

TOWN OF SEVEN DEVILS
REGULAR TOWN COUNCIL MEETING
October 8, 2019
5:30pm

- 1) INVOCATION/PRAYER
- 2) CALL TO ORDER - 5:30pm
- 3) PLEDGE OF ALLEGIANCE
- 4) ADOPT AGENDA
- 5) CONSENT AGENDA
 - A. MOTION FOR CONSIDERATION
 - (i) Adopt minutes of Town Council Meeting on September 10, 2019
- 6) OLD BUSINESS - NONE
- 7) NEW BUSINESS
 - A. Town Audit Report FY19 – Sharon Gillespie, CPA
 - B. Woodwinds II – Road Dedication
 - (i) Support Documentation
 - (ii) Resolution #2019-08 *motion needed*
 - C. Avery County Board of Elections Contract – *motion needed*
- 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 Commission – No meeting
 - E. Parks & Recreation Committee – September 2019 meeting
 - F. TDA – September 2019 minutes
 - G. ABC Board – August 2019 minutes
 - H. Tree Committee – No meeting
 - I. Public Safety Department
 - (i) Police Report
 - (ii) Fire Report
 - J. Financial Reports
- 11) COUNCIL COMMENTS
- 12) ADJOURN

**TOWN OF SEVEN DEVILS
TOWN COUNCIL MEETING
September 10, 2019
5:30pm**

The Seven Devils Town Council met in regular session on Tuesday, September 10, 2019 at Town Hall. Present were Mayor Larry Fontaine, Mayor Pro Tem Brad Lambert, Members Tina Bailey, Kay Ehlinger and David Ehmig. Also present were Town Manager Debbie Powers; the minutes were recorded by Town Clerk Hillary Gropp.

INVOCATION

Mayor Fontaine gave the Invocation for tonight's meeting.

CALL TO ORDER

Mayor Fontaine called the meeting to order at 5:30pm.

PLEDGE OF ALLEGIANCE

Council members and citizens recited the Pledge of Allegiance.

ADOPT AGENDA

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

CONSENT AGENDA

ADOPT MINUTES OF TOWN COUNCIL MEETING on August 13, 2019

Member Ehlinger made a motion to approve and adopt the minutes; Member Bailey seconded the motion. The members agreed unanimously.

CITIZENS COMMENTS

Anne Fontaine – 127 West Rocky Top- Commented on the success of the 40th Anniversary Celebration and the efforts of the Town Staff in accomplishing this wonderful event.

ADMINISTRATIVE UPDATE

Manager Powers provided the following update:

- Sarah Manning is the ABC Board Chairperson this year.
- Town Hall will be closed during moving days – Sept 17th & 18th
- Parks & Rec Tech position vacant – job description will be posted on Town's website.
- PARTF Grant – 7D was not awarded a grant. – Funded 14/56 requests - 25% of applicants.
- 40th Anniversary Recap – Sponsored by TDA – Attendance approximately as follows: Ribbon Cutting = 80, BBQ Lunch = 150, Music by the Lake = 300
- Hillary Gropp attended week #3 of Clerk's Institute at UNC SOG.
- Requests for questions/topics for Candidate Forum in September H20 billing.
- New redesigned ECHO newsletter is now available.

Updates for: Tree Permits, Projects, Fence Permits, Complaints & Real Estate Closings.

OLD BUSINESS

A. NEW TOWN HALL UPDATE

Mayor Pro Tem Lambert made a motion to adopt the Closed Session Minutes of April 9, 2019; Member Ehmig seconded the motion. The members agreed unanimously. These minutes are now released as public record. ~CLOSED~

NEW BUSINESS

A. TDA Board Vacancy

(i) Resolution #2019-07



RESOLUTION #2019-07

**UPDATE THE ADMINISTRATION OF THE
TOURISM DEVELOPMENT AUTHORITY**

WHEREAS, The Town of Seven Devils was authorized to levy a room occupancy tax for the promotion of travel and tourism; and

WHEREAS, the 2002 NC General Assembly Session Laws grant the Town of Seven Devils the Authority to levy occupancy taxes, administered by a Council appointed Tourism Development Authority,

NOW, THEREFORE, BE IT RESOLVED:

The Seven Devils Town Council does hereby instruct the Tourism Development Authority to advertise and promote travel in the Town of Seven Devils.

The Authority shall consist of a minimum of three (3) members appointed to two-year terms by the Town Council and may appoint an alternate Member. The Tourism Development Authority will appoint a chairperson and a vice-chairperson from among the membership.

All Members and alternates must be individuals who are active in the promotion of travel and tourism in Seven Devils.

The Authority shall expend all occupancy taxes remitted to the Town, less three percent administrative charges, in the following manner: Two thirds of the funds remitted shall promote travel and tourism in Seven Devils and one third of the funds remitted shall finance tourist related capital projects in the Town.

The Authority shall determine its meeting dates and time and shall meet at least monthly. All Authority meetings are to be held in accordance with the Open Meetings Law. The Authority shall review monthly financials reports and shall submit annual reports of revenues and expenditures to the Town Council. The Seven Devils Finance Officer shall serve as an ex-officio Member of the Authority.

POWERS AND DUTIES

The Authority shall promote travel and tourism in the Town; sponsor tourist related events and activities in the Town, and finance tourist related capital projects in the Town.

The Authority shall advertise and market Seven Devils and local events and attractions, publish and distribute promotional materials, conduct market research and engage in other activities designed to attract tourists and travelers to the Town.

The Authority shall make tourism-related expenditures that are designed to increase the use of lodging facilities, recreational facilities and business establishments in the Town.

