

Town of Maggie Valley
September 14, 2021 Board of Aldermen Meeting
MINUTES

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

Staff Present: Manager Nathan Clark, Attorney Craig Justus, Planner Kaitland Finkle, Chief Russ Gilliland, Public Works Director Mike Mehaffey, and Town Clerk Vickie Best

Others Present: 14 people and Reporter Vicki Hyatt

Meeting Called to Order

Mayor Eveland called the meeting to order at 6:35 pm on Tuesday September 14, 2021, in the Town Hall Boardroom.

Pledge of Allegiance

Chief Gilliland introduced Rev. Jon Snyder that will soon become the Maggie Valley Police Department's Chaplin. The Police Department has needed a Chaplin and now this wonderful opportunity arose with Rev. Snyder. Rev. Snyder said a prayer.

The Pledge of Allegiance was said.

Consent Agenda

- a. Minutes to be Approved: August 10, August 17, August 24 & August 30, 2021
- b. Budget to Actual
- c. A/R Report
- d. Tax Releases
- e. Settlement of Taxes NCGS 105-373(a)(3)
- f. US Constitution Week Proclamation- Daughters of the American Revolution
- g. Call for Zoning Public Hearing: October 12, 2021, 6:30 PM
 - i. PIN: 7677-70-9297
 - ii. PIN: 7686-17-4633 /7686-07-7298

The minutes of August 17, 2021 did not properly reflect that Council entered Closed Session, not for Economic Development or Attorney/ Client Privilege, but rather for a personnel issue. Attorney Justus was present via phone.

ALDERMAN PATEL MADE A MOTION TO APPROVE THE CONSENT AGENDA WITH THE CORRECTIONS TO THE AUGUST 17, 2021 MINUTES NOTED. MOTION CARRIED UNANIMOUSLY.

Public Comment

Dave Angel, resident of 217 Campbell Creek Road addressed the Board stating that he feels there is fear mongering going on. A member of the Planning Board should have disclosed she owned the adjoining property to a rezoning request. Another member complained about any of Frankie Wood's projects getting across the finish line. Council needs to understand the harm these actions create for Maggie Valley. Mr. Wood works with 1031 Exchanges. "Investors will go away".

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Definition of a 1031 exchange: named after section 1031 of the U.S. Internal Revenue Code, is a way to postpone capital gains tax on the sale of a business or investment property by using the proceeds to buy a similar ("like-kind") property.

Mayor Eveland asked that anyone wishing to comment on Food Trucks needs to do so now. Once Council begins their discussions, comments will not be taken from the floor.

Allen Alsbrooks referring to Mr. Angel's issue stated, "As a Zoning Board of Adjustment (ZBOA) member, he understands that the Planning Board is different". The ZBOA only accepts sworn testimony. Mr. Alsbrooks stated that board members are recused and then must go sit in the audience. Mr. Alsbrooks explained the last time he had to be recused because a neighboring property owner was asking to start a new business. "I did not see that happen the other night".

Manager Clark read the following letter into the minutes:

Due to my physical limitations I decided to put in writing areas of concern from the last planning board meeting. As a realtor and property owner in the Town of Maggie Valley, I have a vested interest in the growth or lack there-of in our town. I am the Buyer's Agent for Coastal Development Carolina, LLC. I have left several messages for the town manager to discuss our concerns. Those calls have not been returned to me since that meeting. I am getting conflicting stories from individual board members and others that I represent. The question is whether the town planning board member that encouraged or motioned the postponement of a zoning recommendation on a parcels currently under contract has a Conflict of Interest. The parcel known as Pioneer Village, along with a parking lot was tabled after discussion of approximately an hour. If we have a planning board, why can't the board do a simple recommendation no matter how restrictive or relaxed that zoning recommendation happens to be. Some pre-planning or knowledge by the board should be done prior to the meeting. This is something that should be of concern to every property owner, resident, or every potential resident to the Town of Maggie Valley. The main function of the planning board is to make a recommendation to the elected Town Board or Zoning Board of Adjustment. When that recommendation is tabled after the person has agreed to come into our town and pay the taxes into our town coffers, shouldn't they at least have the expectation of forward momentum from our town's elected and appointed boards. One of the most expensive costs in development is the cost to carry a project. Any hold up is of great concern, especially if 1031 Exchange Money may be involved that is "Time of the Essence" meeting deadlines imposed by the Federal Government. By not making a recommendation, it is a concern that there will be a hold up in the zoning and development. Engineering and potential lot lines establish will not move forward until property is zoned. During the hold up, nothing is moving forward and is of great cost to the developer and many times they move onto more development friendly locations. The sellers of the property will be affected should the property not close in a timely manner. My reason for writing this letter is to address what my buyer's and the seller believe to be a Conflict of Interest. There must be a way to expedite projects so that developers or those wanting to be annexed will know what to expect and can factor in

