

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
May 20, 2008  
5:30 p.m.

MINUTES

Members Present: Mayor Roger McElroy, Aldermen: Colin Edwards, Saralyn Price, and Phil Aldridge  
Members Absent: Alderman Mark DeMeola  
Staff Present: Manager Tim Barth, Deputy Town Clerk Shayne Wheeler, Planning Director Nathan Clark, Police Chief Scott Sutton, Attorney Chuck Dickson, and Public Works Director Mike Mehaffey.  
Others Present: Mountaineer Reporter Beth Fleming

**1. Meeting Called to Order.**

Mayor McElroy called the meeting to order at 5:30 p.m. in the Flossy White Room of Town Hall.

**2. Consent Agenda.**

a. Correction and Approval of Minutes for

the

May 7 meeting.

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

**3. Resolution Authorizing the Filing of an Application for Financing the Town Hall Renovation and Expansion Project.**

This resolution could not come to the Town Board before now because the Town Attorney had to render an opinion that the proposed project is authorized by law and that it is a purpose for which public funds can be spent.

**RESOLUTION NO. 08-22**

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A  
FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the Town of Maggie Valley, North Carolina desires to renovate and expand the Maggie Valley Town Hall (the "Project") to better serve the citizens of Maggie Valley; and

WHEREAS, The Town of Maggie Valley desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

Town of Maggie Valley  
 Regularly Scheduled Board of Aldermen Meeting  
 May 20, 2008  
 MINUTES

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Maggie Valley, North Carolina, meeting in regular session on the 20 day of May, 2008, make the following findings of fact:

1. The proposed contract is necessary or expedient because of the need of additional office space and storage space for records.
2. The proposed contract is preferable to a bond issue for the same purpose because:  
 The proposed financing agreement is preferable to a general obligation bond or revenue bond. The \$395,000.00 requested to be financed is more than can be taken from available appropriations, and more than can prudently taken from Fund Balance, and there are no non-voting bonds that the Town can issue. The Town Hall renovation and expansion is a time sensitive issue and because of the amount does not lend itself well to a general obligation bond issue. And it certainly will not raise additional revenue after it is completed so a revenue bond issue is not an option.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the proposed payments under this contract are not excessive and fall within the means of the Town's ability to pay. The renovation part of the project was competitively bid and the addition part was an excellent price because the contractor was already on sight.
4. The Town of Maggie Valley's debt management procedures and policies are good because the Town's finances are examined closely at all times and especially before any debt is incurred and the Town assures accountability both in its budget and financial reports and audits.
5. No increase in taxes is necessary to meet the sums to fall due under the proposed contract.
6. The Town of Maggie Valley is not in default in any of its debt service obligations.
7. The attorney for the Town of Maggie Valley has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Officer is hereby authorized to act on behalf of the Town of Maggie Valley in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

**ALDERMAN PRICE MADE A MOTION TO APPROVE RESOLUTION  
 NUMBER 08-22.  
 MOTION CARRIED UNANIMOUSLY.**

**4. Resolution in Support of Sound, Fair and Uniform Municipal Annexation Statutes.**

RESOLUTION NO. 08-21

A RESOLUTION

IN SUPPORT OF SOUND, FAIR AND UNIFORM MUNICIPAL ANNEXATION STATUTES

Town of Maggie Valley  
 Regularly Scheduled Board of Aldermen Meeting  
 May 20, 2008  
 MINUTES

WHEREAS, the North Carolina General Assembly has determined that it is in the best interests of North Carolina citizens to allow municipalities authority to undertake annexation of adjacent developing areas under strict, specified circumstances and standards; and

WHEREAS, orderly growth through annexation provides a means for cost effective provision of needed municipal services; and

WHEREAS, such orderly growth helps prevent unnecessary duplication of services, proliferation of special taxing districts and promotes environmental protection and the economic strength of cities, towns and the state; and

WHEREAS, annexation allows municipalities, on behalf of their residents, to ensure that those who benefit from municipal services and their proximity to a municipality help pay a fair share of the cost of those services and benefits; and

WHEREAS, North Carolina municipalities are in the process of undertaking lawful annexation proceedings in accordance with longstanding state law; and

WHEREAS, municipal officials elected by the people of our cities and towns need adequate authority to address local issues and needs, and it is in the public interest for the city-initiated annexation statutes to remain uniform statewide;

NOW THEREFORE, BE IT RESOLVED that the Maggie Valley Board of Aldermen hereby declares its opposition to a moratorium on lawful municipal annexation proceedings, and its support for the underlying sound basic principles of North Carolina's annexation statutes.