ADOPTED, this 10th day of September 2019.

ATTEST:


Larry Fontaine, Mayor


Hillary Gropp, Town Clerk



Member Bailey made a motion to approve Resolution#2019-07; Member Ehmig seconded the motion. The members agreed unanimously. ~CLOSED~

(ii) Applications

Richard Blonshine – *Appointed to fill vacant seat – Term expires 1/1/2021*

Leigh Sasse – *New member – Term expires 1/1/2022*

Member Ehlinger made a motion to accept the above applications & appointments to the TDA Board; Member Bailey seconded the motion. The members agreed unanimously. ~CLOSED~

B. Purchase of old Police Weapons

Police Chief Harris made a formal written request to the Town Council to remove old firearms from service and surplus them; his request includes allowing the Officers to purchase their firearm. After discussion among Town Council it was agreed the purchase price for a firearm is \$15.00. Member Ehmig made a motion to approve the purchase price of firearms by Police Officers at \$15.00; Member Ehlinger seconded the motion. The members agreed unanimously. ~CLOSED~

C. New Police Officer

Police Officer Adam Renfro was introduced to the Town Council. A ceremonial Oath of Office was given; the official Oath of Office was administered on Monday, September 16, 2019 at Town Hall. ~CLOSED~

D. Avery County MOA/Involuntary Commitments

Mayor Pro Tem Lambert made a motion to approve a “Memorandum of Transportation Agreement for Involuntary Commitments” with Avery County; Member Ehmig seconded the motion. The members agreed unanimously. ~CLOSED~

E. Foreclosure Update

Manager Powers provided an update on two properties that have recently been foreclosed on due to past due taxes. ~CLOSED~

COMMITTEE REPORTS

Board of Adjustment – No meeting

Planning Board – No meeting

Public Works – No meeting

Public Safety Committee – August minutes

Parks & Recreation Committee – No meeting

TDA – August minutes

ABC Board – July minutes

Tree Committee – No meeting

Public Safety Department

Police Report

Fire Report

Financial Report

COUNCIL COMMENTS

Member Ehmig spoke of the milestone of tonight's meeting, with it being the last time a Town Council meeting will be held at the current Town Hall. Next month begins a new era as the Town Council meeting will occur at the new Town Hall.

Mayor Fontaine, Mayor Pro Tem Lambert, Member Ehlinger agreed achievement of the goals of the Recreational Needs Survey is important as future uses are discussed about the current Town Hall.

ADJOURN

Member Ehlinger made a motion to adjourn; Member Bailey seconded the motion. The members agreed unanimously. The meeting adjourned at 6:01pm.

Larry Fontaine, Mayor

Hillary Gropp, Town Clerk

TOWN MANAGER
Debbie Powers, MSBA, CZO

TOWN FINANCE OFFICER
Helga Sappington

TOWN CLERK
Hillary Gropp



AGENDA ITEM 7)B.(i) TOWN COUNCIL

MAYOR - *Larry Fontaine*
MAYOR PRO-TEM - *Brad Lambert*
Kay Ehlinger
David Ehmig
Tina Bailey

TOWN OF SEVEN DEVILS

January 18, 2018

Mr. Craig McKinney
241 Woodwinds
Seven Devils, NC 28604

Dear Mr. McKinney:

Thank you for your call regarding the status of your Woodwinds II road. I understand the concerns that you and the owners in Woodwinds II have concerning treating the roads during snow events, such as the one we had this week. To recap our conversation, roads within Woodwinds II are private roads, and are privately maintained – please see attached Plat Book 13, Page 149, under #5 in the Notes section - which is recorded in the Watauga County Register of Deeds, and is one of your official documents, recorded on February 11, 1997. Also, see a more recent plat dated September 25, 2001 – Plat Book 16, Page 38, under #8 in the Notes section, where it again states that Woodwinds II is paved and privately maintained and proposed to be dedicated to the Town of Seven Devils. That being said, the Town has a process to dedicate your road, and I would be happy to work with you on this process. First, our Town Engineer and our Public Works Director would have to meet to determine if your road would be acceptable “as is”, or what the requirements would be to become a Town road. Once this is determined, and the requirements are met, we would approach the Town Council to present your request.

I know that one of our employees had treated your road in the past, and that employee is now trained and informed; I apologize for his actions in treating your road.

As for your concern about paying taxes, and not receiving services, I reiterate that you do receive services from our Public Safety Officers (police), Fire Department, and First Responders, as your property owners have utilized these services.

You are welcome to pass this letter along to your property owners, and if you should decide to start the process of dedicating the road to the Town, I am here to help you. If you have any further questions, please let me know.

Kindest Regards,
Debbie Powers
Debbie Powers, Town Manager



405 South Sterling Street, Morganton NC 28655

828 433 5661 / fax 828 433 5662 / westcons@bellsouth.net

February 21, 2018

Mrs. Debbie Powers, Town Manager
Town of Seven Devils
1356 Seven Devils Road
Seven Devils, NC 28604

Re: Woodwinds II
Subdivision Road Dedication

Dear Mrs. Powers;

On Tuesday, February 20, we made a site visit to the above referenced project in an effort to evaluate the condition of the street paving in anticipation of the street being offered to the Town for inclusion into the Town's street system. In general, the street was in good condition with only a few cracks in the pavement and one very minor area of alligator cracking. After visiting the site my recommendation is that the Town consider accepting the street as an addition to the Town's street system under the following conditions:

1. The street must have a 45-foot wide public right of way dedicated to the Town of Seven Devils. This right of way is shown on the subdivision plat, PB 16, Page 38, and has the Certificate of Dedication for the street and right of way on the plat.
2. The cracks and small distressed area must be repaired by either of two ways: seal the cracks and the distressed area with asphalt emulsion sealer or resurface the length and width of the street with 1-1/2" of asphalt surface course. In my opinion, either way of repair would be acceptable.

