

# TOWN OF SEVEN DEVILS

Town Council Meeting  
Tuesday – July 11, 2023  
5:30pm

## AGENDA

- 1) Invocation
- 2) Pledge of Allegiance
- 3) Call to Order
- 4) Adopt Agenda
- 5) Consent Agenda
  - A. Approve Minutes – Public Hearing FY24 & Town Council Meeting – June 13, 2023
- 6) Citizens Comments
- 7) Old Business
  - A. Revised Final Budget Amendment FY23 *Motion*
- 8) New Business
  - A. Revised Rezoning Applications – Lenny Cottom – 2058 Skyland Drive
    - (i) Set Public Hearing *Motion*
- 9) Administrative Update
- 10) Committee Reports
  - A. Board of Adjustment – June draft minutes
  - B. Planning Board – June draft minutes
  - C. Public Works Committee – No meeting
  - D. Public Safety Committee – No meeting
  - E. Parks & Recreation Committee – June minutes
  - F. TDA – June minutes
  - G. ABC Board
  - H. Tree Committee – No meeting
  - I. Police Report
  - J. Fire Report
- 11) Council Comments
- 12) Adjourn

**Town of Seven Devils**  
**Tuesday, June 13, 2023**  
**Public Hearing FY24 – 5:00pm**  
**Regular Town Council Meeting – 5:30pm**

The Seven Devils Town Council met for Public Hearing – FY24 Budget Ordinance at 5:00pm and Regular Town Council meeting at 5:30pm on Tuesday, June 13, 2023.

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

Staff attendance included: Town Manager Johnathan Harris, Fire Chief Matt Millsaps, and Finance Officer Helga Sappington; The minutes were recorded by Town Clerk Hillary Gropp. Town Attorney Rob Angle joined at 5:30pm.

**INVOCATION**

Mayor Fontaine gave the Invocation for the Public Hearing & 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 5:08pm.

**OPEN PUBLIC HEARING**

Mayor Fontaine stated the purpose of the Public Hearing is to receive public comment on the FY24 Budget Ordinance.

Citizens who want to speak need to sign up at the podium and will be allowed 3 minutes. The Town Clerk controls the timer.

Member Sasse made a motion to open the public hearing; Member Williams seconded the motion. All members agreed.

**Presentation**

Town Manager Harris reviewed the FY24 Budget highlights including Revenues and Expenditures. The Town's tax rate will remain the same at \$.47.

The Town Council met for several FY24 Budget workshops and made decisions to delete items, as well as increasing Capital Reserve Funds.

Review of Budget Ordinance Fees include the following increases.

- Increase minimum water billing from \$40 to \$42 per month.
- Adjust water rate tiers to the following:

Minimum bill – 3,000 gallons	\$42.00
Additional gallons	
3,001 to 4,500 gallons	\$.02/gal
4,501 to unlimited	\$.05/gal
Water bill for well users	\$15.00 (unchanged)
- Increase the Rezoning fee from \$500 to \$1,500.

- Increase Zoning Text Amendment from \$500 to \$1,000.
- Increase Fire Inspection fee from \$40.00 to \$50.00.
- Increase Notary Fee from \$5.00 to \$10.00.

BE IT ORDAINED by the Town Council of the Town of Seven Devils, North Carolina, that the following anticipated fund revenues and departmental expenditures, together with certain fees and charge schedules, and with certain restrictions and authorizations, are hereby appropriated and approved for the operation of the Town government and its activities for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024.			
<b>REVENUE SUMMARY</b>		<b>EXPENDITURE SUMMARY</b>	
General Fund	\$ 2,623,763	General Fund	\$ 2,623,763
Enterprise Fund	\$ 978,740	Enterprise Fund	\$ 978,740
<b>Total</b>	<b>\$ 3,602,503</b>	<b>Total</b>	<b>\$ 3,602,503</b>
<b>Section 1. General Fund</b>		<b>Section 1. General Fund</b>	
<b>Anticipated Revenues By Category-</b>		<b>Authorized Expenditures By Department-</b>	
Ad Valorem Taxes	\$ 1,151,708	Governing Board	\$ 43,180
State Shared Revenue	\$ 144,360	Administrative	\$ 403,995
ABC Distribution	\$ 180,000	Public Safety	\$ 821,215
Powell Bill Allocation	\$ 33,000	Fire Protection	\$ 76,013
Permits, Fees, and Licenses	\$ 7,000	Planning and Inspections	\$ 30,540
Sales Tax	\$ 215,000	Public Works	\$ 637,182
Miscellaneous Revenues	\$ 146,020	Powell Bill	\$ 15,000
Appropriated Fund Balance	\$ 209,214	Tourism Development Authority	\$ 395,000
Government Grants	\$ -	Parks & Recreation	\$ 201,858
Sale of Assets	\$ 15,000		
From Capital Reserve Fund	\$ 127,461		
Occupancy Tax	\$ 395,000		
<b>Total</b>	<b>\$ 2,623,763</b>	<b>Total</b>	<b>\$ 2,623,763</b>
<b>Section 2. Enterprise Fund</b>		<b>Section 2. Enterprise Fund</b>	
<b>Anticipated Revenues:</b>		<b>Authorized Expenditures:</b>	
Grant Project Ordinance (ARP)	\$ 700,000	Grant Project Ordinance (ARP)	\$ 700,000
Water Operating Revenues	\$ 270,640	Water-Operating	\$ 236,705
Water Taps and Connections	\$ 8,000	Non Operating	\$ 32,483
Non Operating Revenues	\$ 100	Capital Outlay	\$ -
From Capital Reserve Fund	\$ -	Capital Reserve	\$ 9,558
<b>Total</b>	<b>\$ 978,740</b>	<b>Total</b>	<b>\$ 978,740</b>

## Public Comments

**Margaret Clark** - Inquired why the Town is increasing the water rates. Town Manager Harris stated by increasing in smaller incremental amounts, it is easier on the citizens and the goal is to begin saving for future water capital improvement needs.

