

TOWN OF SEVEN DEVILS

Regular Town Council Meeting
Tuesday, January 12, 2021 5:30pm

In order to maintain the safety of Town residents, Staff and Council Members, the Town Council Meeting will be conducted electronically

Public Comments can be emailed to:

townclerk@sevendevils.net by Noon on Tuesday, January 12th

To connect to the meeting, details are provided below:

Agenda

- 1) INVOCATION
- 2) PLEDGE OF ALLEGIANCE
- 3) CALL TO ORDER – Roll Call
- 4) ADOPT AGENDA
- 5) CONSENT AGENDA
 - Approve minutes of Town Council Budget Review FY21 – December 1, 2020
 - Public Hearings – Cleveon Woods Annexation – December 7, 2020
 - Town Council Meeting – December 8, 2020
- 6) OLD BUSINESS – None
- 7) NEW BUSINESS
 - A. Budget Amendment #2 – FY21
- 8) CITIZENS COMMENTS
- 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 – No meeting
 - E. Parks & Recreation Committee – No meeting
 - F. TDA – No meeting
 - G. ABC Board – November & December minutes
 - H. Tree Committee – No meeting
 - I. Public Safety Department
 - (i) Police Report
 - (ii) Fire Report
 - J. Financial Reports
- 11) COUNCIL COMMENTS
- 12) ADJOURN

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/385042877>

You can also dial in using your phone.

United States: [+1 \(872\) 240-3212](tel:+18722403212)

Access Code: 385-042-877

TOWN OF SEVEN DEVILS
TOWN COUNCIL BUDGET REVIEW FY21
Tuesday, December 1, 2020
10:00am

The Seven Devils Town Council held a Budget Review FY21 workshop. The format of this meeting being dual Electronic – Go To Meeting #978232213 and In-Person at Town Hall on Tuesday, December 1, 2020. Attendance In-Person included Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert. Members Wayne Bonomo, Jeffrey Williams & Leigh Sasse attended remotely with visible video display. A quorum was met. Also, present In-Person were Town Manager Debbie Powers; the minutes were recorded by Town Clerk Hillary Gropp.

ROLL CALL

Each member of the Town Council stated their name and announced their presence for the Roll Call.

CALL TO ORDER FROM RECESS OF NOVEMBER 10, 2020

Mayor Pro Tem Lambert made a motion to call the meeting to order from recess at 10:00am. Member Williams seconded the motion. All members agreed.

Mayor Fontaine thanked Mayor Pro Tem Lambert for the idea of conducting a FY21 mid-year review.

REVIEW SALES TAX REVENUE

Manager Powers reviewed the calendar 2020 to date, and sales tax has exceeded expectations. A recap of previous years was reviewed. Future sales tax revenues are unknown due to Watauga distribution method.

REVIEW OCCUPANCY TAX REVENUE

Occupancy tax has exceeded budgeted revenues, and expectations are that the trend will continue.

REVIEW ABC REVENUE

Despite the recent closure of the ABC store due to Covid19, budgeted revenues are still on track. Expectations are that this will continue.

BANK BALANCE/CASH POSITION

Town Manager Powers provided a 4 year review of bank balances/cash position. Cash position has been higher each of the years.

BAB LOAN

Final payment on loan is scheduled for 12/16/2020.

CAPITAL ASSETS REVIEW

A. Public Works

(i) Chipper

Discussion occurred about replacing the chipper. Quote for replacement \$47,000+; Member Williams requested new quotes be obtained to compare with other options. Not approved.

(ii) Well houses #2 & #4

Approval to repair well houses #2 & #4; Quote of estimated costs of \$14,168.00 by 4 Forty Four.

(iii) 2017 Kubota

Discussion occurred about replacing the 2017 Kubota because of recent repair costs of \$6,540; Replace with John Deere equipment. Member Williams recommended continue Kubota. Not approved.

(iv) Ford Vehicle

Manager Powers provided updates about recent issues and recalls for Ford vehicles.

B. Police

(i) 2021 Tahoe

An unmarked vehicle for transport is being added to the police fleet; Estimated costs base =\$35,710 and outfitting = \$3,000. Total is already funded in CIP of the FY21 budget. Approval to proceed when available.

C. Administration

(i) HVAC Unit

Manager Powers reviewed repairs for New Town Hall since purchased in 2019. The oldest HVAC unit needs replacement. Members Bonomo & Sasse recommended approval. Costs to be determined.

BOARD/COMMITTEE APPOINTMENTS/REAPPOINTMENTS

Submitted Board/Committee Applications for terms beginning – January 2021

Highlighted applicants are recommendations by Town Manager Powers for appointment/reappointment

Board of Adjustment has two (2) expiring terms

3 year term – Must be property owners or registered voters of the Town – UDO Article 2

Reappointment Applications

Joan Streightiff

Barbara Hurlbrink

New Appointment Applications

Bob Bridges

Robert Michaud

**Email Letter from John Wells – Current BOA Alternate*

Member Williams made a motion to approve BOA recommendations; Member Sasse seconded; All agreed.

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

Reappointment Applications

Jack Byrnes

Walt Hogan

Jim Jones

Frank Sell

New Appointment Applications

Bob Bridges

Robert Michaud

Mark Williams

**Alternate position is expiring and not for consideration, as it's not established per the Town's UDO*

Member Williams made a motion to approve PB recommendations; Member Bonomo seconded; All agreed.

Public Works has one (1) expiring term

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

Reappointment Applications

Mark Williams

New Appointment Applications

Robert Michaud – Add a member

Member Sasse made a motion to approve PW recommendations; Member Williams seconded; All agreed.

Parks & Recreation Committee has two (2) expiring terms – 3 year term

Reappointment Applications

Bob Bridges

New Appointment Applications

Mark Williams

Member Williams made a motion to approve P&R recommendations; Member Sasse seconded; All agreed.

