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Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
January 11, 2022
MINUTES

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

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

Others Present: Reporters: Hannah Mcleod and Vicki Hyatt and 74 others

1) Meeting Called to Order

Mayor Eveland called the meeting to order at 6:30 pm on Tuesday January 11, 2022, in the Town Hall Boardroom.

2) Pledge of Allegiance

The Pledge and Prayer were said by all.

3) Consent Agenda

- a. Minutes to be Approved: December 7 & December 14, 2021
- b. Budget to Actual
- c. A/R Report
- d. Tax Releases

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

4) Public Comment

Mayor Eveland explained the difference between Public Comment and Public Hearings. There were no public comments.

5) Consideration of Moratorium "Campgrounds, RV Parks, RV PUDs and RV Storage"

Boundaries were initiated in an effort to have decorum. A 3-minute time limit will be set to get through the comments and discussions in a timely manner. The public hearing will be limited to 1-hour with opponents and proponents having an equal amount of time to state their position.

An official policy will be created during the two-day Aldermen Retreat to be held January 31 and February 1 (beginning at 9:30 am each morning).

- a. Public Hearing

Mayor Eveland opened the public hearing at 6:35pm.

Alderman P. Wight reminded Council at the Agenda Setting/Monthly Workshop it was agreed that 5-minutes would be the limit. "It is excellent that a Public Hearing Policy is needed; it means people are coming out and showing an interest."

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● Allen Alsbrooks, 3376 Dellwood Road addressed Council to read into the minutes the following letters.

My husband Andy and I are 30+ year residents and electors in the Town of Maggie Valley. Due to health concerns, we are unable to be at this meeting to represent ourselves.

We purchased approximately 4-acres of land some 15-16 years ago outside the Town's jurisdiction, but adjacent to the Town of Maggie Valley. In 2006, we submitted an application for annexation and zoning. We were granted a C2 zoning which allows either an R3 Build out or a campground. We have paid a debt service on this property that was purchased at close to \$100,000 per acre plus the cost of removal of debris because it was our intent to use this property for sale in order to retire and live our lives in Maggie Valley. We are discouraged at your desire to place a moratorium on RV Parks and RV-PUDs in the city of Maggie Valley. Last year, the previous Town Planner Ron Hancock and Town Manager Nathan Clark took Mr. Wood to see the potential of the property we own because of the zoning being unrestricted for the type of Subdivision he was interested in doing. We currently have a contract on the property, but the sale will most likely only proceed if we are allowed to use it as a RV Park and PUD, as that is the desire of the purchaser. The current zoning allows us to have a RV Park "By Right" and a RV-PUD by obtaining permission by the ZBOA. We will oppose any and every down zoning on the property located at 1728 Moody Farm Road after paying taxes for 16-years and never reaping one benefit of the ownership. We find ourselves in the position of now owning property that may not even be worth the purchase price after 16-years of ownership. We are not sure where this newly elected board is headed in their desire to stunt the growth and cause the Town further stagnant business opportunities. As a realtor, I am grossly concerned that all of us who have made our living in Maggie Valley and are the very backbone of Maggie Valley's economy will not be able to move forward given your desire for knee-jerk reactions to every plan that is presented. Our contract will expire during your planned moratorium effectively stopping the sale of that property we had intended for our retirement. We hope you all reconsider and realize you are representatives of all the people of Maggie Valley including those of us who have not yet retired. Maggie Valley has been a tourist town since before it was incorporated as a town in the 70s and your desire to turn it into a retirement community will take years to undo by future generations. Please think before you take action and allow the input needed for the UDO to be completed and passed so that decisions will not be made arbitrarily based on who the petitioner might be.

Best Regards:

Linda and Andy Taylor

The following letter was presented to Council at the December 14, 2021, meeting.

