

Town of Maggie Valley
Board of Aldermen Agenda Setting/Monthly Workshop
May 3, 2022
MINUTES

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

Staff Present: Manager Nathan Clark, Chief Russ Gilliland, Planner Kaitland Finkle, Finance Director Shayne Wheeler, and Town Clerk Vickie Best

Others Present: Reporter Kathy Ross, Janet Banks, and Allen Alsbrooks

Meeting Called to Order

Mayor Eveland called the agenda setting/monthly workshop to order at 10:05 am on Tuesday May 3, 2022, in the Town Hall Boardroom.

3) **Approval of the Agenda**

As earlier discussed, the approval of the agenda is going to be an agenda item on each monthly agenda. This is the time to add, rearrange, or remove agenda items or express any conflict of interest on a particular agenda item.

4) **Resolution of Appreciation: Maggie Valley Fire & Rescue**

Council would like to recognize the Maggie Valley Fire & Rescue Department for their successful firefighting skills that saved all the homes on Sheepback Mountain during the recent fire. All of firefighters within Haywood County came together to support Maggie Valley. The solidarity of all the firefighters was extraordinary to witness.

5) **Resolution of Lifetime Accomplishment: Alaska Presley**

Ms. Alaska Presley, a true pioneer with an everlasting love for Maggie Valley has passed away and Council would like to present her family with a plaque. Ms. Presley's birthday is September 23rd; therefore, September 23rd will be regarded as Alaska Presley Day.

6) **Proclamation Recognizing Public Works Week: May 14-21, 2022**

The Public Works Department often go unnoticed, but they are the ones that keep the Town operating by snow and ice removal, road maintenance, yard debris pick up, sidewalk maintenance, mowing more than forty-five acres per week, weed eating easements and such. Maggie Valley's Public Works Department goes above and beyond to serve the citizens, all the while taking true pride in their work.

7) **Proclamation Recognizing Police Week: May 11-17, 2022**

In 1961, Peace Officers that had passed away, were honored for their service. Council intends to honor the Maggie Valley Police Department and all the other officers that are dedicated to the service of taking care of people and keeping everyone out of harm's way.

8) **Consent Agenda**

- a. Minutes to be Approved: March 8, March 24, March 30, 2022
- b. Budget to Actual

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- c. A/R Report
- d. Tax Releases
- e. Land Use Plan Update: Public Hearing: June 2, 2022, 6:30pm
- f. Unified Development Ordinance: Public Hearing: June 2, 2022, 6:30pm
- g. FY 22-23 Budget Hearing- Call for Public Hearing: June 14, 2022, 6:30pm
- h. Voluntary Annexations –Call for Public Hearing: June 14, 2022, 6:30pm
- i. Resolution 22-11 King PIN 7696-16-8244
- i. Adoption of ARPA Policies
- i. Records Retention
- ii. Conflict of Interest
- iii. Nondiscrimination / Civil Rights

Council will circle back to letters e and f later in the meeting.

9) **Public Comment**

10) **Consideration of Text Amendment: Food Trucks**

- a. Public Hearing
- b. Consideration of Approval: Ordinance 986
- c. Consideration of Approval: Consistency Statement

The updates that Aldermen Tammy Wight and Owens worked on has been discussed with the Planning Board twice. The Planning Board recommends adoption.

Allowing individuals to come to staff for a permit will speed up the process.

Mobile Food Vending

The purpose of these standards is to promote the general health, safety, and welfare of the citizens of the Town by establishing reasonable standards to allow the retail sale of food and food products via mobile vendors, including food trucks, provided herein, and shall not apply to itinerant merchants.

A. Permission. Nothing herein shall be construed to grant any right or license to mobile food vending operators to operate on private or public property without permission. Mobile food vending operators shall be required to have the express written permission of the property owner in order to operate on private property.

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B. Location Standards. Mobile food vendors shall only be located in nonresidential zoning districts within the jurisdiction of the Town including the ETJ, or as a special event approved by the Town Board of Aldermen herein as follows:

a. Principal Use. Mobile food vendors shall only be located on developed property that is occupied by a nonresidential use in operation. No mobile food vendor may sell food to the general public within the Town unless a business, nonprofit, or similar organization, with a physical location, has given signed written approval as part of an application submitted to the Town.

b. Maximum Number. Maximum of one (1) mobile food vendor per individual private lot, except where a special event has been approved by the Town.

c. Safety. Mobile food vendors shall not be located in a manner that impedes, endangers, or interferes with pedestrian or vehicular traffic and shall not impede safe ingress and egress at all entrances and are prohibited on public sidewalks.

d. Separation. Mobile food vendors shall be located a minimum of 15 feet from the main building entrance, the edge of any driveway, intersection, handicap ramp, sidewalk, fire hydrant, or access for emergency services.

e. Parking. Mobile food vendors shall not occupy parking spaces required to fulfill the minimum requirements of the principal use unless the hours of operation of the principal use do not coincide with those of the mobile food vendor. No mobile food vendor shall occupy or interfere with any handicapped parking. Mobile food vendors shall only be located at the host site one (1) night immediately prior to operating for set up, operating hours, and one (1) night immediately following operating for break down. Mobile food vending units are only allowed to remain at the host site overnight with the express written permission of the property owner.

