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Town of Maggie Valley  
Board of Alderman Regularly Scheduled Meeting  
August 11, 2020  
Minutes

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

Staff Present: Manager Nathan Clark, Chief Russ Gilliland, Planner Ron Hancock, Public Works Director Mike Mehaffey, Finance Officer/Deputy Clerk Shayne Wheeler

Attorney Present: Bryan Gulden

Others Present: No media present, approximately 8 members of the public

**1. Meeting Called to Order**

Mayor Eveland called the meeting to order at 6:32 on Tuesday, August 11, 2020 in the Town Hall Pavilion.

Mayor Eveland announced an additional closed session topic for economic development for business expansion.

**2. Consent Agenda**

- a. Minutes to be approved: July 7 & July 14, 2020
- b. A/R Report
- c. Budget to Actual
- d. Direct Clerk to Investigate Sufficiency: Voluntary Annexation: 84 Jujon Drive

**ALDERMAN CLAYTON DAVIS MADE A MOTION TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY**

**3. Public Comment**

Melanie Curtis, Waynesville resident who works in Maggie Valley, heard the protestors were coming back on Labor Day weekend and wanted to express her concerns about the businesses during the last protest. Businesses owner felt as if they are being held hostage and wanted to know what the Town could do to help with that situation. Can the Town keep them from marching down the street and sidewalk?

Steven Rich, of the Maggie Valley Patriates, feel like the new ordinance is good, but feels like we need to do more. Can the Town do more? His group has 600 active members.

Gary Bryam, 49 Park Place, provided the Board and audience a brief history lesson on the communist movement in the early 1900's and how Black Lives Matter is a part of the current communist movement in the United States.

Alderwomen Tammy Wight asked Attorney Bryan Gulden to address some of the questions presented during Public Comment. The question presented by Melanie Curtis, can the Town keep them from marching down the street and sidewalk? Attorney Bryan Gulden stated the First Amendment allows

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them to march on public property. Free assembly by the Supreme Court states streets and sidewalks are public property. This is where demonstration for change in government happens. In the past anytime an ordinance has been created against the First Amendment, it has been defeated in a court of law. In response to the question about the negative effect of marching in the streets and sidewalks on businesses, economic development is not a reasonable means to restrict the first amendment right. Businesses are considered private enterprise and assembly included marching.

In response to Mr. Rich's question, what can we do, the ordinance the Town created provides the Town with all the authority they have for protests.

Manager Nathan Clark explained the group meet with Chief Gilliland and himself on Monday which provided the 72-hour notice, the decision to close the road was deemed necessary by the Law Enforcement Task Force team. The protest took a total of two hours.

The Mayor thanked everyone for their comments and stated if anyone had any remaining questions or concerns, to please direct those to the Town Manager or contact a Board Member directly and they would get an answer. If there are any ideas of what other Towns and Counties have in place, that we do not, please present those and we will research and consider.

**4. Consideration of Purchase: Public Works Dump Truck**

The approved FY 20-21 budget allocated funds for the purchase of a new dump truck with extended dump bed that will be used for curbside brush and yard waste pickup. The budget provides \$52,200. The Town received bids from Taylor Ford from Waynesville and Ken Wilson Ford of Canton. Taylor Ford of Waynesville was the lowest bidder at \$49,982.

However, after we received the bids, Ford has discontinued all Fleet sales on 2020 models. Therefore, Taylor Ford of Waynesville is unable to order a 2020 truck. If purchase is approved, Taylor Ford of Waynesville will try to find a 2020 model at the quoted price but if not, we will have to order a 2021 model.

**ALDERWOMAN TAMMY WIGHT MADE A MOTION TO PURCHASE A DUMP TRUCK AT \$49,982 BUT NOT TO EXCEED \$52,200. MOTION CARRIED UNANIMOUSLY.**

**5. Consideration of Sewer Private Extension: Dennis Farm Road (PIN 8607-43-7035)**

Clint and Steve Parkins would like to connect to the Town of Maggie Valley's sewer system and run a private extension (no cost to the Town) along Dennis Farm Road in order to provide sewer service to a proposed agri-business facility.

Due to the location and current agricultural use and assumed future use of surrounding property it is a poor candidate for annexation at this time. The Parkins have submitted the required irrevocable annexation agreement.

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Since the parcel is out of Town the Board determines if the applicant can connect without annexation. Staff is recommending the parcel be allowed to connect to sewer, paying out of town sewer capital capacity and user fees.