**Bob Bridges** – Deepwood Ct- He thanked the Town Council for being fiscally conservative while providing necessary services for the FY24 budget. Bridges also commended Finance Officer Sappington for the 99.9% tax collection rate; the Town is fortunate to have her in this role.

## CLOSE PUBLIC HEARING

Mayor Pro Tem Lambert made a motion to close the public hearing; Member Bonomo seconded the motion. All members agreed.

## **RECESS**

Member Sasse made a motion to recess the meeting; Member Bonomo seconded the motion. All members agreed. The meeting recessed at 5:15pm.

## **CALL TO ORDER FROM RECESS**

Member Bonomo made a motion to open the meeting from recess at 5:30pm; Member Williams seconded the motion. All members agreed.

## **ADOPT AGENDA**

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

## **CONSENT AGENDA**

- (i) Minutes of Town Council meeting – May 9, 2023**
- (ii) Minutes of Town Council FY24 Budget Workshop – May 10, 2023**
- (iii) Minutes of Public Hearing & FY24 Budget Workshop May 24, 2023**

Member Bonomo made a motion to approve the consent and adopt the minutes of the consent agenda; Member Williams seconded the motion. All members agreed.

## **CITIZENS COMMENTS**

Tom Bookstaver – Gave a brief update on a recent medical call.

Bob Bridges – Reported TDA provided the basketball hoop at the Fire department.

Kay Lambert – The fire danger sign has been installed as recommended by the Public Safety Committee.

## **OLD BUSINESS**- None

## **NEW BUSINESS**

### **A. High Country ABC Board Appointment – Anne Fontaine**

Member Sasse made a motion to appoint Anne Fontaine to the High Country ABC Board; Mayor Pro Tem Lambert seconded the motion. All members agreed. The term begins July 1, 2023. ~CLOSED~

### **B. Annual Operating Budget Ordinance FY24**

Mayor Pro Tem Lambert made a motion to adopt the Annual Operating Budget Ordinance FY24; Member Sasse seconded the motion. All members agreed. ~CLOSED~

### **C. Final Budget Amendment FY23**

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

### **D. EMR Recognition**

Mayor Fontaine spoke of the importance of the Seven Devils Fire Department Emergency Medical Responder (EMR) certification program and the benefit to the Town citizens. Under the direction of Fire Chief Millsaps, 6 members completed the 96-hour course and passed an exam. The following members were recognized:

Tom Bookstaver, Brad Lambert, Matthew Hayes, Marino Fernandez, Wayne Bonomo & Matt Millsaps. A reception will take place at the conclusion of tonight's meeting and the public is invited to attend.

## **ADMINISTRATIVE UPDATE**

Town Manager Harris provided the administrative update on the following:

- Both PRV's have been installed by Public Works and are working properly.
- The CCR/Annual Drinking Water report is online and available at the Town Clerk's office.
- Town Council Candidate filing dates begin at noon – July 7<sup>th</sup> until noon – July 21<sup>st</sup>.
- Voter ID will be required to vote in the Municipal elections.
- Staff were treated to lunch by donations from citizens.
- Parks & Recreation meeting – June 15<sup>th</sup> – 9:00am
- Planning Board meeting – June 20<sup>th</sup> – 5:30pm
- TDA meeting – 9:00am and Board of Adjustment meeting – 5:30pm on June 27<sup>th</sup>
- Independence Day BBQ at 7D Community Center – June 30<sup>th</sup> – Noon to 2:00pm
- PARTF Representative made a site visit & approval as a step in the grant process; PARTF awards will be announced in Raleigh – August 11<sup>th</sup>.

## **COMMITTEE REPORTS**

Board of Adjustment – No meeting

Planning Board – No meeting

Public Works Committee – No meeting

Public Safety Committee – June minutes

Parks & Recreation Committee – May minutes

Tree Board – No meeting

TDA – May minutes

ABC Board – April/May minutes & Proposed FY23-24 Budget – Anne Fontaine announced Board member Donna Dicks retirement.

Police Report

Fire Report

## **COUNCIL COMMENTS**

Mayor Fontaine shared good news. Lowes Home Improvement in Banner Elk has a commercial ice maker that was unclaimed special order and Citizen Danny Brock, an employee of the store arranged for it to be donated to the Seven Devils Fire Department.

## **ADJOURN**

Mayor Pro Tem Lambert made a motion to adjourn; Member Williams seconded the motion. All members agreed. The meeting was adjourned at 5:50pm.

