

Town of Maggie Valley  
Board of Aldermen Agenda Setting/Monthly Workshop  
January 5, 2022  
MINUTES

Members Present: Mayor Mike Eveland, Aldermen: Jim Owens, John Hinton, Tammy Wight, Phillip Wight

Staff Present: Manager Nathan Clark, Public Works Director Shayne Wheeler, Planner Kaitland Finkle, Public Works Director Mike Mehaffey, and Town Clerk Vickie Best

Others Present: Reporter Hannah Mcleod with the Smoky Mountain News

Mayor Eveland called the Agenda Setting/Monthly Workshop to order at 9:36 am on Wednesday January 5, 2022, in the Town Hall Boardroom.

Before beginning the agenda review, Manager Clark discussed the loss of Maggie Valley Fire Chief Chris "Bubba" Carver. Council and staff felt the need to do something to honor "Bubba" for his life-long service to Maggie Valley. Manager Clark has been working with Maggie Valley Fire & Rescue Board Chairman Scott Sutton to have the family present and a resolution created to honor "Bubba" in a manner so deserving.

Because the family should be given time to grieve, and because of the public hearing on the moratorium, Council agreed it would be better to push the resolution until the February meeting. Council and staff expect a lot of attendees for the Moratorium Public Hearing.

Council began the agenda review.

- 1) **Meeting Called to Order**
- 2) **Pledge of Allegiance**
- 3) **Consent Agenda**
  - a. Minutes to be Approved: December 7 & December 14
  - b. Budget to Actual
  - c. A/R Report
  - d. Tax Releases

The Consent Agenda is basic.

- 4) **Public Comment**
- 5) **Consideration of Moratorium "Campgrounds, RV Parks, PV PUDs and RV Storage"**
  - a. Public Hearing

Due to the Public Hearing on the Moratorium, and the need to review what is expected of Council and attendees, Council was given Resolution 14-1 that was adopted by the Board of Aldermen on January 13, 2014, for the purpose of setting Rules of Procedure regarding conduct and associated issues.

**RESOLUTION 14-1**

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**A Resolution Setting Rules of Procedure Regarding Meeting Conduct, Coordination,**

**Preparation, and Dissemination of Agendas and Associated Materials**

**Pertaining to Regular Meetings of the Board of Aldermen**

**WHEREAS**, the Town of Maggie Valley Board of Aldermen wants to ensure, insofar as is possible, the orderly and timely conduct of all public business needing to come before it in regular meetings, and

**WHEREAS**, the Board believes it is essential that the public has a known and recognized official point of contact with the Town for all parties having business or desiring an appearance before the Board, and

**WHEREAS**, the Board desires that all parties, issues, materials, correspondence, etcetera, pertaining to a matter to come before the Board be presented in a complete, coordinated, and timely manner, and

**WHEREAS**, the Board believes that it, assisted by the Town Manager and Town staff, should have adequate time to prepare for meetings and issues coming before it through advance study, analysis, or investigation, and that each Board member should have equal access and availability of agendas and associated materials, and

**WHEREAS**, under the Council-Manager form of government, it is logical and appropriate that the Office of the Manager be the Board's officially designated location for the preparation and coordination of all meetings involving the Board of Aldermen;

**WHEREAS**, the Board strives to conduct business and interact with the public in a civil, orderly, and efficient manner, with equal respect to all individuals;

**NOW THEREFORE, BE IT RESOLVED**, by the Town of Maggie Valley Board of Aldermen in session duly assembled, that the following Rules of Procedure are instated regarding the conduct and preparation of all regular meetings of the Town of Maggie Valley Board of Aldermen. These Rules and Procedures shall replace any Rules and Procedures regarding conduct of business previously adopted;

1. The agenda shall be prepared in advance of the Regular Board of Aldermen Meeting and shall be made available to each Alderman with all supporting documents and information as far in advance of the scheduled meeting as practical, but not less than three days prior to the meeting.
2. The Town Manager's Office shall serve as the repository for all requests for appearances, work sessions, agenda items, and other issues to come before the Town Board in regular meetings. Those residents or others asking to be on the agenda for any meeting shall first meet with the Town Manager. The Town Manager is directed to prepare agendas, assemble data and material, make official announcements to the press and public, notify parties, conduct research, prepare memoranda, secure facilities disseminate agendas and information as required, and conduct any other activity or provide any other support as is needed by the Town Board of Aldermen for the lawful and successful conduct of meetings.
3. The Board of Aldermen hereby establishes a limit of ten (10) minutes for those requesting to be on the agenda after meeting with the Town Manager as directed above.