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the cost to carry based on those expectations. Within less than 60 days, my developers have brought at least three parcels into the city limits with the likely addition of two more that will be petitioning for annexation in the near future. I do not want the Town of Maggie Valley to get the reputation of being anti-growth and anti-development whether it be residential or commercial districts. With the advent of the state law abolishing involuntary annexation, this is the only way for you to add growth to our town. I am in favor of having amenities in our town and controlled growth that the people elected or appointed are to oversee and regulate. I am not in favor of allowing postponements and redirection based on financial gain/loss or personal feelings about that growth such as not in my front yard or my backyard. There are 2 areas of conflict in the buyer's opinion.

- 1) Ownership of the land on either side of the bridge entrance to Pioneer Village by a Planning Board Member.
- 2) A Competitive Project by Planning Board member's partner.

As a realtor I have the responsibility to familiarize myself with all aspects of a subject property when I agree to represent the potential buyer or seller and understand repercussions of spot zoning and what each zoning entails. Then advise my client on those particulars. I realize there are issues required by law in the chain of events as they unfold that affect the timeframe. However, when it appears the town's employees, and elected or appointed boards are not constantly moving toward resolutions to these holdups it is time to analyze and adjust the protocols in place. Thank You for allowing my voice to be heard in your meeting.

My Best to All
Linda Taylor

Alderman T. Wight thanked those speaking out, bringing this to the Board's attention. "The Board will take action to resolve this issue."

Presentation- TDA Mid-Year Report: Lynn Collins, Executive Director HCTDA

Director Collins provided the following data for the year-end report for zip code 28751.

2020/2021 1% Net Occupancy Tax Report Revised: 28751

	Projected	Actual
July	\$23,104	\$28,398
August	\$16,735	\$26,564
September	\$19,168	\$27,746
October	\$24,676	\$37,011
November	\$13,098	\$20,407

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December	\$11,827		\$21,039
January	\$8,395		\$18,209
February	\$7,574		\$19,182
March	\$6,892		\$20,372
April	\$8,724		\$25,190
May	\$13,902		\$25,679
June	\$20,199		\$35,251
Total: Projected	\$174,294	Actual	\$305,048

Projects Funded Through The 1% Zip Code Funding

July 1, 2020 – June 30, 2021

WNC Jeep Fest, August 2020	\$1,479
WNC Jeep Fest, June 2021	\$5,605.31
Maggie Valley Backyard July 4 th Celebration	\$7,000
Winter Days Decorations	\$6,959.65
Winter Woods Signature Lighting	\$48,419
Maggie Valley Fall Days	\$12,841.27
Maggie Valley Destination Marketing	\$113,954
Total	\$196,258.23

An additional \$10,000 was awarded for a Maggie Valley History Project but was not utilized. This funding has carried over into the 21-22 budget year for the 28751 1% Zip Code Fund.

Vacation Rentals are the most prevalent in the occupancy tax by accommodation category.

As evident, Maggie Valley is doing well. Alderman T. Wight added that motel rentals are growing. Alderman Patel stated that it is "because the pie is getting bigger, and everyone is getting a piece".

There are more rentals in Maggie Valley and the rates have increased.

Maggie Valley Highlights

▲ 12 new blogs were developed and published. ▲ 7 eNewsletters were developed and deployed, which drove 2,907 sessions to Maggie Valley pages- an 80.6% increase from the previous fiscal year. ▲ Google

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display ad click-through-rates averaged 0.8%, which is 1.2x higher than the industry average of 0.47%.

