

**TOWN OF SEVEN DEVILS
PUBLIC HEARING & TOWN COUNCIL MEETING
January 14, 2020**

The Seven Devils Town Council met for a Public Hearing for the Cairns/Grandview Restaurant Annexation on Tuesday, January 14, 2020, at 5:00pm and in a Regular Meeting at 5:30pm at Town Hall. Present at the Public Hearing were Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert and Council Members Wayne Bonomo, Kay Ehlinger, and Jeffrey Williams. Manager Debbie Powers was present; Town Attorney Rob Angle joined at the Regular Meeting; the minutes were recorded by Hillary Gropp, Town Clerk.

CALL TO ORDER

Mayor Fontaine called the Public Hearing to Order at 5:00pm.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

PUBLIC HEARING – CAIRNS/GRANDVIEW RESTAURANT ANNEXATION

Mayor Fontaine explained the purpose of the Public Hearing is for the Cairns/Grandview Restaurant Annexation.

Manager Powers provided a timeline review beginning with the petition received, to all steps, including Resolutions, setting the Public Hearing date and requirements met for notification to citizens and publication in the Watauga Democrat newspaper.

Mayor Fontaine explained if any citizens would like to comment at the Public Hearing, they will need to sign up and comments will be limited to three (3) minutes. The Town Clerk controls the timer.

PUBLIC COMMENTS

Virginia Irving – 925 Thorncliff Drive – asked about the timeline and when the annexation will be in effect; she supports the annexation request. Mgr. Powers replied that approval tonight allows the annexation to become effective immediately.

Richard Nelson – 420 Highcliff Circle – stated he is in favor of the annexation.

Brian Davies – 299 Cliffside Lane – *citizen signed up to speak, but did not speak.*

Jack Byrnes – 276 Wildcat Rocks Road – spoke on behalf of the Planning Board and Board of Adjustment and supports the annexation. It is a positive for the Town to have a footprint on Hwy 105 with this annexation; there is no downside to the Town.

CLOSE PUBLIC HEARING

Mayor Pro Tem Lambert made a motion to close the Public Hearing; Member Williams seconded the motion. The members agreed unanimously.

RECESS

Mayor Fontaine asked for a motion to recess. Member Ehlinger made a motion to recess; Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. The Town Council went into recess at 5:08pm.

CALL TO ORDER FROM RECESS – 5:30PM

Member Ehlinger made a motion to come out of recess; Member Bonomo seconded the motion. The members agreed unanimously.

ADOPT AGENDA

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

CONSENT AGENDA

ADOPT MINUTES OF TOWN COUNCIL MEETING – December 10, 2019

Member Ehlinger made a motion to adopt the Consent Agenda. Member Bonomo seconded the motion. The members agreed unanimously.

CITIZENS COMMENTS

Anne Fontaine – **127 West Rocky Top**, reminded citizens to participate in the OTH repurposing survey. It was distributed with the January water billing and the deadline to respond is January 15, 2020.

ADMINISTRATIVE UPDATE

Manager Powers provided the following update:

- A complimentary letter was received by Highlander Grill in Tynecastle about the excellence of the Town's Police Department
- Fire Chief Powell received the funds for the State Fire Grant
- Former Board member, Bill Wilkinson has passed away.
- Blue Ridge Conservancy purchased 91 acres that is adjacent to their property located within the Town; property is known for Peak Mountain that is above the Shoppes of Tynecastle.
- Lite the Nite was on December 6th; the food drive brought in 112 lbs. of food to be donated to Avery Feeding Families
- Newly Elected officials attended training on December 7th
- Staff treated to 2 Christmas luncheons, courtesy of Panoutsos & Brock
- Powell Bill allocation complete for 2019 - \$28,756
- Police vehicle on hold until June 2020; will order a 2021 model for same price
- Manager Powers provided a fund balance spreadsheet for 2008-2019; she explained this is a snapshot of the Town's cash position at FY 6/30
- Finance Officer will be attending a STR/Vacation Rental workshop at UNC SOG
- Police Chief will be attending school sponsored by NC Association of Chiefs of Police
- DEQ Workshop to be attended by Public Works Director & Town Clerk at HCCOG
- Several Police officers will attend Glock Certification School in Smyrna, GA
- Town Manager/Zoning Administrator will attend a workshop sponsored by UNC SOG about the conversion of GS 160A to 160D
- PARTF grant deadline is May 1, 2020 – Public Hearing will be March 10, 2020
- LWCF grant deadline is July 1, 2020 – Public Hearing TBD

Manager Powers provided updates on: Tree Permits, Projects, Fence Permits, Complaints, Violation Letters, Stop Work Orders & Real Estate Closings.