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Submission for Town Meeting for Maggie Valley, NC 12/14/21

From: John and Karen Darguzas, owners of Waters Edge Motor Court & RV Park, 35 Scott Circle, MV, NC 28751, 828-926-1801

We have been Business Owners at our current location for 23 years. We bought it in 1998 and paid a premium for our property because Maggie Valley was a lively and fun town to live and work in. It was the ultimate mix of 'small town living' and prosperous business in our opinion. Families would flock to the Valley and spend their vacation funds supporting the local businesses. Ghost Town was an integral part of the mix, along with live music, and kid friendly activities.

With the closure of Ghost Town we have seen the Valley turn into one, and over the years have had to change our own business model to address the changes. Moving from a family friendly, vacation get away spot...to a longer term, retirement style location just to pay the bills and keep up with the taxes which never reflected the losses of businesses closing all over town. These RV Parks, which are so objectionable to the new Alderman...who by the way seemed to run for election based on false claims of Water Quality Issues and the Elk...not ELIMINATING ALL RV Parks in the city limits...are actually helping to keep the local businesses alive here in the Valley. Our loyal customers return year after year, several generations of families in fact... shop locally, eat at the restaurants, pay their taxes and accounted for a decent percentage of the "population boom" reported in the census and which the city is bragging about in their annual newsletter. Our Mayor and past Alderman were elected based on a Pro-Business platform from what We remember...Not an Obstruction of New Business Platform. Other than Phillip and Tammy Wight we haven't seen much on the Pro-Business model except for the addition of festivals that bring in customers for 2-3 day stays. Those are helpful but can't possibly sustain our local economy long term. We need a solid anchor for our businesses to thrive, like the rebuilding of the Ghost Town project, like the RV PUD infusions, investors who are willing to take a chance on our town and possibly make it even better than it was in its HayDay. Whether it's popular or not to our new Alderman, there is a HUGE DEMAND for RV spots in our area, especially for newer, larger, more updated spots which will accommodate the BIG RIGS, who currently cannot get into the older, less modernized parks. No one from the city has ever asked our opinion on the need for more spaces, or how we impact the local economy. They make assumptions based on their own BIAS.

In Conclusion, We feel that the Town of Maggie Valley is discriminating against RV Park owners like us, who have stood by, patiently waiting, paying our taxes, year after year. Hoping and Praying that a Pro Business mayor and Board of Alderman would do what they promised and actually promote business...All Businesses, not just the hotel owners. So if the proposed new zoning goes into effect, our property, and many others, would have a huge economic deficit to face. The Town would be obstructing the valid use of the Property we bought and paid for by changing the rules to suit the whims of this Board.

We ask that the Board rejects the new zoning against RV Parks in the City Limits and Approves the RV PUD Applications on file.

Thank you

John and Karen Darguzas

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- Kaye Sabastyn, of 99 Airish Lane, read the following:

My husband and I are here in support of the six-month moratorium proposed at the last meeting. For those who are unclear of the definition of "Moratorium" it is that a moratorium is a temporary (and I emphasize temporary) suspension of an activity or law until future consideration warrants lifting the suspension. Back in November, the almost 70 percent of the folks that voted, supported the two candidates in part for their stance on the current development and zoning were being oversaw. They trusted these candidates and believed in their backgrounds, expertise, and honest commitment to Maggie Valley and their experience in handling responsible growth within cities. Since that time, however, there have been members of the community who have tried to use scare tactics in the media trying to convince people that there would never be a development of the Ghost Town property, there would not be any more campgrounds or RV Parks if the moratorium were put in place. These naysayers are wolves in sheep's clothing. Joseph McElroy wrote a brief narrative addressing this. He could not be here tonight and asked that it be read. He is spot on in his comments. Here is what he had to say:

"The first original purpose of government was to settle property disputes without violence. The essence of good government is proper shepherding of the wants and needs of all the people and their property issues. Abraham Lincoln once characterized two definitions of liberty- the liberty to not be oppressed and the liberty to do what you want to others. This last definition of freedom is what the "wolves" in our society want-to do what they want no matter how it hurts the other people. Good shepherds, the good government-get appreciated by the people who believe freedom is not to be oppressed. I for one, believe that the voters have spoken and chosen the proper shepherds for Maggie Valley in the recent election. Those speaking cynically about "property right" and "freedom" are the wolves trying to convince us that a knife at our throats is liberty. If you don't understand the essence of government, it is a balance of the needs of a community. Joseph McElroy, Meadowlark Motel

"I would ask that we support our town council and the moratorium and trust them to work together to make Maggie the best ever.