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

Reappointment Applications

Richard Blonshine

Anne Fontaine

New Appointment Applications

Bob Bridges

Robert Michaud

Mark Williams

Mayor Fontaine recused himself from the vote.

Member Bonomo made a motion to approve TDA recommendations; Member Williams seconded; All agreed.

DEBBIE’S FUN FACTS

Town Manager provided some fun facts for real estate closings, county revaluations & NTH electric bills.

RECESS

Town Council took a Recess at 11:09am – 11:15am.

CLOSED SESSION

PERSONNEL

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

General Account:

Town Council members present In-Person included: Mayor Fontaine, Mayor Pro Tem Lambert. Members Bonomo, Sasse & Williams participated remotely. Town Manager Powers was present and took minutes. Town Clerk Gropp was dismissed.

1) Employee Christmas bonus – Member Sasse made a motion to approve Employee Christmas bonuses; Member Williams seconded the motion. All members agreed.

2) Staff Performances – Discussion occurred – No action taken.

3) Promotions – Discussion occurred – No action taken.

Mayor Fontaine made a motion to leave Closed Session at 11:54am; Mayor Pro Tem Lambert seconded the motion. All members agreed.

ADJOURN

Member Bonomo made a motion to adjourn; Member Sasse seconded the motion. All members agreed. The meeting adjourned at 11:55am.

Larry Fontaine, Mayor

Hillary Gropp, Town Clerk

DRAFT

TOWN OF SEVEN DEVILS
PUBLIC HEARINGS
Monday, December 7, 2020
1:00pm

(2) Annexation Requests by Clevon Woods Associates LLC

The Seven Devils Town Council held two (2) consecutive Public Hearings with the format of this meeting being dual Electronic – Go To Meeting #321803381 and In-Person at Town Hall on Monday, December 7, 2020. Attendance In-Person included Mayor Larry Fontaine & Mayor Pro Tem Brad Lambert. Members Wayne Bonomo, Jeffrey Williams & Leigh Sasse attended remotely with visible video display. A quorum was met. Also, present In-Person were Town Manager Debbie Powers; the minutes were recorded by Town Clerk Hillary Gropp.

Town Manager Powers made comments about Covid19 protocol and the public hearing.

CALL TO ORDER

Mayor Fontaine called the public hearing to order at 1:00pm.

Mayor Fontaine explained the purpose of the Public Hearing is to receive public comment only for the two (2) annexation petitions from the petitioner, Charles Clement. No other business will be presented or considered at this hearing.

Mayor Fontaine explained if any citizens would like to comment at the Public Hearing, they will need to sign up and comments will be limited to three (3) minutes. The Town Clerk controls the timer.

Mayor Fontaine stated that since the Public Hearing is occurring during a State of Emergency and being attended remotely by some Town Council members, that citizens will be able to email comment to the Town Clerk for 24 hours following the adjournment of today's Public Hearing. Any emailed comments will be provided to Town Council prior to the Town Council meeting on December 8, 2020.

ROLL CALL

Each member of the Town Council stated their name and announced their presence for the Roll Call.

OPEN PUBLIC HEARING – ANNEXATION #1 – 0.576 acre/PIN#1878-53-7991-000

Presentation – Charles Clement spoke as a citizen of both Watauga County & Seven Devils, as he has owned property in the Town since 1973, with previous annexations into the Town through the 1980's. This subject parcel is contiguous to the Town limits. If the annexation is approved by the Town Council, then a Wastewater Treatment Plant – WWTP will be constructed on site. Mr. Clement has hired Mark Brooks, Engineer, Asheville, NC for the plans. He states the WWTP will be odorless and inside a building, and no infiltration into the Watauga river. Stringent restrictions are required during the permit process.

PUBLIC COMMENTS

Frank Aldridge – 10036 Hwy. 105 S – Commented that it isn't proven there will not be an odor from the WWTP. He is against the annexation of Foscoe properties along Hwy. 105 into the Town limits. The placement of this WWTP will affect neighboring properties, and he is upset the public comment time is limited to 3 minutes, as this decision has long term effects.

Steve Tatum – 653 Sleepy Hollow Lane – He is the owner of Grandfather Vineyards, and owns property on both sides of the Watauga river. He has been a Watauga citizen since the early 1970's. He is concerned about the odor, and the negative effects to his tourist business. He is also an avid fisherman and concerned about sewage in the river, and is against adding another WWTP along the river.

Matthew Aldridge – 383 West Tweetsie Lane – Spoke as a citizen of Foscoe and the Fire Chief of Foscoe Fire Department. He states there is already odor from existing sewer plants, and is against the WWTP. He commented a structure fire had occurred the night before in the Town of Seven Devils, and Foscoe FD was the 1st to arrive on scene. He asked the question, how will the Town handle emergencies off the mountain, when response time will be longer? He commented Foscoe FD is against this annexation.

Andy Hill – 164 Depot Street – Watauga Riverkeeper – Stated he is not a resident of the Town or Foscoe. He provided a water quality report to the Town Council reflecting the pass rate of different test sites of 2019 & 2020 on the Watauga River. He reported violations of neighboring systems, and is against the annexation and future WWTP.

Dean Melton – 225 Cherry Tree – Stated he is against the WWTP, due to odor and habitat loss. He also thinks the engineer hired for this project should be local, not from Asheville, NC. He commented about the past failures in the Town, including the Ski and Golf activities. He agrees with the previous speakers and is against the annexation.

CLOSE PUBLIC HEARING

Member Sasse made a motion to close the Public Hearing; Member Williams seconded the motion. All members agreed.

OPEN PUBLIC HEARING – ANNEXATION #2 – 7.575 acre/PIN#1878-44-3864-000

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

Presentation – Charles Clement stated this parcel is contiguous other parcels in his ownership that are within the Town limits. This parcel will be included in a master plan of development for Single Family Residences (SFR) and mixed used on Hwy 105.