Bk 2070 Pg 900 (4)
Recorded 01/16/2020 at 11:20:19 AM
Doc No 686575 Kind ORD



RETURN TO: DEBORAH POWERS
AT THE TIME OF RECORDING

**ORDINANCE
CAIRNS ANNEXATION 2020-01**

**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-58.1 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 at 5:00pm on January 14, 2020, after a due notice by Watauga Democrat on Sunday, December 29, 2019; and

WHEREAS, the Town Council of Seven Devils, North Carolina finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Seven Devils;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Seven Devils;
- c. The area described is so situated that the Town of Seven Devils will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Seven Devils; and

WHEREAS, the Town Council of Seven Devils, North Carolina further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council of Seven Devils, North Carolina further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Seven Devils and of the area proposed for annexation will be best served by annexing the area described;

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-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Seven Devils, North Carolina, as of January 14, 2020.

Watauga County, NC
PIN# 1878 43 8799 000

Recorded in Deed Book 158 - Page 422 of Watauga County, NC
Fully described as:

A 0.806 acre tract, being a portion of Tweecale Railroad, Inc. property recorded in Deed Book _____, Page _____, located on the south side of N. C. Highway 103 approximately 530 feet west of the intersection of said highway with N.C.S.R. 1594, being bound by said highway, Tweecale Railroad, Inc. property and the property of Mac Fox, as shown on a map by Walter H. Burkett, a registered land surveyor, as taken from plat #68059 & described as follows:

BEGINNING at an iron set on the south side of N. C. Highway 103, said iron set being in the right-of-way line of Highway 103, and on the Mac Fox property line, and being located South 81° 24' West 631.55 feet from an iron set at a marked locust tree, the beginning corner of the Tweecale Railroad, Inc. property; thence from the beginning North 41° 24' West 55.22 feet to a point in the center of Highway 103; thence with the center of said Highway North 72° 43' East 180.00 feet to a point; thence South 42° 24' East 55.22 feet to a point on the southern right-of-way line of Highway 103; thence South 42° 24' East 130.00 feet to a point in the Mac Fox line; thence with the Mac Fox line South 73° 43' West 180.00 feet to an iron set; thence North 41° 24' West 150.00 feet to the beginning, containing 0.806 of an acre, and being subject to the right-of-way easement for N. C. Highway 103 affecting 0.217 of an acre and being the same as computations 473333 made October 8, 1976 by David K. Stern, RLS No. L-1101 from information on plat #68059 prepared December 5, 1968 by Walter H. Burkett, RLS No. L-1287.

This conveyance is made subject to the following reservations: Grantor reserves for itself, its successors and assigns the right to obtain and use water from a certain well located on the tract herein conveyed, together with the right to construct and maintain a water pipeline from said well on the tract conveyed to the 1.33 acres tract owned by the Grantor which lies to the East of and adjoins the tract conveyed, and for that purpose Grantor shall have the right of ingress and egress from its property to said well, said water line-right-of-way shall be located within ten feet of the western and southern boundary lines of the above described property.

Section 2. Upon and after January 14, 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 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.




Larry Fontaine, Mayor

ATTEST:

APPROVED AS TO FORM:


Hillary Gropp, Town Clerk


Rob Angle, Town Attorney

Town Clerk Hillary Gropp read the above Ordinance- Cairns Annexation 2020-01.
Member Bonomo made a motion to approve Ordinance- Cairns Annexation 2020-01; Member Ehlinger seconded the motion. The members agreed unanimously.
~CLOSED~

NEW BUSINESS- NONE

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 – November minutes
- Tree Committee – No meeting
- Public Safety Department
 - Police Report
 - Fire Report
- Financial Report

COUNCIL COMMENTS

Member Ehlinger commented positively about the seasonal flags that are displayed along Seven Devils Road into the Town limits. Member Bonomo was in agreement.

ADJOURN

Member Ehlinger made a motion to adjourn; Mayor Pro Tem Lambert seconded the motion. The members agreed unanimously. The meeting adjourned at 5:52pm.


Larry Fontaine, Mayor




Hillary Gropp, Town Clerk