

**TOWN OF SEVEN DEVILS  
TOWN COUNCIL MEETING**

August 14, 2018

5:30pm

- 1) CALL TO ORDER
- 2) PRAYER/INVOCATION
- 3) PLEDGE OF ALLEGIANCE
- 4) ADOPT AGENDA
- 5) CONSENT AGENDA
  - A. Motion for Consideration
    - (i) Adopt minutes of Town Council meeting –July 10, 2018
- 6) CITIZENS COMMENTS
- 7) ADMINISTRATIVE UPDATE
- 8) OLD BUSINESS – NONE
- 9) NEW BUSINESS
  - A. Internal Financial Controls
  - B. 2018 Legislative Updates
  - C. Closed Session – Pursuant to G.S. 143-318.11(5)
- 10) COMMITTEE REPORTS
  - A. Board of Adjustment – No meeting
  - B. Planning Board – July minutes
  - C. Public Works – No meeting
  - D. Public Safety Commission – No meeting
  - E. Recreation Commission – July minutes
  - F. TDA – July minutes
  - G. ABC Board – June minutes
  - H. Tree Committee – No meeting
  - I. Public Safety Department
    - (i) Police Report
    - (ii) Fire Report
  - J. Financial Report
- 11) COUNCIL COMMENTS
- 12) ADJOURN

**TOWN OF SEVEN DEVILS  
TOWN COUNCIL MEETING**

**July 10, 2018**

The Seven Devils Town Council met in regular session on Tuesday, July 10, 2018, at Town Hall. Present were Larry Fontaine, Brad Lambert, Kay Ehlinger, David Ehmig and Tina Bailey. Also present were Town Attorney Rob Angle and Town Manager Debbie Powers, the minutes were recorded by Hillary Gropp, Town Clerk.

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Council members and citizens recited the Pledge of Allegiance

**ADOPT AGENDA**

Member Ehlinger made a motion to adopt the agenda; Member Bailey seconded the motion. The members agreed unanimously.

**CONSENT AGENDA**

**ADOPT MINUTES OF PUBLIC HEARING & TOWN COUNCIL MEETING – June 12, 2018**

Member Ehmig made a motion to adopt the Consent Agenda. Member Bailey seconded the motion. The members agreed unanimously.

**CITIZENS COMMENTS**

Kay Lambert – **430 Wildcat Rocks Road** – Thank you to all the volunteers & donors for SafetyFest 2018; 100 thank you notes are being sent out. It was a big success!

**ADMINISTRATIVE UPDATE**

Manager Powers provided the following update:

Music on the Lawn has been renamed to Music at the Lake; June 20<sup>th</sup> featured the Wayne Henderson Trio; the next performance will be July 20<sup>th</sup> featuring the Jeff Little Trio.

Mayor Fontaine, Member Ehmig, Manager Powers, Police Chief Davis attended an Opioid Crisis Forum in Banner Elk on June 12<sup>th</sup>.

New construction will begin soon at Lot 4, Alpine Drive- Tony & Allison Nottage, Owners.

The Blue Ridge Conservancy Newsletter featured an article on Peak Mountain.

The RTP grant deadline is July 13<sup>th</sup>; the proposed Peak Mountain Trail is flagged & GPS as of June 15<sup>th</sup>.

Nick's Restaurant is under new ownership, as of June 28<sup>th</sup> – Owner, David Marich

Workman's Comp insurance premium increased by 7.6% - \$20,600 to \$22,300 for FY19

Property & Liability insurance premium increased by 6% - \$17,025 to \$18,047 for FY19

The 15<sup>th</sup> Annual SafetyFest was a huge success!

An update was provided for tree permits, projects, fence permits, complaints, and real estate closings.

### **OLD BUSINESS- NONE**

### **NEW BUSINESS**

#### **8) A. TREE ORDINANCE**

The Tree Ordinance was reviewed with recommended amendments by the Planning Board on June 19, 2018.

Mayor Pro Tem Lambert made a motion to approve the Tree Ordinance; Member Ehlinger seconded the motion; the members agreed unanimously. ~CLOSED~

#### **8) B. EMPLOYEE HANDBOOK**

Town Manager Powers reviewed the recommended amendments for the Employee Handbook by the Planning Board. Upon discussion with Town Council and Town Attorney Angle, it was decided to accept the recommendations and change the following wording in the Employee Handbook at:

**Page 8. Section 2. Implementation of Equal Employment Opportunity Policy** to eliminate verbiage. The section now states the following:

*All personnel responsible for recruitment and employment shall continue to regularly review the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer illegal discrimination. Notices with regard to equal employment matters shall be posted in conspicuous place on Town premises in places where notices are customarily posted.*

**Page 31. Section 5. Discrimination and Adverse-Action Appeal Procedure** to eliminate verbiage. The section now states the following:

*When an employee, former employee, or applicant believes that any employment action discriminates illegally; he or she has the right to appeal such action using the grievance procedure outlined in this article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Town Manager. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination*

*within thirty (30) calendar days of the alleged discriminatory action, but may appeal for up to six (6) months following the action.*

All other recommended amendments by the Planning Board are acceptable. Member Ehlinger made the motion to approve the amended version of the Employee Handbook; Mayor Pro Tem Lambert seconded the motion; the members agreed unanimously. **~CLOSED~**

**COMMITTEE REPORTS**

**Board of Adjustment**-No meeting  
**Planning Board**—June minutes  
**Public Works**—June minutes  
**Public Safety Committee**—June minutes  
**Recreation Commission** - June minutes  
**TDA** - June minutes  
**ABC Board** - May minutes  
**Tree Committee** - June minutes  
**Public Safety Department**  
    **Police Report**  
    **Fire Report**

**COUNCIL COMMENTS**

Mayor Fontaine spoke about the 15<sup>th</sup> Annual SafetyFest, with the tremendous turn out of people, and collective effort of the volunteers and donors. The food & music were great.

