

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
November 9, 2021
MINUTES

Members Present: Mayor Mike Eveland, Aldermen: Phillip Wight, Tammy Wight, Twinkle Patel, and Clayton Davis
Staff Present: Manager Nathan Clark, Attorney Craig Justus, Deputy Clerk Shayne Wheeler, Public Works Director Mike Mehaffey, Planning Director Kaitland Finkle, and Chief Russ Gilliland
Others Present: Reporter Vicki Hyatt and approximately 50 others

1) **Meeting Called to Order**

Mayor Eveland called the meeting to order at 6:30 pm on Tuesday November 9, 2021, in the Town Hall Boardroom. On behalf of Council, Mayor Eveland thanked all our veterans that have served this great nation.

2) **Pledge of Allegiance**

The pledge was said. Chaplin Jon Snyder led in prayer.

Prior to beginning the meeting, Attorney Justus addressed the October 12, 2021, meeting where two lengthy Public Hearings were held regarding the zoning of Pioneer Village, off Campbell Creek Road, and the L shaped property behind Pioneer Village, but adjacent to Rocky Top Road (before Kamp-N-Kountry).

During the past year, under the new 160D regulations, the General Assembly revised the statutes that a second reading is not required if a motion passes by majority. Therefore, a four-fifths vote is not needed to pass on the first reading. The motion to zone Pioneer Village R3 and the L shape parcel R2 legally passed on the first reading of a 3-2 vote.

Attorney Diane Sherrill representing Frankie Wood and several partners, agreed with Attorney Justus' assessment of the changes 160D brought about. Because of misinterpretation, Mr. Wood feels that he has suffered damages. If the zoning had gone to a second reading, the outcome may have been different. After talking with the School of Government and other colleagues of Attorney Sherrill's it was confirmed that a motion to reconsider can be made. Attorney Sherrill could not find a procedure for reconsideration. "The glitch is it was a legislative decision from Council. The other option is to start over, which will cost Mr. Wood time and money. He may lose investors and may lose some projects. How do we remedy this? I am throwing that out there to ask for some alternatives."

In Attorney Justus' opinion, the request for commercial zoning was amended because of the overwhelming opposition to commercial zoning. "After Mr. Wood stated that he wanted to be a good neighbor and there was dialog between he and the Town Planner as to what was allowed in Residential 2 zoning; Mr. Wood then decided R2 and cottages would be sufficient. My comments did not take place until after the vote. There were no expectations going into the vote, other than to zone the parcel R2 by majority vote. You cannot reverse course without going back through the process. In fact, towns that have tried not to repeat the process have

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been sued and lost. The article that Attorney Sherrill sent me dealt with things other than legislative rezoning. For example, if you had voted on a festival grounds lease then at the next meeting you could bring it back up. If no one had relied upon that decision, then a motion to reverse the course could be made. That is not a legislative zoning decision. There has been no injury or expectations before the vote, nor do I see any legal recourse at this meeting."

Alderman P. Wight stated that he was also incorrect and became confused between C2 and R3. "But regardless you are saying the process must start over."

Attorney Justus stated that in his 30-years of experience he sees no flexibility here to change course.

Mayor Eveland clarified that another public hearing would have to be conducted with the two consecutive weeks advertising in the local newspaper. The Planning Board would have to give another recommendation.

Attorney Justus informed Council that the time could be shortened with Special Called Meetings. But there would have to be supportive evidence in the record to support the change. What Attorney Justus remembers is there were many concerns about the condition of Rocky Top Road and the additional traffic that would be added. "What evidence is there to support a change?"

Alderman T. Wight added that "the sound was not very good that night and I didn't hear some of the comments Planner Finkle stated and that kind of bothered me when I walked away." Alderman P. Wight added that he did not realize that the property (L shape off Rocky Top Road) touches Town Hall Property. "Other people knew that, but I did not."

Mayor Eveland added that a majority of the board want to get this done before the new board members come into office.

Alderman P. Wight added that "Albeit I made the motion, I do think R3 would be a better fit. Everyone would want to maximize what they can do with their property."

Alderman T. Wight responding to Mayor Eveland's comment stated that it has nothing to do with waiting on a new board, it is about costing someone money.

Mayor Eveland reminded Council "It is the Board's responsibility to zone based on the area, density, future Land Use Plan and the current Land Use Plan, not a person's monetary value."

Attorney Justus concurred, adding that anytime you zone property, you are inherently restricting land use. "You try to make the best decision for the community at large."

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Alderman Patel asked if the letter from Ms. Hartzog could have influence. "We did not have this information before."

Attorney Justus was surprised to read the letter because clearly at the meeting she and the residents of Rocky Top Road opposed Mr. Wood's zoning request. "This letter is a post-hearing comment, after the fact. You cannot reverse the decision tonight. Ms. Hartzog is changing course based on a plan she has been told about. The one thing I (Attorney Justus) consistently stated throughout the hearings, is that you cannot consider what you have been told about a plan for the property, but you must consider all uses within that district. This has no weight on what you can legally do."

