

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
September 23, 2008  
5:30 p.m.  
**Minutes**

Members Present: Chairman Roger McElroy, Aldermen: Phil Aldridge, Saralyn Price, Colin Edwards, and Mark DeMeola  
Staff Present: Manager Tim Barth, Attorney Chuck Dickson, Public Works Director Mike Mehaffey, and Town Clerk Vickie Best  
Others Present: Twelve People

1. **Meeting Called to Order.**

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

Before moving forward with the meetings, Mayor McElroy asked that a discussion on installing a right-turn lane into the Dellwood Road ABC Store be discussed.

Council agreed.

Alderman Edwards asked that the discussion of creating a Council of Government meeting agenda be discussed under other business.

Council agreed.

2. **Consent Agenda**

- a. Certificate of Sufficiency: Jerry Lee Hatley, 11 Swanger Lane, Parcel #8606-49-8794, (0.3 acres), Resolution No. 08-38, Setting a date for a Public Hearing on October 7, 2008 at 3:30 p.m.
- b. Tax Releases.
- c. Correction and Approval of Minutes for the September 2, 2008 meeting.

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

3. **Appearance of Scotty Ellis to give a report on 1% TDA funding amounts.**

Director Ellis distributed a spreadsheet showing all zip codes projected and actual 1% funding. The 2008 July tax was down 2%.

Ms. Ellis commended the Maggie Valley TDA Subcommittee for their diligence. "Maggie Valley has one of the hardest working subcommittees." \$157,040 has been allocated to date. Not all of the allocations have been spent i.e. Ghost Town billboards and the gospel singing. Actual expenditures are \$146,617.

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Ms. Ellis touched on the uncertainty of the future with the gas shortage and the high gas prices.

Due to people having problems filling out the request forms, the Haywood County Finance Board is working to simplify the forms and provide detailed directions. Mandatory workshops will be conducted a couple times per year for applicants and subcommittee members.

When questioned about the administration cost, Ms. Ellis replied that there is no administration cost from the subcommittees.

The HCTDA allocated \$35,000 for each visitor's center with both centers having to request additional funding. This year \$43,000 was allocated for each visitor's center.

The regularly scheduled HCTDA meetings are held the fourth Wednesday of each month at 3:30 p.m. in the Extension Office.

Ms. Ellis went on to report that Maggie Valley brings in 59% to 68% of all occupancy tax collected. The other zip codes are looking at how Maggie Valley is allocating their 1% funding.

Council commended Ms. Ellis for a job well done.

Alderman Price commended Maggie Valley Chamber Director Lynn Collins for the hard work she does for the Chamber, Visitor's Center, and the promoting of festivals.

4. **Consideration of a resolution requesting North Carolina Division of Community Assistance to assist in the preparation of an appearance and design standard ordinance.**

At the Planning Board retreat held in April, there was some discussion about developing design and appearance criteria for buildings in the Community Attraction part of the Town. DCA (Division of Community Assistance) personnel were at the Planning Board retreat and said if the Town requested help, they might be able to provide some assistance.

This resolution officially requests assistance from DCA in the development of an appearance and design standard ordinance. The Town would only have to pay for travel expenses of the DCA staff, from the Asheville office. The specific scope of work and timetables tasks would be worked out between the DCA staff and the Town staff.

**Ordinance No. 08-39**

**RESOLUTION REQUESTING THE SERVICES OF  
THE NORTH CAROLINA DEPARTMENT OF COMMERCE,  
DIVISION OF COMMUNITY ASSISTANCE**

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**WHEREAS**, the Board of Aldermen of the Town of Maggie Valley, North Carolina (“Aldermen”), would like to undertake the preparation of an appearance and design standard ordinance (“Project”); and

**WHEREAS**, the Aldermen would like the North Carolina Department of Commerce, Division of Community Assistance (“DCA”), to assist Maggie Valley, North Carolina (“Town”) with the Project;

**NOW, THEREFORE, BE IT RESOLVED**, that the Aldermen hereby:

1. Requests that DCA assist the Town with the preparation of the Project;
2. Agrees to reimburse DCA for DCA staff travel expenses (mileage, meals and/or lodging) incurred in relation to the Project in accordance with DCA reimbursement rates in effect at the time any such travel occurs; and
3. Requests that the Planning Director of the Town, work with DCA staff to develop a mutually agreeable scope of work for the Project outlining the tasks to be performed by DCA staff and those to be performed by the Town (and others, if applicable) as well as the timeframes within which such tasks should be completed.

