

Town of Maggie Valley
Board of Aldermen Regularly Scheduled Meeting
June 11, 2024
MINUTES

Members Present:

Mayor Mike Eveland
Mayor Pro-Tem Jim Owens
Alderman John Hinton
Alderman Tim Wise
Alderman Phillip Wight

Members Absent:

None

Staff Present:

Vickie Best, Town Manager
Kathy Johnson, Town Clerk
Sam Cullen, Town Planner
Mike Mehaffey, Public Works Director
Matthew Boger, Police Chief
Misty Hagood, Finance Officer
Alexus Livesey, Intern
Michael Herbertson, Police Officer
Craig Justus, Attorney

Others Present:

Sixteen others were present.

Media Present:

Paul Nielson

Meeting Call to Order

Mayor Eveland called the Meeting to order at 6:29 pm on Tuesday June 11, 2024, in the Maggie Valley Town Hall Boardroom, 3987 Soco Road, Maggie Valley, NC 28751.

Pledge of Allegiance

The Pledge of Allegiance was repeated by all followed by prayer led by Sam Cullen.

Approval of Agenda/Conflict of Interest Declaration

There were no changes to the agenda and no conflict of interest stated.

Consent Agenda

- a. *Budget to Actual*
- b. *A/R Report*
- c. *Tax Releases*
- d. *Minutes to be Approved: May 8, 14, 15, 2024.*

- e. *Call for a Public Hearing for a text amendment to the Unified Development Ordinance.*
- f. *Call for a Public Hearing for revisions to the Planning Board Charter.*

A motion was made by Alderman John Hinton to approve the consent agenda as presented. The motion carried unanimously.

Public Comment

Mayor Eveland reminded everyone there would be public comment at the public hearing and he opened the meeting to general public comment.

Michael Whitcraft, a Maggie Valley resident said he was at the meeting to share his experience with being charged a late fee penalty for a tax bill he never received. He moved to Maggie Valley in May of 2023. In February, he received an email from the previous owner saying he had received a notification of overdue taxes for his previous address. The same day he went to Town Hall to pay the taxes and was told it is not a requirement to send out tax bills. "Oddly, during this journey, I discovered this was technically correct. Throughout my attempts to communicate with Town Officials, I sent e-mails and letters on February 10th and 24th, April 29th and May 20th. On February 29th I received an email from Vickie Best stating I would not be getting a refund siting North Carolina General Statue 105-380 and 105-381." He contacted North Carolina Representative Mark Pless. And within days Mr. Pless spoke with Alderman P. Wight that suggested he attend a Town Meeting and address the situation. He said the Town should have done a better job sending the tax bills to the correct owners. Knowingly sending bills to the wrong people and then charging late fees to the correct people would fall under the category of predatory practices and should be investigated as such.

Public Hearing for Fiscal Year 2024-2025 Budget

Mayor Eveland opened the Public Hearing at 6:36 pm and asked Manager Best to read the Budget Message.

Ms. Best read: *I am pleased to present for your consideration the Fiscal Year 2024-2025(FY24-25) Proposed Budget. This budget, representing the town manager's recommendation, is balanced with respect to revenues and expenditures; meeting all requirements of the North Carolina Local Government Budget and Fiscal Control Act.*

The proposed tax rate of \$0.40 is the same tax rate as the FY 23-24 tax rate. The proposed tax rate of \$0.40 once again allows Maggie Valley to claim the lowest municipal tax rate within Haywood County.

The Town has two distinct funds. The General Fund includes a vast majority of the Town's operations such as police, administration, and public works. The Sewer Fund includes the Town's Wastewater Treatment Plant and Wastewater Collection System.

The Proposed FY 24-25 Budget for each fund is:

General Fund: \$3,829,403 (1.13% increase from FY 23-24)

Sewer Fund: \$1,556,641 (10.28% increase from FY 23-24)

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All Funds: \$5,386,044

Mayor Eveland asked if there was anyone that would like to make public comment on the 2024-2025 Budget.