Attorney Sherill stated that there was no true public notice, after the last meeting, notifying people that Council would not be taking this issue up at this meeting. "We have people here tonight because of that. Attorney Sherrill added that the last meeting was not fully closed. "Are we still open under last month's meeting notice? I read the draft minutes that are yet to be approved. The minutes did not say that Mr. Wood would accept the lower designation (R2 zoning). The minutes said that he said he could put cottages there. Both Mr. Wood and Planner Finkle asked for R3. It is very confusing. Maybe that means starting the process over. Maybe that means court action. Whatever, it is very unequitable the way this is playing out. Although, I do not think that is Mr. Justus' intention at all. He is trying to follow the law as I am."

Attorney Justus responded that the minutes are not verbatim minutes. "We exhaustingly discussed what could be placed in R2. We have an audio of the meeting. I am generally a representative of private property rights. I represent developers all the time. I sue Local Governments all the time. I push the envelope. I see it from both sides. I am telling you this legally speaking on behalf of the developer."

For the record, Alderman P. Wight stated that you got a campground that does not want a campground in front of them (Kamping-n-Kountry). "Bordering the parcel, you have the Hillbilly Campground and a flea market. You need something buffering the property. R3 is the correct zoning of this property."

Attorney Justus stated that Council may want to revisit the campground being zoned non-conforming. "You are sending a signal that this is the wrong use for that property."

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TCH Properties LLC

17 Meadow Lane
Mars Hill, NC 28754
Phone (828) 680-9126
Tami Hartzog Cell (803) 383-2025
Aaron Gurney Cell (803) 917-9662
[tchartzog@gmail](mailto:tchartzog@gmail.com)

Nathan Clark
Maggie Valley City Council

November 8, 2021

Dear Sirs:

At our August public meeting where we discussed the Day property we were promised another meeting to answer additional questions which many of had and to take another vote. A few days later, I was told by Nathan Clark that because a new law in effect July 1, 2021, a super majority was not needed to pass this zoning as R2. However, per your meeting minutes the citizens of Rocky Top were promised a meeting.

We would like to hear from Mr. Wood as a group first and foremost. I have spoken with him and he plans a development with 24 cabins and a nice turn in from Rocky Top Road which would ease any congestion. In addition, he has agreed to join our paving project. The community deserves to have our questions answered. Mr. Wood's plan would qualify for R3 and he has shown me the plans for this community.

On behalf on the 200+ residents of Rocky Top we call for this meeting on Tuesday, November 9, as promised. We will all be there.

Sincerely,

Tami C Hartzog

Nov 11 is Thursday
not tomorrow

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3) Police Officer Recognition- Officer Shanna Bellows

Patrol Officer Shanna Bellows was awarded the Life Saving Insignia due to her critical thinking and rapid response to save a life. An emergency call came out and Officer Bellows responded having to forcibly get into the home, to find a person lying in the bathroom, with loss of blood due to an injury. Officer Bellows utilized what was available in the home to slow the bleeding and provided comfort and reassurance until the Haywood County Emergency Services arrived.

Maggie Valley is proud to have Officer Bellows serving our community.

4) Consent Agenda

- a. Minutes to be Approved: October 4 & October 12, 2021
- b. Budget to Actual
- c. A/R Report
- d. Tax Releases
- e. Direct Clerk to Investigate the Sufficiency for Voluntary Annexation
- i. 8607-40-3592 (219 Weathering Heights / 8.63 ac)
- f. Certificate of Sufficiency: Voluntary Annexation Public Hearing December 14, 2021, 6:30PM
 - i. 7696-98-6616 (1.12 ac Hambleton)
 - ii. 7696-98-4555 (0.53 ac Hambleton)
 - iii. 7696-77-7475 (16.95 ac Hotchkiss)
- g. Initial Property Zoning Public Hearing December 14, 2021, 6:30PM
 - i. 7696-98-6616 (1.12 ac Hambleton)
 - ii. 7696-98-4555 (0.53 ac Hambleton)
 - iii. 7696-77-7475 (16.95 ac Hotchkiss)

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

5) Public Comment

Aaron Hartzog, 17 Meadow Ln, Mars Hill, stated that there was a lot of confusion about number of lots vs number of units within R2 and R3 zoning districts.

Manager Clark explained the charts showing the difference between the residential districts. R2 cannot utilize RV-PUD campgrounds.

In the new Land Use Plan and UDO non-conforming uses will be addressed.

Ms. Tammi Hartzog, part owner of Kamping-n-Kountry, stated that there was massive confusion at the last meeting. Ms. Hartzog felt better when she talked with Mr. Wood and found that his site plan is for cottages. The big fear for the community was another campground/RV Park.

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Jeff Lee, Planning Board member, read the following letter into the minutes

Town Of Maggie Valley
Nathan Clark, Town Manager
Kaitland Finkle, Town Planner
Mike Everland, Mayor
Board of Alderman

All,

Please let me start off by saying, thank you for your vote of support and allowing me to serve our town on the planning board and chairmen of the planning board during 2021. During our planning board meeting on October 14, 2021, we elected a new chairman with a unanimous vote. His first action; was to allow a board member Connie Dennis to try to add a comment to the previous meeting minutes. The Town Planner told her she could not do this. However, Ms. Dennis continued to speak and the chairman chose not to redirect or seek proper board etiquette. Ms. Dennis, referenced an article from the news paper and suggested that I should recuse myself from a previously approved planning board recommendation and vote. Ms. Finkle, again advised Ms. Dennis this was inappropriate and Mr. Williamson, did not intervene. I requested to speak to this matter since my name was mentioned personally. I informed Ms. Dennis that I had spoken with the newspaper editor personally, and with written text to correct this false information. I also advised the board, that I would be the first one to dismiss or recuse myself if a conflict of interest ever arouse. I also advised Ms. Dennis; that I took her inappropriate, unethical attack personally and this was unacceptable.

