

Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
April 6, 2021
MINUTES

Members Present: Mayor Mike Eveland, Aldermen: Tammy Wight, Twinkle Patel, Clayton Davis, and Phillip Wight (arrived at 10:09 am)

Staff Present: Manager Nathan Clark and Town Clerk Vickie Best

Chief Russell Gilliland and Public Works Director Mike Mehaffey arrived after the Maggie Valley County Club Estates POA Presentation regarding the Waterfall on Old Still Road.

Others Present: Eleven People and Reporter Kyle Perrotti

Meeting Called to Order

Mayor Eveland called the meeting to order at 9:29 am on Tuesday April 6, 2021 in the pavilion adjacent to Town Hall. Mayor Eveland assured the Maggie Valley Country Club Estates (MVCCE) POA members that their voices do count, going on to apologize for the lack of communication regarding the waterfall study. After the vote to pay for the study and hire Mosaic Civic Studio to complete a conceptual plan with estimated costs at a Regularly Scheduled Board of Aldermen Meeting in open session, no one from the MVCCE contacted the town. Mayor Eveland requested that the POA members find a way to stay connected by attending meetings, getting on the Sunshine List, etc.

Mr. Allen Alsbrooks, a member of the Maggie Valley Zoning Board of Adjustment, spoke from the floor asking if he could make a brief statement regarding the last Zoning Board of Adjustment (ZBOA) Meeting.

Mayor Eveland allowed the comment.

Mr. Alsbrooks explained the difficulties the members endured at the last ZBOA Meeting over allowing a manufactured home to locate in the Commercial 1 District. The State has changed how they view manufactured homes vs a mobile home. The members heavily debated the issue with a final vote of 3 to 2 to allow the manufactured home in the C1 District. So that the ZBOA does not get into these situations, Mr. Alsbrooks asked that Council tighten and readjust the Code of Ordinances.

The Planning Board and Planner Hancock have been and are currently working on a new Unified Development Ordinance (UDO). The new UDO will include all new regulations.

Presentation from Maggie Valley Country Club Estates Regarding Proposed Old Still Trail System

As a representative of the MVCCE POA, Mr. CB Turner presented the following PowerPoint Presentation.

Mr. Turner explained to Council that he and Alderman T. Wight have had a conversation about Alderman P. Wight being late for this meeting.

Mr. Turner explained that there would have been a lot more MVCCE people present, but 63% of the members are part-time residents.

The PowerPoint presentation began.

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My Name is C B Turner

"I am a full-time resident in the Maggie Valley Country Club Estates, Retired Businessman, Past President of MVCCE POA, and now the Chairman of the Task Force to prevent your "Waterfalls Project" from occurring."

"I have a job to do, and I represent the MVCCE POA Members." Mr. Turner desires that Council completely understands the importance of PPQ.

- ▶ Represent its members and protect their PPQ
- ▶ Supervise maintenance of 13 miles of roads.
- ▶ Work for the betterment of the community.
- ▶ POA obtains funds from two sources: Road Tax District and POA membership dues.

Mr. Turner introduced the officers present from the MVCCE POA and a list of officers not present.

Officers/Board Members:

Jean Dilley, President

Bob Woltil, Secretary

Jaci Reynolds, Treasurer

Judy Turner, Membership

Bill Gunn, Security

Wayne Wyles, Roads

Diane Holden, Events/Signs

Otis Sizemore

Chris O'Connor

MVCCE POA is:

- ▶ One of the most prestigious communities in Maggie Valley
 - ▶ Has 300-plus homes
 - ▶ Approximately 700 residents
 - ▶ Surrounds the only golf club in Maggie Valley
 - ▶ 63% of our homeowners are part time residents
 - ▶ Most of our residents are retired
- .

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- ▶ Property owners pay for the costs of maintaining our 13 miles of roads
- ▶ We are a residential community – not a tourist destination

The definition of PPQ:

PEACE: A serene home site where you can feel safe and secure.

PRIVACY: A place where strangers are not hogging your roads, walking in your backyard, or creating some other type of intrusion.

QUIET: Where you can enjoy the God given nature without the noise and nuisance of tourists.

Mr. Turner reiterated “We are upset and angry because you (Council) will be messing with our PPQ”.

The POA President sought legal counsel. Your unilateral approach on this issue has been offensive to the members of the MVCCE POA.

- ▶ August Meeting – 15-20 attendees
- ▶ Mosaic Survey – no place to say “yes” or “no”
- ▶ Created much anger

That anger caused the Board to create a Task Force to be sure you understand WE DO NOT WANT YOU TO PROCEED WITH THE WATERFALLS PROJECT.

