

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
April 21, 2020
MINUTES

Members Present: Mayor Mike Eveland, Aldermen: Phillip Wight, Tammy Wight, Twinkle Patel, and Clayton Davis

Staff Present: Manager Nathan Clark, Attorney Craig Justus, and Town Clerk Vickie Best

Others Present via Zoom: Reporters Kyle Perrotti and Hannah McLeod and 12 others

1) Meeting Call to Order

Due to the Covid-19 pandemic, on Tuesday April 21, 2020, Mayor Eveland called the meeting to order at 6:33 pm virtually (via Zoom).

2) Consideration of Resolution 20-3: Authorization to Conduct Electronic Meetings

TOWN OF MAGGIE VALLEY

RESOLUTION 20-3

TOWN OF MAGGIE VALLEY

AUTHORIZATION FOR HOLDING ELECTRONIC MEETINGS

WHEREAS, during times of emergency, the Town of Maggie Valley must perform essential functions through public meetings of the Board of Aldermen, Planning Board, Zoning Board of Adjustment, and other bodies responsible for such functions; and

WHEREAS, it may become prudent for the Council, Planning Board, and Zoning Board of Adjustment to either cancel its in-person public meetings or decide to conduct such meetings by electronic means during a time of crisis such as, but not limited to, a public health emergency created by a rapidly spreading and dangerous illness; and

WHEREAS, it is deemed advisable in such instances for the Board of Aldermen, Planning Board, Zoning Board of Adjustment, or other town bodies (singularly "Town Body" and collectively "Town Bodies") to hold regular, special, or emergency meetings via telephone, internet, or satellite enabled audio and video conferencing, or to utilize any other technology that enables remote participants to be clearly audible and/or visible to one another, provided the proper statutory requirements for public notice, public access and public participation are followed to the full extent reasonably possible under the circumstances;

NOW, THEREFORE, in order to promote and provide for full participation of all the members of the Town Bodies, while ensuring access and transparency for the public during any time of declared emergencies, it is resolved by the Board of Aldermen of the Town of Maggie Valley that, in the case of a public health emergency or some other crises where it is determined by the Town Council, the State of North Carolina, or the federal government that it is not safe to hold in-person public meetings or other assemblies of a Town Body, the Town Council authorizes the Town Manager to arrange for conduct of such Town meetings via telephone, Skype, Zoom, Facebook, Microsoft Meetings or other electronic means so long as provision is made for:

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- a) The Town Clerk to be able to confirm and record attendance of those members participating by electronic means and to assure a quorum is electronically present before the meeting is called to order.
- b) Public access to an audio, and if reasonably possible, a video stream of the meetings from a specific location.
- c) Public participation by audio, video, chat or other means and the provision of necessary instructions as to how the public may attend/participate in the notice of such electronic meetings.
- d) Provision of notice of electronic meetings and copies of agendas through posting on the Town's website and direct electronic communications with those that specifically request such information.
- e) A method for recording the individual vote of each member of the Town Body participating (electronically present) at the meeting. There shall also be a provision for excusing a member that is not present or leaves (including disconnection) an electronic meeting.
- f) The Town Attorney and counsel for any represented persons or entities to have a method to participate in any meeting where such presence is mandated, requested, or prudent under the circumstances.
- g) Noticed closed sessions to be held by secure, limited, and restricted access by the Town Body members conducting such meetings authorized by law. The Town Body may, by majority vote, grant access and participation in electronic closed sessions by parties it deems necessary for the subject matter of the closed meeting. Each participant in an electronic closed session must certify that they are participating in such meetings within an environment excluding any unauthorized parties.

Any Town Body that has been meeting by electronic means shall begin in-person meetings as soon as reasonably safe and possible to do so. The agenda for the first such in-person meeting of the Town Body shall include a motion for ratification of all actions taken by that Town Body during prior electronic meetings.

The Town Board of Aldermen authorizes members of Town Bodies that meet electronically as above provided, including the members of Town Board of Aldermen, to vote and otherwise transact business with the same authority and validity as if they were doing so in an in-person meeting they were attending.

No electronic quasi-judicial hearings are authorized until such time as the Board of Aldermen and Town Attorney shall determine that all required due process safeguards are protected for the interested parties, including, but not limited to audio and visual means for taking and observing sworn testimony, ability to publicly present oral testimony and visual evidence, ability for cross examinations of witnesses by parties with standing, and an accurate recording of the proceedings. All legally interested parties must agree in writing to the use of and to be bound by any electronic quasi-judicial hearing prior to its implementation.

