

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
September 18, 2007
5:30 p.m.

MINUTES

Members Present: Mayor Roger McElroy, Aldermen: Saralyn Price, Colin Edwards, Phil Aldridge, and Mark DeMeola

Staff Present: Manager Tim Barth, Public Works Director Mike Mehaffey, Attorney Chuck Dickson, Chief Scott Sutton, and Town Clerk Vickie Best.

Others Present: Approximately seven people

1. **Meeting Called to Order.**

Mayor McElroy called the meeting to order at 5:33 pm in the Town Hall Boardroom. Mayor McElroy explained that under other business the Council would need to decide who should vote at the NCLM Convention. Before adjournment, Council will need to go into closed session to discuss the lawsuit with Brannon Forest.

Council agreed to both additions.

2. **Consent Agenda**

a. Certificate of Sufficiency: William & Kaye Sebastyn,
99 Airish Lane, Parcel # 7697-75-7457,

(0.745 acres): Resolution No. 07-95, Setting a date for a
Public Hearing on October 9, 2007 at 3:30 p.m.

b. Certificate of Sufficiency: William & Barbara Smith,
210 Brannon Forest Drive, Parcel # 7697-85-4781,

(0.488 acres): Resolution No. 07-96, Setting a date for a
Public Hearing on October 9, 2007 at 3:30 p.m.

c. Certificate of Sufficiency: Henry & Rosalyn Bryant,
25 Trapper Lane, Parcel # 7697-75-3057,

(0.479 acres): Resolution No. 07-97, Setting a date for a
Public Hearing on October 9, 2007 at 3:30 p.m.

d. Certificate of Sufficiency: John & Jennifer Buzek,
#81 Phase 1-C Brannon Forest, Parcel # 7697-75-7584,

(0.33 acres): Resolution No. 07-98, Setting a date for a
Public Hearing on October 9, 2007 at 3:30 p.m.

e. Petition for Annexation: Thomas Angell,
#25 Preserve at Jonathan Creek, Parcel # 8607-33-9614,

(1.2732 acres): Resolution No. 07-99,
Directing Clerk to investigate an annexation petition.

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- f. Petition for Annexation: Mountain Watch at Brannon Forest, Brannon Forest Drive, Parcel # 7697-76-7563, (15 acres) and Brannon Forest Drive, Parcel #7697-76-2787Ⓢ15 acres): Resolution No. 07-100, Directing Clerk to investigate an annexation petition.
- g. Correction and Approval of Minutes for September 4, 2007.

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

- 3.
 - a. **Public Hearing on Annexation of Richard & Sybil Murphy, #2 Brannon Forest, Parcel # 7697-85-8588 (0.4 acres) and #3 Brannon Forest, Parcel #7697-85-7572 (0.459 acres).**
 - b. **Consideration of Ordinance No. 576 to annex Richard & Sybil Murphy, #2 Brannon Forest, Parcel # 7697-85-8588 (0.4 acres) and #3 Brannon Forest, Parcel #7697-85-7572 (0.459 acres).**

Mayor McElroy opened the public hearing at 5:34 pm; without comments from the audience, the hearing was closed at 5:35 pm.

ALDERMAN DEMEOLA MADE A MOTION TO ANNEX THE PROPERTY THROUGH ORDINANCE 576 AS REQUESTED. MOTION CARRIED UNANIMOUSLY.

- 4.
 - a. **Public Hearing on Annexation of Cory & Kristel Causby, 224 Brannon Forest Drive, Parcel # 7697-85-3669, (0.483 acres).**
 - b. **Consideration of Ordinance No. 577 to annex Cory & Kristel Causby, 224 Brannon Forest Drive, Parcel # 7697-85-3669, (0.483 acres).**

Mayor McElroy opened the public hearing at 5:35 pm. There being no public comments the hearing was closed at 5:36 pm.

ALDERMAN PRICE MADE A MOTION TO ADOPT ORDINANCE 577 ANNEXING THE PROPERTY. MOTION CARRIED UNANIMOUSLY.

- 5.
 - a. **Public Hearing on Annexation of Tim Childers, Range Drive, Parcel # 7697-01-0949, (32.0418 acres).**
 - b. **Consideration of Ordinance No. 578 to annex Tim Childers, Range Drive, Parcel # 7697-01-0949, (32.0418 acres).**

Mayor McElroy opened the public hearing at 5:36 pm with no comments offered from the floor. The hearing closed at 5:37 pm.

ALDERMAN EDWARDS MADE A MOTION TO ANNEX THE PROPERTY THROUGH ORDINANCE 578. MOTION CARRIED UNANIMOUSLY.

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6. a. **Public Hearing on Annexation of George Baldwin, #23B Brannon Forest, Parcel # 7697-85-1733, (0.586 acres).**
 b. **Consideration of Ordinance No. 579 to annex George Baldwin, #23B Brannon Forest, Parcel # 7697-85-1733, (0.586 acres).**

Mayor McElroy opened the hearing at 5:37 pm, without comment, the hearing was closed at 5:37 pm.