The General Assembly appointed a House Select Committee to study Municipal Annexations. The select committee recommended, in the form of a bill, to the General Assembly, to adopt a moratorium on annexations. Many cities and towns across the state are adopting a resolution opposing the moratorium. The League of Municipalities is collecting as many resolutions as possible to help prevent a moratorium.

**ALDERMAN EDWARDS MADE A MOTION TO ADOPT RESOLUTION NO.  
 08-21.**

**MAYOR MCELROY AND ALDERMAN PRICE VOTED IN THE  
 AFFIRMATIVE.**

**ALDERMAN ALDRIDGE OPPOSED.**

**MOTION CARRIED BY  $\frac{3}{4}$  VOTES (MAJORITY)**

**5. Consideration of awarding a contract to American Signal Company for a Portable Changeable Reader Board.**

The reader board was included in the budget for 2007/08. The money was budgeted in three separate accounts since it will be shared between departments. The State Contract cost for the Reader Board is \$14,594.00.

Council asked that Staff look at the feasibility of picking up the reader board in Atlanta Georgia rather than paying freight.

**ALDERMAN ALDRIDGE MADE A MOTION TO AWARD THE CONTRACT  
 TO AMERICAN SIGNAL COMPANY.  
 MOTION CARRIED UNANIMOUSLY.**

**6. Budget Amendments.**

Town of Maggie Valley  
 Regularly Scheduled Board of Aldermen Meeting  
 May 20, 2008  
 MINUTES

**Ordinance 623****An Ordinance Amending the FY 2007/08 Budget Ordinance**

Be It Hereby Ordained by the Town Board of Aldermen of the Town of Maggie Valley, North Carolina, that the Budget Ordinance for the year 2007/08 is amended as follows:

## General Fund

	<u>Description</u>		Previous	Increase (Decrease)	Amended
Appropriations	2008 Vehicles (05-97-4760)	\$6,868	\$1,124	\$7,992	
Appropriations	Capital Outlay Vehicle (05-43-4540)	\$ 78,821	(\$1,124)	\$77,697	

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

**Ordinance 624****An Ordinance Amending the FY 2007/08 Budget Ordinance**

Be It Hereby Ordained by the Town Board of Aldermen of the Town of Maggie Valley, North Carolina, that the Budget Ordinance for the year 2007/08 is amended as follows:

## General Fund – GHSP Safety Grant Supplies

	<u>Description</u>		Previous	Increase (Decrease)	Amended
Revenues	GHSP - Supplies Grant 05-00-3432	\$ 0.00	\$ 1,212.00	\$ 1,212.00	
Appropriations	GHSP Safety Grant 05-43-4202	\$ 0.00	\$ 1,212.00	\$ 1,212.00	

**ALDERMAN PRICE MADE A MOTION TO APPROVE ORDINANCE 624.  
 MOTION CARRIED UNANIMOUSLY.**

**Ordinance 625****An Ordinance Amending the FY 2007/08 Budget Ordinance**

Be It Hereby Ordained by the Town Board of Aldermen of the Town of Maggie Valley, North Carolina, that the Budget Ordinance for the year 2007/08 is amended as follows:

## General Fund – Building guttering

	<u>Description</u>		Previous	Increase (Decrease)	Amended
Revenues	2006 Ad Varloem Tax 05-00-3215	\$2,765	\$1,420	\$4,185	
Appropriations	Capital Outlay Building (05-42-4580)	\$34,366	\$1,420	\$35,786	

**ALDERMAN ALDRIDGE MADE A MOTION TO APPROVE THE BUDGET  
 AMENDMENT.**

Town of Maggie Valley  
 Regularly Scheduled Board of Aldermen Meeting  
 May 20, 2008  
 MINUTES  
**MOTION CARRIED UNANIMOUSLY.**

**Ordinance 626****An Ordinance Amending the FY 2007/08 Budget Ordinance**

Be It Hereby Ordained by the Town Board of Aldermen of the Town of Maggie Valley, North Carolina, that the Budget Ordinance for the year 2007/08 is amended as follows:

General Fund - 2008 Explorer

	<u>Description</u>		Previous	Increase (Decrease)	Amended
Revenues	Proceeds from Lease 05-00-3920	\$86,592	\$16,590	\$103,182	
Appropriations	Capital Outlay Vehicle 05-43-4540	\$62,231	\$16,590	\$78,821	

