

Town of Maggie Valley
Special Called Board of Aldermen Meeting
October 4, 2011
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Members Present: Mayor Roger McElroy, Aldermen: Saralyn Price, Phil Aldridge, Michael Matthews (Oath of Office) and Danya Vanhook (arrived at 6:05 p.m.)
Staff Present: Manager Tim Barth, Festival Director Audrey Hager, Chief Scott Sutton, and Town Clerk Vickie Best
Others Present: Approximately 20 people

Meeting Called to Order

Mayor McElroy called the meeting to order at 5:35 p.m. in the Town Hall Boardroom. Mayor McElroy asked that appointing a Mayor Pro-Tem be delayed until Alderman Vanhook arrives.

Council agreed.

Oath of Office to Michael Matthews

Mr. Matthews was appointed by unanimous vote to complete Scott Pauley's term (until 2013) on September 20, 2011 at the regularly scheduled Board of Aldermen Meeting.

The Clerk administered the oath of office to Mr. Matthews.

Conditional Use Permit for Nutmeg's Café (moving location)

There were no conflicts with Council taking action on this matter.

Nutmeg's Café owned by Gary and Elizabeth Schwartz received a Conditional Use Permit to open at 2547 Soco Road on May 17, 2011. The business has gone well; therefore, the Schwartz' are in need of a larger building with more parking. Nutmeg's Café' has moved to the previous Blue Grass Café location at 2748 Soco Road.

**ALDERMAN PRICE MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT AS REQUESTED.
MOTION CARRIED UNANIMOUSLY.**

Council congratulated the Schwartz' on a successful business and the need to expand and wish them the best at their new location.

Conditional Use Permit for Brew, Cue and BBQ

Under oath, Ms. Mandy Hartline addressed Council explaining her plan to open a BBQ Restaurant/ pub. The property is located at 4438 Soco Road where Gamers Paradise was located. Gamers Paradise closed after the demise of Ghost Town theme park when family tourism declined. The BBQ will be a recipe provided by BBQ legend Mike Mills. The BBQ is smoked, not sauced. The pit will come from Ole Hickory Pit. There will be a small pub in the backroom with pool tables. The restaurant will serve a small area considering the size of the building. The goal is to drive takeout orders and catering. A private investor

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will run the pub, although the ABC license will be under Ms. Hartline's name because 80% of the business will belong to the Hartlines.

There will be no structural changes to the building or to the landscaping. The restaurant will meet all Health Department Codes.

Ms. Hartline hopes to open in two months. Brew, Cue & BBQ will remain open all year long.

**ALDERMAN ALDRIDGE MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT AS REQUESTED.
MOTION CARRIED UNANIMOUSLY.**

Review of the Festival Grounds Rental Application

As discussed at the September 20 Aldermen Meeting, Manager Barth, and Director Hager met with Molly White representing the Maggie Valley Chamber of Commerce to discuss issues that concern Chamber members. As seen in previous meetings and workshops, there are varied opinions among the public/promoters.

Director Hager addressed Council and the audience going over the changes proposed by Ms. White.

- Staff will renumber the application for clarity.
- Section 1, letter C will be reworded due to the Chamber members having concerns over the word negotiable being used. It appears that a bidding war could develop between non-profits for the rights to sell alcohol at events to generate funds.
- Section 2, letter D should reflect that the promoter has the choice of paying the rental fee instead of meeting the advertising requirements.
- Section 2, letter E should reflect that the promoter has a choice of adding the Town's logo to one form of advertising, not all advertising. An example given, generally promoters do not want to put logos on tee shirts so that shirts may be sold at the next event and possibly the next year. Ms. White felt the promoter should not have to meet the maximum advertising dollars. HCTDA Director Lynn Collins added that some organizing bodies would not allow logos on tee shirts. Advertising requirements on tee shirts will be eliminated.

Alderman Aldridge continued to say that the \$2000 plus and electric was never mentioned. "The fee should be a flat \$1500. The whole purpose was to simplify the application and waive the fees. Now we have gone from a regular application to a double headed monster."

Per discussion in previous meetings and workshops, the HCTDA guidelines were mirrored in the application.

Ms. White informed Director Hager that the TDA guidelines have changed to require only 50% of the funding to go for advertising outside a two-hour drive time.

The suggestions from Mr. Jim Higel and Alderman Aldridge were also incorporated into the application.

Over the past few months, Mayor McElroy has questioned people in Asheville during dinner, shopping, etc. if they were aware of the Maggie Valley Festival Grounds and the events held in Maggie Valley.

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Surprisingly enough not that many people have heard of the Maggie Valley Festival Grounds in Asheville. Therefore, Mayor McElroy felt the regulations could be modified somewhat to allow for local advertising.

Ms. White agreed, adding that at Craft shows, you want the vendors to be from outside the two-hour drive time but you must have the support of local people. Again, Ms. White stated by requiring additional advertising, it is placing another burden on the promoter.

