

Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
June 2, 2020
MINUTES

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

Members Absent: Alderman Phillip Wight

Staff Present: Manager Nathan Clark, Planner Ron Hancock, Public Works Director Mike Mehaffey, Finance Director Shayne Wheeler, Police Chief Russ Gilliland, and Town Clerk Vickie Best

Others Present: Reporter Kyle Perrotti with the Mountaineer

1) **Meeting Called to Order**

Mayor Eveland called the meeting to order at 9:31 am on Tuesday June 2, 2020 in the Pavilion (adjacent to Town Hall).

2) **Consent Agenda**

- a. Minutes to be approved: May 5 & May 12, 2020
- b. A/R Report
- c. Tax Releases
- d. Budget to Actual
- e. Resolution 20-11: Officer Tim Henson Retirement/Surplus Weapon & Badge
- f. Certificate of Sufficiency- Public Hearing Date Annexation: July 14, 2020 6:30PM
- i. Planchock: Resolution 20-8 (9 Golf View Drive PIN 7697-80-0490)
- ii. Collins/Clifford: Resolution 20-9 (427 Country Club Dr PIN 7696-49-2847)
- iii. Kyle: Resolution 20-10 (28 Julia Dr PIN 8607-71-8007)

Three (3) annexation hearings will be held at the July 14th Regularly Scheduled Board of Aldermen Meeting for Collins/Clifford, Kyle, and Planchock; all in need of municipal sewer.

As customary, when a Police Officer retires, their weapon and badge are declared surplus and those items are given to the officer.

3) **Public Comment**

4) **Town of Maggie Valley Proposed FY20-21 Budget**

- a. Public Hearing
- b. Consideration of Adoption of FY20-21 Budget: Ordinance 921

Oral and written comments will be accepted. The budget hearing has been advertised and the proposed budget has been placed on the Town's website and went out twice on the Sunshine List.

2
Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
June 2, 2020
MINUTES

5) **Consideration of Contract Approvals**

a. Town Attorney: Craig Justus, Van Winkle Law Firm

The contract for Attorney Justus did not increase. The cost is \$21,600 (\$1800 per month).

b. Solid Waste Contract: Consolidate Waste Service (CWS)

Over the past nine (9) years of service CWS has increased their fees \$1.26 per household. This year, through negotiations, the Town received a favorable surcharge. For 2020-2021 the cost per household will be \$9.74.

2021-2022= \$9.93 2022-2023=\$9.93 2023-2024= \$10.21 2024-2025= \$10.48

Below is the fuel surcharge for residential waste and recycle removal services throughout the Town.

Fuel Rate	Percentage increase
\$3.10 - \$3.35	4.5%
\$3.35 - \$3.54	6.5%
\$3.55 - \$3.65	7.5%
\$3.65 - \$3.74	8.0%
\$3.75 - \$3.84	9.5%
\$3.85 - \$3.94	10.5%
\$3.95 - \$4.00	12.5%
\$4.01 - \$4.25	14.5%
\$4.26 - \$4.35	15.5%
\$4.36 - \$4.55	17.9%

c. Town Auditor Contract: Martin Starnes & Associates

The annual audit with will cost: 2021/\$28,850 2022/\$29,725 2023/\$29,725 2024/\$30,620
2025/\$30,620

Finance Director Wheeler works with Martin Starnes & Associates throughout the entire year, not just at audit time. The 2021 rate has been discounted compared to the 2020 rate.

d. Copier Contract: Advanced Business Equipment

A copy of the Copier Contract will be included in the Agenda Packet for the June 9, 2020 Meeting. Both Administration and the Police Department have three (3) year contracts for their copiers. There are few printers in individual offices. The cost will be lower than in the previous three (3) year contract.