The second item of new business was for a recommendation of initial zoning of Luxury 1 investments LLC, annexation 9-14-21, 4521 Soco Road (7676-88-4942). The first action by the chairman was to ask me if I needed to recuse myself from the discussion and vote. I reinforced that was not necessary. The chairman restated the requirements of one needing to recuse oneself. He then asked me again, if I needed to recuse myself. I responded this has been asked and answered, unequivocally NO! The chairman then stated there is a part b of the requirement for one to recuse themselves. He read that statement and Mr. Helfers asked him to reread that statement. The chairman reread the statement and again asked me if I needed to recuse myself. At this point, a town alderman addressed the town manager in the audience and asked him to stop this personal assault from the chairman. I responded, this personal attack needed to end, the question about recusing myself has been asked four times. I stated we need

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to move on and do our job! The motion was heard with a recommendation to recommend a C1 zoning with a unanimous vote.

During other business, I requested to address the inappropriate actions of the personal attacks by the Planning Board Chairman. This personal attack of a fellow planning board member was bullying, badgering, and created a hostile environment to work. I advised the chairman this was much bigger than just the personal attacks; Then I asked as the planning board chairman, what message are you sending to our neighbors in the audience? As a town representative are you building good will? How do we move Maggie Valley forward when the public witnessed the hostile, bullying and badgering of a fellow board member?

I am formally requesting that the Board of Aldermen take action ASAP

I also, formally request the electronic recordings of the Planning Board meetings of September 9, September 29 and October 14, 2021,¹¹

Sincerely,

Jeff Lee
Maggie Valley Planning Board Member

Alderman T. Wight wanted to discuss the issue now. She had attended one of the Planning Board Meetings and was genuinely concerned with how people were treated. "The October meeting was an embarrassment. This is not how we want people to see us."

Alderman P. Wight agreed, adding that he would like to have Mr. Williamson's resignation.

Alderman Patel agreed, it was very unprofessional.

Manager Clark suggested everyone listen to the recording to get the full context of what is being said.

Alderman P. Wight stated that he (David Williamson) was being rude before Covid hit. "I don't understand why we can't get along and show some respect for people. Can we do anything at this meeting, or do we need to have a sit-down meeting to handle this?"

Manager Clark suggested that Council get their thoughts together and have a meeting with Mr. Williamson to discuss their expectations and what is required of a Planning Board Chairman.

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Mr. Williamson brings skills to the Board, but the appearance to the audience is of the up-most importance. Manager Clark felt there was a middle ground. "You could provide guidance for what is expected."

Believing all board members should be ethical and professional in their behavior, **ALDERMAN PATEL MADE THE MOTION TO ASK FOR DAVID WILLIAMSON'S RESIGNATION. ALDERMEN P. WIGHT AND T. WIGHT VOTED IN THE AFFIRMATIVE. MAYOR EVELAND OPPOSED. ALDERMAN DAVIS NEEDED MORE INFORMATION. MOTION CARRIED THREE TO TWO BY MAJORITY.**

Attorney Justus informed Council that it would be a clearer process to remove Mr. Williamson from the Planning Board rather than ask for his resignation. **ALDERMAN PATEL CHANGED THE MOTION TO REMOVE MR. WILLIAMSON FROM THE PLANNING BOARD.**

David Williamson addressed Council. Mr. Williamson stated that due to Covid he stepped away from the Planning Board for eleven months. He then asked to come back onto the Planning Board due to his experience as a Zoning Attorney in Ohio. "I asked to come back because of what lies ahead for the Planning Board and the Aldermen. A Unified Development Ordinance (UDO) does not drop out of the ceiling. There is a lot of demanding work ahead to do. I will not dispute Mr. Lee's letter, but we are talking about the last meeting and not the one before that. Connie Dennis was asked to recuse herself by a person in the audience. You (the aldermen) say you want balance. At the next meeting I said that the minutes must reflect what was said at the meeting. Connie wanted to talk about a couple of things, and I allowed that. Mr. Lee is in association with an applicant coming before the Planning Board. I did not say you must recuse yourself. I asked him if he thought he should recuse himself. Mr. Lee was quoted in two newspapers that he is working with Frankie Wood. The pure ethics of it is, we needed that issue resolved. You asked for my resignation, and you do not have it."

Linda Taylor spoke from the floor stating that Connie Dennis did not disclose all the information she should have. She did not disclose her conflict.

