Town of Maggie Valley

Board of Aldermen Agenda Setting/Monthly Workshop

January 7, 2020 MINUTE

Members Present:

Mayor Mike Eveland, Aldermen: Tammy Wight, Clayton Davis, and Phillip Wight

Staff Present:

Manager Nathan Clark, Public Works Director Mike Mehaffey, Town Planner Ron Hancock, Chief Russ Gilliland, Finance Director Shayne Wheeler, and Town

Clerk Vickie Best

Others Present:

Bill Banks, Allen Alsbrooks, Three Members of the First Night Committee, and

Mountaineer Reporter Kyle Perrotti

Meeting Called to Order

Mayor Eveland called the meeting to order at 9:35am on Tuesday January 7, 2020 in the Town Hall Boardroom.

Council began to review the proposed agenda items.

Consent Agenda

Minutes to be approved: December 2 & December 10, 2019

A/R Report

Tax Releases

Budget to Actual

Resolution 20-1 Records Retention Policy & Disposition Schedule

Records Retention Policy and Disposition Schedule (Resolution 20-1) is not a routine Consent Agenda item. The last time the State's mandated policy and schedule was amended was 2012. As stipulated by the NC State Archives, this policy/schedule allows the destruction of certain records after a given timeframe.

Public Comment

Consideration of Appointment-Maggie Valley Board of Aldermen

The deadline for applying for the vacancy on the Board of Aldermen was 5pm Monday, January 6, 2020 (yesterday). The Town received five (5) applications for appointment from: Allen Alsbrooks, Evans Duncan, Jasay Ketchum, Twinkle Patel, and Jared Lee.

Council discussed knowing Mr. Ketchum, Mr. Alsbrooks and Ms. Patel; but not being as familiar with Mr. Duncan and Mr. Lee.

Mr. Clark responded that Mr. Duncan is and active member of the Zoning Board of Adjustments for three (3) years and has a history in banking.

Mr. Lee has come before Council several times in the past and has been instrumental in the development of Waynesville's Skatepark, as well as being locally employed by Skis and Tees.

Alderman Davis stated that he felt all candidates should be heard.

Council will interview all applicants beginning at 5pm on Tuesday January 14, 2020 before the Regularly Scheduled Board of Aldermen Meeting in fifteen (15) minute intervals.

Consideration of Contract Approval: Martin Starnes & Associates FY20-21

This is the final year of a five-year contract with the Town's accounting/auditing firm. The action will be confirming the cost of the 20-21 audit.

Council discussed if it would be beneficial for the town to seek quotes after the contract with Martin Starnes & Associates expires. Martin Starnes & Associates has administered the audits since 2008.

Few CPA Firms do audits for small governmental units. Due to the background work that would be required with a new firm, Council would need to seek quotes in November and the selection be made in January.

Consideration of Surplus Declaration

2014 Ford Explorer 4WD (VIN 1FM5K8AR8EGA76264)

2014 Dodge Charger (VIN 2C3CDXKT5EH320049)

The local entities, that sometimes purchase vehicles from the Town, are not in need of vehicles this year. Therefore, the vehicles will be placed on Gov-Deals and go to the highest bidder.

Consideration of Event Approval

Blow Up Your TV Fest (June 5-8, 2020)

Ghost Town in the Sky Wild West Weekend & Reunion (June 13-14, 2020)

WNC Jeep Fest Presented by Sarge Animal Rescue (June 13-14, 2020)

Blow Up Your TV Fest, produced by Autumn Wong Chong and Keely Caulder met with Manager Clark and Public Works Director Mehaffey December 11, 2019 to discuss having an Indie Rock Music Festival for two (2) days in June, as an alcohol-free event with outdoor camping. The current Festival Grounds Policy prohibits tent camping.

Due to this generation's ways of seeking entertainment; i.e. being focused on sustainability and being an alcohol-free tent camping event, these types of events could be the future events that fill the vacant dates in the festival grounds calendar. This event could be looked at as a pilot event to see how tent camping would work. The promoters would be required to bring in portable bathhouses and pay the camping fees.

