The following is the statement read by Justin Grimes, representative for Hawksnest Resort, at the Seven Devils Public Hearing on June 11.

The hearing was concerning the Town Council's solicitation of public comment concerning possible eminent domain action on the former golf course. The following does not reflect the opinions of Aisling Broadcasting. The statement is presented just as it was received.

June 11, 2007

I rise to speak on behalf of many: in particular the 184 Seven Devils property owners and residents who have petitioned you town council members to drop this eminent domain process to purchase the Hawksnest golf course and on behalf of the owners of Hawksnest Ski Resort.

Thank you for the opportunity to speak. I'd like to debunk the untruths in a petition that was circulated by I presume the group calling themselves the save the Seven Devils golf course.

Number one, the petition does not mention this Eminent Domain public hearing, a needed meeting before municipalities can attempt to take private land for the public's good. Was this an intentional omission?

When a normal, rational citizen thinks about a municipality using Eminent Domain Statutes to take private land for the public's good, he or she normally thinks of the public's need for a highway, railroad, or maybe a school; something that benefits all the people. To take a private enterprise like a golf course by eminent domain flies in the face of this established reason.

Maybe this consideration by the Town Council of Seven Devils is exactly why we have a new

bill in the legislature in Raleigh that intends to strengthen our already strong statutes against municipalities from willy-nilly appropriations of private land and enterprises. The proposed amendment would prevent governments from using their power of eminent domain to take private property for commercial purposes: The bill reads that “private property shall not be taken except for public use,” and it prohibits municipalities from taking private enterprises. The bill has passed the House and is presently awaiting approval in the Senate.

This brings me directly to the save the golf course petition. The first sentence of the 2nd paragraph reads, “a year ago the owners of the golf course property in Seven Devils, for their sole benefit…”

Their sole benefit; they own the property folks, have owned the property for years, the town does not own this property and it has never owned this property and has no vested interest in this property.

Do you property owners want the Town Council of Seven Devils to tell you what to do in your backyard, if the town council decides that your backyard would make a good volleyball court, would you allow them to take your land by eminent domain?

The land in question is zoned for recreational use, and that’s exactly what it is and has been used for.

The second sentence says “citizens of Seven Devils have been denied access reducing the summer recreational acreage by 89%.” There is a presumption of ownership in this petition.

Listen carefully, the golf course is private property and when the golf course was open less than one percent of the Seven Devils property owners used the Hawksnest facility. I’ll say that a different way, out of the 1492 resort residents (census data) on ladies day, six women of Seven Devils played golf, on men’s day, a gracious number, 25 men of Seven Devils played golf: a total of 31 people, only 00.02 percent of the community. Or in other words, the save the golf course group is comprised of a very few and almost all are not qualified to vote in Seven Devil’s elections, they are not residents of North Carolina.

Does this Town Council really think that the public good is best served by indebting itself long-term by getting into a losing business on behalf of a privileged few?

The petition sentence continues by saying that “significantly reducing property values in the town.” There is no quantitative evidence to support this statement. A trip to our county’s tax appraisers offices will quickly debunk this untruth. We know we went to look and suggest that you folks do the same.

In 2005, when the golf course was open, the combined (Watauga and Avery) property valuation for the town of Seven Devils was $98,222,458. With the golf course closed in 2006, the combined property valuation was $100,777,556 and in 2007, the property valuation was $133,322,070.

In the middle of the 2nd paragraph, the petition reads “return it to the public recreational use…” HUH… that’s exactly what our resort provides, recreational use; thousands have and do enjoy our ski resort and tubing operation. Hundreds, maybe thousands more of Seven Devils residents, their extended families including a lot of grandchildren and their guests and renters enjoy our winter recreational facilities: compare the numbers to the handful who used to play golf.

That’s exactly what Hawksnest has been trying to communicate to you Town Council members for too long. The Ski resort greatly benefits your community. The golf course was a financial burden, the Ski resort had to underwrite the losses the golf course incurred.

This brings me to the logic of any municipality anywhere wanting to go into the golf course business. You had better have deep pockets. Golf courses are expensive to maintain and the general consensus in the golf business is that a good businessman would not invest in one unless the development had lots of additional land from which to make revenue or make the course private and let membership dues underwrite the costs.

*According to Superior Court Judge Downs in a judgment issued on May 21, 2007 against the Village of Sugar Mountain, His Finding of Facts number 60 dealt with the Sugar Mountain Golf Course. The judge stated “the golf course loses money each year and must be subsidized by the Village. According to the June 30, 2004 audit, the golf course lost $43,000 and received a

$41,000 subsidy from the Village. According to the June 30, 2005 Village audit, the golf course lost $95,000 and received a $60,000 subsidy from the Village. According to the budget for 2005-2006, the Village transferred $60,600 from its general fund to subsidize the operation of the golf course."

