

**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 Adjustment. The burden of proof at that time will be on the applicant with sworn testimony during the quasi-judicial procedure. Additionally, any future WWTP will be a public utility, not a private utility.

**Larry Ingles – 300 Whitewater Run, Sugar Grove - Watauga County** – He made follow up comments to protect the Watauga river.

**Andy Hill – Watauga Riverkeeper – High Country Regional Director** – He stated 400+ plus letters have been sent to the Town Council to vote “no” on the annexation. He disputes any errors in the memo sent out by Watauga Riverkeeper.

Mayor Fontaine asked, “When a WWTP is found to be in violation/polluting, who is the agency that oversees it and penalizes the operator?” Mr. Hill replied, the Department of Environmental Quality – DEQ. Mayor Fontaine asked, “Can they be shut down?”. Mr. Hill replied, yes, although it can be a multi-year process. Mayor Fontaine stated this is to be a public utility, not a private utility, and asked who has more excessive violations? Mr. Hill replied, it’s equal, but more failing infrastructure with private utilities.

**Chris Grulke - 847 Alpine Drive** - Commented he only learned of this annexation today, and asked what the timeline is for a decision? He asked what is to be gained with the annexation? Mayor Fontaine replied the two (2) petition requests were received and discussed in open meetings since October's Town Council. Mayor Fontaine also stated WWTP permits are issued by the State of North Carolina and the Town's zoning will be stricter than the county zoning. *Town Manager Powers reported proper notification was made in the newspaper, as well all documents, agendas, minutes and a letter from him, the Mayor have been posted to the Town's website.* Mayor Fontaine also stated WWTP permits are issued by the State of North Carolina. Following Mayor Fontaine's reply, Citizen Grulke said he supports Andy Hill - Watauga Riverkeeper with opposing this and that he would begin paying better attention to his local government in the future.

**OLD BUSINESS**


**A. Clevon Woods Associates - Annexation**

**(i) Ordinance 2020-02 - 0.576 Acre - PIN#1878-53-7991-000**

RETURN TO  
COUNTY CLERK'S OFFICE

FILED  
Register of Deeds, Watauga Co., NC  
Fee Rec: 236.00

Bk 2150 Pg 428 (4)  
Recorded 12/18/2020 at 09:57:10 AM  
Doc No: 638486 Kind: Ord



**ORDINANCE**

**ANNEXATION 2020-02**

**CLEVON WOODS ASSOCIATES, LLC.**  
**PIN#1878537991000 0.576 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 Meeting#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:

Page 1 of 3 Ord2020-02AnnexationClevonWoodsAssociatesLLC

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. Probst and wife, Macy B. Probst 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 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 59 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. 4153, a copy of which is attached for illustrative purposes.

TOGETHER WITH a 10-foot wide utility 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 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 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 #D16108-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.

Enclosures:

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 363; 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 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.