As for the trails that Mosaic Civic Studio representatives spoke of; are in much larger cities. “It is like comparing apples to oranges.” The cities Mosaic speaks of have no greenspace, whereas Maggie Valley has an abundance of greenspace already.”

- ▶ Residents live in MVCCE to enjoy the PPQ.
- ▶ They want to enjoy the Peace and Quiet that comes with the Privacy of Nature.
- ▶ They do not want strangers walking near their backyards.
- ▶ Why should we have to worry about the intent of these strangers?
- ▶ They want the privacy to do whatever they wish in their backyards.

Home Prices

- ▶ Inverse Condemnation
- ▶ Three Real Estate Brokers on POA Board are all convinced that home prices in proximity of Project will decline.
- ▶ It all comes down to Supply and Demand
- ▶ Not everyone moving to MV can afford to purchase in MVCCE

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- ▶ Not everyone moving to MVCCE wants to live near a hiking trail
- ▶ When you combine the above 2 points it results in a small demand
- ▶ Small demand = lower price (Economics 101)

Road Issues

The more traffic.... the more repairs needed:

- MVCCE is a Road Tax District.
- Our tax dollars maintain the roads under POA management.

Visitors to waterfalls will drive:

- Cars – Trucks – Motorcycles - Motor homes/campers.

Will create traffic nightmares:

- Visitors may not know how to drive on mountain roads.
- Trucks/motor homes will break off road edges.
- All vehicles create noise-especially motorcycles.
- Creates danger for resident drivers- especially golf cart drivers.
- How do large vehicles turn around?

“Our roads are barely adequate to support our own residents, let alone tourist traffic.

Increased liability for all!!” Motorcycles make a lot of noise; “I’m sure the golfers will not appreciate that.”

Increased Crimes

- ▶ Mosaic chart looks great at first blush but
- ▶ 8.7% of the homes have been vandalized or had theft as result of a trail system.
- ▶ There are 740 homes within ¾ miles of the waterfall.
- ▶ 740 homes @8.7% incident rate equals 64.4 incidents.

The MVCCE POA properties lie both within and outside the corporate limits of Maggie Valley, therefore this waterfall project will affect both town police and county officers. “What is the cost for that and who pays that costs?” As everyone is aware, vacant homes are more susceptible to incident. Also, if restrooms were put into place that would be a welcoming card to a homeless invasion, especially when the homeless find out there are vacant homes in the area. Again, police calls will increase, home prices will decline, insurance will increase, and road repairs will increase. Taxes in both Maggie Valley and

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Haywood County will increase because of the additional calls for assistance due to this waterfall trail system.

Parking

No matter how much parking you provide, visitors will park on the edge of the road.

Visitors will park on the edge of homeowners' front yards.

Visitors may even park in resident's yard or driveway.

Mr. Turner gave the example of Soco Falls across the mountain from Maggie Valley. "That area is a hazard with all the parking in the road, even when there are parking spaces available."

Trash- PEOPLE WILL CREATE TRASH MORE = MORE

Additional run-off and trash will inevitably flow downhill to the protected trout habitat, Jonathan Creek and beyond.

On March 22, 2021, Fox Carolina ran a story of volunteers removing tons of trash during a waterfall sweep in Parker Creek Falls. The group had 79 volunteers who removed 3,040 gallons of trash including 24 tires, a car engine, a feeding trough, a swing set, two couches, one recliner, two toilets, several hypodermic needles, and several diapers. (Council received a copy of the article.)

Wildlife

- ▶ Natural Setting disturbance and the wildlife that currently roam there.
- ▶ Deer, turkey, bear, bobcats, coyotes, fox, all kinds of smaller animals and birds are in these woods.
- ▶ I see many of these in my yard daily.
- ▶ Strangers coming in will bring hunters.
- ▶ I do not wish to do anything that results in the wildlife being harmed.
- ▶ Do not want to do anything that increases the likelihood of firearms being used in the proximity of residences.

Financial Consideration

If you do Concept C with restrooms = \$781,000

What is the ROI (Return on Investment)?

ASSUMPTIONS:

- 1) 10,000 hikers/year = 28.5 hikers/day
- 2) 500 new visits to Maggie Valley because of Project.

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Cost per hike \$78.10

Cost per new visit \$1,562

"This is not a good use of taxpayer's money. You will be paying people to hike. The project will not stand on its own."

