

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
March 17, 2009
5:30 p.m.

MINUTES

Members Present: Mayor Roger McElroy, Aldermen: Saralyn Price, Collin Edwards, Phil Aldridge, and Mark DeMeola
Staff Present: Manager Tim Barth, Attorney Chuck Dickson, Public Works Director Mike Mehaffey, Planning Director Nathan Clark, Police Chief Scott Sutton, Events Director Bill Cody, and Town Clerk Vickie Best
Others Present: Approximately 16 people

1. **Meeting Called to Order.**

Mayor McElroy called the meeting to order at 5:35 p.m. in the Town Hall Boardroom.

2. **Consent Agenda**

- a. Certificate of Sufficiency: certain Brannon Forest residents, including:
Lynn and Sharon Bartley, 66 Airish Lane, Parcel #7697-75-5464 (0.757 acres);
Jay and Cheryl Eichorn, 528 Brannon Forest Drive, Parcel # 7697-76-0034 (0.3 acres);
Marion Lord, 83 Turn-A-Bout Court, Parcel #7697-86-8073 (0.372 acres);
Kathryn and Paul Tucker, Cripple Creek Drive, Parcel #7697-75-9359 (0.743 acres);
Frank and Tracy Zayas, Turn-A-Bout Court, Parcel #7697-86-6234 (1.0 acres);
Resolution No. 09-11, Setting a date for a Public Hearing on April 21, 2009 at 5:30 p.m.
- b. 2008-2009 Schedule of Ad Valorem Taxes Receivable.
- c. Budget vs. Actual Revenues and Expenditures thru Feb 28, 2009.
- d. Tax Release.
- e. **Correction** and Approval of Minutes for the February 12, 2009 joint workshop with Planning Board and the February 17, 2009 meeting.

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

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
March 17, 2009
MINUTES

3. **a. Public Hearing on Annexation of certain Brannon Forest Residents,**
including: Layton Bailey, 34 Airish Way, Parcel #7697-75-6715 (0.484 acres);
Frederick Bernard, 46 Cripple Creek Drive, Parcel # 7697-85-1414 (0.315 acres);
Joe Dance, 486 Brannon Forest Drive, Parcel #7697-76-1092 (0.363 acres);
James Halligan, 293 Brannon Forest Drive, Parcel #7697-75-9478 (0.983 acres);
Patricia Hinders, 66 Ladderback Ridge, Parcel #7697-65-7871 (0.653 acres);
Carl Keltner, 303 Brannon Forest Drive, Parcel #7697-75-9616; (0.396 acres)
Thomas McGurn, 205 Brannon Forest Drive, Parcel #7697-85-5437 (1.006 acres).

b. Consideration of Ordinance No. 654 to annex:

Layton Bailey, 34 Airish Way, Parcel #7697-75-6715 (0.484 acres);
Frederick Bernard, 46 Cripple Creek Drive, Parcel # 7697-85-1414 (0.315 acres);
Joe Dance, 486 Brannon Forest Drive, Parcel #7697-76-1092 (0.363 acres);
James Halligan, 293 Brannon Forest Drive, Parcel #7697-75-9478 (0.983 acres);
Patricia Hinders, 66 Ladderback Ridge, Parcel #7697-65-7871 (0.653 acres);
Carl Keltner, 303 Brannon Forest Drive, Parcel #7697-75-9616; (0.396 acres)
Thomas McGurn, 205 Brannon Forest Drive, Parcel #7697-85-5437 (1.006 acres).

Mayor McElroy opened the public hearing at 5:37 p.m. There being no comments from the floor, Mayor McElroy closed the hearing.

**ALDERMAN ALDRIDGE MADE A MOTION TO ADOPT ORDINANCE
NUMBER 654.
MOTION CARRIED UNANIMOUSLY.**

4. **a. Public Hearing on Annexation of Stephen Suggs,** #21 Maggie Valley Estates, 83 Lady Bug Lane, Parcel # 7686-46-3403 (0.6454 acres).
b. Consideration of Ordinance No. 655 to annex Suggs, #21 Maggie Valley Estates, 83 Lady Bug Lane, Parcel # 7686-46-3403 (0.6454 acres).

