

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
October 20, 2009  
5:30 p.m.  
**MINUTES**

Members Present: Mayor Roger McElroy, Aldermen: Saralyn Price, Colin Edwards, Phil Aldridge, and Mark DeMeola

Staff Present: Manager Tim Barth, Attorney Chuck Dickson, Building Inspector Ron Mercier, Planning Director Nathan Clark, Finance Director Shayne Wheeler, Public Works Director Mike Mehaffey, Police Chief Scott Sutton, and Town Clerk Vickie Best

Others Present: Approximately 20 people

1. Meeting Called to Order.

Mayor McElroy called the meeting to order at 5:30 p.m. in the Town Hall Boardroom.

Alderman Edwards asked that Ms. Sara Crider with Cathead Biscuit Productions, owner of the Visitor's Channel be allowed to address Council after the approval/corrections of the consent agenda. Council agreed.

2. Consent Agenda

- a. Certificate of Sufficiency: Gene Rowe, Maggie Valley Country Estates (parts of lot 7 & 8), Parcel #7696-49-8340, (1.629 acres): Resolution 09-29, Setting a date for a Public Hearing on November 17, 2009 at 5:30 p.m.
- b. Tax Releases.
- c. Correction and Approval of Minutes for the September 15, 2009 meeting, October 1, 2009

**ALDERMAN PRICE MADE A MOTION TO APPROVE THE CONSENT  
AGENDA AS PRESENTED.  
MOTION CARRIED UNANIMOUSLY.**

*Presentation from Sara Crider with Cathead Biscuit Productions*

Cathead Biscuit Productions has been in business since 1987. The production company owns and operates the Visitor's Channel.

The video could be beneficial as a tool in promoting the Festival Grounds and the Town of Maggie Valley. The video would be of commercial quality and final approval would depend on Council. The video would show all Maggie Valley has to offer for entertainment, lodging, and eateries. Cathead Biscuit Productions already has a lot of footage from previous events held at the Festival Grounds. Due to the color season, this

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would be an ideal time to shoot additional footage from the Festival Grounds. The video will showcase the Festival Grounds and the Town. No particular business will be represented.

After final approval, the user friendly DVD's will be available to distribute to event promoters. The DVD's can be produced for \$5 each.

There are currently five weekends open during Maggie Valley's "tourist season".

The videos will be included in a promotional packet to be sent to tour groups, promoters, car clubs, motorcycle groups, etc.

Alderman Edwards stated that he had invited Ms. Crider to do a presentation for Council.

Ms. Carol Burrell, a member of the Parks, Recreation, Festival Advisory Committee, spoke from the floor questioning what had happened with the promotional packet recommended by the PRFAC created by Red-I-Production. The PRFAC took bids and made their recommendations.

Several Council members were unsure what Ms. Burrell was speaking about.

Manager Barth explained that Mr. Meissner with Red-I-Production had put together maps showing the Festival Ground amenities. The promotional packet recommended by the PRFAC was taken before the TDA1% committee for funding, but was denied until a director was in place. It was MVTDA member's feelings that the new director should have input on the promotional packet.

Ms. Burrell stated that it was the PRFAC's recommendation that the town fund the promotional packet. "How many years have we had the Festival Grounds? It is just sitting there. We need a media piece to send out to all inquiries. We are now into October and still do not have a director in place. Use the media packet recommended by the PRFAC, and let the Town fund it."

Alderman Edwards responded that the two items could be combined to advertise the Festival Grounds and Maggie Valley.

Ms. Tammy Brown, Chairman of the PRFAC stated that it was the PRFAC assumption that Mr. Clark had gone back to Council to request the funding for the Red-I-Production promotional packet. The PRFAC also assumed that Council was fully aware of the PRFAC's efforts.

Planning Director Clark addressed Council stating that this is a two dimensional piece. Staff is having a hard time conveying the information, showing the stage, lighting, electric, and the rest of the amenities. McGill Associates and Red-I-Production provided

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estimates to produce a promotional packet. Red-I-Production came in with the best pricing for the promotional packet.

A promotional packet would provide a “hard copy” to be distributed. There will be 30-second clips that can go on U-Tube. What Ms Crider is offering is a different promotional tool than what Red-I-Production is offering. Michael Meissner’s product provides a logo design, website, and a visual representation of the Festival Grounds. Mr. Clark apologized for staff’s poor communication.

