

TOWN OF SEVEN DEVILS
Regular Town Council Meeting
Tuesday – January 10, 2023
5:30pm

AGENDA

- 1) Invocation
- 2) Pledge of Allegiance
- 3) Call to Order
- 4) Adopt Agenda
- 5) Consent Agenda
 - A. Approve Minutes
 - (i) FY23 Midyear Budget Review Workshop – December 1, 2022
 - (ii) Public Hearing & Town Council Meeting – December 13, 2022
- 6) Old Business
 - A. Discussion of Rezoning Request
 - (i) HDR to LDR – 17.32 acres - *Motion*
 - (ii) RB to MDR – 25.5 acres - *Motion*
 - (iii) RB - HDR – 21.23 acres - *Motion*
- 7) New Business
 - A. Budget Amendment #4 FY23 – Tax Revenue – *Motion*
- 8) Citizens Comments
- 9) Administrative Update
- 10) Committee Reports
 - A. Board of Adjustment – No meeting
 - B. Planning Board – No meeting
 - C. Public Works Committee – No meeting
 - D. Public Safety Committee – No meeting
 - E. Parks & Recreation Committee – No meeting
 - F. TDA – No meeting
 - G. ABC Board – November minutes
 - H. Tree Committee – No meeting
 - I. Police Report
 - J. Fire Report
 - K. Financial Report
- 11) Council Comments
- 12) Adjourn

TOWN OF SEVEN DEVILS
FY23 Mid-year Budget Review
Thursday, December 1, 2022
10:00am – 2:00pm

The Seven Devils Town Council held a FY23 Mid-year Budget Review workshop at Town Hall on Thursday, December 1, 2022. Attendance included Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, Members Wayne Bonomo, Jeffrey Williams & Leigh Sasse. Also, present were Town Manager Johnathan Harris; the minutes were recorded by Town Clerk Hillary Gropp.

PLEDGE OF ALLEGIANCE

Council members & Staff recited the Pledge of Allegiance.

CALL TO ORDER

Mayor Fontaine asked for a motion to call the meeting to order at 10:05am.

Member Williams made a motion to call to order; Member Sasse seconded the motion. All members agreed.

Mayor Fontaine stated the importance of the FY23 Mid-year review. After budget workshops held in the spring of 2022 for the FY23 Budget, there were many unknowns at the time about projected revenue collection and anticipated expenditures. Considerations at the time included external factors such as the Avery & Watauga county property revaluations and broader national economics. Mayor Fontaine acknowledged that many unknowns still exist, and this is an appropriate measure to review the budget again for the remainder of FY23.

FY23 Budget Update:

Town Manager Harris provided an update/correction for the FY23 Budget as follows:

On July 1, 2022, the projected FY23 Revenues = \$1,142,498; as of today's date, the amount as been reduced to approximately \$1,118,767.

REVIEW SALES TAX REVENUE

Manager Harris reported sales tax collection is trending on target or above. To date, \$69,346 has been collected. As a further note, the Watauga County Sales Tax Distribution hybrid method has been upheld in the courts as legal.

REVIEW OCCUPANCY TAX REVENUE

Manager Harris reports Occupancy tax has exceeded budgeted revenues, and expectations are that the trend will continue. To date, \$159,976 has been collected.

REVIEW ABC REVENUE

Manager Harris reports budgeted revenues are above target. Expectations are that this will continue, as well as a \$25,000 bonus. To date, \$65,000 has been given to the Town by the ABC Board.

BANK BALANCE/CASH POSITION

Town Manager Harris provided a yearly review of bank balances/cash position from 2018 to 2021, including year to date of 2022. Discussion occurred about the operating account, TDA funds, Capital Management and Cares Act Funds.

Loan obligations and pay off as follows: Snowcloud – 2026 Town Hall Building - 2029

FY23 BUDGET REVIEW

A. Items Delayed

(i) Security System – Town Hall - \$17,175

(ii) Fire Bay Security System \$6,000

Discussion occurred about moving forward with these two items, as they are already included in the FY23 budget.

Member Bonomo made a motion to **approve** Items A. **(i) Security System-Town Hall and (ii) Fire Bay Security System**; Member Williams seconded the motion. All members agreed.