Member Bailey commented about the CPR Training and found the course to be beneficial. Fire Chief Powell was the instructor of this class taught at Town Hall on June 14<sup>th</sup>, which was open to all residents.

**ADIJOURN**

Member Ehlinger made a motion to adjourn; Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. The meeting adjourned at 6:15 pm.

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Larry Fontaine  
Mayor

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Hillary Gropp  
Town Clerk

**TOWN COUNCIL MEETING  
Administrative Update  
August 14, 2018**

**AGENDA ITEM** 7)

1. HC COG Annual Dinner – Friday, September 7 - need RSVP by August 24
2. Town Hall closed Monday, September 3<sup>rd</sup> for Labor Day holiday
3. New Reserve Officer Matthew Potter – sworn in June 20 – Newland PD
4. Avery revaluation 2018 – increased \$5150 – net tax effect is increase \$26
5. Powell Bill process completed for 2018
6. RTP grant application submitted; authority meets August 17 @ Pine Knoll Shores
7. PARTF authority meets on August 24<sup>th</sup> @ Raleigh
8. Recreation activities – great turnouts
9. Town Paving projects scheduled for late August
10. Press releases – HC Press – Music by the Lake, Watauga Democrat – Gov. Cooper asks  
Feds for Disaster Relief
11. NC DOT replacement of Skyland Drive culverts
12. SafetyFest wrap-up – volunteer luncheon and distribution to Public Works & Police  
Dept.
13. Otter Falls parking area expansion update

July 2018 items:

- Tree Permits – 4
- Projects – 1
- Fence Permit - 0
- Complaints – 24
- Real Estate Closings – 3

<u>Date</u>	<u>Last Name</u>	<u>First Name</u>	<u>St #</u>	<u>Street Name</u>	<u>Complaint Topic</u>	<u>Complaint Specifics</u>	<u>Resolution</u>
2-Jul	Putnam	Scott	1353	7D Road	neighbor	Hawkspeak condo leaves lights on until 2am - very annoying	Chief states "NO VIOLATION"
3-Jul	Isquith	Barry	1648	Skyland	water	wants to discuss Town email to neighbor	Town will NOT discuss neighbor's water account
4-Jul	various				gunshots	gunshots heard	July 4th fireworks
5-Jul	Ball	Nancy	290	Moonlight	fire pit	neighbor has fire on deck called the Mayor	Call Police, not Mayor
6-Jul	Nelson	Dick	420	Highcliff	tree permit	"ridiculous" tree request to remove 3 dead trees	PD could not locate fire pit
6-Jul	Bradford	Micky		Cherokee	neighbor prop	Butler prop @ 433 Grandview in "disrepair" - what are you doing about it?	Tree Ordinance Procedure \$500 fine each for violation wrote letter; Bradford prop is in comparable condition
10-Jul	Shore	Garrett	148	Snowbird	street	grading gravel/snow plowing	explained street road maint vs. private road
11-Jul	Sirasser		1197	Devils Lk	water	construction next door (Kathe) is using his water per renters	Kathe traded fire wood for some water; now has own H2O
16-Jul	anonymous		227	Streamside	trash	renters left trash on deck - bears	contacted owners - verbal warn
16-Jul	Regan		165	Grandfather Circle	wildlife	neighbors feeding wildlife - is there an ordinance against?	no ordinance - contact your HOA for restrictions
16-Jul	multiple				rezoning	want to speak at Planning Board meeting	welcome to attend meeting; not a Public Hearing
16-Jul	BlueRidge			GreenCove	road	condition of road	PW fills hole with gravel
16-Jul	renter		326	HawksLk	pesticides	concerns that PW uses pesticides around lakes that kill frogs and dragonflies	PW does not spray lakes
16-Jul	renter				various	need to use your stapler, and has mailman completed his route?	OK, and who knows?
17-Jul	Byrnes	Bernice	276	Wildcat	wildlife	dead groundhog by the road	PW removed
17-Jul	Byrnes	Bernice	276	Wildcat	"big mess"	mudslide on CRT & Presnell when will it get removed?	on PW list, no public access
17-Jul	renter			HawkspeakWest		dumpster overflowing - when will you empty it?	contact rental agent or HOA
19-Jul	visitor					purchase hat "I have to go off 7D to ATM machine?"	ATM at Tynecastle

20-Jul	HoundEars		water	trouble reaching Carolina Water to pay her water bill - can we help?	Sorry!
20-Jul	Schilke Susan	BlackHawk	water	bill is \$655- "no leak" can't understand how it could be so high-admitted renters Why weren't they notified?	multiple calls and emails to explain about ordinance, leaks, relief, etc.
23-Jul	renter		water	wants to know if water has fluoride	no fluoride; see CCR for detail
24-Jul	Davis Leroy	Gray, TN	music	got stuck in traffic/couldn't make concert/will it be re-scheduled?	music went on as planned
26-Jul	Rose Richard	415 Cliffside	FSBO	sign was thrown in woods after mowing	apologized; keep sign 5' from roadway; was NOT PW
27-Jul	FL tag		paper	why are you out of papers? give me yours!	?!?!