Please consider these recommendations and feel free to contact me if you should have questions or comments.

Sincerely,
WEST CONSULTANTS, PLLC

David Poore

David W. Poore, PE, CPESC



August 30, 2019

Mrs. Debbie Powers, Town Manager
Town of Seven Devils
1356 Seven Devils Road
Seven Devils, NC 28604

Re: Woodwinds II
Subdivision Road Request for Dedication

Dear Mrs. Powers;

On Thursday August 29, we made a site visit to the above referenced project in an effort to evaluate the condition of the street paving in anticipation of the street being offered to the Town for inclusion into the Town's street system. In my letter dated February 21, 2018, I had made the following recommendations before the street could be added to the Town's street system:

- 1. The street must have a 45-foot wide public right of way dedicated to the Town of Seven Devils. This right of way is shown on the subdivision plat, PB 16, Page 38, and has the Certificate of Dedication for the street and right of way on the plat.*
- 2. The cracks and small distressed area must be repaired by either of two ways: seal the cracks and the distressed area with asphalt emulsion sealer or resurface the length and width of the street with 1-1/2" of asphalt surface course. In my opinion, either way of repair would be acceptable.*

These recommendations have been completed as of the date of this letter. In my opinion, this street now meets the Town's requirements for addition to the Town's street system, provided that sufficient right of way can be dedicated to the Town to provide for a "hammerhead tee" cul de sac at the end of the street.

Please feel free to contact me if you should have questions or comments.

Sincerely,
WEST CONSULTANTS, PLLC

David W. Poore, PE, CPESC



9/16/2019

To: Town Manager Mrs. Debbie Powers and The Town Council of Seven Devils North Carolina

As the President of the Woodwinds 2 Homeowners Association I am writing to request that our road, (WoodWinds Drive) be dedicated to the Town of Seven Devils, North Carolina. We have followed the recommendations of the Town Engineer and completed our repairs by sealing the cracks and any distressed areas with asphalt emulsion sealer. This procedure was one of the two recommendations detailed in a letter to Mrs. Powers dated 8/30/19. In this same letter the Town Engineer states that these repairs have been completed successfully. Additionally, and as requested, enough right of way can be dedicated to the Town to provide a "hammerhead tee" cul de sac at the end of the street. This is necessary in order to turn around snowplows, maintenance vehicles, or emergency vehicles. The road dedication is also discussed in the original Plat for the WoodWinds 2 subdivision. This can be reviewed by locating number eight under the notes section on this document. Since all the necessary requirements have been met, I do respectfully request that the Town Council and Town Manger follow the necessary legal procedures to dedicate WoodWinds Drive into the town road system.

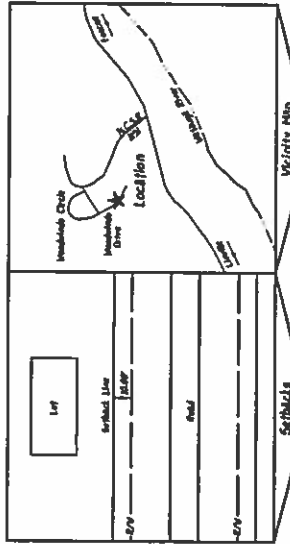
Thank you for your consideration

If the Town Council or Mrs. Powers has any questions, please feel free to contact me at your convenience.

Sincerely,

Handwritten signature of Craig B. McKinney LCSW in black ink.

Craig B. McKinney LCSW
President WoodWinds 2 HOA



SURVEYORS CERTIFICATE

I, the undersigned, being duly sworn, do hereby certify that the above and foregoing plat was prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of North Carolina.

David L. Hoff
 David L. Hoff, P.L.S., L.M.S.

Hugh A. Zarnal Profile
 Deed Book 116 page 69

Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property above described and that I have the right to dispose of the same as I see fit. I hereby dedicate the same to the public use of the Town of Seven Devils, North Carolina, and I hereby certify that the same is not subject to any liens or other claims.

9-24-01
David L. Hoff
 David L. Hoff, P.L.S., L.M.S.

Certification of Approval of Water Supply and Sewage Disposal Systems

I hereby certify that the water supply and sewage disposal systems shown on the above plat have been approved by me as being in accordance with the requirements of the North Carolina Sanitary Code and the rules and regulations of the North Carolina Department of Health and Human Services.

9-25-01
David L. Hoff
 David L. Hoff, P.L.S., L.M.S.

Certification of Approval of Water Supply and Sewage Disposal Systems

I hereby certify that the water supply and sewage disposal systems shown on the above plat have been approved by me as being in accordance with the requirements of the North Carolina Sanitary Code and the rules and regulations of the North Carolina Department of Health and Human Services.

9-25-01
David L. Hoff
 David L. Hoff, P.L.S., L.M.S.

I hereby certify that all records, notices and other required documents have been recorded in a public office and that the same are available for public inspection and that I am duly licensed and qualified as a surveyor in the State of North Carolina.

9-25-01
David L. Hoff
 David L. Hoff, P.L.S., L.M.S.

State of North Carolina
 County of Watauga

I, the undersigned, being duly sworn, do hereby certify that I am a duly licensed and qualified surveyor in the State of North Carolina.