Alderman Aldridge asked that staff keep the PRFAC in the loop.

Alderman Price asked that Council continue with the meeting and then make a decision before adjourning. Alderman Aldridge agreed, but again stated that he does not like items being brought up at the last minute.

**3. Appearance of Erica with Martin Starnes and Associates to give a report on the annual audit.**

Mayor McElroy informed the audience that if there were any questions, Finance Director Wheeler would be glad to talk with them after the meeting.

Ms. Erica Brown with Martin Starnes & Associates, CPAs P.A., addressed Council explaining that the audit is really a year-round process. A draft copy was submitted to Council. Ms. Brown suggested not releasing the audit for final approval until after getting approval from the Local Government Commission.

The Fund Balance is what would be left after everything is liquidated. The Fund Balance is not a savings account. As of the close of the current fiscal year, the Town of Maggie Valley’s governmental funds reported combined ending fund balances of \$1,751,521 an increase of \$190,744 in comparison with the prior year.

At the end of the current fiscal year, unreserved fund balance for the General Fund was \$1,571,837 or 75 percent of total general fund expenditures for the fiscal year.

The Town of Maggie Valley’s total debt increased by \$1,994,508 during the recent fiscal year. The key factor in this increase was the \$2,404,620 draw down on Waste Water Treatment Plant Expansion loan from NC Division of Water Quality Construction Grants and Loans.

There were no questions from Council. The audit will remain in the front office of Town Hall for inspection by all interested parties.

**4. Appearance of Mark Perthel regarding the Festival Grounds.**

Mr. Bill Clark with Western Carolina University addressed Council in Mr. Perthel’s absence. Mr. Perthel had a dental emergency and had to return to Tennessee. Mr. Clark

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stated that he had known Mr. Perthel for over 20 years and found him to be valuable in booking shows, festivals, and marketing. Both Mr. Clark and Mr. Perthel were amazed that a town the size of Maggie Valley could have a “turn-key” festival with the infrastructure in place. A thought that Mr. Perthel shared before his departure was he felt events could be brought to Maggie Valley on a contractual basis. This is someone that could bring folks here and do revenue shared events on the grounds.

Council asked that they receive a copy of Mr. Perthel’s proposal for their review. The Clerk was directed to contact Mr. Perthel to set up another appointment for him to meet with Council.

In that vein, the following motion was made.

**ALDERMAN EDWARDS MADE A MOTION TO HIRE SARA CRIDER  
[CATHEAD BISCUIT PRODUCTIONS] TO DO A MENU DVD.  
MOTION CARRIED UNANIMOUSLY.**

**5. Appearance of Kyle Edwards to ask the Town to take Shuler Drive into the Town street system.**

Mr. Edwards addressed Council once again asking for the Town to take over Shuler Drive. The right-of-way is in place and Shuler Drive is inside the corporate limits. The road grade is fine. Mr. Edwards stated that he could bring the road up to 16-feet in width. The request only applies up to the first switchback.

Alderman Price stated that she was against condemning anyone’s property. The street must be brought up to town standards prior to Council giving it consideration.

Attorney Dickson concurred. It would take other property owners permission.

Alderman Price asked that staff check into the situation, that Mr. Edwards talk with the property owners and that Council personally go look at Shuler Drive.

Alderman Aldridge stated that he would also look into it. Alderman Aldridge felt the town should help taxpayers/citizens when possible. Precedence can not be set with regards to town maintained roads.

**6. Appearance of Jim Redmond regarding an electrical permit for the pavilion at Leatherwood Cottages.**

Mr. Redmond felt he had to pay an excessive amount of money to get power and lights to the pavilion. Progress Energy put in a light and dropped the wire for electric to be installed in the pavilion. Mr. Redmond had to hire an electrician, and then there was some confusion regarding the electrical contractor not being on a list. Mr. Redmond had not asked for the contractor’s license number. This took up an additional three hours. Ron Mercier, the building inspector then came to inspect the work and said that all wires had

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to be in conduit to meet code. Mr. Redmond conversed with the Town Manager twice over the issue. The code states that wiring must be in conduit if under 8-feet from the floor. This wiring was 10 feet from the floor. Due to the building inspector's insistence, all of the wiring and lights had to be removed and reinstalled in conduit. This cost extra money and extra time. Mr. Redmond then stated that the building inspector delayed calling in the premise number to Progress Energy to get the power turned on for use. Mr. Redmond called the County Building Inspections Department and explained the situation and they too felt that Mr. Mercier was wrong in his interpretation of code.