**Town of Seven Devils  
Internal Financial Controls  
July 31, 2018**

To properly plan and conduct the audit of Town of Seven Devils, we considered the internal control system of the Town using the following components:

**Control Environment** – Sets the tone of an organization, influencing the control consciousness of its people.

Management is serious about internal controls, especially given the limitations of staff size as it relates to segregation of duties. The Manager actively oversees the daily operations and the Council is actively involved in the Town's business.

**Risk Assessment** – The identification, analysis, and management of risks relevant to preparing GAAP financial statements. This may include risks of unrecorded transactions, significant estimates, and risks related to specific transactions or events.

Management has assessed their need for assistance with external reporting but has made a commitment to providing the necessary resources and to provide the reporting system so that the auditors may assist them with their financial statements. Town is not subject to material estimates other than asset's useful lives. Complex transactions are documented in the minutes of Council meetings and communicated to the external auditor.

**Control Activities** – Policies and procedures that help ensure that management directives are carried out. Can be automated or manual, and include performance reviews, information processing, physical controls, segregation of duties (not all-inclusive)

Manual processing of transactions, specifically manual checks, require Town Manager approval and signature. The Town performs performance reviews, has placed stringent segregation of duties requirements in place where feasible, physically controls computers with passwords, and has developed adequate safeguarding of assets policies.

**Information and Communication** – Information system, relevant to financial reporting objectives, include the accounting system and its procedures to initiate, process, and report transactions in the system. Communication includes providing an understanding of individual roles and responsibilities pertaining to internal control over financial reporting.

Town uses computer-based software to process and report on the transactions of the Town. The Finance Officer and Town Clerk are responsible for entering data in the system. Reporting of information is limited to basic financial statements and Excel spreadsheets regarding budget data. Manual JE's are kept to a minimum but do not require Town Manager approval. Due to the size of the Town, job roles and experience provide employees with communication of financial reporting responsibilities. Most transactions are check/deposit driven. Below we document the systems in place.

**Monitoring**- Management monitors the internal control system to determine that the controls are operating as intended and that modifications are made as the need arises.

Manager monitors the internal control system through ongoing activities. Management appears to quickly act when changes are necessary.



## **Transaction Class Specific Controls**

### ***Cash Receipts***

The Town Clerk collects the cash & checks and prepares the daily cash receipt journal. Finance Officer scans checks into the online banking system & posts the payments to the G/L.

Adjustments to taxes can be made by Finance Officer; adjustments to water system may be made by Finance Officer or Town Clerk. Cash deposits are sent to bank via Finance Officer, Town Manager or Police Officer on duty.

### ***Cash Disbursements***

Manual checks (hand checks) are minimal. Purchase order system in place. No encumbrance system. Department heads must sign off on all invoices for their departments. Finance Officer processes payments using on-line, electronic payments weekly. Finance Officer prints an electronic "payment journal" and the Town Manager reviews all paid invoices on a weekly basis and initials. Manual check signers are Finance Officer, Town Manager, Mayor Pro-Tem, and the Mayor. Second signer also gets invoice packs for review and approval. Finance Officer reconciles bank statements. Town Manager reviews reconciled statements and initials.

### ***Payroll***

Weekly payroll. Monthly pay to Town Council, Town Attorney, Fire Pay, PD Overtime. All payroll except for one employee is directly deposited.

Budget process assigns employees to departments.

Time sheets are used by all departments. Time sheets and Police reports are summarized and turned in to Finance Officer for processing.

Final payroll registers and check stubs are printed by Finance Officer. Town Manager reviews the payroll on a weekly basis and initials.

### ***Tax Billing***

Manual tax scroll from the Counties and the Town are reconciled to match. The data is manually entered to the Tax software by Finance Officer. Same software system used for billing and collection. Finance Officer enters payments to individual accounts and Finance Officer posts to the G/L.

### ***Water Billing***

Hand held meter readers are used; information is downloaded from the readers into the billing system. Town Clerk prints a pre-register before final billing and checks it for accuracy. Meters are read monthly. Town Clerk prepares water billing and sends via US mail. Water draft account information is keyed directly into the software system. The Town Clerk informs the Finance Officer promptly of changes that effects the monthly draft. The Finance Officer creates a draft file through the software system that is then processed through the bank. After the draft file is created the Finance Officer posts the payments to the G/L.

### ***Budget Control***

Department heads are given monthly budget vs. actual reports for compliance review.

Budget is prepared by Town Manager and approved by the Town Council. Department heads understand the management environment that they cannot spend money they do not have in their total department's remaining budget.

### **IT Security System – Administration**

On 10/18/16, an administration server system was installed to better secure all financial records, payroll/HR files, and daily documents. There are two main folders on the server:

1. One for shared documents, accessible by all three administrative users
2. One for each individual user, accessible to only that assigned employee; all are visible to the Manager

The server is in the Administrative storage room, downstairs behind the Fire Department, in a double-locked room, where all the administrative documents are stored, along with the Town phone networking system and the Town internet/router systems. A battery back-up system is in place, which services both the Administrative and the Police Department servers and will provide 36 minutes of continuous service in case of a power failure (Note: the entire Town Hall building has a back-up generator which, after 2 minutes of interrupted electrical service, automatically starts). A dehumidifier is also in place to preserve the integrity of all the paper documents stored there. The Town has also purchased two back-up devices to attach to the Server system. Once per week, the Town Manager, or her designee, will switch out the backup devices, and remove it from the premises. This will ensure that in case of a disaster, all data will be preserved, and the maximum loss could be one week's data.