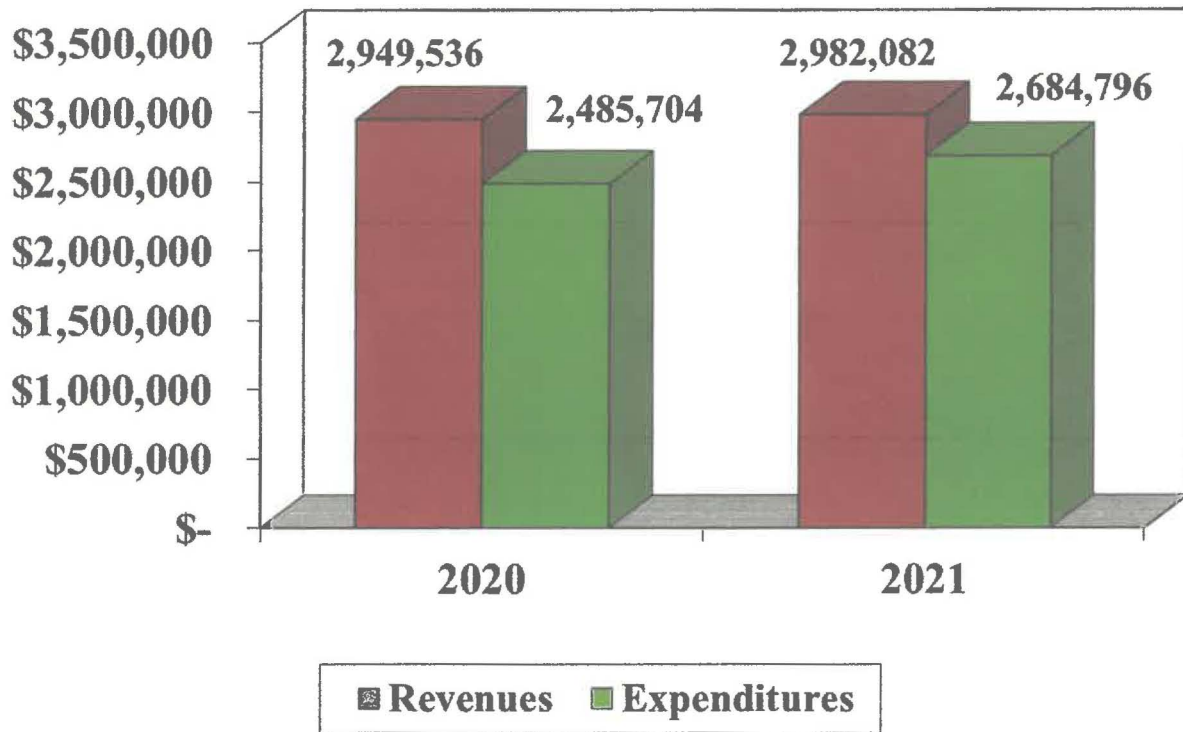
ALDERMAN PATEL MADE A MOTION TO REMOVE DAVID WILLIAMSON FROM THE PLANNING BOARD. ALDERMEN TAMMY AND PHILLIP WIGHT VOTED IN THE AFFIRMATIVE, MAYOR EVELAND OPPOSED, AND ALDERMAN DAVIS NEEDED ADDITIONAL INFORMATION. MOTION CARRIED BY MAJORITY.

6) **FY20-21 Audit Presentation: Erica Brown, CPA Martin Starnes Associates**

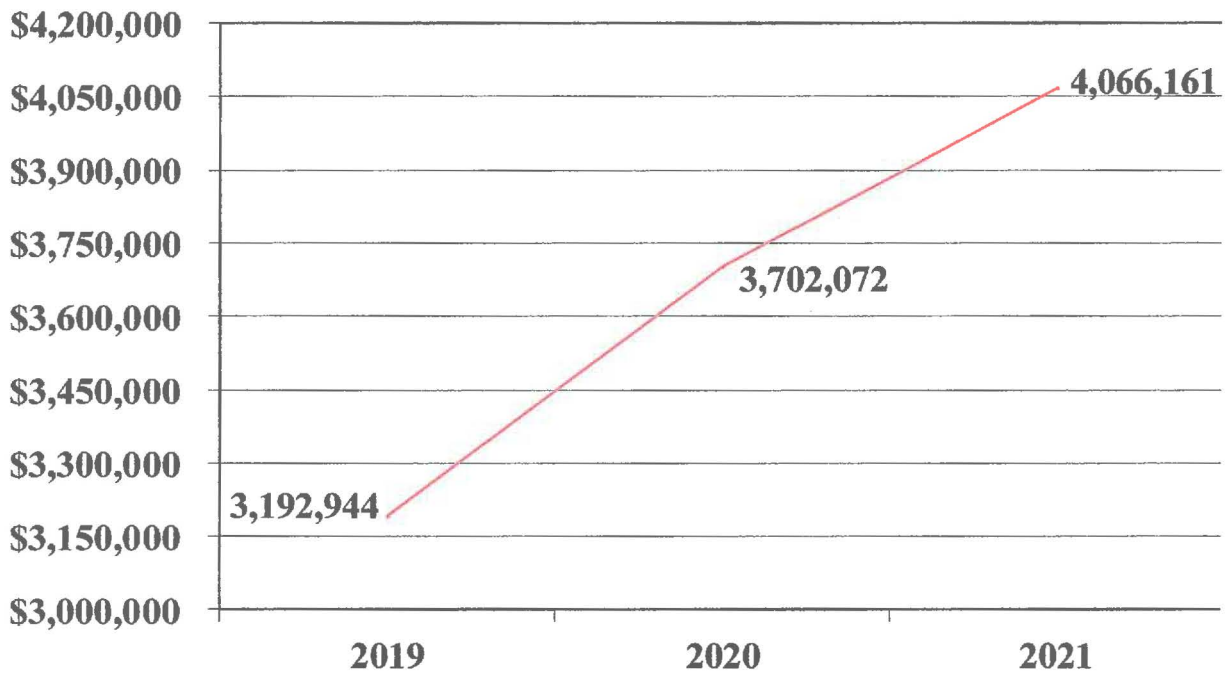
The entire audit/financial report can be found on the Town's website maggievalleync.gov under the header "Departments" and then "Finance and Taxes".

