

**TOWN OF SEVEN DEVILS
REGULAR TOWN COUNCIL MEETING
TUESDAY, NOVEMBER 10, 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#714065181 and In-Person at Town Hall on Tuesday, November 10, 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, 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 Sasse seconded the motion. All members agreed.

CONSENT AGENDA

Adopt minutes of Town Council Meeting – October 13, 2020

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

OLD BUSINESS

Town Clerk Gropp gave an update of the resources used to verify and issue the Certificates of Sufficiency for each Annexation petition. This included researching the recorded deed history with Watauga County, reviewing the Annual Reports recorded with the NC Secretary of State, and submitting all to Town Attorney Angle for his guidance & approval for this step of this Annexation process. Following the presentation of each Certificate of Sufficiency, Town Council will vote on two Resolution(s) setting the date of the Public Hearing.

**A. Certificate of Sufficiency - Clevon Woods Associates, LLC
PIN# 1878537991000 - .576 acre parcel**



**Town of Seven Devils
157 Seven Devils Road
Seven Devils, NC 28604**

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Seven Devils of Seven Devils, North Carolina:

I, Hillary Gropp, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the Town of Seven Devils primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

**Clevon Woods Associates, LLC
Charles E. Clement, Managing Member
756 W. King Street
P.O. Box 32
Boone, NC 28607**

**Watauga County PIN# 1878-53-7991-000
0.576 Acre Parcel - Aldridge Road (N.C.S.R. 1184)**

d. Vested Rights Declaration - None

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Seven Devils, this 10th day of November, 2020.




Hillary Gropp, Town Clerk

After the Certificate of Sufficiency was presented, and prior to the vote on the Resolution, Member Bonomo had some questions for the applicant, Charles Clement, as he was present at the meeting. Questions included: What are the chances of approval by the Corp of Engineers for the Wastewater Treatment Plant (WWTP) by the State of NC? Department of Environmental Quality? Construction permits? Mr. Clements has \$200,000+ invested, hired an engineer to work on this and assured the Town Council he is doing all steps necessary to gain 100% approval. The WWTP will be operated by a licensed Utility Company. Mr. Clement is available to answer any questions about this project at any time.

Member Bonomo asked "Is there a risk to the Town?"
Town Attorney Angle replied, he doesn't see any risk to the Town with the WWTP, if all guidelines are followed. The Town is immune from liability.
Member Bonomo asked the applicant, "What happens if the project is started, but not completed?"
Member Bonomo proposed the idea, due to changing real estate market conditions, if the anticipated development on the property at Hwy. 105 doesn't happen that this WWTP is to support, is the project halted. Mr. Clement answered that could occur.

Town Attorney Angle stated the parcel will have a value, in the future, if all WWTP permits are issued.

Mr. Bonomo asked, "What is the age of the WWTP equipment?"

He also asked, "The expected life/use of the equipment?"

Mr. Clement stated the used equipment was purchased in the Charlotte region, but he did not know the projected number of years it could be used in the future.

Without further discussion or questions, Mayor Fontaine asked for a motion and vote for Resolution #2020-06.

Member Bonomo made a motion to approve Resolution #2020-06. Mayor Pro Tem Lambert seconded the motion.

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

(i) Resolution #2020-06



RESOLUTION #2020-06

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

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

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Seven Devils, NC that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Town Hall at 1:00pm on Monday, December 7, 2020.

Section 2. The area proposed for annexation is described as follows:

**Watauga County PIN#1878-53-7991-000
0.576 Acre Parcel - Aldridge Road (N.C.S.R. 1184)**

Exhibit "A"

Legal Description

BEING all that certain 0.576 acre 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. Propst and wife, Mary S. Propst by warranty deed dated May 23, 1967, 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 30 seconds West 41.88 feet to an existing iron pipe; THENCE continuing with the eastern margin of Aldridge Road North 46 degrees 31 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 Propst land North 44 degrees 59 minutes 00 seconds East 200.00 feet to a calculated point; THENCE with another new line through the Propst 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 0.576 acres as shown and more particularly described on Map #015187, 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 12.05 feet north of the western line of the remaining Propst 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 15 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.

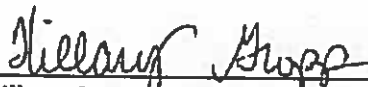
Exceptions:

1. Watauga County ad valorem taxes.
2. Right of Way for NC Highway 105 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 365; Book of Records 119 at Page 416; Book of Records 1312 at Page 556, 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 3. Notice of the public hearing shall be published in The Watauga Democrat, a newspaper having general circulation in the Town of Seven Devils, NC, at least ten (10) days prior to the date of the public hearing.


