### Town of Maggie Valley Regularly Scheduled Board of Aldermen Meeting

June 9, 2020 MINUTES

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

Wight, and Phillip Wight

Staff Present: Manager Nathan Clark, Attorney Craig Justus via phone, Chief Russ

Gilliland, Public Works Director Mike Mehaffey, Finance Director Shayne Wheeler, Town Planner Ron Hancock, and Town Clerk Vickie

Best

Reporter Kyle Perrotti, Dave Angel, Allen Alsbrooks, and Joy Hearn

#### 1) Meeting Called to Order

Mayor Eveland called the meeting to order at 6:32 pm on Tuesday June 9, 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)
  - 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)

Officer Tim Henson retired from the Maggie Valley Police Department on Friday May 29, 2020. It is customary that the officer receives his service weapon and badge upon retirement. Resolution 20-11 formally declares these items surplus so that Officer Henson can receive them.

All pending annexations have been issued a certificate of sufficiency by the Town Clerk. The voluntary annexation requests are sewer driven.

## ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

#### 3) Public Comment

Dave Angel, owner of Elevated Mountain Distillery, 3732 Soco Road addressed Council stating that there are not a lot of food options for our guests that come to town. On Tuesday there were only three (3) or four (4) places you could go for lunch. The hotels are sending folks to Waynesville for fast food or different food options. We should keep people in Maggie Valley by

having food trucks and produce economic growth. If visitors continually are being sent to Waynesville; they will eventually stay in Waynesville.

Food Trucks were once over-regulated, but that has eased in many towns and cities. The City of Asheville, Town of Waynesville, and the Town of Sylva allow Food Trucks because they bring money to the area.

Special events at Elevated Mountain Distillery have a Food Truck, but since the music does not start until 8 pm many of the guests eat at restaurants before coming to the event.

Food Trucks or restaurants; it is about the experience and Food Trucks attract younger people. People with small children would have the opportunity to get food and not have to try to get their children to sit for an hour eating at a restaurant.

Joy Hearn, 42 Fireside Drive, asked if the Town has a vetting process for new events/promoters?

Alderman P. Wight responded that longevity of the employees, the application, and Council being responsible to approve events, all play a part in vetting new promoters/events.

There is a pre-meeting with the Manager and/or the Clerk, Director Mehaffey, and Chief Gilliland. Alderman T. Wight stated that she looks at their events on Facebook.

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

a. Public Hearing

Mayor Eveland opened the Public Hearing at 6:43 pm and closed the Public Hearing at 6:44 pm without comments being presented.

b. Consideration of Adoption of FY20-21 Budget: Ordinance 921 At the June 2, 2020 Board of Aldermen Budget Work Session 1; the Town Board asked that these modifications be made to the budget prior to holding the Public Hearing on June 9, 2020 at 6:30 PM.

The proposed FY20-21 Budget presented on May 19, 2020 did not recommend any type of fee increases. Based upon conversation held at this meeting and the Budget Work Session 1; the revised proposed FY20-21 will include a \$1 per month increase to the solid waste fee; the current fee is \$5 monthly, the proposed FY20-21 fee will be \$6. This slight increase allows the Town of Maggie Valley to capture approximately 60% of its solid waste costs through fee collection. Our fee will remain the lowest among Haywood County Municipalities at \$6- Waynesville \$9 / Clyde \$10 / Canton \$13.50

The Board also requested that the \$30,000 placed under the Board of Aldermen: Place Making / Economic Development Fund be removed and returned to the General Fund; this action will reduce the proposed fund balance transfer.

A minor cost revision regarding the TDA/Wayfinding is also present; the proposed budget allocated \$15,000; the revised budget allocates \$10,000. This reduction is based upon new cost estimates for the project and Maggie Valley's proposed share.