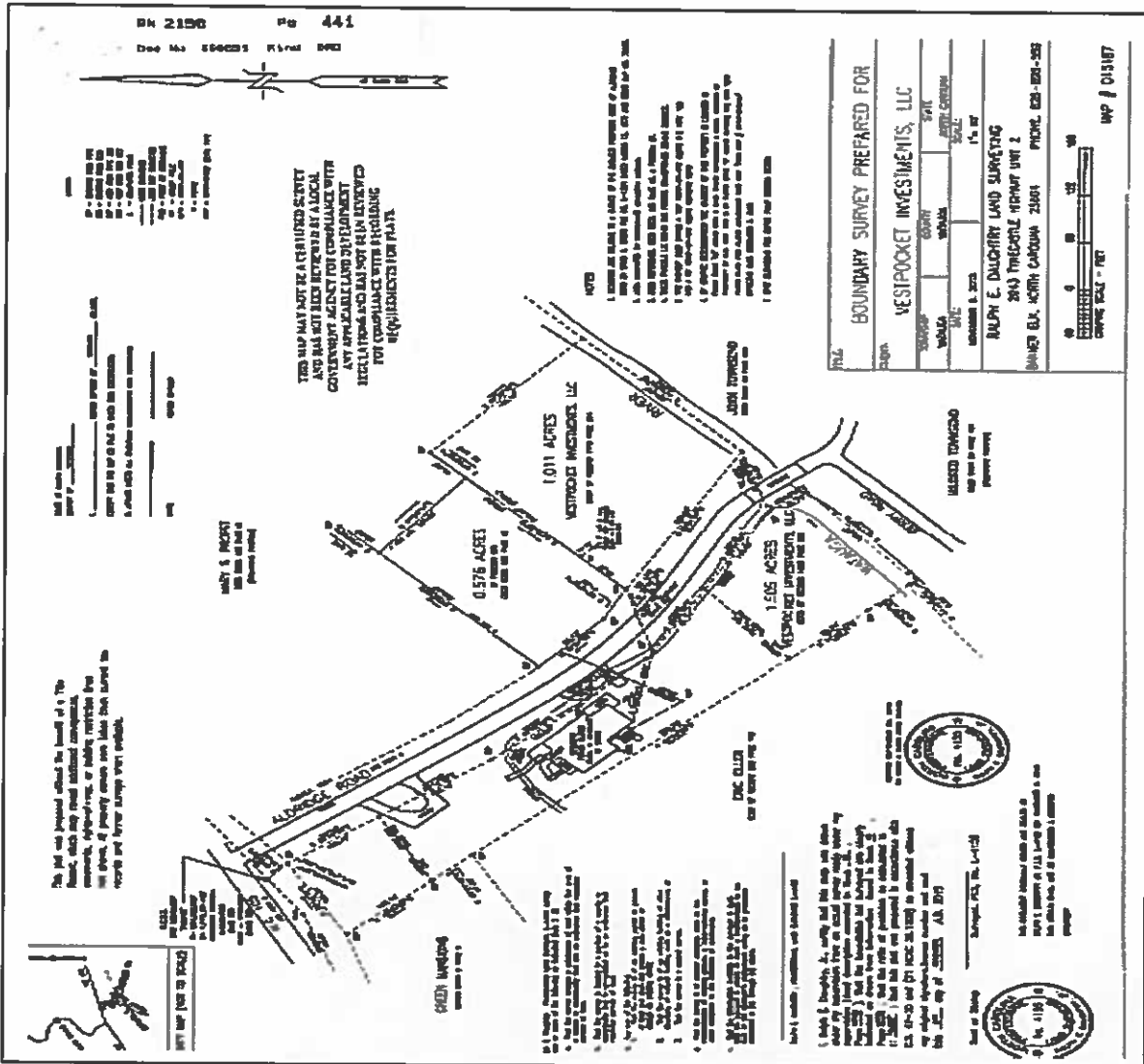
*Larry Fortaine*  
Larry Fortaine, Mayor

ATTEST:

APPROVED AS TO FORM:

*Hilary 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~

RETURN TO  
FILED SUP & BUREAU



FN-10 Dep J. Basso  
Register of Deeds Watauga Co. NC  
Fee Ref 326 00

Sh 2158 Pg 442 (3)  
Registered 12/16/2020 at 09:57:11 AM  
Doc No. 499032 Kind PDF



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 Meeting#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:

Sh 2158 Pg 443  
Doc No. 499032 Kind PDF

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 Yarbur, said iron stake located North 34 degrees 21 minutes East 125.84 feet from the "beginning" corner of a 19.362 acre tract; THENCE from the BEGINNING and with the line of (now or formerly) Everett Yarbur 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 334.50 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 in the fence corner, the degrees 00 minutes East 394.96 feet to an iron found in the fence corner, the corner of now Cleveon Woods Associates, LLC (formerly Charles Clinton); thence with the line of Cleveon 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 27 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 degree 24 minutes West 03.03 feet to a 12-inch Oak; THENCE with a new line North 65 degrees 45 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 Saddle Mae Fox and Barbara P. Franklin," dated March 12, 1979, prepared by Burkett Surveyors, Inc., Walter H. Burkett, KLS No. L-1204.