HCTDA Director Collins stated that she was very encouraged during the meeting she attended with hope that waiving the rental fees would stimulate business. "With the application regulations, the Town is not really giving anything, only redirecting funding."

Alderman Vanhook explained that by the evidence provided at previous meetings, it was the promoters' desire to use the funding for additional advertising. Council felt this was a great idea because the base goal is to put heads in beds and visitors in the valley. "Now we are hearing that folks feel it is a burden, not a blessing. The redirecting of funds was originally what promoters asked for to allow for more advertising."

Alderman Aldridge did not recall the meeting the same way.

A brief discussion developed regarding the required 1,000 people in attendance. Alderman Price explained that the 1,000 attendance can be waived based on the impact to the town.

Alderman Aldridge stated the fee of \$1500 should be waived. "The benefit to the Town is that the event put heads in beds. If a promoter has extra money, they will use it to advertise. The Board has the authority to approve or deny the following year based on the event. The application should be as simple as possible, two or three sheets at the most."

In an effort to garner some kind of clarity, Alderman Vanhook asked what are the fees that Council is "redirecting".

Alderman Aldridge felt that since the festival grounds can be leased for \$1, as Chris Anthony had informed Council, the maximum should be \$1500.

Sonja Michels supporting Alderman Aldridge, stated a good promoter would advertise. "The aldermen can deny the event. "

Mayor McElroy responded that if the guidelines are met, Council could not deny an event.

Ms. White felt it was burdensome to the promoter, especially to the Chamber to require additional advertising above the HCTDA funding and to be required to provide tear sheets, etc.

Director Collins suggested the promoters submit an advertising plan and add a clause that if the advertising plan is not carried out the deposit could be forfeited.

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Again, Council was questioned if a promoter could just opt out and pay the flat fee.

Council was confused as to why a promoter would want to pay for the grounds rather than use the money for advertising.

Phillip Wight asked if the solution would be to allow the promoter to use the additional funding as he sees fit. "He may want to use the extra funds to hire a better performer/band, etc."

Alderman Aldridge explained that the Town Board has gone from an infrastructure board to a festival board. "If we continue to do things at the festival grounds as we always have, then the grounds will remain empty."

Ms. White directed Council's attention to page 8 letter D requesting an advertising plan and how Maggie Valley will be portrayed. "The advertising plan is a document; would that be the same as a tear sheet?"

Alderman Price stated that she would agree to lower the amount to be waived to \$1,500 and that the \$1,500 advertising is 50% outside a two-hour drive time and 50% locally.

Mayor McElroy stated that he would agree with Alderman Price if an additional amendment is added to the motion. The Promoter has the right to change his mind and be refunded the rental fee of \$1,500 if later he determines he can meet the advertising requirements.

Ms. White felt that the wording requiring fees 90-days in advance of the event and then not returning the funds until 60 days after the event is too long to hold someone's money.

Alderman Vanhook explained that the money would be refunded, after the event, as soon as the advertising has been verified. Director Hager added that the Town must wait on the garbage bill from GDS to accurately charge the promoter.

Ms. White stated that negotiable on the beer sale splits should be tweaked and should reflect all non-profits. All non-profits should have an equal opportunity to get the beer sales.

Alderman Aldridge asked that the application be revised and put into print so the Board can review at the next meeting.

Appointment of a Mayor Pro-Tem

The Mayor Pro-Tem serves at the pleasure of the board and can be changed after the election.

ALDERMAN VANHOOK MADE A MOTION TO APPOINT ALDERMAN SARALYN PRICE AS MAYOR PRO-TEM.

ALDERMAN MATTHEWS AND MAYOR MCELROY VOTED IN THE AFFIRMATIVE.

ALDERMAN ALDRIDGE OPPOSED.

MOTION CARRIED BY MAJORITY.

Other Business

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Council discussed the problem with vehicles not stopping at the crosswalks along Soco Road. NCDOT controls US-19 and it is often difficult to get red lights and stop lights due to state regulations.

Manager Barth will write NCDOT a letter for Mayor McElroy to sign and send to NCDOT asking for help with the pedestrian crosswalks. Council will receive a copy of the letter.

The noise issue continues to be investigated and public discussion will be held October 18.

Council encouraged everyone to participate in the St. Jude's October promotion. Staff will continue to encourage participation.

Alderman Price reported that she has received several complaints about the need for dog boxes along Moody Farm Sidewalk. Many people walk their dogs along the sidewalk and need the boxes. Several homeowners have complained about dogs defecating in their yards. Alderman Price asked that staff contact the Dog Fanciers and Joe Moody about the issue.

Meeting Adjourned

**ALDERMAN MATTHEWS MADE A MOTION TO ADJOURN AT 7:16 P.M.
MOTION CARRIED UNANIMOUSLY.**

Mayor Roger McElroy

Vickie Best, CMC, Town Clerk