B. Items Deleted

(i) Public Works Building – New Roof - \$20,000

(ii) Public Works Building – 2 Carports - \$6,000

(iii) Public Works Building – Paint - \$6,800

Discussion occurred about the condition of the roof and paint for the Public Works Building. If the building is need of repair too, it might be prudent to rebuild entire new structure. Council asked Member Williams to meet with Public Works Director and inspect current condition and report back with update. Discussion also occurred about 2 carports at Public Works. Due to the delayed delivery of a new Public Works Truck, the carport project can be delayed.

Town Council decided to hold off on all three (3) items and not include into the FY23 budget.

(iv) Additional Personnel – Parks & Recreation - \$40,208

Town Manager Harris presented two (2) job descriptions for additional personnel for Parks & Recreation staff. Options include Part-Time or Intern. This staff addition will assist the Parks & Recreation Tech during summer events and would cease Public Works staff's time and involvement.

Discussion occurred about the seasonal need, pay scale for the position, as well as funding by the TDA.

Mayor Fontaine stated this would not be a full-time position with benefits, and Council members agreed it should not be.

After discussion, it was decided to pursue an ASU Intern for the months of May-August, with pay to be determined.

(v) New Water Meters - \$30,000

Due to ongoing issues with monthly meter readings for Public Works staff and the software billing, Town Clerk Gropp reported this issue will only be resolved once all meters have been replaced with radio read meters and \$30,000 will allow for the purchase to complete conversion of all remaining meters.

Member Bonomo made a motion to approve \$30,000 to the FY23 Budget for new water meters; Member Sasse seconded the motion. All members agreed.

C. General Discussion Items

Following the discussion of items above, Council Member Bonomo inquired about other needs to be met for the next FY24, including a fully staffed Police Department. Town Manager Harris stated that he is still one (1) Police Officer short of a full staff, however active recruiting is underway.

Additionally, Council Member Bonomo inquired about the use of TDA funds for positions in the Police and Fire Departments as being tourism related. He questioned the ability of Town Council to commit TDA funds for positions, as this is the decision and action on the part of the TDA. Mayor Pro Tem Lambert agreed with Council Member Bonomo's assessment, as TDA has a separate budget from the Town Council. All requests for funding by Town Council to TDA is decided by the TDA.

Mayor Fontaine reported a contract with a new auditor has been completed, and will offer a different perspective on tourism related expenditures.

Manager Harris reported that volunteers with the Seven Devils Fire Department will be earning EM Responder certifications.

Currently four (4) will be enrolled in the certification program. Costs are \$450 per certification.

Mayor Pro Tem Lambert initiated discussion about adding a budget line item for Miscellaneous Items-Community Outreach to be distributed by the Fire Department at events. He requests \$5,000 be presented to the TDA for funding. Mayor Fontaine requested a motion.

Mayor Pro Tem Lambert made a motion to request TDA funding of \$5,000 for Community Outreach; Member Sasse seconded the motion. All members agreed.

RECESS

Town Council took a Recess at 11:00am to 11:15am.

CLOSED SESSION

PERSONNEL

Mayor Fontaine requested a motion to enter into Closed Session at 11:15am, pursuant to G.S. 143-318.11(a)(6) to discuss Personnel; Member Sasse made the motion to enter Closed Session; Member Williams seconded the motion. All members agreed.

General Account:

Town Council members included: Mayor Fontaine, Mayor Pro Tem Lambert. Members Bonomo, Sasse & Williams. Town Manager Harris was present; Town Clerk Gropp recorded the minutes.

**Clerks Note – Member Williams had to leave the FY23 Budget Workshop-Closed Session at 11:30am; his departure was accepted by the Town Council, with his absent vote to be in the affirmative.*

- 1) Mid-year Staff Increases
- 2) Promotions

Member Bonomo made a motion to leave Closed Session at 12:00pm; Member Sasse seconded the motion. All members agreed.

ADJOURN

Mayor Pro Tem Lambert made a motion to adjourn; Member Sasse seconded the motion. All members agreed. The meeting adjourned at 12:00pm.