PUBLIC COMMENTS

Frank Aldridge – 10036 Hwy. 105 S – Stated he does not want the Town developing into the Foscoe community. He stated the Town will do what they want anyway, but there could be protests. He stated the Foscoe FD has been a good neighbor to the Town of Seven Devils, however this will cease, and he intends to notify the State Fire Marshall of the response time to the structure fire the night before in the Town. He stated the Seven Devils FD should take care of their own district, before moving into another.

Andy Hill – 164 Depot Street – Stated while the benefit to the Town with Mixed Use/SFR is an increase in tax base, the downside is an impervious surface and erosion control.

Dean Melton – 225 Cherry Tree – *Signed up to speak, but left prior and did not comment.*

CLOSE PUBLIC HEARING

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

ADJOURN

Mayor Pro Tem Lambert made a motion to adjourn; Member Bonomo seconded the motion. All agreed. The Public Hearings adjourned at 1:47pm.

Larry Fontaine, Mayor

Hillary Gropp, Town Clerk

DRAFT

**TOWN OF SEVEN DEVILS
REGULAR TOWN COUNCIL MEETING
TUESDAY, DECEMBER 8, 2020
5:30PM**

The Seven Devils Town Council met for a Regular Meeting and the format of this meeting was dual Electronic – Go To Meeting#765316437 and In-Person at Town Hall on Tuesday, December 8, 2020. Attendance In-Person included Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, & Member Wayne Bonomo. Member Jeffrey Williams attended remotely with visible video display. Initially, Member Sasse experienced intermittent technical difficulties until the approval of the November 10, 2020 minutes & all communication difficulties were corrected the remainder of the meeting. Also present In-Person – Town Manager Debbie Powers. The minutes were recorded by Town Clerk Hillary Gropp. Town Attorney Rob Angle did not attend.

INVOCATION

Mayor Fontaine gave the Invocation for the 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 5:36pm.

ROLL CALL

Mayor Fontaine, Mayor Pro Tem Lambert, Members Bonomo, Sasse & Williams stated their name and announced their presence for the Roll Call.

ADOPT AGENDA

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

CONSENT AGENDA

Adopt minutes of Town Council Meeting – November 10, 2020

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

CITIZENS COMMENTS

Larry Ingles – 300 Whitewater Run, Sugar Grove - Watauga County – He commented he has lived on the Watauga river for 40 years & urged the Town Council to delay any decisions to allow building a WWTP. In 2020 E. Coli bacteria/algae blooms have polluted the Watauga River. Who will pay for remediation when effluent pollutes the river? The Watauga river story will be filmed by a filmmaker, and it should be protected.

Charles Clement – Applicant for Annexation – Mr. Clement stated there is no issue before the Town Council tonight about the WWTP, only the two (2) annexation requests being considered. Full disclosure about Riverkeeper memo that has been sent to the public, many of the 36 existing WWTP on the river are inactive. Mr. Clement stated the CUP is to be considered at a later date/time by the Seven Devils Board of

Exhibit "A"

Legal Description

BEING all that certain 0.576 acres parcel extract of land located on the east side of Aldridge Road (N.C.S.R. 1184), and being a portion of the 9.1 acre, more or less, tract conveyed to Lee R. Probst and wife, Macy B. Probst by warranty deed dated May 23, 1987, and recorded in Deed Book 102, Page 48, Watauga County, North Carolina, Public Registry, and being more particularly described as follows:

BEGINNING at an existing iron pipe set in the eastern margin of Aldridge Road (N.C.S.R. 1184), being the southwest corner of a 1.011 acre tract owned by Vestpocket Investments, LLC (Record Book 1715, Page 304, Watauga County Registry); THENCE from the BEGINNING and with the eastern margin of Aldridge Road North 62 degrees 10 minutes 39 seconds West 41.88 feet to an existing iron pipe; THENCE continuing with the eastern margin of Aldridge Road North 46 degrees 51 minutes 00 seconds West 83.13 feet to an existing iron pipe set in the eastern margin of said road; THENCE leaving Aldridge Road and with a new line through the Probst land North 44 degrees 39 minutes 00 seconds East 200.00 feet to a calculated point; THENCE with another new line through the Probst land South 51 degrees 58 minutes 14 seconds East 124.02 feet to a point of intersection in the western line of the Vestpocket Investments, LLC 1.011 acre tract; THENCE with the western line of the Vestpocket Investments, LLC 1.011 acre tract South 44 degrees 59 minutes 00 seconds West 200 feet to existing iron pipe, the POINT AND PLACE OF BEGINNING, and containing 0.536 acres as shown and more particularly described on Map #013187, entitled "Boundary Survey Prepared For Vestpocket Investments, LLC," by Daughtry Land Surveying, Ralph E. Daughtry, PLS No. 4155, a copy of which is attached for illustrative purposes.

TOGETHER WITH a 10-foot wide sanitary sewer easement, the centerline of which is described as follows: BEGINNING at a point in the western line of the 0.576 acre tract described hereinabove, said beginning point being 12.85 feet north of the western line of the remaining Probst property (being also the eastern margin of Aldridge Road (N.C.S.R. 1184)); THENCE from the BEGINNING and continuing with the centerline of said 10-foot wide easement North 42 degrees 13 minutes 02 seconds West 147.90 feet, and then continuing North 36 degrees 42 minutes 06 seconds West 104.11 feet, to the terminus of the said easement, as shown and more particularly described on Map #D16106-C, entitled "Centerline of a 10' Sewer Easement," by Daughtry Land Surveying, Ralph E. Daughtry, PLS No. 4155, a partial copy of which is attached for illustrative purposes.

