

**TOWN OF MAGGIE VALLEY  
REGULARLY SCHEDULED BOARD OF ALDERMEN MEETING  
JUNE 23, 2009  
MINUTES**

Members Present: Mayor Roger McElroy, Aldermen: Saralyn Price, Phil Aldridge, and Mark DeMeola  
Members Absent: Alderman Colin Edwards  
Staff Present: Manager Tim Barth, Finance Director Shayne Wheeler, Police Chief Scott Sutton, Planning Director Nathan Clark, Attorney Chuck Dickson, and Town Clerk Vickie Best  
Others Present: 23 people were in attendance

1. **Meeting Called to Order.**

Mayor McElroy called the meeting to order at 5:35 p.m. in the Town Hall Boardroom.

2. **Consent Agenda**

- a. Budget vs Actual for year-to-date revenues and expenditures.
- b. Resolution 09-20, which is a Resolution of Consideration for Annexation (this must be done every year so that the Town can annex an area in the next year if it meets the criteria and if the Town Board desires to do so).
- c. Correction and Approval of Minutes for the April 27, 2009, May 14, 2009 and May 19, 2009 meetings.

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

3. **Public Hearing on the Proposed Fiscal Year 2009-2010 Budget.**  
**Adoption of the Fiscal Year 2009-10 Budget.**

Mayor McElroy opened the public hearing at 5:40 p.m. as advertised.

Linda Bennett: business owner and taxpayer in Maggie Valley stated that she had spoken with most of the aldermen via telephone. Ms. Bennett expressed her concerns about the loss of income and her family having less money. "I am committed to taking care of my family. Taxes are gobbling up a lot of my money. When revenues are down, cost goes up." Ms. Bennett asked that the Town Manager and Town Council review the budget again and make additional cuts. "Cut expenses. Buy less stuff. Property tax is a nasty taxation. If you do not pay your property taxes, your home is sold on the courthouse steps. This is not the way to do business. We have a record number of home foreclosures. Cut out the building department. Do not fill the vacant festival director position. For a small town, you have a big payroll. The consequences of all of this is heart wrenching."

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Ms. Bennett questioned the number of police officers Maggie Valley has; Chief Sutton responded that there are nine full time officers and six part time officers.

Jim Redmond: owner of a business and a Maggie Valley taxpayer addressed Council stating that the Town needed to put a freeze on spending any more money on Parham Park. "Do not use tax dollars; let the business owners donate money for the park."

Volunteers from NC State University created the plans for Parham Park. The Lions Club will be having fundraisers for improvements to the park. The Town is seeking grant funding for river decks. The Civic Association has offered to donate the funds to make the park handicap accessible.

Mr. Redmond asked that all projects be postponed for one year. "No one has any money. The gas prices continue to rise." Mr. Redmond asked that Council think about their position. "We assume you know the hardship."

The increase in the budget is from grant funding that must be shown as revenues and later as an expense. Maggie Valley is not raising the tax rate or the fee schedule.

June Johnson: a resident taxpayer and a Maggie Valley and Haywood County Planning Board member questioned what ability people have to get involved in the budget preparation process.

Mayor McElroy explained that there was a budget committee during the prior administration and it turned out to be disastrous.

Ms. Johnson stated that people want to be involved and become part of the thinking process.

Alderman Aldridge stated that if people are going to get involved, they need to get involved in the beginning of the process in February or March.

All budget workshops are advertised and are open to the public.

Ken Stack: a resident and taxpayer addressed Council suggesting they do away with the garbage service. He prefers to take off his garbage. Mr. Stack felt the men gathering the trash are cantankerous and if they miss your can they rudely accuse you of not putting the trash can out on time. "It is a bad service."

Steve Shiver: CEO of Ghost Town Theme Park expressed his understanding of the difficulties at budget time [for a municipality]. Mr. Shiver explained now is not the time to hold the line. "Now is the time to advertise Maggie Valley. Due to the economy, families are going to lower price point areas. People are not going to drive to Orlando Florida to go to Disney World, but they will drive a couple of hours to come to Maggie

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Valley and visit Ghost Town. People travel just to ride roller coasters. Ghost Town has one of the most unusual roller coasters because of how it hangs over the mountain.” Mr. Shiver went on to explain that he is preparing a packet to present to the Parks, Recreation, Festival Advisory Committee regarding co-op advertising. Mr. Shiver asked that Council postpone filling the festival director’s position. “There is a way that we can all work together. We can promote Maggie Valley as a destination, not a pass through town. We have better priced motels than surrounding areas. Privatization works.”