Director Mehaffey agreed this may be the future of events for people ages 18 to 25. The two young women wanting to put on the event are music coordinators at the Orange Peel in Asheville. Ms. Chong was very receptive to bringing in bathhouses. The promoters don't want alcohol because they want people to enjoy the music and not alcohol. During the tour, Ms. Chong stated that she was 19 years old. This is certainly a different demographic for Maggie Valley. This event could be held at many other locations, but Ms. Chong stated they wanted the event here because of the beauty of the grounds.

Manager Clark encouraged Council to look at their website blowupyourtvfest.com.

Alderman Davis stated that it would be worth a try and if it becomes unruly the Town could shut down the event and not allow any more events of this type.

Mayor Eveland added that there would also need to be security (not necessarily police) and the promoters would need to provide details and proof of what will be taking place.

Alderman P. Wight questioned how hard it would be to put in a dumping station at the Festival Grounds.

Director Mehaffey responded that there is a way of putting the bathhouse waste into the municipal sewer and has suggested Ms. Chong talk with bathhouse vendors.

Mayor Eveland directed Manager Clark to put a list together of what would be required such as no campfires, security, no alcohol can be carried onto the grounds and how the cleanup process would be expected. The list will be placed in Friday's agenda packet for Council review.

Because the cleanup process would be different than regular events, Manager Clark added that the deposit could be increased.

Ghost Town in the Sky Wild West Weekend & Reunion/ WNC Jeep Fest

Both Ghost Town Wild West Weekend and WNC Jeep Fest want the weekend of June 13-14, 2020.

Alderman T. Wight informed Council that WNC Jeep Fest is already advertising and so far, has 2200 likes on Facebook. WNC Jeep Fest is a one (1) day event while Ghost Town Wild West Weekend is a two (2) day event.

Alderman P. Wight felt the Jeep Fest would grow.

Mayor Eveland questioned Clerk Best regarding her conversation with Mr. Kirby, the promoter for Ghost Town in the Sky Wild Weekend. Clerk Best explained that Mr. Kirby produces a similar event in Florida which is well attended. Six Gun Territory was the "sister theme park" to Ghost Town; both built by RB Coburn. Thus, where reunion becomes part of the event. Employees of both parks gather and put on shows. Mr. Kirby was offered the first weekend in August but the proceeds go to a children's charity so the event should happen when school is out of session. In early August people are preparing for the new school year. The biggest attendance comes from grandparents bringing their grandchildren. Attendance for the event is expected to be 1,500 per day. Mr. Kirby stated that the event would put "heads in beds".

Council discussed the promoter of the WNC Jeep Fest being the Sarge's Animal Rescue Foundation. "Sarge's" alone will draw a lot of people. Two successful brands i.e. Jeep and Sarge's.

Council discussed the possibility that the two events could share the grounds, or could one event be moved to the Community Pavilion. Maybe one of the events could be held elsewhere else in the valley. After further discussion, Council found that the pavilion is unavailable and both promoters are expecting too many attendees to use the pavilion.

Council would like to have representatives present at the Regularly Scheduled Board of Aldermen Meeting to allow Council to ask more questions. The month of June will be completely booked after the approval of two events.

Department Head Reports

Adjournment

After reviewing the proposed agenda, Council discussed the following work session topics.

Winter Woods Lightings Goals for Fiscal Year 2020-2021

Now that the new sign has been installed at the east end of town (intersection of Jonathan Creek Road and Soco Road) electricity is available to install a large winter woods lighting display. Council has discussed having a display at the entrance to town for several years. The Winter Woods Theme, as opposed to Christmas decorations, was decided many years ago to make the town more welcoming to skiers and winter visitors. The display should be like the ones at the Mary Rathbone Rich Park and Parham Park. Mosca Designs is offering a 30% discount on lighting through March. Now would be a good time to purchase a display for the entrance to town. Mosca Designs will take the order now and bill the town after July 1 when the new budget is passed. Winter displays are relatively expensive, and any discounts should be utilized.

Director Mehaffey added that the NCDOT right-of-way takes up the whole corner (to the curb) of the Maggie Valley Inn and Conference Center so there is ample room for a display.

Manager Clark will provide options in Fridays agenda's packet.

Tax Collection Rate as of 1/6/2020

Manager Clark reported that 90% of the taxes for the total budget have been collected. 87.96% of the total tax levy has been collected. A reminder will be mailed to the unpaid taxpayers with interest included at the end of February. In February, the tax collector will seek authority to advertise the uncollected taxes and another reminder will be mailed in March. The delinquent taxpayers will be advertised in the Mountaineer Newspaper in April.

