

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 16, 2010  
5:30 p.m.  
**MINUTES**

Members Present: Mayor Roger McElroy, Aldermen: Colin Edwards and Scott Pauley  
Members Absent: Aldermen: Phil Aldridge and Saralyn Price  
Staff Present: Manager Tim Barth, Attorney Chuck Dickson, Planning Director Nathan Clark, Chief Scott Sutton, Public Works Director Mike Mehaffey, and Town Clerk Vickie Best  
Others Present: 12 people

1. **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 the Tax Listing Advertising Report be added to the consent agenda.

**ALDERMAN EDWARDS MADE A MOTION TO ADD THE TAX LISTING  
ADVERTISING REPORT TO THE CONSENT AGENDA.  
MOTION CARRIED UNANIMOUSLY.**

2. **Consent Agenda**

- a. Year to Date Revenues and Expenditures.
- b. FY 2009-2010 Schedule of Ad Valorem Taxes Receivable.
- c. Resolution Designating an Agent for FEMA Application.
- d. Re-Appointment of Ralph Wallace to ABC Board (no one else applied)
- e. Tax Releases.
- f. Correction and Approval of Minutes for the January 19, 2010 meeting.

**ALDERMAN EDWARDS MADE A MOTION TO APPROVE THE CONSENT  
AGENDA WITH THE ADDITION.  
MOTION CARRIED UNANIMOUSLY.**

Town of Maggie Valley  
 Regularly Scheduled Board of Aldermen Meeting  
 February 16, 2010  
 MINUTES

3. **Presentation of plaque to the Rosemary Caldwell Evans Family**

Mayor McElroy read then presented the plaque to Ms. Caldwell's son and grandson. Ms. Caldwell was an exemplary person and will be greatly missed by the Maggie Valley community.

4. **Consideration of setting a business license fee for electronic gaming operations.**

Mr. Mark Carlton, owner of Blue Ridge Quick Stop, addressed Council stating that he has four sweepstake machines. The machines were located at the Quick Stop in June 2009. Mr. Carlton is not opposing paying a fee, but requesting that Council does not set the fee so high that he is forced to lose the machines. The machines are not advertised, are kept to the back of the store out of sight, and there are regular customers that come in to play the machines.

When questioned on how the establishment is paid, he responded that there are several methods. Some establishments own the machines. Some establishments house the machines and take fifty-percent of the income from the machines.

The machines help to subsidize the store, especially during the off-seasons. Gas, cigarettes and beer bring very little profit. Mr. Carlton stated that he was lucky that local people do business at his store. All of his employees are also locals.

Director Clark explained that during the January Planning Board meeting the members voted to recommend \$2,600 per machine. At the January Aldermen meeting, the Planning Board members were asked to reconsider the issue. The following list of towns fees/charges were provided.

<b>Sample of Electronic Gaming Operation Fees throughout North Carolina</b>			
<b>Municipality</b>	<b>County</b>	<b>Population (2000 Census)</b>	<b>Fee</b>
Calabash	Brunswick	711	No Fee <sup>1</sup>
Ocean Isle Beach	Brunswick	426	No Fee
Shalotte	Brunswick	1,381	No Fee
Southport	Brunswick	2,351	No Fee

<sup>1</sup> Towns that did not choose to set a privilege fee but have adopted comprehensive zoning regulations

Town of Maggie Valley  
 Regularly Scheduled Board of Aldermen Meeting  
 February 16, 2010  
 MINUTES

Waxhaw	Union	2,625	No Fee
Rowland	Robeson	1,146	\$300 per machine
Oxford	Granville	8,338	\$500 per machine
Maggie Valley	Haywood	607	\$2,000 per machine <sup>2</sup>
Matthews	Mecklenburg	26,901	\$2,000 per machine
Canton	Haywood	4,029	\$2,300 per machine(4)\$750 each additional
Hendersonville	Henderson	10,420	\$2,600 per machine
Wilkesboro	Wilkes	3,159	\$2,600 per machine
Fairmont	Robeson	2,604	\$3,000 per machine
Pinebluff	Moore	1,109	\$2,000 per location
Franklin	Macon	3,490	\$2,6000 per location
Mayodan	Rockingham	2,417	\$5,000 per location

Zoning regulations often control issue like this. The Planning Board, at the February meeting, recommended a fee of \$2,000 per machine to become effective July 1, 2010. The Town of Waynesville is not addressing the issue. It is believed the General Assembly will be addressing the issue in the 2010 short session.

Existing machines will be grandfathered. The strict zoning will reduce the possibility of large gaming establishments.

Director Clark explained that if the fees are adopted, there will be a canvassing of all businesses to identify and count all gaming machines. Then the business licenses will be mailed in May reflecting those numbers.

