



# *Town of Maggie Valley*

Phone 828-926-0866/Fax 926-3576

3987 Soco Road Maggie Valley, NC 28751

## AGENDA

Board of Aldermen  
Regularly Scheduled Meeting  
Town Hall Board Room  
Maggie Valley Town Hall  
Tuesday February 9, 2021  
6:30 PM

- 1) Meeting Called to Order
- 2) Pledge of Allegiance
- 3) Consent Agenda
  - a. Minutes to be Approved: January 5 & January 12, 2021
  - b. Approval of Closed Session Minutes 2020
  - c. A/R Report
  - d. Budget to Actual
  - e. Tax Releases
  - f. Notification of unpaid FY20-21 property taxes NCGS 105-369(a)
  - g. Direct Clerk To Check for Voluntary Annexation Sufficiency
    - i. PIN 8608-58-9174 (3817 Jonathan Creek Road)
    - ii. PIN 8607-05-4724 (300 Jaynes Cove Road)
  - h. Call for Public Hearing Initial Parcel Zoning: "The Swag" PIN 7688-38-0833
    - i. Tuesday March 9, 2021 at 6:30PM
- 4) Public Comment
- 5) Consideration of Purchase: Fire Boxes & File Cabinets
- 6) Consideration of Contract Approval: Fireworks Contract Zambelli July 4, 2021
- 7) Consideration of Audit Contract Approval: Martin Starnes & Associates
- 8) Consideration of Contract Approval: Maggie Valley Sewer Rate & CIP Study
- 9) Consideration of Contract Approval: Twinbrook/Spring Lake Road Repair
- 10) Consideration of Approval: Festival Grounds Gate Addition
- 11) Consideration of Approval: FG Rules & Procedure Revision – Noise Standards
- 12) Consideration of FG Event Approval:
  - a. Smoky Mountain Jam October 9, 2021
- 13) Other Business
- 14) Department Head Reports
- 15) Adjournment

1  
Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 9, 2021  
MINUTES

Members Present: Mayor Mike Eveland, Aldermen: Twinkle Patel, Tammy Wight, Clayton Davis, and Phillip Wight  
Staff Present: Manager Nathan Clark, Attorney Craig Justus via phone, Public Works Director Mike Mehaffey, Chief Russ Gilliland, Town Planner Ron Hancock, and Town Clerk Vickie Best  
Others Present: Jeff Lee

**Meeting Called to Order**

Mayor Eveland called the meeting to order at 6:31pm on Tuesday February 9, 2021 in the Town Hall Boardroom.

Before beginning the meeting Mayor Eveland informed Council that Attorney Justus has approved some of the Closed Session Minutes to be released (February 11, 2020, July 14, 2020, and August 11, 2020) from 2020. The Closed Session minutes of August 6, November 10, and December 8, 2020 will remain closed due to the possibility of frustrating the purpose of the Closed Session.

Also, the notification of unpaid FY 20-21 property taxes NCGS 105-369(a) has been added to the Consent Agenda. A final notice will go out in March and the unpaid tax list will be advertised in April in the Mountaineer Newspaper.

**Consent Agenda**

- a. Minutes to be Approved: January 5 & January 12, 2021
- b. Approval of Closed Session Minutes 2020
- c. A/R Report
- d. Budget to Actual
- e. Tax Releases
- f. Notification of unpaid FY20-21 property taxes NCGS 105-369(a)
- g. Direct Clerk to Check for Voluntary Annexation Sufficiency
  - i. PIN 8608-58-9174 (3817 Jonathan Creek Road (now 22 Lester Ln.)
  - ii. PIN 8607-05-4724 (300 Jaynes Cove Road)
- h. Call for Public Hearing Initial Parcel Zoning: "The Swag" PIN 7688-38-0833 on Tuesday March 9, 2021 at 6:30PM

♦Manager Clark's the recommendation is to not annex 3817 Jonathan Creek Road (Now 22 Lester Lane) due to the property being out of Maggie Valley's Service Area. The recommendation is to annex 300 Jaynes Cove Road due to the parcel being located just before the entrance to the Brannon Forest Subdivision, which is serviced by the town. Both parcels need and will receive municipal sewer.