Festival Grounds Project Update

The improvements to be made: Ticket Booth and Stormwater upgrades.

Director Mehaffey explained that the temporary water diversion has worked well in keeping water out of the entrance to the festival grounds. Now that diversion will be incorporated into a paving project and there will no be a trip hazard. The handicap parking and approximately twenty (20) feet into the entrance will be paved at an estimated cost of \$10,800. This work will be completed in early April.

Now that the flood maps have been redrawn, the ticket booth is no longer in the floodplain and can become a permanent structure. Director Mehaffey has talked with Chamber Director Teresa Smith about her thoughts on upgrading the ticket booth as well as Clerk Best because she has worked events. The windows should be raised, the entrance door to the ticket booth will be replaced with a half door so

that entry to the ticket booth can be locked, but people could still speak with the folks working the ticket booth though the top. Chairs/stools with better support will be purchased. The ticket booth already has air conditioning.

The festival grounds upgrades will be an unbudgeted expense. Council would vote to fund the project in February and then approve the budget amendment in March or April.

Alderman Davis stated that the need is there, so proceed with the upgrades.

Director Mehaffey added that some of the stall doors in the women and men's restrooms need to be replaced.

Police K-9 Program Update

As earlier stated, Moses the K-9 has cancer. His health is declining, and he is not being used at the Police Department. Moses will have to be euthanized.

Council agreed that Maggie Valley needs a K-9 program (dog) and quotes for a replacement should be provided as soon as possible. Some folks have asked why Maggie Valley needs its own K-9 rather than use Haywood County's dog. In today's time during a drug crisis, Maggie Valley needs a K-9 rather than chance the county's K-9 not being available.

To raise money to go toward a new dog; Alderman P. Wight questioned if a donation toward a new K-9 would be tax deductible. People would need to talk with their tax preparer.

Chief Gilliland will provide a quote for a new K-9 that will include the dog and the training needed for the handler and the dog. In the past, training has been provided in Florida.

NCDOT Meeting Dates

Manager Clark provided a list of dates in February that the NCDOT representatives could come and meet with Council about the US-19 road project.

Council decided to conduct their annual retreat February 17 and 18 to include a meeting with the NCDOT representatives. NCDOT is aware that the focus of the road project should be pedestrians' safety/improvements and that the five (5) lanes will remain.

COUNCIL WILL CONDUCT THE ANNUAL BOARD OF ALDERMEN RETREAT ON FEBRUARY 17-18, 2020 BEGINNING EACH DAY AT 9:30AM.

UDO Discussion

During the Holiday Alderman P. Wight talked with Manager Clark about having discussions on the proposed Unified Development Ordinance (UDO) during Agenda Setting/ Monthly Workshops when the agenda is light for fifteen (15) to twenty (20) minutes. These updates/discussions would better help to keep Council abreast of what is being proposed.

Maggie Valley Unified Development Ordinance (UDO) Update and Key Themes Moving Forward

- The Town's current Planning and Development regulations (Zoning Ordinance, Subdivision Regulations, Sign Regulations, Flood Damage Prevention, etc.) have been revised and updated based on recommendations from the Town's existing Comprehensive Plan.
- The new UDO will modernize and streamline the development process using clear and
 consistent standards in one guiding document (UDO) to promote quality growth and
 development, while providing a business-friendly atmosphere and more certainty for
 developers.
- The number of zoning districts will be increased from 5 to 14 zones that are designed to guide new development to specific areas in town based on their characteristics and to separate incompatible uses.
- 4. Most of the existing residential areas will maintain their current zoning classifications (R1-3), but new residential options will also be included (MU, R0, R4, MHP).
- 5. The adoption of the new UDO and zoning map will rezone much of the commercial area in town based on an increase from 2 zones (C1 & 2) to 8 zones, including (TC, MU1-3, C3 & 4)
- As part of the adoption process Public Hearings and Town Hall meetings will be required to
 provide opportunities for public input. This process was begun last May but was interrupted
 when new state planning enabling legislation was introduced.
- 7. NC SL 2019-111 (SB 355) has added Chapter 160D: Local planning and Development Regulations to the NC General Statutes.
- Chapter 160D consolidates the planning enabling legislation for NC counties (153A) and municipalities (160A) and made numerous changes affecting the draft UDO. (Checklist).
 Substantive and procedural changes must be included in the UDO by 1/1/21.
 (Consistency statements on rezoning, special exception terminology, conditional zoning, and various board functions amended by new rules.)
- Chapter 160D clarified the authority for local governments to use Conditional Zoning as a tool for zoning amendments and development approvals. Legal counsel has highly recommended that the Town incorporate this tool into the UDO.
- 10. Conditional Zoning allows zoning changes to be made based on site-specific standards and conditions, as part of a legislative decision made by the Board of Aldermen.