Alderman Edwards suggested placing a sticker on the machines showing they have been counted. Alderman Edwards went on to say that he felt \$2500 for up to four machines would be fair.

Thus the reason for having zoning in place to control the location of the gaming machines; if not, setting a fee on four machines would encourage businesses to have a least four machines.

**ALDERMAN EDWARDS MADE A MOTION THAT ALL PAST DUE BUSINESS LICENSE MUST BE MADE CURRENT AND THEN A FEE OF \$2500 FOR THE**

<sup>2</sup> Fee proposed by the Town of Maggie Valley Planning Board

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 16, 2010

MINUTES

**FIRST FOUR GAMING MACHINES AND \$750 FOR EACH ADDITIONAL  
MACHINE BE CHARGED AND THAT EACH BUSINESS MUST MEET THE  
NEW ORDINANCE GUIDELINES.  
MOTION CARRIED UNANIMOUSLY.**

The ordinance Alderman Edwards' was referring too.

**ORDINANCE NUMBER 680  
TOWN OF MAGGIE VALLEY  
AN ORDINANCE REGULATING ELECTRONIC GAMING OPERATIONS**

*BE IT ORDAINED* by the Board of Aldermen of the Town of Maggie Valley that:

*Section 1. That the following definition be added to the Commercial-1 General Business Definitions in the Maggie Valley Zoning Ordinance:*

***Electronic Gaming Operation:***

*A business enterprise, whether principal or accessory, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of odds or chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic Gaming Operations do not include operations associated with the official North Carolina Lottery.*

*Section 2. That the following requirements be listed under the Permitted Use List in the Commercial-1 District in the Maggie Valley Zoning Ordinance:*

***Electronic Gaming Operation provided that:***

*(1) The establishment must be a minimum of one-thousand (1,000) feet from any other organization engaged in an electronic gaming operation business.*

*(2) The establishment must be a minimum of one-thousand (1,000) feet from any established religious institution/synagogue, school, daycare center/home; library and public park.*

*(3) One-thousand (1,000) square feet of indoor retail floor space needed per machine.*

*Adopted in open session this the 19 day of January 2010.*

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 16, 2010  
MINUTES

5. **Consideration of a request by the Maggie Valley Club to release tax interest.**

Haywood County Tax Collector David Francis confirmed that the County did waive the interest due to the fact that the appeal was not heard until December 28, 2009. The County sent the original evaluation letters to the wrong address. The total amount of interest requested to release is \$180.05.

**ALDERMAN EDWARDS MADE A MOTION TO RELEASE THE INTEREST THE SAME AS THE COUNTY TAX COLLECTOR.  
MOTION CARRIED UNANIMOUSLY.**

6. **Consideration of a request by Sandra Doll to release tax interest.**

Ms. Doll is requesting release of interest because she says she mailed three checks for three accounts. The town only received two checks and two tax stubs. The missing check did not clear Ms. Doll's bank and was not deposited into the Town's account.

**ALDERMAN PAULEY MADE A MOTION TO DENY THE REQUEST BASED ON GENERAL STATUE 105-380 AND 81.  
MOTION CARRIED UNANIMOUSLY.**

7. **Consideration of banking proposals submitted to the Town.**

In December Finance Director Shayne Wheeler sent out Request for Proposals (RFP's) for the Town's banking services. BB& T, Home Trust, and Old Town Bank were considered. After extensive investigation and consideration, Director Wheeler recommended the Town move their banking to Home Trust Bank (Russ Avenue). This move would not only lower service charges but would provide the Town the opportunity to do remote deposits.

Several Council members had concerns about moving from BB& T due to BB& T being located in Maggie Valley, "a home town bank". Mayor McElroy added that the savings was not enough to change to an out of town bank.

**ALDERMAN EDWARDS MADE A MOTION TO TABLE THE ISSUE UNTIL NEXT MONTH.  
MOTION CARRIED UNANIMOUSLY.**

Alderman Edwards asked that Manager Barth attempt to talk to someone in a higher position at BB& T to see if they would be willing to match Home Trust Bank's offer.

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 16, 2010  
MINUTES

8. **Consideration of approving a contract with Martin Starnes & Associates for the FY 2009-10 annual audit.**

The Firm of Martin Starnes & Associates has completed the Town's audits for the past two years. Staff has been pleased with the firm.

**ALDERMAN PAULEY MADE A MOTION TO APPROVE MARTIN STARNES AND ASSOCIATES CONTRACT.  
MOTION CARRIED UNANIMOUSLY.**

9. **Consideration of awarding a contract for survey staking and construction contract administration for the Moody Farm Road sidewalk project.**

The Town advertised for proposals for construction contract administration and inspections for the Moody Farm Road Sidewalk Project. More often than not, the engineering firm that does the design work also does the construction contract administration and inspections.