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Larry Fontaine, Mayor

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Hillary Gropp, Town Clerk

FINAL BUDGET AMENDMENT  
FY23

**AGENDA ITEM** 7) A.

	Current	Proposed	FINAL
	Budget	Amendment	BALANCE
<b>Section 1. General Fund</b>			
Ad Valorem Taxes	\$ 1,122,231	\$ -	\$ 1,122,231
State Share Revenue	\$ 157,795	\$ 12,692	\$ 170,487
ABC Distribution	\$ 185,000	\$ 25,000	\$ 210,000
Powell Bill Allocation	\$ 32,736		\$ 32,736
Permits and Fees	\$ 9,500	\$ -	\$ 9,500
Sales Tax	\$ 225,000		\$ 225,000
Misc Revs, Govt Grants, Sale of Assets	\$ 134,770		\$ 134,770
Capital Reserve Fund/FB	\$ 323,191	\$ (37,692)	\$ 285,499
Occupancy Tax	\$ 395,000	\$ -	\$ 395,000
<b>Total GF Revenues</b>	<b>\$ 2,585,223</b>	<b>\$ -</b>	<b>\$ 2,585,223</b>
<b>Authorized Exp by Dept.</b>			
Governing Board	\$ 31,960	\$ -	\$ 31,960
Administrative	\$ 479,590	\$ -	\$ 479,590
Public Safety	\$ 722,988	\$ -	\$ 722,988
Fire Protection	\$ 98,728	\$ -	\$ 98,728
Zoning	\$ 28,544	\$ -	\$ 28,544
Parks & Rec	\$ 149,862	\$ -	\$ 149,862
Public Works	\$ 612,825	\$ -	\$ 612,825
Powell Bill	\$ 65,726	\$ -	\$ 65,726
Tourism Development Authority	\$ 395,000	\$ -	\$ 395,000
<b>Total GF Expenditures</b>	<b>\$ 2,585,223</b>	<b>\$ -</b>	<b>\$ 2,585,223</b>
<b>Section 2. Enterprise Fund</b>			
Water Operating Revenues	\$ 295,500	\$ -	\$ 295,500
Water Taps/Connections	\$ 6,000	\$ -	\$ 6,000
Non-Operating	\$ 450	\$ -	\$ 450
From Capital Reserve	\$ 93,794	\$ -	\$ 93,794
Grant Project Ordinance (ARP)	\$ 34,419	\$ -	\$ 34,419
<b>Total EF Revenues</b>	<b>\$ 430,163</b>	<b>\$ -</b>	<b>\$ 430,163</b>
<b>Authorized Expenditures</b>			
Water Operating Exp	\$ 235,980	\$ -	\$ 235,980
Water Non-Op Exp	\$ 31,471	\$ -	\$ 31,471
Capital Outlay	\$ 93,874	\$ -	\$ 93,874
Capital Reserve	\$ -	\$ -	\$ -
Grant Project Ordinance (ARP)	\$ 68,838	\$ -	\$ 68,838
<b>Total EF Expenditures</b>	<b>\$ 430,163</b>	<b>\$ -</b>	<b>\$ 430,163</b>

Revised

AGENDA ITEM 8)A.

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 1868048716000  
Size of Property 17.32 County Watauga PIN # 186894513000  
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]  
Signature of Applicant

5/15/23  
Date

Amount Paid N/A Received by Eddie Barnes Date 5/15/23

Revised

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 Business Change Current Zoning to High density  
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@hawkscreekstables.com

**Property Owner Information**

Name: Hawkscreek Stables, 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.