3
Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
June 2, 2020
MINUTES

6) **Consideration of Approval: Maggie Valley Waterfall Engineering/Design Contract**

There are seven (7) firms that have shown interest in the waterfall project. Manager Clark hiked (up to the viewing deck) the waterfall with four (4) of the interested firms in the past week. The design/engineering costs and estimates of fixing the waterfalls are due by 5 pm on Friday June 5. Council will then select a firm and the designated firm will come before Council to get a feel for what Council wants/expects the waterfall to become. There is a lot of debris/fallen trees that will need to be removed from the falls. All the documentation will be in the Aldermen's agenda on Friday.

7) **Consideration of Resolution 20-12: Southwestern NC Home Consortium**

The Southwestern NC HOME Consortium will be a commission of Mayors and County Chairmen in the Southwestern Region. Haywood County has agreed to be the lead entity to determine goals and objectives for the \$600,000 through the Affordable Housing Act.

8) **Consideration of Event Approval: Blow Up Your TV Event October 9-10, 2021**

Due to the pandemic, "Blow up Your TV" event will not be held in 2020. The promoters thought it unwise to have people camping while attending an outdoor two-day concert for now. The October date requested is available in 2021. The regulations placed on this first-time outdoor camping event will be included in Council's packets from the 2020 approval.

9) **Consideration of Budgets Amendments**

a. Maggie Valley "Reopening" Marketing/Advertising Campaign

The Budget Amendment is for the \$15,000 that Council voted on May 12, 2020: Excerpt

ALDERMAN T. WIGHT MADE A MOTION TO ALLOCATE \$15,000 FROM THE FUND BALANCE FOR SOCIAL MEDIA, FACEBOOK, INSTAGRAM, AND GOOGLE ADS. MOTION CARRIED UNANIMOUSLY.

Council prefers these funds are taken out of Fund Balance.

10) Other Business

11) Department Head Reports

12) Adjournment

As requested by Alderman Patel, Council began discussing Food Trucks. As the ordinance is currently written, Food Trucks are not allowed in Maggie Valley, other than on the Festival Grounds during events. Mayor Eveland felt Administration was not holding people accountable that do use food trucks. The Mayor stated that there is a place that has food trucks every weekend.

The **proposed** wording for the Unified Development Ordinance.

INCLUDE IN ZONING ORDINANCE – DRAFT VERSION

MOBILE FOOD VENDING, FOOD STANDS and MOBILE FOOD UNITS

4
Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
June 2, 2020
MINUTES

DEFINITIONS

Commissary: A food establishment that services a mobile food unit.

Food establishment: An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location and where consumption is on or off the premises.

Food stand: A food establishment that prepares or serves food and that does not provide seating facilities for customers to use while eating or drinking.

Food truck: A readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, designed, and equipped to serve food.

Mobile food unit: A food establishment or pushcart designed to be readily moved and vend food.

Mobile food vending: The act of selling food from a mobile food unit.

Mobile food vendor: A person or persons who prepare or serve food and/or beverages for sale to the public on a recurring basis from a mobile food unit.

Pushcart: A mobile piece of equipment or vehicle used to vend food.

Temporary food establishment: a food establishment that operates for a period not to exceed 21 days in one location, affiliated with and endorsed by a transitory fair, carnival, circus, festival, or public exhibition.

I. PERMITTING

A. Prior to operation within the Town of Maggie Valley and its extraterritorial jurisdiction, all mobile food vendors must obtain a mobile food vending permit issued by the Town. A mobile food vending permit does not include permission for peddling or soliciting.

B. A mobile food vending permit fee, as determined by the Board of Aldermen, will be assessed annually to cover the costs associated with the regulation of mobile food vending.

C. All mobile food vendors shall maintain proper insurance. Proof of insurance shall be provided prior to the issuance of any mobile food vending permit.

D. The mobile food vending permit issued by the Town shall be placed in a conspicuous location on the mobile food unit for public inspection.

E. Prior to issuance of a mobile food vending permit, mobile food vendors shall provide documentation of approval from the North Carolina Department of Health and the Haywood County Environmental Health Department, or equivalent, as approved by Haywood County. Valid health permits must be maintained for the duration of the mobile food vending permit and shall be placed in a conspicuous location for public inspection.

Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
June 2, 2020
MINUTES

F. A mobile food vending permit may be denied, suspended, or revoked for fraud or misrepresentation in the permit application, or for conduct and business practices which constitute a danger to public health, safety, and welfare.

G. Whenever a mobile food unit is operated in more than one location, a mobile food vending permit shall be required for each separate location.

H. Mobile food vending and mobile food units, including temporary food establishments, associated with special events sanctioned by the Town of Maggie Valley, non-profit fundraisers, charitable events, or catering functions performed solely where food is not sold to the general public, are exempt from these requirements.

I. The Town of Maggie Valley reserves the right to temporarily suspend mobile food vending permits during times of special events.

J. All associated property owner approvals, Town inspections, and all permits required by this ordinance, the building code, Fire Marshal, or County Health Department must be received prior to the issuance of any mobile vending permit.

K. Mobile food vending permits are valid for one year from the date of issuance.

II. LOCATION REQUIREMENTS

A. No permit shall authorize a mobile food vendor to operate on, or from, a public street or sidewalk.

B. Mobile food vendors may only conduct business on privately owned non-residential property in commercial zoning districts.

C. Subject to the approval of the property owner, a mobile food unit may be located on a vacant lot or co-located on a lot with another principal use. For each location where they operate, mobile food vendors shall have the signed approval (on a form provided by the Town of Maggie Valley) of the property owner's permission to operate on the site.

D. No mobile food unit shall be located closer than 50 feet from any dwelling unit.

E. No mobile food unit shall be located closer than 100 feet from the customer entrance of any pre-existing restaurant during that restaurant's business hours, unless the mobile food vendor provides signed approval (on a form provided by the Town of Maggie Valley) that the restaurant owner supports a closer location.

F. The mobile food unit shall not be located within any area of a lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. It shall not impede ingress and egress from driveway entrances, handicapped parking spaces and ramps, or building entrances and exits.

G. The mobile food unit shall not block drive aisles, access to loading/service areas, or emergency access and fire lanes, and shall be positioned at least five feet away from any fire hydrants or other fire department connection.

Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
June 2, 2020
MINUTES

H. Mobile food units shall not obstruct access to public infrastructure and utilities, including manholes, valve boxes, meter boxes, underground vaults, and water and sewer appurtenances.

III. GENERAL REQUIREMENTS

A. Mobile food vending may occur within the Town of Maggie Valley and its extraterritorial jurisdiction only between the hours of _____ a.m. and _____ p.m. on the days of _____.

B. No mobile food unit may remain on site, away from its associated commissary and servicing area, for more than 24 hours.

C. Mobile food vending shall not be operated as a drive-through establishment.

D. On occupied lots, the primary site user must be able to maintain compliance with the minimum parking standards for the primary use.

E. On vacant lots, adequate parking must be provided for the mobile food vendor/unit and customers in accordance with the Town's minimum parking standards.

F. Temporary connections to potable water and the sanitary sewer system are prohibited. All plumbing and electrical connections shall be in accordance with the State Health Code.

G. No liquid, grease or solid wastes may be discharged from the mobile food unit. Absolutely no waste may be disposed of in streets, parking lots, storm drains, or the sanitary sewer system.

H. Gray water must be contained and disposed of in the sanitary sewer system at the associated commissary.

I. Grease must be contained and disposed of in an approved grease receptacle located at the associated commissary.

J. Trash receptacles shall be provided for disposal of all waste associated with the mobile food vending operation. The mobile food vendor shall be responsible for removing all trash, litter, and refuse from the site each day before leaving. This requirement includes all waste improperly discarded by customers. Public trash receptacles shall not be used for compliance with this requirement.

K. No signage shall be allowed other than signs permanently attached to the mobile food unit and one portable menu sign, no more than six (6) square feet in display area, placed on the ground in the customer waiting area.

L. Noise levels from the mobile food unit shall comply with the Town's noise ordinance.

M. Food trucks must have an appropriate fire extinguisher, approved by the Fire Marshal, on board during hours of operation.