- 11. Conditional Zoning allows zoning to be tailored more carefully to a particular site, but may only be done at the owner's request and with their agreement to any conditions imposed.
- 12. May be considered to the Planned Unit Development (PUD) which allows more flexibility in developments, but the final decision is made by the Board of Aldermen, with the Planning Board providing a recommendation on the rezoning.
- 13. Conditional Zoning would minimize the use of Special Use Permits (Special Exceptions) and formal quasi-judicial hearings by the Zoning Board of Adjustment.

It is good that the UDO has not been adopted or the document would have had to be amended because of the new terminology and legislation.

The terminology of the required consistency statement has changed from Special Exception to Special Use Permit.

Conditional Zoning should really be considered since the new legislation has been enacted. Basically, Conditional Zoning allows site specific standards to rezone a property based on conditions agreed upon by both the developer and Council. The property owner would have to formally agree to the conditions.

Chapter 160D places the approval process with the Board of Aldermen.

Alderman P. Wight felt these changes may provide a better tool to work with. Mayor Eveland had concerns that politics could come into play when the process is given to Council. The issues must be outlined in "black and white" before the issue gets to Council.

Manager Clark gave the example of the Residential 2 (R2) zoning in the Campbell Creek area. Some developers have wanted to have Residential 3 (R3) zoning; a higher density. Before 160D became legislation, if an area was rezoned to R3, then all uses could be placed in the area, including mobile homes. Now Council can have better control in the new rezoned area to allow only patio homes. Larger cities have used this tool for development but were required to get special legislation.

Mayor Eveland suggested this legislation could help sell land because developers would already know what they could develop.

The Town Attorney is advocating that Maggie Valley do this process the same as Lake Lure and Brevard already have.

If the new legislation had been in place with conditional zoning rather than rezoning, both the Zambito and Woolmington-Smith projects would have been simpler.

Mayor Eveland concurred, adding that this legislation would allow Council to say yes when in the past they had to say no due to what could have been developed. This legislation would have assisted the design of the RV Park going in beside the Citgo.

The Planning Board will still make recommendations, but when adopted, the new laws will allow Council to tailor the development to the area.

When adopted, the new legislation will streamline the approval process. Mayor Eveland stated that the timeframe is where he gets the most complaints. This process will also help any Ghost Town Projects and allow Council the opportunity to expedite the process and to make conditions on mixed uses.

Planner Hancock provided the following summary:

Executive Summary: Town of Maggie Valley Unified Development Ordinance (UDO)

The State of North Carolina requires that land use regulations be made in accordance with a comprehensive plan. New planning and development regulations for the Town are being proposed based upon recommendations from the "Maggie Valley Land Use Plan." This comprehensive planning document includes modernization of the Town's Zoning Ordinance as a principal theme. The Plan also includes the Future Land Use Map which proposes several new zoning districts be added within the Town's planning jurisdiction. Expanding the number of zoning districts to match the Future Land Use Map, as well as combining all Town land use and development regulations into one manageable ordinance, has been the driving force behind the establishment of the new planning and development regulations. In preparation for upcoming community meetings and public hearings, a summary of the proposed UDO and key features from each chapter are provided for the Board's consideration.

Chapter One: Purpose and Applicability

Upon adoption the UDO will repeal and replace all other land use regulations for Maggie Valley. It is being adopted under authority granted by Article 19 of the N.C.G.S.

The purpose of this ordinance is to provide regulations for the development and alteration of land and buildings within the Town's corporate limits and its extra-territorial jurisdiction, in order to protect and promote the health, safety, economic prosperity, and general welfare of the community. It is also the intent of the Board of Alderman, that the UDO implement the planning policies reflected in the Town's adopted land use plan and all other adopted planning documents, with all provisions being easily understood, effective, and efficient to implement and administer.