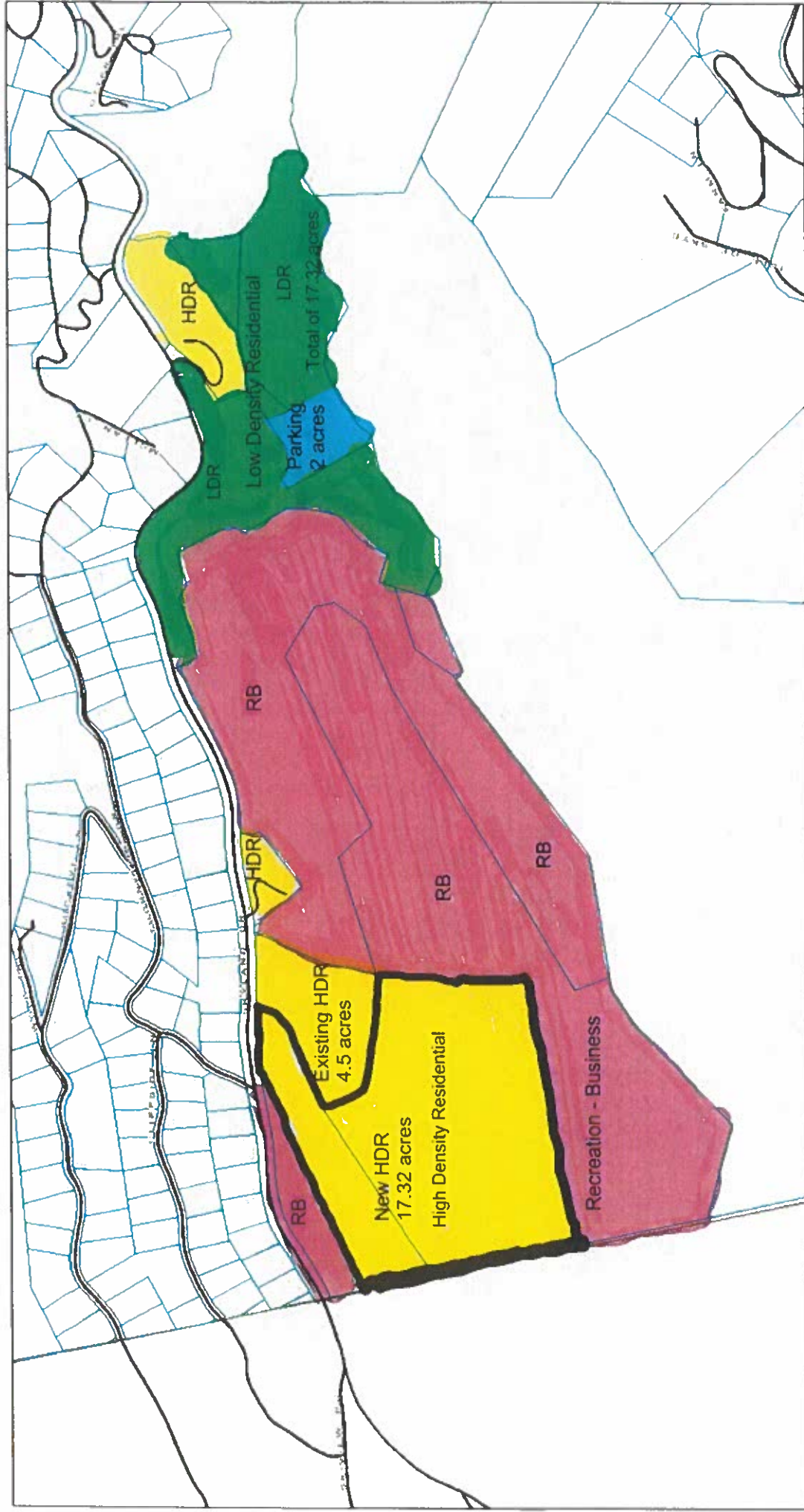
[Signature]  
Signature of Applicant

5/15/23  
Date

Amount Paid N/A Received by Eddie Bonner Date 5/15/23



# Watauga County Auditor



April 17, 2023

**ADMIN UPDATE for June 2023**

- June 30 Community Celebration Day recap
  - a. Carolina BBQ lunch – 236 served
  - b. Summer Concert – 180 attendees
- The audit process is underway.
- Filing dates for Town Council candidates is open until July 21<sup>st</sup> at noon.
- Voter ID is required, and you must be registered to vote in Avery or Watauga Counties to vote in Municipal elections.
- Parks & Rec Meeting – July 13<sup>th</sup> – 9:00am
- TDA Meeting – July 25<sup>th</sup> – 9:00am
- Board of Adjustment Meeting – July 25<sup>th</sup> – 5:30pm
- Public Safety Committee Meeting – August 1<sup>st</sup> – 10:00am
- We will have our dog costume contest and next summer concert July 14<sup>th</sup>.

**Town of Seven Devils  
Board of Adjustment Meeting  
Tuesday, June 27, 2023  
5:30pm**

The Seven Devils Board of Adjustment met on Tuesday, June 27, 2023, at Town Hall. Attendance included Members - Bob Bridges, Faye Brock, Bobbye Hurlbrink. Richard Blonshine joined at 5:40pm - Item 3) Amend Agenda. Members absent: Stu Ryan, John Wells IV, and Quinn Morris - Alternate. Staff in attendance included Zoning Administrator Eddie Barnes and Town Manager Johnathan Harris; the minutes were recorded by Town Clerk Hillary Gropp.

**CALL TO ORDER**

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

**ROLL CALL**

Board of Adjustment members Faye Brock, Bob Bridges and Bobbye Hurlbrink stated their name and announced their presence for Roll Call. A quorum was met for the Call to Order.

**AMEND AGENDA**

Chair Bridges requested to amend the agenda with New Business Item B - Delegation of Authority - Motion needed; Member Blonshine made a motion to amend the agenda; Member Brock seconded the motion. All members agreed.

**CHAIRPERSON COMMENTS**

Chair Bridges stated for the purpose of notice to the Board members and Citizens attending tonight, this is not an Evidentiary Hearing, but rather a meeting of the Board of Adjustment. Citizen Comments is included in the Agenda outline.

**OLD BUSINESS**

**A. Approve minutes - Board of Adjustment meeting - April 25, 2023**

Member Brock made a motion to approve the minutes; Member Hurlbrink seconded the motion.

**Roll Call**

**Richard Blonshine-Yea Faye Brock-Yea Bob Bridges-Yea Bobbye Hurlbrink-Yea**

**NEW BUSINESS**

**A. Ratify Special Use Permit #2023-01 - Hawksnest Snowtubing, Inc.**

Chair Bridges stated whenever a decision has been made by Board of Adjustment, whether it is for Variance, Special Use Permit or Appeal Decision, a "decision document" outlining the Findings of Fact and the decision is signed by the Board of Adjustment Chairperson and provided to the Applicant.

Historically, this procedure has been followed, duly certified, and filed by the Town Clerk.

Procedurally, this document should be voted on by the Board of Adjustment prior to mailing it to the Applicant. However, substantial delays could occur, as often several months may pass between meetings

of the Board of Adjustment. Potential delays caused by meeting timing could result in hardship for the Applicant and potential decision appeal action.

The step of ratifying the document at tonight's meeting is required, as the Special Use Permit #2023-01 – Hawksnest Snowtubing, Inc. was mailed on May 9 2023. All members of the Board of Adjustment who were present in the Evidentiary proceedings of April 25, 2023 have reviewed the document for accuracy of the final decision.

Quinn Morris – Alternate who could not be in attendance at tonight's meeting, has reviewed and responded via email. Town Clerk Gropp read the email aloud to record his approval.

Chair Bridges asked for a motion for a vote to ratify the Findings of Fact, Deliberation & Decision document for Special Use Permit #2023-01.

Member Brock made a motion to vote to ratify the Findings of Fact, Deliberation & Decision for Special Use Permit #2023-01 – Hawksnest Snowtubing, Inc.; Member Hurlbrink seconded the motion.

### Roll Call

**Richard Blonshine–Yea Faye Brock–Yea Bob Bridges–Yea Bobbye Hurlbrink–Yea**

**Quinn Morris – Alternate who could not be in attendance at tonight's meeting, has reviewed and responded via email. Town Clerk Gropp read the email aloud to record his approval.**

TOWN MANAGER  
*Johnathan Harris*

TOWN FINANCE OFFICER  
*Helga Sappington*

TOWN CLERK  
*Hillary Gropp, CMC, NCCMC*



## TOWN OF SEVEN DEVILS

### TOWN COUNCIL

MAYOR – *Larry Fontaine*  
MAYOR PRO-TEM – *Brad Lamborn*  
*Wayne Donomo*  
*Leigh Saxe*  
*Jeffrey Williams*

April 25, 2023

To: Hawksnest Snowtubing Inc, / Lenny Cottom – Applicant  
Board of Adjustment Members  
Town Council of Town of Seven Devils

Re: Special Use Permit for Alpine Coaster in Recreation-Business Zone

At its meeting on April 25, 2023, after conducting a duly noticed Evidentiary Hearing, and after considering the application materials, testimony, and evidence presented at the Evidentiary Hearing, or otherwise appearing in the record, and the criteria set forth in the Town of Seven Devils Unified Development Ordinance (UDO) – Article 14 – Special Use Permit, the Town of Seven Devils Board of Adjustment voted 4-0 to Approve the Special Use Permit as submitted.

I, Edward Barnes, Zoning Administrator for the Town of Seven Devils, do hereby certify the attached to be a true copy of the Order approved at the meeting of the Board of Adjustment held on April 25, 2023.

Date filed with the Clerk to the Board: May 9, 2023

Date mailed to Parties: May 9, 2023

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the seal of the Town of Seven Devils to be affixed this the 9th day of May, 2023.

