

**Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
May 17, 2011
MINUTES**

Members Present: Mayor Roger McElroy, Aldermen: Scott Pauley, Saralyn Price, Danya Vanhook, and Phil Aldridge
Staff Present: Manager Tim Barth, Attorney Chuck Dickson, Planning Director Nathan Clark, Public Works Director Mike Mehaffey, Festival Director Audrey Hagar, Chief Scott Sutton, and Town Clerk Vickie Best
Others Present: Approximately 20 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. Petition for Annexation: John A. Mathis, Lot 18-A Maggie Valley Country Club Estates, 0.8699 acres, Parcel #7697-22-8061907. Resolution No. 11-2 Directing Clerk to investigate an annexation petition.
- b. Year to Date Revenue and Expenditure.
- c. Ad Valorem Tax Recap.
- d. Correction and Approval of Minutes for the April 19, 2011 and April 26, 2011 meetings.

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

3. **Public Comment**

Sonja Michels, owner of Creekwood Village, addressed Council on behalf of the Lodging Association informing them that the association has concerns about the Town paying \$50,000 for a July 4th carnival and then nixing the Labor Day fireworks.

The Labor Day Fireworks are allocated in the 2011/12 town budget. The \$50,000 is for the carnival to be on the festival grounds July 1 through 4. The fireworks will be shot on Sunday July 3, 2011. The cost of the fireworks for July 3rd is not included in the cost of the carnival nor is traffic control.

Ms. Michels questioned the financial outcome of the Americana Roots Festival and the Trout Festival. "The Town cannot continue to lose money."

The final numbers for the events have not all come in yet, but there will be a loss.

Charlie Meadows, owner of Sweet Briar Motel, addressed Council asking that an exploratory committee be organized to seek grant funding to reopen Ghost Town. The theme park is an historical part of Maggie Valley. The County of Henderson received grant funding to keep Chimney Rock open.

Mr. Meadows also stated that the Town needs to give Chris Anthony and Thunder in the Smokies a big thank you and maybe some financial assistance.

Mr. Meadows also stated that he is booked for the July 4 weekend because of the carnival. "The Festival Grounds is all the Town has left; especially after Wheels Through Time leaves town in October 2011." Mr. Meadows added that Parham Park and McCracken Park do nothing to help the restaurants and motels. The Trout Festival and the Brewfest did nothing for his business.

Mr. Meadows stated that he just wants the town to do something to get businesses to come and build in Maggie Valley. Mr. Meadows also offered to volunteer at any of the festivals, and that Festival Director Audrey Hagar should be granted more freedom to do the job she was hired for.

Alderman Vanhook thanked Mr. Meadows for his comments and that the Board of Aldermen just came out of a joint meeting with the Maggie Valley Planning Board and the topic of discussion was how the town could begin to create a sense of community that would bring people together and begin the process of working together and revive the tourist industry.

Mayor McElroy concurred, adding that Council does support Ms. Hagar.

Mr. Meadows asked that Council consider cutting the rental fee on the festival grounds as a way of the town showing support for the business community.

Alderman Aldridge felt that small things often make a difference. "People stopping and picnicking at Parham Park may decide to come back to the area and vacation. Also, the park is excellent for the newly created walking loop down Moody Farm Road."

Alderman Price added that Council must consider the citizens of Maggie Valley as well as the organizations that have donated funds to Parham Park for fishing/viewing decks and handicap access, as well as bathrooms. It is proposed that \$50,000 be cut from the Parks for the fiscal year 2011/12.

Mandy Hartline, owner Stoney Creek Motel, agreed that a big thank you and financial assistance, if possible, should go to Chris Anthony, the promoter for Thunder in the Smokies motorcycle rally. As for Parham Park and picnic tables, Ms. Hartline had a picnic table located near the creek on her adjacent property and has had people just stop and start picnicking, the family ate, went to Cherokee, and then returned to stay at Ms. Hartline's motel.

***4. a. Public Hearing to consider rezoning 43 Haley Drive (PIN# 8606-19-9725) from C-1 to R-1.**
b. Consideration of Ordinance No. 718 rezoning 43 Haley Drive (PIN# 8606-19-9725)
from C-1 to R-1

Mayor McElroy opened the hearing at 5:52 p.m.