Mr. Shiver felt that Maggie Valley’s method of growth is through annexation. “Make your budget message clear, if you want to be a second home community.”

There being no further comments from the floor, Mayor McElroy closed the public hearing at 6:06 p.m.

Alderman Aldridge thanked everyone for his or her comments and urged anyone so desiring to get involved early in the 2010/11 budget process.

Alderman DeMeola explained that Council could not stop mid-stream on Parham Park. Grant funding is involved. As for the trash service, it is a great benefit to many people. Alderman DeMeola went on to question if Maggie Valley really needs a building inspection department.

Manager Barth responded that it is true that building permits have decreased approximately 65%. Maggie Valley has a building inspector so that inspections can be provided the same day as they are called into the office.

There are currently five open permits in Smoky Mountain Retreat and two in Crockett’s Meadow.

**ALDERMAN PRICE MADE A MOTION TO ADOPT THE BUDGET AS PRESENTED FOR THE FISCAL YEAR 2009/10 WITHOUT A TAX INCREASE. MOTION CARRIED UNANIMOUSLY.**

**4. Appearance of Kathleen Klawitter to discuss ideas for Festival Grounds events and economic revitalization ideas.**

Ms. Klawitter addressed Council stating that she is originally from California and is a visionary and a contributor to the human spirit. Ms. Klawitter asked that the Town not wait for the economy to improve but rather make a better economy for Maggie Valley.

Ms. Klawitter presented several ideas for festivals to be held on the festival grounds: A honeybee festival, the official state site for Birds and Blooms. There could be educational booths, and poetry contest. The Town could have a Maggie’s Mother Day that would be a weekend long extravaganza with wine and chocolate tastings, massages, ice cream social,

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and words of wisdom provided by older mothers. The first 100 mothers could receive a flower.

Maggie Valley could have an earth day celebration with green building concerts that are amplified by energy. Have a green living oasis that could provide green training for misplaced teachers. There could be a day of planting and weeding throughout the town. "Greening Gateway to the Smoky Mountains"

In the fall, Maggie Valley could have a pumpkin festival with a carving contest, sack races, hayrides, and sing alongs.

Council thanked Ms. Klawitter for her interest and great ideas. Alderman Price asked that staff get her number, keep in touch with her, and possibly get her to participate on the festival committee.

**5. Consideration of Resolution No. 09-21 to approve a revised Schedule for Records Retention.**

**TOWN OF MAGGIE VALLEY  
 RESOLUTION NO. 09-21  
 A RESOLUTION ACCEPTING THE RECORD RETENTION AND  
 DISPOSITION SCHEDULE ISSUED MAY 19, 2009.**

**WHEREAS**, "Public Record" means any document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data-processing record, artifact, or other documentary material, despite physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina Government or its subdivisions; and

**WHEREAS**, Without a retention program, public records can accumulate, causing the need for additional storage space; and

**WHEREAS**, Without a schedule for disposal, valuable documents can be mistakenly discarded; and

**WHEREAS**, The Municipal Records Retention and Disposition Schedule is endorsed by the Division of Archives and History and the Department of Cultural Resources; and

**WHEREAS**, The Town of Maggie Valley currently uses this system for record retention and disposal; and

**WHEREAS**, The Maggie Valley Council adopted the Municipal Records Retention by motion on March 19, 1985 thus establishing a record retention system; and

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**WHEREAS**, The Municipal Retention and Disposition Schedule was issue on August 15, 1997; and

**WHEREAS**, The Municipal Retention and Disposition Schedule was updated on June 15, 2001; and

**WHEREAS**, The Municipal Records Retention and Disposition Schedule was amended on February 25, 2002;

**NOW, THEREFORE, BE IT RESOLVED THAT THE MAGGIE VALLEY TOWN COUNCIL accepts the totally revised Municipal Records Retention and Disposition Schedule issued by the North Carolina Department of Cultural Resources, Division of Archives and History, Archives and Records Section, Records Services Branch dated May 19, 2009**

**ALDERMAN DEMEOLA MADE A MOTION TO APPROVE RESOLUTION 09-21 ADOPTING THE NEW RECORDS RETENTION SCHEDULE.  
MOTION CARRIED UNANIMOUSLY.**

**6. Consideration of sponsoring one or more holes for the 1<sup>st</sup> Annual Lions Club Golf Tournament.**

Anyone can sponsor a hole for \$65 or play a round of golf for \$65 that includes a meal. All of the proceeds go to the Town of Maggie Valley to be used for Parham Park improvements.