With these changes/revisions the proposed FY20-21 Fund Balance Transfer is reduced from \$123,968 to \$72,552

The revised changes to the Proposed FY20-21 Budget will be noted in Ordinance #921

#### Town of Maggie Valley

#### **Budget Ordinance Number 921**

BE IT ORDAINED by the Board of Alderman of the Town of Maggie Valley, North Carolina:

Section 1: The following amounts are hereby appropriated in the General Fund for the operation of the town government and its activities for the fiscal year beginning July 1, 2020 and ending June 30, 2021, in accordance with the chart of accounts heretofore established for this Town:

Board of Alderman	106,546
Administration	475,317
Public Works	669,329
Police	1,078,210
Festival	108,442
Recreation	15,503
Powell Bill	55,296
Soco Road Project	120,000
Total	<u>2,628,643</u>

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Current year's property taxes	1,596,528
Motor Vehicle taxes	70,428
Prior year's property taxes	50,000
Tax Interest and penalties	10,500

Local Option Sales Tax	357,265
Franchise taxes	168,555
Local Video Programming	42,838
Beer & Wine Tax	6,131
Charges for services	125,796
TDA Funding	8,000
Investments Earnings	10,900
Powell Bill	55,296
Sale of Assets	15,000
Festival Ground Fees	21,000
Appropriated Fund Balance	72,552
Other revenues	17,854
Total	2,628,643

Section 3. The following amounts are hereby appropriated in the Sewer Fund for the operation of the sewer utilities for the fiscal year beginning July 1, 2020 and ending June 30, 2021, in accordance with the chart of accounts heretofore approved for the Town:

Administration	453,530
Operations	239,169
Debt Service	190,339
Total	883,038

<u>Section 4</u>. It is estimated that the following revenues will be available in the Sewer fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

User Fees	634,584
Tap Fees	55,000
Storm Water & Leachate	40,000
Appropriated Fund Balance	148,454
Investment Earnings	5,000
Total	883,038

Section 5. There is hereby levied a tax as the rate of forty-three cents (\$0.43) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2020, for the purpose of raising revenue listed "Current year's property taxes' in the General Fund in Section 2 of this ordinance. This rate is based on a total valuation of property for the purposes of taxation of \$394,984,548 and an estimated rate of collection of 94%.

The budget figures are based on fee schedules that are evaluated each year and from time to time adjusted by the Town Board of Aldermen. The Planning and Sewer rate schedules are attached and adopted as part of this budget.

Section 6. The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- A. He/she may transfer amounts between line item expenditures within a department without limitation and without a report being required. These changes should not result in increased in recurring obligations such as salaries.
- B. He/she may transfer amounts up to \$1,000 between departments, including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Governing Board.
- C. He/she may not transfer any amounts between funds, except as approved by the Governing Board in the Budget Ordinance as amended.

Section 7. The Budget Officer may make cash advances between funds for periods not to exceed 60 days without reporting to the Governing Board. Any advances that extend beyond 60 days must be approved by the Board. All advances that will be outstanding at the end of the fiscal year must be approved by the Board.

<u>Section 8.</u> Copies of this Budget Ordinance shall be furnished to the Clerk, to the Governing Board and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

### ALDERMAN P. WIGHT MADE A MOTION TO APPROVE THE 2020/2021 BUDGET AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

Again, Council will know more about the impact to the budget in January for property tax collection, sales tax reimbursements, County Re-evaluations, and the Census Count.

#### 5) Consideration of Contract Approvals

a. Town Attorney: Craig Justus, Van Winkle Law Firm
This is the annual renewal of the Town Attorney's Service Contract from July 1, 2020-June 30,
2021. Mr. Justus's fee goes unchanged in FY20-21 at a rate of \$1,800 per month.

ALDERMAN DAVIS MADE A MOTION TO APPROVE ATTORNEY JUSTUS /VAN WINKLE LAW FIRM'S CONTRACT. MOTION CARRIED UNANIMOUSLY.

b. Solid Waste Contract: Consolidate Waste Service

The new contract spans July 1, 2020 through June 30, 2025. Each year sees a slight increase in household charges. Town was also able to negotiate a more favorable "fuel surcharge rate structure" than in previous contracts.