**ALDERMAN ALDRIDGE MADE A MOTION TO APPROVE RESOLUTION  
NUMBER 08-39 AS PRESENTED.  
MOTION CARRIED UNANIMOUSLY.**

**5. Consideration of a request to move forward with the Pavilion weatherization project.**

Manager Barth reported that the Civic Association has agreed to donate \$5,000 toward the project.

Alderman DeMeola thanked Alderman Edwards for his insight into the project and his offer to donate a heater.

**ALDERMAN DEMEOLA MADE A MOTION TO MOVE FORWARD WITH  
THE PAVILION WINTERIZING PROJECT.  
MOTION CARRIED UNANIMOUSLY.**

**6. Consideration of adopting the new Haywood County Animal Control Ordinance.**

By adopting the Haywood County Animal Control Ordinance, the County will do enforcement in Maggie Valley. The Haywood County Board of Commissioners adopted the revised ordinance July 21, 2008.

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**ALDERMAN PRICE MADE A MOTION TO ADOPT HAYWOOD COUNTY'S  
ANIMAL CONTROL ORDINANCE.  
MOTION CARRIED UNANIMOUSLY.**

(Ordinance 643)

**7. Consideration of a proposal that only licensed insured contractors be allowed to get permits for mobile homes and modular homes.**

After further research through the School of Government it has been determined an agency cannot deny a homeowner a building permit. It is possible for a local government, however, to regulate do-it-yourself homeowners and to test their ability to conform to the various parts of the State Building Code. G.S. 160A-194 allows a city to regulate and license trades, businesses, and occupations, but only to the extent that the person does not hold a license to do the work that has been issued by an occupational licensing board of the state.

After further consideration, it was determined that the liability would be too great trying to create a test that would be suitable.

**ALDERMAN PRICE MADE A MOTION TO NOT PURSUE THIS AVENUE.  
MOTION CARRIED UNANIMOUSLY.**

**8. Consideration of designating an Authorized Voting Delegate and an Alternate for the NCLM Annual Business Meeting October 14 in Charlotte.**

In the past, Manager Barth served as the authorized voting delegate with Clerk Best acting as the alternate.

**ALDERMAN DEMEOLA MADE A MOTION TO APPOINT MANAGER BARTH  
AND CLERK BEST AS THE AUTHORIZED VOTING DELEGATES.  
MOTION CARRIED UNANIMOUSLY.**

**9. Appearance of Evelyn Lee.**

Ms. Lee addressed Council stating that she has been coming to Maggie Valley for the last 35-years. Now she spends six-months out of the year in Maggie Valley in Kampin Kountry (park model/RV park) in a trailer. Ms. Lee felt that people living in campgrounds are treated like second-class citizens. Miss Jennie Ringer, the Goodwill Ambassador for Maggie Valley lived in a small trailer in Happy Valley Campground. In years past, many people helped the Civic Association with the craft shows, stuffing envelopes, etc. Ms. Lee stated that she was involved with the Civic Association when the pavilion was built and given to the city for operation.

Ms. Lee displayed a map of Maggie Valley stating that it looks like a long snake with the head being Ghost Town and the tail going down to I-40. The city has gobbled everything up.

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Ms. Lee showed a map showing the historical places for the Haywood County Bicentennial adding that the Chamber did not have anything to do with the bicentennial. If Council would read the back of the map, they might learn their history and learn to protect what is here.