**ALDERMAN ALDRIDGE MADE A MOTION FOR THE TOWN OF MAGGIE VALLEY TO SPONSOR TWO HOLES.  
MOTION CARRIED UNANIMOUSLY.**

**7. Discussion regarding sewer impact fees.**

Alderman Aldridge asked that this issue be placed on the agenda. Alderman Aldridge contends the sewer tap/impact fees are "highway robbery".

The formula for figuring restaurant seats was presented to Council. The NC State flow chart is used to determine part of the equation. (40 seats x 40 gallons per seat x \$7.71 per gallon = \$12,336.00) Alderman Aldridge felt these outrageous charges were a deterrent to growth.

The State requires all municipalities to have treatment plant capacity for all businesses/residents that are connected to public sewer. It cost the Town of Maggie Valley \$7.71 per gallon (today's cost) to replace capacity. The Town of Waynesville can afford to have lower impact fees because Dayco, the Tannery, and Lee Industries are no longer using capacity. The Town of Waynesville has ample capacity.

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Alderman Aldridge stated that he was not trying to be a problem but rather a solution. Monthly user fees will increase as water use increases from having an additional 40 or 50 people in a restaurant. Alderman Aldridge felt the town should put a moratorium on sewer tap/ impact fees for one-year to see if there is any commercial growth.

Mayor McElroy felt that this would be unfair to people that have paid the current impact fees.

**ALDERMAN PRICE MADE A MOTION TO TABLE THE ISSUE UNTIL  
 FIGURES ARE PROVIDED.**

Alderman Aldridge stated that Council is only talking about one possibly two restaurants. The Town is not going to loose that much money.

**MOTION CARRIED UNANIMOUSLY.**

**8. Discussion regarding Ordinance 397 to establish an Economic Development Advisory Commission.**

**ORDINANCE 397  
 TOWN OF MAGGIE VALLEY  
 ESTABLISHING AN ECONOMIC DEVELOPMENT ADVISORY  
 COMMISSION.**

**I. Creation; Membership.**

There is hereby created an economic development advisory commission composed of seven (7) members, to be known as the Maggie Valley Economic Development Advisory Commission. Five (5) of the members shall be designated as "regular" members that shall have authority to vote and participate on all issues brought before the commission. Two (2) members shall be designated as "alternate" members of the commission and shall have authority to vote only in the absence of one or more "regular" members to maintain a total number of voting members at a level of five (5). "Alternate" members shall be designated as first alternate and second alternate and, while attending any regular or special meeting of the commission and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent.

**II. Appointment of Members.**

Each member of the economic development advisory commission shall be appointed by and serve at the pleasure of the Town Board of Aldermen. Initial appointment of the members shall be as follows: two (2) members for terms of three (3) years, two (2) members for terms of two (2) years, and one (1) member for a term of one (1) year. Alternate members shall initially be appointed for one (1) year terms. All subsequent appointments shall be made for three (3) year terms. Any vacancy in the membership shall be filled for the un-expired term in the same manner as the initial appointment.

**III. Ex officio Members.**

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The Maggie Valley Town Manager Town staff members designated by the Town Manager, and the Town's representative to the Haywood County EDC, shall be ex-officio members of the commission. The ex officio members will not have a vote on items coming before the economic development advisory commission.

**IV. Terms of Members.**

Each member of the economic development advisory commission shall be appointed for a three-year term. Appointments shall be arranged so that approximately one-third of the terms will expire each year. Members of the Commission shall serve at the pleasure of the Town Board without compensation. Any vacancies will be filled, as needed, by the Town Board. All terms shall expire on June 30 of the appropriate term of appointment.

**V. Meetings; Quorum.**

Meetings of the economic development advisory commission shall be held on a monthly basis, unless determined otherwise by the board. The chairmen or the vice-chairman may call a special meeting of the board by giving each member forty-eight (48) hours notice. A quorum of the board shall be in attendance before action of an official nature can be taken. All provisions of the North Carolina Open Meetings Law shall apply to this Commission.