- Attorney William Clark, representing Frankie Wood, addressed Council stating that a draft ordinance was made public and then at this meeting the ordinance has been revised. Attorney Clark felt this action makes the moratorium illegal. "Maggie Valley is a tourist town. These will be high-end motorhomes where the owners will be paying taxes and visiting the restaurants, shops, and stores in Maggie Valley."

- Dave Angel, 219 Campbell Creek Road, stated that he was assured five years ago that Maggie Valley is a tourist town and people want the commercial district to grow. Covid has changed where people stay when visiting the area. People are choosing Airbnb's, VRBOs, and RVs. People want their own personal space. RV sales are soaring. A moratorium goes against the trend. "We live by the most visited park in the US. We need to grow our businesses and thrive."

- Mitch Robinson, 15 Breezy Creek Lane, stated that he has never been to a growing town where the town is lined with campgrounds and RV Parks. Mr. Robinson was in favor of the moratorium because it will provide Council the time to consider what is best for Maggie Valley long-term.

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- Ken Brown spoke of an article in the Mountaineer Newspaper on December 7, 2021. This article talks about how room tax is up significantly. "The Tourism Development Authority is flush with cash."

- Attorney Justus read the advertisement for the public hearing for the moratorium adding that a draft copy was not needed. Attorney Justus did not change the meaning of the moratorium, he refined the ordinance to make it better.

The Public Hearing was closed at 6:57pm.

Alderman P. Wight stated that he did not like it when things are changed between the Agenda Setting Meeting and the regular meeting. "We haven't had the opportunity to have a discussion."

Manager Clark explained that staff created a draft ordinance based on December discussions. Staff then provided a copy to Attorney Justus, and he made a few clerical changes. What was discussed in December is included in the moratorium. "The substance of the ordinance is still the same."

Attorney Justus added that Council could have made changes to the ordinance themselves or he could have made changes here tonight. Attorney Justus stated that in section 2 he clarified some of the findings. "This is a document that works. It is legal. Changing a few nouns and verbs did not change the substance of the ordinance. The moratorium can last up to six months."

Mayor Eveland concurred, adding that the minor changes were done in a proper way and the content did not change.

Mayor Eveland reopened the public hearing at 7:02pm without comment. The hearing was closed at 7:03pm.

Alderman P. Wight stated that no one is understanding high-end campgrounds. "People want to buy their piece of Maggie Valley. A RV-PUD is different than a campground where people gather and cook or have meals together. Many of the campgrounds are booked through 2023. It is illegal to target one individual."

Alderman T. Wight agreed the HCTDA has had a banner year, but that was through Airbnb's and VRBOs. "Motels took a hit. This is a gross misuse of power expecting developers to put projects on hold for six-months. It is the Town that failed enforcing buffering."

Alderman P. Wight added that we live by the most visited park in the US and our business is still bad. "Business owners must hunker down in the winter and live off their profits from the summer to survive. If you have a mortgage, you will go broke. We are going down the wrong road."

Alderman T. Wight thanked the Chamber for sending out the survey. "The Chamber of Commerce is a valuable organization, and we should work with them and utilize them. The biggest issue (from the survey) is the visibility from Soco Road."

Alderman Hinton stated that we must separate the feelings from the facts. While campaigning both he and Alderman Owens heard an overwhelming number of comments about not wanting any more campgrounds/RV Parks. "There are 12 RV-Parks within 4-miles. We need the UDO to provide staff the

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needed tools to work with. I voted for every one of you on this board. Put aside the special interest and take the emotions out of it."

Alderman T. Wight responded with the following statement.

