

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
October 9, 2007
3:30 p.m.

MINUTES

Members Present: Mayor Roger McElroy, Aldermen: Saralyn Price, Mark DeMeola, Phil Aldridge, and Colin Edwards
Staff Present: Manager Tim Barth, Attorney Chuck Dickson, Chief Scott Sutton, Planning Director Nathan Clark, Public Works Director Mike Mehaffey, and Town Clerk Vickie Best
Others Present: Approximately Eight People

1. Meeting Called to Order.

Mayor McElroy called the meeting to order at 3:33 pm in the Town Hall Boardroom. Mayor McElroy explained that Council would need to go into closed session at the end of the meeting pertaining to the Brannon Forest Lawsuit and a personnel matter.

2. Consent Agenda

- a. Certificate of Sufficiency: Thomas Angell, #25 Preserve at Jonathan Creek, Parcel # 8607-33-9614, (1.2732 acres): Resolution No. 07-101, Setting a date for a Public Hearing on October 23, 2007 at 5:30 p.m.
- b. Certificate of Sufficiency: Mountain Watch at Brannon Forest, Brannon Forest Drive, Parcel # 7697-76-7563, (15 acres) and Brannon Forest Drive, Parcel #7697-76-2787: (15 acres): Resolution No. 07-102, Setting a date for a Public Hearing on October 23, 2007 at 5:30 p.m.
- c. Petition for Annexation: Crayton Living Trust, #9 Big Springs Cove Estates, Parcel # 7697-22-7664, (0.5975 acres) and #10 Big Springs Cove Estates, Parcel #7697-22-6842 (0.6115 acres): Resolution No. 07-103, Directing Clerk to investigate an annexation petition.
- d. Petition for Annexation: Jonathan & Laurence Nowakowski, 104 Ivy Lane, Parcel # 7696-39-0940, (0.3668 acres), Resolution No. 07-105, Directing Clerk to investigate an annexation petition.
- e. Schedule a Public Hearing for the zoning of three parcels on Nelson Drive on October 23rd.
- f. Schedule a Public Hearing for the zoning of the Tim Childers property off Range Drive on October 23rd.
- g. Tax Release.
- h. Correction and Approval of Minutes for September 18, 2007.

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

**3. a. Public Hearing on Annexation of William & Kate Sebastyn, 99 Airish Lane,
Parcel # 7697-75-7457 (0.745 acres).**

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b. Consideration of Ordinance No. 584 to annex William & Kate Sebastyn, 99 Airish Lane, Parcel # 7697-75-7457 (0.745 acres).

Mayor McElroy opened the hearing and closed the hearing at 3:37 pm without comments from the floor.

ALDERMAN ALDRIDGE MADE A MOTION TO ADOPT ORDINANCE 584 ANNEXING THE PROPERTY. MOTION CARRIED UNANIMOUSLY.

4. a. Public Hearing on Annexation of Barbara & William Smith, 210 Brannon Forest Drive, Parcel # 7697-85-4781, (0.488 acres).

b. Consideration of Ordinance No. 585 to annex Barbara & William Smith, 210 Brannon Forest Drive, Parcel # 7697-85-4781, (0.488 acres).

Mayor McElroy opened and closed the hearing at 3:38 pm without comments forthcoming from the audience.

ALDERMAN DEMEOLA MADE A MOTION TO ANNEX THE PROPERTY AS REQUESTED THROUGH ORDINANCE 585. MOTION CARRIED UNANIMOUSLY.

5. a. Public Hearing on Annexation of Henry & Roselyn Bryant, 25 Trapper Lane, Parcel # 7697-75-3057, (0.479 acres).

b. Consideration of Ordinance No. 586 to annex Henry & Roselyn Bryant, 25 Trapper Lane, Parcel # 7697-75-3057, (0.479 acres).

Mayor McElroy opened and closed the public hearing at 3:39 pm without comments from the floor.

ALDERMAN PRICE MADE A MOTION TO ADOPT ORDINANCE 586. MOTION CARRIED UNANIMOUSLY.

6. a. Public Hearing on Annexation of Johnnie & Jennifer Buzek, Lot #81 Phase 1-C, Brannon Forest Parcel # 7697-75-7854, (0.33 acres).

b. Consideration of Ordinance No. 587 to annex Johnnie & Jennifer Buzek, Lot #81 Phase 1-C, Brannon Forest Parcel # 7697-75-7854, (0.33 acres).

Mayor McElroy opened the hearing at 3:40 pm and without comment closed the hearing at 3:40 pm.

ALDERMAN ALDRIDGE MADE A MOTION TO ADOPT ORDINANCE 587. MOTION CARRIED UNANIMOUSLY.

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7. Consideration of approving a lease with the Civic Association regarding their office space.

At the previous Board of Aldermen meeting, Attorney Dickson was directed to draft a lease agreement between the Town of Maggie Valley and the Maggie Valley Civic Association. (See attachment 1) The lease will automatically renew each year.

Ms. Peggy Albert thanked Council on behalf of the Chamber members. Ms. Albert's will take the lease before the Maggie Valley Civic Association Board of Directors for approval. Upon approval, the document will be executed.

ALDERMAN ALDRIDGE MADE A MOTION TO APPROVE THE LEASE AGREEMENT CONTINGENT UPON THE CIVIC ASSOCIATION'S APPROVAL. MOTION CARRIED UNANIMOUSLY.

8. Consideration of a resolution approving the financing for the acquisition of a police vehicle and authorizing the Finance Officer to provide all the documentation necessary and to sign documents on the Town's behalf.