▲ Facebook ads drive 28,488 sessions to Maggie Valley pages this fiscal year- a 14.5% decrease over last fiscal year due to a shift in strategy. ▲ Organic Facebook impressions increased by 28.1% and organic page likes grew 54.72%.

Saturdays are the most popular in Maggie Valley, while Fridays are the most popular in the county.

Director Collins stated that a second round of funding will open soon. Alderman Patel would like for Maggie Valley to have a history museum to preserve artifacts and our mountain history.

Manager Clark reported that he met with Bob Plot a well-known historian about turning the Flossy White Room here in Town Hall into a display area for artifacts. A WCU Mountain Heritage Center curator would help design the room. The artifacts will be for Haywood County with an overall slant to Maggie Valley. The benefactor wanted all of Haywood County.

The Flossy White Room will provide verification of the concept that people are interested in mountain history. This could provide a focus on the cabin restoration previously discussed.

Consideration of Voluntary Annexation: PIN 7676-88-8767 (Franklin/Luxury 1 Investments)

The 4.178-acre parcel at 4521 Soco Road was partly inside the corporate limits and the remaining back portion of the property was in the county. Mr. Wood had to have the property surveyed to clarify what was in town and the surveyed area of what portion was in the county.

h. Public Hearing:

Mayor Eveland opened the public hearing at 7:06 pm. Without comment, Mayor Eveland closed the hearing at 7:07 pm.

i. Consideration of Annexation: Annexation Ordinance 958

ALDERMAN DAVIS MADE A MOTION TO APPROVE ORDINANCE 958 ANNEXING 4521 SOCO ROAD INTO THE CORPORATE LIMITS. MOTION CARRIED UNANIMOUSLY.

Consideration of Adoption: Sewer System Financial Analysis & CIP

WithersRavenel have completed their services requested by Council. The primary objective of the project is to help Council project and prioritize its long-term Sewer Fund Capital needs and develop a plan for funding those needs.

ALDERMAN PATEL MADE A MOTION TO ADOPT THE SEWER SYSTEM FINANCIAL ANALYSIS AND CIP. MOTION CARRIED UNANIMOUSLY.

Consideration of Appointments

j. Planning Board

k. Zoning Board of Adjustment

Council delayed making appointments due to the interviews scheduled for 5:30pm today having to be canceled.

Collection of Taxes Order

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I. GS 105-321: 2021 Taxes

ALDERMAN PATEL MADE A MOTION TO ORDER THE COLLECTION OF THE 2021 TAXES. MOTION CARRIED UNANIMOUSLY.

m. GS 105-321 & 105 373: 2012-2020 Taxes

ALDERMAN DAVIS MADE A MOTION TO ORDER THE COLLECTION OF DELINQUENT TAXES YEARS 2012 THROUGH 2020. MOTION CARRIED UNANIMOUSLY.

Presentation of Food Truck Options: Kaitland Finkle, Town Planner

Planner Finkle provided the following information about other Pilot Programs from Greensboro Pilot program October/November 2012, Raleigh Pilot Program August 2016- January 2017, and Asheville Pilot Program January -December 2018.

After reviewing the options Planner Finkle provided, Council chose the following:

- ▶ Location: 3399 Soco Road/Sweet Briar Lot across from the Festival Grounds.
- ▶ No more than 3 Food Trucks on a first-come-first basis.
- ▶ Any day 10 am to dusk when special events are not scheduled at the Festival Grounds.

There was a brief discussion about how early it gets dark during Winter days. Lighting may be an issue. Alderman Patel does not want to place too many restrictions on the pilot project. Alderman P. Wight likes the days Sunday through Thursday. Alderman T. Wight countered that if Council wants to see if the pilot program works, leave it open every day, other than during festivals.

Alderman Davis responded that at the Farmer's Market, people were given spots on a first-come-first basis, and it worked well.

Council discussed permitting fees. Since this is a pilot program, three months should provide a sense of Maggie Valley's acceptance of Food Trucks or not. There was a debate about the fees, fluctuating from \$75 to \$100 per day to \$300 for three months.

- ▶ The timeframe will be 3 months with the pilot program ending December 31.
- ▶ A permitting fee of \$75 per month.

Manager Clark asked Council to look at the Sweet Briar property as they leave the meeting. The Town will need to install lighting in that area soon.