2  
Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 9, 2021  
MINUTES

The annexation process must be continued until the Public Hearing. Directing the Clerk to check for the sufficiency is part of the process.

♦The Planning Board has officially recommended Commercial 1 Zoning for The Swag: the same as Cataloochee Ranch and Ski Area.

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

**Public Comment**

No public comments were presented.

**Consideration of Purchase: Fire Boxes & File Cabinets**

NCGS 132-7 requires the custodians of public records to keep them in fireproof safes, vaults, or rooms fitted with noncombustible materials in such arrangement as to be easily accessible for convenient use.

The Clerk and Finance Director are out of space to store documents. Staff will be turning the windowless office in the Planning Suite into a file room. In the 20/21 Budget \$20,000 was set aside for this purpose. FSI Office has provided a quote for \$18,189.89 through State Contract.

Article 143.48 requires Local Governments to verify who they are purchasing from. Companies such as Walmart or Amazon field their merchandise through other companies/manufacturers. Those companies must be vetted as not to support a company/manufacture that, as an example, supports terrorists. FSI Office also installs the cabinets/fire boxes (level, attached-secure to wall, etc.).

The fire boxes weigh more than 800 pounds each.

Manager Clark reported that FSI Office has been contacted to see if they would meet or beat Walmart's price.

**ALDERMAN PATEL MADE A MOTION TO APPROVE THE PURCHASES OF FIRE BOXES AND FILE CABINETS FOR A PRICE UP TO \$18,189.89. MOTION CARRIED UNANIMOUSLY.**

**Consideration of Contract Approval: Fireworks Contract Zambelli July 4, 2021**

The cost is \$15,000. There has not been a price increase in several years. Zambelli has provided the town with 4<sup>th</sup> of July Fireworks since 2013. Funding of the Fireworks is spread over two fiscal years. Deposit (50%) is due in FY20-21 and the remaining 50% will come from the 21/22 budget.

3  
Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 9, 2021  
MINUTES

Typically, TDA 1% funds have been used to offset this expense by half. After speaking with TDA representatives, there is a good possibility “firework” will no longer be an eligible project for funding- staff plans on applying for these funds regardless.

**ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE FIREWORKS CONTRACT. MOTION CARRIED UNANIMOUSLY.**

**Consideration of Audit Contract Approval: Martin Starnes & Associates**

This is the 2<sup>nd</sup> year of Maggie Valley’s 5-year contract with Martin Starnes & Associates, the Town’s long-time auditor.

This year’s audit contract is for \$28,850.

The year by review of the audit contract terms:

<u>FY21</u>	<u>\$28,850</u>
FY22	\$29,725
FY23	\$29,725
FY24	\$30,620
FY25	\$30,620

**ALDERMAN PATEL MADE A MOTION TO APPROVE THE CONTRACT AS PRESENTED. MOTION CARRIED UNANIMOUSLY.**

**Consideration of Contract Approval: Maggie Valley Sewer Rate and CIP Study**

This is an unbudgeted expense within the Town’s Sewer Fund and will be funded using “retained earnings” The cost of the study is \$22,000.

During the FY20-21 Budget, Council discussed the extreme need for a sewer rate increase as a method to fund needed maintenance and improvements to the wastewater collection system and wastewater treatment plant.

This study will provide the town a better understanding of what the system’s needs are and how to set sewer rates that will allow these needs to be met in a way that will be financially sensitive to Maggie Valley’s customers.