## Disaster Relief and Recovery

### Disaster Funding

\$60m in additional disaster relief funding for 2016 disasters (S.L. 2018-5, § 5.6)

### Property Tax Deadline Extension

"Weekend and Holiday" rule for property tax deadlines expanded to include tax office closures during declared disasters (S.L. 2018-5, § 39.8)



2018 Local Government Legislative Update

A municipality may "supplement funding for elementary and secondary public education" that benefits the residents of the municipality.

2018 Local Government Legislative Update

"The city council may appropriate for the support of the inspection department any funds that it deems necessary. It may provide for paying inspectors fixed salaries or it may reimburse them for their services by paying over part or all of any fees collected. It shall have power to fix reasonable fees for issuance of permits, inspections, and other services of the inspection department. All fees collected under the authority set forth in this section shall be used for support of the administration and activities of the inspection department and for no other purpose."

G.S. 160A-414; G.S. 153A-354

2018 Local Government Legislative Update

## Capital Reserve Fund (CRF)

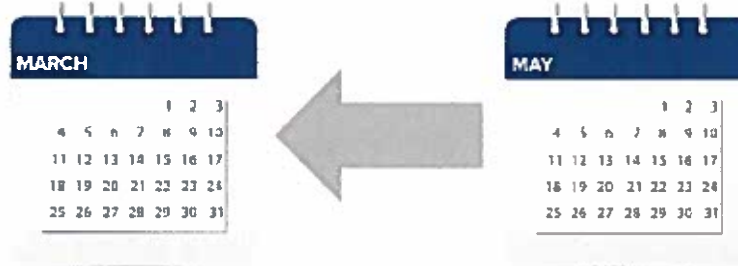
Board adopts Resolution or Ordinance that states:

- 1. The purposes for which the fund is being created.**  
A board may accumulate moneys for multiple capital projects within a single capital reserve fund, but it must list each project separately.
- 2. The approximate periods of time during which the moneys will be accumulated for each purpose.**  
A board must provide a rough estimate of when moneys will be expended from the capital reserve fund for each capital project.
- 3. The approximate amounts to be accumulated for each purpose.**  
A board must provide a rough estimate of the total amounts it intends to save for each capital project.  
After initial appropriation, to add new money to capital reserve fund, board must make the appropriation specifically to the CRF.
- 4. The sources from which moneys for each purpose will be derived.**  
A board must indicate the revenue sources it intends to allocate to the capital reserve fund to finance each project (e.g. property tax proceeds, utility fees, local sales and use tax proceeds, grant proceeds, etc.).

2018 Local Government Legislative Update

## Changes in Voting

Primary elections moved from May to March



S.L. 2018-21

2018 Local Government Legislative Update

## Regulatory Reform

### On-site wastewater (OSWW) permit extensions

- **Previous legislation:** Improvement permits and construction authorizations issued between 2000 & 2015 that were not acted on and would have expired were extended to January 1, 2020, unless there were certain changes from the LHD's original evaluation.
- Provides that site activities begun or completed pursuant to LHD requirements on original permit do not constitute "altered conditions" and may not be used to deny extension.
- Allows a property owner with extended permit to hire a licensed soil scientist to conduct a site verification to determine if conditions of original permit are unchanged (i.e., if permit qualifies for the extension), and requires LHD to accept soil scientist's verification.

S.L. 2018-114, § 9

2018 Local Government Legislative Update

## Animal Services (Local Bill)

- General rule: Most animal services records are public records
  - Exceptions include potential rabies exposures (time-limited), law enforcement investigations
  - See this [blog post](#)
- New exception applicable only in Guilford County
  - Personally identifiable information held by a county animal services agency
    - Voluntarily surrender ownership of an animal to a shelter
    - Adopt or foster a shelter animal
  - Exception does not extend to animal rescue organizations
  - Discretionary – county may choose to disclose

S.L. 2018-105

2018 Local Government Legislative Update

UNC

## Woolly Worms

“The Woolly Worm Festival, held the third weekend of October of every year in the Town of Banner Elk in Avery County, is adopted as the official Woolly Worm Festival of the State of North Carolina.”



S.L. 2018-89

Image: <http://www.woollyworm.com/>

2018 Local Government Legislative Update

UNC

Town of Seven Devils  
Planning Board Minutes  
Regular Meeting  
July 17, 2018

The Seven Devils Planning Board met on Tuesday, July 17, 2018 at 5:30pm at Town Hall. Members present were Chair Butch McLean, Vice Chair Jack Byrnes, George Ehlinger, Barry Isquith, Brady Sasse, Frank Sell; Bob Haugh was absent. A quorum was met. Also, in attendance was Town Manager-Zoning Administrator Debbie Powers, Town Attorney Rob Angle; Town Clerk Hillary Gropp recorded the minutes.

**Call to Order**

Chair McLean called the meeting to order at 5:30pm.

**Adopt Agenda**

Chair McLean asked for a motion to adopt the agenda. Member Sell made a motion to adopt the agenda; Vice Chair Byrnes seconded the motion. The members agreed unanimously.