9-25-01
David L. Hoff
 David L. Hoff, P.L.S., L.M.S.

NORTH CAROLINA-WATAUGA COUNTY
 DEED BOOK 116 PAGE 69

I, the undersigned, being duly sworn, do hereby certify that I am a duly licensed and qualified surveyor in the State of North Carolina.

9-25-01
David L. Hoff
 David L. Hoff, P.L.S., L.M.S.

David L. Hoff
 David L. Hoff, P.L.S., L.M.S.

4.799 Acres
 see note '6'

- Notes:**
1. Bearings relative to map 795006 by Robert E. Grindstaff P.L.S. 1-25-94.
 2. Area of clearing not less than 10,000 sq. ft.
 3. Area reserved for common utility.
 4. The intended use of this property is for single family residence.
 5. The Easement Conveyance are recorded in Book 115 pages 900-91.
 6. The area shown hereon includes the areas in Lots 1-6.
 7. This property is located in an area of minimal flooding Zone 'X' on the F.F.A. Flood Insurance Rate Maps for Watauga County.
 8. Woodwinds Drive within Woodwinds II is paved and privately maintained and proposed to be dedicated to the Town of Seven Devils.
 9. The vertical curves for Lots 1-5 and Lot 7 are located in the office of the Surveyors, James E. and J. D. the Surveyors, 1000 W. Main Street, Seven Devils, North Carolina 28680, the office of Appalachian Land Services and at the Seven Devils Town Hall.
 10. O denotes a 3/4 inch rebar set unless otherwise noted.
 11. The proposed easements recorded in Plat Book 15 page 16 has been changed to a 7' turn around.
 12. Present Lots shown hereon have been approved by Appalachian District Health Department for use and septic tank use.
 13. All areas other than existing and future lots will be designated common area.

- Legend:**
- Electric Transformer
 - Telephone and Cable

Sheet 1 of 2
Phase 1C, Woodwinds II
 Property of
Ehinger Construction Company
 Town of Seven Devils-Watauga County
 North Carolina
 July 9, 2001

Scale is 1"=50' (1:500)

Bearings and distances for Lots 1-8 shown on Sheet 1 of 2

Lot 1, Map *A596060

Course	Bearing	Distance
L-1	553°50'00"E	44.00'
L-2	536°10'00"W	20.00'
L-3	553°50'00"E	7.50'
L-4	536°10'00"W	35.11'
L-5	553°50'00"W	21.50'
L-6	536°10'00"W	15.00'
L-7	553°50'00"W	17.00'
L-8	N36°10'00"E	7.00'
L-9	553°50'00"W	21.00'
L-10	N36°10'00"E	28.00'
L-11	553°50'00"W	1.50'
L-12	N36°10'00"E	15.11'
L-13	553°50'00"E	3.50'
L-14	N36°10'00"E	5.00'
L-15	553°50'00"E	6.00'
L-16	N36°10'00"E	15.00'

Corner A located 502°48'E 155.23' from an iron found at a 24" locust;
 Corner B located N43°59'W 315.22' from an iron found

Lot 2, Map *796085

Course	Bearing	Distance
L-1	559°12'E	54.00'
L-2	530°48'W	32.67'
L-3	N59°12'W	4.00'
L-4	530°48'W	28.32'
L-5	N59°12'W	64.00'
L-6	N30°48'E	51.00'
L-7	559°12'E	14.00'
L-8	N30°48'E	9.99'

Corner A located 516°41'W 332.55' from an iron found at a 24" locust; Corner B located 508°04'W 349.66' from an iron found at a 24" locust

Lot 3, Map *197004

Course	Bearing	Distance
L-1	528°37'E	68.20'
L-2	560°42'W	49.00'
L-3	N28°37'W	51.00'
L-4	N60°42'E	10.00'
L-5	N28°37'W	17.20'
L-6	N60°42'E	39.00'

Corner A located 521°50'E 563.25' from an iron found at a 24" locust;
 Corner B located S18°04'E 569.54' from an iron found at 24" locust

Lot 4, Map *A97-153.2

Course	Bearing	Distance
L-1	552°17'E	35.50'
L-2	537°43'W	10.50'
L-3	552°17'E	27.11'
L-4	537°43'W	37.80'
L-5	N52°17'W	62.60'
L-6	N37°43'E	48.30'

Corner A located 509°34'E 241.11' from an iron found at a 24" locust; Corner B located 514°43'E 268.28' from an iron found at a 24" locust

Lot 5, Map *A98038

Course	Bearing	Distance
L-1	539°02'W	56.48'
L-2	N51°14'W	60.05'
L-3	N39°02'E	56.45'
L-4	551°16'E	60.06'

Corner A located 583°23'W 181.13' from an iron found; Corner B located N76°20'W 144.53' from an iron found



Lot 6, Map 01168-3

Course	Bearing	Distance
L-1	555°30'E	14.60'
L-2	534°30'W	14.86'
L-3	555°30'E	11.78'
L-4	534°30'W	2.00'
L-5	555°30'E	10.37'
L-6	534°30'W	55.24'
L-7	N55°30'W	58.25'
L-8	N34°30'E	65.40'
L-9	555°30'E	21.50'
L-10	N34°30'E	6.70'

Corner A located 500°29'W 379.20' from an iron found at a 24" locust; Corner B located 501°18'E 387.56' from an iron found at a 24" locust

Lot 7, Map *A99188

Course	Bearing	Distance
L-1	553°11'E	72.20'
L-2	536°49'W	53.02'
L-3	N53°11'W	72.20'
L-4	N36°49'E	53.02'