Further Costs Consideration

- ▶ Likely construction cost over runs of 10% will occur.
- ▶ What will yearly maintenance costs be?
- ▶ How do you recover costs?
- ▶ Cost of many angry residents of MVCCE
- ▶ Cost of Bad Publicity.
- ▶ Cost of Potential Lawsuits.

THERE MUST BE A BETTER WAY TO SPEND TAXPAYER MONEY!

An analysis of the stream/waterfall was taken to professionals for testing. (See results below.)

Both Coliform and E. Coli were found. When kids get near water, they are going to get in it.

- ▶ This project is a detriment to MVCCE
- ▶ If you proceed, it will make angry people even more angry
- ▶ The ROI (Return on Investment) should kill the project regardless of anything else
- ▶ While many of us are not residents of the Town of Maggie Valley, we still can assist in ensuring that you are not re-elected if you vote "yes" for this project. "Yes, we are angry!"

A sample of quotes from a few residents:


Patricia Lively-Norton: In my opinion Maggie Valley went about this ALL WRONG. Even so, it is never too late to do the right thing. The Town of Maggie should stop with Waterfall Project unless MVCCE is on board. My dad built our Cabin on that mountain because it was secluded and quiet 30 years ago. We call it our sweet spot. Our dad past 3 years ago but if he were alive today, I am quite sure that you would know him on first name basis as he would fight to keep such a project out of his sweet spot neighborhood. Thank you for what you do for our sweet Maggie Valley.

Linda Gettle: I have had a vacation home in Maggie Valley for 30 years and am now selling because of this. I pray for the other homeowners to be saved from this ridiculous attempt to make beautiful Maggie Valley into another Gatlinburgesque tourist trap.

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Jaci Reynolds (Real Estate Broker): After seeing the proposed drawings last night at the meeting (March 9), privacy for the homes in the area is a main concern. People do not purchase a home in the woods because they want to be literally surrounded by complete strangers walking around their homes.

Otis Sizemore: We object to non-residents being encouraged by the Town to bring increased traffic to our neighborhoods, trespass on private property, scatter trash for us to remove, park on our narrow streets and yards, disturbing the peace and quiet of our neighborhood, and creating other problems for our residents with their behavior.



West Carolina Water Treatment
22 Jenkins Rd
Waynesville, NC 28785

Phone: (828) 648-8034
Fax: (828) 926-1576
Web: www.wcwater.com


Maggie Valley Country Club Home Owners Association
514 Greenview Dr.
Maggie Valley NC 28751

Certificate of Water Analysis
Iidex Colliert 24 MMO-MUG Presence/Absence Bacteriological Test

Sample Date: 03/22/2021
Sample Time: 9:00 pm

Sample Address: 514 Greenview Dr, Maggie Valley NC 28751
Sample Point: Falls Sample point


Analyte	Result	Allowable Limit	Unit
Total Coliform	Present	None	N/A
E.coli	Present	None	N/A



West Carolina Water Treatment

Report Date: 03/23/2021

Report By: Dennis Warwick, CWS



If you have any doubt about MVCCE's resolve to have you understand "we do not want the Waterfalls Project to proceed", please be aware that we have a Petition signed by over 200 people.

The solution:

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Sell the property with deed restrictions for "Residential Use Only"!

There was a ten-minute break between the MVCCE Presentation and the beginning of the Agenda Setting/ Monthly Workshop.

Council came back into session at 10:35am to review the proposed April 13, 2021 agenda.

Consent Agenda

a. Minutes to be Approved: March 2, 2021, March 8, 2021, and March 9, 2021.

b. A/R Report

c. Budget to Actual

d. Delinquent Tax List for Public Advertisement in the Mountaineer

The State mandates that the delinquent tax list must be published in a newspaper of general circulation. Director Wheeler will accept tax payments until 5 pm and then the list will be sent to the Mountaineer for publication.

Recognition of Police Officers: Russ Gilliland, Police Chief

Chief Gilliland will give four officers an insignia for going above and beyond to save lives.

Consideration of Voluntary Annexation: 22 Lester Lane

This is a volunteer annexation to receive municipal sewer. This 0.5-acre parcel was given to Mr. Ferguson and wife by the Baptist Church that was once the old Rock Hill Elementary School. The Church is not connected to sewer. Mr. Ferguson's double-wide mobile home has now been connected. The Church property address is 3817 Jonathan Creek Road.

Although the Town has provided sewer to the parcel, charging the out-of-Town Sewer Capital Capacity Fee and monthly User Fees, the parcel is not within Maggie Valley's service area (Trash/Recycling/Police/Brush Pick Up/White Goods/ Etc.).