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Manager Clark explained that by adopting the above resolution Council may legally continue with this meeting via Zoom. The Zoning Board of Adjustment, a Quasi-Judicial Board, may not conduct business via Zoom.

Alderman P. Wight questioned having in-person meetings; but remaining six (6) feet apart. "Budget Meetings would be difficult to conduct via Zoom."

If the orders (due to the pandemic) remain in place, the logistics of having a public meeting would need to be worked out so that the public can attend and remain six (6) feet apart.

ALDERMAN T. WIGHT MADE A MOTION TO ADOPT RESOLUTION 20-3. MOTION CARRIED UNANIMOUSLY.

3) Consent Agenda

- a. Minutes: March 6 & March 10, 2020
- b. A/R
- c. Budget to Actual
- d. Tax Releases

ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

4) Public Comment

- a. Public Comment will be generated by written comments received via email by 5PM on April 21, 2020. Public Comments can be sent to Town Clerk vbest@maggievalleync.gov

No public comments were submitted to the clerk.

5) Consideration of Resolution 20-4: Title VI Compliance

The North Carolina Department of Transportation's Office of Civil Rights is requiring that municipalities enact a formal Title VI Policy. Title VI of the Civil Rights Act of 1964 states that no person shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The 1987 Civil Rights Restoration Act extended these protections to all NCDOT programs and activities, whether federally assisted or state funded. Additional categories of protection have been enacted including sex, sexual orientation, low-income, limited English proficiency, age, disability, and religion/creed.

To successfully receive funding for the Soco Road Project Maggie Valley must comply and formally adopt the non-discrimination policy

The Title VI Policy must be renewed each year and submitted to NCDOT.

ALDERMAN P. WIGHT MADE A MOTION TO ADOPT RESOLUTION 20-4. MOTION CARRIED UNANIMOUSLY.

6) Consideration of "Retirement": Moses Police K-9

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With regret, Manager Clark informed Council that Moses, Maggie Valley's K-9's health has deteriorated to the extent that he is no longer able to work. Officer Logan Wood would like to keep Moses and provided him quality of life until his death.

Since public monies purchased Moses, Council will need to take formal action to retire Moses and give the K-9 to Officer Wood.

ALDERMAN P. WIGHT MADE A MOTION TO RETIRE MOSES, MAGGIE VALLEY'S K-9 AND TO THANK OFFICER WOOD FOR PROVIDING MOSES A COFORTABLE WAY TO LIVE OUT THE REST OF HIS LIFE. MOTION CARRIED UNANIMOUSLY.

7) Consideration of Festival Grounds Stage Improvements (Update)

At the February 2020 Board of Aldermen meeting the Town was notified of a \$25,000 grant from Haywood County TDA to improve the sound quality of the Wade Reece Stage at the Maggie Valley Festival Grounds.

The Town entered a design contract with Audiovisual Solutions on the recommendation of Buddy Melton (Balsam Range)

The design portion of the project was \$5,000

The Materials Price of the project is \$19,518

The Audiovisual Solution Install Price is \$2,580

If the Town choses to install the proposed "Sound Solution" the total project cost would be \$24,518 (under budget)

If the Town elects to have Audiovisual Solution install the "sound solution" the cost will be \$27,098 (\$2,098 over budget) The Town has funding within the budget to account for the cost overrun for professional installation from the M&R Building and Grounds- will require budget amendment after the fact.

Manager Clark recommended allowing the experts to install the sound solution materials and let the Public Works Department continue with their work as Maggie Valley is entering the grass mowing season.

ALDERMAN T. WIGHT MADE A MOTION TO ALLOW THE EXPERTS FROM AUDIOVISUAL SOLUTIONS TO INSTALL THE MATERIALS. MOTION CARRIED UNANIMOUSLY.

8) Consideration of Capital Improvement Project Modification: Levee Project

At the March 2020 Board of Aldermen meeting Council voted to approve Resolution 20-2 that authorized Town Staff to seek approval from the America Disaster Relief Act (ADRA) (2019) to help fund improvements to the WWTP levee that were caused by the 2018 floods.

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Effectively the ADRA is a 75% Town / 25% Federal Government Grant.

A point category on the grant application is: "Is this project on your CIP?"

This recommendation is to add the levee project to our Capital Improvement Plan (CIP) based upon engineering estimates and narrative. Adding the levee to the CIP does not create a requirement to fund the levee project; regardless if Maggie Valley is awarded or not awarded the grant.