Corner A located 530°05'E 77.67' from an iron found; Corner B located 504°26'E 46.21' from an iron found

Lot 8, Map 01168-4

Course	Bearing	Distance
L-1	556°22'E	62.05'
L-2	533°38'W	50.09'
L-3	N56°22'W	62.05'
L-4	N33°38'E	50.09'

Corner A located 506°21'E 466.09' from an iron found at a 24" locust; Corner B located 511°44'E 508.19' from an iron found at a 24" locust

Sheet 2 of 2
 Property of
Phasing IC, Woodwinds II
Ehinger Construction Company
 Town of Seven Devils-Watauga County
 North Carolina
 July 9, 2001





RESOLUTION #2019-08

RESOLUTION DEDICATING WOODWINDS II DRIVE EXTENSION TO THE TOWN'S STREET SYSTEM

WHEREAS, North Carolina General Statute 160A-296 grants municipalities general authority and control over all public streets within its corporate limits; and

WHEREAS, including a street on a town map does not provide any evidence of intent to accept the street for public use; and

WHEREAS, the Residents have offered the following street and right-of-way, including a "hammerhead tee" cul-de-sac at the end, to be accepted for Town maintenance as identified in the following; and

Street	Pavement Width	Length feet (miles)	ROW Width
Woodwinds II Drive Extension	18'	362' (.0686)	45'

WHEREAS, the Public Works Director and the Town Engineer have reviewed the request to dedicate the road and have recommended maintenance actions; and

WHEREAS, the Residents have completed all requested maintenance actions and the Town Engineer and Public Works Director have inspected and approved the maintenance.

NOW, THEREFORE, BE IT RESOLVED THAT THE SEVEN DEVILS TOWN COUNCIL hereby accepts the above designated street and for dedication of Woodwinds II Drive Extension.

Adopted this the 8th day of October 2019.

ATTEST:

Larry Fontaine, Mayor

Hillary Gropp, Town Clerk



**Avery County Board of Elections
P.O. Box 145
Newland, NC 28657
828-733-8282
828-733-8283 FAX**

September 12, 2019

Municipals:

Enclosed you will find two (2) copies of the contracts between the Avery County Board of Elections and your municipality. The Avery County Board of Elections will be conducting the 2019 Municipal Elections for all Avery County citizens which reside within the your town limits. Please look over the enclosed contracts to be sure no changes are required. If the contacts are in order and you require no changes, please sign both copies and return to the Avery County Board of Election office.

If you should have questions please do not hesitate to contact us here at the office 828-733-8282 or email Sheila.Ollis@averycountync.gov. We look forward to working with you and hope to have a wonderful election "season".

Thanks again!

A handwritten signature in cursive script that reads "Sheila E. Ollis".

Sheila E. Ollis
Director Avery County Board of Elections

NORTH CAROLINA
AVERY COUNTY

AGREEMENT

THIS AGREEMENT made and entered into this the 30 day of Sept 2019 by and between Town of Seven Devils, a municipal corporation hereinafter referred to as "Municipality" and the Avery County Board of Elections hereinafter referred to as "Board of Elections."

WITNESSETH

THAT, WHEREAS, The above named Municipality will continue its agreement with the Board of Elections to conduct its future municipal elections; and

WHEREAS, The Board of Elections will conduct said municipal elections upon proper execution of this Agreement; and

WHEREAS, Parties to this agreement acknowledge that fair and accurate elections cannot take place without the Board of Elections receiving accurate and complete voting district and voting schedule information from the Municipality sufficiently in advance of the election to assign voters properly; and

WHEREAS, when contracting with a county board of elections for the conduct of its elections, a municipality is required to pay the actual cost of conducting said election. For budgeting purposes, however, the Board of Elections understands that it would benefit municipal officials to have the most accurate estimate of costs possible for allocation of budget revenues.

Barring new laws, annexations, districting, redistricting, ward changes, any other changes by the Municipality and other variables, the Board of Elections does not anticipate the cost of the next election to increase more than ten percent. If it learns that the increase will exceed ten percent, the county board of elections will notify the Municipality as soon as they are aware. The Board of Elections, therefore, estimates that the current year's municipal election costs will not be likely to increase more than ten percent of its most recent odd-numbered-year election costs billing.

To determine the ten percent estimated increase, the Municipality should refer to its files for the most recent odd-numbered-year election billing with comprehensive sheet showing complete and detailed directly related charges billed and explanations as to arrival at prorated charges.

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED BETWEEN THE PARTIES HERETO THAT:

- 1) The Board of Elections shall conduct all elections required by law or duly called by said Municipality, all as by law provided.
- 2) It is the responsibility of the Municipality to provide the Board of Elections with clear and accurate maps, districts, municipal lines, government changes and proof of preclearance.
- 3) The Municipality shall pay to the Board of Elections the actual cost involved in the administration required in conducting an election within thirty days of receipt of billing, subject to the setoff of retained filing fees. Actual costs of an election shall include, but is not limited to all expenses, travel, actions and labor in the preparation for and conduct of all primaries, runoffs, and elections. Actual costs shall also include expenses, transportation, and labor costs for election protests, petition examination and petition certification that may arise from the election. The Board of Elections shall not be responsible for any expenses arising from litigation from a municipal election, except as to allegations that the Board failed to follow the instructions of the Municipality as to the election or was negligent in the conduct of the election. In addition, if the Municipality requires annexation activation, ward defining, districting, or redistricting work, actual costs will be charged by the Board of Elections to the Municipality in the year of municipal elections. Reference should be made to previous billings for estimated cost of such work that may include mailing of annexation notifications, required overtime of staff and related cost of supplies. The Municipality shall be entitled to a detailed billing for the incurred costs. G.S. 163A-1589.
- 4) If the Board of Elections conducts an election for said Municipality simultaneously with a countywide election, all actual expenses incurred for conducting the municipal election in excess of the cost for the countywide election shall be reimbursed by said Municipality to the Board of Elections.
- 5) The number of and compensation for poll workers and voting machine technicians, along with election preparations and training and programming of voting machines, as well as other matters directly related to any election, shall be determined according to federal election laws, North Carolina Administrative code and General Statutes of North Carolina by the State Board of Elections and the Avery County Board of Elections.
- 6) The North Carolina State Board of Elections and Avery County Board of Elections have jurisdiction over election matters. Therefore, any questions or problems concerning elections, including billing, should be brought directly to the Avery County Board of Elections for resolution. If not resolved satisfactorily

within a reasonable or statutory period, appeals may be made to the North Carolina State Board of Elections under the provisions of G.S. 163A-1631.

- 7) All municipal filing fees paid to the Board of Elections shall be deposited to the account of Avery County and deducted from the Municipality's election costs. The Municipality will be provided exact written information as to the fees collected.
- 8) The term of this Agreement shall be for a two-year period, commencing on the first day of September 30, 2019 and terminating on September 30, 2021. The term of this Agreement shall be automatically extended for successive two (2) year periods unless either party provides verified hand delivered notice to the other party of its intent to terminate the agreement no later than the first day of May of the year the termination is to be effective.
- 9) If the Municipality desires to allow absentee voting in its elections or to eliminate absentee ballots, it shall be the responsibility of the Municipality to comply with the provisions of G.S. 163A-1630.

IN TESTIMONY WHEREOF, said Municipality has caused this instrument to be executed in its corporate name by its Mayor, its Official Seal to be affixed and attested by its Clerk, and the Avery County Board of Elections has caused this instrument to be executed in its name by all members and attested by its Director in duplicate originals, the day and year first above written; one duplicate original to be retained by each of the parties hereto.

THIS, THE ____ DAY OF _____, 2019

BY _____

_____, MAYOR

ATTEST

_____, CLERK

(Municipal Seal)

APPROVED

_____, MUNICIPAL ATTORNEY

AVERY COUNTY BOARD OF ELECTIONS

BY _____ CHAIRMAN

_____ SECRETARY

_____ MEMBER

_____ MEMBER

_____ MEMBER

ATTEST:

SHEILA OLLIS, DIRECTOR

APPROVED:

_____, COUNTY ATTORNEY

TOWN COUNCIL MEETING

Administrative Update

October 8, 2019

September 2019 items:

1. NEW TOWN HALL – recap of move
2. Old Town Hall - repurpose
3. HC COG Annual Dinner – Sept. 6 – Rick Owen, Banner Elk Town Manager named Manager of the Year
4. RTP grant update
5. Wrap-up Seasonal Recreational Activities
6. Save the Date – Friday, December 6 – “Lite the Nite”
7. HBR webinar – Health insurance plans for 2020
8. HCMA – Thursday, October 17th @ Sugar Mountain – 6:00 dinner – 6:30 meeting
 - Tree Permits – 8
 - Projects – 0
 - Fence Permits – 1
 - Complaints – 4
 - Violation letters – 2
 - STOP WORK ORDERS - 1
 - Real Estate Closings – 6 (YTD =44)

<u>Date</u>	<u>Last Name</u>	<u>First Name</u>	<u>St #</u>	<u>Street Name</u>	<u>Complaint Topic</u>	<u>Complaint Specifics</u>	<u>Resolution</u>
3-Sep	Haynes	Don		119 GrandeView	noise	wants Town to plant hedge around tennis courts to curtail noise to his property	noise ordinance restricts hours
3-Sep	Bradford	Mickey		137 Cherokee	high weeds	condition of neighbor prop at 433 Grandview	4th complaint this season; DP issued Violation and fine; Neighbor asked for Bradford to contact him directly; his father spoke highly of Bradford
4-Sep	Copley	Kathy		166 WW	culvert work	wants to know when work begins; "talked to Bubba"	will make every effort to notify; ordered materials, have not arrived yet.
5-Sep	Shotts	Wayne		503 Hawkspeak	webcam	broken - wants to see weather	We are aware - waiting on IT contractor to repair or replace

**Town of Seven Devils
Parks and Recreation Committee
Minutes—Regular Session
September 12, 2019**

The Town of Seven Devils Recreation Commission met at 9:00 a.m. in Town Hall on September 12, 2019. Members present were Bob Bridges, Anne Fontaine, Kay Lambert, Lee Metzger, and Martha Stearns. Faye Brock was absent. Debbie Powers, Brad Lambert, and Larry Fontaine were also present.

Lee Metzger made a motion to accept the amended agenda for today's meeting. Ed Beck seconded the motion, and it passed.

Bob Bridges made a motion to accept the minutes from the May 16, 2019, meeting. Kay Lambert seconded the motion, and the minutes were approved.

Old Business

There was a discussion about whether or not to hold a 2020 Hawk road race. We decided that it would not be worth the effort at this time, but it might be considered in the future.

Debbie Powers reported on attendance at all the events sponsored by the Parks and Recreation Committee. Some were very well attended while others did not have many participants.