**ALDERMAN PHILLIP WIGHT MADE A MOTION TO ALLOW CLINT AND STEVE PARKINS TO CONNECT TO THE TOWN SEWER SYSTEM. MOTION CARRIED UNANIMOUSLY.**

**6. CONSIDERATION OF CAPITAL IMPROVEMENT PLAN RESOLUTION**

In Spring 2020 the Town of Maggie Valley worked with Wither-Ravenel Engineering to submit a FEMA grant for repairs to the Wastewater treatment Plant (WWTP) caused by recent flooding events.

The Town was unsuccessful in securing the grant during the spring cycle. After reviewing the application, it was determined we did not receive the maximum Capital Improvement Plan (CIP) points. Withers-Ravenel Engineering will be resubmitting our application for the fall cycle. In order to gain the maximum CIP points, we need to adopt the attached CIP and Resolution.

**TABLE 2  
TOWN OF MAGGIE VALLEY  
CAPITAL IMPROVEMENTS PLAN**

ITEM NUMBER	PROJECT NAME	TOTAL COST	YEAR 1 2020	YEAR 2 2021	YEAR 3 2022	YEAR 4 2023	YEAR 5 2024	YEAR 6 2025	YEAR 7 2026	YEAR 8 2027	YEAR 9 2028	YEAR 10 2029
1	COLLECTION SYSTEM CLEANING & VIDEO INSPECTION	\$90,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000
2	REPAIRS TO COLLECTION SYSTEM IDENTIFIED DURING CLEANING VIDEO INSP.	180,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
3	UPDATE TECHNICAL STANDARDS FOR SEWER SYSTEM CONSTRUCTION	\$,000	2,000			2,000			2,000			2,000
4	UPDATE SEWER USE ORDINANCE & OTHER SEWER SERVICE CONNECTION POLI	\$,000	2,000			2,000			2,000			2,000
5	REPLACE UNDER-SIZED SEWER LINES	100,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
6	PARALLEL SEWER SYSTEM OUTFALL LINE	2,071,275					1,876,600					1,194,675
7	FOX RUN ROAD SEWER LINE EXTENSION	0										
8	WASTEWATER TREATMENT PLANT EQUIPMENT	\$0,000		30,000			30,000			30,000		
9	WWTP LEVEE REPAIR	245,000	\$245,000									
<b>TOTAL</b>		<b>3,875,275</b>	<b>307,000</b>	<b>65,000</b>	<b>65,000</b>	<b>65,000</b>	<b>1,891,600</b>	<b>65,000</b>	<b>60,000</b>	<b>65,000</b>	<b>65,000</b>	<b>1,213,675</b>

**RESOLUTION 20-13  
TO ADOPT AND APPROVE THE  
SEWER SYSTEM CAPITAL IMPROVEMENT PLAN**

WHEREAS, the Town of Maggie Valley has developed a sewer system in and around the Town of Maggie Valley; and

WHEREAS, said municipal sewer system is operated and maintained by the Town of Maggie Valley; and

WHEREAS, the Town of Maggie Valley recognizes the need for, and advantage of, maintaining adequate short-term and long-term planning for capital improvements for the sewer system; and

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NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Maggie Valley that the 2020 Capital Improvement Plan is hereby adopted and approved; and

BE IT FURTHER RESOLVED that the City Council authorizes staff to update the plan as new information becomes available.

Adopted this the 11th day of August, 2020.

**ALDERMAN CLAYTON DAVIS MADE A MOTION TO ACCEPT THE CAPITAL IMPROVMENTS PLAN AND RESOLUTION 20-13 AS PRESENTED TO THE BOARD. ALDERWOMAN TWINKLE PATEL SECONDED THE MOTION. THE MOTION TO ADOPT THE CAPITAL IMPROVEMENT PLAN PASSES.**

**7. Consideration of Festival Grounds Event Approvals:**

**a. Grey Eagle Events**

**b. Blow Up Your Tv**

The Grey Eagle (Bearwarters Brewery) & Blow Up Your TV would like to feature drive-in concerts at the Festival Grounds.

Manager Nathan Clark has discussed with the Town Attorney the legality of such event. The Town Attorney feels that with certain restrictions the Town can move forward with allowing this type of event.

The question arose about how they would park the cars to obtain the most people, Public Works Director Mike Mehaffey, stated they have someone that has experience in that and will guide and direct them.

Manager Nathan Clark has been in contact with the promoters. They are looking at dates after September 11, 2020.