Alderman Patel questioned if Food Carts would be allowed. Food Carts could not be used after dark because of lighting.

If the pilot Food Truck Program is approved, after the trial, the ordinance would have to be changed. Each term would need to be defined.

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All food establishments must be inspected by the Health Department.

Attorney Justus suggested having the vendors submit the dimensions of their truck along with a picture of the Food Truck.

Alderman T. Wight would like to see Food Trucks allowed at distilleries and breweries. Most of the time, these establishments do not have kitchens so Food Trucks would fill a need and would be an added safety tool for those sampling the goods.

Attorney Justus suggested having the statement on the permit that the permit can be revoked for any violation.

DUE TO THE MAGGIE VALLEY CHAMBER OF COMMERCE CONDUCTING A CANDIDATE FORUM, THE AGENDA SETTING/MONTHLY WORKSHOP WILL BE HELD MONDAY OCTOBER 4, 2021, AT 9:30 AM. THE RISE AND SHINE CHAMBER MEETING WILL BE HELD TUESDAY OCTOBER 5.

Consideration of Pay Grade Table Revision

The recommendation is to revise the pay class table to move Police Chief from Grade 29- to Grade 30. This move places the position on the same grade with the Finance Director and Public Works Director. This also is a common grouping of positions – this is identical to what the Town of Waynesville recently adopted.

ALDERMAN DAVIS MADE A MOTION TO MOVE THE POLICE CHIEF TO GRADE 30. MOTION CARRIED UNANIMOUSLY.

Once this is complete, a budget ordinance needs to occur to mirror additional salary requirements. In Budget Ordinance 959 you will see this additional compensation for grade change (5%) and a retention incentive (5%) included for Police Chief.

Budget Amendments

n. Salary & Wages: Ordinance 959

Ordinance 959

An Ordinance Amending the FY 2021/22 Budget Ordinance

Be It Hereby Ordained by the Town Board of Aldermen of the Town of Maggie Valley, North Carolina, that the Budget Ordinance for the year 2021/22 is amended as follows:

General Fund – Salary Increase Police Chief

Increase

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	<u>Description</u>	Previous	<u>(Decrease)</u>	Amended
Revenues	Unappropriated Fund	\$158,290	\$8,824	\$167,114
	Balance 10-000-3991			
Appropriations	Salary & Wages	\$521,424	\$7,076	\$528,500
	FICA	47,935	542	48,477
	Retirement	68,380	852	69,232
	401K Law	26,549	354	26,903

ALDERMAN T. WIGHT MADE THE MOTION TO APPROVE BUDGET AMENDMENT ORDINANCE 959. MOTION CARRIED UNANIMOUSLY.

Consideration Event: Festival Grounds

- o. Camp Daniel Boone Jamboree: October 30, 2021
- p. Eurofest Maggie Valley: August 20, 2022
- q. Elk Fest: September 9-10, 2022

The Camp Daniel Boone Jamboree is an annual event held at Camp Daniel Boone for the boy scouts. The flooding that came with Hurricane Fred destroyed Camp Daniel Boone. Therefore, they are requesting a one day use of the Festival Grounds and that the rent be waived due to Camp Daniel Boone being damaged.

ALDERMAN PATEL MADE A MOTION TO APPROVE THE BOY SCOUTS USING THE FESTIVAL GROUNDS RENT FREE ON OCTOBER 30. MOTION CARRIED UNANAMOUSLY.

ALDERMAN T. WIGHT MADE A MOTION TO APPROVE ELK FEST FOR SEPTEMBER 30 AND OCT 1, 2022, AND EURO FEST AUGUST 20, 2022. MOTION CARRIED UNANIMOUSLY.

Consideration of Donation: DAV

Council greatly appreciates all the hard work and dedication this organization provides to veterans. Last year the organization purchased a van to take veterans to appointments at the VA Hospital. Council asked Manager Clark to contact DAV Commander Fred Underwood, to find out the specifics of what is needed.

Other Business

There was no other business to discuss.

Department Head Reports

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r. Mike Mehaffey, Public Works Director

Director Mehaffey reported that the Springlake Streambank Stabilization Project will begin September 27 and end by October 1. There was a short delay in getting the gabion baskets for the project.

Public Works employees will help decorate the Town for Fall Days.