Exemptions

1. Watauga County ad valorem taxes.
2. Right of Way for NC Highway 103 and Aldridge Road (N.C.S.R. 1184).
3. Billboard Leases recorded Book of Records 62 at Page 578; Book of Records 347 at Page 355; Book of Records 119 at Page 416; Book of Records 1312 at Page 536, Watauga County Registry.
4. Easement to Blue Ridge Electric Membership Corporation recorded in Book of Records 1682 at Page 613, Watauga County Registry.
5. The Property is to be used only for development, construction, and operation of a wastewater treatment plant or other wastewater treatment function, including without limitation, septic.

Section 2. Upon and after December 8, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Seven Devils, North Carolina and shall be entitled to the same privileges and benefits as other parts of the Town of Seven Devils, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Seven Devils, North Carolina shall cause to be recorded in the office of the Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Watauga County Board of Elections, as required by G.S. 163-288.1.

Adopted this 8th day of December, 2020.



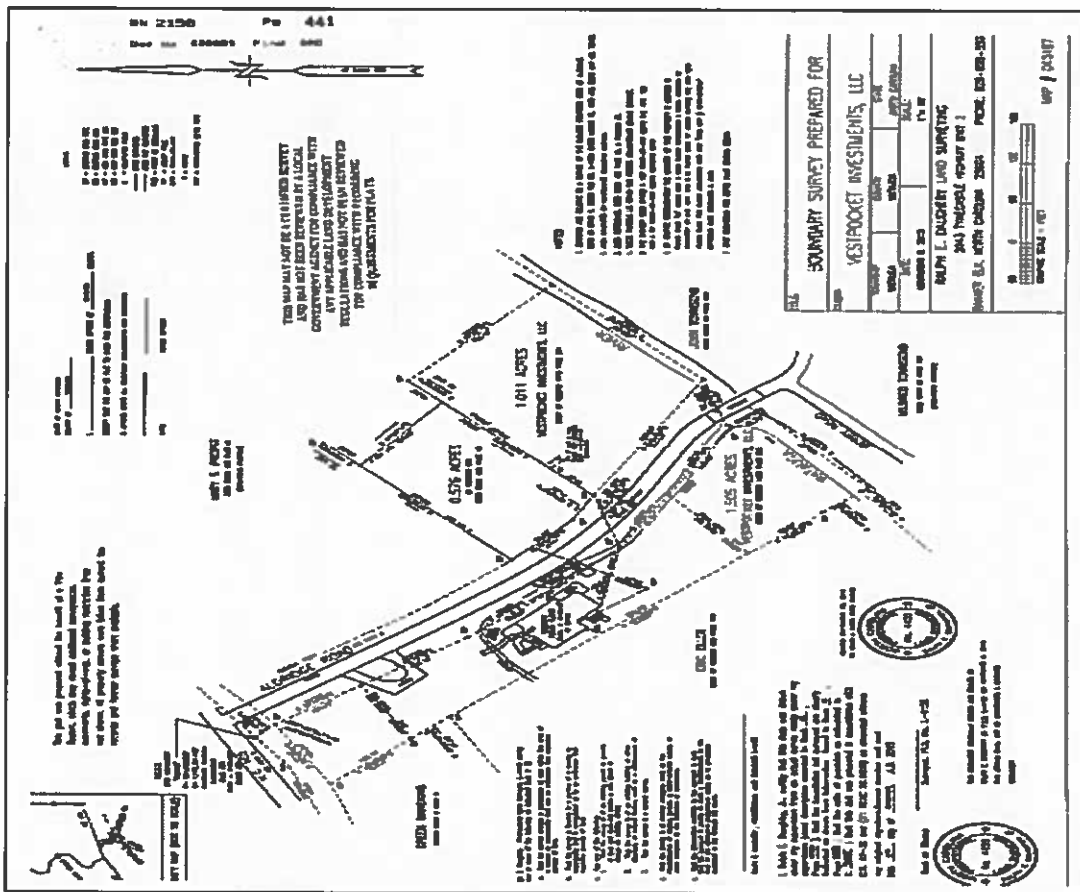
Larry Fortaine
Larry Fortaine, Mayor

ATTEST:

APPROVED AS TO FORM:

Hillary Gropp
Hillary Gropp, Town Clerk

Rob Angle
Rob Angle, Town Attorney



Mayor Fontaine asked for a motion to approve Ordinance Annexation 2020-02. Member Williams made a motion; Mayor Pro Tem Lambert seconded the motion.

Prior to the vote, discussion continued with Member Bonomo asking if the WWTP will go through regardless what the Town Council decides? Mayor Fontaine replied the Town's Board of Adjustment will review and make the decision on the WWTP.

Mayor Fontaine, along with Town Manager Powers and applicant Charles Clement provided a history of previous permits for a WWTP. Prior issued permits were granted by both the Town of Seven Devils BOA and Watauga County BOA. Construction was never started. Mayor Fontaine states the Town will have better control of a WWTP to be built on the annexed parcel.

Member Bonomo stated the consideration of the Watauga river is important, and is in agreement the Town will have more control on the final outcome.

Member Sasse stated she wants additional details from the State of North Carolina. Her concerns are about odor, violations, frequency of inspections. Mayor Fontaine said the state has already issued a permit. This will be a public utility plant, not private. Applicant Clement states he will be required to have a certified WWTP operator, certified by the state, and not affiliated with him.

Without further discussion, Mayor Fontaine asked for a vote for Ordinance #2020-02.