**VI. Attendance of Members.**

Members who miss more than three (3) consecutive regular meetings without notifying the chairperson shall be automatically removed from the Advisory Commission and a request submitted to the Board of Aldermen to reappoint the position. Absences due to sickness, death or emergencies shall not affect a member's status on the Commission provided notification is given.

**VII. Compensations of Members.**

Members of the economic development advisory commission shall serve without monetary compensation. Members may be reimbursed for travel and subsistence relating to professional meetings, conferences and workshops, with such reimbursement being made in compliance with the general policies of the Town.

**VIII. Officers Generally.**

There shall be a chairman and vice-chairman of the economic development advisory commission. An annual election of the chairman and vice-chairman shall be held by the Economic development advisory commission board members, and shall occur at the regular monthly meeting in July. Officers shall serve for one (1) year from election with eligibility for reelection. New officers shall take office at the subsequent regular meeting in August. If an officer's appointment to the board is terminated, the board shall elect a replacement to this office from its membership, at the meeting following the termination.

**IX. Duties of Officers.**

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- (a) The chairman of the economic development advisory commission shall preside at all meetings and sign all documents relative to actions taken by the board. The chairman shall appoint all subcommittees including a nominating committee composed of three (3) board members. A nominating committee shall be appointed at or before the May meeting and shall report at or before the June meeting of the commission.
- (b) When the chairman is absent, the vice-chairman shall perform the duties of the chairman. When both the chairman and vice-chairman are absent, those members present shall select a temporary chairman.
- (c) A Town staff member designated by the Town Manager shall serve as secretary to the board, and shall be held responsible for the satisfactory accomplishment of the secretarial duties. The secretary shall mail to all members' copies of official reports and the official minutes of all regular and special meetings, prior to the next scheduled meeting.

**X. Duties and Responsibilities.**

- (a) The economic development advisory commission shall serve as the advisory body for the town's economic development activities. The commission shall suggest policies to the Town Manager and the Town Board, within its powers and responsibilities as stated in this article. The commission shall serve as a liaison between businesses, the town and citizens of the community. The commission shall consult with and advise the Town Manager and the Town Board on matters affecting economic development policies and programs.
- (b) The economic development advisory commission shall assume duties for economic development purposes as follows. The commission shall:
  - (1) Make recommendations for the establishment of a system of incentives that will ensure continued interest in both commercial and residential growth in Maggie Valley.
  - (2) Work with the Haywood County EDC (Economic Development Commission) and the Maggie Valley Chamber of Commerce to develop programs to supplement or enhance their efforts.
  - (3) Be aware of economic trends and indicators that may affect economic development in Maggie Valley and the surrounding area.
  - (4) Advise and assist in recruiting new businesses or the expansion of existing businesses that may be beneficial to the community.
  - (5) Other necessary and proper activities as may be needed from time to time, or as requested by the Board of Aldermen.

Council directed the clerk to advertise for the positions. The EDC members and Council can refine the bylaws in the future if needed.

**ALDERMAN PRICE MADE A MOTION TO CREATE AN ECONOMIC  
DEVELOPMENT COMMITTEE.  
MOTION CARRIED UNANIMOUSLY.**



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**9. Consideration of a proposal by Red-i Productions for promotional material for the Festival Grounds.**

The promotional materials will be designed to market the festival grounds. The Town received several quotes for designing the marketing packet. Red I Production was the least expensive and is local. The turn-around time is much shorter.

The Promotional Materials to be created:

- Festival Grounds Site Map ● Festival Grounds Stand Alone Map ● Festival Grounds Informational Brochure ● Festival Grounds Logo ● Festival Grounds DVD Tour
- Festival Grounds Presentation Folder ● Update Website

**ALDERMAN DEMEOLA MADE A MOTION TO AWARD THE CONTRACT TO RED I PRODUCTIONS.  
 MOTION CARRIED UNANIMOUSLY.**

**10. Consideration of declaring the dark Blue 2000 Explorer surplus.**

If declared surplus, the Explorer will be sold on GovDeals internet site.

**ALDERMAN PRICE MADE A MOTION TO DECLARE THE 2000 EXPLORER SURPLUS PROPERTY.  
 MOTION CARRIED UNANIMOUSLY.**

**11. Budget Amendments.**

Ordinance 659 is amending the budget to properly account for street sweeper expenses. The entire expense of the street sweeper was recorded in the Public Works account, when a portion of it should have been recorded in the Powell Bill department. This amendment makes the changes to properly account for the street sweeper expense.