C. Operation Standards.

a. Outdoor Seating. Outdoor seating may not be provided by the mobile food vendor but may be utilized if existing at the host location.

b. Equipment. All equipment required for the operation of the mobile food vendor shall be located on or within the mobile food vending unit. Accessory items such as a waste receptacle or table for condiments is permitted outside of the unit during operating hours.

c. Signs. Signage on the mobile food vending unit shall be permitted. One (1) freestanding sandwich board sign shall be permitted in association with the mobile food vendor. No other freestanding or off-premises signs are permitted.

d. Hours of Operation. Open hours are permitted between 7:00 AM and 11:00 PM.

e. Designated Person Present. The mobile food vending operator or a designated person knowledgeable of the operation and regulations pertaining to a mobile food unit shall be present at all times except in the case of an emergency.

D. Health & Sanitation Standards.

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a. Permits & Licenses. All equipment required for the operation, all food preparation, storage, and sales/distribution shall be in compliance with all applicable County, State, and Federal sanitary regulations. Each operator/vendor shall be responsible for obtaining food preparation and handling permit(s) by a County Health Department or other such regulating agency. The operator/vendor shall have obtained all other proper licenses from the County, State, and local agencies and shall be clearly and visibly displayed with the mobile food vendor. A copy of the signed application and Town of Maggie Valley Mobile Food Vending Permit shall be on site for review by Town personnel. If any necessary licenses are revoked or suspended from the County, State, or local agencies, the issued Town permit will be revoked or suspended accordingly.

b. Operator(s) shall be Responsible: Operator(s) of a mobile food vending unit shall be responsible for the following standards:

i. Waste & Trash Disposal. Waste receptacles are to be provided by the mobile food vendor or by the host site. Operators shall be held responsible for removing all waste and trash from their location at the end of each day or more often as needed to maintain public health and safety.

ii. Liquid Waste or Grease. No liquid waste or grease shall be disposed in storm drains, onto sidewalks, streets, or any other public space, or into the Town's sanitary sewer system. If at any time evidence of improper disposal of liquid waste or grease is discovered, the Town permit for the mobile food vending unit shall be forfeited and required to cease operation immediately.

E. Special Events. Mobile food vendors may request approval by Town Board of Aldermen to operate outside of the standard requirements outlined above by following applicable procedures:

a. Operating Hours. The sponsored event shall take place during normal business hours or extended hours as long as the host site that has invited a mobile food vendor to participate is open to the public. The operation of the mobile food vending unit shall cease upon the business or nonprofit closing its operation for the sponsored event.

b. Support Documentation. The special event application shall specify how a mobile food vendor supports a planned promotional, holiday, fundraising, or similar event in support of the applicant's business or organization.

c. Duration of the Event. For the purpose of this Section, special events shall be classified as a one (1) day event, except as otherwise approved by the Town Board of Aldermen.

F. Exceptions. Mobile food vendors may operate outside of the standard requirements when in compliance with the following applicable procedures:

a. Mobile food vendors are permitted at Town Sanctioned Events, including those hosted on the Festival Grounds

b. Mobile food vendors are permitted on commonly owned property within a residential development in order to serve residents and guests at a neighborhood activity or function.

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c. Private catering services in which the principal use is the preparation of food and meals off premises and where such food and meals are delivered to another location for consumption as a private event and is not sold directly to the general public is not subject to the standards of mobile food vending. Similarly, a mobile food vendor may operate as a catering service without a special event permit, provided the mobile food vendor is serving the participants of such private event only and not selling food to the general public.

G. Violations. Notice of the violation will be given by means of a certified letter by the Town of Maggie Valley official to the host site and, where appropriate, the operator. If the violation is not remedied within ten (10) days, the permit will be revoked. The Town may take civil action against an operator or host site based on the type and seriousness of the violation of the above standards per Section 154.999 of the Zoning Ordinance.

Basically, one food truck per property may be left overnight if the food truck is open for business the next day or if the owners of the food truck are setting up or breaking down to leave. There may be a table outside the food truck for condiments and a trashcan. The hours of operation, mirrors the noise ordinance; from 7am until 11pm. The food truck may have one free-standing sandwich board for signage. Proper permits must be always on site. The festival grounds are exempt. All other special events must be approved by the Board of Aldermen.