- o FY21 \$9.74 FY22 \$9.93 FY23 \$9.93 FY24 \$10.21 FY25 \$10.48
- o Over the nine-year span of our CWS contract household charges have only increase \$1.21
- o FY 20 Cost = \$124,872
- o FY 21 Cost = \$128,568
- o FY 25 Cost = \$138,336

### ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE CWS FIVE (5) YEAR CONTRACT. MOTION CARRIED UNANIMOUSLY.

c. Town Auditor Contract: Martin Starnes & Associates
The Town of Maggie Valley and Martin Starnes & Associates have enjoyed a positive working relationship over the past eight years. Town Staff would like to continue this relationship for another five audit years. Over this period the cost of the annual audit would increase by only \$895.

Current Year (FY20) = \$29,725

FY 21 = \$28,850 FY 22 = \$29,725 FY 23 = \$29,725 FY 24= \$30,620 FY 25= \$30,620

## ALDERMAN DAVIS MADE A MOTION TO APPROVE MARTIN STARNES & ASSOCIATES FOR THE ANNUAL AUDIT. MOTION CARRIED UNANIMOUSLY.

d. Copier Contract: Advanced Business Equipment
The Town of Maggie Valley's current copier contract with Advanced Business Equipment is
expiring in July 2020. The following contract is a renewal of this lease at a cost of \$379.00 per
month for 36 months for a total price of 13,644 over the life of the lease. The lease agreement is
for a Konica Minolta BizHub at both Town Hall and Police Department.

## ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE COPIER CONTRACT WITH ADVANCE BUSINESS EQUIPMENT. MOTION CARRIED UNANIMOULY.

6) <u>Consideration of Approval: Maggie Valley Waterfall Engineering/Design Contract</u> Four firms submitted RFQs for consideration: Withers-Ravenel, Bell Engineering, Destination by Design, and Mosaic Civic Studio.

All the firms are professionally qualified, it is a matter of getting the best fit for what is to be created.

Alderman P. Wight stated that he likes Bell Engineering and Mosaic Civic Studio.

Because of Bell Engineering's price comparison, there is a competitive advantage.

Alderman Davis had concerns about the pressure treated wood being suggested.

Council decided to have Destination by Design and Mosaic Civic Studio come in and provide a presentation.

Destination by Design did not give any costs estimates because it will be design built from beginning to end and the construction will have to be bid out. With the Switch-back trails there will be less maintenance. Destination by Design has more experience than most other firms in NC. They are one of the fastest growing firms and have done both Federal and State jobs.

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

County Chairmen and Mayors will join the Southwestern Region to decide how to spend the \$600,000 grant for affordable housing. Haywood County has agreed to be the lead agency.

# RESOLUTION 20-12 OF THE TOWN OF MAGGIE VALLEY APPROVING PARTICIPATION OF THE TOWN OF MAGGIE VALLEY IN THE "SOUTHWESTERN NC HOME CONSORTIUM" AND

## AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO ENTER INTO AND EXECUTE

#### A HOME INVESTMENT PARTNERSHIP ACT CONSORTIUM AGREEMENT

**WHEREAS,** the National Affordable Housing Act of 1990 created the HOME Investment Partnership Program; and

WHEREAS, a provision of the HOME Program is that multiple governmental bodies may join to form a consortium and thereby qualify for a HOME formula grant; and

WHEREAS, Haywood County (Lead Entity) and the Southwestern NC Planning and Economic Development Commission (Administrative Agent) have proposed that such a consortium will facilitate regional and intergovernmental cooperation and the accomplishment of common goals and objectives.

**NOW THEREFORE, BE IT RESOLVED** that the Town of Maggie Valley Town Council authorizes the Chief Executive Officer to negotiate and execute the "HOME Investment Partnership Act Consortium Agreement", substantially in the form as attached herewith, subject to approval of the Town Attorney as to form and legality.

There is no financial obligation to join.

Alderman P. Wight stated that as for the Southwestern NC Home Consortium, there would be administrative fees for managing the money which creates another form of government. "Maggie Valley's topo is not set up for affordable housing."

Manager Clark suggested Bethel Village. Long's Chapel has built two (2) complexes down there.

ALDERMAN DAVIS MADE A MOTION TO JOIN THE SOUTHWESTERN NC HOME CONSORTIUM. ALDERMEN T. WIGHT, P. WIGHT AND PATEL OPPOSED. MOTION FAILED.