Mattern and Craig was the only bidder. Mattern and Craig Associates, the design engineers for the project, submitted costs that are within the proposal.

**ALDERMAN EDWARDS MADE A MOTION TO AWARD MATTERN AND CRAIG TO PERFORM THE SURVEYING.  
MOTION CARRIED UNANIMOUSLY.**

**ALDERMAN EDWARDS MADE A MOTION TO APPROVE MATTERN AND CRAIG TO PERFORM THE CONSTRUCTION ENGINEERING INSPECTIONS.  
MOTION CARRIED UNANIMOUSLY.**

10. **Consideration of amending the Personnel Policy in regard to Leave without Pay.**

Manager Barth asked that Council table the issue until the next meeting to provide time for drafting a clear amendment to the policy.

**ALDERMAN PAULEY MADE A MOTION TO TABLE THE ISSUE DUE TO MANAGER BARTH NEEDING MORE TIME TO DRAFT THE PROPOSED AMENDMENT; AND BRING THE PROPOSED VERBIAGE TO THE NEXT MEETING.  
MOTION CARRIED UNANIMOUSLY.**

Town of Maggie Valley  
 Regularly Scheduled Board of Aldermen Meeting  
 February 16, 2010  
 MINUTES

**11. Consideration of setting a date for a Town Board-Planning Board joint meeting.**

Typically Council holds a joint workshop with the Planning Board members annually to set goals and discuss strategy.

**The Maggie Valley Board of Aldermen and the Planning Board members will meet in the Town Hall Boardroom on Friday March 12 from 8 a.m. until 10 a.m. Director Clark will provide copies of what is going to be discussed.**

**12. Manager's Report.**

☞ The transition to the Haywood County Building Inspections Department has gone fairly smooth.

☞ Manager Barth is scheduling a preconstruction conference for Mattern and Craig Associates, WNC Paving, and Copper Construction for the Moody Farm Road Sidewalk Project.

☞ Haywood County Parks and Recreation has set three dates to conduct public hearings on the Jonathan Creek property/park. The Clerk has sent out the information on the sunshine list a couple of times and has posted it on the Town Hall sign. There should be more public input from the Maggie Valley residents and business owners. Baseball/softball tournaments could generate a considerable amount of business for Maggie Valley.

The dates for the Jonathan Creek Park Public Hearings are:

March 4, 2010	MARC Center	6 p.m.
March 25, 2010	MARC Center	6 p.m.
April 27, 2010	Maggie Valley Town Hall	6 p.m.

☞ Manager Barth distributed a questionnaire from Martin Starnes & Associates, CPA to be completed by Council and returned to the Manager by the end of the week.

☞ The Traveler's Rest annexation injunction hearing was to be held February 22, now that hearing has been delayed until March 22, 2010.

☞ The Town Council will conduct a workshop on Tuesday February 23 beginning at 9 a.m. at the Police Department Conference Room. Council will receive more information prior to the workshop.

**13. Other Business.**

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 16, 2010  
MINUTES

- ☞ Alderman Edwards questioned where staff was on getting bids to improve the sound system in the Boardroom. A better sound system needs to be installed to increase the quality of the recordings and sound. During the summer months, when Council Meeting attendance grows, it is very difficult for the audience to hear what is taking place during the meetings.
- ☞ The amended snow and ice removal policy will be presented to Council at the workshop (for discussion only).
- ☞ The Town of Maggie Valley has enough sand/salt to cover about one-half of a big snow. The NCDOT is hauling salt and sand from Fayetteville, NC. Staff is unsure of the cost due to NCDOT being unsure.
- ☞ Alderman Pauley asked that staff put items in his mailbox inside the administration office and that he would pick the information up in a timely manner.
- ☞ Mayor McElroy asked that staff investigate the possibility of Haywood County enforcing slope and erosion regulations, similar to handling Maggie Valley's Building Inspections.
- ☞ There will be an elected official's reception at Laurel Ridge Country Club on February 18 beginning at 5:30 p.m.

14. **Public Comment.**

☉ Alderman Pauley commended Chief Scott Sutton for his efforts during the initial hours of the Rich Cove mudslide. A command center was set up at Town Hall. Chief Sutton was outstanding in his leadership role during this crisis.

☉ Kathleen Klawitter, a resident in the Rich Cove area, concurred, adding that everyone was so helpful and that she was very thankful to the many wonderful caring people that worked so hard during the early hours after the slide.

15. **Meeting Adjourned**

**ON MOTION BY ALDERMAN PAULEY, WITH ALL IN FAVOR, THE  
MEETING ADJOURNED AT 6:40 P.M.**

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Mayor Roger McElroy

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Vickie Best, CMC, Town Clerk