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4. The Mayor will have the prerogative of extending time for agenda presentations.
  5. The Mayor is granted the discretion to adjust the order of items on the agenda as necessary to efficiently accommodate business and/or to maintain order.
  6. Public comment will be scheduled to ensure that matters on the agenda and/or requiring board action are given proper consideration; public comment will be accepted at least one meeting per month.
  7. Public Comment participants will be limited to 3 minutes.
  8. The Board will not participate in debate or open discussion with anyone outside the Board without the consent of the Mayor or a majority vote of the Board.
  9. Public comments and opinions may be expressed freely; however, anyone making unsubstantiated accusations, personal attacks, name calling, and/or using foul language will be deemed "out of order" and may be asked to leave the meeting.
  10. Anyone refusing to leave, or otherwise disrupting the meeting will be removed from the meeting room by police escort.
- b. Consideration of Adoption Ordinance 976

**Draft Ordinance:**

**ORDINANCE NUMBER 976**

**AN ORDINANCE PLACING A MORATORIUM ON LOCATING CAMPGROUNDS, RV PARKS, RV-PUDS, AND RV STORAGE WITHIN THE ZONING JURISDICTION OF THE TOWN OF MAGGIE VALLEY**

**WHEREAS**, The Town of Maggie Valley held a legislative hearing before adopting a development regulation imposing a development moratorium within the zoning jurisdiction on January 11, 2022; and

**WHEREAS**, A public notice was published on December 29, 2021, and January 5 & 9, 2022; and

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF MAGGIE VALLEY THAT:**

**Section 1** The Board of Aldermen of the Town of Maggie Valley hereby declares a six (6) month moratorium on locating Campgrounds, RV Parks, RV-PUDs, and RV Storage within the Town of Maggie Valley's zoning jurisdiction.

**Section 2.** It is the intent of this moratorium to allow the Board of Aldermen to make findings of fact, review current laws and ordinances of other local governments, and receive public comment in order to identify each of the following:

- A. A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.

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- B. A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- C. A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- D. A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

**Section 3.** Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this Ordinance does not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific vesting plan approved pursuant to G.S. 160D-108.1, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) applies when permit processing resumes.

There are currently two (2) incomplete applications for RV-PUD Parks on file. The fees were paid when the applications were submitted. The NCGS provides for incomplete applications to have up to six (6) months to turn in a completed application. Engineering often takes time, especially with a RV-PUD because engineered sewer and water must run to each RV space.

As on most occasions, the Planning Board makes a recommendation to the Zoning Board of Adjustment. The Zoning Board makes the final decision. The Board of Aldermen determines the zoning.

Planner Finkle directed Council's attention to Ordinance 976 explaining that Council will be responsible for creating a statement for letters A through D. Each statement may need to be voted on individually. *(Please see above)*

After reviewing the needed statements to letters, A through D, Aldermen P. Wight believed the statements could be answered either way, in favor of or against.

Council must provide reasonable and rational statements to letters A through D.

It is understood that the Unified Development Ordinance (UDO) will provide the needed tools for Council, Planning and Zoning Boards, and developers. Having the UDO will help to take the politics out of most issues. The moratorium allows Council and staff along with public input to look at the big picture and not just a certain developer. The UDO will provide Council the opportunity to look at where we are now and where we would like to look/go in the future.

Before being adopted, the UDO review will provide an opportunity to discuss all issues.

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Alderman P. Wight stated that a lot of the concerns over RV Parks, campgrounds, and RV-PUDs is out of fear. "RV-PUDs provide people a little piece of Maggie Valley on the high end of camping."

Mayor Eveland questioned what Council would like to see campgrounds look like moving forward.

Manager Clark added that Council can decide to allow RV-PUDs to remain, and only traditional campgrounds be moved to a different district/area than the main street of Maggie Valley.

Alderman P. Wight felt the current ordinance on campgrounds is working well. The issue for Aldermen P. Wight is the property that has already been purchased with the intent of creating a RV-PUD, campground, etc. "This is an opportunity for growth."

Alderman T. Wight agreed, adding that RVs is what people want. "We want to keep the beauty of the valley by using buffers. The Town is not enforcing buffering. Instead of doing that, we are putting more restrictions in place. People are not wanting to stay in hotels because of the Covid."