8) Consideration of Event Approval: Blow Up Your TV Event October 9-10, 2021
The same fees and rules would apply for the 2021 event that were to apply to the 2020 event.

ALDERMAN P. WIGHT MADE A MOTION TO APPROVE THE EVENT AND ACCEPT THE 2021 DATES FOR BLOW UP YOUR TV. MOTION CARRIED UNANIMOUSLY.

#### 9) Consideration of Budgets Amendments

a. Maggie Valley "Reopening" Marketing/Advertising Campaign Ordinance 922

#### An Ordinance Amending the FY 2019/20 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 2019/ is amended as follows:

#### 10) General Fund – Advertising Maggie's Open for Business

	Description	Previous	Increase ( <u>Decrease</u> )	Amended
Revenues	Unappropriated Fund Balance 05-00-399	\$225,178 1	\$15,000	\$250,178
Appropriations	Economic Developmer Place Making 05-4		\$15,000	\$55,000

Adopted by the Town board of Aldermen of the Town of Maggie Valley in regular session June 9, 2020.

The above budget amendment accounts for the \$15,000 transferred from Fund Balance to Professional Services for the Reopening Marketing Campaign with Crawford Strategy.

## ALDERMAN T. WIGHT MADE A MOTION TO APPROVE BUDGET AMENDMENT ORDINANCE 922. MOTION CARRIED UNANIMOUSLY.

#### 11) Other Business

MAlderman P. Wight questioned when Council was going back to having normal meetings.

The next Regularly Scheduled Board of Aldermen Meeting is July 14, so staff will try to move back to the boardroom. Due to Covid-19 outbreaks being on the rise, Haywood County and the municipalities have been closed off to public access.

The building will be open for election day, but staff will not be present. Many of the coronavirus cases come from the workplace.

Alderman P. Wight would like to see the playground open for kids to be able to play.

All playgrounds are closed by the Governor's Orders.

Due to Rodney Buckner's Swap Meet being mainly for the selling of goods, he will be allowed to have his event per the Town Attorney.

The Maggie Valley 4<sup>th</sup> of July Fireworks will go on as planned. The Festival Grounds will not be open to the public so folks will have to watch the show from wherever they can. The Town does not want to encourage crowds like Maggie Valley has during normal 4<sup>th</sup> of July celebrations.

Alderman Patel stated that it might be a good idea to allow Food Trucks on the grounds during to show to see how it goes.

Again, Mayor Eveland stated that the restaurants are struggling.

As the ordinance currently stands, Food Trucks are prohibited. The Draft concerning Food Trucks was looked at during the writing of the Unified Development Ordinance.

Alderman Patel felt competition was good for business. Alderman T. Wight agreed that Food Trucks would give folks a fast food option.

M The restrooms are open at the parks and are being sanitized on a regular basis.

#### 12) Department Head Reports

#### Incident/Investigations

 During the month of May, the Maggie Valley Police Department investigated thirty (30) incidents that resulted forty-four (44) offenses which include: Kidnapping, Breaking and Entering, Theft from a Motor Vehicle, Narcotic Violations, Driving While Impaired, Trespassing, Larceny, and Criminal Damage to Property.

#### **Arrests**

 Maggie Valley police officers arrested a total of thirteen (13) individuals resulting in twenty-nine (29) charges which included: Kidnapping, Aggravated Assault, Driving While Impaired, Drug Violations, Disorderly Conduct, Trespassing, Larceny, Stolen Property Offenses, and Other Criminal Charges.

#### **Motor Vehicle Traffic**

Maggie Valley police officers investigated one (1) motor vehicle accident. Issued twenty-five (25) Uniformed Traffic Citations resulting in thirty-nine (39) offenses. Issued thirty-one (31) Warning Citations. A total of <u>56</u> citations were issued, <u>17</u> (30%) of which were for speeding.

#### **Activity Logs**

- There were a total of thirty (30) Officer Activity Logs for the month, which include: Alarm Activation, Assist MVFD, Haywood EMS, and the Haywood County Sheriff's Office, Civil Disturbance, Suspicious persons, Welfare Check, Noise Complaint, and Unlock Motor Vehicles.
- Our agencies fleet of patrol vehicles were inspected by both Sergeant Ryan Flowers and Sergeant Jeff Mackey for cleanliness, and maintenance needs.