**ALDERMAN ALDRIDGE MADE A MOTION TO ANNEX THE PROPERTY AS REQUESTED.
MOTION CARRIED UNANIMOUSLY.**

7. a. **Public Hearing on Annexation of Laura Harrison & Denise Morrison, 125 Airish Lane, Parcel # 7697-75-6311, (0.485 acres).**
 b. **Consideration of Ordinance No. 580 to annex Laura Harrison & Denise Morrison, 125 Airish Lane, Parcel # 7697-75-6311, (0.485 acres).**

Mayor McElroy opened and closed the public hearing at 5:38 pm without comments.

**ALDERMAN DEMEOLA MADE A MOTION TO ADOPT ORDINANCE 580 AS PRESENTED.
MOTION CARRIED UNANIMOUSLY.**

8. a. **Public Hearing on Annexation of James & Sharon Johnson, Lot #101 Brannon Forest, Parcel # 7697-65-8644, (0.344 acres).**
 b. **Consideration of Ordinance No. 581 to annex James & Sharon Johnson, Lot #101 Brannon Forest, Parcel # 7697-65-8644, (0.344 acres).**

Mayor McElroy opened the public hearing at 5:38 pm. There being no comments, the hearing was closed at 5:39 pm.

**ALDERMAN PRICE MADE A MOTION TO APPROVE ORDINANCE 581.
MOTION CARRIED UNANIMOUSLY.**

9. a. **Public Hearing on Annexation of Richard & Kathleen Pepin, #1A Brannon Forest, Parcel # 7697-85-9780 (0.427 acres).**
 b. **Consideration of Ordinance No. 582 to annex Richard & Kathleen Pepin, #1A Brannon Forest, Parcel # 7697-85-9780 (0.427 acres).**

Mayor McElroy opened the public hearing at 5:39 pm. There being no comments, the hearing was closed at 5:39 pm.

**ALDERMAN EDWARDS MADE A MOTION TO ANNEX THE PROPERTY AS REQUESTED.
MOTION CARRIED UNANIMOUSLY.**

10. a. **Public Hearing on Annexation of Glenn Connelly, #33 Brannon Forest, Parcel # 7697-85-5803, (0.323 acres).**

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b. Consideration of Ordinance No. 583 to annex Glenn Connelly, #33 Brannon Forest, Parcel # 7697-85-5803, (0.323 acres).

Mayor McElroy opened and closed the public hearing at 5:40 pm without comment.

**ALDERMAN PRICE MADE A MOTION TO ADOPT ORDINANCE 583 ANNEXING THE PROPERTY.
MOTION CARRIED UNANIMOUSLY.**

11. Consideration of granting the Civic Association use of the space where their office currently sits as long as the Town does not need that space.

The Civic Association would like to assist the Town and Fire Department with additional funding if the members were more secure that the money would not be needed to relocate the Civic Association building that currently sits between the pavilion and the ABC store. The structure sits atop a sewer line preventing the structure from becoming permanent. The Civic Association will need to provide the Town with a copy of their insurance.

Declaring that the area where the Civic Association building sits is not needed by the Town at this time and was duly advertised as follows:

Take notice that at its meeting on September 18, 2007 at 5:30 pm in the Town Hall Boardroom, the Maggie Valley Board of Aldermen will consider the lease of the approximate 20 by 40 foot area where the mobile Civic Association building is located at 3987 Soco Road for an indefinite term for the sum of \$0 per year, said lease being subject to cancellation by either party upon notice of six months.

The Civic Association members would like to have a lease agreement rather than the motion just being in the minutes.

**ALDERMAN ALDRIDGE MADE A MOTION TO DIRECT ATTORNEY DICKSON TO DRAW UP A LEASE AGREEMENT WITH THE STIPULATIONS AS STATED AND THAT THE CIVIC ASSOCIATION MUST CARRY LIABILITY INSURANCE.
MOTION CARRIED UNANIMOUSLY.**

12. Request to revisit the interlocal agreement with Haywood County regarding the purchase of 23 acres of land along Highway 276.

Mr. Jay Ring requested the issue to be revisited.

Mr. Ring disagreed with the local agreement between Haywood County and Maggie Valley. First, he felt that Maggie Valley citizens are paying for the land for a recreation park twice, once through Maggie Valley taxes and then again through County taxes. The verbiage must be changed to assure the citizens do not lose their money. Mr. Ring asked that the Town press the County to be guaranteed that the Town will get back principal and interest if the land is sold to any entity.

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Mr. Ring provided a handout of proposed wording for paragraph 8 of the original interlocal agreement. (See attachment 1)

**ALDERMAN PRICE MADE A MOTION TO HAVE THE TOWN MANAGER
DISCUSS THE ISSUE WITH THE COUNTY MANAGER.**

Mayor McElroy felt that if the wording were added to cover principal and interest the agreement would be acceptable.