These policies are intended to protect both individual property values and individual property and development rights while also:

- A. Maintaining the small-town character and community identity of the town;
- B. Promoting social, cultural, and economic diversity within our community;
- Promoting a vibrant Town Center District, that encourages business investment and development;
- Providing a network of safe and convenient transportation options that accommodate, automobiles, motorcycles, bicyclists, and pedestrians;
- E. Preserving our natural resources, parks, open spaces, and view-sheds;

- F. Minimizing risk to property and water quality from flood damage and storm water runoff;
- G. Protecting environmental health and safety from natural and manmade disasters;
- Providing a variety of housing types for citizens of all income levels, ages, and physical abilities;
 and
- I. Creating economic opportunities through organized development patterns that encourage investment and the redevelopment of our community.

Nonconformities may continue but shall not be reestablished if discontinued for one year.

Chapter 2: Zoning Districts and Uses

The Town currently has five zoning districts, including three residential and two commercial zones. This has often resulted in conflicts between incompatible land uses. In an attempt to separate these incompatible land uses in the future, and to establish appropriate areas in Town for more intensive land uses, several new districts have been proposed.

For this purpose, the Town of Maggie Valley is proposed to be divided into the following land use and zoning districts (new districts are shown in bold):

- (A) R-0 Rural Residential;
- (B) R-1 Low Density Residential;
- (C) R-2 Medium Density Residential;
- (D) R-3 High Density Residential;
- (E) R-4 Seasonal Residential;
- (F) MHP Mobile Home Park;
- (G) TC Town Center;
- (H) MU-1 Soco Road Mixed Use;
- (I) MU-2 Moody Farm Mixed Use;
- (J) MU-3 Attraction Mixed Use;
- (K) C-1 Community Attraction;
- (L) C-2 Neighborhood Business;
- (M) C-3 Maggie Valley Commercial Gateway; and
- (N) C-4 Open Air Commercial.

The **Table of Permitted Uses** (see attached) is a valuable tool that will be used to demonstrate what types of land uses are allowed in each district.

Chapter 3: General Provisions

This chapter contains the "Dimensional Standards and Density Requirements" chart, which is essential for determining how land and lots in Town may be developed (see attached).

The method for measuring the dimensions of lots, setbacks, stream buffers, and building height are described in these sections. Also included are the standards for accessory structures, temporary uses, and other general land use provisions.

Chapter 4: Reserved

This Chapter is reserved for the possible inclusion of other rules and ordinances that the Town has adopted under the general ordinance making authority granted by the State, rather than the Planning and Development statutes. Such ordinances include the Nuisance, Noise, and Outdoor Sales local police-power ordinances. We will seek counsel from the Town Attorney on these issues.

Chapter 5: Additional Use Standards

In order to help mitigate any possible negative impacts or conflicts among dissimilar uses, this chapter details additional standards for uses that are considered to be more intense because of the very nature of the use and any associated activities. These uses include but may not be limited to:

- § 5.1. CELL TOWERS
- § 5.2. CUSTOMARY HOME OCCUPATIONS
- § 5.3. UTILITY INFRASTRUCTURE
- § 5.4. HEALTH CLINICS
- § 5.5. SCHOOLS
- § 5.6. CIVIC RECREATION
- § 5.7. CHILD CARE FACILITIES
- § 5.8. MOBILE HOME PARKS
- § 5.9. VEHICLE SALES AND RENTAL LOTS
- § 5.10 FARM MACHINERY SALES AND REPAIRS
- § 5.11. GASOLINE SERVICE STATIONS
- § 5.12. AUTOMOBILE SERVICE AND REPAIR
- § 5.13. RV PARKS AND CAMPGROUNDS
- § 5.14. FLEA MARKETS AND PRODUCE STANDS
- § 5.15. ADULT ESTABLISHMENTS
- § 5.16. SPECIAL EVENTS

§ 5.17. PLANNED UNIT DEVELOPMENTS § 5.18. TBD

Chapter 6: Appearance Standards and Design Review

Included here are the appearance standards for multi-family and commercial buildings that were adopted by the Town in 2013 and amended in 2018. No substantive changes are proposed for these standards. They will now be codified along with the other UDO chapters.