**Approve Minutes June 19, 2018**

Chair McLean asked for a motion to adopt the minutes of June 19, 2018. Member Isquith made a motion to approve the June 19, 2018 minutes; Member Ehlinger seconded the motion. The members agreed unanimously.

**Administrative Comments**

Town Manager Powers provided an update on the following:

- Tree Ordinance – that the Planning Board recommended to the Town Council, was approved at the Town Council meeting on July 10, 2018.
- Employee Handbook – with additional recommended amendments from the Town Attorney, the Revised Employee Handbook was approved at the Town Council meeting on July 10, 2018.

**Old Business-None**

**New Business**

**6. a) Lenny Cottom – Re-zoning Request – Application Submitted 7/5/2018**

Lenny Cottom provided the following about the Re-Zoning Request – Application Submitted 7/5/2018; this is for two (2) parcels, approximately 20 acres and 10 acres, respectively and the request is for HDR (High Density Residential). This zoning is the highest and best use for this land and would provide additional tax revenue to the Town.

Lenny Cottom has owned this property for 9 years and after research into other uses of RB (Recreational Business), with none being viable/profitable as a business owner, he thinks the Re-Zoning request is appropriate at this time.

Chair McLean asked the Planning Board members if they had questions for the applicant; Lenny Cottom.

The questions and responses are as follows:

**Chair McLean** asked, "How does this request fit with the CLUP (Comprehensive Land Use Plan), when considering the proposed HDR Condos are predominately surrounded by MDR (Medium Density Residential) & LDR (Low Density Residential) that already exists?"

**Cottom:** Everything around this property is already HDR, including a 4-acre parcel and 17-acre parcel that is adjacent; it fits.

**Member Isquith** asked "Will the road structure support this request?"

**Cottom:** Yes, the NCDOT maintains this road; the roads have been well maintained, likely due to the existing zipline business.

**Chair McLean** asked, "Is there a certain distance the zipline is required to be away so someone isn't underneath it? Or does it create a safety hazard?"

**Cottom:** As this project moves forward, all will be reviewed for consideration; the zipline is far off the ground.

**Member Sasse** asked, "Is there any other RB use that will work for the existing parcels?"

**Cottom:** The zipline has been in business for 9 years, however the popularity of zipline is decreasing, therefore business is down. The other options for RB are limited.

**Member Sell** asked, "Is the applicant aware this is contrary to CLUP; the CLUP requires maintaining as much as possible LDR & MDR?" Member Sell read a portion of a sentence from the CLUP, as follows, "primary focus on owner-occupied single-family homes and on the preservation and enhancement of the distinctive and irreplaceable natural beauty of its mountain setting." Member Sell states this proposed Re-Zoning request is contrary to the CLUP.

**Cottom:** That is a matter of opinion, but the Applicant acknowledged his interpretation of CLUP.

**Member Ehlinger** requested the Town Manager provide her feedback on this application. Member Ehlinger states the application is incomplete and doesn't include a recorded drawing. He asked why the Town would accept this submittal, from a legal viewpoint.



**Cottom:** The Applicant stated the Planning Board is only being asked to review, discuss and recommend at this point. Because of the time, expense and possible changes needed, the drawing is not recorded. It is easier to make changes at this time of the Re-Zoning request. Depending on the outcome of the Planning Board's decision, all will be finalized & recorded before the Public Hearing and Town Council decision.

**Chair McLean** asked, "Does the applicant view tonight's request as a "dress rehearsal"?"

**Cottom:** We view this as Phase I, and as discussions occur, it is easier to make changes on an architectural drawing by a surveyor than a recorded map at the County.

**Manager Powers** stated she communicated with the GIS Department at both Avery and Watauga counties and if submitted as a boundary survey the timetable could be 2 days to 1+ month to record. The process includes recording with the Register of Deeds, then to GIS Department for assignment of Parcel ID # then will become part of the tax base. Most likely, it will take more time, not less for this process, based on her discussions with the Counties.

**Member Ehlinger** stated, the Planning Board needs to ask themselves if they want HDR? Or should they deny and require MDR/LDR Re-Zoning request?

**Member Sasse** states he prefers MDR or LDR; HDR does not agree with CLUP.

**Member Isquith** does not think the road structure will be able to support additional traffic.

**Cottom:** When the Blue Ridge Conservancy purchased the 200 acres with ridgeline, this eliminated the possibility of 200 houses being built on it, also lost to the Town was potential tax base with additional traffic. The Applicant states this Re-Zoning request will take its place with potential impact/benefits.

**Member Byrnes** does not think this Re-Zoning request fits with the recently revised CLUP.

**Chair McLean** states he supports the Re-Zoning request as it fits with the CLUP because of the language that includes individual family owned homes; Condos are individually owned.

**Chair McLean** asked the Applicant "Do you know estimated amount of traffic during the snowtubing season?"

**Cottom:** We estimate about 500 cars on weekends/holidays for snowtubing.

Discussion occurred with various Planning Board members and the Town Manager about the amount of traffic in recent months; there is concern about the need for additional police should this Re-Zoning Request be approved.

The Applicant states this Re-Zoning Request does not alter the need for additional police; possible increase in police enforcement is unknown, and currently already exists due to the rental of existing condos. The TDA actively promotes tourism and benefits from it.

**Member Sell** asked the Town Manager the definition of Single-Family owner-occupied home. He understands it to be one house with one foundation under a single roof.