**ALDERWOMAN TWINKLE PATEL MADE THE MOTION TO GIVE MANAGER NATHAN CLARK THE AUTHORITY TO NEGIATE WITH PROMOTERS WITH THE PURPOSE TO DO EVENTS WITH FUTURE DATES. MOTION CARRIED UNANIMOUSLY.**

**8. Consideration of Budget Amendments**

**a. Ordinance 927 – FY 19-20 Sewer Fund Encumbrance**

**b. Ordinance 928 – FY 19-20 General Fund Encumbrance**

Encumbrances are funds committed in one fiscal year but are not spent until the following fiscal year. The Budget Amendments' proper accounting documentation is to update the current year budget.

Ordinance 927 is for the sewer portion of the Capital Outlay purchase of the Arrow Board, the remaining I&I Study contract with Withers-Ravenel and the remaining portion of the software purchase.

**Ordinance 927**

**An Ordinance Amending the FY 2020/2021 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 2020/2021 is amended as follows:

**Sewer Fund – 2019/2020 Encumbrances**

	<u>Description</u>	Previous	Increase (Decrease)	Amended
Revenues	Reserve for Encumbrance 60-000-3992	\$0	\$10,665	\$10,665
Appropriations	Capital Outlay Oth Equip 60-714-4550	\$0	\$4,207	\$4,207
	Professional Services 60-714-4190	\$0	\$5,400	\$5,400
	Capital Outlay Software 60-710-4540	\$0	\$1,058	\$1,058

Adopted by the Town board of Aldermen of the Town of Maggie Valley in regular session August 11, 2020.

**ALDERWOMAN TAMMY WIGHT MADE THE MOTION TO APPROVE ORDINANCE 927. MOTION CARRIED UNANOMOUSLY.**

Ordinance 928 is for back ordered janitorial supplies there were ordered in March, the waterfall project, the arrow board, the remaining portion of the software implantation and the Powell Bill Road Project.

**Ordinance 928**

**An Ordinance Amending the FY 2020/2021 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 2020/2021 is amended as follows:

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General Fund – 2019/2020 Encumbrances

	<u>Description</u>	Previous	Increase (Decrease)	Amended
Revenues	Reserve for Encumbrance 10-000-3993	\$0	\$91,329	\$133,351
	Powell Bill Reserve 10-000-3992	\$16,858	\$42,022	\$58,880
Appropriations	Janitorial Supplies 10-420-4211	\$1,500	\$516	\$2,016
	Economic Place Making 10-411-4163	\$35,000	\$30,000	\$65,000
	Capital Outlay Equip 10-420-4550	\$10,500	\$20,000	\$30,500
	Capital Outlay Software 10-412-4520	\$0	\$40,993	\$40,993
	Capital Outlay Road Paving 10-451-4591	\$37,160	\$42,022	\$79,182

Adopted by the Town board of Aldermen of the Town of Maggie Valley in regular session August 11, 2020.

**ALDERWOMAN TWINKLE PATEL MADE THE MOTION TO APPROVE ORDINANCE 928. MOTION CARRIED UNANOMOUSLY.**

**9. Other Business**

There was no other business

**10. Department Head Reports**

**Planning Department Monthly Report to Board of Aldermen  
8/11/20**

<b>Zoning Permits</b>	<b>14</b>	
Residential	11	11 new dwelling units (1 quad and 3 duplexes and 1 3BR modular) (La Bella Vita The Meadows at Campbell Mountain Estates), 2 renovations/additions, 4 decks

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Commercial	3	Smoky Falls Lodge, Teague's RV park, MV Nursing and Rehab
<b>Zoning Compliance Letters</b>	<b>10</b>	Including 5 commercial (Smoky Falls, Mountain Retreat, Stonebridge) and 5 residential with 1 duplex

**PUBLIC WORKS AND WWTP REPORT  
 JULY 2020**

**PUBLIC WORKS**

- 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. 13.8 tons.
- Monthly Solid Waste approx. 64.4 tons.
- Monthly White Goods/Electronics 9 pick-ups.
- Picked up miscellaneous residential brush and debris. 310 brush pick-ups that totaled 28 tons 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 3 Public Works vehicles 0 Administration and 1 Police vehicles.
- Public Works placed 11 tons of asphalt to repair Town/Private roadways and pot holes. Twinbrook drive, Gibson drive, Fisher Loop, Valley Creek Drive, Rocky Top road, Linson Wood drive, Constitution drive, Spring Lakes road, Cabbage Rose lot, Wade Reece way and Henry Dingus drive.
- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Waste Water Treatment Plant.
- Completed and sent yearly Solid Waste Report to DEQ.
- Public Works has started weekly mowing, weed eating and spraying of all town properties and responsibilities. Approximately 45 acres weekly.