Chapter 7: Subdivisions

Regulations which dictate the process for subdividing and developing land, along with the associated standards for the design and installation of infrastructure improvements, are an extremely important part of the Unified Development Ordinance. These, along with the authority to enact zoning law, consist of the most common and powerful tools the Town has at its disposal to help guide its physical development. This Chapter provides a complete description of the process for subdividing land and the expectations the Town has for builders and developers with respect to utilities, streets, and other improvements. Types of subdivisions regulated include:

- 1. Recombination and simple plats;
- 2. Family subdivision;
- 3. Minor Subdivision (4 or fewer lots and no infrastructure extensions);
- 4. Major Subdivision (more than 4 lots or infrastructure extensions); and
- 5. Cluster Subdivision (minimum lot width and areas are waived in exchange for open space).

The Town Planner serves as the Subdivision Administrator and the Planning Board has review and approval authority on major and cluster subdivisions. The minimum street design and construction standards have been thoroughly updated (§ 7.14), as have the requirements for utilities, easements, and storm water drainage systems.

Chapter 8: Signs

For better or worse, signs are possibly the most visually impactful elements of the Town's built environment. For this, and other reasons, it is important that the UDO and its chapter on signs take an earnest approach towards preventing visual blight and helping improve the aesthetics of the Town. Through the application of appearance standards for new signs (including proper building materials and

color choices) and strict enforcement of the rules as provided in this chapter, vast improvements can be achieved.

Chapter 9: Administration

In response to changes in state legislation, the Administration sections have been revised to include newly mandated Zoning Board of Adjustment procedures. These include procedures for considering applications for variances, special exceptions, and appeals. The state mandated language related to ordinance text and map amendments has also been updated as required.

Chapter 10: Enforcement

This chapter includes information related to specific enforcement procedures. The procedures related to the issuance of written warnings, Stop Work Orders (SWO), Notices of Violation (NOV), civil citations, abatement orders, and other remedies for violations have now been codified within the UDO. Procedures for appeals from staff decisions to the Zoning Board of Adjustment are also included.

Alderman P. Wight asked if the Planning Board has discussed short term rentals i.e. Airbnb's. Short term rentals are huge online and are very popular. Alderman Wight stated that Airbnb's should be an HOA issue not a Town issue.

The Planning Board has looked at short term rentals and had one citizen talk with them about the problems of allowing Airbnb's. The Planning Board has decided to wait for direction from Council before moving any further.

The Planning Board will be meeting on Thursday January 9 for a meeting and a schedule will be created to complete the UDO.

When questioned about the impact the new legislation has on the proposed Maggie Valley UDO, Planner Hancock responded about 40%. A vast majority of what has been done will still apply. Manager Clark added that the approval process has been altered (the sequence of requirements).

Planner Hancock informed Council that the reasonableness for a decision must be demonstrated in a written statement.

- The town has received two requests for the Polar Plunge to help Haywood Waterways. In the past several years, Haywood Waterways has done a lot of outstanding work in Maggie Valley with grant funds.
- Amber, a founding member of the First Night Committee, spoke to Council expressing what a success the New Year's Eve event was and to thank Council for their support allowing them to use the festival grounds to shoot off the fireworks. Approximately 1200 people attended the event.

Due to the success of the event another fundraiser will be held in October the same as the Monster Mash was held in 2019. The First Night Committee may try to do something in the spring during the lull in tourism. "This proves that businessowners want to work together for the common good."

The fireworks, as was warned, left a mess from the shell wrappings and fuses. The committee hired a landscaper to vacuum the field. Two (2) truckloads of debris was hauled off.

Mayor Eveland stated that it was a good New Year's Eve due to different elements coming together such as the date and the weather.

The First Night Committee members are discussing having other events during the time period from Maggie gets Lit to the New Year's Eve celebration. "That would be a wonderful goal to accomplish."

Alderman P. Wight and Alderman T. Wight attended the event and thought it was a great event and would love to see the event continue. "Everyone celebrates New Year's Eve."

ON MOTION OF ALDERMAN P. WIGHT, WITH ALL IN FAVOR THE AGENDA SETTING/MONTHLY WORKSHOP ADJOURNED AT 11:06AM.

Mayor Mike Eveland

Vickie Best, Town Clerk, CMC, NCCMC