

Town of Maggie Valley
Regular Scheduled Board of Aldermen Meeting
August 17, 2021
MINUTES

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

Staff Present: Manager Nathan Clark, Public Works Director Mike Mehaffey, Town Planner Kaitland Finkle, Town Clerk Vickie Best, and Attorney Craig Justus via phone

Others Present: 16 people and reporters Hannah McLeod and Kyle Perrotti

1) **Meeting Called to Order**

Mayor Eveland called the meeting to order at 6:41 pm on Tuesday August 17, 2021, in the Town Hall Boardroom.

2) **Pledge of Allegiance**

The pledge was said by all.

3) **Consent Agenda**

- a. Minutes to be Approved: July 1 & July 13, 2021
- b. Budget to Actual
- c. A/R Report
- d. Kiwanis 70th Anniversary Proclamation
- e. Call for Public Hearing- Voluntary Annexation Resolutions: September 14, 2021, 6:30PM
- i. Resolution 21-13 PIN 7676-88-8767 (Franklin/Luxury 1 Investments)

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

Mayor Eveland read the proclamation aloud that was presented to the Kiwanis for their 70th anniversary. The Kiwanis have done excellent work for the children of Haywood County providing numerous scholarships and grants and have now, through working with the Waynesville Parks and Recreation Department, been able to create a playground for younger children, bringing joy to families throughout Haywood County.

4) **Public Comment**

There was no public comment.

5) **Consideration of Voluntary Annexation: PIN 7686-17-4633 (Day)**

This is a volunteer annexation request that is sewer driven. The 5.2-acre parcel is located off Rocky Top Road and is considered the undeveloped portion of Pioneer Village (a cabin resort).

- a. Public Hearing

Mayor Eveland opened and closed the public hearing at 6:52 pm without comment.

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b. Consideration of Annexation: Annexation Ordinance 956

ALDERMAN DAVIS MADE A MOTION TO APPROVE ANNEXATION ORDINANCE 956 FOR THE 5.2 ACRES. MOTION CARRIED UNANIMOUSLY.

6) **Consideration of Ordinance RV PUD Text Amendment**

Draft Text Amendment:

Ordinance No. 957

AMENDING THE ZONING ORDINANCE SECTION 154.055 STANDARDS AND SECTION 1554.110 ALLOWING RV PARKS TO HAVE A PLANNED UNIT DEVELOPMENT (PUD) STATUS.

§ 154.055 STANDARDS.

(A) The following standards governing lot areas and building setbacks shall apply in the zoning districts established in this chapter.

<i>Districts</i>	<i>Minimum Lot Area</i>	<i>Lot Area per Dwelling Unit</i>	<i>Minimum Lot Width</i>	<i>Setback (Front, Side, Rear)</i>
Residential 1	14,000 square feet	—	75 feet	25 feet, 10 feet, 10 feet
Residential 2	11,000 square feet	11,000 square feet; 3,000 square feet per each additional unit	60 feet	20 feet, 10 feet, 10 feet
Residential 3	7,000 square feet	7,000 square feet; 3,000 square feet per each additional unit	60 feet	15 feet, 10 feet, 10 feet
Neighborhood Business (C2)	7,000 square feet	7,000 square feet; for residential uses <u>and RV-PUDs</u> , R-3 provisions shall apply	60 feet	15 feet, 10 feet, 10 feet
General Business (C1)	—	For residential uses <u>and RV-PUDs</u> , R-3 provisions shall apply	75 feet	10 feet, 10 feet, 10 feet

§ 154.110 PLANNED UNIT DEVELOPMENTS.

(4) *Land uses.* A mixture of land uses may be allowed in any planned unit development. However, within residential districts, nonresidential uses shall be primarily for the use of the PUD residents and shall not constitute the primary use in the planned unit development, and nonresidential uses shall be carefully designed to complement the residential uses within the planned unit development. All planned unit developments must be compatible with and not violate the intent of the zoning district. **A travel trailer/RV park may be deemed a RV-PUD upon issuance of a Special Exception by the Zoning**

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Board of Adjustment and approval of the land subdivision by the Planning Board in accordance with the requirements of § 154.039 (C)(2).