**ALDERMAN EDWARDS MADE A MOTION TO APPROVE ORDINANCE #626  
 MOTION CARRIED UNANIMOUSLY.**

**Ordinance 627****An Ordinance Amending the FY 2007/08 Budget Ordinance**

Be It Hereby Ordained by the Town Board of Aldermen of the Town of Maggie Valley, North Carolina, that the Budget Ordinance for the year 2007/08 is amended as follows:

General Fund – Annexation

	<u>Description</u>		Previous	Increase (Decrease)	Amended
Revenues	Investment Earnings 05-00-3831	\$30,000	\$6,000	\$36,000	
Appropriations	Professional Services (05-41-4190)	\$23,000	6,000	\$29,000	

**ALDERMAN ALDRIDGE MADE A MOTION TO APPROVE ORDINANCE 627  
 AMENDING THE BUDGET.  
 MOTION CARRIED UNANIMOUSLY.**

**7. Distribution of the Proposed FY 2008-09 Budget.**

Manager Barth distributed the 2008/09 proposed budget. There will not be a tax increase nor will money be used from the Fund Balance.

A budget workshop was scheduled for Thursday May 22, 2008 at 5:30 p.m. in the Flossy White Room of Town Hall.

**8. Manager's Report.**

»» Manager Barth distributed the June Calendars

»» Letters from the auditor were distributed to each individual board member.

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
May 20, 2008  
MINUTES

▶▶ The Town of Maggie Valley did not receive the PARTF Grant for Parham Park.

▶▶ The Pigeon River Grant was put on hold until word was received from PARTF. Pigeon River representatives would like to see more detail for the fishing piers.

▶▶ Mr. Scott Pauley resigned his position from the Planning Board due to a lack of available time.

▶▶ The new flood maps for Haywood County will be presented at the High Technical Center at 5:30 p.m. in East Waynesville on Wednesday May 21, 2008.

### **9. Other Business.**

☐ Mr. Burton Edwards addressed Council asking that a race be organized in lieu of the 30<sup>th</sup> Annual Moonlight Race, which has been canceled for 2008.

Do a retro race from the 1970's. No fees will be charged and a fun run race will be included. Have a band playing at the festival grounds and encourage people to come bring a picnic or have food available on the grounds.

Mr. Edwards asked that the town attorney research the legality of putting on a race in lieu of the Moonlight Race.

Input should be solicited from the public. Mr. Edwards strongly felt that something should be done, if the Moonlight Race is not going to be held. This issue will be placed on the June 3 agenda.

☐ The Maggie Valley Police Department recovered a 2004 John Deer 3106 backhoe with a boom. The backhoe has 518 hours on it. The insurance has settled with the injured party. The insurance company is willing to sell the backhoe to the Town for \$32,000. The retail value is \$62,000. One may be able to pick a similar backhoe up at an auction for between \$41,000 and \$51,000. The backhoe will require some minor repairs but is relatively ready to put into the field. The current town owned backhoe is 13 years old.

**ALDERMAN EDWARDS MADE A MOTION TO PURCHASE THE BACKHOE  
AND TO INVESTIGATE HOW TO FINANCE THE EQUIPMENT.  
MOTION CARRIED UNANIMOUSLY.**

### **10. Public Comment.**

▪ Ms. Evelyn Lee from Kampin Kountry RV Park, located off Rocky Top Road addressed Council applauding Burton Edwards for his efforts in trying to save the Moonlight Race.

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
May 20, 2008  
MINUTES

Ms. Lee once again requested the Town widen and maintain Rocky Top Road. There are currently five potholes in the road. Ms. Lee felt that due to the amount of traffic traveling the road, widening Rocky Top Road has become a necessity.

As in the past, it was explained to Ms. Lee that the rights-of-way need to be obtained from the adjacent property owners prior to the Town giving consideration to widening the road.

Manager Barth will draft a letter with the appropriate maps attached for Ms. Lee to use to help explain her pursuit in widening Rocky Top Road.

**11. Meeting Adjourned.**

**ALDERMAN EDWARDS MADE A MOTION TO ADJOURN AT 6:23 P.M.  
MOTION CARRIED UNANIMOUSLY.**

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**Mayor Roger McElroy**

**SEAL**

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**Vickie Best, CMC, Town Clerk**

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
May 20, 2008  
MINUTES