

TOWN OF SEVEN DEVILS
REGULAR TOWN COUNCIL MEETING
TUESDAY, OCTOBER 13, 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#937302445 and In-Person at Town Hall on Tuesday, October 13, 2020. Attendance In-Person included Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, & Member Wayne Bonomo. Members Leigh Sasse & Jeffrey Williams attended remotely with visible video display. Also present In-Person – Town Manager Debbie Powers & Town Attorney Rob Angle. The minutes were recorded by Town Clerk Hillary Gropp.

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 5:30pm.

ROLL CALL

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

Member Leigh Sasse experienced technical difficulties at the open of the meeting, but joined at New Business 7) A. without further problems.

AMEND AGENDA

A request was made by Clevon Woods Associates LLC, the applicant for annexation to switch New Business 7) B. and 7) C. on the agenda.

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

CONSENT AGENDA

Adopt minutes of Town Council Meeting – September 8, 2020

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

OLD BUSINESS - None

NEW BUSINESS

A. Doug Matheson – NCLM Presentation via Go To Meeting

Doug Matheson serves on the Blowing Rock Town Council, and also serves on NCLM Board of Directors – At Large member. The NCLM provides support/services and represents the interest of 540+ North Carolina Cities & Towns.

No Action Taken ~CLOSED~

B. Annexation Petition - .576 acre parcel – PIN#1878537991000

Charles E. Clement, Managing Partner of Clevon Woods Associates, LLC has submitted a Petition Request of Annexation into the Town limits. Mr. Clement was accompanied by Ron Sayles and Bob Hodges at tonight's meeting. This is voluntary contiguous annexation request for a .576 acre parcel –

PIN#1878537991000 located on Aldridge Road. The petition request specifies to be in the General Business Zoning District.

Mr. Clements provided a history of other parcels in his ownership within the Town. The future intent of this parcel of land is to support a Wastewater Treatment Plant (WWTP). Mr. Clements acknowledges the many steps required to achieve this goal.

Imperative is the annexation into the Town due to time constraints as Watauga County is not holding Board of Adjustment (BOA) meetings for the foreseeable future. Mr. Clements said Watauga County BOA has previously issued a Conditional Use Permit for subject parcel in September 2017, but it expired in September 2019.

A Conditional Use permit will need to be granted by the Town of Seven Devils BOA for adequate setback/easement requirements from the flood plain, as well as rules and regulations as required by Watauga County, State of NC, Dept of Environment Quality, and NC Utilities Commission.

Dialogue occurred among Town Council and Mr. Clements regarding the nonoperational equipment for future WWTP that is located on subject parcel, and the plans of utilizing this equipment. Mr. Clements and Ron Sayles stated this equipment was purchased from the Mint Hill region and is about 30 years old. The equipment will be refurbished for use.

This WWTP will be needed for future mixed use/residential development of property owned by Clevon Woods Associates, LLC., along Highway 105.

Several Council members questioned the applicant regarding the proximity to the flood plain, the lifespan of the WWTP equipment, the party responsible after treatment plant is built or if failure occurs, current & future tax valuation, as well as the reasoning of the annexation request into the Town of Seven Devils vs. current Watauga County zoning.

Mayor Fontaine stated the petition submitted tonight and Resolution #2020-05 is merely step 1 of the annexation process and an item of business for the Town Council.

Ultimately, any final decisions in the future for zoning requests by applicant will be handled by the Town's Board of Adjustment. Mr. Clement was in agreement.

Mayor Fontaine asked for a motion and vote for Resolution #2020-05

(i) Resolution #2020-05



Resolution #2020-05

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31

PIN# 1878537991000 .576 ACRE PARCEL

WHEREAS, a petition requesting annexation of an area described in said petition was received on September 14, 2020 by Clevon Woods Associates, LLC.; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Seven Devils, North Carolina deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Seven Devils, North Carolina that the Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council of Seven Devils, North Carolina the result of her investigation.

This the 13th day of October, 2020.


Larry Fontaine, Mayor

ATTEST:


Hillary Gropp, Town Clerk



Member Bonomo made a motion to approve Resolution #2020-05; Member Sasse seconded the motion. Roll Call - (4) Yeas - Bonomo, Fontaine, Lambert, Sasse; (1) Nay - Williams
Motion passed 4-1 ~CLOSED~

C. Annexation Petition - 7.575 acre parcel - PIN#1878443864000

Charles E. Clement, Managing Partner of Clevon Woods Associates, LLC has submitted a Petition Request of Annexation into the Town limits. Mr. Clement was accompanied by Ron Sayles and Bob Hodges at tonight's meeting. This is voluntary contiguous annexation request for a 7.575 acre parcel - PIN#1878443864000. The petition request specifies to be in the General Business Zoning District.