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
March 17, 2009
MINUTES

Mayor McElroy opened the public hearing, as advertised, at 5:40 p.m. There were no comments from the floor.

**ALDERMAN EDWARDS MADE A MOTION TO ADOPT ORDINANCE 655.
MOTION CARRIED UNANIMOUSLY.**

5. Appearance by Civic Association to make a donation toward weatherization of the Pavilion.

Ms. Peggy Albert introduced Ms. Betsy McCloud, the Civic Association President. Ms. Albert informed Council that the Civic Association was going to decrease the number of weeks they will conduct BINGO for 2009. Bingo will be held every Thursday June through August.

The Civic Association members remain dedicated in serving the Maggie Valley community. The members have allocated funds to be used for handicap access to the creek at Parham Park.

Staff has applied for grant funding from the Rural Center for Parham Park improvements. The Town should hear from the granting agency in early May. Staff will keep the Civic members abreast of any improvements to be made at the park.

President McCloud presented Mayor McElroy a check for \$5,000 on behalf of the Maggie Valley Civic Association to assist with the cost of winterizing the community pavilion.

Council commended the Civic Association for their contribution.

6. Appearance by Joe Moody to give an update on the Haywood County Greenway Project.

Mr. Moody is the Maggie Valley representative for the Haywood County Greenways Committee, as well as serving as chair of the committee. Greenway trails are growing throughout the County. The most recent section to complete is a trail from Lake Junaluska to the Waynesville Recreation Park; that is approximately 5.3 miles long. The Towns of Canton and Clyde continue to work on greenway systems and have installed several passive parks, which includes a new park that will be constructed where the old laundry site was, as you enter downtown Canton from the west. Haywood Community College is in the process of creating a biking lane that will require highway widening and additional striping for students to ride bikes to college.

Mr. Moody informed Council that the Haywood County Greenways Advisory Committee was delighted that Maggie Valley was recreating their greenways committee and asked that the members feel free to ask for assistance from the County. The County members will assist with grant writing or advise Maggie Valley on what steps were taken to lengthen the County's system. Mr. Moody brought an example of the post with the

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
March 17, 2009
MINUTES

County's Greenway Logo on it. Maggie Valley would put their logo on similar style post.

Mr. Moody commended Council for their efforts to install a sidewalk along Moody Farm Road. Those residents need a safe and enjoyable place to walk. The ideal situation would be installing sidewalks/ trails all the way to Jonathan Valley Elementary School.

The Board thanked Mr. Moody for his service. Mr. Moody invited Alderman DeMeola to the County meeting on March 19.

7. Appearance by Chamber of Commerce regarding partnering with the Town to put on the BBQ Festival.

Maggie Valley Chamber President Teresa Smith addressed Council stating the Chamber Board of Directors decided not to have the BBQ Festival after long and hard consideration. The Chamber does not have the upfront money for the festival and is in debt to some of the vendors from the 2008 festival.

Mayor McElroy and Manager Barth came to the directors asking what it would take to put on the 2009 BBQ Festival. Due to gas prices, the shortage of gas in Western North Carolina, and the rainy weather, the Chamber lost approximately \$20,000 last year. The shortfall did not come from overspending; the revenues were down that much. Ms. Smith distributed a list of expenditures from the 2008 BBQ Festival. **SEE ATTACHMENT 1**

The membership dues to remain in the (KCBS) Kansas City BBQ Sanction are \$800 per year. When representatives come to assist, they are paid for travel and motel arrangements are compensated. It is true that due to the upgrade of electrical and lighting, the cost will decrease \$5,000 to \$6,000, but a spider box and at least one generator will still need to be rented.

The BBQ Festival in Hickory has been canceled. The BBQ Festival in Union S.C. has scaled back tremendously for 2009. Progress Energy and Budweiser have agreed to be sponsors. As for TDA Funding, the invoices must be paid before the applying entity can be reimbursed. Again, Ms. Smith stressed that the Chamber does not have the upfront money needed to put on the festival.