Our current UDO allows Campgrounds, RVs, and RV-PUDs. Now that interest has been expressed in these types of developments, fellow board members want to disregard those rules and regulations by enacting a moratorium until they can decide where campgrounds, and RV Parks can be allowed or if they should. The timing of the moratorium can easily be viewed as gross misuse of power. Expecting property owners and investors to place their potential projects on hold for six-months or indefinitely. This is not always without legal risk, and unnecessary, considering we are currently working on a revised UDO.

I don't see this as a question of whether Maggie Valley needs more Campgrounds or RV Parks; I see it as a landowner having a right, they had taken away.

Where I feel the town has failed is the enforcement of buffering. Obviously, our citizens do not like the visibility of Campgrounds and RV Parks from the road. We have rules in place to protect our scenic beauty and we need to improve them and enforce them.

Mayor Eveland stated that he has been against additional campgrounds/RV Parks since the beginning because it is not in the best interest of Maggie Valley. "We need to come up with a plan that allows us to grow and does not hurt tourism. The UDO will help us with those decisions."

b. Consideration of Adoption Ordinance 976

ALDERMAN OWENS MADE A MOTION TO APPROVE ORDINANCE 976. MAYOR EVELAND AND ALDERMAN HINTON VOTED IN THE AFFIRMATIVE. ALDERMEN TAMMY AND PHILLIP WIGHT OPPOSED. MOTION PASSED BY MAJORITY VOTE.

ORDINANCE NUMBER 976 AN ORDINANCE PLACING A MORATORIUM ON LOCATING CAMPGROUNDS,
RV PARKS, RV- PUDS, AND RV STORAGE WITHIN THE ZONING JURISDICTION OF THE TOWN OF MAGGIE
VALLEY

WHEREAS, The Town of Maggie Valley held a legislative hearing before adopting a development regulation imposing a development moratorium within the zoning jurisdiction on January 11, 2022 pursuant to N.C.G.S. §160D-107; and

WHEREAS, Public notice for the legislative public hearing was published on December 29, 2021 and January 5 & 9, 2022 in accordance with N.C.G.S. §§160D-107(b) and 160D-601; and

WHEREAS, the Board of Aldermen of the Town of Maggie Valley believe it to be in the best interest of the Town of Maggie Valley to adopt a moratoria as hereinafter described under N.C.G.S. §160D107.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF MAGGIE VALLEY THAT: Section 1. The Board of Aldermen of the Town of Maggie Valley hereby declares a six (6) month moratorium on issuing local development permits of any kind for erecting, constructing, locating, or otherwise facilitating the establishment of the use of property for Campgrounds, RV Parks, RV-PUDs,

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and RV Storage (hereinafter collectively "Campgrounds/RVs") within the Town of Maggie Valley's zoning jurisdiction.

Section 2. It is the intent of this moratorium to allow the Board of Aldermen to make findings of fact, review current laws and ordinances of other local governments, and receive public comment in order to identify possible changes to development regulations associated with Campgrounds/RVs. In furtherance of this moratorium, the Board of Alderman makes the following statements:

A. In recent times, the Town has experienced a considerable growth of Campgrounds/RVs within the zoning jurisdiction of the Town, which use of land creates or contributes to unique aesthetic concerns, impacts on the surrounding environment, including septic and property values and impacts on public services. A text amendment was considered but was not deemed adequate as it would remove the allowed uses in perpetuity. The Town has been working on drafting a new Unified Development Ordinance (UDO) which proposes a new district specifically for Seasonal Residential. A moratorium provides the time needed to complete the procedures required for consideration of adoption of new development regulations and rezoning property.

B. The development approvals subject to the moratorium include zoning permits and special exception approvals for Campgrounds, RV Parks, RV-PUDs, and RV Storage. This will preserve the status quo while appropriate areas for the uses are mapped, and adequate standards have been finalized.

C. The moratorium is proposed to cease on July 1st, 2022. The approximate six-month duration is necessary and reasonable given the numerous public input sessions that will be required to address the problems or conditions leading to imposition of the moratorium.