**ALDERMAN PRICE MADE A MOTION TO APPROVE THE BUDGET AMENDMENT AS PRESENTED.  
 MOTION CARRIED UNANIMOUSLY.**

Ordinance 660 is amending the budget to add \$13,885 in revenue for additional work that was done when the Festival Ground Lighting and Electricity project was done. The \$13,885 was the expense to install the power, phone and water load centers in the field. There originally was not enough money in the TDA 1% fund to pay this expense, however, when the Festival Director was terminated that freed up enough funds to pay the Town for the extra work.

**ALDERMAN PRICE MADE A MOTION TO APPROVE THE BUDGET AMENDMENT AS PRESENTED.  
 MOTION CARRIED UNANIMOUSLY.**

Ordinance 662 amends the Sewer Fund to add funds from Unappropriated Fund Balance in the Sewer Fund to the Contingency account in the Sewer Fund. This was necessary

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because the revenue is going to be under expenses for the FY2008-09 fiscal year, and all funds must balance according to state law come the last day of the fiscal year, which is June 30.

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

12. **Manager's Report.**

- ▶ The Town of Maggie Valley was awarded a grant from the NC Governor's Crime Commission. The Town's match is 25% which has been included in the budget. The grant money will go toward shotguns, service weapons, and tasers.
  
- ▶ Manager Barth distributed the Chamber's Calendar of Events.
  
- ▶ Manager Barth thanked Karen Batick for putting on a successful Trout Festival. All employees worked on the Trout Festival, but Ms. Batick pulled everything together.
  
- ▶ The next Council of Government meeting will be held June 29, 2009 at 6:00 p.m. at the Clyde Town Hall.

13. **Other Business.**

Alderman Aldridge questioned Public Works Director Mike Mehaffey on how many employees are getting qualified at the wastewater treatment plant.

Mark Stamey and Jack Mehaffey have grade 1 certificates and Mike Corbin has a grade 2 certificate.

State requirements dictate that there is a time lapse between obtaining the next grade.

14. **Public Comment.**

Bobby Parker, a resident on Rocky Top Road questioned what laws oversee the destruction of roadways. Who issues permits for heavy equipment to go onto roadways? Does the sewer along Rocky Top Road go to just one house? The heavy equipment was parked on their property without permission. Rocky Top Road has been destroyed to the point that some people cannot get to their homes.

Public Works Director Mehaffey explained that the sewer project began in 2006/07. The sewer project was completed two months ago. A resident at the top of Rocky Top Road hired the contractor to do additional work for him personally.

Town staff had concerns about repairing the road knowing that the contractor was going to do another project at the top of Rocky Top Road.

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The Town is repairing the portion of the road affected by the sewer project. The contractor will be responsible for repairing the remainder. Rocky Top Road will be repaired to the condition (or better) when the project started.

The sewer line extension will provide sewer to everyone along Rocky Top Road.

As the discussion continued, the Parkers were informed that they are not connected to city sewer and their septic tank is under their driveway.

Rocky Top Road is a private road. There have been many discussions in the past about the residents obtaining enough right-of-way to ask the Town to take over maintenance. To date the road remains private.

Dan Massey, a resident and business owner asked that Council understand the importance of getting the Economic Development Committee established in a timely manner. Mr. Massey stressed the need to appoint responsible people to sit on the committee that has the time and desire to fulfill their obligations. "We are dying out here."

Linda Bennett questioned Council on the 1% TDA funding decreasing.

TDA funds are down some due to the lack of visitors. Manager Barth explained that Haywood County collects 4% occupancy tax. Haywood County retains 3%. The remaining 1% is distributed through collection points by zip codes. The Haywood County TDA has strict guidelines. (2/3 of the money is to be used for promotion. 1/3 is to be used for tourist related capital projects.)

Mr. Shiver spoke from the floor also encouraging the Town to take action immediately to form the Economic Development Committee. Mr. Shiver asked that Council strike a balance when making appointments to the committee between residents and business owners.

The EDC will be an advisory committee. Council will make the final decisions when funding is needed.

15. **Meeting Adjourned.**

**ON MOTION OF ALDERMAN PRICE WITH ALL IN FAVOR, THE MEETING  
ADJOURNED AT 7:30 P.M.**

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Mayor Roger McElroy

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Vickie Best, CMC, Town Clerk

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