

TOWN OF SEVEN DEVILS  
Regular Town Council Meeting  
Tuesday, January 11, 2022 @ 5:30pm

Agenda

- 1) INVOCATION
- 2) PLEDGE OF ALLEGIANCE
- 3) CALL TO ORDER
- 4) ADOPT AGENDA
- 5) CONSENT AGENDA
  - Approve minutes of Town Council Meeting – December 14, 2021
- 6) OLD BUSINESS
  - A. Budget Amendment #3 – FY22 – Traffic Counter - \$6,545.00
- 7) NEW BUSINESS
  - A. Proposal for Bathroom facility at The Park – 4FortyFour
  - B. Proclamation – January is National Mentoring Month - WYN
  - C. Resolution 2022-1 -HC COG – Statewide Workforce Board Realignment
- 8) CITIZENS COMMENTS
- 9) ADMINISTRATIVE UPDATE
- 10) COMMITTEE REPORTS
  - A. Board of Adjustment – No Meeting
  - B. Planning Board – No Meeting
  - C. Public Works – No Meeting
  - D. Public Safety Committee – No Meeting
  - E. Parks & Recreation Committee – No Meeting
  - F. TDA – No Meeting
  - G. ABC Board – No Meeting
  - H. Tree Committee – No Meeting
  - I. Public Safety Department
    - (i) Police Report
    - (ii) Fire Report
  - J. Financial Reports
- 11) COUNCIL COMMENTS
- 12) ADJOURN

*In order to maintain the safety of Town residents, Staff, and Council Members, the meeting will be conducted in dual format with In-Person attendance and electronically via GoToMeeting at:*

<https://global.gotomeeting.com/join/351260413>

Public comments can be emailed to [townclerk@sevendeils.net](mailto:townclerk@sevendeils.net) by noon on January 11, 2022

TOWN OF SEVEN DEVILS  
TOWN COUNCIL ORGANIZATIONAL MEETING  
TUESDAY, DECEMBER 14, 2021  
5:30PM

The Seven Devils Town Council held the Organizational Meeting on Tuesday, December 14, 2021. In-Person attendance included: Wayne Bonomo, Larry Fontaine, Brad Lambert, Leigh Sasse & Jeffrey Williams. Also in attendance were Town Manager Debbie Powers, Police Chief Jonathan Harris & Town Attorney Rob Angle. The minutes were recorded by Town Clerk Hillary Gropp. Electronic format via Go To Meeting #466646629.

**INVOCATION**

Larry Fontaine gave the Invocation for the Council meeting.

**PLEDGE OF ALLEGIANCE**

Council members and Citizens recited the Pledge of Allegiance.

**CALL TO ORDER**

Town Manager Powers called the meeting to order at 5:31pm.

**OATH OF OFFICE - TOWN COUNCIL**

Town Clerk Gropp administered the Oath of Office to Wayne Bonomo, Brad Lambert, Leigh Sasse & Jeffrey Williams.

**NOMINATIONS FOR MAYOR**

Manager Powers opened the floor for nominations for Mayor. Member Lambert nominated Larry Fontaine. Member Bonomo seconded the nomination. Manager Powers called for any additional nominations; there being none, Manager Powers closed the nominations. The votes for Larry Fontaine as Mayor:

In Favor - 4 - Wayne Bonomo, Brad Lambert, Leigh Sasse, Jeffrey Williams  
Opposed - 0

**OATH OF OFFICE - MAYOR**

Town Clerk Gropp administered the Oath of Office to Larry Fontaine.  
The gavel was handed to Mayor Fontaine to complete the Organizational Meeting.

**NOMINATIONS FOR MAYOR PRO-TEM**

Mayor Fontaine opened the floor for nominations for Mayor Pro Tem. Member Bonomo nominated Brad Lambert. Member Williams seconded the nomination. Mayor Fontaine called for any additional nominations; there being none, Mayor Fontaine closed the nominations. The votes for Brad Lambert as Mayor Pro Tem:

In Favor - 5 - Wayne Bonomo, Larry Fontaine, Brad Lambert, Leigh Sasse, Jeffrey Williams  
Opposed - 0

**OATH OF OFFICE - MAYOR PRO-TEM**

Town Clerk Gropp administered the Oath of Office to Brad Lambert.

### **AMEND AGENDA**

Mayor Pro Tem Lambert requested to amend the agenda adding Old Business) Traffic Control Device. Member Williams made the motion to amend; Member Sasse seconded the motion. All members agreed.

### **CONSENT AGENDA**

**(i) Adopt minutes of the Town Council Meeting – November 9, 2021**

**(ii) Closed Session minutes sealed until ordered unsealed by Town Council**

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

### **OLD BUSINESS**

#### **A. Traffic Control Device**

Discussion occurred about the recommendation by Police Chief Harris presented to Town Council on November 9, 2021.

Mayor Fontaine made the motion to purchase the 14" Solar Evolis Radar Speed Sign with programmable message display, internal solar power regulator, traffic data collection + analysis software-no subscription, Bluetooth & smart app, and mounting kit.

Member Sasse seconded the motion. All members agreed.

Town Manager Powers will submit FY22 Budget Amendment #3 for \$6,545 at the January 2022 Town Council meeting. **~CLOSED~**

### **NEW BUSINESS**

#### **A. Adopt Code of Ethics for Town Council**

Mayor Fontaine stated the Town Council should have already reviewed this document as signatures are required by each Council Member. No discussion occurred.

Member Sasse made a motion to adopt the Code of Ethics for the Town Council. Mayor Pro Tem Lambert seconded the motion. All members agreed. **~CLOSED~**

#### **B. Amend Nuisance Ordinance**

Gov. Roy Cooper on September 2, 2021 signed into law a wide-ranging piece of legislation that creates new databases, requires additional background checks and decriminalizes certain local government ordinances. Senate Bill 300 (S.L.2021-138) requires the Town of Seven Devils to amend the Nuisance Ordinance.