**Town Manager:** Town Manager stated a Single-Family dwelling is one stand alone unit, not a condo/townhouse.

Discussion occurred about when the tax base would increase, upon Re-Zoning or later? The Town Manager states the Town will realize the tax base upon a Certificate of Occupancy and when sales occur.

Chair McLean asked the Planning Board to make a decision by motion.

**Member Sasse made the following motion to reject the Re-Zoning request:**

The Planning Board of the Town of Seven Devils recommends rejecting the re-zoning request from Hawksnest Zipline, Inc. After careful consideration of the request, and conversations deliberating on how it fails to align with the Town's Comprehensive Land Use Plan (CLUP), the decision is based on the inconsistency with the Vision Statement, which states "The Town of Seven Devils is a residential and recreational community whose citizens and governance are committed to managing its growth, with a primary focus on owner-occupied single-family homes and on the preservation and enhancement of the distinctive and irreplaceable natural beauty of its mountain setting." When considering the MANAGING DEVELOPMENT section of the CLUP, it states "Managing development means guiding growth in relation to community goals, which focus on single family homes as a major housing source and recognize residents' desires for the Town of Seven Devils to maintain its small-town character." To stay consistent with the Town's CLUP, we recommend that the zoning request be denied, as a reasonable action, and in the best public interest.

**Member Sell seconded the motion; Additionally, Members Byrnes, Ehlinger, Isquith agreed with the motion.**

**Chair McLean opposed the motion on the table.**

**The motion passed with 5 Ayes and 1 Nay ~CLOSED~**

Chair McLean acknowledged the Town Manager-Zoning Administrator provided guidance with a written statement for an accurate motion for Approving or Rejecting the Re-Zoning Request.

**Citizens Comments**

Numerous citizens made comments supporting the Planning Board’s decision to reject the Re-Zoning Request. One citizen stated the Applicant should be allowed to resubmit a new request with changes in the future.

**Member Comments**

Member Isquith encourages the Applicant to investigate other Recreational Business uses. The Planning Board allowed rebuttal by the Applicant to this suggestion.

The Applicant addressed some of the Citizens negative concerns. Additionally, he stated the original zoning for this property allowed for other uses, such as hotels. With the rejection of the Re-Zoning Request it negatively affects him. With new housing, the tax base for the Town will increase.

Chair McLean thanked everyone who attended and participated in the meeting. Town Manager stated this recommendation will proceed to the Town Council and a Public Hearing will occur on August 14, 2018. Proper notification will be made to the property owners within 100 feet of the parcels via US Postal mail.

**Adjourn**

Member Sasse made the motion to adjourn; Member Isquith seconded the motion. The members agreed unanimously. The meeting adjourned at 6:10pm.

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Butch McLean, Chair

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Hillary Gropp, Town Clerk

**NOTATION BY THE TOWN CLERK**

The Applicant withdrew the Re-Zoning Request, effective Friday- July 20, 2018

**Town of Seven Devils  
Recreation Commission  
Minutes—Regular Session  
July 12, 2018**

The Town of Seven Devils Recreation Commission met at 9:00 a.m. in Town Hall on July 12, 2018. Members present were Ed Beck, Anne Fontaine, Kay Lambert, and Martha Stearns. Brad Lambert and Debbie Powers were also present.

Bob Bridges and Skip Watts were absent.

Kay Lambert made a motion to accept the agenda for today's meeting and the minutes from the June 14, 2018, regular meeting. Ed Beck seconded the motion, and the agenda and the minutes were approved.

The summer programs that the Recreation Commission sponsors are going well. Ed Beck reported that there were ten to twelve people at the Ranger workshop on June 15. Anne Fontaine reported that she counted eighty-six people at the Concert on the Lake on June 8. Forty to fifty remained after the concert was moved inside because of rain. We will publicize the next concert in newspapers and by placing signs on the road on Monday before the Friday Concert on the Lake. There was a good turnout for the group hike on June 15.

Sixteen artists and crafters are planning to participate in the Celebration of Art on July 21. All the art and craft displays will be inside Town Hall. Children's art activities will be outside. Tables will be set up on Friday, July 20.

Our next regular Recreation Commission meeting will be on August 16, 2018.

Martha Stearns made a motion to adjourn. Kay Lambert seconded the motion, and the meeting was adjourned.

Submitted by

Martha Stearns, Secretary

**Town of Seven Devils  
Recreation Commission  
Minutes—Special Session—“The Hawk”  
July 12, 2018**

The Town of Seven Devils Recreation Commission met at 9:30 a.m. in Town Hall on July 12, 2018. Members present were Ed Beck, Anne Fontaine, Kay Lambert, and Martha Stearns. Debbie Powers, Brad Lambert and Donna Valery were also present.

Bob Bridges and Skip Watts were absent.

Kay Lambert made a motion to accept the agenda for today's meeting and the minutes from the July 14, 2018, special session meeting. Ed Beck seconded the motion, and the agenda and the minutes were approved.

Ed Beck reported that race registration includes thirteen runners, 6 walkers, and 10 phantoms Hawks. Receipts so far include \$800 in registrations, \$210 in donations. There are five sponsors at \$100 each. Ten people took advantage of the Holiday10 discount.

Anne Fontaine reported that she has found bags for participant packets and a medium sized cake pan, which will allow us to have large, medium, and small cakes for first, second, and third prizes in each category. Kay Lambert will save the number of mugs and tumblers required to award prizes.

The shirt sizes seem to run small, and this is stated on the registration website. Donna Valery and Ed Beck will contact Lees McRae College, ASU, and the YMCA about the race. Donna suggested that we look for a hawk-related item to give to children.