Larry Fontaine, Mayor

ATTEST:


Hillary Gropp, Town Clerk



**B. Certificate of Sufficiency – Clevon Woods Associates, LLC
PIN# 1878443864000 – 7.575 acre parcel**



**Town of Seven Devils
157 Seven Devils Road
Seven Devils, NC 28604**

CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Seven Devils of Seven Devils, North Carolina:

I, Hillary Gropp, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the Town of Seven Devils primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

**Clevon Woods Associates, LLC
Charles E. Clement, Managing Member
756 W. King Street
P.O. Box 32
Boone, NC 28607**

**Watauga County PIN# 1878-44-3864-000
7.575 Acre Parcel**

d. Vested Rights Declaration - None

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Seven Devils, this 10th day of November, 2020.




Hillary Gropp, Town Clerk

(i) Resolution #2020-07



RESOLUTION #2020-07

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the area described herein has been received; and WHEREAS, the Town Council of Seven Devils, NC has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Seven Devils, NC that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Town Hall at 1:00pm on Monday, December 7, 2020.

Section 2. The area proposed for annexation is described as follows:

Watauga County PIN#1878-44-3864-000
7.575 Acre Parcel

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 Yarber, said iron stake located North 34 degrees 21 minutes East 135.84 feet from the "beginning" corner of a 19.362 acre tract; THENCE from the BEGINNING and with the line of (now or formerly) Everett Yarber North 34 degrees 21 minutes East 210 feet to a stake at a 10-inch Beech in the fence; THENCE North 39 degrees 23 minutes East 334.60 feet to an iron found in the old road; THENCE North 38 degrees 34 minutes East 165.24 feet to an iron found at a stump; THENCE South 35 degrees 09 minutes East 181.92 feet to an iron found; THENCE South 39 degrees 00 minutes East 394.96 feet to an iron found in the fence corner, the corner of now Clevon Woods Associates, LLC (formerly Charles Clement); thence with the line of Clevon Woods Associates, LLC the following courses and distances: South 39 degrees 16 minutes West 93.88 feet to a tack in a fence post; South 29 degrees 39 minutes West 49.69 feet to a 12-inch Ashe in the fence; South 37 degrees 57 minutes West 63.33 feet to a 12-inch Ashe in the fence; South 19 degrees 45 minutes West 96.15 feet to a tack in a fence post; South 01 degrees 24 minutes West 63.63 feet to a 12-inch Oak; and South 11 degrees 38 minutes West 62.65 feet to an iron found by a 24-inch Oak; THENCE with a new line North 65 degrees 56 minutes West 676.08 feet to the point and place of BEGINNING, and containing 7.575 acres as shown on Map or Plat No. B.S. 7929, entitled "Property of Suddie Mae Fox and Barbara F. Franklin," dated March 12, 1979, prepared by Burkett Surveyors, Inc., Walter H. Burkett, RLS No. L-1209.

Section 3. Notice of the public hearing shall be published in The Watauga Democrat, a newspaper having general circulation in the Town of Seven Devils, NC, at least ten (10) days prior to the date of the public hearing.

Larry Fontaine
Larry Fontaine, Mayor

ATTEST:

Hillary Gropp
Hillary Gropp, Town Clerk



Mayor Fontaine asked for a motion and vote for Resolution #2020-07.

Mayor Pro Tem Lambert made a motion to approve Resolution #2020-07. Member Bonomo seconded the motion.

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

NEW BUSINESS - None

CITIZENS COMMENTS - None

ADMINISTRATIVE COMMENTS

Town Manager Powers provided the following update:

- Cares Act update & current NC EO 176 & Covid19 case counts in Watauga/Avery counties.
- Town Hall is closed on November 11th, 26th & 27th
- OTH remodel update; final walk thru will be soon; Parks & Rec Tech Jewel McKinney is obtaining quotes for exercise equipment
- The traditional Lite the Nite has been altered to a Food Drive during the week of Nov 30th to Dec 4th; Food drop off & monetary donations will benefit "Feeding Avery Families".
- Woodwinds paving is complete; other roads to receive gravel per Public Works recommendation.
- Town Council will meet on Tuesday – Dec 1st @ 10am – noon for mid-year budget review FY21.

Tree Permits – 6
Complaints – 13
Stop Work Orders – 0

Projects – 0
Compliments - 2
Real Estate Closings – 8

Fence Permits – 0
Violation Letters – 0

COMMITTEE REPORTS

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

COUNCIL COMMENTS

Member Sasse thanked the Public Works department for leaf clean up within the Town. She is also appreciative of the speed bumps on Alpine Drive that have been painted.

Mayor Fontaine also thanked the Public Works department for their successful repair of a water line break at new Town Hall.

Member Bonomo stated the Town Council should review the Annexation petitions thoroughly, and consider "What is best for the Town of Seven Devils?".

Member Bonomo asked specifically about the benefit of increase property taxes, equivalent in dollars to the Town. Town Attorney Angle stated that taxes for undeveloped property tax will be less then completed construction.

Mayor Fontaine stated he has written a letter about the Annexation petitions to be sent to the citizens on the Town, and posted on the website.

RECESS – Until December 1, 2020 at 10:00am

Member Bonomo made a motion to recess; Member Williams seconded the motion. All members agreed. The meeting recessed at 6:35pm.


Larry Fontaine, Mayor


Hillary Gropp, Town Clerk