Police Chief Harris reviewed the Town's Nuisance Ordinances with suggested amendments. The Planning Board reviewed the amendments at the November 16<sup>th</sup> and recommends approval by the Town Council.

Mayor Pro Tem Lambert made a motion to adopt the amended Nuisance Ordinance; Member Bonomo seconded the motion. All members agreed. **~CLOSED~**

### **C. Well Contract – The Park at Seven Devils**

Town Council reviewed a contract by Dewey Wright Well & Pump for The Park at Seven Devils.

Member Bonomo made a motion to approve the well contract; Member Sasse seconded the motion. All members agreed. **~CLOSED~**

### **CITIZENS COMMENTS - None**

### **ADMINISTRATIVE COMMENTS**

Town Manager Powers provided the following update:

1. Town Clerk Gropp is appointed to the NCAMC as District 10 Director.
2. Avery County Board of Elections sent invoice for November 2nd- \$1,673
3. PARK UPDATE – see below
  - Eggers completed filling the retention basin and hydroseeding and pulled the silt fence.
  - AppHealth had a site visit – Issued the well & septic permits.
  - BREMCO had a site visit for electrical runs and lighting options.
  - Dewey Wright reviewed for well pricing.
  - Flagged initial trail locations – 2 trails – 1 will be paved and ADA compliant and 1 to be gravel with a bridge.
  - Contacted Hawks Mountain Garden for entrance ideas.
  - Surveyor remarked property markers/stakes.
  - Visionary group met to review well & septic areas.
4. Submitted Tree City USA renewal application for 2021
5. Webinars – SB300 Legislation
  - Planning & Development update/UNC SOG
  - Training – Public Works Water Recertification/DENR
6. Violations Update – 254 Deepwood Court – Tree topping - \$500 fine – paid by owner.
7. New Police Vehicle – 2021 Durango – November 29<sup>th</sup>
8. Lite the Nite Food Drive – Feeding Avery Families – Food = 377 lbs. & Monetary = \$1,210
9. State Budget allocation for Seven Devils water infrastructure projects = \$700,000; Grant process with reimbursement after project completion.
  - Tree permits – 6 Projects – 5 Fence Permits – 0 Violations - 1  
Complaints -16 Compliments – 1 RE Closings -6

### **COMMITTEE REPORTS**

**Board of Adjustment** – No meeting  
**Planning Board** – November minutes  
**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** – No report  
**Financial Report**

**COUNCIL COMMENTS**

Mayor Fontaine asked to have the Public Safety department review all streetlights and contact Blue Ridge Energy to repair the burnt out lights that are paid by the Town. Police Chief Harris will have the night officers begin the process.

Mayor Fontaine asked to have the Public Works Director follow up with the NCDOT about painting the lane stripes on the remaining surfaces on Seven Devils Road.

Mayor Pro Tem Lambert praised the efforts of Police Officer Kent Howell by going above and beyond the call of duty when recently the Lambert's dog escaped their property at night and could not be found. Police Officer Howell without hesitation began the search, quickly found and returned the dog safely to the Lamberts. A very happy ending for all.

**ADJOURN**

Mayor Pro Tem Lambert made a motion to adjourn; Member Sasse seconded the motion. All members agreed. The meeting adjourned at 6:20pm.

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Larry Fontaine, Mayor

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Hillary Gropp, Town Clerk

**Budget Amendment #3 – FY22**

**Purpose:** to account for the expenditure to the Police Department (510) for the purchase of 2 EVOLIS Radar Speed signs and accessories.

**Increase:** Revenue Account #10-335-00 Miscellaneous Income by \$6,545.

**Increase:** Expenditure Account #10-510-33 Materials/Supplies by \$6,545.

**NOTES:**

Chief Johnathan Harris presented this quote to the Town Council at the November 2021 meeting; discussion continued about the safety issues surrounding speeding residents and visitors on our State and Town roads. At the December 2021 Town Council meeting, Chief Harris was directed to purchase these traffic control devices and accessories for a total of \$6,545.

This Budget Amendment is to account for the expenditure in the FY22 Budget.

*Debbie Powers*

Town Manager

**Debbie Powers**

**From:** David Harwood <david@sketchlinearchitecture.com>  
**Sent:** Thursday, January 6, 2022 12:55 PM  
**To:** Debbie Powers  
**Cc:** Preston Spencer; Andrew McKinney  
**Subject:** Town of Seven Devils - Discovery Proposal & Agreement  
**Attachments:** Town of Seven Devils - Discovery Proposal and Agreement 1-6-22.pdf

Hi Debbie,

I enjoyed meeting with you, Kevin, Jewel and Jonathan last week. I appreciate the time you afforded me to become more familiar with the proposed restroom facilities and the tour of the park area. I'm looking forward to visiting the park in the future as it will be a great asset for the Town. I have reviewed my notes from that meeting and spoken with Andrew and Preston at 4 Forty Four to structure this proposal. I know you are excited to move ahead and I hope we can be your guide along this journey. As we discussed, Discovery is the process of removing unknowns. It's where we balance the Town's aesthetic, functional and financial goals. The Integrated Project Delivery (IDP) method afforded by our design-build team is ideally suited to meet these goals. I'm an advocate of IDP and have participated with 4 Forty Four on several projects. IDP is more advantageous than the fragmented, traditional design-bid-build model. Some of the advantages of IDP include:

1. An integrated, collaborative team assembled early in the process.
2. A concurrent process with early contributions of knowledge and expertise to promote efficiency, cost containment and trust.
3. Risk that is collectively managed and appropriately shared.
4. Team success is tied to project success.