Mr. Redmond stated that the Town owes him \$300 for the additional expense the Town's Building Inspector has cost him. Mr. Redmond went on to say that he has heard several complaints about Mr. Mercier. Mr. Mercier works six hours a day and lives in another county. "Let him go and save the Town some money. The Town owes me \$300."

Alderman Price asked that Council move forward and that Manager Barth address this issue because it is a personnel issue.

**7. Consideration of a grant agreement with the North Carolina Rural Center to develop a Sewer Capital Improvements Plan.**

The NC Rural Center has sent an agreement to fund \$12,000 of an \$18,000 sewer Capital Improvement Plan. The Town has to approve the agreement before work can begin on the Capital Improvement Plan. The CIP includes assessment of the existing sewer system, preparation of cost estimates, financial evaluation, and the preparation of the report.

**ALDERMAN DEMEOLA MADE A MOTION TO APPROVE THE CAPITAL IMPROVEMENT PLAN.  
MOTION CARRIED UNANIMOUSLY.**

**8. Consideration of Resolution No. 09-30 to support and participate in regional collaboration of county and city governments to address regional fuel planning.**

**Resolution 09-30**

**RESOLUTION to support and participate in regional collaboration of county and city governments to address regional fuel planning through the US Department of Energy's Local Energy Assurance Planning (LEAP) Initiative**

**WHEREAS**, we are a part of the five-county region defined by the French Broad River Metropolitan Planning organization and the Land-of-Sky Rural Planning Organization and recognize vulnerability to regional fuel crisis; and

**WHEREAS**, These crises have occurred due to limitations in the national fuel infrastructure provided to the region through the Colonial Pipeline. In the past, tropical

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storms hitting the gulf coast and political situations on the other side of the world have exposed our vulnerability; and

**WHEREAS**, these variables cannot be controlled locally, we will work with the governments of the region on the Regional Strategic Fuel Program to plan implement regional strategies that limit future exposure to fuel shortages and create a long-term fuel stability plan; and

**NOW THEREFORE**, be it resolved that the Town of Maggie Valley commits to working with the City of Asheville and Land-of-Sky planning agency which receives the Local Energy Assurance Planning Initiative Grant to create an integrated regionally based strategic fuels plan for the betterment of our city and the region.

**ALDERMAN PRICE MADE A MOTION TO APPROVE RESOLUTION  
NUMBER 09-30 AS WRITTEN.  
MOTION CARRIED UNANIMOUSLY.**

9. **Appointment of a Selection Committee to help select an Events Planner/Festival Organizer position**

There were several comments made stating the Council already has a board in place, the PRFAC. Mr. Alsbrook, owner of Hearth and Home motel, spoke from the floor stating that he felt Council was saying the PRFAC is incompetent due to their actions in trying to assemble a selection committee.

Ms. Brown asked if Council could consider hearing Mr. Perthel's presentation before moving forward.

Council had originally discussed appointing a selection committee due to the job affecting so many different organizations. Council did not have ideal results from the last festival director/events coordinator that was hired. Many negative comments were received throughout town from citizens, motel associations, and chamber members.

Council asked that they receive a copy of all applications received to date.

10. **Discussion regarding sewer impact fees.**

Council felt there was no new information to discuss.