Michael Whitcraft said he has reviewed the budget and questioned the revenue line item for tax interest and penalties? Mayor Eveland said, "We will break it down and get back to you, it is a line item that has multiple items in it."

Mayor Eveland closed the public hearing at 6:39 pm for Counsel discussion. Alderman Phillip Wight confirmed with Manager Best that nothing has changed since the Agenda Setting Meeting.

Town of Maggie Valley Budget Ordinance Number 1087

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, 2024 and ending June 30, 2025, in accordance with the chart of accounts heretofore established for this Town:

Board of Alderman	128,817
Administration	730,194
Public Works	972,672
Police	1,681,418
Powell Bill	56,774
Festival	187,598
Recreation	19,950
Debt Service	5,550
Soco Road Project	<u>10,000</u>
Total	<u>3,792,973</u>

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Current year's property taxes	2,036,753
Motor Vehicle taxes	116,209
Prior year's property taxes	26,000
Tax Interest and penalties	8,350
Local Option Sales Tax	824,753
Franchise taxes	173,305
Local Video Programming	42,309
Beer & Wine Tax	8,191
Charges for services	269,156
Investments Earnings	45,000

Powell Bill	56,774
Festival Ground Fees	42,220
Haywood County SRO Reimbursement	95,705
Other revenues	48,248
Fund Balance	<u>0</u>
Total Funding	<u>3,792,973</u>

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, 2024 and ending June 30, 2025, in accordance with the chart of accounts heretofore approved for the Town:

Administration	653,901
Operations	726,090
Debt Service	<u>176,650</u>
Total	<u>1,556,641</u>

Section 4. It is estimated that the following revenues will be available in the Sewer fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

User Fees	1,064,322
System Development Fees	125,000
Storm Water & Leachate	50,000
Other Revenues	17,000
Investment Earnings	20,000
Fund Balance (to offset remaining costs)	<u>280,319</u>
Total	<u>1,556,641</u>

Section 5. There is hereby levied a tax as the rate of forty cents (\$0.40) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2024, 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 \$524,936,252 and an estimated rate of collection of 97%.

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 an 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/she 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.

Section 8. 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.

Adopted this 11th day of June 2024.

Michael Eveland, Mayor

Attest:

Kathy Johnson, Town Clerk

A motion was made by Alderman Tim Wise to adopt Budget Ordinance #1087. The motion carried unanimously.

Doug Besler, the Regional Fishery Supervisor will discuss the reduction of trout.

Doug Besler introduced himself and said he supervises the North Carolina Wildlife Resource Commission's (NCWRC) fishery management program in the western part of NC. The agency has two trout facilities and currently stock over a million trout a year in over 175 locations in twenty-six counties in Western North Carolina. The two production facilities are Armstrong State Fish Hatchery in McDowell County and the largest facility is Bobby Setzer Fish Hatchery in the Pisgah Forest. The Bobby Setzer Fish Hatchery was built in 1957 and "We took it in 1983 from the feds." The facility has degraded over time to the point that the entire facility needs to be replaced. The construction is estimated to begin in January 2025 and last approximately eighteen months for constructions. There will be a reduction for anglers across the board. Everything will be stocked as normal in 2024 but 2025-26 will be severely impacted. He said "That hatchery produces about 65% of our agency's trout." The NCWRC is looking for trout on a private sector and has identified six different locations where "We can get an additional 600,000 trout."

Mr. Besler spoke about the impact of the reduction of fish and ways the impact could be mitigated by alternating stocking. He said the agency is trying to get the word out so anglers will know when and where the stocking will be.

Mr. Besler answered questions from Counsel and explained the NCWRC has a stocking permit process for communities that are interested in stocking their streams beyond what is stocked by NCWRC.

Request for Donation: Janet Banks for Maggie Valley Community Garden.