*Edward Barnes*  
Edward Barnes, Zoning Administrator

*Hillary Gropp*  
Hillary Gropp, Clerk to the Board of Adjustment



\* 157 Seven Devils Rd., Seven Devils, NC 28604 \* PH: (828) 963-5343 \* [www.sevendevils.net](http://www.sevendevils.net) \*

The Town of Seven Devils does not discriminate on the basis of age, sex, religion, national origin, disability, political affiliation, or marital status.



**Board of Adjustment  
Special Use Permit Decision #2023-01**

**Hawksnest Snow Tubing, Inc.  
Mr. Lenny Cottom**

**Findings of Fact, Deliberation & Decision**

**Findings of Fact:**

- The Town of Seven Devils received an Application for a Special Use Permit for an Alpine Coaster from Hawksnest Snowtubing Inc. principal owner Lenny Cottom on March 27, 2023.
- The application was complete and was accompanied by the \$500 fee and all required documentation.
- The property address is 2058 Skyland Drive, Seven Devils, NC 28604. Parcel ID # 1868-19-51-2673 Avery County, NC. Taxes are current.
- Property is in RB (Recreation-Business) on Official Zoning Map of Town of Seven Devils. Pursuant to the Town of Seven Devils Unified Development Ordinance, Section 5.1, Table of Permitted uses, Amusement and Recreation Facilities are permitted use if approved through a Special Use application and permit.
- Mr. Cottom gave his Testimony in regards to the Alpine Coaster, Testimony was also received from Eddie Barnes, Zoning Administrator as to the completeness of the application and Jonathan Harris, Town Manager to the impact on town services. Eleven Property owners with Standing were notified by First Class mail. No property owners with Standing testified.
- Discussions with Mr. Cottom included:
  - a. The location of the proposed Alpine Coaster in relation to property lines of adjoining properties and the setback from the property line.
  - b. The construction timeframe
  - c. The hours and time of operation
  - d. The potential impact of an Alpine Coaster on surrounding properties including noise, light, and visual impact.

**Decision - Findings of Fact**

Chairperson Bridges stated the following:

- 1) The application is incomplete - **FALSE**.  
It is complete based on evidence and testimony.
- 2) This endangers the public health, safety, or general welfare - **FALSE**.  
The coaster is designed and installed under Federal guidelines; periodic inspections by the State; located in an area already designed for activities similar to the proposed activity; and expected incremental increase in traffic can be handled by existing infrastructure.
- 3) This will seriously interfere with existing uses on adjacent properties - **FALSE**.

The parcel is currently zoned for Amusement and Recreation; no direct impact on access/egress to adjoining properties; incremental noise abated by tree lines and absorbed by noise from existing recreational activities; visual impact mitigated by low height structure and low height lighting, with tree line absorbing some of the site line impact to adjoining properties; and hours of operation coincide with existing recreational activities, so only incremental noise/visual/traffic impact.

- 4) This will impose undue burden on public improvements, facilities, utilities, or services – **FALSE**. Incremental increase in traffic can be absorbed by existing infrastructure; activity time segments will be scheduled to spread out incremental traffic impact; incremental increase in water (existing bathroom facilities) can be absorbed by existing water supply based on applicant's current usage.
- 5) This will substantially injure the value of adjoining properties – **FALSE**. No evidence provided by Parties with Standing objecting to the project based on substantial injury to property values; and applicant has attempted to minimize impact on adjoining properties by the size, scope, and location of the project.
- 6) This is not in general conformity with the Town's Vision Statement, Comprehensive Land Use Plan, and other adopted plans – **FALSE**. Coincides with current zoning restrictions; coincides with commercial development compatible with our residential and recreational community; provides for minimal tree impact vs. the size/scope of the project, so that tree preservation is a priority.

Chair Bridges asked for a motion.

**Motion:**

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

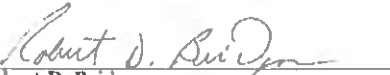
Member Hurlbrink seconded the motion. Motion passed 4 yeas - 0 nay

**Roll Call**

Quinn Morris, Alternate-Yea Faye Brock-Yea Bob Bridges-Yea Bobbye Hurlbrink-Yea

**Close Evidentiary Hearing**

Member Hurlbrink made a motion to close the evidentiary hearing; Member Brock seconded the

  
Robert D. Bridges  
Board of Adjustment Chair

Date of Signature: May 9, 2023

## **B. Delegation of Authority**

A discussion occurred about passing a Delegation of Authority as a procedural step for future "decision documents" that need to be sent to the Applicant in a timely manner.

Member Hurlbrink made the following motion:

I move to delegate the Board of Adjustment approval authority of all quasi-judicial decision documentation required under NC GS 160D-406 to the Chair or Vice Chair of the Board of Adjustment; Member Blonshine seconded the motion.

**Roll Call**

Richard Blonshine-Yea Faye Brock-Yea Bob Bridges-Yea Bobbye Hurlbrink-Yea

### **C. BOA Updates**

Chair Bridges reported to the Board of Adjustment members that a property owner has filed a lawsuit in the Avery County Superior Court challenging Special Use Permit #2023-01. The Town will engage legal counsel.

### **D. BOA Edu**

Chair Bridges stated the Board of Adjustment meeting tonight is not an Evidentiary Hearing, therefore no witness testimony will occur, thus it lacks the required procedures they have happened at prior meetings. Zoning Administrator Barnes thanked the Board of Adjustment members for their duty and service to the Town with this important role.

Review of Quasi-Judicial procedures occurred, facilitated by Zoning Administrator Barnes and topic highlights included:

Deliberations in public, Submittal of evidence timeline, Ex parte communication, Disclosure & Recusals, Competent/Material evidence, Impartiality vs Public opinion, Expert opinion, Parties with Standing, Procedural tests for Special Use Permits & Variances, Permitted Zoning Table, Sufficient evidence, Importance of Alternate members, Deliberations, and Final Decision documents.

Reference materials included for this discussion included:

Quasi-Judicial Handbook by David W. Owens & Adam S. Lovelady, Published by UNC School of Government.