Ms. Lee quoted several excerpts from the Mountaineer's coverage of the last meeting. Ms. Lee felt that statements in the article are false because no one, not even the Mayor thanked Ms. UpChurch for all she had done to make the bicentennial celebration a success. Ms. Lee felt that Council should be ashamed.

Council had thanked Ms. UpChurch as recorded.

10. **Manager's Report.**

▶▶ Mayor McElroy, Manager Barth and Planning Director Clark assisted with the Fall Days decorations.

▶▶ All town staff will participate in a wellness test and counseling this week. In ten months, the representatives of the Wellness Program will return to calculate improvements.

▶▶ Maggie Valley will host the annual Council of Government meeting on September 29, 2008 beginning at 6:30 p.m.

▶▶ According to the latest GDS report for fiscal year 07-08, out of 407 tons 44,525 pounds were recycled. This is approximately 25%. The Town's constant goal is to increase those numbers each year as people become more aware of the need to recycle. The annual newsletter that goes out with tax bills will include an excerpt encouraging recycling.

▶▶ Professor Karl Smith with The Institute of Government has written a very informative, easy to understand economics bulletin entitled Housing, Exports, and North Carolina's Economy. Manager Barth encouraged the Council members to read the bulletin.

11. **Other Business.**

● The Council of Government agenda items:

Alderman Edwards wanted to discuss pressuring the District Attorney's office into giving jail time as opposed to allowing people to plea bargain. Maggie Valley Police Department has worked very hard over the last year gathering information and will soon go after indictments.

Alderman Edwards would also like to discuss the soil and erosion control methods and the County Engineer. The engineer should check the area prior to the house being completed or near completion.

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Alderman DeMeola would also like to discuss the slope ordinances and conservation easements.

Council will meet one-hour before the COG meeting to prepare.

- **Installing a right turn lane at the Dellwood ABC Store:**

Mayor McElroy previously spoke with NCDOT representatives at the annual Region A meeting about looking at the Dellwood ABC Store. The representatives were coming to the area, upon their arrival, they contacted Mayor McElroy, and he met them on-site. They agreed to fund 50% of the installation of a right lane turn if Maggie Valley would fund the remaining 50%. The estimated cost is between \$30,000 and \$45,000.

**ALDERMAN EDWARDS MADE A MOTION TO PAY 50% OF THE COST OF  
INSTALLING A RIGHT TURN LANE INTO THE NEW DELLWOOD ROAD  
ABC STORE.**

**MOTION CARRIED UNANIMOUSLY.**

Manager Barth will work out the details with NCDOT.

- The Maggie Valley Sanitary District is ready for building permits to be issued for their new offices. As a professional courtesy, the following motion was made.

**ALDERMAN DEMEOLA MADE A MOTION NOT TO CHARGE THE MVSD  
FOR A BUILDING PERMIT.**

**MOTION CARRIED UNANIMOUSLY.**

**12. Public Comment.**

Philip Wight: stated that the Rally in the Valley motorcycle rally turned out well with more than 6,000 people attending.

Sonja Michels: felt it was a well-organized event that was wonderful for the valley and for Haywood County. The noise was not as bad as in the past.

Robert Edwards: The Lodging Association conducted a joint effort to solicit information from guest staying the weekend for the motorcycle rally. The data collected to date shows that the average couple will spend \$1,000 during the weekend, are willing to return, and felt welcomed by the community. Many of the couples travel to Maggie Valley two to three times per year. The average biker is 45-plus years old with an average income of \$75,000.

Sonja Michels: suggested sending a thank you note to the Harley Dealers Association.

The clerk was directed to provide a proclamation/resolution thanking the Association.

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Alderman Aldridge asked that a resolution be created thanking Ms. UpChurch and the bicentennial committee for all of their effort.

13. **Meeting Adjourned.**

**ON MOTION OF ALDERMAN PRICE WITH ALL IN FAVOR THE MEETING  
ADJOURNED AT 6:40 P.M.**

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Mayor Roger McElroy

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Vickie Best, CMC, Town Clerk