**ALDERMAN DAVIS MADE A MOTION TO APPROVE THE SEWER RATE STUDY. MOTION CARRIED UNANIMOUSLY.**

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 9, 2021  
MINUTES

**Consideration of Contract Approval: Twinbrook/Spring Lake Road Repair**

As a result of heavy rain event in January 2021, the intersection of Twinbrook Lane and Spring Lake Road suffered creek-side slope damage along Spring Lake Road. The damage needs to be addressed quickly and will be considered an emergency repair by federal and state regulators.

Spring Lake Road is a Town maintained/Powell Bill Road.

Both the engineering/design and construction for the project is unbudgeted and will be paid out of the General Fund.

Staff has asked the engineering firm to sharpen their pencil on the scope of work and pricing, especially as it relates to the hydrology study. The original quote was \$21,000. After further discussions, ECS Southeast, LLP and WithersRavenel came to a price of \$16,400 for the engineering plan and assistance in bidding out the work. Gabion baskets will play a big part in the restoration. The trees/bushes will be cut back off the creekbank, and riprap will be used to protect and prevent further erosion.

Alderman P. Wight questioned the result if the area were to wash out again. "What is their liability?"

There is no design warranty. Attorney Justus added that the responsibility would be assigned to the contractors. There is a three-year statute of limitation.

**ALDERMAN P. WIGHT MADE A MOTION TO APPROVE THE CONTRACT WITH ECS SOUTHEAST AND WITHERSRAVENEL. MOTION CARRIED UNANIMOUSLY.**

**Consideration of Approval: Festival Grounds Gate**

The proposal is from Asheville Fence to install (1) 20ft gate along the western side of the Festival Grounds for \$3,374.

This serves two benefits; it continues to help the FG elevated its official capacity/fire rating and it also helps with event ingress/egress.

This is an unfunded FG improvement so the funds will come from the General Fund.

**ALDERMAN DAVIS MADE A MOTION TO APPROVE THE INSTALLATION OF A GATE AT THE FESTIVAL GROUNDS. MOTION CARRIED UNANIMOUSLY.**

**Consideration of Approval: Festival Grounds Rules & Procedure Revision-Noise**

Currently the Maggie Valley Festival Grounds Rules & Procedures addresses noise in Section 4 General Standards. It reads: All amplified music must end by 11:00p.m. Promoters shall agree to cooperate with the Police Department in enforcing this provision. Failure of the promoter to be present or to assist police in complying with this provision will be cause to close the event.

Historically, MVFG was used Thursday-Sunday afternoon. However, in 2020 the Festival Grounds hosted drive-in concerts on rare midweek nights.

To better serve adjacent residents, as well as still promote live music at the FG; a recommendation for Council's consideration is:

- All amplified music must end by 10:00p.m (Sunday-Thursday) and 11:00 p.m. (Friday-Saturday). Promoters shall agree to cooperate with the Police Department in enforcing this provision. Failure of the promoter to be present or to assist police in complying with this provision will be cause to close the event.

**ALDERMAN PATEL MADE A MOTION TO APPROVE THE NOISE ORDINANCE REVISION. MOTION CARRIED UNANIMOUSLY.**

**Consideration of FG Event Approval:**

a. Smoky Mountain Jam-October 9, 2021

Becky Ramey, promoter of Hillbilly Jam said that she would like to have a backup date in October if the restrictions continue due to Covid-19.

Approving this event will only leave October 30, 2021 open.

COVID restrictions may force early spring events like Mini Trucks to find a backup date.

August is completely open – every weekend is available.

Council wants new and diverse events, and the Smoky Mountain Jam is a charity concert for Cancer, but loyalty to the two largest events in Maggie Valley is a viable reason to leave the October dates open, as was the case in 2020.

6  
Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 9, 2021  
MINUTES

**ALDERMAN DAVIS MADE A MOTION TO OFFER AN AUGUST DATE TO THE PROMOTER OF SMOKY MOUNTAIN JAM FOR \$250 PER DAY. MOTION CARRIED UNANIMOUSLY.**

**Other Business**

Haywood Waterways has requested a donation for their annual Polar Plunge. The Town and Haywood Waterways has always had a good working relationship. There is \$3,000 left in the Donation line-item. The range of donations to Haywood Waterways in the past has been \$250 to \$750.