The Sugar Mountain Golf Course is a mature and well-maintained facility. It is surrounded with homes and lodging. With all this going for it, the golf course still loses money each year. The High Country is not a Myrtle Beach. What property tax hike would you expect if the Town purchases the closed Hawksnest golf course?

The golf course needs millions of dollars of work and the erosion problem from impervious town streets will need addressing, the cost to you taxpayers, enormous.

You already have one of the highest tax rates in North Carolina, adding millions of dollars in debt to purchase the golf course will not improve your tax rate, it will skyrocket when burdened with the deficits the golf course will likely incur.

The petition calls the property an environmental gem, and we agree. If you town council members were truly vested in what's best for the environment, you would have already trashed the idea of taking the golf course property by eminent domain.

Aren't you aware that golf courses are toxic waste pools? I am personally known for my past work as an environmental journalist. Environmentally, ski resorts are far friendlier to our environment than golf courses. Golf courses use tons of chemicals each year that percolate into local streams and ground water and in particular the biocides used on greens are so toxic that they also pollute the air.

Did you know that golf course superintendents suffer from an alarmingly higher incidence of cancers than the general population, source the United States Golf Association?

The environmental degradation evidence of golf courses is widely-held knowledge, I suggest you invest a little time and investigate for yourselves before damning Valley Creek to tons more

petrochemicals.

If you, like us, really want to be an environmental friend to this property, I encourage you to look positively upon our desired long-term use of the property, we want to expand the ski resort, and in our plan, most of the land would be used for the ski resort and basically undisturbed.

Unlike the taking of the privately held golf course by an eminent domain purchase, an expansion of the ski resort makes good economic sense for the residents of Seven Devils!

Our new ski resort expansion will make what is already a good ski resort, a primo facility, arguably the best ski area in the south. The availability of new parking in the plan for expansion will ameliorate traffic congestion by providing quick and easy parking spaces.

With an expansion, Seven Devils owners who rent will see an increase in rentals and in turn, property values will rise and both counties and the town will benefit from increased revenue from local taxes and the town's occupancy tax.

What unwritten obligations do the Town of Seven Devils have to our greater community's good and prosperity? Our Ski industry is undeniably the economic engine for Watauga and Avery counties. Thousands of people with smiling faces enjoy our winter recreational facilities and annually provide rental revenue to the more than 100 rental unites located in Seven Devils. They also fill our area motels, restaurants and retail establishments; and hundreds depend upon Hawksnest for winter employment, many are Seven Devils' residents.

Compared to surrounding counties that don't have ski resorts, Watauga and Avery propser during the winter months; motels and condominiums are rented, gas is purchased, retail thrives; economic numbers across the board are favorable. The other counties drop off the map in the wintertime, unemployment skyrockets and motel rooms are dormant.

Sugar Mountain is prospering, the town and resort work together there.

Why can't we work together on a development plan that can really benefit the residents of Seven Devils and the greater community?

This brings me to the most difficult part of debunking the save the golf course petition. The petition reads "the Town Council should not be coward by the bullying of a few…" What does this mean? The unfortunate political facts are these.

When Hawksnest informed the Town that the golf course was closing, the town did not step up and try to help save the golf course by offering any assistance or subsidy. The Town has never made an official offer or entered into negotiations with the owners to purchase the golf course outright.

It's important to point out to the public and press that Seven Devils is a very small community, three of the town council members and the wife of the town manager sit on the Seven Devils board of adjustment, the mayor's wife is an alternate member or in other words, power sits in the hands of a few.

This same board of adjustments voted down Hawksnest expansion plans? The question is really why, was there an ulterior motive? Are the same people acting on behalf of the primarily non-resident group calling themselves the save the Seven Devils golf course group?

Since members of the town council also sit on the board of adjustment that turned down Hawksnest expansion plans, do we now have the truth of why? Was their motive all along to take over the golf course? In good conscience, why did they so rapidly ignore the town's zoning laws, why didn't they work positively and in good faith with the owners of Hawksnest to mitigate any concerns they may have had over the expansion plans?

Is it true that initially, the save the golf course group attempted to raise the money privately to purchase the golf course? Is it true that they failed to raise the money? And regrettably for the community, could it be true that this save the golf course group has manipulated elected officials into attempting this scheme to take the golf course away from its rightful owners by eminent domain.

Should we call this what it is? “An Official Land Grab,” or in answer to the petition, WHO IS BULLYING WHOM?

Isn’t it time to bury old personal animosities that have been driving too many of the town’s decisions and work together on a development plan that will truly benefit all the people.

Again, on behalf of these 184 petitioners and Leonard Cottom, President of Hawknest Ski Resort, please vote tonight to end this Eminent Domain process.