

Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
March 1, 2022
MINUTES

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

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

Others Present: Mountaineer Reporter Kathy Ross

1) **Meeting Called to Order**

Mayor Eveland called the Agenda Setting/Monthly Workshop to order at 10 am on Tuesday March 1, 2022, in the Town Hall Boardroom. Council began reviewing the following agenda items.

2) **Pledge of Allegiance**

3) **Approval of the Agenda**

It is at this time Council and/or Mayor Eveland may change, rearrange, or delete an agenda item. This confirms what the Board is going to discuss during the meeting. This is also the time to state any conflict-of-interest present. This gives Council an opportunity to review the agenda before the official meeting begins.

Alderman T. Wight asked that Hylah Birenbaum, Executive Director of College Advancement, at Haywood Community College, be added to the agenda.

4) **Consent Agenda**

- a. Minutes to be Approved: January 31, February 1 & February 8, 2022
- b. Budget to Actual
- c. A/R Report
- d. Tax Releases
- e. ARP Funds Report
- f. Voluntary Annexation – Direct Clerk to Investigate Sufficiency
- i. Resolution 22-3 Hotchkiss PIN 7696-77-7475
- ii. Resolution 22-4 McIntyre PINs 8607-36-8571 / 8607-36-9299
- iii. Resolution 22-5 West PIN 8607-24-3974

Letter E (report) is required by the Federal Government regarding ARP Funds (American Rescue Plan).

Robert K. Hotchkiss, owner of 751 Soco Road resubmitted a petition for annexation. Resolution 22-3 reflects the most recent request to incorporate into Town.

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Resolutions 22-4 and 22-5 are part of the process for obtaining municipal sewer. Resolution 22-4 (McIntyre & Beatty) own land with ten mobile homes located behind the Johnny James Mobile Home Park that is not incorporated, nor has sewer.

Resolution 22-5 West is a remodeled house that has a failing septic tank on Jonathan Creek Road.

5) **Presentation: Hylah Birenbaum, Haywood Community College Foundation**

6) **Public Comment**

7) **Consideration of Rezoning: 217 Campbell Creek Road PIN 7686-17-4633**

a. Public Hearing

b. Consideration of Approval: Ordinance 978

All public hearings are requests to be rezoned. The only options available to Council are to approve or deny the requests. The property is zoned R2. The applicants are requesting R3.

Mayor Eveland asked that Council abide by the rules of procedure that will be included in Council's binders. Staff will present the finding of facts. The applicant will then address Council explaining their request, and the public will then be allowed to speak. The public comments are limited to five minutes per speaker. If an extension of time is necessary for rebuttals, Council may then make that determination.

c. Consideration of Approval: Consistency Statement

Approved or denied rezoning, the consistency statement must be created and approved by Council to reflect their decision.

The Day property, after being surveyed, grew one acre in size.

8) **Consideration of Rezoning: 29 Playhouse Road PIN 7686-18-3030**

a. Public Hearing

b. Consideration of Approval: Ordinance 979

c. Consideration of Approval: Consistency Statement

Again, this is a request to be rezoned. A portion of this property is zoned R1. The remaining portion is zoned Commercial 1. The applicant is requesting the R1 area be rezoned R3.

9) **Consideration of Rezoning: 751 Soco Road PIN 7696-77-7475**

a. Public Hearing

b. Consideration of Approval: Ordinance 980

c. Consideration of Approval: Consistency Statement

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Conditional zoning will come about as the new UDO is adopted. The conditions of a zoning can be more stringent or more lenient. A zoning designation can then be given under certain conditions thus holding a property owner to the conditions both the Town and the owner have agreed too. As it is now, once a zoning designation is given, it is out of the Board's hands and the property owner can do anything within the district's allowable uses.

Manager Clark reminded Council that the same number of units are allowed in a regular subdivision as a Planned Unit Development (PUD). The examples for the divisions of land, do not include street right-of ways, buffers, setbacks, and such.

Manager Clark provided the following example of a PUD. A streambank can be used as part of the common area.

Some developers meant to develop a built-out neighborhood, found that not all lots are buildable i.e., Birdsong Way.



- 10) **Consideration of Text Amendment: Table of Permitted Uses (Office & Institutional)**
 - a. Public Hearing
 - b. Consideration of Approval: Ordinance 981
 - c. Consistency Statement
- 11) **Consideration of Public Land Real Estate Listing Contract - Old Still Road**

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Tom Mallett with Better Homes and Gardens has provided a contract to sell Town owned property.

12) **Consideration of Adoption: Sewer Use Ordinance (update)**

Staff has been working with WithersRavenel for a bit of time now updating and reviewing the Sewer Use Ordinance. Council members were asked to review the updated Sewer Use Ordinance for adoption on Tuesday March 8, 2022.

13) **Consideration of Approval: Zambelli Fireworks Contract – July 4, 2022**

The Town, with the assistance of the Haywood County Tourism Development Authority (HCTDA) have annually paid \$15,000 for the exceptional 4th of July Show. As with most aspects of life, in this day and time, the cost of fireworks has increased to \$18,000 for the identical show as years past. Council has the option to decrease the show by 20% and remain at \$15,000 or approve increased funding for the same fireworks show that visitors and residents have grown accustomed to. Mayor Eveland instructed Manager Clark to ask HCTDA for funding assistance, because people do have an expectation of Maggie Valley's 4th of July Fireworks.