D. Schedule of actions a. January/February: Board of Aldermen and Planning Board review Drafted Zoning Districts, Zoning Map, Table of Permitted Uses, Density and Dimensional Standards b. March/April: Public Input on UDO and Zoning Map c. May/June: Public Hearing and Adoption

Section 3. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this Ordinance does not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific vesting plan approved pursuant to G.S. 160D-108.1, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) applies when permit processing resumes.

6) Consideration of Voluntary Annexation: PIN 8607-40-3592 (Staiger & Schwichtenberg)

a. Public Hearing

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Mayor Eveland opened the hearing at 7:20pm. Without comment, Mayor Eveland closed the hearing at 7:21pm.

219 Weathering Heights is located on the hill behind High Country Furniture off Dellwood Road. This single-family home was purchased in June 2021 and there are issues with the septic tank. The owners have requested to connect to municipal sewer. The owner has paid to have sewer lines run to Dellwood Road. Both staff and the Planning Board recommends R1 zoning.

- b. Consideration of Adoption Ordinance 974 Consideration of Initial Property Zoning – PIN 8607-40-3592 (Staiger & Schwichtenberg)
- c. Public Hearing
- d. Consideration of Ordinance 975
- e. Consideration of Adoption of Consistency Statement

ALDERMAN P. WIGHT MADE A MOTION TO ADOPT ORDINANCE 975 ANNEXING 8607-40-3592 INTO TOWN. MOTION CARRIED UNANIMOUSLY.

ALDERMAN T. WIGHT MADE A MOTION TO GO WITH STAFF AND THE PLANNING BOARD'S RECOMMENDATION AND ZONE THE PROPERTY R1. MOTION CARRIED UNANIMOUSLY.

ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE CONSISTENCY STATEMENT AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

7) Consideration of Special Event Permit – Tony's Tube World

Under outdoor sales in the Zoning Ordinance, entertainment facilities may obtain a Special Event Permit that would allow privileges normally not allowed such as food trucks. This request is slightly different because the Harvest Moon Food Truck wants to be there when Tony's Tube World is open. With the warm weather and lack of snow, there could be days that Tube World may not be able to open. Therefore, a list of dates and times cannot be requested. The food truck will be moved nightly, and garbage will be properly disposed. The Harvest Moon owners would like to be at Tony's Tube World until they close for the season.

Harvest Moon sells crepes and specialty coffees. Dan Galligan and Amy Deas explained that they are an event-based food truck. "Tony's Tube World has no concessions. Crepes are for both kids and adults. People will be able to walk around and eat their crepes, which is ideal for this type of attraction."

Mayor Eveland has been consistent in his concerns about local restaurants being hurt by food trucks.

Alderman T. Wight, presented the following:

Tony's Tube World plays an important role in keeping our winter season alive. They attract tourists, locals, and those from surrounding areas.

I'm not sure that my fellow board members are aware there are approximately 5 snow tubing businesses with 1-2 hours from here. All of which provide food and drinks. Out of those five, three are

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within one hour from here. Out of those three, two have a food truck on site and one has a concession stand.

Having a food truck would allow Tube World to adequately compete with like businesses in the surrounding area.

Who wouldn't want to have the access or convenience of a snack or a good hot drink while standing in the snow, waiting, or watching their kids?

The food truck is offering a unique menu that is not offered anywhere else in the valley and would be an asset to Tony's Tube World and our guests.

Under our UDO, we can allow them a special event permit to have a food truck on premises.

Tony's Tube World benefits us all by bringing guests into the valley during our challenging winter months. If you tube the 6pm session, it is challenging to find a place to eat. If you tube the 8pm session, you have no food choices when you leave. I feel by allowing this food truck is a way we can give back and say thank you!

Black Bear Snow Tubing, Hendersonville -Concession Stand

Moonshine Mountain Hendersonville- Southern Dawg BBQ Foot Truck

Zip and Slip, Mars Hill-Food Truck

Wolf Ridge Ski Resort, Mars Hill Food Truck

Sugar Mountain, Sugar Mountain Food and Beverages available at their base lodge

Alderman Hinton too had concerns about surrounding businesses being hurt. "Food Trucks need to be taken off the UDO and not allowed as competition for our local businesses." Alderman Owens also felt the restaurants need to be protected.

