

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
December 18, 2007
5:30 p.m.

MINUTES

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

1. Meeting Called to Order.

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

Mayor McElroy asked that tax releases be added under the consent agenda and that item #6 be moved to after item 12. The developer was stuck in the airport due to mechanical difficulty and had to take a later flight.

Council agreed.

2. Consent Agenda

- a. Petition for Annexation: Paul Edwards, #22 Maggie Valley Estates, Parcel #7686-46-5446, (0.49 acres), Resolution No. 07-115, Directing Clerk to investigate an annexation petition.
- b. Petition for Annexation: Bruce Rouse 8A Section D prime Horseshoe Cove, Parcel #7697-21-0461, (0.6687 acres), Resolution No. 07-116, Directing Clerk to investigate an annexation petition.
- c. Correction and Approval of Minutes for December 4, 2007.

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

3. **a. Public Hearing on Annexation of Todd Escaravage, #2 Campbell Woods, Parcel #7697-22-7664, (0.84 acres).**
b. Consideration of Ordinance No. 600 to annex Todd Escaravage, #2 Campbell Woods, Parcel #7697-22-7664, (0.84 acres).

Mayor McElroy opened and closed the public hearing at 3:37 pm without comment.

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
December 18, 2007

MINUTES

**ALDERMAN PRICE MADE A MOTION TO ANNEX THE PROPERTY AS
REQUESTED.**

MOTION CARRIED UNANIMOUSLY.

**4. a. Public Hearing on increasing the number of members on the Planning Board
from seven (7) to nine (9) members.**

**b. Consideration of Ordinance No. 602 to change the number of members on the
Planning Board from seven (7) to nine (9) members.**

Mayor McElroy opened and closed the public hearing at 5:38 pm without comment from the public.

Planning Board Chairman Billy Brede stated that the Planning Board members are very receptive to increasing the membership.

**ALDERMAN ALDRIDGE MADE A MOTION TO EXCUSE ALDERMAN
EDWARDS FROM THE DISCUSSION AND VOTE DUE TO ONE OF THE
CANDIDATES BEING RELATED TO ALDERMAN EDWARDS AND TO
INCREASE THE BOARD MEMBERS TO NINE.**

MOTION CARRIED UNANIMOUSLY.

Ordinance number 602 was adopted through the motion.

5. Appointment of two persons to the Planning Board.

**ALDERMAN EDWARDS MADE A MOTION TO APPOINT BURTON EDWARDS
AND ROBERT KNOEDLER TO THE PLANNING BOARD; BOTH CANDIDATES
HAVE A LOT TO BRING TO THE BOARD. ONE IS A GRADING CONTRACTOR
WHILE THE OTHER IS AN ENGINEER.**

MOTION CARRIED UNANIMOUSLY.

6. Request for a Deviation for certain roads in the Whisper Creek Subdivision.

A lengthy discussion developed as the following details were presented. (Both Aldermen and Planning Board members have visited the areas in question.)

There were three road deviations required within the subdivision, Range Drive, Blossom Trail, and Gold Rush Circle. The engineer has now stated that Blossom Trail has been lowered to 15.5% grade. Off Range Drive, there are three intervals where grade exceeds Town standards with as much as a 21.1% grade. These areas are short runs of road, therefore under the situation the Town Staff recommends the road deviation be granted. A guardrail system will be installed off lot numbers 17 & 20 to enhance public safety. Gold Rush Circle has been lowered from 23% to 20.7%. Gold Rush Circle will serve three lots.

Town provided road maintenance is not an option for the subdivision. This will be noted on the plats to inform the buyer.

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
December 18, 2007

MINUTES

Mayor McElroy allowed Planning Board members that wanted to speak have the opportunity to voice their opinion due to staff and the Planning Board member's difference of view.

Chairman Brede explained that the Planning Board is most concerned about safety i.e. emergency vehicles having adequate access. They are concerned about the cut and fill areas.

Mr. Chamberlin felt that Blossom Trail was greater than the 15.5% shown on the map. He echoed Chairman Brede's thoughts.

Ms. June Johnson addressed Council with her concerns regarding the erosion and slippage of the land. The people that will be buying these parcels will not be mountaineers. Ms. Johnson asked that Council consider who will be driving on these roads.

Mr. Scott Pauley stated that he had been to the property four separate times and has wrestled with the issue. The grade is his number one concern. Guardrails are really no more than what is used in bumper car rides. They are placed there to deflect. Mr. Pauley is also concerned about setting precedence and other developers requesting the same exceptions.

After hearing the comments made by the Planning Board members, Alderman Aldridge gave his full support to the Planning Board. "The line must be drawn somewhere".

Tim Childers, owner and developer of Whisper Creek Subdivision addressed Council thanking them for their time and consideration. In 2006 Mr. Childers stated that he spoke with the Planning Director, Town Manager, and Public Works Director and all seemed well for getting the property annexed into Maggie Valley. The engineer assured Mr. Childers that the road grades could be met. Mr. Childers went to Haywood County for the erosion and control permit which was approved and permitted prior to the newly adopted slope ordinance. After interviewing several graders, work began and continued through the summer with everyone feeling like the development was in good shape, due to the width of the roads. Mr. Childers initiated the annexation and brought the property into the Town of Maggie Valley. After the property was annexed the Board suggested several changes to the road system, in which he did. Mr. Childers provided a letter from an engineer stating that the roads are safe. Mr. Childers stated that he had put a lot of money into the project trying to get good roads.

Haywood County allows a 20% paved grade.