- Monthly maintenance, general cleaning and repairs at Town Hall, Pavilion, Parham Park, Rathbone/Rich Park, Festival Grounds, Public Works buildings and Police Department.
- Monthly Recyclables approx. 16 tons.
- Monthly Solid Waste approx. 68 tons.
- Monthly White Goods/Electronics 6 pick-ups.
- Picked up miscellaneous residential brush and debris. 240 brush pick-ups that totaled 18 loads of brush.
- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners, Summer Banners and Flag Banners.
- Perform ditch, culvert, shoulder, and road maintenance along streets both private and Town streets.
- Service and/or repaired 4 Public Works vehicles and 5 Police vehicles.
- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Wastewater Treatment Plant.
- Public Works placed 5 tons of asphalt to repair town and private streets: Bridle Drive, Mtn. Watch Drive, Creekside Drive, Hawthorn Drive, Ruben Branch, Spring Lakes and Rocky Top Road.
- Public Works continues weekly mowing, weed eating and spraying of all town properties and responsibilities. Approximately 48 acres weekly.
- Public Works staffed and over saw 1 very successful event at the Festival Grounds in July.

WWTP

- Monthly testing, monitoring and analysis; Monthly cleaning and repairs.
- Monthly Road, Levee, equipment and building maintenance.
- Continued yearly sewer line, manhole, easement spraying, and creek crossing inspections as required by DENR.
- Continue working to make repairs to deficiencies identified during I/I study, smoke testing and sewer assessment. 3 repairs last month from I/I repair list.
- Installed/repared 3 sewer services issues, cleaned and videoed approximately 200' feet of sewer line, inspected 3 sewer connections/installations.
- Worked with business owners, homeowners, contractors, and others to help resolve sewer related issues such as rainwater getting into sewer lines, back-ups, video inspection, private line or service locations and damage to lines.
- Continue monthly sewer easement maintenance. Bush hogging, tree cutting, spraying and debris removal.
- This month we received NC811 locate request for 38 tickets. These were all marked in a timely manner.
- Continue monitoring Jonathan Creek and stream banks for fallen and dead trees that could impact the Town's sewer creek crossings. This is now required by NCDEQ.

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- Removed fallen trees and debris from Jonathan Creek on Moody Farm Road, Stonebridge Campground, and Campbell Creek. Removed large amounts of debris from sewer creek crossings that were storm related.
- Grease in the Towns sewer collection system and in the Wastewater Treatment Plant is an ongoing and time-consuming problem. Regular grease trap pumping, and maintenance is the key to keeping these problems to a minimum. All food handling businesses are required to have grease removing equipment installed and to maintain records of cleaning and maintaining their equipment. The sewer department staff regularly inspects this equipment and looks at records and logs of this maintenance. This month we performed 9 grease trap inspections. Of these 1 was found to be non-compliant. We continue to work with all businesses on their grease issues and provide assistance and education in hopes of reducing the amount of grease in our sewer system.

s. Russ Gilliland, Police Chief

Incident/Investigations

During this reporting month, the Maggie Valley Police Department (MVPD) investigated thirty-four incidents which include: Simple Assault, Motor Vehicle Theft, Credit Card Fraud, Stolen Property, Criminal Damage to Property, Narcotic Violations, Driving While Impaired, and Trespassing.

- **Arrests**

- Maggie Valley police officers arrested a total of fourteen individuals resulting in nineteen charges which include: Simple Assault, Criminal Damage to Property, Narcotic Violations, Driving While Impaired, Drunkenness and Trespassing.

Motor Vehicle Traffic

Maggie Valley police officers investigated two motor vehicle accidents for the reporting period. Issued one hundred forty-eight Uniformed Traffic Citations and Warning Citations combined. Thirty-three percent (49) of which were for speeding.

Officer Activities

- There was a total of seventy-nine Officer Activity Logs for the month which include: Alarm Activations, Assist Other Agencies, Civil Disturbance, Unlock Vehicles, Animal Complaint, Business Checks, Suspicious Person, Welfare Check, Noise Complaint, Incomplete 911 Call, and Trespassing.
- Sgt. Flowers and Officer Rodney Riddle arrested a Fugitive wanted from another state during a traffic stop.
- Patrol Officer Haley Crocker recovered a stolen vehicle during a welfare check. The suspect was taken into custody.
- Sgt. Jeff Mackey and K9 Officer Logan Wood located a veteran who was having suicidal thoughts. Sgt. Mackey continued to stay in touch with the veteran until other counseling was in place to assist the individual.
- Patrol In-car videos are being reviewed for training purposes.