General Fund Summary

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Total Fund Balance



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Available Fund Balance as a % of GF expenditures and transfers out has increased approx. 6.25% from prior year. Typically, 8% represents 1 month supply of expenditures on hand. At 141% - the town has roughly 17.6 months of expenditures on hand. Whereas last year the town had approx. 16.9 months. *Increase due to an increase in overall revenues. No major projects this year and no new debt added this year.

This is a healthy fund balance for a town Maggie Valley's size. It is difficult to compare the town of Maggie Valley to other towns because every town is different. However, it is important to evaluate your fund balance annually based on upcoming expenses and future capital outlay. Statistical information comparing the town to your population group is provided by the LGC annually. The most recent statistics show 2020 average is 63% for peer group (MV 135%) MV is well above peer group which allows you to purchase capital items without going into debt. (Peer Group based on GF expenditures 1 million to 9.9 million – Maggie Valley is 2.7 million)

The Town managed to maintain a 98.05% overall tax collection rate. This is an increase of .67% over the prior year.

Other Taxes and licenses include local option sales tax, occupancy tax, cable TV, franchise tax revenues, and special assessment tax revenue.

Overall increase of \$58,194 or 8% is due to an increase in local option sales tax.

Sewer Fund

Increased rates years ago to be able to build this working capital.

In 2020 – Net position \$1,934,549

Cash flow from operations \$377,679

Required debt service \$193,760

- Unrestricted net position increased \$269,758, or 14%, over the prior year. Due to increase in charges for services.

- Cash flow from operations decreased \$5,152 or 1%, over the prior year.

- Required debt service decreased \$3,423, or 2%, over the prior year.

- Quick Ratio (Which is Current assets / current liabilities) over the past 3 years has been 10.69 (2019) 10.06 (2020) and 12.73 (2021) The LGC is typically concerned with units that have a Quick Ratio below 1.

Ms. Brown thanked Finance Director Shayne Wheeler for her demanding work preparing all financial records for the audit. There were no financial findings.

7) **Consideration of Initial Property Zoning: PIN 7676-88-8767 (4521 Soco Road)**

Manager Clark provided background information on the parcel to be zoned. The adjacent property is the Shell Station. The property has access from two state roads: Soco Road and Setzer Cove Road. The entire property is within the corporate limits of Maggie Valley. The front

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portion of the property is already in town with a Commercial 1 zoning. The recommendation from both staff and the Planning Board is for the entire property to be zoned Commercial 1.

Planner Finkle provided the following information.



Report For

LUXURY 1 INVESTMENTS LLC
PO BOX 50337
MYRTLE BEACH, SC 29579-0006

Account Information

PIN: 7676-88-8767
Legal Ref: 1033/1975

Add Ref: 1044/1904
CABD/1411

Site Information

DWELLING, DWELLING

Not Lived In
4521 SOCO RD
Heated Area: 1040
Year Built: 1940
Total Acreage: 4.52
Township: Town of Maggie

Site Value Information

Land Value:
Building Value:
Market Value:
Deferred Value:
Assessed Value:
Sale Price:
Sale Date: 6/17/2021



1 inch = 200 feet
November 2, 2021

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of maps on file in the office of the town engineer and are compiled from various sources. They are not intended to be used for legal purposes. Users of this site are hereby notified that the information is not intended to be used for legal purposes. The user assumes all responsibility for any use of this information. The user assumes all responsibility for any use of this information. The user assumes all responsibility for any use of this information.

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Two single-family homes at 4521 and 4561 currently use access via Soco Road. The property also has access via Setzer Cove Road (SR 1215).

The front half of the property bordering Soco Road is zoned C-1, General Business. Adjacent Zoning is C-1, R-2, and properties without Zoning.



It is Staff's recommendation to set the initial zoning of PIN 7676-88-8767 to C-1.

Based upon

- Existing Partial Zoning of parcel frontage is C-1, adjacent Zoning is C-1, R-2 and properties without Zoning.
- Property has frontage on two State maintained roads.
- Adjacent Land Uses include Shell Gas Station/Soco Groceries & Meats, Mountain Joy Cottages, Stony Creek Lodge, Mary Rathbone Rich Park, and vacant land. Adjacent single family homes are located in the County.

The Planning Board created a consistency statement at their Board meeting regarding this issue on October 14. They unanimously recommended an initial zoning of C-1.

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Initial Zoning: C-1: General Business

Plan Consistency Statement for proposed initial zoning and amendment to The Town of Maggie Valley Zoning Map for newly annexed property with property identification number 7676-88-8767. This property was officially annexed into the Town of Maggie Valley on September 14, 2021.

The proposal to assign this property a C-1 zoning classification is consistent with the Town's Future Land Use Plan. This area is designated Community Attraction on the Future Land Use Map. The recommendation for C-1 zoning is reasonable and in the public's interest because:

- 1) The front portion of the subject property is zoned C-1.
- 2) The subject property is adjacent to commercial businesses zoned C-1 along Soco Road.
- 3) The subject property is adjacent to medium density residential uses along Setzer Cove Road.
- 4) Prior to annexation, the rear portion of the property was located in the County and was un-zoned.