Larry Fontaine, Mayor

Hillary Gropp, Town Clerk

DRAFT

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

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

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

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

INVOCATION

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

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

CALL TO ORDER

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

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

OPEN PUBLIC HEARING

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

Presentation – Eddie Barnes, Zoning Administrator

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

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

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

1. High Density Residential (HDR) to Low Density Residential (LDR) 3 parcels for a total of 17.32 ac Owner / Applicant – Leonard and Denise Cottom
Action – Unanimously Approved
Recap of density change is HDR = 104 to LDR = 15 SF dwellings
2. Recreation Business (RB) to Medium Density Residential (MDR) 25.5 ac Owner/Applicant – Hanging Rock Golf Club, Lenny Cottom
Action – Denied (3-1 vote) – Unfavorable Recommendation
Recap of density if it was approved = 75 SF dwellings
3. Recreation Business – High Density Residential 21.23 ac. Owner /Applicant -Hawksnest Zipline Inc. – Lenny Cottom
Action – Unanimously Denied - Unfavorable Recommendation
Recap of density if it was approved = 126 SF dwellings

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

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

The applicant has two (2) parcels, 17 acres + 4 acres = 21 acres currently zoned HDR.

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

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

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

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

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

Presentation – Lenny Cottom, Applicant

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

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

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

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

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

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

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

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

Public Comments:

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

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

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

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

CLOSE PUBLIC HEARING

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

RECESS

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

CALL TO ORDER- End Recess

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

ADOPT AGENDA

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

CONSENT AGENDA

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

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

OLD BUSINESS

A. FY23 Budget Items

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

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

NEW BUSINESS

A. Board/Committee Appointments/Reappointments 2023

Submitted Board/Committee Applications for terms beginning – January 2023 <i>Recommendations for appointment/reappointment highlighted in yellow</i>	
Board of Adjustment has three (3) expiring terms and one (1) vacant seat 3-year term – Must be property owners or registered voters of the Town – UDO Article 2	
<u>Reappointment Applications</u>	<u>New Appointment Applications</u>
John Wells IV – Regular Term Expires 12/2025	Richard Blonshine – Alternate Term Expires 12/2024 Quinn Morris – Alternate Term Expires 12/2025 Stuart Ryan – Regular Term Expires 12/2025
Planning Board has four (4) expiring terms 2 year term – Must be property owners or registered voters of the Town; Knowledge/Experience with Planning Evaluation and/or Experience with Municipal Government – UDO Article 2	
<u>Reappointment Applications</u>	<u>New Appointment Applications</u>
Walt Hogan Jim Jones Stuart Ryan	Richard Blonshine
<i>**All terms for above will expire 12/2024</i>	
Public Works has two (2) expiring terms 3 year term – Public Works Committee shall consist of five (5) voting members, who are full-time residents and two (2) voting members who are part-time residents. Max of two (2) Town Council members; Knowledge/Experience with Town's facilities & infrastructure – Resolution dated July 9, 2012	
<u>Reappointment Applications</u>	<u>New Appointment Applications</u>
Larry Fontaine – Term Expires 12/2025	None Received - Vacant Seat
Parks & Recreation Committee has one (1) expiring term and one (1) vacant seat 3-year term – Resolution #2012-4	
<u>Reappointment Applications</u>	<u>New Appointment Applications</u>
	Joseph Alfonso – Term Expires 12/2025 Rebecca Ryan – Term Expires 12/2025 John Wells IV
Tourism Development Authority (TDA) has two (2) expiring terms 2 year term – Members/Alternates must be individuals who are active in the promotion of travel & tourism in the Town – Resolution #2019-07	
<u>Reappointment Applications</u>	<u>New Appointments Applications</u>
Richard Blonshine – Term Expires 12/2024 Anne Fontaine – Term Expires 12/2024	John Wells IV

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

B. Discussion of Rezoning Request

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

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

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

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

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

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

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

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

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

CITIZEN COMMENTS

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

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

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

ADMINISTRATIVE UPDATE

Town Manager Harris provided the administrative update:

- Resume of Bob Bertini included as the Wat Co EDC nominee from 7D.
- Recap of Lite the Nite event – approximately 80 citizens attended.
- Blue Ridge Energy has repaired the streetlights.
- Parks & Rec Tech – Jewel McKinney passed the CPRP certification exam.