Discovery starts with gathering lots of information from you. This will be accomplished through discussions and visual inspirations. We'll work toward establishing a project scope of work and a budget. Once we have that information, we can start the fun part of designing the facility. The end of Discovery is highlighted by the presentation of the Quantitative Budget (QB) and construction documents. The QB is a comprehensive document that captures all the costs associated with building the project we design together.

I have attached the Discovery Proposal and Discovery Agreement to this email. Please notice that the Discovery Proposal details the steps we'll move through during Discovery and the number of hours necessary to complete those tasks. You will receive weekly updates as to the number of hours that have been utilized. If we make decisions efficiently, then we may not need the total amount of hours indicated. I have reviewed our workload and we can start Discovery on January 17th if that is convenient. I have included a proposed timeline for our Discovery process but it can certainly be modified to accommodate the staff's schedule and that of the Town Council's. If the agreement is acceptable to the Town, I will make arrangements for the agreement to be distributed for digital signatures. Should you have questions or need clarification, do not hesitate to call me at the number below.

Thanks again for this opportunity to provide this proposal. We look forward to collaborating with you.

Best regards,

**David Harwood, AIA**  
 President



PO Box 1926  
 Blowing Rock, NC 28605  
 (828) 729-3290



# New Restroom Facilities for the Town of Seven Devils

January 6, 2022

A Proposal for Design Build Services by  
4 Forty Four Commercial in collaboration with  
Sketchline Architecture, PLLC





## Proposal:

4 Forty Four Commercial is pleased to present this proposal for design build services to the Town of Seven Devils. We are excited about the opportunity to join forces with the Town and assist with the growth of the community. We understand the Town is centered around relationships. Relationships are at the heart of 4 Forty Four's mission statement too. 4 Forty Four strives to "...*build and maintain mutually beneficial relationships with our clients and community...*" We believe we are in a unique position to lead, collaborate and bring our expertise to the benefit of the Town. Our method of design-build provides the community a one-point source for all services from conceptual design through construction. This method of integrated project delivery provides:

1. **Reduced Risks:** By combining all disciplines under the auspice of a single entity. Design build allows the team to work collaboratively to address the Town's desires and budget holistically. The team assumes the risk for the completeness of the design and reduces the need for changes along the way.
2. **Higher Quality & Shorter Timelines:** The advantage of a team that is consistently working together results in projects that have shorter start-up time, faster delivery speed, less errors & omissions, and reduced construction days. An integrated team is geared toward innovation and efficiency.
3. **Cost:** The utilization of a cooperative design build team provides the greatest opportunity to address and focus on the established budget throughout the course of a project.

## Overview:

The Town of Seven Devils is considering constructing a new restroom facility to be located in the park adjacent to the new Town Hall. 4 Forty Four is proposing the utilization of its design-build process called "**Discovery**". We utilize this word because it describes the act of answering all the current unknowns related to the project. At its core, Discovery is designed to address the three primary goals of the project - **aesthetics, functionality and financial viability**.


Discovery allows the Town to establish a holistic budget for the facility and then design a building that meets the three goals of Discovery. Once Discovery is complete, the project moves to the construction phase.

## Discovery Process:

The first step would be to determine the budget of the proposed building while honoring the needs and resources of the Town. Discovery phases include, Schematic Design; Project Management & Due Diligence; Design Development & Quantitative Budgeting; and Construction Documentation & Watauga County Review and Permitting.

A preliminary estimate of construction costs will be established at the end of Schematic Design utilizing price per square foot metrics based on the floor plan created in Schematic Design and allowances or selections for interior finishes and fixtures made during this phase.

The phases of Discovery are as follows:

 **Schematic Design:** In this step, the design team will:

- Focus on aligning the Town's goals of aesthetics, functionality and finance.
- Talk with the client to determine the project scope, timeline, budget constraints and team expectations.
- Research jurisdictional regulations and perform building code and developmental code review for the project.
- Site visits to document existing conditions.
- Prepare rough study drawings that illustrate the basic concepts of the floor plan design. This most often includes spatial relationships as well as basic scale and forms the Town might desire.
- Produce conceptual drawings of floor plans, elevations and often illustrative sketches or computer renderings.
- Collaborate with consultants and subcontractors early in the project.
- Initial cost estimations are also investigated based on total project size, complexity and price per square foot metrics.

**Project Management & Due Diligence:** occurs simultaneously with Schematic Design and continues into the later stages with budgeting. In this step, the build team will:

- Collaborate with Sketchline Architecture and the Client to evaluate Building Code questions
- Assess the existing conditions and developing plans through the lens of constructibility.
- Collaborate alongside Sketchline with the various other consultants such as subcontractors, material suppliers, trade partners, etc.
- Work to gain a thorough understanding of the client's goals and objectives for the project and begin to develop a project strategy for construction that can achieve those goals and objectives.

**Design Development:** happens upon the conclusion of Schematic Design. In this step, the design team will:

1. Collect the results from the schematic design phase and interior design process and take it one step further. This phase involves finalizing the decisions made in Schematic Design
2. Confirm the floor plan design and define any areas that require additional design.
3. Provide interior elevations for clarity where necessary.
4. Complete exterior elevations if needed.
5. Finalize window and door locations.
6. Establish general structural details if needed.
7. Finalize material selections
8. Prepare documents for sharing with Estimating, Project Management. These groups will prepare the Quantitative Budget.

**Quantitative Budgeting & Estimating:** occurs at the conclusion of Design Development. In this step, the build team will utilize all of the developed plans to build an in-depth, Quantitative Budget for the project. This phase involves:

1. Soliciting and receiving firm costs from trade partners and vendors
2. Completing quantity takeoffs for materials and equipment
3. Creating individual Scopes of Work for each primary portion of the work such as framing & drywall, electrical, plumbing, etc.
4. Identifying any areas for potential Value Engineering
5. Identify those items which still may require some additional information, either from the Town or from existing conditions.