5) *Minimum requirements.*

(a) The normal minimum lot size, setbacks, and frontage requirements are hereby waived for the planned unit development, provided that the spirit and intent of this section are complied with in the total development plan, as determined by the Board of Adjustment. The Board of Adjustment shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this section.

(b) No building or structure shall exceed the height limitations of the district in which it is located.

(c) The minimum distance between buildings shall be 20 feet or as otherwise specified by the Board of Adjustment to ensure adequate air, light, privacy, and space for emergency vehicles.

(d) Every dwelling unit shall have access to a public or private street, walkway, or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles.

(e) **Developments that are deemed RV/PUD shall be limited only to Class A Recreational Vehicles. Class A Recreational Vehicles are defined as a self-contained RVs constructed on either a truck chassis or commercial bus chassis that typically has a flat or vertical front end with large side windows. These types of RVs may also feature "slide outs" which when parked allow larger internal living areas. Each unit must have access to a public or private street, walkway, or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles. Recreational vehicles must be currently registered and tagged, having the official, current license plate mounted in the appropriate location on the vehicle. Recreational vehicles are not permitted as permanent residences in any zoning district, nor shall they be used for more than 180 days. No structural additions may be built onto or attached to the RV; other buildings or park amenities such as accessory buildings must meet the Town's Appearance & Designs Standards and shall be approved by the Zoning Board of Adjustment in accordance with the Planned Unit Development / Special Exception Permit process.**

a. Public Hearing

Mayor Eveland opened and closed the hearing at 6:53 pm without comment.

Manager Clark has received comments that the RV Super C Class should be added. (Class Super C Recreational Vehicles are defined as a self-contained RV constructed on a truck chassis that typically has a tractor style front end with large side windows. These types of RVs may also feature "slide outs" which when parked allow larger internal living area, and must have access to public or private streets, walkways, or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, to ensure acceptable levels of access for emergency vehicles.)

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There were also comments that the 180 days to move the RV off the site should be removed. This rule could be removed, and the Towns Flood Development and Damage Prevention Ordinance can be referenced.

The Planning Board unanimously voted in favor of the RV Park- Planned Unit Development (PUD) amendment.

Alderman P. Wight passed out packets of information/pictures of other classes of RVs.

There was a brief discussion about adding new information at the actual meeting when it was not discussed at the Agenda Setting Meeting/Monthly Workshop. Alderman T. Wight was not at the Agenda Setting Meeting because of Jury Duty going on to question if Council should not do their homework.

Decisions are not necessarily decided at Agenda Setting Meetings because no official action is taken at the workshop.

Alderman Patel asked why you would want to restrict a RV that cost over \$100,000. Alderman P. Wight questioned who are "we" discriminating against?

RVs have classes the same as Class A Mobile Homes and Class B Mobile Homes.

The pictures within the packet provide Council a sense of what the different classes look like.

Alderman Davis added that an Airstream Travel Trailer can cost up to \$184,000.

Planning Board Chairman Jeff Lee spoke from the floor, stating that there was some confusion about the differences between Class A, B, and C. The members knew that Peterbilt builds the Super C. The intent was to have high-end, nicer motorhomes.

Mayor Eveland stated that Class B looks like a van.

Manager Clark added that motorhomes, like SUVs, range from Mercedes to Broncos.

Mayor Eveland stated that you could regulate motorhomes over 10-years old.

Mr. Frankie Wood stated that the restrictions will be placed through the HOA, "specifically everything you are talking about".

The motorhomes must be registered and tagged, and no structure may be attached.

Within the packet provided by Alderman Patel, the following will replace letter e of the proposed text amendment.

