

**TOWN OF SEVEN DEVILS  
REGULAR TOWN COUNCIL MEETING  
TUESDAY, APRIL 13, 2021  
5:30PM**

The Seven Devils Town Council met for a Regular Meeting and the format of this meeting was dual Electronic – Go To Meeting#586780685 and In-Person at Town Hall on Tuesday, April 13, 2021. Attendance In-Person included Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, and Members Wayne Bonomo & Jeffrey Williams. Member Leigh Sasse 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**

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

**ADOPT AGENDA**

Member Williams made a motion to adopt the agenda; Member Bonomo seconded the motion. All members agreed.

**CONSENT AGENDA**

**Adopt minutes of the Public Hearing & Town Council Meeting – March 8, 2021**

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

**OLD BUSINESS - None**

**NEW BUSINESS**

**A. James Tomberlin – Presentation via Go To Meeting**

James Tomberlin - Mountain Region Supervisor with the NC Wildlife Resources Commission – Wildlife Management Division. A presentation was given about the deer population and density in the region, estimating 41-50+ deer per sq. mile. The factors used to assess overabundance include biological, ecological and cultural habits, and the balance between deer habitat and human behavior. Suggestions were given to modify human behavior, therefore possibly altering deer migration.

James Tomberlin also provided suggestions and education on bear activity, and encouraged the Town to become “BearWise” certified as a means of educating owners and visitors to the Town.

For further details or questions about tonight’s presentation go to:

[www.ncwildlife.org](http://www.ncwildlife.org) or [www.bearwise.org](http://www.bearwise.org)

**No Action Taken ~CLOSED~**

B. Resolution #2021-02



**RESOLUTION #2021-02**

**RESOLUTION BY THE TOWN COUNCIL OF SEVEN DEVILS, NC.,  
OPPOSING PROPOSED ZONING REFORM – SB 349/HB 401**

**WHEREAS**, the legislation proposed in SB 349/HB 401 is of great concern to the Town of Seven Devils and other municipalities within North Carolina; and

**WHEREAS**, provisions within this legislation would severely diminish or even eliminate the ability of local government to determine what is best for its community or even allow community input or involvement in the decision-making process; and

**WHEREAS**, development would become uncontrolled and reckless with little to no regard for property-owners rights, not to mention the added stress and demand on a municipality's infrastructure which would eventually lead to declining property values; and

**WHEREAS**, town officials were elected by their citizens for a reason – to protect and preserve the quality of life that they have come to enjoy; and

**WHEREAS**, residents could not enjoy a safe and secure, clean and well-kept environment with plenty of amenities offered, if it weren't for the efforts put forth by its elected officials and town staff in utilizing effective and proven zoning processes that include community input; and

**WHEREAS**, a one-size fits all approach to land use is radical, reckless and irrational – a blatant attack on local land use decision-making; and

**WHEREAS**, lumping all cities and towns under one statewide zoning mandate would eliminate the single-family zoning designation and allow multi-family housing in every neighborhood with no minimum parking requirements in place to ensure adequate parking for all; and

**WHEREAS**, increased housing does not guarantee more affordable housing nor does this legislation.

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**NOW, THEREFORE, BE IT RESOLVED** that copies of this resolution are sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort to stop SB 349/HB 401 from becoming law and to work together to find real ways to advance affordable housing opportunities.

**Adopted this the 13<sup>th</sup> day of April, 2021.**

  
Larty Fontaine, Mayor

  
Brad Lambert, Mayor Pro Tem

  
Wayne Bonomo, Council Member

  
Leigh Sasse, Council Member

  
Jeffrey Williams, Council Member

Attest:

  
Hillary Gropp, Town Clerk



Member Bonomo made a motion to approve Resolution #2021-02; Member Williams seconded the motion. All members agreed. ~CLOSED~

**C. Public Works Committee – Terms Extended**

Due to unbalanced terms, it was agreed by the Public Works Committee to extend 2 member’s terms. Jack Byrnes & Larry Fontaine will serve 1 additional year. Term expires 1/1/2023. **No Action Taken**  
~CLOSED~