Alderman T. Wight responded that no other businesses are protected by Council. If Council is going to protect certain businesses, all businesses should be protected.

ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE SPECIAL EVENT PERMIT. ALDERMAN P. WIGHT VOTED IN THE AFFIRMATIVE. MAYOR EVELAND AND ALDERMEN OWENS AND HINTON OPPOSED. MOTION FAILED BY 3-2.

8) Consideration of Personnel Policy Change- Holidays

If a holiday falls on the weekend, town employees take the following Monday. An example being New Year's Day. New Year's Day fell on a Saturday and the Town employees had to take Monday off rather than New Year's Eve on Friday.

The request is to change the Personnel Policy so if a holiday is on Saturday, employees take Friday off. If the holiday is on Sunday, the employees take Monday off.

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**ALDERMAN T. WIGHT MADE A MOTION TO ACCEPT THE TEXT REVISION IN THE PERSONNEL POLICY.
MOTION CARRIED UNANIMOUSLY.**

9) Other Business

- ▶ Council instructed staff to advertise for applications for the Planning Board. The deadline to get your application into the Clerk's Office is January 31.
- ▶ Public Works has increased the salt and sand storage to twice as large as previously. It would be almost impossible for Public Works to manage snow events if not for having adequate chat, salt, and sand for the roads.

10) Department Head Reports

a. Mike Mehaffey, Public Works Director

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. 11.5 tons.
- Monthly Solid Waste approx. 46.1 tons.
- Monthly White Goods/Electronics 4 pick-ups.
17 loads of brush.
- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners and Winter Banners.
- Perform ditch, culvert, shoulder, and road maintenance along streets. Both private and Town streets.
- Service and/or repaired 8 Public Works vehicles/equipment and 5 Police Vehicles.
- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Wastewater Treatment Plant.
- Public Works placed 3.5 tons of asphalt 10 gallons of crack sealant to repair potholes and pavement cracking on town and private streets. Spy Rock Road, Teague's Loop, Henry Dingus Drive, Rocky Top Road, Paso Fino Drive, Saddle Drive and Creekside Drive.
- Public Works continues to perform maintenance on 90 pole decorations, 6 Ground displays, and the winter lighting at the Town Hall, Pavilion, Festival Grounds, MV Fire Department, MV Police Department and the TDA all as part of the Towns Winter Decorations.
- Public Works installed all snow and ice removal equipment into trucks and tested.

WWTP

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- 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/repaired 3 sewer services issues, cleaned and videoed approximately 450' feet of sewer line, inspected 4 sewer connections/installations.
- Dewatered 44,000 gallons of digester sludge. Lime Stabilized 50 tons of dewatered sludge. Also, hauled 30 tons of dewatered sludge to landfill.
- 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 32 tickets. These were all marked in a timely manner.
- Continue monitoring Jonathan 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, 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. 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.

b. Russ Gilliland, Police Chief

Incident/Investigations

- During this reporting month, the Maggie Valley Police Department (MVPD) investigated thirty-four incidents which include: Aggravated Assault, Breaking and Entering, Larceny, Motor Vehicle

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Theft, Criminal Damage to Property, Narcotic Violations, Driving While Impaired, Canine Attack, and Weapons Violation.

Arrests

- Maggie Valley police officers arrested a total of ten individuals resulting in fifteen charges which include: Breaking and Entering, Larceny, Narcotics Violations, Weapon Violations, and Driving While Impaired.

Motor Vehicle Traffic

- Maggie Valley Police Officers investigated three motor vehicle accidents for the reporting period. Issued one hundred eighty-five Uniformed Traffic Citations and Warning Citations. 32 percent (59) of citations were for speeding.

