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Town of Maggie Valley
Board of Aldermen Continued Meeting and Agenda Setting Meeting
August 10, 2011
MINUTES

Members Present: Mayor Roger McElroy, Aldermen Saralyn Price, Phil Aldridge, and Danya Vanhook (2:10)

Members Absent: Alderman Scott Pauley

Staff Present: Manager Tim Barth, Planning Director Nathan Clark, Festival Director Audrey Hager, Public Works Director Mike Mehaffey, Captain Jason Moody, and Town Clerk Vickie Best

Others Present: Jim Higel, TDA Director Lynn Collins, Dan Massey, Charlie Meadows, Ron DeSimone, Sonja Michels, Danny Mitchell, Tammy Wight, Mike Nelson, Jim Newland, Phil Wight, Jeff Smith, Alan Alsbrook, Jim Redmond, Molly White, and Carol Burrell

Meeting Called to Order

Mayor McElroy called the meeting to order at 1:40 p.m. in the Town Hall Boardroom. This meeting was continued from the Special Called August 8, 2011 Aldermen Meeting. The purpose of the August 8th meeting was to gather public comment regarding a proposed policy of not charging a rental fee to promoters bringing events to Maggie Valley.

The following proposal was provided at the August 8th meeting by Alderman Aldridge.

Town of Maggie Valley Pays:

*Give Grounds for Free
Electric
Beer Negotiable*

Promoter Pays

*Police if needed
Insurance
Advertising
2 Day Festival Minimum
\$1,000 Damage Deposit/Clean Up, Etc
Minimum of 1000 people*

Past Promoters sign up on Calendar first, and then new promoters sign up their dates. After 1st year they will all come back for review to see if the town needs to make any changes.

Manager Barth explained that the promoter should pay for Public Works employees if they are used during the event. Criteria should be set. Due to the Festival Grounds now being free; advertising should be done outside a 100-miles radius, so that the event will put heads in beds. Manager Barth also had concerns about getting head counts for the events.

Alderman Price had concerns on how Council would decide who to rent the festival grounds to if there were multiple requests for use.

Mayor McElroy questioned if the rental fee could be rebated after proof of advertising was provided.

HCTDA Director Collins reminded Council that the TDA funding requires advertising outside a two-hour drive time and this stipulation would put another burden on the promoter.

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Mayor McElroy stated that he was attempting to put criteria in place so that only serious promoters approached the town for use of the festival grounds. "What if the weekend were tied up by someone and then the last minute they cancel?"

Mr. Higel spoke from the floor stating that the town will be holding a \$1,000 deposit. "Make the deposit non-refundable if the event is canceled."

Not all events pay the deposit. The Chamber pays a flat fee of \$750.

Mr. DeSimone suggested requiring a business plan for new events. Mr. Massey asked if the Festival Director could check about past events the promoters have conducted.

Director Hager responded that some promoters do not have past events, such as the wrestling promoter. The goal is to drive business to Maggie Valley; but evaluating an event is not easy because opinions vary from business to business. Maggie Valley is beginning to get a reputation for having quality events.

Director Hager distributed an article from the Macon County News explaining that it is hard to compete when the ceiling on the Macon County TDA Funding is so much higher. The Town of Franklin was awarded \$14,800 for a 3-day motorcycle rally in hopes to establish the Town of Franklin a motorcycle destination.

Mr. DeSimone interjected that a counter can be installed at the gate, and the Town needs to talk to the promoters because they have a wealth of information.

There are so many gates at the festival grounds and each event uses them differently. Installing a counter would require added infrastructure to be installed.

Alderman Aldridge felt Council should appease these people (business owners). "Anyone can drive through the valley and estimate the success of an event."

Director Hager felt that quality is important. Although the BRP Event was closed to the public, a lot of business was brought to Maggie Valley for all businesses. "There is no demand for the festival grounds. The local promoters and the Chamber are the people renting the festival grounds now."

Alderman Price stated that everyone is here today because of their love for Maggie Valley. "No one is trying to run people out of Maggie Valley." The Town has spent tax dollars for the festival grounds, the upkeep, and town sponsored events. "We have to begin working together and get rid of the attitude and pointing fingers." Alderman Price went on to inform the audience that Ms. Hager was hired to bring promoters to Maggie Valley to do the events.

Manager Barth summarized the additional guidelines derived from today's conversations.

- The promoter will be required to pay for public works employees.
- Staff will read the traffic counters around event times. Head counts will be taken at the events as close as possible.

