

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
July 13, 2021
MINUTES

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

Staff Present: Manager Nathan Clark, Attorney Martin Moore, Public Works Director Mike Mehaffey, Chief Russ Gilliland, and Town Clerk Vickie Best

Others Present: Reporters Kyle Perrotti and Hannah Mcleod and approximately 20 people.

1) **Meeting Called to Order**

Mayor Eveland called the meeting to order at 6:31 pm on Tuesday July 13, 2021, in the Town Hall Boardroom.

2) **Pledge of Allegiance**

The Pledge of Allegiance was said by all.

3) **Consent Agenda**

- a. Minutes to be Approved: June 1 & June 8, 2021
- b. Budget to Actual
- c. A/R Report
- d. Call for Public Hearing- Voluntary Annexation Resolutions: August 10, 2021, 6:30PM
- i. Resolution 21-11 PIN 7686-17-4633 (Day)

Manager Clark informed Council that due to the change in meeting dates in August, the Public Hearing for the Volunteer Annexation will be held August 17. The Agenda Setting/Monthly Workshop will be held August 10.

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

4) **Public Comment**

Lindsey Ebaugh of 171 Travelers Point addressed the Board with her concerns about the Tent Camp that has moved onto the Richard Bates property just above Bethel Village Subdivision. There is a porta-potty, dumpster, and several people living in tents that have traffic coming in and out at all hours of the day and night. They use Bethel Villages' roads and trespass on private property where many of the residents are single women and mothers. "What are my rights? What do I need to do? Who do I need to talk to?"

Mayor Eveland responded that Council has just recently become aware of the situation. The Police Department will be handling the situation as promptly as possible. Staff is working on the legal implications that can be taken to remedy the problem. "You all are coming to the right place to talk about this problem." Alderman P. Wight concurred, adding that Council will be moving as quickly as possible to resolve this.

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Joanie Hancock of 149 Bronco Way, a single mother of two boys stated that she has contacted Richard Bates about the trespassing and received no response. "The boys love their neighborhood, but now the dynamics have changed dramatically."

Mayor Eveland encouraged the community to get to know the officers from Maggie Valley P.D.

Patsy Wells of 189 Carsen Loop stated that Mr. Bates has not been easy to talk with. This is the same situation he had on South Main Street in Waynesville. "When the homeless were moved from his property in Waynesville; he brought them to our community." Mr. Bates was the original developer of Bethel Village. "He promised a safe place for all and now he did this to us. This is upsetting to the entire community."

Etzna Salazar of 131 Bronco Way questioned what the timeframe will be to resolve this problem. "This began in May. There should be a way to stop these activities through zoning or sanitation."

Alderman P. Wight stated that hopefully by the end of the week, everyone's comfort zone will be better.

Mayor Eveland assured the ladies that they are a part of the Maggie Valley Community and to feel free to call upon staff, Council, and the Police Department anytime. "We encourage that."

Clark Best read the following email into the minutes.

Dawn Williams Tox

69 Laurel Branch Road

Maggie Valley, NC 28751

July 7, 2021

Dear Mayor Eveland, Mr. Wight, Mr. Davis, Ms. Wight, Ms. Patel, and interested parties of Maggie Valley:

My name is Dawn Williams Tox, a resident of Maggie Valley for most of my life, graduate of Tuscola High School, and current teacher at Tuscola. I bring to the table the issue of the use and display of the Confederate battle flag on Maggie Valley town grounds and properties. Flags and banners with this design is a symbol of racism to many people across our country and worldwide. I understand that thankfully, due to the protection of our First Amendment Rights all people have the right to fly any flag they desire. But, through the lens of Maggie Valley, a tourist destination, the use of flags that represent slavery as something to be fought for is counterproductive to establishing a welcoming, safe environment for all visitors to our beautiful hometown. I ask for you ban the use of the Confederate flag symbol on Maggie Valley town grounds and properties and to encourage local business entities to see the harm to our community in using these symbols and choose to not display them.

Thank you for serving the town of Maggie Valley, its residents, and visitors.

Mayor Eveland responded that Council would discuss the issue at the annual October/November Festival Ground/ Events for 2021 Review.