CONSISTENCY AND REASONABLENESS STATEMENT

Property PIN NO. 7676-88-8767: Rezoning from Unzoned to C-1: General Business
WHEREAS, in accordance with N.C. Gen. Stat. § 160D-701, the following is stated:

Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire,

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panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

WHEREAS, as directed above, Town Council must approve a Consistency and Reasonableness Statement with regard to each adoption or rejection of a zoning amendment request;

WHEREAS, C-1 is the Town's general business district; and

WHEREAS, after conducting a public hearing, the Planning Board of the Town of Maggie Valley determined that, the Town's current Land Use Map from 2007 identifies the property as Community Attraction, it is therefore reasonable and in the public interest to zone the property C-1: General Business because there is no such zoning classification as Community Attraction contained within the Town's Zoning Ordinance.

NOW THEREFORE, based the record of the proceedings related to the rezoning request, **THE BOARD OF ALDERMEN OF THE TOWN OF MAGGIE VALLEY HEREBY STATES:**

Section 1: The proposed zoning amendment is consistent with the Comprehensive Plan that has been adopted by the Town of Maggie Valley.

Section 2: The proposed zoning amendment is reasonable and in the public interest; and therefore, is approved based on the following:

The property under consideration is adjacent to other community attractions and commercial uses and the C-1 zoning district. This site is well-situated for commercial use, as allowed in the C-1 district.

The Town of Maggie Valley has an existing C-1 zoning district which parallels the U.S. Highway 19 / Soco Road thoroughfare.

Prior to annexation, the rear portion of the subject property was located in the County and was un-zoned.

Historically parcels fronting Soco Road have been zoned C-1 as part of the annexation process. A portion of the subject property fronting Soco Road is zoned C-1.

a. Public Hearing

Mayor Eveland opened the public hearing at 7:42 pm.

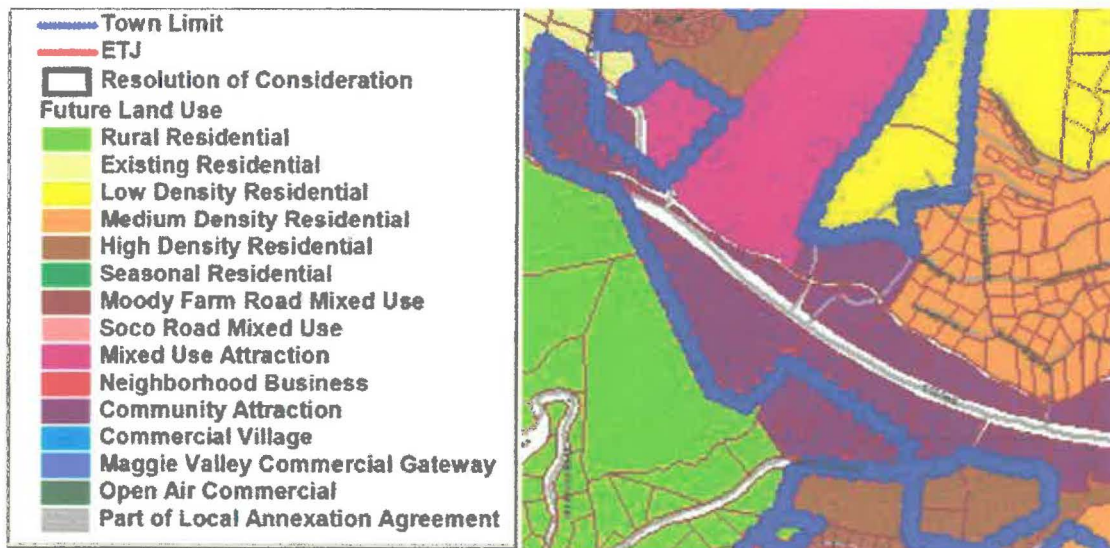
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Rodney & Robin Palmer, residents of 281 Setzer Cove Road, addressed Council as natives of Maggie Valley. Mr. Palmer stated that the Setzer Cove area has a lot of wildlife, and the two-lane road already has too much traffic. The Palmer's were confused because residents and visitors want to keep the quaintness of Maggie Valley, but now commercial businesses can back up to a residential area. "That is why people come here. The deer have already left because of the increase in traffic/people. We don't want to look at 64 units from our front porch."

Harry (Jr) Ward of 364 Setzer Cove Road, a lifelong resident of Maggie Valley with six generations before that, explained his thoughts on the zoning. "Before Maggie Valley became a town, his dad owned and operated Ward's Store. Setzer Cove is an older community and more pressure on the road should not happen. High density is not what people come to Maggie Valley to see."

Mayor Eveland closed the Public Hearing at 7:47 pm.

This property (in its entirety) will be the cut-off-line for commercial use abutting residential areas. This can be seen in the future Land Use Map in purple.



