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Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
December 8, 2020

MINUTES

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

Staff Present: Manager Nathan Clark, Attorney Brian Gulden, Detective Matt Boger, Chief Russ Gilliland, Public Works Director Mike Mehaffey, Town Planner Ron Hancock, and Town Clerk Vickie Best

Others Present: None

1) **Meeting Called to Order**

Mayor Eveland called the meeting to order at 6:31 pm on Tuesday December 8, 2020 in the Town Hall Boardroom.

2) **Pledge of Allegiance**

The Pledge of Allegiance was said by all.

3) **Consent Agenda**

- a. Minutes to be Approved: November 2 & November 10, 2020
- b. A/R Report
- c. Budget to Actual
- d. Voluntary Annexation Resolution 20-18 (Certificate of Sufficiency) "The Swag"
- e. Call for Public Hearing: Tuesday January 12, 2021
- f. Initial Property Zoning – 84 Jujon Drive
- g. Call for Public Hearing: Tuesday January 12, 2021

Manager Clark explained that 84 Jujon Drive was annexed in September 2020 and this Public Hearing will be for the initial zoning.

The Swag submitted a petition for annexation in October 2020. As stated in the petition for annexation, The Swag will receive no services. The purpose of the petition is to enable The Swag to serve alcohol at the resort.

Both Public Hearings will be held on Tuesday January 12, 2021.

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

4) **Public Comment**

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No public comments were presented.

5) **Consideration of Mid-Year (FY20-21) Employee Adjustments**

Consideration of Mid-Year (FY20-21) Employee Adjustments

- a. Employee Salary Increase
 - i. Budget Amendment Ordinances 934 & 935
- b. New Public Works Position
 - i. Budget Amendment Ordinance 936

This topic was discussed at length during the monthly work session on December 2. The justification of both these recommendations is derived from the lack of economic stability the Town's tax collections have experienced because of COVID. When the FY20-21 budget was originally created, it was purposely created to project downshifting in both sales tax revenue and property tax revenue- in fact, both numbers exceed previous years collections by monthly comparison.

Salary Raises

- 2% Merit Effective January 1, 2021 + 1% One Time Bonus
- FY20-21 Implementation Cost = \$29,968
- FY21-22 Recurring Cost = \$19,979

Public Works New Hire

- Minimum Public Works Tech I Salary: \$31,728
- Public Works Tech I Hiring Number Impact to FY20-21 Budget:
 - January 1, 2021 = \$24,338
 - March 1, 2021 = \$16,225
 - Impact to FY21-22 Budget = \$48,676

***The Budget amendment 935 has slightly different numbers because they also account for the Town Manager Contract Extension salary increase.

General Fund – Mid-Year Salary Increase

Amended	<u>Description</u>	Increase	
		Previous	(Decrease)
Revenues	Unappropriated Fund	\$77,055	\$26,051
\$103,106	Balance 10-000-3991		
Appropriations	Aldermen Salary & Wages	\$28,143	\$845
\$28,988			

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	FICA	2,153	65
2,218			
Admin Salary & Wages		249,719	13,929
263,648			
	401K	7,645	269
7,914			
	FICA	19,761	687
20,448			

ALDERMAN PATEL MADE A MOTION TO APPROVE ORDINANCE 935 FOR SALARY INCREASES. MOTION CARRIED UNANIMOUSLY.

	Retirement	26,218	776
26,994			
Public Works Salary & Wages		136,096	7,849
143,945			
	401K	4,185	235
4,420			
	FICA	10,872	600
11,472			
	Retirement	14,157	796
14,953			

*** Budget Amendment 934 addresses salaries for both Sewer Fund and the General Fund

Sewer Fund – Mid-Year Salary Increase

	Description	Increase Previous	(Decrease)
Amended			
Revenues	Sewer Capital Capacity	\$55,000	\$8,519
\$63,519			
Appropriations	Salary & Wages	\$233,968	6,971
\$240,939			
	401K	7,090	199
7,289			
	FICA	18,171	512
18,683			
	Retirement	23,951	837
24,788			

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ALDERMAN DAVIS MADE A MOTION TO APPROVE ORDINANCE 934 FOR A SALARY INCREASE FOR EMPLOYEES. MOTION CARRIED UNANIMOUSLY.