Many of the 2019 activities will continue in 2020. Music concerts will continue, although they will be not be at the resort club because of ABC policies. Possible locations are Hawksnest and the Foscoe Community Center. Eventually they could be held on the property adjoining the new Town Hall. Bob Bridges, Lee Metzger, and Ed Beck will form a committee to plan the concerts and choose the performers. A town employee assigned to Parks and Recreation activities would also be on the committee.

There will be a bear decorating contest in 2020 with a new theme. Participants can use existing bear cutouts. New bear cutouts may be available for purchase at Town Hall.

Bob Bridges will plan group hikes for June, July, August, and September. Ed and Beth Beck will host ranger workshops led by Grandfather Mountain State Park ranger Andy Sicard.

Lee Metzger will organize pickleball games on Thursday mornings. Lee reported that pickleball is the fastest growing sport in the country, and participation in Seven Devils has increased throughout the summer.

Martha Stearns will schedule and host landscaping/gardening workshops led by Paige Patterson of the NC Cooperative Extension.

Bob Bridges will plan and host a moonlight canoe trip open to ten participants. He will also plan and host a white water rafting trip on the Nolichucky River.

Lee Metzger will organize and host a Virginia Creeper bicycle ride to be held on a weekday.

SafetyFest will be Saturday, June 27, 2020, and we will have a children's booth similar to the 2019 children's booth.

New Business

There will be an Arbor Day celebration on April 24, 2020. Lite the Nite will probably be held on Friday, December 6, 2019.

Anne Fontaine announced that she is forming a Planning Committee to explore ideas about how to use space in the old Town Hall and how to use outdoor space at the new Town Hall. The old Town Hall will become a community center. Anne and Lee Metzger will be on this committee along with members of the community. Anne hopes to include some members who have young children.

Bob Bridges made a motion to adjourn. Martha Stearns seconded it, and the meeting was adjourned.

Submitted by

Martha Stearns, Secretary

**Town of Seven Devils
Tourism Development Authority Meeting
September 25, 2019**

The Town of Seven Devils Tourism Development Authority met in regular session on Tuesday, September 25, 2019 at Town Hall. Chair Anne Fontaine, Member Leigh Sasse, Town Manager Debbie Powers and Finance Officer Helga Sappington were present.

Call to Order

Chair Anne Fontaine called the meeting to order at 9:00 am.

Adopt Agenda and Approve Minutes

Member Leigh Sasse made a motion to adopt the agenda and to approve the minutes from the August 27, 2019 meeting. Chair Anne Fontaine seconded the motion. The motion passed unanimously. The TDA members also voted in favor via email vote.

Citizen Comments

No citizens were present.

Old Business

- There was a review of the TDA Resolution 2019-07, updating Administration of the TDA. Member Tom Gidley was nominated for Vice Chair. Member Leigh Sasse made a motion to update the resolution and to nominate Tom Gidley for Vice Chair. Chair Anne Fontaine seconded the motion. The motion passed unanimously. The TDA members also voted in favor via email vote.
- Member Leigh Sasse made a motion to purchase a new sign for the new Town Hall to promote tourism in Seven Devils (NTE \$5,000). Chair Anne Fontaine seconded the motion. The motion passed unanimously. The TDA members also voted in favor via email vote.
- Member Leigh Sasse made a motion to purchase a new LED sign for the old Town Hall to promote tourism in Seven Devils (NTE \$5,000). Chair Anne Fontaine seconded the motion. The motion passed unanimously. The TDA members also voted in favor via email vote.
- Member Leigh Sasse made a motion to purchase a new Webcam to promote tourism in Seven Devils (NTE \$2,000). Chair Anne Fontaine seconded the motion. The motion passed unanimously. The TDA members also voted in favor via email vote.
- Town Manager Debbie Powers updated the TDA members on the parking lot repairs and resurfacing of the new Town Hall.

New Business

- Member Leigh Sasse made a motion to advertise in the High Country Press (\$240.00). Chair Anne Fontaine seconded the motion. The motion passed unanimously. The TDA members also voted in favor via email vote.
- Town Manager Debbie Powers presented Seven Devils ads in the Carolina Mountain Living magazine and the Autumn Times to the TDA members.

- Member Leigh Sasse made a motion to fund the “Lite the Nite Celebration” to promote tourism in Seven Devils (\$500.00). Chair Anne Fontaine seconded the motion. The motion passed unanimously. The TDA members also voted in favor via email vote.
- Member Leigh Sasse made a motion to purchase the Fall Decorations for 4 locations around Town to promote tourism in Seven Devils (\$ 1,200.00). Chair Anne Fontaine seconded the motion. The motion passed unanimously. The TDA members also voted in favor via email vote.

Email/Invoice Approvals:

- Norwood’s Commercial Appliances, Inc. repair bill for ice machine used at Town functions (\$798.28)

Financial Statement

- Chair Anne Fontaine made a motion to approve the financial statements. Member Leigh Sasse seconded the motion and it was agreed upon unanimously via email vote.

Board Comments

- **Adjourn**
At 9.40 am, Chair Anne Fontaine made a motion to adjourn. Member Leigh Sasse seconded the motion and it was agreed upon unanimously.

High Country ABC Board Meeting Minutes

August 15, 2019

The High Country ABC Board held its monthly meeting on Thursday, August 15 at 4:15 pm. Board chair Sarah Manning, alternate board member Leigh Sasse, alternate board member David Miller, alternate board member Robin Dunn and general manager Sara Brewer were present. Winston Ammann was out of town and David Miller represented Sugar Mountain. Donna Dicks was sick and Robin Dunn represented Banner Elk.