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5) **Consideration of Voluntary Annexation: PIN 7677-70-9297 "Ghost Town Parking Lot"**

a. Public Hearing

Mayor Eveland opened and closed the Public Hearing without comment at 6:47 pm.

b. Consideration of Annexation: Annexation Ordinance 955

ALDERMAN P. WIGHT MADE A MOTION TO APPROVE ORDINANCE 955 ANNEXING THE REMAINING PORTION OF GHOST TOWN PARKING LOT INTO THE CORPORATE LIMITS. MOTION CARRIED

6) **Consideration of Planning Board Directive: RV PUD Text Amendment**

If adopted, Manager Clark explained how the new text amendment would affect RV Parks.

A trend is appearing where developers want to develop RV Parks and sell each site separately. Currently the RV Park would need to meet the Subdivision Regulations. If the text amendment becomes effective, this would allow RV Parks to be deemed Planned Unit Developments (PUD) so that the sites can be clustered with remaining portion of the property to remain open space or have amenities.

The previously approved RV Park by the Citgo Station was approved for 15 RV Sites. If the parcel were subdivided into sites to be sold individually, the number of sites would decrease to 8 RV Sites.

The current ordinance without the PUD option proves to be cost prohibitive.

Alderman P. Wight read a text amendment proposal that Planner Hancock had written prior to his departure.

Alderman P. Wight stated that he, as well as Mayor Eveland, would like to see the emphasis for RV Parks-PUDs be Class A Motorhomes. There needs to be a clear visual difference between campgrounds and RV Parks with a PUD Status.

Proposed text amendment:

The proposal to amend the zoning ordinance to allow 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."

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 the dimensional standards for RV Parks-PUDs should match the standards of R-3 Residential High-Density Districts.

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Mayor Eveland clarified that a Special Exception would still be required through the Zoning Board of Adjustment. Manager Clark added that changing the status of a RV Park to a PUD only changes the density formula; all other requirements would still be required, such as in harmony and compatibility with the area.

ALDERMAN P. WIGHT MADE A MOTION TO SEND THE RV PARK PUD DIRECTIVE TO THE PLANNING BOARD WITH AN EMPHASIS ON CLASS A MOTORHOMES. MOTION CARRIED UNANIMOUSLY.

7) **Consideration of Contract: Sewer Use Ordinance Update**

In the 21/22 Fiscal Year Budget, funding was allocated for a Sewer Use Ordinance update. The current Sewer Use Ordinance was adopted in 2001. WithersRavenel will provide a draft Sewer Use Ordinance with a summary highlighting the important updates and changes to the existing Sewer Use Ordinance.

The process will take up to six months and the cost will be \$10,000. The Data Gap Analysis amount is \$4,500 and the Sewer Use Ordinance is \$5,500.

ALDERMAN DAVIS MADE A MOTION TO APPROVE THE CONTRACT FOR A SEWER USE ORDINANCE UPDATE FOR \$10,000. MOTION CARRIED UNANIMOUSLY.

8) **Call for Applications: Planning Board & Zoning Board of Adjustment**

All Planning Board and Zoning Board of Adjustment Member's terms end August 2021. Joshua Hoogerwerf is an Extra Territorial Jurisdiction member appointed by Haywood County Board of Commissioners and his term will end December 2022.

All current members are encouraged to reapply as well as others to fill current vacancies. Haywood County has begun advertising for ETJ members for both boards.

Council agreed that more applicants are needed.

9) **Consideration of Resolution: US19/23/74 Bridge Project**

The Resolution has been adopted by the Towns of Canton, Clyde, and the Lake Junaluska Conference & Retreat Center. The negative impact on tourism for two to three years would be difficult for all towns.

Maggie Valley desires to get and stay on NCDOT's radar. Council does not want to lose Maggie Valley signage nor see a negative impact on tourism by road closings.

RESOLUTION OF SUPPORT 21-11

FOR DEVELOPING A PLAN THAT WILL ELIMINATE OR SIGNIFICANTLY REDUCE THE NEED FOR ROAD CLOSURES DURING HIGHWAY 19-23/74 BRIDGE PROJECT PLANNED FOR APRIL/MAY 2022

WHEREAS, The North Carolina Department of Transportation will begin a project titled "Highway 19-23/74 Bridge Project planned for April/May 2022; and

WHEREAS, This project will significantly impact Haywood County traffic; and

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WHEREAS, The plans are to build temporary bridges over Richland Creek so Highway 74 can remain open; and

WHEREAS, A significant area of concern is the intersection where Highways 19 and 74 splits with Highway 19E becoming closed for up to 3-4 years with Highway 19W becoming closed for approximately 1 year.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF the Town of Maggie Valley:

That the Town supports the development of a plan to eliminate or significantly reduce the need for any road closures.