**Construction Documentation and Watauga County Planning Review** happens upon acceptance of the Quantitative Budget by the Client and the execution of a Contract for Construction. Tasks in this phase include:

1. Modifications to the design to accommodate value engineering decisions made during budgeting and estimating.
2. Completing all technical architectural and interior design documentation required for construction of the building.
3. Coordination of consulting services such as mechanical, electrical, and plumbing.
4. Coordination with Watauga County for Planning Department review and subsequent permitting.

## Discovery Timeline

The design build team anticipates that we can start this project as soon as January 10, 2022. A preliminary timeline is as follows:

Schematic Design	January 17 - February 7, 2022	23 working days
Project Management & Due Diligence	January 17 - February 7, 2022	23 working days
Town Council Presentation	February 8, 2022	1 working day
Design Development	February 9 - February 25, 2022	18 working days
Quantitative Budgeting & Estimating	February 28 - March 7, 2022	8 working days
Town Council Presentation	March 8, 2022	1 working day
Construction Documents & Watauga County Review & Permitting	March 9 - March 31, 2022	23 working days

## Discovery Costs

	<u>Hours</u>	<u>Costs</u>
<b>Schematic Design</b>		
Sketchline Architecture, PLLC	32 hours	\$3,200
4 Forty Four Commercial	<u>10 hours</u>	<u>\$750</u>
<b>Total for Schematic Design</b>	<b>42 hours</b>	<b>\$3,950</b>
<b>Project Management &amp; Due Diligence</b>		
4 Forty Four Commercial	10 hours	\$750
<b>Design Development</b>		
Sketchline Architecture, PLLC	16 hours	\$1,600
<b>Quantitative Budgeting &amp; Estimating</b>		
Sketchline Architecture, PLLC	8 hours	\$800
4 Forty Four Commercial	15 hours	\$1,125
<b>Construction Documentation &amp; Watauga County Review &amp; Permitting</b>		
Sketchline Architecture, PLLC	32 hours	\$3,200
4 Forty Four Commercial	<u>15 hours</u>	<u>\$1,125</u>
<b>Total Discovery Costs:</b>	<b>138 hours</b>	<b>\$12,550</b>

### Notes:

- Mechanical, Electrical & Plumbing Engineering Costs, if any, to be determined



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## Discovery Agreement

January 6, 2022

Client Name: Town of Seven Devils, NC  
Project Address: 157 Seven Devils Road, Seven Devils, NC  
Project Scope: Design and construction documentation for a new restroom facility

### Preamble to 4FortyFour's Contracts & Agreements

While our contracts, agreements, processes, systems, and quantitative budgets define administrative clarity and expectations - this preamble speaks to the relational goals we hope to model as we collaborate and work together.

Our mission is to build and maintain mutually beneficial relationships with our clients and community as we craft, renovate, and maintain homes and commercial buildings.

As we continually learn to improve, host, and practically apply our mission we have identified three attributes to be valuable guides on our path to maturity:

1. To hold honorable motives and intentions toward each other. We have found these key attributes bring clarity and accountability to our mission.
2. To be good stewards of expectations and assets. A definition of the word Steward is: to manage or look after another's property and interests. This definition is our goal and responsibility as a custom-building firm.
3. To engage open and transparent communication. This allows us to connect, collaborate, struggle, and celebrate together.

We invite you to join us in our commitment to holding honorable motives and intentions, being good stewards of expectations and assets, and communicating openly and transparently.

Additionally, we invite you to engage and enjoy our business model. We have worked diligently to develop this model through the lens of allowing us to authentically host our mission.

Finally, thank you for the opportunity to work with you and please share your thoughts and ideas on ways we can improve on the practical application of our mission.

### Discovery Agreement

Discovery is a consultation service where 4FortyFour collaborates with the Client to collectively define and document a project theme, scope of work, and cost estimate. This is accomplished through the following services – Architecture and Project Management. Discovery is also a systematic process of removing unknowns. At the end of Discovery the Client will be provided with completed floor plans, interior elevations, construction documentation and a quantitative budget as complete as the design process allows.

# 4

Throughout this collective process, 4 Forty Four acts as an agent of the Client. 4 Forty Four takes direction from, and collaborates with the Client toward the objective of balancing the Client's financial, aesthetic and functional goals.

Discovery is a creative process, and creativity cannot be estimated precisely. 4 Forty Four has outlined the most strategic process to progress from unknown to known. This path is detailed in the attached Discovery Proposal document along with the estimated hours required for design, consultation and construction documentation.

#### Payments:

- a. Services are based on an hourly rate of \$75.00 per hour for Project Management and \$100.00 per hour for Sketchline Architecture, PLLC. Total hours are 138 hours = \$12,550. See Discovery Proposal dated 1/6/2022 for a detailed breakdown of phases, services, deliverables and hours.
- b. **Retainer - \$1,500:** An initial, non-refundable retainer shall be paid upon execution of this Agreement. The retainer will secure the Discovery start date of January 17, 2022. This retainer will be escrowed and then credited to the final payment which is typically for Construction Documents.
- c. **Payment 1 - \$3,950:** Prior to the start date, an advance payment of \$3,950.00 (42 hours) for the Schematic Design phase is required.
- d. **Payment 2 - \$2,350:** Upon conclusion of the Schematic Design phase, an advance payment for the Project Management & Due Diligence and Design Development phases is due (26 hours).
- e. **Payment 3 - \$1,925:** Upon conclusion of the Project Management & Due Diligence and Design Development phases, an advance payment for the Quantitative Budgeting & Estimating phase is due (23 hours).
- f. **Payment 4 - \$4,325:** Upon conclusion of the Quantitative Budgeting & Estimating phase, an advance payment for Construction Documentation & Watauga County Planning Review is due (47 hours). The initial retainer of \$1,500.00 is credited to this payment.
- g. 4 Forty Four will provide a weekly budget report while the project is active. The report will reflect the hours utilized during that specific week and to date. The report will also reflect the amount of advance payment utilized and any remaining balance. A weekly report and/or invoice may not be provided if little or no work occurs during a specific week.
- h. Please send checks payable to: 4 Forty Four at PO Box 1967, Blowing Rock, NC 28605.