- Town Manager Harris completed Budgeting in Local Government course; he is registered for the Budgeting Officer Certification program.
- Tax bill reminders have been mailed; taxes due on January 5th
- Public Works Director is communicating with landscape company for winter work
- Town Hall is closed:
Friday & Monday – December 23rd & 26th for Christmas holiday
Monday – January 2nd for New Year holiday

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

COMMITTEE REPORTS

Board of Adjustment – No meeting
Planning Board – No meeting
Public Works Committee -No meeting
Parks & Recreation Committee – No meeting
TDA – No meeting
ABC Board – October minutes
Tree Committee – No meeting
Police Report
Fire Report
Financial Report

COUNCIL COMMENTS

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

ADJOURN

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

Larry Fontaine, Mayor

Hillary Gropp, Town Clerk

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: South side of Skyland Dr. South of Hanging Rock Vill
Size of Property 16.96 ac ^{17.32 acres} County Watauga PIN # 1878-04-3716
Current Zoning District HOR Change Current Zoning to LDR ^{1868-94-6713, 1868-94-8525}

The property is best suited for the requested change for the following general reason(s):
Low Density Residential best suits the topography

Applicant Information

Name: Lenny Cottom
Title: _____
Address: 2058 Skyland Dr.
Seven Devils, NC 28604
Phone # (s): _____
E-mail: _____

Property Owner Information

Name: Leonard and Deneise Cottom
Title: Trustee
Address: 2058 Skyland Drive
Seven Devils, NC 28604
Phone # (s): _____
E-mail: _____

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

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

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

Signature of Applicant _____

9/7/2022
Date

Amount Paid _____ Received by Eddie Barnes Date 9-7-22

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: South of Skyland Drive and Fifth Fairway HOA
Size of Property 25.5 ac County Watauga PIN # 1868-84-4576
Current Zoning District RB Change Current Zoning to MPR

The property is best suited for the requested change for the following general reason(s):
Property is best suited for Residential use than recreation / business use due to topography.

Applicant Information

Name: Lenny Cotton
Title: _____
Address: 2058 Skyland Dr
Banner Elk, NC 28604
Phone # (s): _____
E-mail: _____

Property Owner Information

Name: Hanging Rock Golf Club
Title: _____
Address: 2058 Skyland Dr
Banner Elk, NC 28604
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.
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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

9/7/2022
Date

Amount Paid \$500.00 Received by Eddie Bann Date 9-7-22

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: South of Skyland Drive at Watauga / Avery County line
Size of Property 21.23 ac County Watauga PIN # 1868-74-0469, 1868-73-7929
Current Zoning District RB Change Current Zoning to HDR

The property is best suited for the requested change for the following general reason(s):
Property is better suited for Residential Use than Commercial, recreation use such as Hotels.

Applicant Information

Name: Lenny Cotton
Title: owner
Address: 2058 Skyland Dr.
Seven Devils, NC 28604
Phone # (s): _____
E-mail: _____

Property Owner Information

Hawksnest Zipline, Inc
Name: SKI Hawks Nest, Inc
Title: _____
Address: 2058 Skyland Dr.
Banner Hills, NC 28604
Phone # (s): _____
E-mail: _____

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

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

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

Signature of Applicant

Date

Amount Paid

\$ 500.⁰⁰

Received by

Eddie Barnes

Date

9-7-22

To: Debbie Powers, Town Manager

From: Eddie Barnes, Zoning Administrator

Date: October 4, 2022

Subject: Request to set Public Hearing – Rezoning of Parcels – Applicant Lenny Cottom

The Town of Seven Devils Planning Board reviewed a request from Mr. Lenny Cottom on September 20, 2022, to rezone the following five parcels of property.

1. High Density Residential (HDR) to Low Density Residential (LDR) 3 parcels for a total of 17.32 ac Owner / Applicant – Leonard and Denise Cottom
Action – Unanimously Approved
2. Recreation Business (RB) to Medium Density Residential (MDR) 25.5 ac
Owner/Applicant – Hanging Rock Golf Club, Lenny Cottom
Action – Denied (3-1 vote) – Unfavorable Recommendation
3. Recreation Business – High Density Residential 21.23 ac.
Owner /Applicant -Hawksnest Zipline Inc. – Lenny Cottom
Action – Unanimously Denied - Unfavorable Recommendation

The applicant had submitted a previous application for rezoning on August 16 requesting 38 acres, which included property in above referenced item 1 combined with item 2 be changed from Recreation Business to Medium Density Residential along with item 3, (RB – HDR) which could possibly add 150 single-family dwellings. The board denied the rezoning request (3-1 vote). The applicant withdrew the request from consideration by the Town Council and resubmitted a new request as referenced in items 1-3 above, which reduced the density to 116 possible single-family dwellings.