Janet Banks said this year marks the tenth anniversary of the Maggie Valley Community Garden. She said she was attending the meeting to ask for a donation and give an update on the Garden. Last year's harvest included 1,774 pounds of fruits, vegetables and potatoes for people in need in the community.

Mayor Eveland addressed Ms. Banks and said he has spoken with Public Works Director Mike Mehaffey about replacing wood around the raised beds along with any monetary donation.

Alderman John Hinton said he has seen firsthand the benefits of this Garden.

Alderman John Hinton made a motion to make a donation to the Maggie Valley Community Garden in the Amount of \$750.00. The motion carried unanimously.

Receive the offer for the Waterfall Property for \$190,000.

Manager Best said a year and a half ago, the Town was offered \$190,000 for the Waterfall property. Kimberly and Wesley Thomas were the first to make an offer in 22/23. They will be paying \$2500 in earnest money.

Attorney Justus said after counsel receives the offer, then the bidding process will begin. Anyone that wants to make an offer will be able to do so during the upset bid phase.

A motion was made by Alderman Phillip Wight to receive the offer of \$190,000 and start the bidding process. The motion carried unanimously.

Budget Amendment Ordinance 1088 for addition to the pavilion. \$10,000 grant from the Community Foundation of WNC.

Ms. Best said Budget Amendment Ordinance 1088 is for the \$10,000 grant from the Community Foundation of WNC that Alderman Tim Wise applied for and was awarded to the Town. The grant is being used to put an awning on the front of the Pavilion.

A motion was made by Alderman Tim Wise to adopt Budget Amendment Ordinance #1088. The motion carried unanimously.

Other Business

Planner Cullen said Haywood Waterways has decided to move forward with the Stream Bank Restoration project at Maggie Valley United Methodist Church in between the church and the

park. Haywood Waterways will administer the grant but a local municipality has to be the applicant and they have asked the Town of Maggie Valley to be the applicant. There will be no financial expense to the Town. There will be in-kind labor in permitting. Resolution 24-09 is to allow staff to apply for the grant.

Mayor Eveland read:

Resolution # 24-10

WHEREAS, the Maggie Valley Board of Aldermen desires to sponsor, The Maggie Valley United Methodist Church (MVUMC) Creek Bank Restoration, that will help protect the Jonathan Creek Watershed and improve the riparian buffer and implement stormwater treatment best management practices.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Board requests the State of North Carolina to provide financial assistance to the Town of Maggie Valley for The Maggie Valley United Methodist Church (MVUMC) Creek Bank Restoration in the amount of \$ 93,000.
- 2) The Board assumes full obligation for payment of the balance of project costs;
- 3) The Board will obtain all necessary State and Federal permits;
- 4) The Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Board will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Board will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Board will assure that the project is open for use by the public on an equal basis with no restrictions;
- 8) The Board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Council/Board accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Town of Maggie Valley Board of Aldermen this 11th day of June 2024.

A motion was made by Alderman Phillip Wight to adopt Resolution # 24-10. The motion carried unanimously.

Department Head Reports

Mike Mehaffey, Public Works Director

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. 10 tons.
- Monthly Solid Waste approx. 43.5 tons.
- Monthly White Goods/Electronics 3 pick-ups.
- Picked up miscellaneous residential brush and debris. 225 brush pick-ups that totaled 15 loads of brush.
- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners and Spring banners.
- Public Works continues upkeep of all Town facilities.
- Perform ditch, culvert, shoulder and road maintenance along streets. Both private and Town streets.
- Service and/or repaired 4 Public Works vehicles/equipment 0 Administration and 5 Police vehicles.
- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Wastewater Treatment Plant.
- The Highway 19 Pedestrian Safety project is getting close to finishing. We are waiting on final information from DOT.
- Changed spring banners to summer banners.
- Public Works continues inspections and testing of roads, paving and other infrastructure at Mountain View Estates.
- The new fencing at the Sweet Briar parking lot has been completed.
- The Sweet Briar Parking Lot contract with Custom Paving has been completed. Public Works continues doing cleanup, landscaping, additional signage and seeding.
- Public Works has finished street sweeping. We have completed Highway 19, Moody Farm Road, Town Hall and subdivision streets.