This agreement does not govern construction services. Prior to the construction phase, a construction contract will be reviewed, and signed, by all parties. Information collected and design decisions realized during Discovery will help define the scope of work for the construction phase.

#### Notes:

- a. 4 Forty Four maintains a contracted, design build collaboration with Sketchline Architecture, PLLC, a licensed North Carolina architectural firm, to provide architectural services on this project.
- b. Civil, mechanical, electrical, plumbing and structural engineering, if required, is in addition to this agreement and will be invoiced at cost plus 10%.
- c. 4 Forty Four & Sketchline Architecture, PLLC retain all rights, individually and collectively, to the design and construction documents as well as all intellectual property. Upon completion of the Construction Documents and payment in full for services rendered under this agreement, 4 Forty Four and Sketchline Architecture, PLLC will grant the Client a one-time, non-exclusive, license to utilize the design and Construction Documents for this project at the stated project address.
- d. Final signed and sealed Construction Documents will be issued to the Client upon receipt of the final Discovery payment.
- e. Dispute resolution and attorney's fees: Any controversy or claim arising out of or related to this agreement involving an amount of less than \$10,000 must be heard in the District Court Division of Watauga County, NC. Any controversy or claim arising out of or related to this agreement which is over \$10,000.00, must be submitted to mediation by a mediator acceptable to both 4 Forty Four and Client. In the event the parties cannot agree upon a mediator the resident Senior Superior Court Judge for Watauga

County shall be authorized to select a mediator. In the event that the dispute cannot be resolved by mediation, the controversy must be submitted to arbitration in accordance with the North Carolina Arbitration Act, by an arbitrator acceptable to both parties. In the event the parties cannot agree upon an arbitrator, the Resident Senior Superior Court Judge for Watauga County shall be authorized to select an arbitrator. Judgment upon the award may be entered in any Court having jurisdiction thereof. The prevailing party in any Arbitration hearing related to this Agreement shall be entitled to payment of reasonable attorney's fees, costs, and expenses.

- f. The Client may suspend or terminate Discovery at any time for convenience and without cause, upon written notice to 4 Forty Four. Before Discovery services are resumed, the client must pay all sums due prior to suspension. In the event of a termination, the client must pay for all services performed before the termination, all reimbursable expenses then due, and all termination expenses.
- g. Expenses associated with large format printing (blueprints, renderings, photography, maps, surveys, etc.) are in addition to this agreement.
- h. The Discovery Proposal dated 1/6/22 is incorporated herein and shall be considered a part of this agreement for the purposes stated.

**IN WITNESS WHEREOF**, the undersigned have executed this Agreement as of the Effective Date above. The Parties hereto agree that facsimile signatures, to include digital signatures, shall be as effective as if originals.

Client: **Town of Seven Devils, NC**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Larry Fontaine**  
**Mayor, Seven Devils, NC**

4 Forty Four: **Kevin Troyer, President and CEO**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**National Mentoring Month Proclamation for January 2022  
WYN Avery & Watauga Mentoring**

WHEREAS, January 2022 will mark the 20<sup>th</sup> anniversary of National Mentoring Month, an annual campaign to focus attention on the need for mentors, as well as how each of us can work together to increase the number of mentors to help ensure positive outcomes for our young people.

WHEREAS, our Avery & Watauga communities honor volunteer mentors who support young people by showing up for them every day and demonstrating their commitment to helping them thrive; and

WHEREAS, mentoring programs like WYN's Mentoring Program make our communities and our state stronger by driving impactful relationships that increase social capital for young people and provide invaluable support networks; and

WHEREAS, during the COVID-19 pandemic, mentoring programs have stepped up to fill gaps for young people and families, connecting them with resources and ensuring that mentoring relationships continue virtually to ensure that physical distancing does not mean social disconnection; and

WHEREAS, mentoring plays a pivotal role in career exploration and supports workplace skills by helping young people set career goals, equipping mentors with the skills needed to support the professional growth of young people, and drives positive outcomes for young people and businesses; and

WHEREAS, quality mentoring promotes healthy relationships and communication, positive self-esteem, emotional well-being, and growth of a young person and their relationships with other adults; and

WHEREAS, students who meet regularly with their mentors are more than 52% less likely than their peers to skip a day of school and youth who face an opportunity gap but have a mentor are 55% more likely to be enrolled in college than those who did not have a mentor; and

WHEREAS, youth who meet regularly with their mentors are 46% less likely than their peers to start using drugs and 27% less likely to start drinking; and

WHEREAS, almost half of today's young adults report having a mentor in their youth and those rates appear to have been rising steadily over the past several decades, and

WHEREAS, in 2021, volunteers in Western Youth Network's Mentoring program spent over 3100 hours with youth in Avery and Watauga Counties totaling more than \$80,000 worth of donated time to benefit our communities; and

WHEREAS, National Mentoring Month is the time of year to celebrate, elevate, and encourage mentoring across our state and recruit caring adult mentors in the High Country of NC;

NOW, THEREFORE, as Mayor Pro Tem of Town of Seven Devils, NC, I do hereby proclaim January 2022 as National Mentoring Month.