Manager Clark asked if Council adopts the moratorium, do campgrounds/RV Parks rise to the top of the list for the Planning Board to work? The UDO must be done by State Statutes on July 1.

Planner Finkle sees the zoning maps being the most discussed because people can see the effects the map will have on their specific property.

High end RVs were discussed numerous times during the meetings. Classes were discussed, but never the age of the RV. An old Class A Motorhome could look dilapidated.

Alderman P. Wight was told that the Cool Breeze Campground went straight to the State and bypassed the Town's regulations.

Cool Breeze Campground was required to put in a buffer, but the trees died creating a dreadful view.

Stone Bridge Campground's older section is buffered by trees, but the new section has no buffering.

Alderman P. Wight added that the campground across the road from his motel cannot be seen from Soco Road. "You don't know it is there." Alderman T. Wight concurred, adding that "if you don't see it, you don't know it is there."

Going back to Public Hearings, Planner Finkle suggested having a Public Hearing on the map and another for the text in the new UDO. Staff feels there will be a lot of public input that will come out of these meetings. Planner Finkle reminded Council that as with any ordinance, UDOs can be amended after adoption.

Mayor Eveland commented that Council must be committed, even if five (5) meetings are needed. Council agreed and asked to be given the draft version to begin their review. Council is committed to having the UDO adopted by July 1, 2022. Alderman T. Wight responded that it makes the Town look bad by not having the UDO in place already. "We need to have a workshop and go through the UDO line-by-line."

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Public Hearings will be scheduled for March and April. The sooner Council receives public input the better.

A property owner cannot ask for a variance to the use table within a specific zoning district.

Maggie Valley has done well during the pandemic. There are 154 rental cabins in the 28751-zip code. There were people in the valley during December. Alderman P. Wight contended that Maggie Valley is still dying. "We must preserve our commercial district. The two major road projects will greatly affect Maggie Valley."

There will be comments from property owners on the perimeter of the corporate limits. Past Public Hearings have had a lot of cheering and booing and people with signs that were distracting. The rules and regulations for Public Comment and Public Hearings need to be updated. The previous rules and procedures for meeting conduct were created in 2014. "We need an established set of rules that all of the Board agrees on."

Alderman P. Wight thought the past meetings were fine. "Eventually you are going to be on one end or the other." Alderman P. Wight agreed the clapping, cheering and booing needs to cut out. "You have got to make the rules fair to both sides of an issue."

► Planner Finkle explained the rules for speakers and evidence in legislative hearings.

The general statutory guidance for legislative public hearings is GS 160A-81. The statutes allow the governing board to adopt reasonable rules governing the conduct of the public hearing, including but not limited to rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of a spokesman for groups or persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same position when the number of persons wishing to attend the hearing exceeds the capacity of the hall, (iv) providing for the maintenance of order and decorum in the conduct of the hearing. Therefore, reasonable rules can be established to limit the number of speakers and the amount of time each speaker is given, provided that the hearing is conducted in a fair and reasonable fashion.

An example: The chair allotted one hour each to the proponents and opponents of the zoning ordinance, with each side also having fifteen minutes for rebuttal. Sixteen proponents and fifteen opponents were heard. By a show of hand, those at the hearing were opposed to the adoption of zoning by a four to one ratio. About two hundred persons indicated that they wished to speak but were not allowed to because of the time limitation. The Court upheld this procedure, ruling that the legislative intent was to mandate a hearing and provide a "fair opportunity" for those in attendance to present their views. The governing board is allowed, however, to establish an "orderly procedure" for the hearing, as "the General Assembly did not contemplate that all persons entertaining the same views would have an unqualified right to iterate and reiterate these views in endless repetition."

Alderman P. Wight stated that having signs at a Public Hearing was overkill. "It was not on the agenda like that."

The applicant has no restrictions in addressing the board.

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Council discussed limiting the time to 3 minutes, the same as Public Comment or allow for 5 minutes per speaker.

If a presentation is going to take place, the presentation should be given to Manager Clark prior to the meeting or put the issue on as an agenda item to give a demonstration. Alderman T. Wight agreed if a group is of the same opinion having a spokesperson is good.

Manager Clark suggested to provide 5 minutes for each speaker and have the hearing open for 1 hour. If the Mayor feels the need, he may decide to extend the time. All rules should be presented to the audience before starting the hearing.