Of course, the map will be revised, but there will be a mixed-use district separating the commercial from the residential districts.

b. Consideration of Zoning Ordinance

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**ORDINANCE NUMBER 968
TOWN OF MAGGIE VALLEY**

AN ORDINANCE AMENDING THE ZONING MAP TO ZONE A PARCEL WITHIN THE CORPORATE LIMITS

WHEREAS, The Town of Maggie Valley held a public hearing on the zoning of a certain parcel within the corporate limits on November 9, 2021; and

WHEREAS, The area being zoned is property owned by Luxury 1 Investments LLC A NC LLC; and

WHEREAS, A public notice was published on October 20 and October 27, 2021; and

NOW THEREFORE BE IT RESOLVED BY THE MAGGIE VALLEY BOARD OF ALDERMEN THAT:

1. All requirements were met in accordance with G.S. 160D-602 for zoning property.
2. That the following parcel located within the Town's Corporate Limits will be zoned Commercial 1

The applicant: Luxury 1 Investments LLC consisting of 4.83 acres between Soco Road and Setzer Cove Road, Pin 7676-88-8767 as noted in book 1033 page 1975.

ALDERMAN PATEL MADE A MOTION TO ZONE THE AREA COMMERCIAL 1 (C1), MOTION CARRIED UNANIMOUSLY.

ALDERMAN PATEL MADE A MOTION TO APPROVE THE CONSISTANCY STATEMENT AS PRESENTED BECAUSE IT IS CONSITANT WITH THE PLAN AND FUTURE MAP. MOTION CARRIED UNANAMOUSLY.

8) Consideration of Contract: JMT Engineering – Festival Grounds Parking Lot Design

When acquiring the Sweet Briar Lot for Festival Grounds Parking in March 2021, Council knew a parking lot design would be needed to maximize the space for parking.

JTM Engineering has submitted a contract of \$4,600 to design the parking lot as well as review the Festival Grounds entrance way for improvements along with the Soco Road Pedestrian Project.

Funding for the design project is in the FY 21-22 budget. Manager Clark has submitted to HCTDA 1% 28751 grant funding application for this project as well.

ALDERMAN DAVIS MADE A MOTION TO APPROVE THE CONTRACT. MOTION CARRIED UNANIMOUSLY.

Alderman Patel added that the HCTDA 1% Committee approve the application for grant funding.

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9) **Consideration of Purchase: Police Department Server**

This is a critical piece of technology infrastructure for the Police Department. The server powers cloud-based databases, video storage, evidence files, among others. The \$36,232 is in the FY 21/22 budget.

ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE PURCHASE OF A POLICE DEPARTMENT SERVER. MOTION CARRIED UNANIMOUSLY.

10) **Consideration of Budget Amendments**

a. Budget Ordinance 965: Insurance Settlement Police Car

Shows revenue in from an insurance settlement on a police vehicle.

ALDERMAN DAVIS MADE A MOTION TO APPROVE ORDINANCE 965 FOR AN INSURANCE SETTLEMENT FOR A POLICE CAR. MOTION CARRIED UNANIMOUSLY.

b. Budget Ordinance 966: Police DAR Funds

This shows revenue in/ revenue out on the Police Chief DAR funds- money spent on "investigation equipment"

ALDERMAN PATEL MADE A MOTION TO APPROVE ORDINANCE 966 FOR INVESTIGATION EQUIPMENT. MOTION CARRIED UNANIMOUSLY.

c. Budget Ordinance 967: Mid-Year Salary Increases

This is the accounting for the mid budget salary increases for all non-Department Head Employees.

ALDERMAN PATEL MADE A MOTION TO APPROVE ORDINANCE 967 FOR MID-YEAR SALARY INCREASES. MOTION CARRIED UNANIMOUSLY.

11) **Other Business**

There was no other business to discuss.

12) **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. 11.7 tons.
- Monthly Solid Waste approx. 48.4 tons.
- Monthly White Goods/Electronics 6 pick-ups.
15 loads of brush.
- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners, and Fall Banners.
- Perform ditch, culvert, shoulder and road maintenance along streets; both private and Town streets.

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- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Wastewater Treatment Plant.
- Spring Lakes Road and stream bank stabilization project has been completed. The contractor did an excellent job along with Public Works staff in a very difficult area to work and keep traffic moving.
- Public Works hauled and placed 10 tons of asphalt on both town and private streets: Spring Lakes Road, Mountain Side Circle, Creekside Drive, Ladder Back Ridge and Lisa Lane.
- Public Works continues weekly mowing, weed eating and spraying of all town properties and responsibilities. (Approximately 48 acres weekly.)
- Public Works staffed and oversaw four successful events at the Festival Grounds in October.
- Changed fall banners to winter banners.

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.
- Installed/repaired 3 sewer services issues, cleaned and videoed approximately 450' feet of sewer line, inspected 2 sewer connections/installations.
- 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.
- This month we received NC811 locate request for 64 tickets. These were all marked in a timely manner.
- Continue monitoring Jonathan Creek and streambanks 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. Removed large amounts of debris from sewer creek crossings that were storm related.
- 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 7 grease trap inspections. Of these 0 were found to be non-compliant. We continue to work with all businesses on their grease issues and provide

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assistance and education in hopes of reducing the amount of grease in our sewer system.

Police

Incident/Investigations

- During this reporting month, the Maggie Valley Police Department (MVPD) investigated twenty-seven incidents which include: Negligent Manslaughter, Simple Assault, Aggravated Assault, Criminal Damage to Property, Narcotic Violations, and Trespassing.