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Evidence Processing (E/P)

- E/P processed seven items this month.
- Took In Custody: Seven items
- Released to NC Western SBI Lab: 0

Investigations (CID)

- CID assisted with recovering a stolen vehicle.
- CID investigated a stolen vehicle and credit card fraud case. Charges have been filed.
- CID is following up on new leads in a 2018 Statutory Rape case.

K9 Program

K9 officer Logan Wood and K9 Goose assisted and competed in the USPCA K9 Trials. Both Officer and Goose are certified in narcotics.

t. Kaitland Finkle, Town Planner

2) Zoning Permits (Since May 11, 2021)	38	
Residential	8	3BR SF (Scarlet Oaks) 3 BR SF (Alexander Dr) 4 BR SF (Alexander Dr) 2-3 BR SF In Floodplain (MV Estates on JCreek) 2-3 BR Modular (Bethel Village) 3 BR SF In Floodplain (River Wind)
Commercial	16	Coffee Shop @3047 Soco Road Retaining wall AllPhase Storage Stonebridge 2 Park Models, 5 RV's Open Air Pavilion @ Dellwood Baptist Church Cottage Remodel @ Veda Inn & Cottages Cabins, Bathroom, Hot tub venue @ The Swag Restaurant/Cabin Renovations @ Cataloochee Ranch High Country Furniture Warehouse ID and Directional Sign Replacement @ Quality Inn Renovation of Travelowes Motel
Misc.	9	Wheelchair Ramp Rehab @ 567 Soco Road Pergola @ The Woodlands Interior Renovation Valley Creek Run Attach a carport La Bella Vita Park Model Renovation in Prescott Park Patio/Fireplace in Brannon Forest 2 Decks @ Kamp-n-Kountry Class A to serve as Live/Work for Office/Restaurant permitted in February @ 1915 Soco Deck Expansion Linson Ridge
Zoning Compliance Letters	5	2-2 BR SF Residence The Meadows at Campbell Mountain

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		2 BR SF Residence Raven Ridge 3 BF SF Residence Crocketts Meadow Fire Restoration Five Star Inn
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Planner Finkle is working on nuisance letters for overgrown grass, signs, etc.

a. Nathan Clark, Town Manager

Manager Clark thanked Planner Finkle for leading the Big Sweep-Soco Road Cleanup Project on Saturday on behalf of the Town.

Anyone wishing to volunteer to decorate the Town for Fall Days can meet across the street from Maggie Mountaineer Crafts on September 20. All volunteers are needed.

Council decided to have the Agenda Setting/Monthly Workshop on Thursday November 4 at 9:30 am due to the election.

Nicky Roberts submitted a 257 member Facebook group survey on allowing food trucks in Maggie Valley. Council got a copy of the results.

The annual audit is wrapping up to send to the Local Government Commission. The auditor then has 45 days to present their findings to Council. The audit presentation will be held during the October or November Regularly Scheduled Board of Aldermen Meeting.

Manager Clark will be out of the office next week. Manager Clark will be at the School of Government to finish the SOG Public Leadership Executive Academy.

Manager Clark added that Planner Finkle and Director Mehaffey will need to remain as Council enters Closed Session.

Closed Session:

ALDERMAN T. WIGHT MADE A MOTION TO ENTER CLOSED SESSION AT 8:08 PM. MOTION CARRIED UNANIMOUSLY.

b. § 143-318.11 (a)(3) Attorney-Client Consultation

c. § 143-318.11 (a)(5) Real Estate: PIN 7696-16-7805

ALDERMAN T. WIGHT MADE A MOTION TO COME OUT OF CLOSED SESSION AT 9:14 PM. MOTION CARRIED UNANIMOUSLY.

Adjournment

ON MOTION OF ALDERMAN PATEL WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 9:14 PM.

Mayor Mike Eveland

Vickie Best, CMC, Town Clerk