Roll Call – (3) Yeas – Bonomo, Fontaine, Lambert, (2) Nays – Sasse, Williams
 Motion passed 3-2 ~CLOSED~

(ii) Ordinance 2020-03 - 7.575 Acre - PIN#1878-44-3864-000

✓ RETURN TO
OFFICE OF THE TOWN CLERK



PL 20 Doc 3 2020
Registration of Deeds Watauga Co. NC
Fee \$61 \$25.00

Doc 2158 Pg 442 (3)
Recorded 12/16/2020 at 04:51:11 PM
Doc No. 092042 Serial 000



ORDINANCE

ANNEXATION 2020-03

**CLEVEON WOODS ASSOCIATES, LLC.
PIN# 1878443864000 7.575 Acre Parcel**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF SEVEN DEVILS, NORTH CAROLINA**

WHEREAS, the Town Council of Seven Devils, North Carolina has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Council of Seven Devils, North Carolina has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Town Hall and Go To Meetings #321803381 at Town Hall on December 7, 2020 at 1:00pm, after due notice by Watauga Democrat newspaper on Wednesday, November 25, 2020; and

WHEREAS, the Town Council of Seven Devils, North Carolina finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Seven Devils, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Seven Devils, North Carolina as of December 8, 2020:

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Doc 2158 Pg 443
Doc No. 092042 Serial 000

Legal Description

BEING all that certain 7.575 acre tract or parcel of land located in Watauga Township, Watauga County, North Carolina, and more particularly described as follows:

BEGINNING on an iron stake in the line of (now or formerly) Everett Varbur, said iron stake located North 34 degrees 21 minutes 31.66 seconds from the "beginning" corner of a 19.362 acre tract TRINCE from the BEGINNING and with the line of (now or formerly) Everett Varbur North 34 degrees 21 minutes East 210 feet to a stake at a 10-inch depth in the fence; TRINCE North 39 degrees 23 minutes East 224.60 feet to an iron found in the old road; TRINCE North 35 degrees 34 minutes East 163.24 feet to an iron found at a stake; TRINCE South 33 degrees 09 minutes East 161.92 feet to an iron found; TRINCE South 39 degrees 40 minutes East 294.90 feet to an iron found in the fence corner, the corner of now Cleveon Woods Associates, LLC (formerly Charles Clement); thence with the line of Cleveon Woods Associates, LLC the following course and distances: South 20 degrees 18 minutes West 63.88 feet to a stake in a fence post; South 29 degrees 39 minutes West 49.89 feet to a 12-inch stake in the fence; South 37 degrees 39 minutes West 63.33 feet to a 12-inch stake in the fence; South 19 degrees 48 minutes West 94.15 feet to a stake in a fence post; South 01 degree 24 minutes West 63.03 feet to a 12-inch stake and South 11 degrees 38 minutes West 62.68 feet to an iron found by a 24-inch chain TRINCE with a corner line North 03 degrees 36 minutes West 674.08 feet to the point and place of BEGINNING, and containing 7.575 acres as shown on Map or Plat No. B.S. 7928 entitled "Property of Decidia Mae Inc and Barbara B. Franklin," dated March 12, 1979, prepared by Burkett Surveyors, Inc. Walter H. Burkett, RLS No. L-1209.

Section 2. Upon and after December 8, 2020, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Seven Devils, North Carolina and shall be entitled to the same privileges and benefits as other parts of the Town of Seven Devils, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Seven Devils, North Carolina shall cause to be recorded in the office of the Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Watauga County Board of Elections, as required by G.S. 163-288.1.

Adopted this 8th day of December, 2020.



Larry Fontaine
Larry Fontaine, Mayor

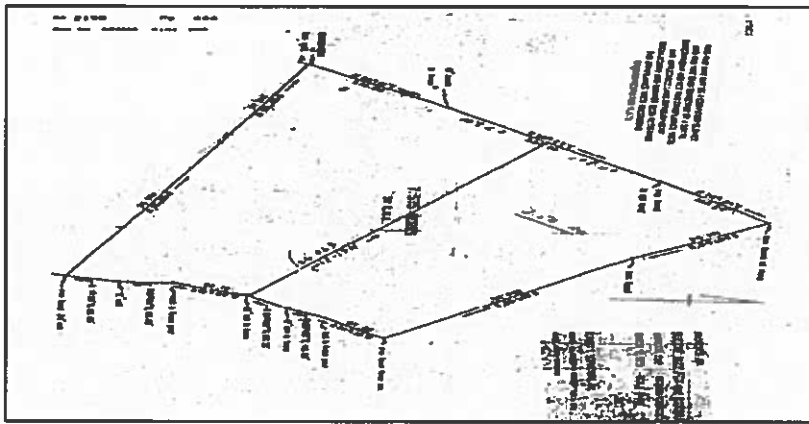
ATTEST:

APPROVED AS TO FORM:

Hilary Cropp
Hilary Cropp, Town Clerk

Rob Angle
Rob Angle, Town Attorney

Page 2 of 2 Ord2020-03AnnexationClevonWoodsAssociatesLLC



Mayor Fontaine asked for a motion to approve Ordinance Annexation 2020-03. Member Williams made a motion; Mayor Pro Tem Lambert seconded the motion. Without a need for discussion, Mayor Fontaine asked for a vote for Ordinance #2020-03.

Roll Call – (4) Yeas – Bonomo, Fontaine, Lambert, Sasse, (1) Nay – Williams
 Motion passed 4-1 ~CLOSED~

NEW BUSINESS

A. Town Calendar for 2021

Mayor Pro Tem Lambert made a motion to approve the Town Calendar 2021; Member Bonomo seconded the motion. All members agreed.

ADMINISTRATIVE COMMENTS

Town Manager Powers provided the following update:

- Town Hall is closed on December 24th, 25th and January 1st
- Feeding Avery Families food drive during Nov 30th – Dec 4th – collected 220 lbs. food & \$1,000 monetary
- Covid19 case counts in Watauga/Avery counties – modified Stay at Home by Gov. Cooper effective on 12/11/20 and expected vaccination shipments in December
- Mid-year budget review FY21 recap
- Property taxes are due by January 5th – Reminder notices are being mailed

Tree Permits – 2	Projects – 1	Fence Permits – 1
Complaints – 7	Violation Letters – 0	
Stop Work Orders – 0	Real Estate Closings – 9	

COMMITTEE REPORTS

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

COUNCIL COMMENTS

Mayor Fontaine read the following statement:

The Town was unfairly accused of being a bad neighbor and made to look the villain while the easiest thing to do would be to not annex these properties, so they would end up looking like the property next to the Foscoe Fire Department.