Council would like to have events scheduled for the festival grounds every weekend. Council deliberated. Alderman DeMeola questioned if it would be in the best interest of the town as a whole. The Town can not take the gamble by investing money in the BBQ Festival.

Manager Barth explained that if approved, a majority of the money would come from next year's budget. After July 1, 2009, Council would need to build the cost into the 2009/2010 budget.

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
March 17, 2009
MINUTES

Ms. Hamel spoke from the floor stating that the Chamber never made any money from this event, it was time consuming, and if Council were to fund the BBQ Festival, precedence would be set.

Alderman Price stated that the Town could not take a gamble like this. The people on the Chamber board are business people and they feel it is not profitable.

No action was taken. The Town will not be sponsoring the 2009 BBQ Festival.

8. **Discussion regarding renaming the Fie Top Road bridge in honor of R. B. Coburn.**

Mayor McElroy stated that R.B. Coburn was a dynamic businessman that put Maggie Valley on the map. Without his efforts, Maggie Valley would not have been the tourist destination that it became due to being the home of Ghost Town in the Sky. Mr. Coburn loved Maggie Valley and it is only fitting that he be long remembered by naming the bridge in his honor.

Alderman DeMeola agreed, adding that anyone that has ever visited equates Ghost Town with Maggie Valley.

Alderman Edwards stated that everyone would be in favor of naming the bridge after R.B.

Alderman Price agreed, adding that R.B. is well deserving of the honor.

9. **Consideration of awarding a contract for sewer extension work on Rocky Top Road**

Town staff received three bids. The lowest bid came from Caroline-A-Contracting.

**ALDERMAN DEMEOLA MADE A MOTION TO EXCUSE ALDERMAN EDWARDS FROM THE DISCUSSION/VOTING DUE TO BEING RELATED TO THE ENTITY BIDDING.
MOTION CARRIED UNANIMOUSLY.**

Caroline-A-Contracting bid \$23,135 to complete the project. This was the same firm that completed phase- 1 of the Rocky Top Sewer Line Extension. There will be approximately 440 feet of 8-inch sewer line with four manholes.

**ALDERMAN ALDRIDGE MADE A MOTION TO AWARD THE BID FOR THE SEWER LINE EXTENSION TO CAROLINE-A-CONTRACTING, WHICH WAS THE LOWEST BID, RECEIVED.
MOTION CARRIED UNANIMOUSLY.**

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

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
March 17, 2009
MINUTES

Alderman Aldridge had raised the question if the sewer impact fees could be lowered to provide an incentive for businesses to expand or move to the area.

In completing a survey of sewer tap/impact fees, Manager Barth found that Maggie Valley is in the middle of the chart. The Town of Waynesville charges an additional \$4 per gallon in addition to the regular sewer capacity replacement cost.

Discounts are offered if taps are purchased in volume. Maggie Valley Country Club purchased their taps in volume, in order to receive the discount.

Alderman Price stated that she too had investigated how Maggie Valley ranks with other towns and found that the fees are a lot higher elsewhere; especially in Florida.

Alderman Aldridge asked that staff continue to search for ways to provide incentives for businesses to come to Maggie Valley.

11. Report from Bill Cody regarding activity on festivals.

Mr. Cody addressed Council stating that he was made to feel welcomed by town staff and that he greatly appreciated it.

Mr. Cody attended an international festival conference in Knoxville and the networking was unbelievable. Mr. Cody also had many contacts from the Gatlinburg and Pigeon Forge area. Mr. Cody explained how the City of Gatlinburg was able to get a large donation from Land-of-Lakes. The company participated in the 4th of July parade and gave out free samples of their coffee creamer. Those types of sponsors are what the Town is looking for.

Mr. Cody distributed an action plan for the 2009 Trout Festival. Mr. Cody went on to say the June issue of Our State magazine is about fishing in North Carolina. Our State has a great shelf life with over 150,000 subscribers. You can find a copy of Our State in almost any doctor's office.