Normally there is a week between the Agenda Setting/Monthly Workshop and the Regularly Scheduled Meetings. Sometimes a person may change their minds between meetings. If someone changes their mind and comes in with a typed text amendment, then the meeting should be continued for a few days to be transparent and give everyone the opportunity to study the proposal.

Some of the meetings get complicated quickly.

6) **Consideration of Voluntary Annexation: PIN 8607-40-3592 (Staiger)**

- a. Public Hearing
  - b. Consideration of Adoption Ordinance 974
- 7) Consideration of Initial Property Zoning – PIN 8607-40-3592 (Staiger)
- a. Public Hearing
  - b. Consideration of Ordinance 975
  - c. Consideration of Adoption of Consistency Statement

The petition for annexation was driven by the need for sewer. R1 zoning is recommended by the Planning Board and staff. The petitioner had no issue with R1 zoning.

8) **Consideration of Special Event Permit – Tony's Tube World**

A food truck is requesting a Special Event Permit to sale crapes, coffee, and hot chocolate while Tony's Tube World is open. The truck will be moved from the area nightly, and garbage will be carried off daily. The food truck is out of Waynesville and has already been permitted by the Health Department.

A brief discussing took place about Birdie moving her restaurant from the Gate's Flea Market to the Shell Station. A lot of the tubers also come to the Brick House for pizza. Although Birdie closes at 2 pm Council did not want to hurt or take away business.

Mayor Eveland stated that if approved, the food truck should stay during all of Tube World's operating hours.

Council would like to have the gentleman making the request present; dialog will be needed.



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Alderman T. Wight did not think allowing a food at the Tube World was a big deal. "People want coffee and hot chocolate when it is cold, especially in the evenings. The other town's that allow food trucks have not put anyone out of business."

9) **Consideration of Personnel Policy Change- Holidays**

Some employees would like to see the holiday scheduled changed. An example is New Year's Day was on Saturday this year. The employees had Monday off rather than Friday on New Year's Eve.

Council was fine with making the changes. Alderman T. Wight asked if they could leave it to Manager Clark's discretion. Because the dates are in the Personnel Policy an amendment would be needed.

If the holiday falls on Saturday, then staff will take Friday off. If the holiday falls on Sunday staff will take Monday off.

10) **Other Business**

◆Clerk Best sent out an email blast to all promoters asking that 2023 event applications be submitted by March 31, 2022. It has proven beneficial to approve application one year in advance. Council will approve the 2023 applications at the April Regularly Scheduled Board of Aldermen Meeting.

◆Manager Clark has been called to Jury duty next week (week of January 10<sup>th</sup>).

◆Manager Clark asked each Councilmember to submit any issues they would like to discuss during the two-day retreat scheduled for January 31 and February 1. The ARP Funds will be discussed. Planner Finkle will discuss the UDO. Clerk Best will discuss having a Citizen's Academy.

◆Mayor Eveland would like to have a serious discussion about the sound system and possibly videoing the meetings. It was suggested that the Drop Box Application be used to provide recordings of the meetings to the public. Haywood County stream meetings on You Tube. When the heat or cooling turns on it is difficult to hear, and the microphones currently used are made to use up close.

◆Alderman T. Wight asked about the progress made in getting intercoms install at the Festival Grounds. Manager Clark is getting pricing.

◆There has been no additional responses regarding the waterfall property.

◆When questioned about Council's laptops, Manager Clark explained that the usernames were removed after the laptops were upgraded. Manager Clark has called Advance Data to reinstall the usernames.

Aldermen Owens and Hinton will be touring the Wastewater Treatment Plant and Maintenance Facility at 8:30 am on Wednesday January 5.

11) **Department Head Reports**

- a. Mike Mehaffey, Public Works Director
- b. Russ Gilliland, Police Chief
- c. Kaitland Finkle, Town Planner

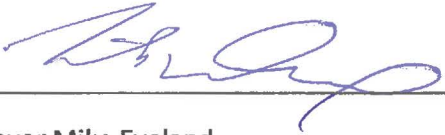


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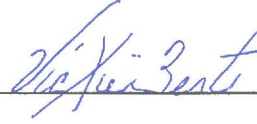
d. Nathan Clark, Town Manager

12) **Adjournment**

**ON MOTION OF ALDERMAN T. WIGHT, WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 11:09 AM.**



Mayor Mike Eveland



Vickie Best, Town Clerk, CMC