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- All promoters/events will pay a \$1,000 security deposit. The deposit will be non-refundable if the event is canceled.
- The \$1,000 security deposit will be due 90-days prior to the event.
- The cost of the festival grounds should be used toward advertising outside a 100-mile radius.
- Beer Sales are negotiable

The audience asked that the proposal run through one full year. The policy will become active September 1, 2011 through November 1, 2012. The effectiveness of the proposal to allow events on the festival grounds rent free would be evaluated in January 2013.

All promoters will be allowed to hold their 2011/2012 events on the festival grounds rent free.

Alderman Aldridge asked if there was a means for the Town to loan their insurance to a promoter.

No, the insurance covers Town business/ property/ and personnel only.

Council will discuss recalling the Parks, Recreation, and Festival Advisory Committee back into action at a later date.

Manager Barth will draft a policy for the free rental proposal to be addressed at the next regularly scheduled Board of Aldermen Meeting on August 16 at 5:30 p.m.

Council begins the agenda setting workshop

2. Consent Agenda

- a. Petition and Certification of Sufficiency for Annexation: Grace C. Fisher Family Limited Partnership, Campbell Creek Road, Parcel #7686-07-0780 (9.89 acres). Resolution No. 11-7. Setting a date for a public hearing on Sept. 20, 2011 at 5:30 p.m.
- b. Year to Date Revenue and Expenditure.
- c. Ad Valorem Tax Recap.
- d. Correction and Approval of Minutes for the July 6, 2011, July 19, 2011, July 26, 2011, and August 8, 2011 meetings.

Council will enter a closed session later in the meeting to discuss economic development.

3. Public Comment.

n/a

*4. Consideration of a policy regarding retiree health

This is the third time this issue has been before Council. A vote will be taken on August 16.

*5. Consideration of amending the Town road standards policy to clarify the requirements

This issue has been before Council twice, the purpose is to clarify existing language. The proposed language will clear any uncertainties as to what 75% built out means.

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Development must be 75% complete. This means that 75% of the lots must have houses built and completed on them. The Town will inspect all roads after development is 75% complete. Any deficiencies found in the road at that time, will be the responsibility of the developer/property owners association to fix prior to being accepted by the Town.

*6. Consideration of a contract to prepare construction plans for restrooms and a picnic pavilion at Parham Memorial Park .

Staff advertised for qualifications to do the work, but only one bid was received from Bill DeChant for \$14,500.

*7. Consideration of a request from the Safety Committee to purchase a four wheeler Captain Moody is the Chairman of the Safety Committee, which is made up of six employees. Captain Moody explained that there was recently an accident while one of the employees was spraying weeds along the sidewalk on Soco Road. The Safety Committee felt purchasing a four-wheeler to safely spray the sidewalks without having to be on a slow moving tractor would alleviate most of the danger. The League of Municipalities concurs. A four-wheeler and the spray equipment to fit the four-wheeler can be obtained for \$6,000 or less. The Public Works Department does an incredible amount of spraying along sidewalks, roadways, and sewer easements.

Alderman Aldridge had concerns about people walking the sidewalks with dogs and the four-wheeler and person meet head on. Alderman Aldridge suggested having a vehicle run behind the four-wheeler with flashing lights.

The purpose is to get slow moving vehicles off the roads. The employees will be spraying at a low rate of speed and there would be room to pass walkers or to stop and let the public get passed the four-wheeler.

*8. Consideration of a policy for the Town providing financial assistance for road improvements The policy is in the final form and will require Home/Property Owners Associations to submit financial assistance requests to the Town in May of each year in an effort to better budget for approved assistance.

*9. Consideration of not charging a fee for use of the Festival Grounds

This issue was discussed in depth with an abundant amount of public input. The final decision will be made at the regularly scheduled Council meeting.

*10. Consideration of the "Thunder in the Smokies" motorcycle event September 9-11
Approving the event is a formality.

11. Discussion regarding possible changes to the noise ordinance

Due to Ms. Carol Burrell being out of town during the regularly scheduled Board of Aldermen meeting, Manager Barth allowed her to address Council during the agenda setting meeting to explain her situation and why she feels the noise ordinance must be amended.

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Ms. Burrell, owner of Creekside Lodge and Jeff Smith, owner of Jonathan Creek Inn addressed Council with the similar problems. Adjacent restaurants and bars have now begun to have outside music, as well as late hours that have become a nuisance to the rental properties and motel guest. Mr. Smith had to refund \$820 to the renters of a vacation home not being able to stay due to the noise coming from Hurley's Rhum Bar. Ms. Burrell had complaints from her guest due to the noise coming from The Tiki House Seafood Restaurant and Bar. The second floor rooms were vibrating at Creekside Lodge due to the loud music. Ms. Burrell's stated that a lot of the noise comes at 2:00 a.m. as people are leaving the bar squealing tires and yelling.