Attorney Jack Kersten addressed Council explaining that the parcel is currently zoned Commercial 1. The topography of the land does not allow for commercial activity. Selling the home would create hardship due to the parcel being zoned as a non-conforming use.

NCDOT submitted a letter stating that a commercial driveway can never be made to the property due to the proximity to the off ramps of US-276 and US-19. The driveway would never meet the NCDOT qualifications for a corporate encroachment set forth by the NCDOT Driveway Policy Manual.

Mayor McElroy closed the hearing at 5:56 p.m.

**ALDERMAN PRICE MADE A MOTION TO REZONE THE PROPERTY TO RESIDENTIAL 1.
MOTION CARRIED UNANIMOUSLY.**

***5. Consideration of donations for two groups that have made requests.**

Haywood Commission for a Clean County (CCC) is a volunteer group that has been in operation for 11 or 12 years. CCC has representation from across the County. There are regular clean up days. Training sessions are conducted through the school system teaching kids about littering and the negative effects litter produces. CCC also provides teaching materials to the school system. The CCC also annually acknowledges groups and people that have improved the looks of their community.

Alderman Aldridge felt the commission was a great entity to have, but due to economic times, a donation of \$500 should be reasonable. Mayor McElroy felt the Town should do a little more for this valuable commission. "They regularly pick up litter in the Maggie Valley area."

Several Council members felt the ideas of teaching kids about litter and recycling as well as being an active member in their communities is very important lessons to learn at an early age.

The Council donations line item in the budget is \$6,000 annually. So far \$1,000 of the \$6,000 has been used i.e. \$500 to the veterans and \$500 to the Lodging Association for their annual Turkey Drive during Thanksgiving.

**ALDERMAN PRICE MADE A MOTION TO DONATE \$1,000 TO THE COMMISSION FOR A CLEAN COUNTY.
MOTION CARRIED UNANIMOUSLY.**

Haywood Waterways, a non-profit organization, works to improve and protect our waterways for fishing, paddling, irrigation, watershed preservation/restoration. In 2005 Hyatt Creek was on the list for the least desirable water quality. In 2010 Hyatt Creek was removed from the list. Haywood Waterways is very proud of their Kids in the Creek program. Over 9,000 kids have participated in the program. Haywood Waterways hold stream cleanup projects regularly. Haywood Waterways operates a lot off of grant funding. Receiving grant funding is becoming more competitive, therefore dues and donations are becoming increasingly important.

Haywood Waterways also assist farmers to find the money with livestock fencing, water tanks, and stream bank restoration. Haywood Waterways also provides technical resources. There are also sediment monitoring stations in Maggie Valley.

**ALDERMAN ALDRIDGE MADE A MOTION TO DONATE \$500 TO HAYWOOD WATERWAYS.
MOTION CARRIED UNANIMOUSLY.**

6. Update from the ABC Board

Ralph Wallace, Maggie Valley ABC Board of Directors' Chairman, introduced a fellow board member, Joe Moody, Maggie ABC Store Manager Nancy Helsel and Dellwood ABC Store Manager Nancy Grant.

Mr. Wallace begins his presentation explaining that over the past year, the ABC stores have lost two board members and a manager. With the help of dedicated employees, the Maggie Valley ABC Stores have weathered the storm. There have been discussions about borrowing additional funds or possibly closing one of the stores. There have been employees laid off from their jobs; cutting payroll down by \$30,000. The stores' inventories are now in good shape. There was an increase in business for the

month of April. Reports from the State show that the Maggie Valley stores are up by 4.1% while sales are down in Waynesville 1.4%. Again the dedicated employees have been able to decrease the power bill approximately \$2,000. As with municipalities, the State continues to attach charges to help pay for the new ABC warehouse in Raleigh i.e. .10 extra per case ordered. The State also is now requiring all ABC Stores to submit budget and conduct public hearings. The public hearing for the adoption of the ABC Budget will be held June 20, 2011 at 6:00 p.m. at the Maggie Valley Police Department.