***Budget Amendment 936 address the Public works New Hire

General Fund – New Public Works Technician

Amended	Description	Increase	
		Previous	(Decrease)
Revenues \$127,444	Unappropriated Fund	\$103,106	\$24,338
	Balance 10-000-3991		
Appropriations \$159,054	Salary & Wages	\$143,945	\$15,109
	FICA	11,472	1,156
12,628			
	Retirement	14,953	1,534
16,487			
	Medical Insurance	44,005	6,539
50,544			

The Public Works Department increased a part-time employee to a full-time employee in 2004. The work and responsibilities of the department have increased tremendously. Mayor Eveland added that "Town Employees are not growing by leaps and bounds by any means".

ALDERMAN PATEL MADE A MOTION TO APPROVE THE ADDITION OF A PUBLIC WORKS EMPLOYEE AND TO ADOPT ORDINANCE 936 MAKING THE EXPENDITURES FOR THE HIRE. MOTION CARRIED UNANIMOUSLY.

6) **Consideration of Resolution 20-16: Electronic Attendance Board Meeting Policy**

This document was discussed at the last regularly scheduled meeting (November 10) and the agenda setting meeting. Item #8 received edits based upon feedback from Alderman P. Wight.

RESOLUTION NO 20-16

A RESOLUTION AMENDING THE TOWN'S POLICY RESPECTING ELECTRONIC ATTENDANCE AT TOWN BOARD OF ALDERMEN MEETINGS

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WHEREAS, the Board of Aldermen determines that the greatest reasonable participation by Board Members at Aldermen meetings is desirable, and

WHEREAS, the Board of Aldermen wishes to balance ease of Board member access to and participation in orderly proceedings, especially where there are occurrences that pose impediments to physical attendance; and

WHEREAS, the Board of Aldermen wishes to follow North Carolina General Statutes Chapter 143 Article 33C as amended from time to time and any applicable Town ordinances as amended from time to time; and

WHEREAS, the Board of Aldermen wishes to encourage individual Board members to physically attend meetings whenever practicable; and

WHEREAS, the Council recognizes that states of emergency may affect some members' ability of desirability of attending Council meetings; and

WHEREAS, in the absence of a designated physical place for holding a Board of Aldermen meeting arrangement ought to be made for public viewing of, attendance at, and participation in, a Board of Aldermen meeting,

NOW, THEREFORE, the Town Board of Aldermen does resolve as follows:

I. The Town does hereby amend as follows, its policy for attendance of Board of Aldermen meetings electronically:

1. Electronic attendance at a Board of Aldermen meeting shall not constitute any part of a quorum for any portion of such meeting- except as detailed in paragraph (13) below

2. Either the Mayor or Mayor Pro Tem must be physically present at the place of the meeting- except as detailed in paragraph (13) below.

3. A Board of Aldermen member wishing to attend a meeting via electronic means shall notify the Mayor and the Town Manager no later than 48 hours before the scheduled start of the Town Board of Aldermen meeting.

4. A Board of Aldermen member participating in a meeting electronically may do so by any method of communication that allows for simultaneous communication and is capable of being heard specifically by all other Aldermen members attending the meeting (whether in person or electronically) and generally by the public attending the meeting, if any, and recorded by the Clerk.