WWTP

- Daily and 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.
- Installed/repaired 4 sewer services issues, cleaned and videoed approximately 450' feet of sewer line, inspected 10 sewer connections/installations, repaired/leak stopped 0 damaged manhole and inspected 0 manholes as we continue to work on I&I issues.
- Dewatered 88,000 gallons of digester sludge. Lime Stabilized 0 tons of dewatered sludge. Also, we hauled 32 tons of dewatered sludge to landfill.
- 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 One hundred and five locate requests for NC811. 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.

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- Removed fallen trees and debris from Jonathan's Creek on Moody Farm Road, Stonebridge Campground, Valley Creek 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 eight grease trap inspections. Of these four were found to be non-compliant. We continue to work with all businesses on their grease issues. We provide assistance and education in hopes of reducing the amount of grease in our sewer system.
- Reviewed plans and permits for new developments and projects.
- The Mountain View Estates project has started. The contractor has started clearing debris from lots and the storm drainage system that was previously installed. This is another project we will be doing inspections for sewers, stormwater and roads. The first phase of this project will continue through the spring.

Matthew Boger, Police Chief

Incidents

- During this reporting month (May), the Maggie Valley Police Department (MVPD) investigated twenty-three incidents, which included Breaking and Entering, Larceny, Property Damage, Drug Violations, Simple Assault, Aggravated Assault, Motor Vehicle Theft, and Murder.

Arrests

- Maggie Valley Police Officers arrested twelve individuals, resulting in twenty-four (24) charges, which included Larceny, Theft, Breaking and Entering, Property Damage, Driving While Impaired, Trespassing, Assault and Murder.

Motor Vehicle Traffic

- Maggie Valley Police Officers investigated two motor vehicle accidents for the reporting period and issued one-hundred and thirty-two traffic-related charges. Sixty-three-point six percent of charges were for speeding (11 citations and 73 written warnings).

Officer Activities

- THIS LIST IS NOT A COMPREHENSIVE LIST OF ALL THE INCIDENTS FOR THE REPORTING PERIOD. SOME CASES, DUE TO THE INTEGRITY OF THE CASE, CAN NOT BE PUBLICLY DISCLOSED AT THIS TIME.
- Sergeant Flowers responded to Ghost Town in the Sky in reference to trespassing. Two individuals were located and arrested for trespassing.
- Officer Herbertson responded to an overdose call for service at a residence. Officer Herbertson administered Narcan to an individual who then regained consciousness. The individual was transported by EMS to Haywood Regional Medical Center.
- Officer Herbertson attempted to locate an intoxicated moped driver that had been involved in a traffic accident in a neighboring jurisdiction. Officer Herbertson along with Sergeant Wood located the moped and the driver was arrested for Driving While Impaired. He was transported to Haywood Regional Medical Center and charged via criminal summons.

- Officer Riddle responded to a suspicious situation at a residence. An investigation occurred and it was discovered that a murder had taken place. The C.I.D. Division has taken over the case.
- Sergeant Wood responded to a domestic disturbance call for service at a campground. The suspect was not on scene and Sergeant Wood drew warrants for assault on the subject.
- Sergeant Wood was assisting NCSHP with a license check and placed a subject under arrest for DWI. The subject was transported to Haywood County Detention Facility.
- Officer Greene responded to a residence in reference to a trespassing call for service. A report was documented.
- Officer Greene responded to Ghost Town in the Sky in reference to a breaking and entering and larceny of items call for service. A report was documented.
- K-9 Officer Bellows responded to a domestic disturbance call for service at a motel. A subject who was being investigated on scene had an active warrant for arrest. The subject was taken into custody and transported to Haywood County Detention Facility.