Mr. Cody also suggested that we post all upcoming events at the festival grounds to alert people to all of our festivals. Mr. Cody has contacted all of the promoters for the 2009 festivals to introduce himself, and to see if there is anything he can do to assist with their event. The promoter for the Craft Festival to be held on Labor Day weekend expects to break even or maybe lose money this year. As the event becomes annual, profits will increase.

Mr. Cody is working out the details to have a bluegrass festival in August. Mr. Cody is working with a person in Waynesville to create a short DVD advertising the festival grounds and what is available to promoters.

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
March 17, 2009
MINUTES

Mr. Cody went on to inform Council that it will be a great benefit having the telephone lines available at the festival grounds so that people may use their credit cards.

Mr. Dan Massey spoke from the audience stating that the Town may have to give the festival grounds for free to entice some of the larger events.

Alderman Edwards thanked Mr. Cody for his update and acknowledged that it would take longer than a month to begin seeing results.

12. Discussion regarding Town staff providing support for Maggie Valley TDA 1% Subcommittee.

Due to Town staff sitting at the table during the MVTDA 1% Subcommittee meetings, it has been misinterpreted that the "Town" has too much of a presence at the meetings. At the last 1% subcommittee meeting, it was stated that Manager Barth should not sit at the table during meetings.

Alderman Edwards stated that the MVTDA 1% committee is not a town board. None of the other municipalities within Haywood County has town staff present; but they seem to be functioning fine. The Town staff is covered up with work without taking on additional work that does not fall under the town's authority.

Ms. Tammy Wight had brought this to the board's attention because she has received several comments where there have been misconceptions.

Marion Hamel, Maggie Valley's liaison from the County's TDA, stated that it is a blessing for the Maggie Valley Subcommittee to have the clerk do the minutes. Now that Ms. Collins has been hired as the TDA Director, monthly reports will be distributed. Other municipalities do not have the clerk do the minutes but the other towns do not get the amount of funding that Maggie Valley does. The perception is that the town is running the meetings. Ms. Hamel stated that if someone on the MVTDA committee would agree to do the minutes, it would be great, but most all of the members own businesses and do not have the time.

Mayor McElroy felt the minutes need to be kept in one specific location. A previous county commissioner, which was instrumental in the municipalities getting the funding, greatest concern, was tracking the money.

The aldermen discussed their concerns about overloading town staff, how it appears to business owners when staff is present, and how best to handle the situation. After an in-depth discussion that allowed comments from the floor, and a statement from the clerk, Aldermen Price made the following motion.

ALDERMAN PRICE MADE A MOTION TO SEND THE CLERK TO THE NEXT MVTDA MEETING AND THEN MAYOR MCELROY, AS CHAIRMAN, WILL

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
March 17, 2009
MINUTES

ASK THE COMMITTEE IF THEY WANT THE CLERK TO CONTINUE TO DO THE MINUTES, AND THEN MAYOR MCELROY WILL COME BACK TO THE TOWN BOARD WITH A SOLUTION AT THE APRIL MEETING.

The Clerk's only response was that she did not want to go where she was not wanted. Mayor McElroy assured Council that the 1% committee does want the clerk to take minutes.

Alderman DeMeola asked to amend Alderman Price's motion to add that neither the Finance Director nor the Town Manager will be at the meetings.

Ms. Hamel asked that the amendment not be added because it made it sound as if they are not welcomed at the meeting. The meetings are open to anyone wanting to attend. Alderman DeMeola stated that as far as the town is concerned the clerk is the best person to sit at the meetings and take minutes.

MAYOR MCELROY, ALDERMEN DEMEOLO AND ALDRIDGE VOTED IN THE AFFIRMATIVE.

**ALDERMAN EDWARDS OPPOSED.
MOTION CARRIED BY MAJORITY.**

13. **Budget Amendments.**

Ordinance 656 recognizes funds that have been assembled in order to pay outright for the police car that was in the budget. The police department had budgeted enough money to make a payment on a four-year lease purchase arrangement, however, because the interest rate to finance the vehicle (3.49%) was higher than the interest rate the Town is getting on our investments (1.3%), it will save the Town money to purchase the vehicle outright rather than financing it. The Finance Officer was able to look at several accounts where there was going to be some extra funds at year end and come up with the \$23,809.