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5. A Board of Aldermen member participating in a meeting electronically pursuant to this Policy is not required to do so in a setting that is open to the public.
6. The Town Manager is delegated to supervise and coordinate electronic participation by Town Board of Aldermen members pursuant to this Policy.
7. A Board of Aldermen member participating via electronic means pursuant to this Policy is considered present at the Board of Aldermen meeting and may vote at the Board of Aldermen meeting on any matter except as otherwise provided herein.
8. A Board of Aldermen member participating via electronic means may cast the deciding vote on any matter properly before the Town Board of Aldermen except as otherwise provided herein.
9. Where at least one Board of Aldermen member is participating via electronic means pursuant to this Policy, all votes of the Town Board of Aldermen will be taken by roll call.
10. This Policy does not create a right for the public to observe and record any closed session of the Town Board of Aldermen conducted pursuant to law.
11. Participation in the hearing, deliberation and decision of any quasi-judicial matter is not permitted under this policy. If a single agenda item contains both quasi-judicial and non-quasi-judicial components, participation in the hearing, deliberation, and decision of any part of such agenda item is not permitted by this policy.
12. Participation in a closed session is not permitted under this policy.
13.
 - (a) In the event of a duly authorized governmental declaration of emergency of a jurisdiction including the Town of Maggie Valley, the requirements of paragraphs (1) and (2) above shall not apply. In such case, the person presiding shall note at the meeting the particulars (issuer, date, and general description) of the declaration(s) relied upon and shall state why such declaration(s) applies to current conditions in the Board of Aldermen, but failure to do these things shall not affect the application of paragraphs (1) and (2).
 - (b) In the event that, for any reason, no physical location is established for any Board of Aldermen meeting, the Town Manager shall establish one or more locations where the public may electronically view, attend, and participate in

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such meeting, to the greatest extent practicable approximating viewing, attendance, and participation in a physical meeting. Notice of such location(s) and how one may attend shall be sent as part of any notice required by NCGS § 143-318.12 as amended from time to time.

Because of current events, this policy may or may not be utilized again.

Technology has allowed the Town to be more adaptive to the times. Council and their remarkably busy lives deserve a vacation while still being able to attend meetings.

ALDERMAN T. WIGHT MADE A MOTION TO APPROVE RESOLUTION NUMBER 20-16. MOTION CARRIED UNANIMOUSLY.

7) **Other Business**

There was no other business.

8) **Department Head Reports**

a. Ron Hancock, Town Planner

Zoning Permits	8	
Residential	4	1 - 3BR SF residence (Appalachian Village), solar panels, deck, carport (Crocketts Meadow)
Commercial	4	Stonebridge RV Park, Bearwaters roof, CRBC pavilion, Teague's Campground
Zoning Compliance Letters	2	Including 1 residential manufactured home (Martinez) and 1 accessory dwelling unit (Planchock)
FDPO	1	Photovoltaic equipment on Moody Farm Road

Planner Hancock informed Council that Zoning Permits are being tracked through the new system (Cashiering) and the fees collected thus far are above collections for last year.

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On December 17, the Zoning Board of Adjustments will hear two requests for variances: High Country Furniture variance for roof pitch on new warehouse and storage units on Moody Farm Road.

b. Russ Gilliland, Chief of Police

Incident/Investigations

During this reporting month, the Maggie Valley Police Department (MVPD) investigated fifty-four incidents that resulted in sixty-six offenses which include: Simple Assault, Breaking and Entering, Theft from Building, Stolen Property, Driving While Impaired, Larceny, Narcotic Violations, Trespassing and Criminal Damage to Property.

Arrests

Maggie Valley police officers arrested a total of forty-two individuals resulting in fifty-seven charges which include: Aggravated Assault, Criminal Damage to Property, Narcotic Violations, Disorderly Conduct, Driving While Impaired, and Trespassing.

Motor Vehicle Traffic

Maggie Valley police officers investigated zero motor vehicle accidents for the reporting period. Issued ninety-five Uniformed Traffic Citations resulting in one hundred twenty-five offenses. Issued one hundred forty-five Warning Citations. A total of 240 citations were issued, 26.0% (64) of which were for speeding.

Activity Logs

There was a total of sixty-five Officer Activity Logs for the month which include: Assist Highway Patrol and Sheriff's Office, Suspicious Persons and Vehicles, Welfare Check, Business Checks, School Security, Trespassing, Noise Complaint, and Domestic Situations.

Evidence Processing

Evidence and Property processed sixteen evidence items this month. Evidence range from Drug Paraphernalia, Methamphetamine, Marijuana, Opioids, and Cell Phones.

Evidence Technicians released twelve evidence items to the Western Regional NC SBI Lab for testing.

Investigations (CID)

CID investigated a larceny case at Citgo. Suspect in the case have been identified, and charges are pending.

This month MVPD responded to several trespassing calls located at Ghost Town. Suspects were issued trespassing citations.

CID is investigating an ongoing suspicious death case.