Developments deemed RV/PUD shall be limited to Class A, B, and C Recreational Vehicles. Recreational Vehicles are defined as a self-contained RV constructed on either a truck chassis or commercial bus chassis that typically has a flat or vertical front end with large side windows. These types of RVs may also feature "slide outs" which when parked allow larger internal living areas and must have access to a public or private street, walkway, or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of

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access for emergency vehicles. Recreational Vehicles must be currently registered and tagged, having the official, current license plate mounted in the appropriate location on the vehicle. No structural additions may be built onto or attached to the RV; other buildings or park amenities such as accessory buildings must meet the Town's Appearance & Designs Standards and shall be approved by the Zoning Board of Adjustment in accordance with the Planned Unit Development/Special Exception Permit process.

b. Ordinance 957

ALDERMAN PATEL MADE A MOTION TO APPROVE ORDINANCE NUMBER 957 WITH THE REMOVAL OF THE 180 DAYS, MAKING REFERENCE TO THE FLOOD ORDINANCE, AND REPLACE LETTER E WITH THE NEW PARAGRAPH PROVIDED. ALDERMAN T. WIGHT SECONDED THE MOTION. MAYOR EVELAND OPPOSED, MOTION CARRIED BY 4/5'S VOTE ON FIRST READING.

7) **Consideration of Resolution: 12-21 Town of Maggie Valley-Maggie Valley Fire & Rescue**

The Maggie Valley Fire and Rescue is an excellent department that provides outstanding service and provides some of the best fire ratings in the county. Every four years, all Department have ISO inspections that determine fire ratings. Maggie Valley is a 5 in some areas and a 4 in others, which all are exceptional.

As with Lake Junaluska Fire Department, Maggie Valley has annexed properties within the Jonathan Creek Fire Department's District. With the passing of Resolution 12-21 this will make the Jonathan Creek Fire Department officially acknowledged as the Fire Department for Bethel Village and The Swag.

RESOLUTION NO. 21-12

RESOLUTION VERIFYING THE RELATIONSHIP BETWEEN THE JONATHAN CREEK COMMUNITY VOLUNTEER FIRE DEPARTMENT INC. AND THE TOWN OF MAGGIE VALLEY

WHEREAS, The Town of Maggie Valley annexed areas located within the Jonathan Creek Community Volunteer Fire Department Inc. jurisdiction into the corporate limits; and

WHEREAS, These areas lie within the Jonathan Creek Community Volunteer Fire Department's area of service; and

WHEREAS, Jonathan Creek Community Volunteer Fire Department has provided outstanding protection to its entire service area; and

WHEREAS, The Town of Maggie Valley and the Maggie Valley Fire & Rescue Inc. have a longstanding and generally acknowledged relationship.

NOW THEREFORE BE IT RESOLVED: by the Board of Aldermen of the Town of Maggie Valley that:

1. The Town of Maggie Valley with the support of the Maggie Valley Fire & Rescue Inc. desires Jonathan Creek Community Volunteer Fire Department to continue providing service in the same manner as before annexation took place.

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2. Tax revenues generated through Fire District Taxes fund the Jonathan Creek Community Volunteer Fire Department. Since these areas lay within the service district of Jonathan Creek Community Fire Department, the Town of Maggie Valley desires all fire district taxation to remain under the fiscal control of the Jonathan Creek Community Volunteer Fire Department.
3. Mutual Aid Agreements exist and will continue to exist between the Maggie Valley Fire Department and other fire departments in the county.
4. This resolution shall be considered the same as an Interlocal Agreement between the Town of Maggie Valley, Maggie Valley Fire & Rescue Inc., and Jonathan Creek Community Volunteer Fire Department.
5. This Contract may be terminated by either party upon ninety (90) days written notice.

ALDERMAN PATEL MADE A MOTION TO APPROVE RESOLUTION 21-12 VERIFYING THE RELATIONSHIP BETWEEN THE JONATHAN CREEK COMMUNITY VOLUNTEER FIRE DEPARTMENT INC. AND THE TOWN OF MAGGIE VALLEY. ALDERMAN T. WIGHT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Aldermen P. Wight asked for prayers for the families that have lost their homes. "There may be loss of lives tonight".

8) **Consideration of Contract: Smith Rodgers & Aldridge- Police Policy Update**

This is an incredibly important document that guides officers in the field and is one of the routinely examined documents in court proceedings.