**ALDERMAN EDWARDS MADE A MOTION TO ADOPT ORDINANCE 656.
MOTION CARRIED UNANIMOUSLY.**

Ordinance 657 recognizes the \$18,915 that the Town will get from the TDA to go toward the salary and benefits for the Festival Coordinator position. Because the funds are coming from the TDA, the funds need to be recognized as revenue and as an expense.

**ALDERMAN PRICE MADE A MOTION TO APPROVE ORDINANCE 657.
MOTION CARRIED UNANIMOUSLY.**

14. **Manager's Report.**

► Manager Barth distributed a calendar of events for April. The Region A meeting will be held March 23 in Cherokee. Manager Barth will be unable to attend, but encouraged the board to try to attend.

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
March 17, 2009
MINUTES

- ▶ Manager Barth distributed information where the NC Programs Evaluation Division (NCPED) is recommending that the state have more control over local ABC Boards. The local boards are in opposition of the proposed change. Please address this issue with legislators when possible.
- ▶ Manager Barth will be out of the office April 6 through 10 with his children on a band trip.

15. Other Business.

█ Manager Barth explained that the resolution did not arrive until after the agenda packets were delivered. The resolution is requesting funding from the American Recovery and Reinvestment Act of 2009. The request is for funding to make improvements to the sewer system at Old Still Road to include gravity sewer to replace the existing pump station.

**ALDERMAN DEMEOLA MADE A MOTION TO APPROVE RESOLUTION
NUMBER 09-12 AS PRESENTED.
MOTION CARRIED UNANIMOUSLY.**

16. Public Comment.

Dan Massey addressed Council asking if a decision had been made about the town contributing money for Christmas lights. If the Town allocates funding, then Mr. Massey was willing to try to get donations to go toward additional Christmas Lighting.

Mr. Massey went on to ask what had happened to the Buxton Study that was supposed to bring additional businesses to Maggie Valley.

The Town will check funding to see if there are any funds that can be used for Christmas lighting. As for the Buxton Study, most of the businesses recommended for Maggie Valley were franchise businesses that would require a local person to invest. Recreational businesses, such as a bowling alley, were not included in the study.

Steve Shriver addressed Council acknowledging that Ghost Town has a difficult challenge ahead. Tourism is the economy in Maggie Valley. After attending a meeting with ten national executives, it was clarified that tourism and second homebuyers are down nationwide. Part of the cause was the high gas prices, gas shortage, and the fodder that comes with the election of a President. There were discussions regarding regional tourism vs. traveling tourism. Mr. Shriver asked that everyone maintain an optimistic attitude.

Ghost Town will reopen as planned. The owners are dedicated to bring the theme park back into full operation. It is untrue that the owners actually want to build condominiums

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
March 17, 2009
MINUTES

on Buck Mountain. The Chapter 11, if approved, will provide Ghost Town the opportunity to reconstruct their finances.

Phil Wight addressed Council stating that he has season passes to Ghost Town and that he has been able to see the difference over the past year.

Mr. Wight went on to commend Alderman Edwards' efforts on discouraging Haywood County's proposed nuisance ordinance. This ordinance would put Gene Ferguson and Steve Davis out of business. Residents will not be allowed to have a bicycle or four-wheeler in their yard. If adopted, you will not be able to have a boat unless it is tagged. Mr. Wight asked that everyone keep up the fight to protect property rights.

Joe Moody addressed Council as the Maggie Valley Chamber Finance Committee Chairman. The Board of Directors voted not to do any festivals that did not make a profit. The Chamber is making changes on how the money is handled. An auditor has been hired. The Chamber is now looking at doing raffles to increase their income.

A Chamber of Commerce is allowed to do raffles under certain regulations.

17. **Meeting Adjourned.**

**ON MOTION OF ALDERMAN PRICE, WITH ALL IN FAVOR THE MEETING
ADJOURNED AT 7:45 P.M.**

Mayor Roger McElroy

Vickie Best, CMC, Town Clerk

- 11 -

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
March 17, 2009
MINUTES