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Brad Lambert, Mayor Pro Tem





**RESOLUTION #2022-01  
TOWN OF SEVEN DEVILS, NC**

**STATEWIDE WORKFORCE BOARD REALIGNMENT**

A resolution of the Town of Seven Devils, NC formally requesting the North Carolina Department of Commerce, NC Works Commission, retain the boundaries of the High Country Local Workforce Development Area in its final recommendations for statewide realignment of Local Workforce Development Areas (LWDAs)/Local Workforce Development Boards. The High Country Local Workforce Development Area is comprised of Alleghany, Ashe, Avery, Mitchell, Watauga, Wilkes, and Yancey Counties. The Town of Seven Devils, NC does not support any final recommendation that separates these seven counties, merges them into larger areas, or consolidates other LWDAs into the High Country.

WHEREAS, the High Country Local Workforce Development Area is the designated planning and administrative area to receive funds from the Workforce Innovation and Opportunity Act (WIOA) for Alleghany, Ashe, Avery, Mitchell, Watauga, Wilkes, and Yancey Counties; and

WHEREAS, the High Country Workforce Development Consortium members, comprised of Local Elected Officials, are the designated recipients of WIOA funds for the High Country LWDA and charged with the oversight and implementation of WIOA programs and activities within the High Country LWDA; and

WHEREAS, the High Country Workforce Development Consortium appoints the members of the High Country Workforce Development Board, and selects the High Country Local Workforce Development Area Fiscal Agent and Administrative Entity for the area; and

WHEREAS, the High Country Workforce Development Consortium supports local and regional workforce solutions to address common issues or opportunities, coordinate state and federal program service delivery in the High Country Workforce Development Area, and build strategic partnerships to improve the prosperity of the seven counties within the consortium; and

WHEREAS, the High Country Local Workforce Development Area was designated by the North Carolina Division of Workforce Solutions based on factors such as common community growth patterns anchored by metropolitan and micropolitan statistical areas, shared labor pools, commuting patterns, coordinated economic development strategies, regional alignment with state and federal programs and services, and empowered to carry out programs and services that are of mutual interests to member governments within the High Country Workforce Local Workforce Development Area; and

WHEREAS, the High Country Council of Governments serves as the fiscal agent and administrative entity for WIOA programs; and

WHEREAS, the High Country Council of Governments serves as the designated Economic Development District (EDD) through the U.S. Department of Commerce: Economic Development Administration (EDA); and

WHEREAS, the High Country Workforce Development Consortium, the High Country Workforce Development Board, and the High Country Council of Governments work together to align the Comprehensive Economic Development Strategy (CEDS) to improve the High Country Local Workforce Development Area's workforce infrastructure, and to provide a skilled workforce for area job seekers and employers,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Seven Devils, NC formally requests to retain its current designation, geographic boundary, and appointed entities to carry out WIOA programs and activities, and that we do not support any final recommendation that separates these seven counties, merges them into larger areas, or consolidates other LWDA's into the High Country Local Workforce Development Area.

Adopted by the Town of Seven Devils, NC on the 11<sup>th</sup> of January, 2022.

\_\_\_\_\_  
Brad Lambert, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Hillary Gropp, Town Clerk

## ADMIN UPDATE for December 2021

1. Watauga Board of Elections Bill - \$4614.34
2. New hire – Eddie Barnes – Zoning Administrator
3. Property Tax reminders sent out – due date January 5<sup>th</sup>
4. Winter ECHO released
5. Recap for 2021/Plans for 2022 (attached)
6. Street Light update – Chief Harris

### DEC 2021

Tree Permits – 0

Violations - 0

Projects - 1

Fence Permits – 0

Complaints – 14+

**COMPLIMENT - 1**

RE Closings - 5

### Plans for 2022 for The Town of Seven Devils include:

- Continued construction at “The Park at Seven Devils”, located on 6.5 acres behind Town Hall at 157 Seven Devils Road, to include a walking trail, outdoor concert area, playground area, and picnic area. Currently the infrastructure components are under construction. The Park is being underwritten by the Seven Devils TDA.
- Parks & Rec department is planning for summer activities, to include:
  - pickleball/tennis organized play on freshly rehabbed courts
  - outdoor music concerts
  - exercise classes and yoga
  - book clubs
  - organized group hikes
- Upgrades to the Town water infrastructure system with the allocation of \$700,000 in ARP funding in the passage of the State’s budget; thanks to the efforts of Rep. Ray Pickett and Sen. Deanna Ballard on the Town’s behalf.
- Town Celebrations to include:
  - Arbor Day – Town’s 4<sup>th</sup> year of designation of Tree City USA
  - Community Day Celebration – Town’s 43<sup>rd</sup> incorporation anniversary
  - Lite the Nite - to kick off the Holiday season

### Look Back at 2021:

- Real Estate closings for homes only: 67 (does not include vacant lots)
- Tree permits issued: 69
- Fence Permits issued: 4
- Projects initiated: 35
- New Build Constructions started: 4 (total of 5 in process)