Before the meeting, general manager Sara Brewer read the following conflict of interest statement; "In accordance with 18B-201, it is the duty of every board member to avoid both conflicts of interests and appearances of conflicts. Does any board member have any conflicts of interests or appearances of conflicts with any matters coming to the board today?" Hearing none, the meeting continued.

Upon motion duly made by Robin Dunn, seconded by David Miller, it was voted to approve today's agenda. Upon motion duly made by David Miller, seconded by Robin Dunn, it was voted to approve last month's minutes.

The board reviewed the job performance for general manager Sara Brewer and evaluated her performance. Upon motion made by Robin Dunn, seconded by David Miller, the board voted on and approved a pay increase for Ms. Brewer.

Sara Brewer reported that sales for July were up \$55,558 over sales for last July. Total sales for the month were \$482,167. The board had previously approved, via email, purchasing two

Certificates of Deposit. They are in the amount of \$73,294.09 each and were opened on 7/25/19. One CD is for a term of 25 months and the second for 37 months.

Old business: David Miller reported on the meeting he and Donna Dicks attended at the YMCA with Dennis Betz and Brian Miller. Mr. Miller has just been hired to organize a teen program primarily aimed at middle school age youth. The board has asked Sara Brewer to invite Brian Miller and Zack Green (of Mountain Alliance) to our September meeting so that the full board can ask questions detailing how the funding will be used if the board chooses to help fund these organizations.

There was no new business before the board and there were no citizens attending.

The next scheduled meeting will be held on Thursday, September 19 at 4:15 pm.

Upon motion duly made by Robin Dunn, seconded by David Miller, it was approved to adjourn the meeting.

Activity Log Event Summary (Cumulative Totals)
SEVEN DEVILS PUBLIC SAFETY
(09/01/2019 - 09/30/2019)

<No Event Type Specified>	1	Alarm Activation	1
Animal Complaint	1	Assist another officer (Seven Devils)	1
Assist Maintenance Department	2	Assist Other Department	1
Assist Resident	1	Business Check	249
Extra Patrol	13	Fire Department	1
Medical	2	Noise Complaint	2
Patrol	55	Suspicious Person	1
Trespassing	1	Vehicle Stop	1
Warning Citation	1		

Total Number Of Events: 334

SEVEN DEVILS FIRE DEPARTMENT

1356 Seven Devils Road, Seven Devils, N.C. 28604

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

Fax (828) 963-1129

Fire Chief Bobby Powell

September 2019

Fire Call: 1
Medical Call: 4
Training sessions: 0
Total Man-hours: 18Hrs.

This month we invited to do a fire alarm, fire extinguisher canvas of Hawk Peak South Condos. We checked and replaced dead batteries in fire alarms and checked their kitchen fire extinguishers. We were invited by their homeowner association and checked 20 residences.

All the firefighter Air Packs passed test this year and all have been serviced as required. We are required to test all our firefighter Air Packs once a year to NFPA standard.

I attended a grant workshop in Hickory for state grants.

1 Fire Call: 1 Fire Alarm, False Alarm Cooking
4 Medical calls: 1 Sick Call, 2 Falls. 1 Stroke.

Thank You,



MONTHLY FINANCE REPORT
September 2019 - 25%

	Budget	Actual		%	
	Total	Previous	Sept		YTD
Section 1. General Fund					
Anticipated Revenues by Category					
Ad Valorem Taxes	806,000	22,507	111,549	134,056	16.63%
State Share Revenue	120,510	60,084	2,590	62,674	52.01%
ABC Distribution	100,000	20,000	21,500	41,500	41.50%
Powell Bill Allocation	30,000	0	14,378	14,378	47.93%
Permits and Fees	4,000	95	28	123	3.08%
Sales Tax	175,000	29,805	15,974	45,779	26.16%
Misc Revs, Govt Grants, Sale of Assets	203,930	7,920	16,772	24,692	12.11%
Capital Reserve Fund/FB	351,272	0	0	0	0.00%
Occupancy Tax	150,000	33,684	13,083	46,767	31.18%
Total	1,940,712	174,095	195,874	369,969	19.06%
Authorized Expenditures by Department					
Governing Board	100,050	2,095	1,186	3,281	3.28%
Administrative	485,856	97,980	45,722	143,702	29.58%
Public Safety	550,043	89,516	41,231	130,747	23.77%
Fire Protection	140,491	5,537	66,713	72,240	51.42%
Planning	1,500	0	388	388	25.87%
Public Works	482,772	85,511	45,204	130,715	27.08%
Powell Bill	30,000	30,000	0	30,000	100.00%
Tourism Development Authority	150,000	33,684	13,083	46,767	31.18%
Total	1,940,712	344,323	213,527	557,840	28.74%

MONTHLY FINANCE REPORT
September 2019 - 25%

	Budget	Actual			%
	Total	Previous	Sept	YTD	
Section 2. Enterprise Fund					
Anticipated Revenues by Category					
Water Operating Revenues	244,500	43,120	20,481	63,601	26.01%
Water Taps and Connections	2,000	0	0	0	0.00%
Non Operating Revenues	1,296	0	0	0	0.00%
Capital Reserve for Capital Outlay	64,867	0	0	0	0.00%
Total	312,663	43,120	20,481	63,601	20.34%
Authorized Expenditures by Department					
Water-Operating	117,914	18,952	8,598	27,550	23.36%
Non Operating	142,249	5,246	2,622	7,868	5.53%
Capital Outlay	52,500	0	0	0	0.00%
Total	312,663	24,198	11,220	35,418	11.33%