Just 5 days ago the town generously organized a food drive resulting in a \$1,000 donation to a food charity. That's a good neighbor!

We are currently working on developing the new town hall property that will offer Foscoe residents opportunities to hike, exercise, enjoy a music venue and natural area until now unavailable for their use. That's a good neighbor!

The Hawksnest property has become a major attraction offering their residents winter and summer recreation activities. Surely this and Otter Falls has helped make Seven Devils a popular place to live and own property and to be enjoyed by Foscoe residents and their guests!

Our job as stewards of the Town is to make it a more enjoyable place to live at the same time protecting and ensuring our neighbors that planned development is the best course of action.

Yes, no one wants a WWTP plant next to them, but our demands for a safe environmental impact based on NC standards for this facility will minimize the negative result of these changes to the few adjacent properties in Foscoe.

The Town's approval of a CUP that includes strong present and future environmental conditions such as odor abatement, flood plain considerations, state of the art monitoring and aesthetic appearance is a plus for both communities.

Obviously, I will vote to annex the properties for the benefit of many while ensuring the most protection for adjacent property owners.

Member Bonomo commented positively on the "Letter by Mayor Fontaine" to the citizens that was mailed with the monthly water billing. Mayor Pro Tem Lambert contributed with the writing of the letter also.

Member Bonomo, as a new member of the Seven Devils Fire Department asked for details about the recent structure fire and response. It was agreed a review & discussion will be arranged with the Fire Chief, and concerned members of the fire department.

ADIJOURN

Mayor Pro Tem Lambert made a motion to adjourn; Member Bonomo seconded the motion. All members agreed. The meeting adjourned at 6:44pm.

Larry Fontaine, Mayor

Hillary Gropp, Town Clerk

Budget Amendment #2 – FY21

Purpose: To amend the FY21 Budget, according to the Mid-Year Budget Review items, discussed and approved on December 1, 2020

Well House #2 and #4 repairs

Increase: From Capital Reserve...30-801-61..... \$14,168.

Increase: Capital Outlay.....30-810-74..... \$14,168.

Police Department Vehicle Purchase – 2021 Tahoe

Increase: From Capital Reserve....10-304-01...\$35,710.

Increase: Capital Outlay.....10-510-74.....\$35,710.

Staff Salary Increases:

Increase: Fund Balance Appropriation...10-304-01.....\$7,342.

Increase: Fund Balance Appropriation...30-299-00.....\$387.

Increase: Admin Salaries.....10-420-02.....\$1630.

Increase: Admin Payroll Tax.....10-420-05.....\$125.

Increase: Admin Benefits.....10-420-06.....\$334.

Increase: Police Salaries.....10-510-02.....\$2164.

Increase: Police Payroll Tax.....10-520-05.....\$165.

Increase: Police Benefits.....10-510-06.....\$484.

Increase: Parks & Rec Salary.....10-540-02.....\$250.

Increase: Parks & Rec Payroll Tax.....10-540-05.....\$19.

Increase: Parks & Rec Benefits.....10-540-06.....\$51.

Increase: Public Works Salaries.....10-545-02.....\$1654.

Increase: Public Works Payroll Tax.....10-545-05.....\$126.

Increase: Public Works Benefits.....10-545-06.....\$340.

Increase: Water Salaries.....30-810-02.....\$302.

Increase: Water Payroll Tax.....30-810-05.....\$7.

Increase: Water Benefits.....30-810-06.....\$78.

Thank you,

Debbie Powers

Town Manager/Budget Officer

TOWN COUNCIL MEETING

Administrative Update

January 12, 2021

December 2020 items:

1. All Police are re-certified & qualified; new hire Racion Rouse
2. Promotions: Assistant Police Chief – Cody Fields
Assistant Fire Chief – Matt Millsaps
3. Powell Bill allocation complete for 2020 - \$28,164
4. Tahoe for PD - 2021 model @ 2020 pricing– coming soon
5. OTH remodel near completion; exercise equipment ordered – anticipated delivery date is January 31st.
6. NTH property clearing; acquiring permits from County & State
7. NTH Foyer repairs complete
8. Wellhouses #2 and #4 repairs in process
9. Tax Collection Update

- Tree Permits – 3
 - Projects – 0
 - Fence Permits – 0
 - Complaints – too many to count
 - Violation letters – 1
 - STOP WORK ORDERS - 1
 - Real Estate Closings – 6
- TOTAL 2020- 61
TOTAL 2019 – 65
TOTAL 2018 – 48
TOTAL 2017 - 42

Date	Last Name	First Name	St #	Street Name	Complaint Topic	Complaint Specifics	Resolution
1-Dec	multiple calls				roads	"what are road conditions? Can I get out? When will it stop?"	if you have to ask.....
2-Dec	Gentry	Byron		HRV	Otter Falls	"Corona Falls - mask required- thanks for the laugh-would be happy if people didn't poop behind the HRV sign"	??
3-Dec	Patrick	Katie		986 Skyland Dr	Otter Falls	parking and noise-my dog keeps barking & now I have to put him down to keep my job while working from home	repeatedly relayed options
7-Dec	multiple emails (~700)				annexation	Foscoe residents against annexation & WWTP	
16-Dec	multiple calls			woodwinds knob hill swiss lane skview longview buckeye	road conditions	wants to be first on list of plowing when will road be treated? why is road still white? you never treat this road still icy need to get out	weather dictates road conditions stay home unless absolutely necessary read Snowplowing 101
12/24 to 26-Dec	too many to track				roads trees	can I get up the mountain? why is there snow on the road? do I really need a 4WD? what does that flashing sign REALLY mean? why is it so COLD?	Mountain conditions; please stay home unless absolutely necessary

High Country ABC Board Meeting Minutes

November 19, 2020

The High Country ABC Board held its monthly meeting on Thursday, November 19, 2020 at 4:15 pm. Board chair Donna Dicks, board member Winston Ammann, board member Anne Fontaine, alternate board member Robin Dunn, alternate board member Leigh Sasse, alternate board member David Miller, general manager Bonnie Betz and assistant manager Sean Ulmer were present.