N. Property owners, or sponsoring adjacent businesses, must make any existing public restroom facilities available for mobile food vendors.

Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
June 2, 2020
MINUTES

Mayor Eveland had issues with restaurants being held to 50% capacity and then allowing food trucks to roll in. He felt it would be a slap to the face of local restaurants that pay taxes, labor, insurance, etc. "Maggie Valley is a small town and if food trucks come to town you can tell the current restaurants good by!"

As for the business that uses food trucks every weekend, Elevated Mountain Distillery is associated with a nonprofit. Documentation will be gained.

Mayor Eveland reported that for the past two (2) months a food truck has been set up at a local church, going on to add Council has a choice to support our local people or not.

Planner Hancock will investigate the food truck at the church.

Alderman T. Wight added that there are exceptions for nonprofits and for the Festival Grounds.

Planner Hancock explained that the Planning Board took up the Food Trucks issue and created the draft wording for the Unified Development Ordinance (UDO). Although a draft, the Planning Board felt the standards were reasonable.

Alderman T. Wight asked that Council remember when the town passed regulations that events (motorcycles at the time) could not be held outside the festival grounds like the event being held on the festival grounds. "Free market competition is important."

Definition of free market: an economy operating by free competition: an economic market or system in which prices are based on competition among private businesses and not controlled by a government.

Manager Clark explained the difference. To help the business community, the Festival Grounds was purchased to bring people to town after the final closing of Ghost Town. The brick and mortar businesses have a tougher time making money on a random Tuesday, but then on the weekends when restaurants can make money, the food trucks arrive cherry-picking weekends. By allowing food trucks, some would feel that the town is introducing cheap and unfair competition.

Mayor Eveland made the following points:

- Like fair (carnival) people, food trucks come and go without having to pay taxes, workmen's comp, insurance, staffing, etc.
- The vendors do not spend money in Maggie Valley.
- Sales are down during the summer months when business owners need money because they are coming out of winter, when there is little business.
- The Town discourages camping on the festival grounds due to not wanting to hurt/insult the local campgrounds.
- Food trucks can purchase items from Sam's Club and pay cash, while restaurants cannot.
- The state continually looks at restaurants to make sure there are checks and balances.
- Due to Covid-19, more business is not coming to town; the food trucks would take from our restaurants that may not make it because of the recent stay at home order.

8
Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
June 2, 2020
MINUTES

Alderman T. Wight explained that she has one group that comes to her motel three (3) or four (4) times per year that cook their meals. Alderman Patel concurred, they buy a grill annually for guests that want to ride motorcycles then come back to the hotel and cook.

Planner Hancock stated that a hotel/motel can have a food truck for their guests, but it could not be open to the public.

Alderman Davis agreed that the restaurants have taken a hard hit. "What is the background on this?"

Planner Hancock receives requests for food trucks regularly and others within Maggie Valley have inquired about food trucks/food carts.

Alderman T. Wight added that Bear Waters had a food truck over the weekend.

That was due to the kitchen not being ready to open. Mayor Eveland added that they have never allowed people to cook at the Valley Inn and Conference Center although the Rendezvous Restaurant has taken food to other motels/hotels.

Alderman T. Wight stated Maggie Valley has no fast food, therefore you send guests to Waynesville to get fast food. "Why not keep that money in the valley?" Alderman Patel would like to try food trucks on a Monday or Tuesday to see how it goes.

Other areas with restaurants allow food trucks; it was the belief that either you want to go and sit down at a restaurant or you want to grab a bite and go. Planner Hancock added that it is not a good idea to allow whatever without regulations.

Alderman Davis stated that if he had to vote right now, he would vote to put the issue off for one month and work on the wording so that there is a better way of having food trucks that do not hurt the restaurants.

Planner Hancock assured Council that the Planning Board thought food trucks were a good idea because of visitors having options, but there was no ill-will in mind.