The same as last year, Chief Gilliland and the Police Association plan to provide BBQ plates at the Festival Grounds. The Dipping Dots Ice Cream Vendor will also be returning.

14) **Consideration of Purchase: Town Hall Park Slide**

The playground slide got a crack in the tube over the winter. The crack grew and for safety purposes, the tube slide was removed. The hole where the tube was removed is covered with plywood. The slide is five years old.

Manager Clark is requesting to replace the tube slide through the original company, Blue Rose Builders LLC. The playground set cost \$45,542 in 2018. Allowing the original construction company to design and install improves the Town's liability. Blue Rose Builders LLC carries insurance covering the installation/replacement of the slide.

If approved to not exceed \$15,000, staff will begin looking at open slides with different patterns.

15) **Consideration of Special Event Permit – Food Truck: Elevated Mountain**

Mr. Angel submitted a request for a Special Event Permit for every Thursday through Sunday throughout the remainder of 2022. Mr. Angel stated that there will be different food trucks on-site during the requested days and hours of operation throughout the year.

As discussed often over the past months, the current ordinance addresses outdoor sales. There are no additional guidelines or regulations covering food trucks.

Mayor Eveland first asked, "Do we want food trucks in Maggie Valley? If so, how do we (Council) proceed?"

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Alderman P. Wight responded that Elevated Mountain Distillery is an entertainment business. "Mr. Angel should be allowed to have a food truck." Alderman T. Wight concurred, adding that the distillery is a brick-and-mortar business that serves alcohol! "People drinking alcohol should have access to food."

Chief Gilliland agreed that food helps to absorb alcohol.

A food truck was allowed at Tube World because of Tube World being a winter attraction.

If food trucks are approved, the UDO will have guidelines in place for compliance and equality. Mayor Eveland reminded Council that Mr. Angel has had food trucks illegally for years.

Alderman Owens could not understand how someone could apply for a Special Event Permit for a full year.

Weekly, Mr. Angel has music events at Elevated Mountain Distillery.

Alderman Owens explained the difference between a business plan and a Special Event.

Three members stated that they would oppose approving a Special Event Permit for a year until the Unified Development Ordinance (UDO) is approved.

Council should consider setting the rules for Special Exceptions in the UDO and then allow approval at the staff level.

Manager Clark acknowledged that staff sees the weaknesses within the Zoning Ordinance. Staff has been working hard to streamline the UDO and get the large document to Council in a timely manner. The Planning Board and Staff are now focusing on the UDO as a larger picture of the future zonings and allowable uses.

To resolve the food truck issue, a UDO Workshop and Food Truck discussion will be scheduled for Thursday March 24, 2022, at 9:30 am. There must be clear and transparent requirements for Council, staff, and the applicant to follow.

As for Elevated Mountain Distillery, Alderman P. Wight stated the food trucks only serve people at the events. The food trucks are on location for those attending an event at Elevated Mountain Distillery not necessarily for the public at large.

Planner Finkle informed Council that the Zoning Board of Adjustment must answer eight standards/questions before granting a special exception. Council and staff could draft standards/questions that would pertain to allowing food trucks under certain conditions.

Alderman T. Wight stated as a probusiness Councilmember, Maggie Valley needs more food options. "We are already down one restaurant (Legends closed due to a fire). Safety should be a priority. We need to protect people on the road by allowing places that serve alcohol, to provide food."

16) Consideration of Festival Grounds Approval: BoHo Hippie Fest – May 7, 2022.

Manager Clark and Clerk Best met with the promoters of BoHo Hippie Festival prior to accepting an application. The festival grounds' rules and regulations, including acceptable noise levels, were

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discussed in detail. The promoters have experience promoting events at the Smoky Mountain Event Center and the Blackberry Winter Market.

17) **Other Business**

► NCDOT will let our Soco Pedestrian Road Project out by month's end. Due to the amount of time that has passed, and the increase costs of labor and materials, it is expected the contract will be overbudget. The grant was awarded to Maggie Valley in 2018, but money is less valuable today than in 2018.

It is hopeful that the project will attract smaller more regional contractors that can mobilize and get the work completed in April 2022.

► Manager Clark asked that Council let him know if they would like to attend a broadband meeting in Franklin, so that he may RSVP on their behalf.

► The League Conference will be held in Wilmington, NC April 26 through the 28th. Council should think about attending the Conference. There are always interesting/applicable seminars available for Council to attend.

► A local rock mason, which has done rock work for the Town before, will lay the rock for the Veterans Park as soon as he recovers from a previous illness.

18) **Department Head Reports**

19) **Closed Session: NCGS 143-318.11 (3) Attorney-Client Consultation**

This closed session is for code enforcement issues.

20) **Adjournment**

ON MOTION OF ALDERMAN T. WIGHT WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 11:27 AM.



Mayor Mike Eveland



Vickie Best, CMC, Town Clerk