#### **Evidence Processing**

 Evidence and Property processed twenty-three (23) items this month. Items range from Drug Paraphernalia, Marijuana, Methamphetamine, Opioids, Rifle, and Handguns.

#### **Investigations (CID)**

- CID investigated the Larceny of a Utility trailer and Motorcycle. Both are entered into the National Crime Information Center (NCIC) data base.
- CID executed two search warrants related to U.S. mail theft and kidnapping.
- CID investigated a Breaking & Entering that led to an arrest.
- CID assisted patrol officers with Trespassing calls located at Ghost Town.
   Trespassing citations were issued.

#### **Community Interactions**

- Maggie Valley Officers patrolled through our residential neighborhoods <u>335</u> times during the month.
- Officers Logan Wood and Chris Collins assisted in saving a male subject from falling off a roof. The male subject had slipped on the rain covered roof and was suspended above a steep drop off unable to move. Officers Wood and Collins worked together to secure the man to safety.

#### **Events, Schools, and Meetings**

- All Officer training schools have been postponed until further notice due to Covid-19 restrictions.
- Detective Matthew Boger attended the KARE MTD meeting via web conference.
- Sergeant Jeff Mackey held DARE graduation using Google classroom. Three winners were chosen from the DARE essay competition. The overall winner received a Kindle 8 HD.

Alderman T. Wight questioned Chief Gilliland about trespassers at Ghost Town.

Sometimes the trespasser is written a citation and sometimes they are asked to leave the property. Ghost Town has gotten a presence on Social Media as the place to go take pictures.

Alderman P. Wight asked if the department checks Ghost Town nightly.

The Police Department has keys to the gate, but it is difficult to control three hundred (300) acres with no fencing.

Zoning Permits	5	
Residential	4 Carports and deck renovations.	-
Commercial	1 Elevated Distillery deck	
Zoning Compliance Letters	3 Including 1 new SF residence (Val Creek Run), Leveritt Rock Yard	еу

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		commercial restrooms/office, Elevated Distillery deck
Floodplain Compliance	2	Smoky View Cottages pool, residential HVAC

#### **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. 9.3 tons.
- Monthly Solid Waste approx. 42.8 tons.
- Monthly White Goods/Electronics 8 pick-ups.
- Picked up miscellaneous residential brush and debris. 160 brush pick-ups that totaled 17 tons of brush.
- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners and Spring 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 3 Police vehicles.
- Public Works removed and replaced 85' feet of sidewalk which took 7 yards of concrete.
- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Wastewater Treatment Plant.
- Public Works continues the Festival Grounds repairs. The ticket booth and restrooms
  have been completed. Paving at the entrance has been completed and the stage acoustics
  should be finished soon.
- 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 and manhole inspections as required by DENR.
- Installed/repaired 6 sewer services, cleaned, and inspected 3 sewer connections/installations, repaired/leak stopped 3 damaged manholes 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 41 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 Creek on Moody Farm road, Stonebridge, MVCC and WWTP bridge
- 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 preformed 5 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.

There was a brief discussion regarding the wastewater flows and how many people are in Town. If there are no rain events the flow can give you some idea. With the heavy rains and the inflow/infiltration there are too many variables to use that data.

► The Agenda Setting/Monthly Workshop will be held July 7 at 9:30 am, and the Regularly Scheduled Board of Aldermen Meeting will be on July 14 at 6:30 pm.

► Manager Clark, Mayor Eveland and Clerk Best met with the promoters of Hillbilly Jam and they are dedicated to holding their event sometime in 2020.

▶ Each Council member received copies of the Wayfinding Signs. Again, the installation of the signs has been contracted to provide a unified appearance.

### 13) Adjournment

ALDERMAN T. WIGHT MADE A MOTION TO ADJOURN AT 7:49 P.M. MOTION CARRIED UNANIMOUSLY.

Mike Eveland, Mayor

Vickie Best, CMC, NCCMC, Town Clerk