**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.

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- Installed/repaired 5 sewer services, cleaned and videoed approximately 250' feet of sewer line, inspected 7 sewer connections/installations, repaired/leak stopped 1 damaged manhole as we continue to work on I&I.
- Dewatered 30,000 gallons of digester sludge. Lime Stabilized 10 tons of dewatered sludge. Also, hauled 5 tons of dewatered sludge to landfill.
- Worked with business owners, homeowners, contractors and others to help resolve sewer related issues such as rain water 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 33 tickets. These were all marked in a timely manner.
- Continue monitoring Johnathan Creek and stream banks for fallen and dead trees that could impact the Town's sewer creek crossings. This is now required by NCDEQ.
- Removed fallen trees and debris from Jonathan's Creek on Moody Farm road, Elevated Park and Caldwell holler.
- Grease in the Towns sewer collection system and in the Waste Water 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 preformed 4 grease trap inspections. Of these 0 were 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.

Police Monthly Report for July, 2020

**Incident/Investigations**

- During the month of July, the Maggie Valley Police Department investigated twenty-seven incidents that resulted in twenty-nine offenses which include: Simple Assault, Theft from Building, Larceny, Property by False Pretenses, Narcotic Violations, Driving While Impaired, and Criminal Damage to Property.

**Arrests**

- Maggie Valley police officers arrested a total of ten individuals resulting in fifteen charges which include: Aggravated Assault, Driving While Impaired, Drug Violations, and Trespassing.



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**Motor Vehicle Traffic**

- Maggie Valley police officers investigated five motor vehicle accidents. Issued forty-four Uniformed Traffic Citations resulting in fifty-nine offenses. Issued thirty-seven Warning Citations. A total of 103 citations were issued, 10.0% of which were for speeding.

**Activity Logs**

- There was a total of thirty-six Officer Activity Logs for the month, which include: Alarm Activation, Civil Disturbance, Missing Person, Domestic, Suspicious persons, Welfare Check, Noise Complaint, Town Ordinance Violation, assist other Law Enforcement and First Responder Agencies, and Unlock Motor Vehicles.
- Our agencies fleet of patrol vehicles were inspected by Sergeants Ryan Flowers and Jeff Mackey for cleanliness, and maintenance needs.

**Evidence Processing**

- Evidence and Property processed forty-one items this month. Items range from Drug Paraphernalia, Marijuana, Methamphetamine, Opioids, Stolen Property, and US Currency.

**Investigations (CID)**

- CID investigated an unwitnessed death. Awaiting Toxicology report to close the case.
- A two-year investigation has indicted a male subject on Statutory Rape. He is currently being held in the state of Georgia, and awaiting extradition to North Carolina.
- An investigation uncovered a fugitive that's been wanted for the last 19 years from the state of Wyoming. He was taken into custody by Maggie Valley officers.

**K9 Program**

- Our agency now has a 14-month-old German Shepard "Goose". He will be trained as our agency's narcotics and tracking K9.
- K9 Officer Logan Wood and Goose will start training August 31, 2020. The training will span four weeks.

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On behalf of the Board the Mayor Eveland expressed his appreciation for the Police Department and their hard work over the past month.

Manger Nathan Clark reminded the Board of the waterfall kickoff meeting with Mosaic Civic Studio on Tuesday, August 25, 2020 at 10 am in the Pavilion.

There is a police officer vacancy. We are taking applications until August 18, 2020.

**11. Closed Session:**

**ALDERMAN CLAYTON DAVIS MADE A MOTION TO GO INTO CLOSED SESSSION AT 7:33 P.M. TO DISCUSS ECONOMIC DEVELOPMENT OF A BUSINESS EXPANSION AND PERSONNEL ISSUE. THE MOTION CARRIED UNANOMOUSLY.**


**ALDERMAN PHILLIP WIGHT MADE A MOTION TO COME OUT OF CLOSED SESSION AT 8:24 P.M. THE MOTION CARRIED UNANOMOUSLY.**

**12. Adjournment**

**ALDERWOMAN TAMMY WIGHT MADE A MOTION TO ADJOURN THE MEETING AT 8:24 P.M. THE MOTION CARRIED UNANOMOUSLY.**



**Mayor Mike Eveland**

  
**Shayne Wheeler, Deputy Clerk, Finance Officer**