SERIAL NUMBER	STATUS	LOCATION	IN NEED OF REPAIR
2002400	Burning	657 Skiview	
2003534	Burning	Deepwood Ct/Highcliff Cir	
2003150	Burning	Rock Cove/Wildcat Rocks	Yes
2000577	Burning	553 Wildcat Rocks	Yes
2005545	Burning	158 Edgecliff Ln	Yes
2003654	Burning	400 Wildcat Rocks	
2004175	Burning	447 Grandview Dr	
2003164	Burning	Skyland Dr	
2005178	Burning	196 Thorncliff	
2003786	Burning	Seven Devils Rd	
DL2897	Burning	Woodwinds Ln/Woodwinds Cir	
2003146	Burning	Chalet Dr	
2003144	Burning	Skiview Dr/Cliffside Ln	
2002395	Burning	Wildcat Rocks/Highcliff Cir	
2001669	Burning	Cliffside Ln/Thorncliff Dr	
2002839	Burning	227 Buckeye Ln	
2003544	Burning	365 Highcliff Cir	
2003621	Burning	Thorncliff Dr/Greencove Dr	
2003578	Burning	234 Grandview Dr	
2002778	Burning	Seven Devils Rd	
2005538	Burning	Alpine Dr/Snowbird	Yes
2005535	Burning	Skyland Dr	
2005513	Burning	Skyland Dr	Yes
2005542	Burning	Skyland Dr/Deepwood Ct	
2005539	Burning	Skyland Dr	
2005533	Burning	Skyland Dr	Yes
2005540	Burning	Wildcat Rocks	
2005494	Burning	Thorncliff Dr/Rock Cove Ct	
2005531	Burning	381 Grandview	
2005532	Burning	Devils Lake Dr	
2005489	Burning	Autumn View/Grandview	
2005544	Burning	Alpine Dr/Edgecliff Ln	
2005501	Burning	146 Devils Lake Dr	Yes
2005530	Burning	Devils Lake Dr/Hawks Lake	Yes
2005526	Burning	Devils Lake Dr	Yes
2005502	Burning	Devils Lake Dr	Yes
2005527	Burning	Devils Lake Dr	Yes
2005579	Burning	Edgefield	
2005551	Burning	Grandview Dr	
2005594	Burning	Grandview Dr	
2005529	Burning	110 Cherokee Ct	Yes
2005493	Burning	Seven Devils Rd/Rosebay	Yes
2005504	Burning	Seven Devils Rd	Yes
2005505	Burning	Seven Devils Rd	
2005506	Burning	Seven Devils Rd	
2005499	Burning	Seven Devils Rd	Yes

2005507	Burning	Seven Devils Rd	Yes
2005492	Burning	Seven Devils Rd	Yes
2005486	Burning	Seven Devils Rd	
2005595	Burning	Seven Devils Rd	
2005509	Burning	Seven Devils Rd	
2005596	Burning	Seven Devils Rd	Yes
2005508	Burning	Seven Devils Rd	Yes
2005498	Burning	Seven Devils Rd	
2005485	Burning	Seven Devils Rd	
2005500	Burning	Seven Devils Rd	Yes
2005512	Burning	219 Wildcat Rocks Rd	Yes
2005487	Burning	Autumn View/Devils Lake Dr	
2005537	Burning	Grandview Dr/Devils Lake Dr	
2005514	Burning	361 Moonlight Tr	
2005548	Burning	Skiview Dr/Tangle Ln	
2005583	Burning	526 Buckeye Ln	
2005582	Burning	Seven Devils Rd	
2004203	Burning	Devils Lake Dr/Bradley Blvd	Yes
2001666	Burning	Skyland Dr/Chalet Dr	
2003161	Burning	139 Moonlight Trl	
2001671	Burning	Skyland Dr/Skiview	
2001670	Burning	Skyland Dr/Thornclyff Dr	
2005931	Burning	134 Woodwinds Ct	
DL2896	Burning	138 Woodwinds Cir	
2005608	Burning	Highcliff Cir/Wildcat Rocks Rd	
2005668	Burning	Peregrine Pointe	Yes
2005669	Burning	Peregrine Pointe	Yes
2006821	Burning	254 Highcliff Cir	
2007252	Burning	Thornclyff Dr/Buckeye Ln	
2007285	Burning	Devils Lake Dr	Yes
2009094	Burning	Public Works Building	Yes
2007681	Burning	Rocky Top Ct/Wayside Ct	
2003576	Burning	Grandview/Nettles Knob	Yes
2004151	Burning	199 Highcliff Cir	
2003158	Burning	257 Cliffside Ln	
2001549	Burning	299 Highcliff Cir	
2003559	Burning	Chestnut Ridge Tr	Yes
2003197	Burning	Edgecliff/Knob Hill	Yes
2003712	Burning	629 Skiview	
2003149	Burning	870 Devils Lake Dr	
2003713	Burning	113 Knob Hill Ln	
2003623	Burning	Fire Department	
2003577	Burning	212 Chinkapin	Yes
2003723	Burning	Skiview Dr/Moonlight Tr	
2003560	Burning	351 Windy Knob Tr	Yes
2002399	Burning	441 Skiview Dr	
2003532	Burning	362 Chinkapen	Yes



Date	Last Name	First Name	St #	Street Name	Topic	Complaint Specifics	Resolution
1-Dec	unknown caller				internet	Did you know the internet was not working? Why?	Regional issue - service was restored 2.5 hours later
1-Dec	potential buyer of vacant lot			Wildcat/Highcliff	"large pipe"	Why is large pipe on this lot & can it be removed to build?	NO-culvert is drainage for runoff across the street - must build away from, or divert water
6-Dec	Detwiler			Windy Knob	water	high water bill wants to put monitor on Town meter water fraud?	rental usage advise to have plumber check internal systems
7-Dec	Hogan	Walt				<b>COMPLIMENT</b> Loved the food drive gift (Mug & ornament)	"truly blessed" to live in Seven Devils
10-Dec	Sholtes	Wayne		Hawkspeak condos	sign	Let's Go Brandon sign on 7Devils Road is very obscene and hateful; offends 11 yo son	Not in Town limits No jurisdiction
13-Dec	multiple			Hawkspeak condo	sign	S/A	S/A
16-Dec	Smith	Mack	350	Skyland	street light	light in shared drive is too bright - Town needs to adjust it	advised to call BREMCO with locator tag # and request a shade install
16-Dec	Lakhotia	Tina	1355	7Devils Road	tree removal	wants to improve view just closed on condo 2 weeks ago - need them cut before leaving in 3 days	explained tree permit process; wants to cut trees on other condo property; explained permission process
21-Dec	Kathe	Chris		Grandview Dr	stuck truck	Lowe's delivery truck stuck at intersection; multiple trucks to remove; scarred road	Police investigated; topical scratches, no broken pavement; asked to call instead of email
28-Dec	Williams	Hank		Buckeye	OF parking sign	someone has stolen the Otter Falls "No Parking" sign recently installed by DOT	PD investigated; sign is still intact & working
30-Dec	unidentified			Jaybird	garbage	"When can we expect Town to pick up garbage?"	Lakes HOA has private dumpster for owners