Alderman Aldridge questioned if Mr. Wallace has the sales numbers and the purchase numbers. Mr. Wallace responded that the Dellwood Store was up \$6,000 while the Maggie Valley Store was down \$5,000.

Alderman Aldridge asked if the ABC Board hired an accountant. Mr. Wallace explained that one of the assistant manager's was moved to finance.

Aldermen Aldridge then questioned Mr. Wallace if he was ready to expand the current three-member board to a five-member board.

Mr. Wallace responded that he was never against increasing the board membership; it was the timing of the increase that he objected. The suggested increase in board members came shortly after the death of the chairman.

Mayor McElroy thanked Mr. Wallace for his presentation.

***7. Considerations of the Findings of Fact for the Nutmeg Café and for the Tiki House Seafood and Oyster Bar**

CONDITIONAL USE PERMIT HEARING
APRIL 26, 2011

Application #2011-001 for Dewayne Ward, 2723 Soco Road, Maggie Valley.

THE BOARD OF ALDERMEN MAKES THE FOLLOWING FINDINGS OF FACT:

1. The facts set forth in the 2 page report of Nathan Clark, Town Planning Director, are hereby adopted.
2. Testimony of Dewayne Ward as to his past experience running a restaurant in Jackson County and his description of the proposals for the business in Maggie Valley are hereby found as a fact.

THE BOARD MAKES THE FOLLOWING CONCLUSIONS:

1. The proposed development complies with the appearance standards and review criteria set forth in §154.125 B, D and L.
2. The proposed development will not materially endanger the public health or safety.
3. The proposed development will be compatible and in harmony with the area in which it is to be developed.
4. The proposed development is in compliance with the intent and spirit of the Town's established design criteria.
5. The issuance of a permit will not substantially injure the value of the adjoining property.

THESE FINDINGS OF FACT AND CONCLUSIONS ARE ADOPTED to allow the seafood restaurant, run by Dewayne Ward at 2723 Soco Road, to be allowed as a conditional use in the C-1 Zoning District.

**ALDERMAN VANHOOK MADE A MOTION TO ACCEPT THE FINDING OF FACTS FOR THE SEAFOOD RESTURANT.
MOTION CARRIED UNANIMOUSLY.**

CONDITIONAL USE PERMIT HEARING
April 26, 2011

Application #2011-002 for Elizabeth and Gary Schwartz, 22 Bradley Street (2547 Soco Road), Maggie Valley

THE BOARD OF ALDERMEN MAKES THE FOLLOWING FINDINGS OF FACT:

1. The facts set forth in the 2 page report of Nathan Clark, Town Planning Director, are hereby adopted.
2. Testimony of Elizabeth and Gary Schwartz as to their past experience in the baking business and their description of the proposals for the business in Maggie Valley are hereby found as a fact.

THE BOARD MAKES THE FOLLOWING CONCLUSIONS:

1. The proposed development complies with the appearance standards and review criteria set forth in §154.125.
2. The proposed development will not materially endanger the public health or safety.
3. The proposed development will be compatible and in harmony with the area in which it is to be developed.
4. The proposed development is in compliance with the intent and spirit of the Town's established design criteria.
5. The issuance of a permit will not substantially injure the value of the adjoining property.

THESE FINDINGS OF FACT AND CONCLUSIONS ARE ADOPTED to allow the bakery, run by Elizabeth and Gary Schwartz at 22 Bradley Street (2547 Soco Road), to be allowed as a conditional use in the C-1 Zoning District.

**ALDERMAN ALDRIDGE MADE A MOTION TO APPROVE THE FINDING OF FACTS FOR THE NUTMEG
BAKERY & CAFÉ.
MOTION CARRIED UNANIMOUSLY.**

Alderman Vanhook informed the audience that it is wonderful to have new businesses coming into Maggie Valley. Stingray's Private Club was previously approved; now two more businesses have been approved, and next week, three additional businesses are coming before the board for approval.

***8. Consideration of placing an ad in the Mountaineer graduation special publication**

The one-time ad will be published on June 1 wishing all the graduates the best in their future endeavors.