It was Ms. Burrell's contention that it is a game among the bar owners, the noise is under control while the police are on the premises and as soon as they leave the noise level shoots right back up. Ms. Burrell felt that outside music after 10:00 p.m. should be prohibited. "Once a guest has a bad experience they do not return."

Council will look into the problem. The best way to protect both businesses is through allotted times and measuring decibels.

Captain Moody spoke up stating that the problem arises when the music has been cut down before law enforcement arrives. Unless something happens in front of the officer there is little law enforcement can do. Captain Moody went on to suggest that the property owner having the noise problem should video tape the sound and any actions if possible from their own property and then go to the magistrate's office to take out a warrant.

Due to the new smoking laws, many people stand outside to smoke, making the outside noise at bars worse.

Ms. Burrell asked that the noise ordinance be changed and the times lowered and the decibels lowered. Mr. Smith suggested requiring buffers and to have the bands go inside after 10:00 p.m.

On the weekends that the motorcycle rallies are in town, Mr. Smith stated that he tells anyone wanting to make reservations that the rally will be in Maggie Valley during that time.

Captain Moody stated that he would have the ABC Officer remind bar owners about the contract to police their parking lots.

Alderman Aldridge stated that exceptions would need to be made for the Festival Grounds or it would kill events on the grounds.

Mr. DeSimone spoke from the floor questioning why there was public discussion during an agenda setting meeting.

Again, Ms. Burrell will be out of town on August 16 but personally wanted to address Council about the noise problems she is having at the lodge.

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The purpose of the agenda setting meeting is to brief Council on upcoming agenda items. Reviewing the agenda helps to cut down the length of the meetings.

12. Discussion regarding changing the meeting time from 5:30 p.m. to 6:30 p.m.

The agenda setting meeting will now be held at 3:30 p.m. on the Wednesday prior to the Tuesday regularly scheduled Board of Aldermen Meeting.

A decision will be made about changing the regularly scheduled Board of Aldermen meeting time on August 16. Alderman Vanhook stated that 6:30 p.m. meetings would be better for her schedule.

13. Manager's Report.

n/a

14. Other Business.

Manager Barth updated Council on the Street Lighting project.

The developer of Black Bear Ridge has requested that a street light at a switch back be reinstalled due to people running out of the road trying to make the turn. Staff will assess the turn both at night and during the day in a low-riding car to determine if the light should be reinstalled.

Alderman Aldridge questioned if Council was going about the street lighting project wrong. "Some residents feel they are victims after losing their streetlights. A lot of residents walk in their neighborhood in the evening hours after dinner."

Alderman Price stated that the town pays for streetlights for safety purposes; not to light up neighbors.

Mayor McElroy felt that staff can handle the street lighting project.

Mr. DeSimone stated that he would like to talk to staff about the street lighting in Brannon Forest. When Brannon Forest was incorporated into Maggie Valley, there were no caveats in the promise of providing streetlights. "The Town is going back on a promise." Mr. DeSimone also felt there should have been better communication before turning off the streetlights.

Mr. Charlie Meadows stated that the crosswalks need to be better marked or better lit to protect people trying to cross Soco Road.

State regulations control a lot of what can and cannot be done on Soco Road. Alderman Vanhook suggested having the pavement marked "crosswalk ahead" similar to crosswalks in other resort areas.

Mayor McElroy was previously at a meeting with many of the NCDOT officials and through discussions several of the officials want to come see Parham Park and the river deck. Alderman Price concurred; many people have complimented the improvements at Parham Park.

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Alderman Aldridge was not happy with the river deck because it is not a fishing deck. Alderman Aldridge felt it would be impossible for a handicap person to sit on the deck and fish due to the way the deck protrudes into the rushing water.

Mayor McElroy explained that the Wildlife Commission built and regulated the Parham Park River Deck.

ON MOTION FROM ALDERMAN PRICE WITH ALL IN FAVOR, COUNCIL ENTERED A CLOSED SESSION TO DISCUSS ECONOMIC DEVELOPMENT AT 4:13 P.M.

ON MOTION OF ALDERMAN PRICE, WITH ALL IN FAVOR COUNCIL CAME OUT OF CLOSED SESSION AT 4:25 P.M.

ON MOTION OF ALDERMAN VANHOOK, WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 4:25 P.M.

Mayor Roger McElroy

Vickie Best, CMC, Town Clerk