

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
August 18, 2009
MINUTES

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

1. Meeting Called to Order.

Mayor McElroy called the meeting to order at 5:30 p.m. in the Town Hall Boardroom.

Mayor McElroy announced that agenda item 3, Appearance of Sonja Michael regarding her sign, will be postponed until the September meeting. Ms. Michels was unable to attend the August meeting.

2. Consent Agenda

- a. Order for the Collection of 2009 Taxes
- b. Order for the Collection of 2008 and Prior Years' Taxes.
- c. Year to Date Revenue and Expenditures.
- d. Tax Refund - Mountain Country Investments, Inc.
- e. Correction and Approval of Minutes for the June 21, 2009 meeting.

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

3. Appearance of Sonja Michael regarding her sign.

4. Appearance of Thomas Benoit, President of the Campbell Woods Property Owners Association, to request money for certain road improvements.
The Campbell Woods Subdivision was annexed into Maggie Valley corporate limits June 30, 2009. The residents want to bring Henry Dingus Way up to town standards. The residents must work to recover from 20 years of defrayed road maintenance. The road bed is failing, and the pavement is cracking. The POA received bids ranging from \$56,000 and up. The POA selected the medium bid of approximately \$61,000. The residents have been able to get the gutters and culverts cleaned and install a T-turn above the villas. The POA has now learned that the t-turn needs to be wider and culverts installed. No hard paving has been installed. The POA requested assistance. The POA could purchase the culvert if the town would install it.

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There are funds allotted in the budget for road maintenance that does not meet Powell Bill guidelines.

Alderman Aldridge questioned what the policy was on providing road maintenance assistance. The Valley Creek Road will never be brought to town standards.

The Valley Creek Run roads do not have adequate rights-of-way.

Mr. Naplen stated that it would take approximately six years to bring the roads up to Town standards. Maybe less if the town assists. Henry Dingus Way will be upgraded from just past the commercial area to the switchback.

The POA is working very hard to upgrade the roads after years of neglect. The POA just recently received the right to operate on their own, without the developer overseeing how the funds were spent.

**ALDERMAN PRICE MADE A MOTION TO HELP THE CAMPBELL WOODS
 POA FINANCE REPAIRS AND PUBLIC WORKS WILL INSTALL THE
 CULVERTS.
 MOTION CARRIED UNANIMOUSLY.**

Mayor McElroy suggested the POA place an impact fee on the undeveloped lots.

5. Consideration of Resolution 08-26 Verifying the Relationship Between the Maggie Valley Volunteer Fire Department and the Town of Maggie Valley.

RESOLUTION NO. 08-26

**RESOLUTION VERIFYING THE RELATIONSHIP BETWEEN THE MAGGIE
 VALLEY VOLUNTEER FIRE DEPARTMENT INC. AND THE TOWN OF
 MAGGIE VALLEY**

WHEREAS, The Town of Maggie Valley annexed areas located within the Maggie Valley Volunteer Fire Department Inc. jurisdiction into the corporate limits.

WHEREAS, these areas lie within the Maggie Valley Volunteer Fire Department's area of service.

WHEREAS, Maggie Valley Volunteer Fire Department has provided outstanding protection to its entire service area.

WHEREAS, the Town of Maggie Valley and the Maggie Valley Volunteer Fire Department have a longstanding and generally acknowledged relationship.

NOW THEREFORE BE IT RESOLVED: By the Board of Aldermen of the Town of Maggie Valley that:

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1. The Town of Maggie Valley desires Maggie Valley Volunteer Fire Department to continue providing service in the same manner as before annexation took place.
2. Tax revenues generated through fire district taxes fund the Maggie Valley Volunteer Fire Department. Since these areas, lays within the service district of Maggie Valley Volunteer Fire Department, the Town of Maggie Valley desires all fire district taxation to remain under the fiscal control of the Maggie Valley Volunteer Fire Department.
3. Mutual aid agreements exist and will continue to exist between the Maggie Valley Fire Department and other fire departments in the county.
4. This resolution shall be considered the same as an interlocal agreement between the Town of Maggie Valley, and the Maggie Valley Volunteer Fire Department.
5. This contract may be terminated by either party upon ninety (90) days written notice.

**ALDERMAN ALDRIDGE MADE A MOTION TO APPROVE
RESOLUTION 09-26
MOTION CARRIED UNANIMOUSLY.**

6. Consideration of the North Carolina League of Municipalities Wellness Initiative Participation Agreement.

The Wellness program helps to keep insurance cost down and has proven to be beneficial to the employees and moral.

**ALDERMAN DEMEOLA MADE A MOTION TO APPROVE THE TOWN'S
PARTICIPATION IN THE WELLNESS PROGRAM.
MOTION CARRIED UNANIMOUSLY.**

7. Consideration of awarding a contract for Two Police vehicles and one Public Works vehicle.

This is the standard police vehicle rotation. The rotation calls for one vehicle one year and two vehicles the next. All vehicles are retained for four years. The vehicles are then sold for a higher price because they are not in total disrepair. When only one office is responsible for a car, the car is taken care of. Only full time officers are given a car.

The vehicles were discussed during the budget process and were approved in the budget.