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

Pursuant to NC General Statutes and the Town of Seven Devils Unified Development Ordinance (UDO) a public hearing with two (2) successive weeks of public notice in a newspaper of general circulation in the jurisdiction, with a minimum of 10 days' notice but not more than 25 days must be held to receive public comment on the above referenced request. The Town Council is not bound by the Planning Board recommendations.

TABLE 5.1 - TABLE OF PERMITTED USES

KEY: "---" = Not Permitted; "P" = Permitted; "S" = Special Use Permit required

	LDR	MDR	HDR	SC	RB	GB	Park
Agricultural Uses							
Livestock: stables, petting zoo, kennel	---	---	---	---	S	S	---
Non-livestock, greenhouse	---	---	---	---	---	P	---
Residential Uses							
Dwelling, 1 Unit	P	P	P	P	---	P	---
Dwelling, 2 Unit/ Duplex	---	---	P	---	---	P	---
Dwelling, 3 to 4 Dwelling Units	---	---	P	---	---	P	---
Dwelling, Max. 3 story – 6 units per story						P	---
Cluster Development	P	---	---	---	---	---	---
Community Facilities							
Place of Worship	---	---	---	---	---	P	---
Day Care Facilities: child and family care	---	---	---	---	---	P	---
Park, greenway, playground	S	S	S	S	P	P	P
Hospital, Clinic, Sanitarium, Nursing Home	---	---	---	---	---	P	---
Library, Museum	---	---	---	---	S	P	---
Private Utilities, Waste Treatment Plant	S	S	S	S	S	S	---
Clubhouse	S	S	S	S	S	S	---
Place of Assembly	---	---	---	---	S	S	---
Commercial Uses							
Business Retail Sales/Rentals	---	---	---	---	S	P	---
Restaurant, Tavern, Snack Bar	---	---	---	---	S	P	---
Mixed Use Facility	---	---	---	---	S	S	---
Hotel, Motel, Rooming House	---	---	---	---	S	P	---
B&B in Private Residence	S	S	S	S	---	P	---
Business or Professional Offices: bank, doctor, veterinarian, lawyer, clerical, etc.	---	---	---	---	S	P	---
Amusement and Recreation Facility, i.e., snow skiing/tubing, golf, ziplining, non-motorized biking, equestrian facility, and tennis club	---	---	---	---	S	S	---
Business Services	---	---	---	---	---	P	---
Communication and Television Tower	---	---	---	---	---	S	---
Manufactured Home Community	---	---	---	---	---	P	---
Open Air Market	---	---	---	---	---	S	---
Service Station, Auto Sales	---	---	---	---	---	S	---

NOTE: Government, commercial, and private communication towers shall have appropriate landscaping and must be constructed in a manner that includes the most current concealment strategies and methods.

Budget Amendment #4 – FY23

Purpose: to correct an overestimate in Current Year Taxes

Decrease: Revenue Account # 10-301-87- Current Year Taxes - \$23,767

Increase: Revenue Account # 10-304-00- Fund Balance Appropriated - \$23,767

NOTES: When the Budget was prepared, both Avery County and Watauga County were performing tax revaluations. The Budget was estimated on preliminary numbers before appeals had been received and processed by the counties.

ADMIN Update for December 2022

1. Water leak repaired in well house – Public Works
2. Received second Powell Bill allocation - \$16,368.22
3. Quarterly and year end State and Federal reporting completed – Helga
4. LGC 203 reporting for Town and TDA submitted – Helga
5. New police officer – Dalton Vines
6. 7 members of VFD attending Emergency Medical Responder Training (EMR)
7. New water meters ordered
8. Town Clerk Gropp attended the Investiture of NC Supreme Court Justice Trey Allen at the NC State Capitol. Only 10 clerks in NC were invited.

Tree Permits – 2

Fence Permit - 1

Real Closings – December = 4 2022 YTD = 62

High Country ABC Board Meeting Minutes

November 17, 2022 at 5:00 pm ABC Store

The High Country ABC Board (Board) held its monthly meeting on Thursday, November 17, 2022 at 5:00 pm. Board Chair Anne Fontaine; Board Member Donna Dicks; Board Member Winston Ammann; Alternate Board Members Robin Dunn, Leigh Sasse; David Miller; and General Manager Bonnie Betz were present.