The subject parcel requested for annexation is located adjacent to another parcel owned by Clevon Woods Associates, LLC that abuts Highway 105, and is already within the Town limits. This parcel is 9.22 acres and adjacent to another parcel of 1.905 acres, also owned by Clevon Woods Associates, LLC., and within Town limits.


Mr. Clements spoke of his plans for the land currently within Town limits that abuts Highway 105. The intent is to build mixed use consisting of commercial hotel & condominiums. With annexation approval, the subject parcel will be single family residences.

Discussion occurred among Council about the Town's ability to enforce existing zoning requirements and the increase in property tax value with this annexation. Also discussed by Council was why the applicant would rather be in the Town vs. Watauga County.

Mayor Fontaine once again stated the business of Town Council tonight is the initial steps of annexation. Any future zoning requests by applicant will be the business of the Town's Board of Adjustment/Planning Board. Mr. Clement was in agreement.

Mayor Fontaine asked for a motion and vote for Resolution #2020-04

(i) Resolution #2020-4


Resolution #2020-04
RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31
PIN# 1878443864000 7.575 ACRE PARCEL


WHEREAS, a petition requesting annexation of an area described in said petition was received on September 14, 2020 by Clevon Woods Associates, LLC.; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and


WHEREAS, the Town Council of the Town of Seven Devils, North Carolina deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Seven Devils, North Carolina that the Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council of Seven Devils, North Carolina the result of her investigation.

This the 13th day of October, 2020.


Larry Fontaine, Mayor

ATTEST:


Hillary Gropp, Town Clerk



Member Bonomo made a motion to approve Resolution #2020-04; Mayor Pro Tem Lambert seconded the motion.

Roll Call -(4) Yeas - Bonomo, Fontaine, Lambert, Sasse; (1) Nay - Williams

Motion passed 4-1 ~CLOSED~

D. Budget Amendment #1 – FY21

Budget Amendment #1 – FY21

Purpose: To account for the NC PRO (Pandemic Recovery Office) CARES ACT funds, received from Watauga and Avery Counties.

Increase 10-348-12 (NCPRO-CARES ACT-AVERY) by \$14,002.54

Increase 10-420-57 (Administrative Miscellaneous) by \$14,002.54

Increase 10-348-13 (NCPRO-CARES ACT-WATAUGA) by \$113,703.53

Increase 10-510-57 (Police Miscellaneous) by \$113,703.53

Notes: The North Carolina Pandemic Recovery Office (NCPRO) was established under [Session Law 2020-4 of House Bill 1043](#) as a temporary office to oversee and coordinate funds made available under COVID-19 Recovery Legislation which includes Coronavirus Relief Funds (CRF).

As a response to the national pandemic of COVID-19 the Federal Government established the [Coronavirus Aid, Relief, and Economic Security Act or CARES Act](#) which established the Coronavirus Relief Fund (the "Fund") and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19)
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Debbie Powers

Town Manager

Mayor Pro Tem Lambert made a motion to approve Budget Amendment #1-FY21; Member Bonomo seconded the motion. All members agreed. ~CLOSED~

CITIZENS COMMENTS - None

ADMINISTRATIVE COMMENTS

Town Manager Powers provided the following update:

- COVID 19 updates for Avery & Watauga counties – Phase III until Oct 23rd at 5pm
- CARES ACT updates for Avery & Watauga counties
- Powell Bill Allocation
- OTH remodel update – TDA funding = \$62,250 – Completion at end of October
- Grant updates
- RTP – In holding pattern until environmental review is approved. The Town Engineer & Parks & Rec Tech will hike Peak Mountain Trail to begin bid process for trail builders.
- PARTF – Announcements of grant recipients on Sept 18th – Seven Devils was not awarded funds.
- Elections – November 3rd – Watauga – Valle Crucis gym – Avery – Banner Elk town hall
- New construction will begin in Blair Mountain Estates – Dorman residence
- Deadline to remit Board/Committee applications is October 30th

Tree Permits – 3

Projects – 2

Fence Permits – 0

Complaints – 13

Violation Letters – 0

Stop Work Orders – 0

Real Estate Closings – 11 homes, 1 vacant lot

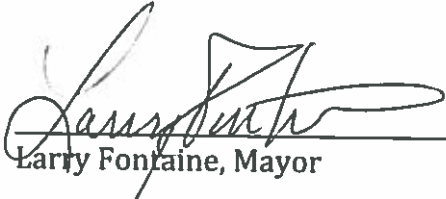
COMMITTEE REPORTS

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

COUNCIL COMMENTS - None

ADIJOURN

Member Bonomo made a motion to adjourn; Mayor Pro Tem Lambert seconded the motion. All members agreed. The meeting adjourned at 7:30pm.



Larry Fontaine, Mayor



Hillary Gropp, Town Clerk