UNC School of Government Blogs published:

05/27/2014 04/03/2015 08/24/2021 03/15/2022 04/04/2023

### **CITIZEN COMMENTS**

Leigh Sasse – Chestnut Ridge Trail – Asked for clarification about legislature for Special Use Permits and Variances; the Town's UDO Table of Permitted Uses and Variance Setbacks. Sasse also inquired about the procedure of ratification of the Special Use Permit #2023-01 and email approval by Alternate member.

### **BOARD OF ADJUSTMENT COMMENTS**

Chair Bridges stated that the educational portion of the tonight's meeting was a result of a discussion he and Zoning Administrator Barnes had in January, initiated by the appointment of 4 new Board of Adjustment members, with terms effective, January 1, 2023.

### **ADJOURN**

Member Brock made a motion to adjourn the meeting; Member Hurlbrink seconded the motion. All members agreed. The meeting was adjourned at 6:15pm.

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Robert D. Bridges, Chairperson

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Hillary Gropp, Town Clerk



Town of Seven Devils  
Planning Board Minutes  
June 20, 2023

AGENDA ITEM 10) B

The Seven Devils Planning Board met on Tuesday, June 20, 2023, at 5:30pm at Town Hall.  
Planning Board members in attendance included: Richard Blonshine, Jim Jones, Joan Streightiff & Walt Hogan. A quorum was met to Call the meeting to Order.  
Members John Wells IV and Mark Williams joined at Item 4) New Business  
Absent Member: Stuart Ryan  
Staff attendance included: Eddie Barnes, Zoning Administrator. Hillary Gropp, Town Clerk recorded the minutes.  
Lenny Cottom, Applicant – Revised Rezoning Request was in attendance.

### Call to Order

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

*\*Clerks Note\* The agenda was revised verbally to allow more time for 2 Planning Board members to arrive.  
The minutes reflect the timeline of business as it occurred with Items 2) Approval of the Minutes and 4) New Business- Nuisance Ordinance prior to Item 3) Old Business- Revised Rezoning Request.  
There was no formal action to amend the agenda.*

### Approve Minutes – April 18, 2023

Member Hogan made a motion to approve the Planning Board minutes of April 18, 2023; Member Streightiff seconded the motion. All members agreed.

### New Business

#### A. Nuisance Ordinance

The Town Council has requested the Planning Board review the language/penalty fees in the Town's Nuisance Ordinance – Article 6 and Article 10.

#### (i) Trash Violation – Article 6

*Upon occurrence of a **trash violation**, the owner will be notified by telephone, if possible, and sent a letter, return receipt requested. The Town will immediately clean up the trash and bill the property owner **\$100** cleanup fee (as stated below) and send an invoice for the cleanup. Additionally, if the cleanup was required because the property owner failed to comply with this Article, the owner will be subject to the penalty described in this Article.*

#### Penalty

	Written or Verbal Warning
1) First Violation	
2) Second Violation	<b>\$100.00 Fine to \$300.00 Fine</b>
3) Third Violation	<b>\$250.00 Fine to \$500.00 Fine</b>
4) Fourth or Subsequent	<b>\$500.00 Fine to \$500.00 Fine</b>

Additional language to be included in the Nuisance Ordinance for Penalty.

**Refer to The Town of Seven Devils Annual Operating FY Budget for Penalty dollar figure amount.**



It was suggested by some Planning Board members to include specific language in the written Notice to Owners of the Use of Appropriate Waste Containers and the increasing fines for violations. Member Hogan made a motion to approve the Nuisance Ordinance edits and Penalty amounts; Member Blonshine seconded the motion. All members agreed.

## **(ii) Fire Pit Regulations**

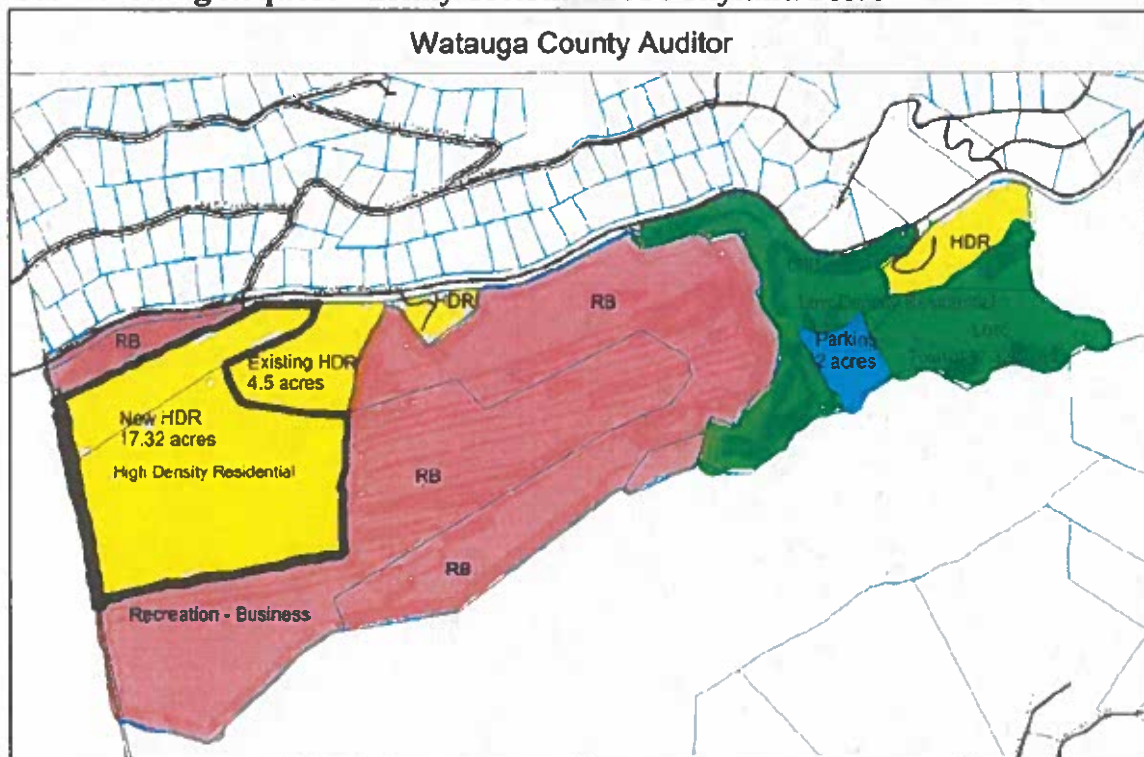
Discussion occurred among Planning Board members about the current language in Article 10 and the suggested edits for outdoor fire pits and increased fines. Several Planning Board members noted Article 10 lacks definitive language for the various types of fire pits that can be used.