ALDERMAN P. WIGHT MADE A MOTION TO APPROVE RESOLUTION 21-11. MOTION CARRIED UNANIMOUSLY.

10) **Consideration of Distillery Tasting Samples: Hillbilly Jam**

- a. Elevated Mountain Distillery
- b. South Mountain Distillery

Distilleries may do tasting at events with Board approval.

ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE DISTILLERIES PROVIDING TASTINGS AT THE HILLBILLY JAM. ALDERMEN: PHILLIP WIGHT, TWINKLE PATEL AND MAYOR EVELAND VOTED IN THE AFFIRMATIVE. ALDERMAN DAVIS OPPOSED. MOTION PASSED BY MAJORITY.

11) **Consideration of Approval: Festival Grounds Events**

- a. Maggie Valley Moonlight Race – Dr. Eric Morrison: August 28, 2021

An application has not been submitted.

12) **Other Business**

Alderman P. Wight questioned political signs and the odd size allowed i.e., 3' by 5'.

Manager Clark explained that the Planning Board can look at making a revision to political signs. If a political banner were displayed the banner would be measured by square feet. A 15 square foot oversized sign is what needs to be avoided.

13) **Department Head Reports**

PUBLIC WORKS

- Monthly maintenance, general cleaning and repairs at Town Hall, Pavilion, Parham Park, Rathbone/Rich Park, Festival Grounds, Public Works buildings and Police Department.
- Monthly Recyclables approx. 11 tons.

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- Monthly Solid Waste approx. 44 tons.
- Monthly White Goods/Electronics 10 pick-ups.
15 tons of brush.
- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners and Summer Banners.
- Perform ditch, culvert, shoulder, and road maintenance along streets, both private and Town streets.
- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Wastewater Treatment Plant.
- Public Works placed 14 tons of asphalt to repair streets and patch potholes on both town and private streets. Streets were: Henry Dingus, Deer Run, Creekside, Edgewater, Evans Cove, Rocky Top and Tanner Trail.
- All Public Works staff completed Flagger training and certification through the League.
- Public Works has started weekly mowing, weed eating, and spraying of all town properties and responsibilities. Approximately 48 acres weekly.
- Public Works staffed and oversaw 4 successful events at the Festival Grounds in June.

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.
- Continue working to make repairs to deficiencies identified during I/I study, smoke testing and sewer assessment.
- Installed/repared 6 sewer services issues, cleaned and videoed approximately 700' feet of sewer line, inspected 3 sewer connections/installations.
- Dewatered 85,000 gallons of digester sludge. Lime Stabilized 20 tons of dewatered sludge.
- Worked with business owners, homeowners, contractors, and others to help resolve sewer related issues such as rainwater getting into sewer lines, back-ups, video inspection, private line or service locations and damage to lines.
- Continue monthly sewer easement maintenance. Bush hogging, tree cutting, spraying and debris removal.

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- This month we received NC811 locate request for 71 tickets. These were all marked in a timely manner.
- Continue monitoring Johnathan Creek and stream banks for fallen and dead trees that could impact the Town's sewer creek crossings. This is now required by NCDEQ.
- 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 8 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.

Chief Gilliland was absent from the meeting due to being outside the Boardroom taking with the concerned residents of Bethel Village about the Tent Camp. To follow is the report Chief Gilliland would have provided:

Incident/Investigations

- During this reporting month, the Maggie Valley Police Department (MVPD) investigated thirty-seven incidents which include: Aggravated Assault, Breaking and Entering, Theft from a coin Machine, Motor Vehicle Theft, Credit Card Fraud, Identity Theft, Criminal Damage to Property, Narcotic Violations, Weapon Law Violations, and Trespassing.

Arrests

- Maggie Valley police officers arrested a total of seventeen individuals resulting in twenty-seven charges which include: Breaking and Entering, Stolen Property, Narcotic Violations, Weapons Law Violations, and Trespassing.

Motor Vehicle Traffic

- Maggie Valley police officers investigated two motor vehicle accidents for the reporting period. Issued two hundred-fourteen Uniformed Traffic Citations and Warning Citations combined. Thirty-five percent (76) of which were for speeding.