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CID investigated a self-inflicted gunshot wound at the Haywood Regional Medical Center. The gunshot was determined accidental.

K9 Program

K9 Goose is currently Narcotics certified through the United States Police Canine Association (USPCA).

Community Interactions

Maggie Valley Officers patrolled through our residential neighborhoods 470 times during the month.

Maggie Valley Officers conducted twelve visitations with our local business leaders.

The Maggie Valley Police Department would like to thank the employees of Teague's Superette who assisted in providing food and beverages for a homeless family. Also, would like to thank Scottish Inn for assisting in lodging accommodations for the same family.

Events, Schools, and Meetings

In person Officer training schools have been postponed until further notice due to Covid-19 restrictions.

Maggie Valley Officers were assigned extra patrol duty for two events held at the Maggie Valley Festival grounds.

c. Mike Mehaffey, Public Works

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. 11.8 tons.
- Monthly Solid Waste approx. 44.6 tons.
- Monthly White Goods/Electronics 6 pick-ups.
- Picked up miscellaneous residential brush and debris. 275 brush pick-ups that totaled 21 tons of brush.
- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners and Winter Banners.
- Perform ditch, culvert, shoulder, and road maintenance along streets, both private and Town streets.
- Service and/or repaired 4 Public Works vehicles 2 Administration and 6 Police vehicles.
- Public Works installed and energized all winter woods. 91 pole mounted displays, 6 ground displays and building lighting at Town Hall, Pavilion,

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Police Department and HCTDA. All of the lighting was energized on November 18th.

- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Wastewater Treatment Plant.
- Public Works picked up all the Fall Days decorations and disposed of them.
- Fire extinguisher servicing and inspections were done for all town vehicles and buildings.
- Public Works put snowplows and salt spreaders in service.
- Hauled 4 loads of salt from NCDOT and mixed with chat in preparation for WINTER.

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.
- Installed/repaired 3 sewer services, cleaned and videoed approximately 2300' feet of sewer line, inspected 8 sewer connections/installations, repaired/leak stopped 0 damaged manhole as we continue to work on I&I.
- 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 requests for 42 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.
- Removed fallen trees and debris from Jonathan Creek on Moody Farm Road, Parham Park and Stonebridge Campground. Also, debris on Campbell Creek at Johnson Branch bridge and water intake.
- Grease in the Towns sewer collection system and in the Wastewater Treatment Plant is an ongoing and time-consuming problem. Regular

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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 2 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.

- We completed our Collection System Inspection for 2020/2021 with DENR on November 24th. All went well and all required inspection parameters were met.

d. Nathan Clark, Town Manager

☞ Carpool Cinema ticket reserves are going well. Over ninety (90) spots have already been reserved.

☞ Mayor Eveland and Manager Clark will be meeting with other elected officials and managers to discuss important issues facing Haywood County with local legislators.

☞ At this time two new applications for nomination have been received. David Lybrand desires to move from the Zoning Board of Adjustments to the Planning Board. Clerk Best could not find Mr. Lybrand's original application.

All applicants will be interviewed at the January Agenda Setting/Monthly Workshop or before the January Regularly Scheduled Board of Aldermen Meeting.

☞ Town Hall will close at noon on December 23 and will be closed for the Holidays on December 24 and 25.

9) **Closed Session**

ON MOTION OF ALDERMEN DAVIS, WITH ALL IN FAVOR, COUNCIL ENTERED CLOSED SESSION AT 7:01 PM.

- a. § 143-318.11 (a)(3) Attorney Client Consultation
- b. § 143-318.11 (a)(4) Real Estate Acquisition: 3399 Soco Road (PIN 7686-47-7408)
- c. § 143-318.11 (a)(4) Real Estate Acquisition: Land Donation Consideration

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**ON MOTION OF ALDERMEN T. WIGHT, WITH ALL IN FAVOR, COUNCIL
CAME OUT OF CLOSED SESSION AT 8:09 PM.**

10) **Adjournment**

**ON MOTION OF ALDERMEN T. WIGHT, WITH ALL IN FAVOR THE
MEETING WAS ADJOURNED AT 8:10 PM.**



Mayor Mike Eveland



Vickie Best, CMC, NCCMC, Town Clerk