Manager Clark stated that food trucks could be treated like Sexually Oriented Businesses (SOB) and only be allowed in certain locations due to restrictive footage requirements. This could push food trucks to Jonathan Creek or out Dellwood Road and set a higher permitting fee so that the owners have some skin in the game.

The proposed 2020-2021 budget.

Manager Clark provided Council with two (2) draft budgets; one without the \$1 fee increase and one with the \$1 solid waste fee increase. With a \$1 per month solid waste increase Maggie Valley still has the lowest fees of all municipalities in Haywood County. Alderman Davis was comfortable with the fee increase. The solid waste fees for Waynesville are \$9, Clyde- \$10 and Canton is \$13.50.

Alderman T. Wight would like to pull the \$30,000 out from Place Making/Economic Development Fund and return it to the General Fund.

Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
June 2, 2020
MINUTES

As for the waterfall, once a total is determined those funds can be taken from Fund Balance.

As earlier discussed, due to the lack of occupancy tax collections, the Haywood County Tourism Development Authority (HCTDA) is having revenue challenges. HCTDA needs to use their funds for advertising that Haywood County is open for visitors.

HCTDA is funding the Wayfinding Signs. Maggie Valley was to pay \$15,000 toward the project due to having the most signs with three (3) major interstate signs. That number will most likely shrink.

Alderman T. Wight asked if Maggie Valley could apply for grant funding for the waterfalls project.

PARTF gave Maggie Valley grant funds for the festival grounds and the playground behind Town Hall. Since that time, the requirements have been raised and Maggie Valley has not been successful. Haywood County is trying to promote outdoor recreation and is aiding the Town of Canton's outdoor recreation. Maybe Maggie Valley could request funds once a waterfall plan, is in place or complete the waterfall project in phases.

Alderman T. Wight questioned if the town implemented the \$5 vehicle tax after the state took away business licenses from municipalities and counties.

The \$5 goes to the maintenance /assistance with non-Powell Bill Roads. The state allows municipalities to charge between \$5 and \$30. Manager Clark felt a larger vehicle tax would be disproportional because so many of our residents have out of state tags. Maggie Valley does not want to penalize the full-time resident that has their vehicle legally registered, while many others use the roads.

The budget reflects an 18.1% decrease in sales tax, 22% decrease in sewer revenues and a 94% collection rate for taxes.

Both Aldermen T. Wight and Patel stated that they have seen a 30% decrease in both their motels.

Maggie Valley will have the fireworks show as usual, but will not open the Festival Grounds gates, due to not wanting to encourage crowds. People will watch the fireworks from wherever they can. Lake Junaluska is not going to have a firework show this year. Canton will also continue with their show.

Rodney Buckner and the Chamber of Commerce will be allowed to have their shows due to both selling goods to the public.

Due to the covid-19 pandemic, Chris Anthony is unable to obtain an ABC permit for Thunder in the Smokies.

Hillbilly Jam is the largest event Maggie Valley has on the festival grounds. The promoter is genuinely concerned about the event this year. If the event cannot take place the last of July, Halloween weekend is still available.

Alderman T. Wight is questioned about when the Pedestrian Safety Soco Road Project is going to begin. Now Maggie Valley received a letter from NCDOT stating that the road project is delayed

10
Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
June 2, 2020
MINUTES

even more due to NCDOT being out of funds. If Maggie Valley were to try to install crosswalks it would be out of pocket and those funds would not be reimbursed. \$3.2 million is what NCDOT will bring to the table once the project can start.

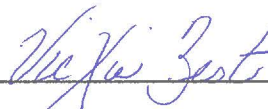
The consensus was to choose the 2020-2021 budget with the \$1 solid waste increase to help offset the cost of services.

Manager Clark and Planner Hancock toured a waterfall in Seven Devils and found it extremely popular and enjoyable yet simple.

ON MOTION OF ALDERMAN DAVIS WITH ALL IN FAVOR THE MEETING ADJOURNED AT 11:08 AM.



Mayor Mike Eveland



Vickie Best, CMC, NCCMC, Town Clerk