**D. Budget Amendment #3 – FY21**

**Budget Amendment #3 – FY21**

**Purpose:** To account for the anticipated expense of replacing a failed HVAC unit at New Town Hall.

Increase 10-304-01 (Capital Reserve) by \$8,739.00

Increase 10-420-74 (Capital Outlay) by \$8,739.00

**Notes:** Cost to replace the HVAC unit which services the west side of New Town Hall (Finance, Police, and Manager offices). Repairs were made by several HVAC companies (Banner Elk Heating & Cooling, Boone Heating & Cooling) with recommendations to replace. Mountain Heritage Systems also inspected the unit. General estimates to replace ranged from \$8,000 to \$10,000. McGuire Mechanical estimate is \$8,739 for Carrier 3.5 Ton 16 SEER Heat Pump System.

This replacement was discussed and approved at the Mid-Year Budget Review on December 1, 2020.

Thank you,

*Debbie Powers*

*Town Manager*

Member Bonomo made a motion to approve Budget Amendment #3-FY21; Member Williams seconded the motion. All members agreed. ~CLOSED~

**E. Budget Amendment #4 – FY21**

**Budget Amendment #4 – FY21**

**Purpose:** To account for the expense of replacing Vermeer 12” Brush Chipper for Public Works Department, included in the CIP.

Increase 10-304-01 (Capital Reserve) by \$51,282.00

Increase 10-545-74 (Capital Outlay) by \$51,282.00

**Notes:**

In previous years, this item was included in the CIP, and \$28,000 had been placed in Capital Reserves. This replacement was discussed at the Mid-Year Budget Review on December 1, 2020 and approved at the Council Annual Retreat on April 8, 2021.

Thank you,

*Debbie Powers*

*Town Manager*

Member Bonomo made a motion to approve Budget Amendment #4-FY21; Mayor Pro Tem Lambert seconded the motion. All members agreed. ~CLOSED~

**F. Revised FY22 Spending Plan**

<b>Executive Summary</b>			
<b>REVENUE SUMMARY</b>			
General Fund	\$	2,024,932	
Enterprise Fund	\$	265,197	
<b>Total</b>	<b>\$</b>	<b>2,290,129</b>	
<b>Section 1. General Fund</b>			
<b>Anticipated Revenues By Category-</b>			
Ad Valorem Taxes	\$	807,000	
State Shared Revenue	\$	125,360	
ABC Distribution	\$	120,000	
Powell Bill Allocation	\$	30,000	
Permits, Fees, and Licenses	\$	10,000	
Sales Tax	\$	200,000	
Miscellaneous Revenues	\$	169,620	
Appropriated Fund Balance	\$	135,952	
Government Grants	\$	54,000	
Sale of Assets	\$	5,000	
From Capital Reserve Fund	\$	68,000	
Occupancy Tax	\$	300,000	
<b>Total</b>	<b>\$</b>	<b>2,024,932</b>	
<b>Section 2. Enterprise Fund</b>			
<b>Anticipated Revenues By Category-</b>			
Water Operating Revenues	\$	240,797	
Water Taps and Connections	\$	4,000	
Non Operating Revenues	\$	400	
From Capital Reserve Fund	\$	20,000	
<b>Total</b>	<b>\$</b>	<b>265,197</b>	
<b>EXPENDITURE SUMMARY</b>			
General Fund	\$	2,024,932	
Enterprise Fund	\$	265,197	
<b>Total</b>	<b>\$</b>	<b>2,290,129</b>	
<b>Section 1. General Fund</b>			
<b>Authorized Expenditures By Department-</b>			
Governing Board	\$	23,900	
Administrative	\$	472,303	
Public Safety	\$	564,491	
Fire Protection	\$	108,327	
Zoning	\$	21,000	
Public Works	\$	451,115	
Powell Bill	\$	30,000	
Tourism Development Authority	\$	300,000	
Parks & Recreation	\$	53,796	
<b>Total</b>	<b>\$</b>	<b>2,024,932</b>	
<b>Section 2. Enterprise Fund</b>			
<b>Authorized Expenditures By Department-</b>			
Water-Operating	\$	120,725	
Non Operating	\$	32,472	
Capital Outlay	\$	112,000	
<b>Total</b>	<b>\$</b>	<b>265,197</b>	