Placing the levee project in the CIP makes it official that at some point the levee does need to be repaired.

Estimated cost of levee repair project is: \$248,000

Town share = \$186,000 Federal share = \$62,000

ALDERMAN PATEL MADE A MOTION TO PLACE THE LEVEE PROJECT INTO THE CAPITAL IMPROVEMENT PLAN (CIP). MOTION CARRIED UNANIMOUSLY.

9) Consideration of Festival Grounds 2020 Calendar (Updates)

Due to public health concerns and government policies regarding the novel coronavirus the Festival Season has gotten off to a very rocky start.

Although no one knows exactly when US / North Carolina / Haywood County / Maggie Valley will "reopen" and return to a new normal, many of our dedicated Festival Event Promoters & Organizers are scrambling to find late summer and fall dates to reschedule their "postponed" spring events.

The following events will require council's approval.

Slingshots in the Smokies:

Original Dates: May 27-30, 2020

Proposed Dates August 10-16, 2020

Kustom Kemps/Icons in the Smokies

Original Dates: May 15-16, 2020

Proposed Dates August 22-23, 2020

Mini Trucks

Original Dates: Dates April 24-26, 2020

Proposed Dates: October 23-25, 2020

The following events have been cancelled

Thunder in the Smokies: May 1-3, 2020

Thunder in the Smokies June & September planned as scheduled

Americana Featuring Balsam Range & Atlanta Pops: May 24, 2020

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Elk Fest: August 22-23, 2020
Blow up your TV: June 5 & 6

Council questioned why the Haywood County Tourism Development Authority (HCTDA) canceled Elk Fest.

Manager Clark explained that due to the pandemic there has been a significant decrease in revenues and the HCTDA staff's responsibilities have shifted. When the county reopens for business, the HCTDA is preparing to "roll out" a Haywood County is Open Campaign.

ALDERMAN PATEL MADE A MOTION TO APPROVE THE REVISED FESTIVAL GROUNDS CALENDAR. MOTION CARRIED UNANIMOUSLY.

10) Other Business

Manager Clark explained that in March Council approved the Tax Collector advertising delinquent taxes. Yet, the delinquent taxes have not been advertised because of the economic stress most people are experiencing with the pandemic. By State Law, the delinquent taxes must be advertised by May. Although waiting till May will only increase the interest on the delinquent taxes.

Council advised staff to move forward and advertise the delinquent tax list in April.

Alderman P. Wight added that the state and county need to come to an understanding, rather than extending the deadline for when businesses can open. "Businesses being closed is causing people grief and despair."

Mayor Eveland responded that the deadline for Haywood County ends May 4th; so hopefully there will be a plan in place for all to come together and move forward in a general direction.

Alderman P. Wight stated that there needs to be a collective statement to let the Governor and Commissioners know where Maggie Valley stands on the shutdown.

Mayor Eveland went on to say that May should be the month to start taking steps forward to move on to the financial side of this pandemic. "In June, July, and August Maggie Valley needs put forth our best efforts as a town."

Manager Clark added that there should be advertising dollars put into advertising that Maggie Valley is open for business, both locally and regionally. "We need to get the word out that our restaurants and retail stores are open." The HCTDA's efforts for lodging can be supplemented by the Town's input of funds.

Alderman T. Wight ended the meeting with the following comments:

"I understand the fears and concerns brought about due to Covid 19. As a governing body, it is our responsibility to provide protection, goods, and services. Just as business owners have financial burdens."

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“While we should certainly focus on public health- economic impacts cannot be ignored in the process.”

“Our economy includes many small businesses that consumers and employees rely on for their livelihood.”

“Some entrepreneurs have invested their lives into their businesses. We do not need to see them shut down for good.”

“A healthy economy creates reduction in poverty and provides resources to combat viruses and illness. A weak economy causes destruction of the quality of life for people without job security or large financial reserves.”

“I think it is time for us to find ways to begin to open our economy back up.”

Mayor Eveland concurred.

11) Department Head Reports

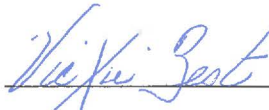
Manager Clark will provide the written department head reports to Council tomorrow April 22.

12) Adjournment

**ON MOTION OF ALDERMAN T. WIGHT, WITH ALL IN FAVOR, THE MEETING
ADJOURNED AT 7:02 PM.**



Mayor Mike Eveland



Vickie Best, Town Clerk CMC.