**ALDERMAN VANHOOK MADE A MOTION TO BUY THE 1/8 PAGE AD FOR \$150.
MOTION CARRIED UNANIMOUSLY.**

***9. Consideration of Horseshoe Cove HOA request for financial assistance with certain road improvements**

Saddle Drive is actually in the Country Club Estates Subdivision rather than Horseshoe Cove.

The HOA is requesting funding assistance to help pave the remaining portion of Saddle Drive. Two bids have been submitted to Council: Custom Paving \$6,775.00 and WNC Paving for \$10,985.00.

The Town has \$2,560 remaining in the Street Maintenance line item. The Town has committed financial assistance to Brannon Forest Subdivision. Those funds will come from Powell Bill Funding.

Mr. Bill Banks addressed Council on behalf of the HOA. A portion of Saddle Drive was never paved. At the time Mr. Banks built his house in 2006 the road was more like a cart path. The neighbors have gotten together and came up with 75% of the cost to pave the road.

Alderman Aldridge continued to be concerned about having enough money to complete the already committed Brannon Forest Subdivision project. Alderman Aldridge was uncertain how the Powell Bill Funding was being managed.

**ALDERMAN PRICE MADE A MOTION TO GIVE THE COUNTRY CLUB ESTATES HOA \$1,694.00 TO PAVE
THE ROAD.
MOTION CARRIED UNANIMOUSLY.**

10. Discussion regarding pro-formas for Type A, Type B, and Type C events

At the previous meeting, Council directed Director Hagar to present pro-formas representing class A events ranging in cost from \$50,000- \$100,000, class B \$25,000 to \$50,000 and class C 0 to \$25,000.

Alderman Vanhook determined that there is approximately \$73,000 in fixed expenses regardless of the act. Director Hagar concurred, "Because the act may cost less does not mean the overhead is less. There are constraints with any event".

The Festival Grounds can hold 40,000 people with modification to the fencing. There should be a plan, so that the gates will be placed in the correct places to pass fire and emergency requirements.

Alderman Pauley asked that Manager Barth find out how many gates are needed and where the gates should be installed.

Again Director Hagar stated that there are certain risks to promoting events. The 30-degree temperature affected the Brewfest (Americana Root Festival). Another example of constraints, Reba McEntire brings 60 tons of lights to be used in her show.

Class A:	The Doobie Brothers	\$50,000 - \$100,000
	Blues Traveler	\$50,000 - \$125,000
	Styx	\$40,000 - \$75,000
	Pat Benatar & Neil Giraldo	\$50,000 - \$300,000
	Boston	\$100,000- \$200,000
	Snoop Dogg	\$50,000 - \$250,000
	Clay Walker	\$50,000- \$250,000
	Roger Daltrey	call for fee
	Lynyrd Skynyrd	\$100,000 - \$200,000
	Allman Brothers Band	\$60,000 - \$150,000
	Sara Evans	\$50,000- \$75,000
	Dierks Bentley	\$75,000- \$125,000
	The Moody Blues	\$100,000- \$200,000
	Martina McBride	\$75,000 - \$200,000
	Ron "Tater Salad" White	\$50,000 - \$75,000

Class B:	Ted Nugent	\$35,000- \$60,000
	Merle Haggard	\$40,000
	Uncle Kracker	\$25,000 - \$75,000
	Loretta Lynn	\$40,000 -\$50,000
	Mel Tillis	\$25,000 - \$35,000
	Percy Sledge	\$10,000 -\$20,000

Class C:	Herman's Hermits	\$10,000 - \$12,500
	Little Anthony & The Imperials	\$17,500- \$25,000

Jim Higel's Suggested List:

Larry, The Cable Guy	\$250,000 -\$350,000
Kenny Rogers	\$100,000- \$125,000
Phil Collins	\$300,000 -\$1,000,000
Willie Nelson	\$150,000- \$300,000

A discussion developed on what exactly is Ms. Hagar's job. Is she to promote events or is she to sell the Festival Grounds to promoters? It is the Town's position that Director Hagar is to partner with promoters to bring events to Maggie Valley.

11. Consideration of Ordinance No. 717, a Capital Project Ordinance for a levee at the wastewater treatment plant

Capital project ordinances are typically used to set up a budget for a project that will span more than one fiscal year. Ordinance No. 717 recognizes the estimated expenses and revenues to construct the levee at the WWTP. Most of the work is being done with Public Works employees.