(i) Public Works Chipper moved to FY21

(ii) Water Department Telemetry Upgrade included in FY22

(iii) Include Town Manager in 4% Salary Increase

(iv) Set Public Hearing Date – FY22 Budget Ordinance – Tuesday, May 11, 2021 at 5:00pm

Member Bonomo made a motion to approve the Revised FY22 Spending Plan and set the Public Hearing; Member Williams seconded the motion. All members agreed. ~CLOSED~

**G. TDA Proposal to lease OTH**

Discussion occurred among Town Manager Powers, Council Members and Town Attorney Angle about the benefits of a possible lease agreement for OTH between the TDA and Town, as an acceptable use of Occupancy Tax collected by the TDA.

The Town Council of Seven Devils is open to discuss and receive a proposal from the TDA (Tourism Development Authority of Seven Devils, a component of the Town) to consider a financial agreement to lease the community portion of the Old Town Hall building, to further accommodate the promotion and advertising, as directed in the original Resolution dated, September 12, 2005 – *Creating a Tourism Development Authority* and the updated Resolution dated, September 10, 2019 – *Administration of the Tourism Development Authority*. **No Action Taken**

**CITIZENS COMMENTS - None**

**ADMINISTRATIVE COMMENTS**

Town Manager Powers provided the following update:

- March 5<sup>th</sup> – Kevin met with RWA to complete State report. *A leak at Moonlight Trail booster station pressure tank was discovered and repaired.*
- March 8<sup>th</sup> – Public Hearing for the UDO transition 160A to 160D.
- Trash Violation – 285 Four Diamond Drive - \$100 fine – paid by owner.
- March 12<sup>th</sup> – New Construction – Overcash – Lot 3, Skiview Road. *Town Attorney Angle said new construction is routinely taking 2+ years for completion in the region. Getting septic approval from the health department is time consuming/difficult and expensive for new builds.*
- March 16<sup>th</sup> – Public Works Committee met to discuss 2021/Capital equipment/Recap winter.
- March 17<sup>th</sup> – Mayor letter sent to NCDOT regarding Seven Devils Road. A reply from NCDOT was received today, just prior to TC meeting. Future discussion with NCDOT about culvert replacements.
- March 22<sup>nd</sup> – New HVAC system installed at NTH.
- March 23<sup>rd</sup> – Board of Adjustment meeting about Appeal of Administrative decision.

- March 30<sup>th</sup> – New generator installed at NTH. *Member Williams stated the concrete pad is too short for the generator. The generator measures 8ft and the pad is 6ft.*

Tree Permits – 4

Complaints

Real Estate Closings – 9

Projects – 4

Violation – 1

Fence Permits – 0

Stop Work Orders – 0

### **COMMITTEE REPORTS**

**Board of Adjustment** – March draft minutes

**Planning Board** – No meeting

**Public Works** – March draft minutes

**Public Safety Committee** – April minutes

**Parks & Recreation Committee** – March minutes

**TDA** – No meeting

**ABC Board** – February minutes

**Tree Committee** – No meeting

**Public Safety Department**

**Police Report**

**Fire Report**

**Financial Report**

### **COUNCIL COMMENTS**

Member Bonomo stated with the current real estate “bubble” bringing very high prices and the revaluation of the taxes occurring, this could benefit the Town. Town Attorney Angle stated it is unknown how the county will adjust the recent year increase, in relation to the overall 8 years since the last revaluation.

Mayor Pro Tem Lambert provided information about Covid vaccinations being offered in Avery County. Details will be posted to the Town’s website.

Member Bonomo asked about the current vaccination rate of Town staff; Manager Powers stated 70%.

### **ADIURN**

Member Williams made a motion to adjourn; Mayor Pro Tem Lambert seconded the motion. All members agreed. The meeting adjourned at 7:40pm.

*Brad Lambert*

Brad Lambert, Mayor Pro Tem

*Hillary Gropp*

Hillary Gropp, Town Clerk