We will assign responsibility for removing trash after The Hawk so Hawksnest will be ready for their regular opening. Ed Beck suggested that tables be set up the night before The Hawk.

Our next special session concerning The Hawk will be August 16, 2018, following the regular Recreation Commission meeting.

Ed Beck made a motion to adjourn. Martha Stearns seconded the motion, and the meeting was adjourned.

Submitted by  
Martha Stearns, Secretary

**Town of Seven Devils  
Tourism Development Authority Meeting  
July 24, 2018**

The Town of Seven Devils Tourism Development Authority met in regular session on Tuesday, July 24, 2018 at Town Hall. Chair Anne Fontaine, Member Tom Gidley, Member Jack Duncan, Town Manager Debbie Powers and Finance Officer Helga Sappington were present.

**Call to Order**

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

**Adopt Agenda and Approve Minutes**

Member Jack Duncan made a motion to adopt the agenda and approve the minutes from the June 26, 2018 meeting. Member Tom Gidley seconded the motion. The motion passed unanimously.

**Citizen Comments**

Larry Fontaine and Brad and Kay Lambert were present.

**Old Business**

- Town Manager Debbie Powers updated the TDA members on the Brownlow Park progress. Debbie is currently working with the town attorney on a landscape easement for the Brownlow Park area.

**New Business**

- There was a discussion to transition from brochures to rack cards to advertise the Town of Seven Devils. Debbie will present a rack card proof at the next TDA meeting.
- The TDA members agreed to advertise in the High-Country Host (\$275.00) for coop publication in the Western North Carolina Magazine.
- There was a discussion about additional signage at Otter Falls to address trash. Debbie Powers will present proofs and cost of signage at the next TDA meeting.
- The TDA Members agreed to sponsor the Town's 40<sup>th</sup> anniversary celebration in August of 2019.
- Member Jack Duncan made a motion to fund the replacement of the board room chairs (up to \$ 2,500.00/ 10 chairs). Member Tom Gidley seconded the motion. The motion passed unanimously.

**Financial Statement**

- Member Tom Gidley made a motion to approve the financial statements. Member Jack Duncan seconded the motion and it was agreed upon unanimously.

## **Board Comments**

- There was a discussion about funding recycling trash cans for Town Festivals. The TDA members will revisit the discussion closer to Safety Fest in 2019.
- Chair Anne Fontaine updated the TDA members on the positive outcome of Music by the Lake on July 20, 2018.
- Chair Anne Fontaine updated the TDA members on the positive outcome of the Art Guild on July 21, 2018. A second Art Guild is planned for August 18, 2018.
- Debbie Powers updated the TDA members on the process for the Peak Mountain Trail Grant.

- **Adjourn**

At 9.40 am, Chair Anne Fontaine made a motion to adjourn. Member Tom Gidley seconded the motion and it was agreed upon unanimously.

**High Country ABC Budget Hearing  
June 5, 2018**

The 2018-2019 Budget Hearing was held on Tuesday, June 5 at 4 pm. Donna Dicks made the motion, seconded by Mike Tarlton, to open the budget hearing. The motion was voted on and approved. Debbie Powers, Town Manager for Seven Devils, attended the hearing. The board held discussion on the budget to clarify some areas of increases to the budget. Mike Tarlton made a motion, seconded by Donna Dicks, to close the budget hearing. The motion was voted on and approved.

**High Country ABC Board Meeting  
June 5, 2018**

The High Country ABC Board held it's monthly on Tuesday, June 5 at 4:15 pm. Board chair Winston Ammann, board member Mike Tarlton, board member Donna Dicks, alternate board member Robin Dunn, alternate board member Sarah Manning, alternate board member David Miller and general manager Sara Brewer were present.

Before the meeting, general manager Sara Brewer 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 any matters coming to the board today?" Hearing none, the meeting continued.

Upon motion duly made by Donna Dicks, seconded by Mike Tarlton, it voted to approve today's agenda. Upon motion duly made by Mike Tarlton, seconded by Donna Dicks, it was voted to approve last month's minutes.



General manager Sara Brewer reported that sales for May increased \$12,034 over last May for total sales of \$290,489.00. Checking account balance is \$82,000.

Old business:

- Upon motion duly made by Donna Dicks, seconded by Mike Tarlton, it was voted to approve the 2018-2019 budget as written.
- Employee evaluations will be ready for the July meeting.

New business:

- Sara Brewer, Robin Dunn, Sarah Manning and Mike Tarlton reported to the board on the joint meeting with Dr. Laura Fero and H.D. Stewart with Lees-McRae College (LMC). Discussion at the meeting involved how the ABC Board and LMC can work jointly on programs addressing alcohol education and abuse on Lees-McRae's campus. Dr. Fero, Dean of Nursing and Health Sciences, Director of Nursing at May School of Nursing and Health Sciences, is currently working to develop a program within the May School, possibly for the 2019-2020 school year, to address this issue on campus. There were a couple of more immediate needs with which the ABC Board may be able to assist, including a Safety Tent for the weekend of Lees McRae's homecoming activities in October. The tent would include EMT's, water, cots, and information on alcohol abuse and safety. The second event is a Disaster Drill held on campus staging a fatal car wreck resulting from texting and drinking while driving. EMS, Police, WINGS (Air EMS), along with other medical and emergency personnel will participate. A motion was made by Donna Dicks, seconded by Mike Tarlton, to allocate \$4100 to LMC/May School to use for the Safety Tent and Disaster Drill events to be held on campus. These funds will be taken from the remaining alcohol education funds from FY 2017-2018, contingent upon receiving the grant

application for both events from Dr. Fero. The motion was voted on and approved by the board.