Due to the pandemic, plungers will not be gathering; instead, the plungers will be scheduled a time to jump and people will be able to watch via a webcam.

**ALDERMAN T. WIGHT MADE A MOTION TO DONATE \$750 TO HAYWOOD WATERWAYS. MOTION CARRIED UNANIMOUSLY.**

Council discussed the passing of Dale Walksler and the world renown Motorcycle Museum he brought to Maggie Valley. In lieu of flowers, the obituary stated to make donations to the Wheels Through Time Museum.

Council discussed sending flowers, or a fruit tray, or a meal for the employees, and a donation.

**ALDERMAN P. WIGHT MADE A MOTION TO SPEND UP TO \$750. MOTION CARRIED UNANIMOUSLY.**

**Department Head Reports**

**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. 40.1 tons.
- Monthly White Goods/Electronics 7 pick-ups.
- Picked up miscellaneous residential brush and debris. 105 brush pick-ups that totaled 5 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.

Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 9, 2021  
MINUTES

- Service and/or repaired 5 Public Works vehicles 0 Administration and 2 Police vehicles.
- Public Works continues to maintain/repair 91 pole mounted displays, 6 ground displays and building lighting at Town Hall, Pavilion, Police Department and TDA.
- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Wastewater Treatment Plant.
- Public Works removed several dangerous trees from areas in Brannon Forest as requested by the HOA.
- Completed yearly building and electric safety inspections.
- Public Works had 6 days in January of snow and ice removal.
- Hauled 5 loads of salt from DOT and mixed with chat in preparation for inclement weather.
- Public Works continues cutting back grass and debris off sidewalks. This will continue thru the winter and early spring.

#### 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 16 sewer services, cleaned and videoed approximately 200' feet of sewer line, inspected 2 sewer connections/installations repaired/leak as we continue to work on I&I.
- Dewatered 38,000 gallons of digester sludge. Lime Stabilized 0 tons of dewatered sludge.
- 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 26 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.

8  
Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 9, 2021  
MINUTES

- Removed fallen trees and debris from Jonathan Creek on Moody Farm Road, Stonebridge Campground, Maggie Valley Country Club and Campbell Creek.
- 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 20 grease trap inspections. Of these, 7 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.
- Completed and presented to NCDEQ the 2020 System Performance Report for WWTP and CS. This report is available at town hall. The Report is on the web site and a link to the report is printed on all water/sewer bills.

PLANNING

<b>Zoning Permits</b>	<b>5</b>	
Residential	4	Accessory Dwelling Unit (Mt. Retreat - ETJ), 2BR SF (Raven Ridge), 3BR SF (Breezy Creek), 3 BR Manufactured Home (Heggie Ln - ETJ).
Commercial	1	Stonebridge RV Park: Park Model RV
<b>Zoning Compliance Letters</b>	<b>1</b>	Brannon Forest – Security gate

Planner Hancock provided a list of properties that have changed ownership.

Ferguson Home place on Ferguson Lane

Chris Chagnon purchased the property the corner of Hemlock Loop and Soco Road that was a carving place.

429 Soco Road sold

9  
Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 9, 2021  
MINUTES

The Planning Board will be acting on the Terri Lynn Crider PUD Final Plat on Thursday February 11.

The Zoning Board of Adjustment will be looking at a Special Exception request for an impound lot behind the PK Garage parcel.

#### POLICE DEPARTMENT

##### Incident/Investigations

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

##### Arrests

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

##### Motor Vehicle Traffic

- Maggie Valley police officers investigated four motor vehicle accidents for the reporting period. Issued seventy-three Uniformed Traffic Citations resulting in one hundred four offenses. Issued one hundred six Warning Citations. A total of 179 citations were issued, 14.5% (26) of which were for speeding.