Before the meeting, Board chair Donna Dicks 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 to the board today?" Hearing none, the meeting continued.

Upon motion duly made by Anne Fontaine, seconded by Winston Ammann, it was voted to approve today's agenda. Upon motion duly made by Winston Ammann, seconded by Anne Fontaine, it was voted to approve last month's minutes.

General manager Bonnie Betz stated that total sales for the month of October were \$460,806. This is up \$116,048 over October 2019 sales. Retails sales were up \$106,102. Mixed beverage sales were up \$9,946.

Sara Brewer is retiring December 1, 2020 and Bonnie Betz is moving into the general manager position. Sean Ulmer will become assistant manager/finance officer. Because of the staffing changes, this will require new bank signature cards.

The 3-month CD of \$30,000 will be maturing on November 27, 2020 and the board agreed to let it roll over at its current rate at 0.5%.

Old Business:

- Doug Owen took the suggestions from the board and sent a more detailed grant application that included surveys from campers, parents and staff. A motion was made by Anne Fontaine and seconded by Winston Ammann to approve his grant request of \$3000.00.
- Bonnie reported that the store hired a new full-time clerk, Bob Hagadorn. He started on Monday, November 2, 2020 at an hourly wage of \$13.58. He replaced Ronnie Davis who gave his notice on October 16. A part-time clerk, Melissa McLean, was hired on November 6 to work peak hours and fill in for sick and vacation time.

New Business:

The board discussed the two grant applications from Mountain Alliance for \$5000 each for their after school program and spring break. A motion was made by Anne Fontaine and seconded by Winston Ammann to approve these two grant applications. The motion was approved unanimously. This leaves approximately \$7000 to be spent for alcohol education at this point in time.

Bonnie Betz brought to the board's attention that there may be issues with the green directional sign for the shopping center. This was brought to her attention by Mitch Malvine who owns the center. According to Sugar Mountain's sign ordinance, there were too many directional signs for the shopping center. The green sign along the highway would have to come down. He asked that one of our board members speak with the town officials at Sugar Mountain to see if our

sign could stay. Winston Ammann, as the board member from Sugar Mountain, said she would email Tammy Floyd.

Bonnie Betz reported that an employee twisted their ankle at work and she sent them to the ER. A worker's comp claim has been filed. The employee returned to work the next day.

Upon motion duly made by Winston Ammann, seconded by Anne Fontaine, it was voted to go into closed session.

Upon motion duly made by Winston Ammann, seconded by Anne Fontaine, it was voted to end the closed session and return to the regular meeting.

There were no citizens in attendance.

The next scheduled meeting will be held on Thursday, December 17, 2020 at 4:15 pm.

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

Donna Dicks, Board Chair

Anne Fontaine, Board Member

Winston Ammann, Board Member

date approved

High Country ABC Board Meeting Minutes

December 17, 2020

The High Country ABC Board held its monthly meeting on Thursday, December 17, 2020 at 4:15 pm via ZOOM. Board chair Donna Dicks, board member Winston Ammann, board member Anne Fontaine, alternate board member Robin Dunn, alternate board member Leigh Sasse, alternate board member David Miller, general manager Bonnie Betz were present.

Before the meeting, Board chair Donna Dicks 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 to the board today?" Hearing none, the meeting continued.

Upon motion duly made by Winston Ammann, seconded by Anne Fontaine, it was voted to approve today's agenda. Upon motion duly made by Anne Fontaine, seconded by Winston Ammann, it was voted to approve last month's minutes.

General manager Bonnie Betz stated that total sales for the month of November were \$317,141. This is up \$28,450 over November 2019 sales. Retail sales were up \$31,570. Mixed beverage sales were down \$3,120 but the store had to be closed Saturday, Nov. 28, through Wednesday, Dec. 2, due to a COVID exposure. The closure likely affected sales. The mixed beverage accounts had received special permission to purchase from only one of the surrounding ABC stores located in Boone or Blowing Rock until the store could reopen. The store reopened on Thursday, Dec. 3, after sanitizing and disinfecting the

store using an outside restoration company and confirming all employees tested negative for COVID 19.

The fiscal year for the store started in July, and distributions for the three towns (\$25,000 each) were paid for the first quarter covering July, August and September on Oct. 20, 2020. The second quarter distributions of \$25,000 each will cover October, November and December and will be paid in January.

Old Business:

Checks were disbursed on December 7 to Cycle for Life (\$3000) and to Mountain Alliance (\$5000) their after-school program and (\$5000) for the alternative spring break program.

Mitch Malvine took down the green signs along the highway due to Sugar Mountain sign ordinance. He gave them back to the store for future.

Discussion regarding exempt/non-exempt will continue at the January board meeting. The issue is the breakdown of the asst. manager's administrative work versus time as a clerk in the store. It was recommended by the board that the asst. manager clock in and out and keep track of his daily administrative duties versus store clerk duties. The issue will then be reviewed again in three months. A recommendation was made to contact the Boone ABC store to see what duties their asst. manager has and if they are 50 % administration versus store clerk duties.