Evidence Processing (E/P)

- Evidence Technicians O. Murphy and S. Justice processed eighty-five (85) items for the month. Evidence includes narcotics, narcotics paraphernalia, firearms, firearms accessories, other weapons, cellphones, currency, and personal property.

Investigations (CID)

- Detective Crocker worked extra duty for Thunder in the Smokies
- Detective Crocker took a report in reference to a larceny from a job site. None of the items were entered NCIC at this time.
- Detective Crocker responded to a civil disturbance between two neighbors. They are in the middle of an eviction process that will hopefully resolve soon.
- Detective Crocker is currently investigating a homicide that occurred on Memorial Day. Charges have been filed.

K9 Program

- The K9 teams logged fifteen training events and one deployment.

Community Patrol and Interactions

- Maggie Valley Officers patrolled through our residential neighborhoods several times this month.
- Maggie Valley Officers performed their monthly business visits.
- Maggie Valley Officers responded to 410 Calls for Service (CFS) in this reporting period. The average number of calls for service per day has been consistently around 10 for the last several months. This month the CFS's has greatly increased.

Events, Schools, and Meetings

- Sergeant Wood and Officer Greene attended Intox class.
- K-9 Officer Bellows completed two (2) DCI courses.
- The Maggie Valley Police Department received recognition from Judge Letts and ADA Smith for their work on a murder case. Rhonda Rankin-Evans pled guilty to 2nd Degree Murder of her husband, Wayne Evans in 2022. Rankin-Evans will now spend at least twenty (20) years in prison. Judge Letts and ADA Smith spoke highly of Chief Boger's and Detective Crocker's diligence and commitment to the case and the well-organized case file they presented.

Sam Cullen, Town Planner

- Five Residential Permits: New Structures at Sleeping Bear Ridge, Buck Mountain Road, Kadire Drive, Whippoorwill Way, and 313 Cub Trail.
- One Commercial Permits for Food Truck Permit, Poppy Joe's.
- No Floodplain Permits
- Ten In person consultations: HOA's, E.V. Chargers, IT issues, and Board Room Audio Issues.
- Five Final Zoning Compliance: 17 Alaska Lane, 95 Rockin Chair, 151 Wildbrook Drive, 575 and 596 Twinbrook Lane.
- Three Misc. requests: Dellwood Baptist Sewer Permit, and two Town of Maggie Valley permits.
- Twelve Notice of Violations: Grass; 579 Soco Road, 3376 Dellwood Road, 960 Moody Farm Road, 2381 Soco Road, 4077 Soco Road, 12 Lisa Lane, 144 Summit Drive, 4521 Soco Road, 100 Johnson Branch Road, 1437 Moody Farm Road. Solid Waste, 4438 Soco Road. Junk Vehicle, 129 Deer Run Road.
- Twelve Resolved Violations: Grass; Soco Road, Henry Dingus Way, Caldwell Drive, 579 Soco Road, 3376 Dellwood Road, 960 and 1437 Moody Farm Road, 4077 and 4521 Soco Road, 144 Summit Drive, RV at 74 Caldwell Drive, Solid Waste; 4438 Soco Road.

In May the Planning Department:

- Attended the regularly scheduled meeting of the MPO.
- Met with local stakeholders to discuss the lack of funding for transportation projects in the region.
- Met with NCDOT to discuss upgrades to Hwy 276, in particular plans for the new roundabout at the intersection of Jonathan Creek and Soco Road.
- Hosted a meeting of the ZBOA where a setback variance was issued to a property owner off Enchanted Way.
- Met with developers in preparation for preliminary plat approval of the Valley View subdivision off Johnathan Creek.

Adjournment

A motion was made by Alderman Tim Wise to adjourn the meeting at 7:22 pm. The motion carried unanimously.

Attest:



Mayor Mike Eveland



Vickie Best, Town Manager



Kathy Johnson, Town Clerk