##### Activity Logs

- There was a total of twenty-nine Officer Activity Logs for the month which include: Alarm Activations, Assist Sheriff's Office, Assist Motorist, Suspicious Persons and Vehicles, Unlock Vehicles, Harassing Phone Calls, Welfare Check, School Security, Trespassing, Noise Complaint, and Domestic Situations.
- Officer Bellows successfully reunited a runaway juvenile with their parents.
- Sgt. Jeff Mackey worked quickly to save the life of a person who experienced a drug overdose. Sgt. Mackey administered NARCAN and the person recovered.
- Our agencies fleet of patrol vehicles were inspected by Sergeants Ryan Flowers and Sgt. Jeff Mackey for cleanliness and maintenance needs.

10  
Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 9, 2021  
MINUTES

#### Evidence Processing

- Evidence and Property (E/P) processed thirty-two evidence items this month. Evidence ranges from Drug Paraphernalia, Marijuana, Opioids, Handguns, Cell Phones, Items from Armed Robbery, and Blood test kit.
- E/P Technicians released five evidence items to the Western Regional NC SBI Lab for testing.

#### Investigations (CID)

- CID is currently investigating an armed robbery case. One suspect has been identified, and warrants have been issued. This case has reached into Tennessee, Georgia, and Federal law enforcement jurisdictions.
- CID is investigating a felony larceny case from a local business. The suspect was identified, arrested, and charged with larceny. More criminal charges are expected.
- Officers have responded to trespassing calls related to Ghost Town properties. Several suspects were arrested for trespassing.

#### K9 Program

- K9 Officer Logan Wood and K9 Goose located narcotics during a traffic stop. The seizure of narcotics led to the arrest of two suspects.
- K9 Officer Wood deployed K9 Goose on seven additional incidents.
- K9 Officer Wood focused on obedience training with K9 Goose during the month.

#### Community Interactions

- Maggie Valley Officers patrolled through our residential neighborhoods 297 times during the month.
- Maggie Valley Officers are providing off duty police security at the Cataloochee Ski lodge during their ski season.

#### Events, Schools, and Meetings

- In person Officer training schools have been postponed until further notice due to Covid-19 restrictions.
- Squad Sergeants completed an inventory of all departmental equipment issued to each police officer.


11  
Town of Maggie Valley  
Regularly Scheduled Board of Aldermen Meeting  
February 9, 2021  
MINUTES

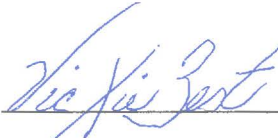
Manager's Report

- ▶ 93% of the total levy has been collected.
- ▶ Council received an update from Chairman Joe Moody about the ABC Stores financial standing.
- ▶ The first monthly E-Newsletter went out this month.
- ▶ The new program Constant Contact is now being used for the Sunshine List. The presentation is much better.
- ▶ The waterfall survey is now live on the Town's Website. The survey will end March 1, 2021 and then Council will be provided an update on preliminary findings.
- ▶ The search for the Police Department and Public Works positions will end February 22, 2021.
- ▶ Manager Clark reminded Council that March 2, 2021 will be the first Visioning and Goals Workshop. Council will spend most of the day in session and the Town will provide meals.

**ON MOTION OF ALDERMAN T. WIGHT WITH ALL IN-FAVOR, COUNCIL ENTER CLOSED SESSION AT 7:26PM UNDER G.S. 143-318.11(5) POSSIBLE PURCHASE OF LAND.**

**ON MOTION OF ALDERMAN PATEL, WITH ALL IN-FAVOR, THE MEETING ADJOURNED AT 7:54PM.**

  
\_\_\_\_\_  
Mayor Mike Eveland

  
\_\_\_\_\_  
Vickie Best, Town Clerk, CMC