Mr. Ring disagreed. If the land were sold for a profit, Maggie Valley should share in that profit. The County could transfer the land to the State and Maggie Valley would have no recourse. Mr. Ring felt that Council should look at the issue and agreement more carefully for the sake of the taxpayers.

Manager Barth will report his findings at the next meeting.

Attorney Dickson stated that the agreement now states what he had wanted added. The change benefits the Town. Paragraph 4 covers the issues.

Mr. Ring was still not satisfied with the 20-year limitation. He felt Council needed to protect the interest of the community.

Mayor McElroy stated that he would like to see it added that Maggie Valley gets first right of refusal.

MOTION CARRIED UNANIMOUSLY.

13. Request to change the meeting time of the first meeting of the month from 3:30 p.m. to 5:30 p.m.

Mr. Ring asked that this item be placed on the agenda. Past Council members set the first meeting of the month as the agenda-setting meeting. "The meetings during the day are killing the working people." All meetings should be held at 5:30 pm, the same as the Zoning Board of Adjustment and Planning Board meetings. Mr. Ring would also like to see a public comment portion included in all meetings. "The Town should be for the people, by the people."

Council members felt that Maggie Valley has a variety of working citizens and retired citizens. The difference in meeting times allows all people the opportunity to attend. Having long meetings, that last for hours can get expensive especially with such a small staff. Alderman Edwards went on to state that the staff will work with people that have town business that cannot make the meeting time.

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As for having public comment at every meeting, Alderman Aldridge did not have a problem with it, although State law only requires one meeting per month. Alderman Edwards felt that once a month at the 5:30 pm meeting was adequate.

Mr. Ring responded that this [the government] is not a dictatorship. "There is no reason to attend the meetings if you cannot express your opinion." Mr. Ring felt that it was ridiculous that not all meetings were scheduled at 5:30 pm and that public comment is not included on all agendas.

Dan Massey stated that there are people out there [in the community] that feel that Council schedules certain items for the 3:30 pm meeting so that people will not be able to attend.

Mr. Ring added that the entire agenda packet should be sent out to the public, not just the agenda and previous minutes. "It is public information".

**ALDERMAN PRICE MADE A MOTION TO LEAVE THE MEETING SCHEDULE
AS IT CURRENTLY IS.
MOTION CARRIED UNANIMOUSLY.**

14. Manager's Report.

- The surrounding municipalities and County officials met to discuss wastewater needs. Other municipalities have many more maintenance needs than Maggie Valley. Since Maggie Valley's system is considered young, the Town does not face the problems that Waynesville and Canton do. Haywood County is trying to get three or four municipalities to apply for a Rural Center grant. Having a joint effort will increase the chance of being awarded funding.

- The public hearing was held without comment pertaining to the annexation agreement between Waynesville and Maggie Valley. If the County approves the agreement, the annexation boundaries will go to the County line.

- The Southwest Commission will meet in Cherokee on September 25 for their annual meeting.

15. Other Business.

By consensus the Council appointed Manager Barth to act as the voting member representing Maggie Valley at the annual NC League of Municipalities Conference. In the event that Manager Barth is unable to attend, the Clerk will act as the Town's representative.

16. Public Comment.

Jay Ring: Mr. Ring asked if the Town could get NCDOT to mow Jonathan Creek and fix potholes in the area.

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Mr. Mehaffey responded that NCDOT contracts mowing out to different entities. NCDOT is very frustrated with how mowing has been done this summer. Mr. Mehaffey will contact NCDOT and will provide Mr. Ring with a number to call as well.

Alderman Price explained that the NCDOT Board that she sits on does not carry any weight with the maintenance department.

ALDERMAN ALDRIDGE MADE A MOTION TO DIRECT MANAGER BARTH AND PUBLIC WORKS DIRECTOR MEHAFFEY TO CONTACT THE NCDOT MAINTENANCE DEPARTMENT TO SEE IF THE ROADSIDES CAN BE MOWED. MOTION CARRIED UNANIMOUSLY.

Dan Massey: Mr. Massey began telling the Civic Association members how they do not have to have insurance for their building due to the Town being required to carry insurance on the property. Mr. Massey explained how he was handling insurance with his leased building.

Mr. Ring added that it makes sense to handle the insurance in this manner and the rates would be lower.

The Town of Maggie Valley carries insurance with the League of Municipalities that is insured through a self-insurance pool.

ALDERMAN EDWARDS MADE A MOTION TO GO INTO CLOSED SESSION FOR THE PURPOSE OF DISCUSSING THE BRANNON FOREST VS THE TOWN'S LAWSUIT. MOTION CARRIED UNANIMOUSLY AT 6:22 PM.

ON MOTION OF ALDERMAN EDWARDS, WITH ALL IN FAVOR COUNCIL CAME OUT OF CLOSED SESSION AT 6:32 PM.

15. Meeting Adjourned.

ON MOTION OF ALDERMAN EDWARDS, WITH ALL MEMBERS IN FAVOR THE MEETING ADJOURNED AT 6:34 PM.

Mayor Roger McElroy

Vickie Best, CMC
Town Clerk