11. **Budget Amendments.**

**Ordinance 668**

**An Ordinance Amending the FY 2009/10 Budget Ordinance**

Be It Hereby Ordained by the Town Board of Aldermen of the Town of Maggie Valley, North Carolina, that the Budget Ordinance for the year 2008/09 is amended as follows:

General Fund – Forgiveness of Debt

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	<u>Description</u>	Previous	Increase (Decrease)	Amended
Revenues	Appropriated Fund Balance 05-00-3991	\$14,098	\$238,310	\$252,408
Appropriations	Festival Grounds 05-40-6120	\$103,906	\$238,310	\$342,216

**ALDERMAN PRICE MADE A MOTION TO APPROVE ORDINANCE 668.  
MOTION CARRIED UNANIMOUSLY.**

**Ordinance 669**

**An Ordinance Amending the FY 2009/10 Budget Ordinance**

Be It Hereby Ordained by the Town Board of Aldermen of the Town of Maggie Valley, North Carolina, that the Budget Ordinance for the year 2008/09 is amended as follows:

Festival Fund – Forgiveness of Debt

	<u>Description</u>	Previous	Increase (Decrease)	Amended
Revenues	Transfer from General Fund 06-00-3985	\$103,906	\$238,310	\$342,216
Appropriations	Contingency 06-99-4991	\$0	\$238,310	\$238,310

**ALDERMAN EDWARDS MADE A MOTION TO APPROVE ORDINANCE 669.  
MOTION CARRIED UNANIMOUSLY.**

**12. Manager’s Report.**

- ◆ The MVEDC committee meets Wednesday October 21 at 5:30 p.m.
  - ◆ The MV Planning Board meets Thursday October 22 at 5:30 p.m.
  - ◆ The League Conference will be held October 24 through the 27 in Greenville N.C.
  - ◆ The following vacancies need to be filled as soon as possible
- Planning Board:       1 in-town member  
                              2 ETJ members
- Zoning Board of Adjustments:       2 in town members  
  1 ETJ member
- Parks, Recreation, Festival Advisory Committee:   1 Alternate member

**13. Other Business.**

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☐ Alderman Edwards asked that Manager Barth be authorized to get bids on a truck for the Public Works Director. The money to make the payments on the truck can come from the monthly mileage check and the leachate from the Haywood County Landfill.

14. **Public Comment**

▶▶ Ms. Linda Thorsene of 32 Jujon Drive addressed Council providing the following statement.

Ms. Thorsene received a notice that she was to cut the lot beside the road that it was a public nuisance and a danger to public safety. Ms. Thorsene explained that the area was a wet land. There were neither rodents nor trash around the area. The area was full of native plants that cannot be replaced. This area was a humming bird sanctuary. The area was located back off Ketner Cove Road behind the vegetable garden. Ms. Thorsene was sure that there must be a mistake. She attempted to call Town Hall several times to clarify the situation. No one would return her calls. Ms. Thorsene then had the lot cleared in fear that she would have more problems with the town. The lot had to be cleared by hand. Ms. Thorsene was very upset about what she had lost in her nature area; then became angry as the town staff would never respond.

Staff explained to Council that it was an unfortunate mistake; this was not the portion of the lot in question of needing to be mowed.

Ms. Thorsene stated that she understood that NCDOT does not want residents to mow Ketner Cove Road because it might undermine the road base. There are plenty of lots along Soco Road that could be addressed rather than on Ketner Cove Road which few people see.

Alderman Price and Aldridge were very sorry for the misunderstanding and asked if there was something the town could do in the spring to help alleviate her anguish.

Ms. Thorsene responded that she did not want anything more to do with the town.

▶▶ Mr. Phillip Wight addressed Council stating that the public comment session should be at the beginning of the meeting. People should not have to sit through the entire meeting before being allowed to speak for three minutes. Another point to be made; people are not allowed to speak until all the decisions have been made.

15. Meeting Adjourned.

**ALDERMAN PRICE MADE A MOTION TO GO INTO CLOSED SESSION FOR  
THE PURPOSE OF ATTORNEY CLIENT PRIVILEGES AT 7:15  
MOTION CARRIED UNANIMOUSLY.**

**ALDERMAN ALDRIDGE MADE A MOTION TO COME OUT OF CLOSED  
SESSION AT 7:38 P.M.**

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**ALDERMAN EDWARDS MADE A MOTION TO ENTER CLOSED SESSION  
FOR THE PURPOSE OF DISCUSSING PERSONNEL AT 7:38 P.M.  
MOTION CARRIED UNANIMOUSLY.**

**ALDERMAN EDWARDS MADE A MOTION TO ADJOURN AT 7:45 P.M.  
MOTION CARRIED UNANIMOUSLY.**

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Mayor Roger McElroy

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Vickie Best, CMC, Town Clerk

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