Arrests

- Maggie Valley police officers arrested a total of eleven individuals resulting in nineteen charges which include: Aggravated Assault, Simple Assault, and Trespassing.

Motor Vehicle Traffic

- Maggie Valley Police Officers investigated seven motor vehicle accidents for the reporting period. Issued 121 Uniformed Traffic Citations and Warning Citations combined. Thirty-one percent (38) of which were for speeding.

Officer Activities

- There was a total of thirty-seven Officer Activity Logs for the month which include: Business Checks, Civil Disturbance, Suspicious Persons/Vehicles, Welfare Checks, assist other First Responders, Domestic, and Unlock Vehicles.
- Officer Michael Herbertson apprehended a subject wanted by the U.S. Marshals during a traffic stop.
- Sergeants Jeff Mackey and Ryan Flowers performed monthly vehicle inspections for maintenance and cleanliness.
- Patrol In-car videos are being reviewed for training purposes.

Evidence Processing (E/P)

- E/P technician processed twenty-one items this month.

Investigations (CID)

- CID is currently investigating a Death by Motor Vehicle case.
- CID has presented new charges in an ongoing sex case to Grand Jury.

K9 Program

- K9 officer Logan Wood and Officer Rodney Riddle located and returned a stolen motor vehicle.

Community Interactions

- Maggie Valley Officers patrolled through our residential neighborhoods 507 times during the month.
- Maggie Valley Officers performed their monthly business visitations.

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Events, Schools, and Meetings

- Maggie Valley Police Officer's participated in "Trunk or Treat" for Halloween at Calvary Road Baptist and Dellwood Baptist Church.
- Maggie Valley Officers participated in Jonathan Valley Elementary Schools "Fall Festival."
- Maggie Valley Officers provided traffic control for a Jeep event held at Ghost Town parking lot.
- Maggie Valley Officers participated in the Jonathan Valley Elementary Schools lock-down drill for school safety.
- Maggie Valley Officers provided additional security at the Haywood Arts Council Bluegrass music event held at Maggie Valley Festival Grounds.
-

Planning Department

Since October 12, 2021	24	Description
Residential Permits	6	2-2 BR Duplexes Meadows at Campbell Mountain 3 BR SF Residence Delwood Forest 3 BR SF Residence Crocketts Meadow 3BR SF Residence La Bella Vita 4 BR SF Residence River Wind (in the Floodplain)
Commercial Permits	2	Wading Pool/Splash Pad Stonebridge Repaving Stonebridge
Misc. Permits	7	Deck replacement/expansion Crystalwood 4-Upgrade RV to Park Models Stonebridge RV Park Deck replacement/expansion Gabriel Lane Detached carport Appalachian Village
Zoning Compliance Letters	5	3 BR SF Residence Plateau at Masters Landing 2-3 BR SF Residence Jonathans Rest 3 BR SF Residence at Crocketts Meadow 3 BR SF Residence at Katua Falls
Notice of Violations	4	1-No Permits 1-Unsafe Building 2-High Grass

November 18, 2021, 2:00 – 4:00 PM: An Overview of Planning and Development Regulation in North Carolina.

Should we approve that new residential development? Can the asphalt plant really go there? How can we make it easier for good development to proceed? Communities face these challenging questions every day, and the answers have direct impacts on citizens, economic development, and community quality of life.

This session, the Land Use Top 10, will provide an overview of the rules and considerations for local planning and development regulations in North Carolina. School of Government faculty members, Adam Lovelady and Jim Joyce, will walk through the topics listed below, and then

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participants will have opportunities for small group discussions about the issues their particular communities face with others from their region hosted by their regional council of governments.

1. What's the point of zoning? Purposes of development regulations.
2. Whose rules apply where? Jurisdiction and ETJ
3. Why do we have to plan? 160D and plan requirement
4. My neighbor is doing what?! Zoning and development regulation
5. What's going to happen to that pretty farmland? Land subdivision regulation
6. Can't we just say no? Types of decisions
7. How do we stay out of court? Considerations for rezoning
8. Can we get better development? Design and form-based codes
9. How do we slow this down? Growth management tools
10. My neighbor is still doing that! Enforcement of development regulations

Initial Planning Board UDO Workshops discussing Appearance Standards/Design Review (Ch. 6) & Signs (Ch. 8) November 18, 2021, 10:00 AM – 2:00 PM, December 16, 2021, 10:00 AM – 2:00 PM

Manager Clark reported that the Organizational Meeting will be held Tuesday November 30, 2021, and a reception will follow. Everyone is welcome to attend.

The east-end large Winter Display will be lit on November 24 at 6 pm. Everyone is welcome to attend.

The carpool cinema will be held on Saturday December 11, 2021, at the Festival Grounds free of charge. The movie will be "Home Alone."

Manager Clark thanked Aldermen Patel and Davis for their service to the Town of Maggie Valley.

13) **Closed Session:**

- a. § 143-318.11 (a)(3) Attorney-Client Consultation

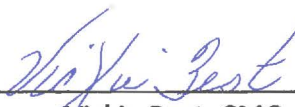
There was no new information, therefore, a closed session was not needed.

14) **Adjournment**

ON MOTION OF ALDERMAN PATEL, WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 8:13 PM.



Mayor Mike Eveland



Vickie Best, CMC, Town Clerk