Debbie Powers, Town Manager for Seven Devils, commented how impressed she was with our budget.

The next scheduled meeting will be held on Thursday, July 12 at 4:15 pm.

Upon motion duly made by Mike Tartlon, seconded by Donna Dicks, it was voted to adjourn today's meeting.

Winston Ammann, Board Chair

Donna Dicks, Board Member

Mike Tarlton, Board Member

date approved

# Activity Log Event Summary (Cumulative Totals)

## SEVEN DEVILS PUBLIC SAFETY

(07/01/2018 - 07/31/2018)

Alarm Activation	6	Animal Complaint	1
Assist Administration	3	Assist another officer (Seven Devils)	1
Assist Maintenance Department	2	Assist Motorist	2
Assist Other Department	2	Assist Resident	1
Business Check	566	Business Closing	43
Complaint	1	Deliver a message	1
Extra Patrol	74	Information	1
Larceny	1	Maintenance of Vehicle	3
Medical	4	Motor Vehicle Accident	5
Patrol	130	Property Retrieval	2
Remove Debris from Roadway	1	Residence Check	1
Suspicious Person	1	Vehicles illegally parked ( Fire lane, Handicapped ,	1
Water Complaint	1		

Total Number Of Events: 854

# SEVEN DEVILS FIRE DEPARTMENT

1356 Seven Devils Road, Seven Devils, N.C. 28604

( 828 ) 963-5343 ( 828 ) 963-6760

Fax ( 828 ) 963-1129

Fire Chief Bobby Powell

July 2018

Fire Calls: 1  
Medical Calls: 3  
Training sessions: 3  
Total Man-hours: 93 Hrs.

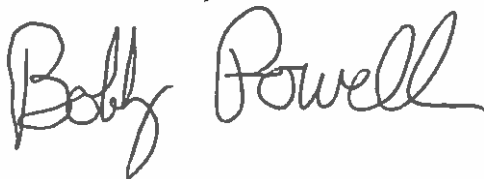
All the firefighter ladders passed test this year and all have been serviced as required. We are required to test all our fire ladders once a year to NFPA standard.

We held a community CPR class for citizens of Seven Devils in June at town hall. This was a lunch and learn CPR class. It was a basic CPR class and use of an AED (Automated External Defibrillator). It was great turnout with great people.

1 Fire Call: Vehicle Accident.

3 Medical Calls: CPR-Death, Seizures, Breathing Problems.

Thank You,



**MONTHLY FINANCE REPORT**  
**July 2018 - 8.3%**

	Budget	Actual			% 100%
	Total	Previous	July	YTD	
<b>Section 1. General Fund</b>					
Anticipated Revenues by Category					
Ad Valorem Taxes	803,500	0	115	115	0.01%
State Share Revenue	120,510	0	5,562	5,562	4.62%
ABC Distribution	100,000	0	0	0	0.00%
Powell Bill Allocation	30,000	0	0	0	0.00%
Permits and Fees	4,000	0	0	0	0.00%
Sales Tax	175,000	0	14,133	14,133	8.08%
Misc Revs, Govt Grants, Sale of Assets	233,105	0	1,666	1,666	0.71%
Capital Reserve Fund/FB	43,217	0	0	0	0.00%
Occupancy Tax	120,000	0	11,612	11,612	9.68%
<b>Total</b>	<b>1,629,332</b>	<b>0</b>	<b>33,088</b>	<b>33,088</b>	<b>2.03%</b>
Authorized Expenditures by Department					
Governing Board	85,125	0	1,007	1,007	1.18%
Administrative	332,872	0	39,013	39,013	11.72%
Public Safety	474,171	0	46,502	46,502	9.81%
Fire Protection	173,196	0	5,096	5,096	2.94%
Planning	1,500	0	0	0	0.00%
Public Works	412,468	0	32,619	32,619	7.91%
Powell Bill	30,000	0	0	0	0.00%
Tourism Development Authority	120,000	0	11,612	11,612	9.68%
<b>Total</b>	<b>1,629,332</b>	<b>0</b>	<b>135,849</b>	<b>135,849</b>	<b>8.34%</b>

**MONTHLY FINANCE REPORT**  
*July 2018 - 8.3%*

	Budget Total	Actual		YTD	%
		Previous	July		
<b>Section 2. Enterprise Fund</b>					
Anticipated Revenues by Category					
Water Operating Revenues	244,500	0	22,037	22,037	9.01%
Water Taps and Connections	4,000	0	0	0	0.00%
Non Operating Revenues	2,750	0	55	55	2.00%
Capital Reserve for Capital Outlay	97,778	0	0	0	0.00%
<b>Total</b>	<b>349,028</b>	<b>0</b>	<b>22,092</b>	<b>22,092</b>	<b>6.33%</b>
Authorized Expenditures by Department					
Water-Operating	119,908	0	9,014	9,014	7.52%
Non Operating	144,620	0	2,622	2,622	1.81%
Capital Outlay	84,500	0	0	0	0.00%
<b>Total</b>	<b>349,028</b>	<b>0</b>	<b>11,636</b>	<b>11,636</b>	<b>3.33%</b>