax	215,000.00	0.00	-	0%
Misc Revs, Govt Grants, Sale of Assets	164,020.00	12723.21	17,811.91	19%
Capital Reserve Fund/FB	336,675.00	0.00	-	0%
Occupancy Tax	395,000.00	0.00	44,283.05	11%
Total	2,623,763.00	17511.17	84,852.71	4%
Authorized Expenditures by Department				
Governing Board	43,160.00	13985.79	3,523.86	41%
Administrative	403,995.00	82065.78	37,191.84	30%
Public Safety	821,215.00	62177.12	90,436.32	19%
Fire Protection	76,013.00	5456.69	2,949.05	11%
Zoning	30,540.00	2214.68	2,375.31	15%
Parks & Rec	201,658.00	7248.62	5,325.28	6%
Public Works	637,182.00	42718.17	37,977.72	13%
Powell Bill	15,000.00	0.00	-	0%
Tourism Development Authority	395,000.00	0.00	44,283.05	11%
Total	2,623,763.00	215866.85	224,062.43	17%

MONTHLY FINANCE REPORT
AUGUST 2023 - 16.67%

	Budget Total	Previous	Actual		%
			August	YTD	
Section 2. Enterprise Fund					
Anticipated Revenues by Category					
Water Operating Revenues	276,000.00	0.00	32946.95	32946.95	12%
Water Taps and Connections	6,000.00	0.00	0.00	0.00	0%
Non Operating Revenues	100.00	55.00	45.00	100.00	100%
Capital Reserve for Capital Outlay	-	0.00	0.00	0.00	
Grant Project Ordinance (ARP)	700,000.00	0.00	0.00	0.00	0%
Total	982,100.00	55.00	32991.95	33046.95	3%
Authorized Expenditures by Department					
Water-Operating	236,705.00	3216.35	11516.11	14732.46	6%
Non Operating	32,483.00	2622.63	2622.63	5245.26	16%
Capital Outlay	-	0.00	0.00	0.00	
Capitap Reserve	12,912.00	0.00	0.00	0.00	0%
Grant Project Ordinance (ARP)	700,000.00	0.00	0.00	0.00	0%
Total	982,100.00	5838.98	14138.74	19977.72	2%