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

Anne Fontaine asked that a brown paper bag discussion be added to the agenda under "New Business". Upon a motion duly made by Donna Dicks and seconded by Winston Ammann, it was voted to approve the November 17, 2022 agenda. Upon a motion duly made by Winston Ammann and seconded by Donna Dicks, it was voted to approve the minutes of the October 18, 2022 Board meeting.

The General Manager reported that total sales for the month of October 2022 were \$407,343. Sales were down \$34,368 over last year's sales of \$441,711. Retail sales for October were \$325,067, down \$24,885. Mixed beverage sales for October were \$82,276, down \$9,483.

The General Manager reported that the available balance in the business checking account at First National Bank is \$310,779. The money market account balance is \$154,160.

Funds were transferred to open the following CDs: \$50,000 to a six-month CD at the rate of 3.211, \$50,000 to a nine-month CD at the rate of 3.377%, and \$150,000 to a 12-month CD at the rate of 3.5329%.

The General Manager reported that she had spoken with the CPA in regard to what the Fund Balance number was since there was some confusion when trying to provide documentation of the \$75,000 disbursements to the three towns from the approval at October's board meeting. Mr. Combs, CPA, stated that it was the

unrestricted working capital funds that would decrease. Upon a motion duly made by Winston Ammann and seconded by Donna Dicks, it was voted to do a budget amendment to decrease the appropriate fund balance by \$75,000 and to increase the Towns disbursements by \$75,000.

Mr. Combs advised the General Manager to speak to the Board to confirm how they wanted to proceed with the unused balance of \$7,992 for alcohol education and law enforcement. They could apply the \$6,661 unused balance from last year's alcohol education to grants approved from earlier this year or roll it over into this year's budget. Upon a motion duly made by Donna Dicks and seconded by Winston Ammann, it was voted to increase \$6,661 to alcohol education and \$1,331 to law enforcement for an additional total of \$7,992 to this year's budget line items to make these payments.

Old Business:

The Board voted and approved by email the funding of the Western Youth Network's Youth2Youth Avery County Girl's Circle program for \$1,000. Per the Board's request, the General Manager sent an email reaching out to all the other grant recipients asking them to give a quarterly update on how their programs are progressing. The YMCA's Media Detective submitted their report, but it raised some concerns due to turnover among staff presenting the program and the program starting later than proposed. Donna Dicks will reach out to Fabienne Dellinger, the Youth Development Director, to get more information on when the program will start and when she can personally visit to observe how it is being taught.

High Country ABC Store employee, Will Wilson, completed his online bourbon certification course called Bourbon Steward. He received a final grade of an "A" missing two of the 25 questions. He has received his pendant in the mail.

New Business:

Jacob Willis, Executive Director of the High Country Caregivers, sent a grant request asking the Board for \$2,500 to assist with the growing demand for services that help support grandparents who are unexpectedly raising their grandchildren, primarily due to alcohol and drug abuse. Upon a motion duly made by Donna Dicks and seconded by Winston Ammann, it was voted to

approve the grant request of \$2,500 to help assist the High Country Caregiver's program.

The General Manager announced that she had attended Banner Elk and Sugar Mountain's town council meetings to give each town an update of the ABC store's audit report. Both towns approved of the presentation and were happy with the store's operation.

Anne Fontaine had been asked by a member at the Seven Devils town council meeting if it was a requirement that any purchase made at the ABC store must be placed in a brown bag. The council member had been to another part of the State where it wasn't required. The General Manager reached out to Mr. Stallings with the NC ABC Commission to ask if this was a state statute. He followed up by saying that it was not a requirement and if the public did not want a brown bag they could purchase their product without one.

The General Manager announced the ABC Store's closing dates for the upcoming holiday season as follows:

Closed Thanksgiving Day – Thursday, November 24

Closing Christmas Eve at 3:00 pm – Saturday, December 24

Closed Christmas Day – Sunday, December 25 & Monday, December 26 (observed)

Christmas bonuses for staff were discussed by the Board as follows:

General manager & Assistant Manager - \$1,500

FT Store Clerks Sam & Kelsey - \$1,000

Base on how many quarters the new FT Store Clerks have been employed for the year:

FT Store Clerk Will - \$750

FT Store Clerk Brooke - \$500

Upon a motion duly made by Winston Ammann and seconded by Donna Dicks, it was voted and approved to give the above Christmas bonuses to the ABC Store employees.