The cost of the policy update through Smith Rodgers & Aldridge is \$6,000. The funds are allocated in the 2021/2022 budget.

ALDERMAN DAVIS MADE A MOTION TO APPROVE THE POLICY UPDATE FOR THE POLICE DEPARTMENT THROUGH SMITH, RODGERS & ALDRIDGE FOR \$6,000. MOTION CARRIED UNANIMOUSLY.

9) **Consideration of Purchase: Ilderton Dodge (2) 2021 Dodge Chargers AWD Pursuit**

FY 2021-2022 Budget included funds (\$63,018) for two new police cars which were to be 1 2022 Dodge Durango AWD and 1 2022 Dodge Charger AWD.

Unfortunately, through State Contract, Dodge Durangos are not available for delivery until June 2022 due to the supply chain and manufacturing disruptions.

Chief Gilliland has reviewed the fleet and has determined that purchasing (2) Dodge Chargers AWD will be sufficient; this may require the Town to purchase (2) Dodge Durangos AWD in FY 22-23.

The purchase cost for Chargers is \$55,278, an overall saving of \$7,238.

ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE PURCHASE OF TWO DODGE CHARGERS. MOTION CARRIED UNANIMOUSLY.

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10) Other Business

11) Department Head Reports

PUBLIC WORKS/SEWER DEPARTMENT

Director Mehaffey provided an update on the Twinbrook/Springlake Road Project. They have waited two months for AT&T to move a utility pole. The pole is supposed to be moved next week.

Duke Energy has trimmed back the limbs over hanging power lines. Public Works will cut back the trees and the undergrowth. The problem with the road project will be getting a contractor to do the work because everyone is so busy at this time and State Law prohibits working in a trout tributary during certain months of the year (October to March).

- 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. 12 tons.
- Monthly Solid Waste approx. 52 tons.
- Monthly White Goods/Electronics 9 pick-ups.

22 tons of brush.

- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners, Summer Banners and Flag Banners.
- Perform ditch, culvert, shoulder, and road maintenance along streets; both private and Town maintained streets.
- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Wastewater Treatment Plant.
- Public Works replaced all the signs that identify the parks.
- Public Works has started weekly mowing, weed eating, and spraying of all town properties and responsibilities. Approximately 48 acres weekly.
- Public Works staffed and over saw the 4th of July fireworks, as well as 3 other very successful events at the Festival Grounds in July.

WWTP

- Monthly testing, monitoring and analysis; Monthly cleaning and repairs.
- Monthly Road, Levee, equipment and building maintenance.
- Continued yearly sewer line, manhole, easement spraying, and creek crossing inspections as required by DENR.

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- Continue working to make repairs to deficiencies identified during I/I study, smoke testing and sewer assessment. 30 repairs last month from I/I repair list.
- Installed/repaired 3 sewer services issues, cleaned and videoed approximately 500' feet of sewer line, inspected 2 sewer connections/installations, repaired/leak stopped 1 damaged manhole and inspected 2 manholes as we continue to work on I&I issues.
- Dewatered 45,000 gallons of digester sludge. Also, hauled 50 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.
- Continued monthly sewer easement maintenance i.e., bush hogging, tree cutting, spraying and debris removal.
- This month we received NC811 locate request for 45 tickets. These were all marked in a timely manner.
- Continue monitoring Jonathan Creek and stream banks for fallen and dead trees that could impact the Town's sewer creek crossings. This is now required by NCDEQ.
- Removed fallen trees and debris from Jonathan Creek on Moody Farm Road, Stonebridge Campground 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 13 grease trap inspections. Of these 1 was 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.

Now that businesses have had to use Valley Protein out of Knoxville Tennessee, the service is not as good.

PLANNING

Manager Clark introduced Maggie Valley's new Town Planner Kaitland Finkle. Ms. Finkle graduated from Appalachian State with both graduate and undergraduate in planning and a MPA from the School of Government in Chapel Hill. Ms. Finkle has worked in planning for 10-years across the state of NC, but prefers small towns.