Zoning Administrator Barnes to follow up with Fire Chief and Town Manager.

Member Hogan made a motion to table this item for further review; Member Williams seconded the motion. All members agreed.

## **Old Business**

### **A. Revised Rezoning Request – Lenny Cottom – 2058 Skyland Drive**



Zoning Administrator Barnes stated Lenny Cottom, Applicant has submitted a revised application reflecting an acre for acre swap with the HDR request of 17.32 acres as discussed at the Planning Board meeting on April 19, 2023.

Additionally, the revised map reflects this request, along with a 100ft buffer on Skyland Drive.

Zoning Administrator recapped the following:

Recreational Business (RB) to High Density Residential (HDR) – 17.32 acres would allow for 6 dwellings per acre = 104 dwellings

High Density Residential (HDR) to Low Density Residential (LDR) – 17.32 acres would allow for 1 dwelling per acre; decrease from 104 dwellings to 17 dwellings total.

Zoning Administrator Barnes stated the Planning Board is reviewing the Revised Rezoning request tonight, not any future building plans, as none exist, and land development has other procedures to be followed.

Chair Jones asked for discussion from Planning Board members.

Member Williams stated he is not in favor of the Revised Rezoning request. He stated the swap of acres is an advantage to the Applicant as it is easier to build on some parcels due to topography.

Member Wells stated the swap is uneven, as the Applicant is gaining the ability to add dwellings on a parcel that is zoned RB. He stated it benefits the Applicant, not the Town, it is not worth the 2 acres of donated land to the Town.

Member Blonshine asked Zoning Administrator Barnes, what uses could occur on land with RB zoning? Zoning Administrator Barnes listed items in the Town's UDO permitted table of Recreational Uses, including Hotel/Motel.

Any required Special Use Permit for RB is decided by the Board of Adjustment.

Member Streightiff asked for clarification if any approval of rezoning by the Planning Board still requires other steps for building. Zoning Administrator Barnes confirmed that is correct. She asked if by allowing the HDR to LDR rezoning with less dwellings would this be less damaging to the trees and land. Zoning Administrator Barnes confirmed the Subdivision Ordinance will not allow clear cutting of trees, only a reduction in quantity.

Several citizens in attendance in the audience asked to speak.

Chair Jones allowed this to happen.

*\*Clerks Note\**

*This was not a public hearing, and not followed by the procedures of a public hearing, therefore without a sign-up sheet to speak. Citizens' names are not included. Below is a summary of topics/questions spoken by citizens.*

- Evaluation of current infrastructure to support HDR zoning should occur.
- Roads & Egress are inadequate for the rezoning request.
- Why was the golf course & ski closed?
- What has changed in the Town to cause a need to for rezoning? Is more housing needed?
- Why build houses? Building a hotel/motel should be illegal and how is that allowed?
- The land should be kept as an open green space for recreational use and unobstructed views.
- Town's water infrastructure is old and inadequate to support more citizens.
- What is the Town's fire plan for evacuation routes?
- The Town has not informed the citizens of meetings or notification of the status of rezoning.
- The boardroom configuration is difficult for citizens in attendance to see or hear the meeting; microphones are not being used by board members.
- Citizens live elsewhere for several months at a time and the Town is not transparent with them.
- Citizens have purchased property, not the view, and any view offered to the surrounding owners is at the expense of the Applicant.
- A long time citizen stated that throughout the decades, much development has occurred, including condominiums and homes, it can be expected more construction will happen.

- Will the Town have an agreement with the Applicant for the 2 acre donation?
- Is this application revised? Will there be a public hearing?
- If the Rezoning request is approved by the Town Council, then it is probable building will occur.
- Citizens purchased in the Town because it is quiet and nice and should stay the same.

Lenny Cottom, Applicant spoke to the Planning Board and Citizens.

He stated the Planning Board originally approved this, but it should have been for the 17.32 acres RB to HDR, not 15 acres, or an even acre for acre swap.

He stated Town officials approached him with the idea of a land donation for Otter Falls parking. After meeting with Town officials and walking his property, the Rezoning map is a result of those discussions. Cottom stated, when the Town asked him to donate land, he was agreeable, and questioned how many other citizens would do the same.

He said as a property owner for 34 years, he is also the largest taxpayer, and whenever a citizen claims they will lose their view, to consider he owns the land, and any view is at his expense and tax dollars. Due to his business of Hawksnest Zipline & Snowtubing being successful, the NCDOT has made improvements on Skyland Drive with culverts and the roads are routinely cleared in the winter for vehicle traffic. This benefits the Town and all citizens. He wants to keep the Town nice as a property owner. Cottom stated, this property already has zoning designated as HDR, but with the swap of zoning on the parcels, future development, whenever that might happen, will provide more trees and greenspace.

Several citizens spoke out of turn and with criticism of Cottom's statements.

Member Wells questioned Cottom about who were the Town officials that approached him?

Cottom did not reveal names, but stated that some were in attendance tonight, and included staff too.

Member Wells stated he is passionate about this issue and is not supportive of the Rezoning request.

Chair Jones confirmed with Zoning Administrator Barnes that any vote by the Planning Board tonight is merely a recommendation to the Town Council and will require a future public hearing and a final decision by the Town Council.