There were no citizens in attendance.

The next scheduled Board meeting is Wednesday, December 14, 2022 at 5:00 pm.

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

Anne Fontaine, Board Chair

Donna Dicks, Board Member

Winston Ammann, Board Member

Date approved

Activity Log Event Summary (Cumulative Totals)

SEVEN DEVILS PUBLIC SAFETY

(12/01/2022 - 12/31/2022)

Alarm Activation	1	Assist Avery Sheriffs Office	2
Assist Highway Patrol	1	Assist Motorist	3
Assist Other Department	2	Assist Resident	3
Bank Deposit Escort	4	Business Check	304
Call in Maintenance	1	Court Duty	1
Extra Patrol	10	Missing Person	1
Motor Vehicle Accident	1	Open Door	1
Other	4	Patrol	98
Remove Debris from Roadway	1	Residence Check	1
Training	1	Vehicle Parked in Roadway.	3
Vehicle Stop	6		

Total Number Of Events: 449



AGENDA ITEM 10) J.

SEVEN DEVILS FIRE DEPARTMENT

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

December 2022

We had a good month and end of 2022. The fire department had seventeen members participate in thirty-six hours of combined training. We answered three calls; a patient who had fallen, a search and rescue (lost child/ found before units arrived), and cancelled enroute to a motor vehicle accident on NC 105.

I hope everyone had a Merry Christmas and Happy New Year and look forward to what 2023 has to come.

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
December 2022 - 50%

	Budget		Actual		%
	Total	Previous	December	YTD	
Section 1. General Fund					
Anticipated Revenues by Category					
Ad Valorem Taxes	1,145,998	683,530	288,161	971,690	84.79%
State Share Revenue	134,360	48,252	23,085	71,337	53.09%
ABC Distribution	200,000	65,500	40,500	106,000	53.00%
Powell Bill Allocation	93,000	16,368	16,368	32,736	35.20%
Permits and Fees	9,500	5,307	315	5,622	59.18%
Sales Tax	215,000	69,346	32,561	101,907	47.40%
Misc Revs, Govt Grants, Sale of Assets	209,670	74,829	7,836	82,666	39.43%
Capital Reserve Fund/FB	229,069	0	0	0	0.00%
Occupancy Tax	395,000	159,976	37,499	197,475	49.99%
Total	2,631,597	1,123,109	446,325	1,569,433	59.64%
Authorized Expenditures by Department					
Governing Board	19,960	9,323	1,028	10,351	51.86%
Administrative	506,590	262,462	53,173	315,635	62.31%
Public Safety	700,988	356,983	49,885	406,868	58.04%
Fire Protection	98,728	63,772	4,726	68,497	69.38%
Zoning	32,544	12,431	2,866	15,296	47.00%
Parks & Rec	194,862	53,854	8,235	62,090	31.86%
Public Works	619,925	296,727	58,047	354,774	57.23%
Powell Bill	63,000	64,950	0	64,950	103.10%
Tourism Development Authority	395,000	159,976	37,499	197,475	49.99%
Total	2,631,597	1,280,478	215,458	1,495,936	56.85%

MONTHLY FINANCE REPORT
December 2022 - 50%

	Budget Total	Previous	Actual		%
			December	YTD	
Section 2. Enterprise Fund					
Anticipated Revenues by Category					
Water Operating Revenues	256,500	98,475	25,664	124,139	48.40%
Water Taps and Connections	6,000	4,000	0	4,000	66.67%
Non Operating Revenues	450	85	0	85	18.89%
Capital Reserve for Capital Outlay	46,671	0	0	0	0.00%
Grant Project Ordinance (ARP)	68,838	34,419	0	34,419	50.00%
Total	378,459	136,979	25,664	162,643	42.98%
Authorized Expenditures by Department					
Water-Operating	197,935	107,764	17,325	125,089	63.20%
Non Operating	31,471	13,113	2,623	15,736	50.00%
Capital Outlay	42,000	5,750	0	5,750	13.69%
Capitap Reserve	38,215	0	0	0	0.00%
Grant Project Ordinance (ARP)	68,838	17,225	6,935	24,160	35.10%
Total	378,459	143,852	26,883	170,735	45.11%