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Zoning Permits (Since May 11, 2021)	38	
Residential	8	3BR SF (Scarlet Oaks) 3 BR SF (Alexander Dr) 4 BR SF (Alexander Dr) 2-3 BR SF In Floodplain (MV Estates on JCreek) 2-3 BR Modular (Bethel Village) 3 BR SF In Floodplain (River Wind)
Commercial	16	Coffee Shop @3047 Soco Road Retaining wall AllPhase Storage Stonebridge 2 Park Models, 5 RV's Open Air Pavilion @ Dellwood Baptist Church Cottage Remodel @ Veda Inn & Cottages Cabins, Bathroom, Hot tub venue @ The Swag Restaurant/Cabin Renovations @ Cataloochee Ranch High Country Furniture Warehouse ID and Directional Sign Replacement @ Quality Inn Renovation of Travelowes Motel
Misc	9	Wheelchair Ramp Rehab @ 567 Soco Road Pergola @ The Woodlands Interior Renovation Valley Creek Run Attach a carport La Bella Vita Park Model Renovation in Prescott Park Patio/Fireplace in Brannon Forest 2 Decks @ Kamp-n-Kountry Class A to serve as Live/Work for Office/Restaurant permitted in February @ 1915 Soco Deck Expansion Linson Ridge
Zoning Compliance Letters	5	2-2 BR SF Residence The Meadows at Campbell Mountain 2 BR SF Residence Raven Ridge 3 BF SF Residence Crocketts Meadow Fire Restoration Five Star Inn

Manager Clark reminded Council that a Consistency Statement must be approved when a text amendment is made to the Zoning Ordinance.

Consistency State for text amendments to the Town of Maggie Valley Zoning Ordinance Section 15.055 Standards and 15.110 Planned Unit Developments.

The proposal to amend the Zoning Ordinance to all RV-PUDs with the same density requirements as the R-3 zoning district is consistent with the Town's Land Use Plan, adopted May 2007. A recommendation from that plan is to "protect, to the greatest extent possible, the land uses associated with the tourism industry".

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These amendments are reasonable and in the public's interest because of several factors, including:

1. Since adoption of the Zoning Ordinance, it has become evident that in certain commercial areas Planned Unit Developments should be allowed to include RV Parks and Campgrounds that offer the sale of individual campsites.
2. The density requirements for RV Parks are similar to those of high-density residential developments and dimensional standards for RV-PUDs should match the standards of R-3: Residential High-Density Districts.

ALDERMAN P. WIGHT MADE A MOTION TO APPROVE THE CONSISTANCY STATEMENT AS WRITTEN. MOTION CARRIED UNANIMOUSLY.

► There will be a NCDOT Workshop on August 19 at Lake Junaluska to discuss the 19-23-74 Road Project. NCDOT will be present for the Council of Government meeting here in Maggie Valley August 30, 2021, beginning at 6:30 pm.

► The Maggie Valley Board of Aldermen will conduct a Workshop on Food Trucks on Tuesday August 24 at 9:30 am. Public Comment will be accepted, and the Chamber of Commerce will do a survey of the businesses and provide Council with the input.

12) **Closed Session:**

Council was directed that the conversations in the Closed Session would not be Economic Development or Attorney- Client Consultation. Town Attorney Justus was not able to be present. The purpose of going into Closed Session is for Personnel.

Under 143-318.11(A)(6) **ALDERMAN T. WIGHT MADE THE MOTION TO ENTER CLOSED SESSION FOR THE PURPOSE OF DISCUSSION PERSONNEL WITH ALL IN-FAVOR AT 7:35 PM.**

a. § 143-318.11 (a)(6) Personnel

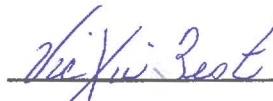
ALDERMAN T. WIGHT MADE A MOTION TO COME OUT OF CLOSED SESSION AT 7:52 PM. MOTION CARRIED UNANIMOUSLY.

13) **Adjournment**

ALDERMAN PATEL MADE A MOTION TO ADJOURN AT 7:52 PM WITH ALL IN FAVOR.



Mayor Mike Eveland



Vickie Best, Town Clerk, CMC, NCCMC