Zoning Administrator Barnes agreed.

**Chair Jones called for a motion.**

**Member Blonshine made a motion to approve the two (2) Revised Rezoning request of:**

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

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

**Member Streightiff seconded the motion.**

**Roll Call**

**Richard Blonshine – Yea John Wells IV – Nay Walt Hogan – Yea Jim Jones – Yea**

**Joan Streightiff – Yea Mark Williams – Nay**

**4 Yeas 2 Nays – The motion passed.**

**Citizens Comments**

Tom Bookstaver commented the bear proof trash cans can be used by citizens to avoid violations. Tina Lakhotia stated the Planning Board decisions should represent the citizens viewpoint.

**Planning Board Comments - None****Adjourn**

Member Hogan made a motion to adjourn the meeting; Member Williams seconded the motion. All members agreed. The meeting was adjourned at 7:00pm.

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Jim Jones, Chairperson

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Hillary Gropp, Town Clerk

**THE TOWN OF SEVEN DEVILS  
PARKS AND RECREATION COMMITTEE  
MINUTES - REGULAR SESSION  
JUNE 15, 2023**

The Town of Seven Devils Parks and Recreation Committee met at 9:00 AM in Town Hall on June 15, 2023.

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

Faye Brock moved to approve the Agenda, and Rebecca Ryan seconded. The motion was approved.

Marino Fernandez moved to approve the minutes of the May 11, 2023 meeting and Ed Beck seconded. The motion was approved.

**OLD BUSINESS**

- A. The Park at Seven Devils Update - Jewel McKinney reported that the PARTF Grant has been submitted. The Consultant visited the site on Tuesday, June 13 and stated that we have submitted a strong application. Results will be announced on August 11.
- B. Trash Can Update - Jewel McKinney announced that we have four custom-made trash cans. Two will be in the Park at Seven Devils, one in Black Bear Park and one in Otter Falls.
- C. Summer 2023 Update - Jewel McKinney presented attendance numbers for the summer to date. She will have a comparison with last summer's attendance at the next meeting. There will be a Taco Truck at the first concert. Jewel will be promoting Tai Chi which is starting in July. It was suggested that the Town maintain an Instagram account to help publicize events. Jewel also thanked the volunteers who helped packing gift bags.
- D. Volunteer Opportunities - Jewel needs one judge for the Bear Decorating Contest. Trash pickup has been light, so there isn't a need for a formal volunteer effort yet.

**NEW BUSINESS**

- A. New Ideas - Joe Alfonso suggested selling Seven Devils t-shirts. This idea was unanimously approved. Joe will investigate a good quality t-shirt with the town logo on it. Joe also suggested a car show.

**MEMBER COMMENTS**

- The town webcam has been broken. It has been a long process to repair it, but the Town is ready to update.
- There will be a webcam atop Town Hall coming soon.
- The goal for the new website is October 1.
- A new Fire Risk sign has been added outside of Town Hall.
- Jewel plans to add more off-season events as there are more year-round residents.
- The Committee expressed thanks for equipment repair in the Gym
- Thanks to the TDA for the new hoop at the Fire Station.
- Jewel is investigating having the crack in the Tennis/Pickle ball court repaired under warranty.
- The door into the Gym needs repair,
- Kay Lambert reported that the Foosball and Ping Pong tables are being used in the Community Center.

Faye Brock moved to adjourn the meeting at 9:43, and Kay Lambert seconded. The meeting was adjourned.

Submitted by:  
Freddie Blonshine  
Parks and Recreation Committee Secretary

**Town of Seven Devils  
Tourism Development Authority Meeting  
June 27, 2023**

The Town of Seven Devils Tourism Development Authority met in regular session on Tuesday, June 27, 2023, at Town Hall. Chair Anne Fontaine, Member Leigh Sasse and Member Rick Blonshine attended in person. Town Manager Johnathan Harris, Finance Officer Helga Sappington and Parks & Recreation Director Jewel McKinney were present. Member Alejandra Fernandez was absent.

**Call to Order**

Chair Anne Fontaine called the meeting to order at 9:05 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 May 23, 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 ongoing Summer Events.
- Parks & Recreation Director Jewel McKinney updated the TDA Members on the process of the new website.
- Member Rick Blonshine made a motion to approve the final FY23 budget amendment; motion was seconded by Member Leigh Sasse; the motion passed.

**New Business**

- Member Leigh Sasse made a motion to approve the June 2023 photography invoice (\$ 650.00); motion was seconded by Member Rick Blonshine; the motion passed.

**Financial Statement**

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

**Citizen Comments**

Brad Lambert and Wayne Bonomo were present.

Parks & Recreation Director Jewel McKinney updated the TDA Members on the yard of the month and bear contest.

Town Manager Johnathan Harris updated the TDA members on completed Webcam repair at the Seven Devils Community Center and the new Webcam at Town Hall. Both are available to view on the Town website.

**Board Comments**

None

**Adjourn**

At 9:35 am, Member Leigh Sasse made a motion to adjourn; Rick Blonshine seconded; all approved. Motion carried.

# Activity Log Event Summary (Totals)

SEVEN DEVILS PUBLIC SAFETY

(06/01/2023 - 06/30/2023)

Alarm Activation	1	Animal Complaint	1
Assist Motorist	1	Assist Watuaga Sheriffs Office	2
Bank Deposit Escort	16	Business Check	214
Complaint	2	Fire Department	1
Ordinance Violation	1	Other	1
Patrol	69	Residence Check	1
Unwanted Person	1		

Total Number Of Events: 311





## **SEVEN DEVILS FIRE DEPARTMENT**

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

June 2023

This month we had 21 members participate in nearly seventy hours of training. We responded to two calls, one which was a smoke detector alerting (no fire found) and a medical call.

If you have any questions or concerns, please feel free to contact me at [matthew.millsaps@sevendevils.net](mailto:matthew.millsaps@sevendevils.net)

Fire Chief

Matthew Millsaps