To date the levee area has been cleared of trees and vegetation. The next work will be analyzing soil samples.

**ORDINANCE NO. 717
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED BY THE GOVERNING BOARD OF THE TOWN OF MAGGIE VALLEY, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is to construct a levee at the Wastewater Treatment Plant to be financed by Town funds.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms grant documents, and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Necessary Earthwork to Raise Levee as required	\$30,000
Rip Rap to Stabilize River side of Levee	\$15,000
Seed, Fertilize, Mulch for Land side of Levee	\$ 1,000
Install Closure devices on Existing Drainage Pipes	\$20,000
Engineering Plans	\$11,500
Levee Certification	\$ 5,000
Geotechnical Testing	\$ 6,000
Contingency (5%)	\$3,300

Section 4. The following revenues are anticipated to be available to complete this project:

Town Funds	\$91,800
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Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and the federal regulations. The terms of the bond resolution also shall be met.

Section 6. Funds will be advanced from the Sewer Fund for the purpose of making payments as due.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Alderman Vanhook felt that action should be delayed until the next meeting to provide citizens time to discuss the issue.

Manager Barth responded that normally people do not comment on capital project ordinances. Also the State has given the town two years to complete the levee and bring it into compliance. The Board really has no choice but to move forward.

**ALDERMAN PRICE MADE A MOTION TO ADOPT ORDINANCE 717
MOTION CARRIED UNANIMOUSLY.**

12. Distribution of the Proposed FY2011-12 Annual Budget

Manager Barth distributed the proposed budget to all Council members. The clerk notified the press and the sunshine list that the budget is now available for public inspection.

The FY2011-12 Annual Budget does not have a tax, fee, or a rate increase.

13. Consideration of setting dates for budget workshops

The next budget workshop will be held May 24, 2011 beginning at 3:00 p.m.

14. Manager's Report.

☞ The Festival Director, Chamber, Lodging Association, and Hotel/Motel Association will provide presentations to the MCTDA1% Subcommittee on May 18 beginning at 10:00 a.m.

☞ The Region A meeting will be held May 23 beginning at 6:00 p.m. at the Cherokee Holiday Inn.

☞ There will be a special called Board of Aldermen Meeting May 24 for the consideration of three conditional use permits.

15. Other Business.

☞ Letters have been mailed to the adjacent property owners to the streetlights that are being proposed to be eliminated. In some cases the developer or HOA President was notified. There have been few complaints about the removal of the said streetlights.

☞ Attorney Dickson distributed the Finding of Facts for Stingrays' conditional use permit for their review. Attorney Dickson asked Council to feel free to make any corrections.

☞ Alderman Vanhook asked if the seating of Council could be rearranged to a horseshoe shape to allow all members to see one another.

☞ Alderman Pauley asked that staff fix or contact the state about fixing a sink hole on Soco Road. It is concerning because the water is coming from somewhere, and the sink hole is a hazard.

Public Works Director Mehaffey talked with NCDOT over Haywood County's maintenance to resolve the problem. The pipe is not stopped up with debris. The water is coming from between the drain and the asphalt.

Alderman Pauley stated that the sink hole has become a safety issue and the town should be proactive in resolving the problem. Alderman Pauley added that he certainly did not want the road torn up during the season, but something should be done.

**ALDERMAN ALDRIDGE MADE A MOTION TO APPROVE MANAGER BARTH DRAFTING A LETTER TO NCDOT AND MAYOR MCELROY SIGNING THE LETTER.
MOTION CARRIED UNANIMOUSLY.**

☼ Alderman Aldridge asked that Ms. Hagar send a thank you note to Chris Anthony for promoting and bringing the motorcycle rally to Maggie Valley.

Director Hagar responded that she does send thank you notes as well as Christmas Cards.

The offer of the Mayor or one of the Aldermen coming to events and welcoming people has always been offered.

16. **Meeting Adjourned.**

ON MOTION OF ALDERMAN VANHOOK, WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 7:27 P.M.

Mayor Roger McElroy

Vickie Best, CMC, Town Clerk