ALDERMAN DEMEOLA MADE A MOTION TO APPROVE RESOLUTION 07-104 FOR FINANCING THE POLICE VEHICLES. MOTION CARRIED UNANIMOUSLY.

9. Consideration of an ordinance to set the speed limit for roads in the Brannon Forest and Crockett Meadows subdivisions.

At the July 24, 2007 Board of Aldermen meeting, Council took over maintenance of some roads in Brannon Forest and all roads within Crockett Meadows Subdivisions. The Town is now responsible for signage and assigning the areas a safe speed limit. After review by both the Police Department and the Public Works Department, the proposed speed limit should be set at 20 miles per hour.

Alderman Aldridge questioned if anyone had talked to the homeowner's association about setting the speed limit.

Setting speed limits by committee is not possible. The police department is required to set the speed limits under the NC General Statues. The Chief and Captain felt that 15 mph would be too slow especially with the terrain.

**ORDINANCE NO. 588
 AN ORDINANCE TO SET THE SPEED LIMITS ON CERTAIN STREETS WITHIN
 THE TOWN OF MAGGIE VALLEY**

WHEREAS, under North Carolina General Statue 20-141 authority is provided to municipalities to set speed limits within their respective jurisdictions; and

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WHEREAS, the Maggie Valley Police and Public Works Departments have conducted a survey of the streets within the Brannon Forest Subdivision and the Crockett Meadows Subdivision to determine an appropriate speed limit based on the nature of the development, amount of traffic, and other factors used to ascertain and establish safe speed limits for streets; and

WHEREAS, there is presently no adopted ordinance as it relates to a speed limit in the aforementioned subdivisions; and

WHEREAS, Brannon Forest and Crockett Meadows Subdivisions are made up of single-family dwellings.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ESTABLISHED by the Board of Aldermen of the Town of Maggie Valley, North Carolina in open session this the 9 day of October 2007 as follows:

1. The speed limit of 20 miles per hour shall be enforced on the following streets within the following subdivisions:

Crockett Meadows Subdivision

Panoramic Loop
 Destiny Trail
 Contentment Place
 Bonus Court
 Altitude Terrace
 Meandering Way
 Placid Cove

Brannon Forest Subdivision

Brannon Forest Drive
 Turn A-Bout Circle
 Airish Lane
 Rockin Chair Lane
 Cripple Creek Lane

2. The Public Works Department shall install the signage on the above-referenced streets to reflect the new speed limits.
3. The new speed limits shall be effective upon adoption and posting.

**ALDERMAN PRICE MADE A MOTION TO ADOPT ORDINANCE 588 SETTING
 THE SPEED LIMIT.
 MOTION CARRIED UNANIMOUSLY.**

10. Board of Aldermen Meeting Schedule for November.

Due to the municipal election date being the day of the first regularly scheduled Council meeting November 13 and 27 was recommended by Manager Barth.

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**ALDERMAN ALDRIDGE MADE A MOTION TO APPROVE THE CHANGE IN
MEETING DATES FOR NOVEMBER 2007.
MOTION CARRIED UNANIMOUSLY.**

11. Consideration of appointment change to Planning Board.

Mr. Cabe Carver resigned his position several months ago thus leaving a vacancy for a regular (in-town) member. Mr. Chamberlin served as an ETJ member. Mr. Chamberlin is now about to close on the sale of his ETJ home and will be moving to Stoney Ridge Subdivision (inside the corporate limits). Mr. Chamberlin has been an asset to the Planning Board. The members have made the recommendation to allow Mr. Chamberlin to complete Mr. Carver's term as an in-town member.

**ALDERMAN DEMEOLA MADE A MOTION TO APPOINT MR. CHAMBERLIN TO
THE PLANNING BOARD AS A FULL MEMBER TO COMPLETE MR. CARVER'S
TERM.
MOTION CARRIED UNANIMOUSLY.**

Mr. Carver's term ends November 2009.

**12. Consideration of a budget amendment to recognize the Building Reuse and
Restoration Grant from the Rural Center.**

As previously discussed at the December 12, 2006 Aldermen Meeting, the Rural Center awarded the Building Reuse and Restoration Grant. The Town is responsible for the 10% match. The budget amendment is for the \$15,000 match through budget amendment Ordinance 589.

**ALDERMAN DEMEOLA MADE A MOTION TO APPROVE THE BUDGET
AMENDMENT.
MOTION CARRIED UNANIMOUSLY.**

13. Manager's Report.

● Manager Barth will be attending a Rural Center workshop on October 10 at AB Technical College. Maggie Valley will receive extra points for representation at the workshop. The Rural Center is budgeted to get a significant amount of money for 2007/08. Maggie Valley is applying for funding.

● There will be a special called planning board meeting on October 10 at 5:00 pm in the Town Hall Boardroom.

● The 2007 Annual North Carolina League of Municipality Conference will be held in Fayetteville October 14 through the 16.

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14. Other Business.

No other business was offered.

15. Meeting Adjourned.

ALDERMAN DEMEOLA MADE A MOTION TO GO INTO CLOSED SESSION FOR THE PURPOSE OF DISCUSSING A PERSONNEL MATTER AND THE BRANNON FOREST LAWSUIT.

MOTION CARRIED UNANIMOUSLY.

Council went into closed session at 3:53 pm

ALDERMAN EDWARDS MADE A MOTION TO COME OUT OF CLOSED SESSION AT 4:11 PM.

MOTION CARRIED UNANIMOUSLY.

ALDERMAN EDWARDS MADE A MOTION TO ADJOURN AT 4:12 PM.

MOTION CARRIED UNANIMOUSLY.

Mayor Roger McElroy

Vickie Best, CMC, Town Clerk