Bonnie Betz reported that the employee exposed to COVID 19 has tested negative for COVID and returned to work on Monday, December 7. The board agreed to pay the employee for the time loss up to 80 hours. The accounting agency stated that the store could not

take the tax credits of the CARES Act due to our status as a governmental unit.

ZOOM meetings will be held for the months of January-March with a new meeting time of 4:30 pm. Anne Fontaine will be making the arrangements for them. The Avery Journal has been contacted regarding the new time.

New Business:

Manuals will be created for all board member that will contain job descriptions, store personnel policy and duties, travel policy, evaluations, code of ethics for the board, and the annual budget and any amendments from the board.

The ABC store will be closing at 3:00 pm on Thursday, Dec. 24 for Christmas Eve and will be closed Friday, Dec. 25 for Christmas Day. The store will resume normal hours of operation on Saturday, Dec. 26. The store will also be closed Friday, Jan. 1, for New Year's Day and resume daily operations on Saturday, Jan. 2.

It was recommended that the store manager investigate why the ABC store's lighting looks closed in the evening.

There were no citizens in attendance.

The next scheduled meeting will be held via ZOOM on Thursday, January 21, 2021 at 4:30 pm.

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

Donna Dicks, Board Chair

Anne Fontaine, Board Member

Winston Ammann, Board Member

date approved

Activity Log Event Summary (Cumulative Totals)

SEVEN DEVILS PUBLIC SAFETY

(12/01/2020 - 12/31/2020)

<No Event Type Specified>	1	911 Hang-up call	1
Alarm Activation	1	Assist Motorist	2
Assist Other Department	3	Bank Deposit Escort	3
Business Check	395	Complaint	1
Damage to property	1	Direct Traffic	2
Domestic	1	Escort Subject	1
Extra Patrol	16	Fire Department	7
Information	1	Medical	6
Noise Complaint	2	Open Door	1
Other	3	Patrol	131
Remove Debris from Roadway	6	Residence Check	1
Vehicle Parked in Roadway.	1		

Total Number Of Events: 587

SEVEN DEVILS FIRE DEPARTMENT

**1356 Seven Devils Road
Seven Devils, NC 28604
828-963-5343
Chief Bobby Powell**

December 2020:

Congratulations to Matt Millsaps, who has been named Assistant Fire Chief, effective January 1, 2021.

Matt has 16 years of dedicated Fire service, with numerous Fire Certifications. Matt also serves as a Public Safety Officer and has been employed with the Town for 2.5 years. Matt will be assisting Chief Powell with operational duties, staff training, firefighter health & safety, and regulatory agency compliance. Welcome, Matt!

We will be refreshing the Fire Training portion of the department in 2021, adding some training videos from the State Fire Marshall's Office and the NC League of Municipalities online training. Due to COVID-19 restraints, we will only be scheduling daytime trainings during the first quarter of 2021. Hopefully, once the vaccine is available to all, restrictions will be lifted, and nighttime trainings can resume.

Scheduled trainings include:

- 1/19/2021 – Driver Training
- 2/2/2021 – Hazmat Update
- 2/16/2021 – Rope and Knots refresher
- 3/2/2021 – PPE Refresher Turnout
- 3/16/2021 – PPD Refresher Air packs

There were 11 total calls in December, including trees down, several medical assists, and a structure fire (which was actually a fireplace malfunction).

Respectfully Submitted,
Debbie Powers (for Chief Bobby Powell)
Town Manager

MONTHLY FINANCE REPORT
December 2020 - 50%

	Budget	Actual		%	
	Total	Previous	Dec		YTD
Section 1. General Fund					
Anticipated Revenues by Category					
Ad Valorem Taxes	806,000	482,248	217,576	699,824	86.83%
State Share Revenue	109,510	45,485	19,373	64,858	59.23%
ABC Distribution	100,000	76,000	0	76,000	76.00%
Powell Bill Allocation	22,500	13,083	13,082	26,165	116.29%
Permits and Fees	1,000	2,120	45	2,165	216.50%
Sales Tax	120,000	73,832	16,670	90,502	75.42%
Misc Revs, Govt Grants, Sale of Assets	264,506	163,082	6,247	169,329	64.02%
Capital Reserve Fund/FB	222,075	0	0	0	0.00%
Occupancy Tax	150,000	163,751	31,961	195,712	130.47%
Total	1,795,591	1,019,601	304,954	1,324,555	73.77%
Authorized Expenditures by Department					
Governing Board	16,250	6,837	1,425	8,262	50.84%
Administrative	505,536	254,672	41,889	296,561	58.66%
Public Safety	579,948	198,408	39,613	238,021	41.04%
Fire Protection	109,098	23,485	32,255	55,740	51.09%
Planning	1,500	146	139	285	19.00%
Parks & Rec	52,001	17,069	5,100	22,169	42.63%
Public Works	358,758	149,538	42,369	191,907	53.49%
Powell Bill	22,500	24,292	0	24,292	107.96%
Tourism Development Authority	150,000	163,751	31,961	195,712	130.47%
Total	1,795,591	838,198	194,751	1,032,949	57.53%

MONTHLY FINANCE REPORT
December 2020 - 50%

	Budget Total	Actual			%
		Previous	Dec	YTD	
Section 2. Enterprise Fund					
Anticipated Revenues by Category					
Water Operating Revenues	221,500	114,049	24,040	138,089	62.34%
Water Taps and Connections	0	2,000	0	2,000	0.00%
Non Operating Revenues	754	583	0	583	77.32%
Capital Reserve for Capital Outlay	0	0	0	0	0.00%
Total	222,254	116,632	24,040	140,672	63.29%
Authorized Expenditures by Department					
Water-Operating	119,571	45,900	8,550	54,450	45.54%
Non Operating	102,683	13,113	31,996	45,109	43.93%
Capital Outlay	0	0	6,500	6,500	0.00%
Total	222,254	59,013	47,046	106,059	47.72%