Mayor Eveland asked who turns in the application, the property owners, or the vendor. The vendor would submit the application with written permission from the property owners. The \$50 one-time permit goes with the site. If the property owner gets the application, the approval remains with the property and any food truck could set up on said property.

The application/regulations state how to set up at a business with safety and separation being of the utmost importance.

The food truck permits could be issued annually like the ABC permits.

Food trucks will be added to the fee schedule.

There was discussion concerning sign violations and who would manage said violations when food trucks are set up inappropriately. Planner Finkle responded that civil action can be taken against the property owner or the vendor. It is easier to deal with the property owners. Mayor Eveland said that if the rules are not followed, the property owner should not be allowed to have a food truck. It was suggested that the guidelines should incorporate wording to that effect. The owner would get a letter and then the permit would be revoked.

COUNCIL AGREED THAT A REVIEW OF FOOD TRUCKS SHOULD COINCIDE WITH THE REVIEW OF THE FESTIVAL SEASON ANNUALLY IN OCTOBER.

11) **Consideration of Voluntary Annexation: PINs 8607-36-8571 / 8607-36-9299**

a. Public Hearing

b. Consideration of Approval: Ordinance 987

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12) **Consideration of Initial Property Zoning PINs 8607-36-8571 / 8607-36-9299**

- a. Public Hearing
- b. Consideration of Approval: Ordinance 988 (R-1 Low Density Residential)
- c. Consideration of Consistency Statement

The above voluntary annexations are not within Maggie Valley's Service District but are in a manner that sewer service can be provided at an outside rate.

13) **Consideration of Voluntary Annexation: PIN 8607-24-3974**

- a. Public Hearing
- b. Consideration of Approval: Ordinance 989

14) **Consideration of Initial Property Zoning PIN 8607-24-3974**

- a. Public Hearing
- b. Consideration of Approval: Ordinance 990 (R-3 High Density Residential)
- c. Consideration of Consistency Statement

This parcel would be an excellent choice for annexation and is located in a manner to receive sewer and services from the town. The flat parcel along Jonathan Creek Road is proposed for R3 zoning (high density).

15) **Consideration of Façade Grant Awards**

Due to labor shortages, businessowners are having a challenging time getting quotes for their proposed projects and turning in the completed application promptly.

16) **Consideration of Construction: Veterans Park**

There is \$50,000 in the current budget for the construction of a Veterans Park to be located in front of Town Hall. The Public Works Department will prepare the site and Jeremiah Rich will be the rock mason. The framework should be completed within the next sixty-days.

17) **Consideration of ZBOA Appointment**

Staff was directed to call all the applicants from the February interviews to determine if they are still interested in serving. Alderman P. Wight stated that this would be an opportunity for one of the alternates to step into the vacant position. The vacant seat is left after Council's removal of Allen Alsbrooks.

The alternate members have been on the Zoning Board of Adjustment a brief time. Ms. Tinker Moody was an alternate for numerous years before moving into a full member position. Ms. Moody has been outstanding as a full member. All options need to be explored, but Council felt the two newly appointed alternates need a little more time.

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18) **Consideration of Planning Board By-Law Change**

Please see the attached document reflecting the Planning Board By-Laws.

A few rules of procedure have been changed since the 2006 adoption of Planning Board By-laws. The members agreed that making a few changes to the by-laws would hold the advisory board to a higher standard.

Mayor Eveland questioned if it would be better that both the Planning Board and the Zoning Board of Adjustment members' terms end after a new election for Council.

Planner Finkle respectively disagreed. "These members are volunteer and would not want to feel that their head is on the chopping block each time there is an election." The terms need to be staggered and not expire at one time. If all terms expire at one time, you are setting the board up for failure."

19) **Other Business**

► The Rocky Top Road Project is not going to move forward because Kamp- N- Kountry owner Tammi Hertzog could not get one hundred percent participation from the community using Rocky Top Road.

Since the Town will not be participating in funding the Rocky Top Road project, those funds could be used on a small road project along Clearview Drive. Clearview Drive will remain a private road, but the non-Powell Bill Fund would help the residents fix their road for a little less than \$6,000.

This item will be added to the agenda.

► Public hearings will be held on the Land Use Plan (LUP) and the Unified Development Ordinance (UDO) on Monday June 6, 2022, at 6:30 pm in the Town Hall Boardroom.

The budget hearing will be held at the Regular Scheduled Board of Aldermen Meeting on June 14, 2022, at 6:30 pm in the Town Hall Boardroom.

Council can act on the budget, UDO, and the LUP on June 14 meeting, or another meeting can be scheduled prior to June 30.

Staff has conducted several online meetings on the UDO and conducted drop-in sessions at Town Hall, morning, afternoon, and evening. The draft UDO is on the website and information has been sent out several times on the Sunshine List. Post cards have been mailed to each resident within Maggie Valley. Staff has pursued every avenue possible to let individuals know about the UDO.