Staff recommends this parcel not be annexed.

Consideration of Voluntary Annexation 300 Jaynes Cove Road

This too is a volunteer annexation to receive municipal sewer. This 0.3397-acre parcel is located along the road leading to Brannon Forest Subdivision where services are provided by the Town.

Staff recommends annexing this parcel because it is within Maggie Valley's service district.

Consideration of Sewer Extension without Water-Linson Ridge

This will be Phase 3 (the upper portion) of Linson Ridge Subdivision. Due to water pressure, the Maggie Valley Sanitary District (MVSD) will not be able to provide water to all the homes proposed in Phase 3. It is possible that the first two homes will be able to get water at approximately 3080 feet in elevation.

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Sewer will be available.

Consideration of Event Approval: Eurofest Maggie Valley -August 21, 2021

The promoter of SoWo normally held at this time is dealing with health issues and will not be able to organize the event as in the past. Kathy Jacobs, owner of Southeast Euro Motorsports has taken over the event. Sowo has always been a good event for Maggie Valley and draws attendees far and wide with European Cars.

Consideration of Festival Grounds 2022 Calendar Approval

Self-explanatory

Budget Amendment

Ordinance 944 is to transfer the funds to pay for the Hobby Property located at 3399 Soco Road, across from the Maggie Valley Festival Grounds. The property was purchased for the purpose of having additional parking during events and for public parking. The trees will be cut down at the back of the property, a small structure removed, and the planter removed to create additional space until the parking lot is prepared to meet the standards for a parking lot in Maggie Valley. There is electricity on the lot, but there are streetlights on both ends of the property.

Other Business

☛ Manager Clark provided a copy of THE AMERICAN RESCUE PLAN ACT through the National League of Cities. Manager Clark and Director Wheeler attended a video conference and found that there is no hard guideline on the expenditures of these funds. Broadband was not included in the statute, yet the Legislators says that is what they meant.

Manager Clark suggested waiting until the State Treasury Department provides their guidance. Guidance is critical because the financial audits are very detailed and complex. The funding is based on population. The Town will receive \$360,000.

Manager Clark went on to inform Council that other monies are being sent to states and counties. It is suggested that local governments seek funding from those sources and keep the funding awarded to local governments back until all other sources have failed.

These funds will be in the budget as a line item, but expenditures will not show at this time. This is not a reoccurring fund, therefore Council should not lower taxes based on the American Rescue Plan Act.

As previously stated, Covid had a tremendous impact on other areas; but Maggie Valley exploded with tourists/visitors. Most of WNC has been extremely fortunate to not have taken as hard of a hit as other municipalities during the pandemic.

☛ Town Hall and the Community Pavilion to reopen.

The pavilion will reopen May 1, 2021. Under Executive Orders: with the doors closed, up to 50 people can assemble in the pavilion. With the doors open, up to 100 people can assemble in the pavilion.

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The Haywood County Library wants to reopen the branch library inside Town Hall. Town Hall will reopen May 3, 2021.

When questioned about the Mini-Truckin Event, Manager Clark responded that due to the pandemic in 2020 the show was moved to October. The Executive Order is less stringent now than was the case in October 2020.

☛ Alderman P. Wight stated that HB412 is too narrow and does not help Maggie Valley. Alderman P. Wight has been vocal about the occupancy tax increase, although he feels that this bill will not pass, he wants to be assured that the bill does not pass under the guise of another bill. Representative Mark Pless introduced the 2% increase Occupancy Tax Bill to get conversations started.

Mayor Eveland agreed, we need to make sure this bill is right before it passes. Alderman T. Wight has not been in favor of past discussions on the issue.

☛ Manager Clark informed Council that there are issues in getting the revaluation numbers from the county. No one will be able to attend the April Regularly Scheduled Board of Aldermen Meeting to discuss the revaluations numbers. This is a major part of creating Maggie Valley's 2021/2022 budget.

Home sales are up while inventory is down. Property values are up on most homes.

Alderman T. Wight stated that their motel value increased a lot.

Manager Clark asked that Council be on the look out for a Special Called Meeting the last of April. The revaluation numbers will tell Council the impact that property taxes will have on residents/businesses within Maggie Valley.

☛ The laptops for Council have arrived and they will be issued on May 4, 2021 with the assistance of one of the Advance Data representatives available to assist with the setup either before or after the Agenda Setting/Monthly Workshop.

Adjournment

ON MOTION OF ALDERMAN T. WIGHT, WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 11:13 AM.



Mayor Mike Eveland



Vickie Best, Town Clerk, CMC, NCCMC