Mr. Childers has already repaired the cracks in the road that the Planning Board discussed.

Both the land surveyor and the engineer presented a presentation.

The elevation was calculated every 150 foot. Alderman Edwards stated that he did not want town trucks on a 21% grade. Alderman Aldridge stated that he wanted the wording that the Town would not be responsible for road maintenance in both the covenants and on the deeds.

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
December 18, 2007

MINUTES

Alderman Price was not accepting of the road grades and felt that people would be placed in danger trying to get in and out of the area.

Alderman Edwards felt that the way the grades were shot were misleading.

All Council members and Planning Board members desire to find a way that will eliminate problems such as this. The Planning Board would like to get involved before annexation takes place. These items will be discussed during a workshop.

ALDERMAN ALDRIDGE MADE A MOTION TO APPROVE THE ROAD DEVIATION WITH THE CONDITIONS THAT THE 10-FOOT PAVED ROAD LEADING INTO THE SUBDIVISION BE WIDENED AND PAVED TO 18 FEET AND THAT NOTATIONS ARE MADE ON THE PLAT, DEEDS, AND IN THE COVENANTS THAT THE TOWN OF MAGGIE VALLEY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROADS. ALDERMAN EDWARDS AND MAYOR MCELROY VOTED IN THE AFFIRMATIVE. ALDERMAN PRICE OPPOSED. MOTION CARRIED BY MAJORITY.

7. Discussion regarding the possibility of hiring someone to promote the Festival Grounds.

At a recent Chamber of Commerce meeting, the directors stated that they do not want to sponsor any more festivals/events. The Chamber directors do not want to hire anyone for marketing the festival grounds.

It was the consensus that the town should hire a festival director.

ALDERMAN ALDRIDGE MADE A MOTION FOR MANAGER BARTH TO START THE PROCESS OF HIRING A FESTIVAL DIRECTOR. AND TO ADVERTISE THE POSITION IN AS MANY AREAS AS POSSIBLE. MOTION CARRIED UNANIMOUSLY.

8. Consideration of declaring a 2004 Police Vehicle surplus and ordering a new one.

The vehicle was involved in an accident and the repairs would be more expensive than the vehicle would be worth.

ALDERMAN EDWARDS MADE A MOTION TO DECLARE THE VEHICLE SURPLUS AND ORDER A NEW ONE. MOTION CARRIED UNANIMOUSLY.

9. Consideration of authorizing the preparation of plans and specifications for certain renovations to Town Hall and the old Police Department.

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
December 18, 2007

MINUTES

The layout presented to Council is believed to accommodate the town staff and any future growth. The cheapest way to bid the project would be doing both the old police department and the front offices at the same time. The administrative department will move to the auditorium until the renovations are complete. The Planning and Building departments will move to the old police department after renovations are completed. The Fanny White room will be used to hold board meetings until construction is done.

**ALDERMAN PRICE MADE A MOTION TO ALLOW BILL DECANT TO DRAW UP THE SPECIFICATIONS AND SEND OUT TO BID.
MOTION CARRIED UNANIMOUSLY.**

10. Consideration of a change to the Personnel Policy regarding holiday time in relation to calculating overtime.

After reviewing the personnel policy, a problem was found. When a holiday falls within the workweek it is included in calculating overtime. The recommendation is as follows:
Paragraph 2 of Article III Section 12 should be amended to read:

In determining eligibility for overtime in a work period, only hours actually worked shall be considered. In no event will vacation, sick leave, compensatory leave, or holiday time be counted toward the total hours for the purpose of overtime compensation.

There will be circumstances where the manager can count hours worked as overtime giving the example of the public works department coming in to scrape streets.

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

11. Consideration of changing the dates for the January Board meetings.

ALDERMAN EDWARDS MADE A MOTION THAT THE JANUARY BOARD OF ALDERMEN MEETINGS BE JANUARY 8 AND JANUARY 22 DUE TO THE HOLIDAYS.

MOTION CARRIED UNANIMOUSLY.

12. Consideration setting a date for a goal setting session.

ALDERMAN ALDRIDGE MADE A MOTION TO HAVE A GOAL SETTING SESSION ON JANUARY 15 FROM 9 UNTIL.

MOTION CARRIED UNANIMOUSLY.

13. Manager's Report.

► The Police department was awarded the Hero Award for Western North Carolina sponsored by MADD based on the number of traffic stops. The Maggie Valley police department is doing a wonderful job. It is a great honor to be awarded this award.

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
December 18, 2007

MINUTES

- ▶ The Board of Adjustment By-laws state that if a member misses three consecutive meeting they may be removed from their duties. One member on the Zoning Board of Adjustment's has missed several meetings making it hard to have a quorum. Manager Barth has spoken with the member; he understood the reason that the vacant position will be advertised.
- ▶ Manager Barth distributed the financial reports reflecting the Town's financial position.
- ▶ The Waste Water Treatment Plant expansion has begun. Notice has been sent to the contractor and a preconstruction conference will be scheduled as the paperwork comes to the clerk.

14. Other Business.

Alderman Aldridge commended the police department for the fantastic job with the grand opening of the new PD. Alderman Price agreed going on to recommend that a thank you letter be sent to the Higels' for their beautiful shrimp boat loaded full of huge tasty shrimp.

15. Public Comment.

There were no comments

16. Meeting Adjourned.

**ON MOTION OF ALDERMAN EDWARDS, WITH ALL IN FAVOR, THE MEETING
ADJOURNED AT 7:30 PM.**

Mayor Roger McElroy

Vickie Best, CMC, Town Clerk