Alderman Aldridge emphasized his concerns about the economy. "I watch the news all day long. This country is in trouble. We can't sit back like we are invincible. We will be affected. We have got to save every way we can."

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ALDERMAN EDWARDS MADE A MOTION TO APPROVE PURCHASING THE VEHICLES, TWO POLICE VEHICLES AND ONE PUBLIC WORKS VEHICLE FROM TAYLOR MOTOR COMPANY. MAYOR MCELROY, ALDERMEN PRICE AND DEMEOLA VOTED IN THE AFFIRMATIVE. ALDERMAN ALDRIDGE OPPOSED. MOTION CARRIED BY MAJORITY.

8. Consideration of awarding a contract for the purchase of a Public Works tractor. The Public Works Department has held the tractor together for several years, now it will not pull out of the shed. Public Works has been spraying by hand since the tractor quit.

The town solicited three bids and got a response from two companies; Haywood Tractor Company: \$25707.80 and By-Pass Power Equipment: \$28811.89.

ALDERMAN EDWARDS MADE A MOTION TO AWARD THE BID TO HAYWOOD TRACTOR COMPANY. MOTION CARRIED UNANIMOUSLY.

9. Budget Amendments.

Ordinance 663 is an amendment to recognize the revenue and expenditures for the GHSP (Governor's Highway Safety Program) grant that the Town Board approved at the July meeting. The revenue comes from a grant from the GHSP in the amount of \$14,097 and a match from the Town in the amount of \$14,098. The Town's share comes from the Unappropriated Fund Balance. These funds will go toward the purchase of two in car cameras and a motorcycle.

ALDERMAN DEMEOLA MADE A MOTION TO APPROVE ORDINANCE 663. MOTION CARRIED UNANIMOUSLY.

Ordinance 664 is an amendment to recognize the \$12,000 grant from the Rural Center to help develop a CIP (capital Improvements Plan) for the sewer system. The Town will have to match the \$12,000 with \$6,000 in Town funds, which will come from the Unappropriated Fund Balance in the Sewer Fund.

ALDERMAN PRICE MADE A MOTION TO APPROVE ORDINANCE 664. MOTION CARRIED UNANIMOUSLY.

Ordinance 665 is an amendment to recognize the \$10,000 grant the Town received from the Pigeon River Fund to go toward the river decks at Parham Park.

ALDERMAN EDWARDS MADE A MOTION TO APPROVE ORDINANCE 665.

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MOTION CARRIED UNANIMOUSLY.

10. Manager's Report.

Manager Barth informed Council that the Zoning Board of Adjustments will be meeting Thursday August 20 to make a decision on the proposed health care facility.

The Region A annual dinner will be held Friday night in Cherokee.

Manager Barth will be attending a Rural Center workshop in Valdese on Friday.

11. Other Business.

None

12. Public Comment.

Evelyn Lee: Ms. Lee, a seasonal resident of Kamping Kountry, asked that Council annexed them [the RV Park] without discussing it with any of the residents. She has gone to Jean Day about providing right-of-way to widen Rocky Top Road to a two-lane road. Ms. Day does not like the Town and will not give a right-of-way. She has also heard that Bart Campbell hates the town. "The only thing left is for the town to use eminent domain to straighten out Rocky Top Road." Ms. Lee stated that she plans to live to be 94 and will not shut up until Rocky Top Road is fixed.

Lynda Bennett: Ms. Bennett, a local resident and realtor agreed that the Police Department does a good job, but questioned who decides when police officers are added.

Chief Sutton explained that state law requires that newly annexed areas receive the same level of service as the current corporate limits. There were a number of annexations in June. Two part-time officers will become full time officers in January 2010. The town has operated for years with one officer on duty at a time. During high priority times the town now has two road officers on duty. If one officer catches a DWI, it takes that officer off the road at least two hours and sometimes longer to process. Additional officers are required because of being a Resort Town. Each month officers have court dates, training etc. This requires part-time officers to cover the road while full-time officers are out of the area.

Ms. Bennett questioned when will there not be a need for additional officers? Ms. Bennett asked that Council and department heads keep in mind that the citizens need cuts in the budget and in the taxes.

Alderman Aldridge left the meeting at 6:43 p.m.

13. Closed Session – Land Acquisition.

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ALDERMAN EDWARDS MADE A MOTION TO ENTER CLOSED SESSION AT 6:44 P.M. FOR THE PURPOSE OF DISCUSSING LAND ACQUISITION. MOTION CARRIED UNANIMOUSLY.

ALDERMAN PRICE MADE A MOTION TO COME OUT OF CLOSED SESSION AT 6:49 P.M. MOTION CARRIED UNANIMOUSLY.

ALDERMAN DEMEOLA MADE A MOTION TO ACCEPT THE OFFER TO BUY THE .03 ACRES AND INSTRUCT THE ATTORNEY TO DRAFT THE NEEDED DOCUMENTS. MOTION CARRIED UNANIMOUSLY.

Council appointed all the applicants to the EDC Board and asked the manager to set the terms for the EDC and to allow the EDC to select a chairman.

14. Meeting Adjourned.

ON MOTION OF ALDERMAN DEMEOLA, WITH ALL IN FAVOR THE MEETING ADJOURNED AT 6:53 P.M.

Mayor Roger McElroy

Vickie Best, CMC, Town Clerk

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