30-Dec renters			snow plowing	"Coming up in 10 days. What is Town's plan to plow our road?"	too far in advance to plan for icy road conditions; use AWD
30-Dec Byrnes	Bernie	276 Wildcat Rocks	neighbor's dog	dog at 304 Edgefield Ct.	Chief investigated
30-Dec Byrnes	Bernie	276 Wildcat Rocks	Police report	wanted report immediately "make it my full time job" while son video cam'd	Chief will get her a copy when it is finished; do not threaten people

# Activity Log Event Summary (Cumulative Totals)

## SEVEN DEVILS PUBLIC SAFETY

(12/01/2021 - 12/31/2021)

Alarm Activation	1	Animal Complaint	2
Assist Other Department	5	Bank Deposit Escort	8
Business Check	363	Extra Patrol	12
Motor Vehicle Accident	2	Open Door	3
Patrol	141	Residence Check	1
Suspicious Person	1	Trespassing	1
Vehicle Stop	6	Welfare Check	1

**Total Number Of Events: 547**

# SEVEN DEVILS VOLUNTEER FIRE DEPARTMENT

157 Seven Devils Road, Seven Devils, N.C. 28604

(828 ) 963-5343 ( 828 ) 963-6760

Fire Chief Bobby Powell

December 2021

Fire Calls:	1
Medical Calls:	2
Training sessions:	1
Total Man-hours:	92 Hrs.

Shane Garland, Watauga Fire Marshall and I completed fire inspections at two of the businesses in Seven Devils that were not open during November's inspection period. Both passed fire inspections with only a few minor problems found. We have plans to go back at a future date and complete the ones that are still due for inspection. This inspection is used as a preventive inspection; we endeavor to educate the business owner and stop a potential fire situation before it begins.

We have two Fire Trucks with snow chains ready to respond. We have also trained on Chimney fires, fire alarms, and responding in winter conditions.

1 Fire Call  
2 Medical Calls

Thank You,  
**Bobby Powell**

**MONTHLY FINANCE REPORT**  
December 2021 - 50%

	Budget		Actual		%
	Total	Previous	December	YTD	
<b>Section 1. General Fund</b>					
Anticipated Revenues by Category					
Ad Valorem Taxes	807,000	484,478	221,955	706,433	87.54%
State Share Revenue	124,360	45,834	21,422	67,256	54.08%
ABC Distribution	120,000	500	81,000	81,500	67.92%
Powell Bill Allocation	30,000	14,601	18,389	32,990	109.97%
Permits and Fees	10,000	3,724	15	3,739	37.39%
Sales Tax	200,000	59,009	18,926	77,935	38.97%
Misc Revs, Govt Grants, Sale of Assets	389,620	32,420	6,393	38,813	9.96%
Capital Reserve Fund/FB	203,952	0	0	0	0.00%
Occupancy Tax	300,000	156,858	35,779	192,637	64.21%
<b>Total</b>	<b>2,184,932</b>	<b>797,424</b>	<b>403,879</b>	<b>1,201,303</b>	<b>54.98%</b>
Authorized Expenditures by Department					
Governing Board	23,900	8,392	7,499	15,891	66.49%
Administrative	472,303	237,956	43,648	281,604	59.62%
Public Safety	564,491	210,067	54,855	264,922	46.93%
Fire Protection	108,327	19,967	529	20,496	18.92%
Zoning	21,000	71	181	252	1.20%
Parks & Rec	213,796	101,395	9,549	110,944	51.89%
Public Works	451,115	168,325	36,660	204,985	45.44%
Powell Bill	30,000	34	0	34	0.11%
Tourism Development Authority	300,000	156,859	35,779	192,637	64.21%
<b>Total</b>	<b>2,184,932</b>	<b>903,066</b>	<b>188,701</b>	<b>1,091,766</b>	<b>49.97%</b>

**MONTHLY FINANCE REPORT**  
December 2021 - 50%

	Budget	Actual		%	
	Total	Previous	December		YTD
<b>Section 2. Enterprise Fund</b>					
<b>Anticipated Revenues by Category</b>					
Water Operating Revenues	240,797	88,804	24,258	113,062	46.95%
Water Taps and Connections	4,000	4,000	0	4,000	100.00%
Non Operating Revenues	34,819	34,489	0	34,489	99.05%
Capital Reserve for Capital Outlay	20,000	0	0	0	0.00%
<b>Total</b>	<b>299,616</b>	<b>127,293</b>	<b>24,258</b>	<b>151,551</b>	<b>50.58%</b>
<b>Authorized Expenditures by Department</b>					
Water-Operating	120,725	51,010	10,600	61,610	51.03%
Non Operating	32,472	13,113	2,623	15,736	48.46%
Capital Outlay	146,419	34,703	0	34,703	23.70%
<b>Total</b>	<b>299,616</b>	<b>98,826</b>	<b>13,222</b>	<b>112,048</b>	<b>37.40%</b>