► In consideration of paving the Bethel Village Subdivision, the Dogwood Foundation has put up money to match ARPA Funds in which Haywood County will carry the bulk of the funds. Working with Mountain Projects in the Bethel Village community would greatly be benefited if the roads were paved. In the name of affordable housing, Bethel Village is an ideal place for Haywood County and Maggie Valley. Will Maggie Valley be willing to provide matching funds to help get the roads paved? Hopefully, 70% of the project would be funded by the Dogwood Foundation. Bethel Village would be a bigger project, but the percentages funded by the Town would remain the same.

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Mountain Projects has put a couple of modular homes in Bethel Village. If the roads were paved, then Mountain Projects would have access to Federal USDA Funds and Habitat for Humanity assistance. This would be a huge step forward specific to Maggie Valley.

Mountain Projects is a non-profit organization that qualifies for the Dogwood Foundation Grant. The project would be under one-half million dollars, therefore Haywood County and Maggie Valley could join in supporting a singular-larger project.

Two million dollars is the largest amount of funds available to grant. The funding is competitive and there will be a pool of applications. This project would be for the greater good of Haywood County's affordable housing. Water and sewer are already available. Houses would go in quickly, if the roads were paved.

20) **Department Head Reports**

21) **Closed Session:**


- a. NCGS § 143-318.11(a)(5) Closed session - Real Estate "Old Still Road Waterfall" Properties
- b. NCGS § 143-318.11(a)(5) Closed session - Real Estate
- c. NCGS § 143-318.11(a)(6) Closed session – Personnel

22) **Adjournment**

ON MOTION OF ALDERMAN T. WIGHT, WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 11:30 AM.



Mayor Mike Eveland



Vickie Best, CMC, Town Clerk



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ORDINANCE 991

AN ORDINANCE BY THE TOWN OF MAGGIE VALLEY UPDATING BYLAWS FOR THE
MAGGIE VALLEY PLANNING BOARD

I. Establishment of the Board; Qualifications.

A planning board, consisting of seven (7) members, is hereby established. Five (5) members, appointed by the Town Board of Aldermen, shall be citizens and reside within the town limits of Maggie Valley. Two (2) members shall reside within the town's extraterritorial planning jurisdiction, and shall be appointed by the Haywood County Board of Commissioners, however, shall the county board fail to make such appointments within 90 days following receipt of a resolution from the Town Board of Aldermen requesting such appointments, the town board may make such appointments. The members of the board representing the extraterritorial jurisdiction shall have equal rights, duties and privileges with other members of the board. Members shall serve without compensation, but may be reimbursed for actual expenses incidental to the performance of their duties within the limit of funds available to the board.

II. Tenure

Members of the board shall be appointed to serve terms of three (3) years, and until their respective successors have been appointed and qualified. The terms of the original members may be staggered so that all terms do not expire simultaneously. Vacancies shall be filled for the unexpired term only.

III. Officers

Following annual appointments, the board shall elect one (1) member to serve as chair and preside over its meetings and shall elect one (1) vice chair to perform the duties of the chair when the chair is unable. The term of the chair and vice chair shall be one (1) year, with eligibility for reelection.

IV. Meetings

The board shall establish a regular meeting schedule, and shall meet at least monthly and more often as it shall determine and require. All meetings of the board shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public, in accord with Chapter 143, Article 33C of the N.C. General Statutes. The board shall keep a record of its meetings, including attendance of its members, its resolutions, findings, recommendations, and actions. In the case of a divided vote on any question on which the board is required to act, the record shall include the vote of each member.

V. Attendance at Meetings

Any member of the board who misses three (3) consecutive regular meetings, or four (4) of the regular meetings in a calendar year, shall lose his or her status as a member of the board, and shall be replaced by the Town Board of Aldermen or Haywood County Commissioners, as appropriate. Absence due to a sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the board, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced by the Town Board of Aldermen or Haywood County Commissioners, as appropriate.

VI. Quorum and Voting

A quorum of the board, necessary to take any official action, shall consist of a majority of the voting members. A majority is more than half (50%). A member who has withdrawn or been excused from an agenda item shall be counted as present for the purpose of determining whether or not a quorum is present provided that more than one third (1/3) of the voting members must be present and voting for there to be a quorum. A quorum must be present before any business is transacted. Social gatherings shall not be deemed as official meetings so long as there is no discussion of public business. The concurring vote of a simple majority of those members present shall be necessary to take any official action.

VII. Powers of the Board

The powers and duties of the planning board are as follows:

- (1) Acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions.
- (2) Prepare and, from time to time, amend and revise a comprehensive and coordinated plan for the physical development of the area. The comprehensive plan shall be the planning board's recommendations to the town council for the development of the town including, among other things, the general location, character and extent of streets, bridges, playgrounds, parks, and other public