Officer Activities

- There was a total of thirty-five Officer Activity Logs for the month which include: Alarm Activations, Assist Other Agencies, Civil Disturbance, Fight Call, Unlock Vehicles, Animal Complaint, Business Checks, Suspicious Situation, Welfare Check, Domestic, and Trespassing.

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- Patrol Officer Haley Crocker and K9 Officer Logan Wood apprehended a convicted felon wanted out of Florida. This person had been hiding for over six months in the immediate area.
- K9 Officer Logan Wood, operating with the Special Response Team of Waynesville Police Department, arrested two murder suspects at their residence in Waynesville, and Officer Wood was involved in a residence search where large quantities of narcotics were discovered.
- K9 Officer Logan Wood and Patrol Officer Haley Crocker assisted the Waynesville Police Department with a person who was barricaded. Officers made entry and the subject was secured.
- Sergeants Jeff Mackey and Ryan Flowers inspected our fleet of patrol vehicles for maintenance needs and cleanliness.

Evidence Processing (E/P)

- E/P processed 101 items this month.
- Took In Custody: twenty-three items
- Released to Owner: five items
- Evidence Destroyed by Judicial Order: seventy-three items

Investigations (CID)

- A CID Human Trafficking case was heard in Superior Court. The Defendant pled guilty and was sentenced to 10 years in NC Department of Corrections.
- CID is reviewing outstanding cases scheduled for Superior Court.
- During a credit card fraud case, suspects were identified, a confession was given, and charges are pending.

K9 Program

- K-9 Officer Logan Wood deployed Goose in four narcotics training scenarios. Goose located the narcotics.
- K9 Officer Logan Wood deployed Goose during a narcotics investigation and methamphetamine was located.

Community Interactions

- Maggie Valley Officers patrolled through our residential neighborhoods 962 times during the month.
- Maggie Valley Officers performed their monthly business visitations.

Events, Schools, and Meetings

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- Officer Shanna Bellows has completed Speed Measuring (Radar) school and is now certified as a Speed Measuring Instrument Operator.
- Lt. Matthew Boger and Chief Russell Gilliland attended a police liability class offered through Dolan Consulting Group.
- Maggie Valley Officers provided traffic control during the “Slingshots in the Smokies” event.
- Maggie Valley Officers provided additional police security during the “Thunder in the Smokies Motorcycle Rally”.

Manager’s Report

▶ The Agenda Setting/Monthly Workshop will be held on August 10 and the Regularly Scheduled Board of Aldermen Meeting will be held on Tuesday August 17.

▶ As earlier advertised, Chief Gilliland, Manager Clark, and Aldermen Tammy and Phillip Wight will be traveling to Raleigh after this meeting at the invitation of Representative Pless to tour Healing Transitions, A Place of Healing for the treatment of addiction.

▶ There will be a Special Called Planning Board Meeting held on Thursday July 15, 2021 at 5:30 pm to discuss the previously mentioned RV Park -PUD.

▶ The NC Hometown Leaders meeting to be held on Thursday July 15, will be canceled.

▶ Kaitland Finkle, Maggie Valley’s new Planner, will be beginning work on Monday August 9.

▶ Brews & Tunes scheduled for August 14 has been canceled due to the lack of participation. Many breweries are still suffering from the pandemic.

▶ The Backyard 4th was a big success this year. Manager Clark thanked the Maggie Valley Public Works Department and the Police Department for helping to make the celebration a success. The Public Works Department prepares the site from which the fireworks are shot and works the Festival Grounds during and after the event cleaning the property. The Police Association sold BBQ Dinners while an officer from Hendersonville sold Dipping Dots. Both were tremendously successful.

4) Closed Session:

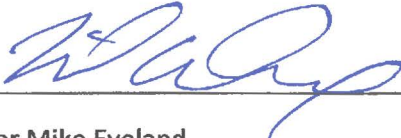
ALDERMAN T. WIGHT, WITH ALL IN FAVOR, MADE A MOTION TO ENTER CLOSED SESSION AT 7:09PM.

- a. § 143-318.11 (a)(4) Economic Development
- b. § 143-318.11 (a)(3) Attorney-Client Consultation


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15) Adjournment

ON MOTION OF T. WIGHT, WITH ALL IN FAVOR, ADJOURNED THE MEETING AT 7:23PM.



Mayor Mike Eveland



Vickie Best, CMC, NCCMC, Town Clerk