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.



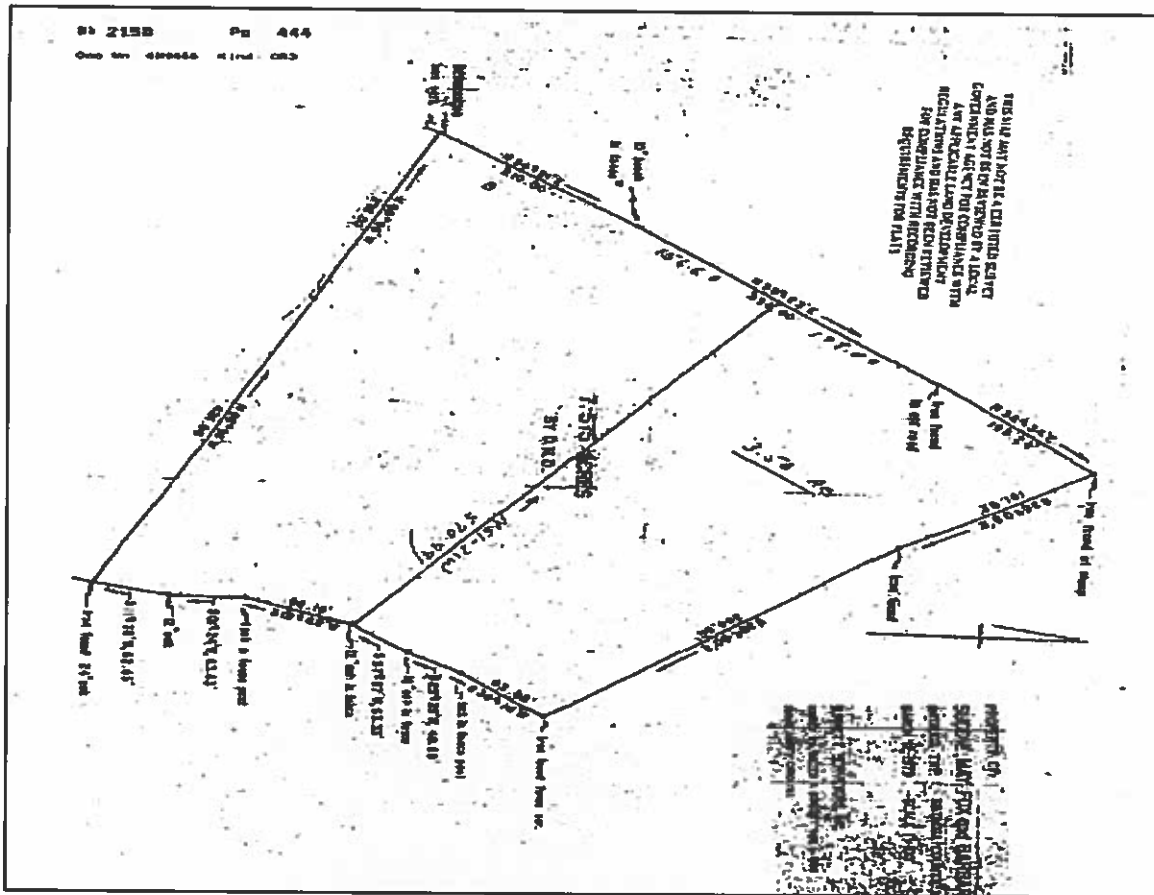
*Larry Fontaine*  
Larry Fontaine, Mayor

ATTEST:

APPROVED AS TO FORM:

*Hilary Cropp*  
Hilary Cropp, Town Clerk

*Rob Angle*  
Rob Angle, Town Attorney



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 24<sup>th</sup>, 25<sup>th</sup> and January 1<sup>st</sup>
- Feeding Avery Families food drive during Nov 30<sup>th</sup> - Dec 4<sup>th</sup> - 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 5<sup>th</sup> - 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.

**ADJOURN**

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