Officer Activities

- There was a total of sixty-five Officer Activity Logs for the month which include: Business Checks, Civil Disturbance, Suspicious Persons/Vehicles, Welfare Checks, Assist First Responders, Domestic, Alarm Activation, Trespassing, and Unlock Vehicles.
- Sergeants Jeff Mackey and Ryan Flowers performed monthly vehicle inspections for maintenance and cleanliness.
- Officer Michael Herbertson arrested a subject with outstanding out of state warrants.
- Officer Michael Herbertson arrested a subject with outstanding Tribal warrants. During the search, Officer Herbertson discovered illegal narcotics on the subject.
- Maggie Valley Officers directed three individuals having mental health issues to seek needed mental health assistance.

Evidence Processing (E/P)

- E/P technician processed thirty-three items for the month.

Investigations (CID)

- CID investigated two stolen motor vehicle cases. CID interviewed the suspect who confessed to the crime. Both vehicles were recovered out of Tennessee.
- In a 2018 Statutory Sex Offense case, the offender plead guilty and was sentenced.
- CID investigated one natural death scene this month.
- CID is collaborating with the Federal Bureau of Investigations on a narcotics and felony possession of a firearm case.
- CID deleted outdated in-car videos for the month of October 2021.

K9 Program

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- Our agency is scheduled to purchase our new K-9 this month.

Community Patrol and Interactions

- Maggie Valley Officers patrolled through our residential neighborhoods 636 times during the month.
- Maggie Valley Officers performed their monthly business visitations.

Events, Schools, and Meetings

- Officer Haley Crocker completed the NC Justice Academy (Salemberg NC) Crime Scene class.
- Maggie Valley Officers provided traffic control for the first annual Christmas Jeep Parade held on December 4th, 2021.
- Maggie Valley Police Department hosted the annual Mothers Against Drunk Drivers Candlelight Vigil held at the Maggie Valley Pavilion held on December 4th, 2021.
- Maggie Valley Police Department hosted a multi-law enforcement agency DWI Check Point on December 4th, 2021.
- Maggie Valley Officers participated in the Hazelwood Christmas Parade and the Canton Christmas Parade.
- Sergeant Jeff Mackey participated in the "Shop with a Cop" program. There were 125 children assisted with Christmas needs.
- The Maggie Valley Police Association assisted a family with two small children with their Christmas needs.

As for the recent graffiti hits, both on Town property and business property, officers have met with three different families. Pictures of the suspects have been sent to all Haywood County Schools hoping to get a lead or a name. The issue is it could be someone visiting Maggie Valley.

Council asked that Chief Gilliland send the pictures of the suspect so that business owners can be aware of what is taking place along Soco Road.

c. Kaitland Finkle, Town Planner

Since December 14, 2021	36	Description
Residential Permits	2	3 BR SF Residence Smoky Mtn Retreat Eagles Nest Adding 3 Bedrooms in Basement Valley Creek Run
Commercial Permits	23	25 Seat Restaurant @ Meadowlark Motel Bakery @ Maggie Town Center Roof for Smoker @ Pop's Park Model @ Stonebridge J22, J24, J26, J28, K23, K24 (Upgrade from RV)

14
Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
January 11, 2022
MINUTES

		Cabins @ Stonebridge F1, G6, G7 (Upgrade from RV) RVs @ Stonebridge I1, I2, I3, I4, I5, I6, I7, I8, I9, I10 2 RV Spaces Clarketon Motel
Misc. Requests	5	Variance App. To narrow 30' ROW Hambleton Subdivision Special Exception App. RV PUD Mitchel Cove/Caldwell Hollow Rezoning Request R2 to R3 Campbell Creek Special Exception App. Campground behind Pavino's Special Exception App. Single Family Residence in C1
Zoning Compliance Letters	4	Maggie Valley Nursing and Rehabilitation 2 BR Duplex Residence The Meadows at Campbell Mountain 3 BR SF Residence Preserve @ J-Creek 3 BR SF Residence Crocketts Meadow
Notice of Violations	2	2-Solid Waste

Thursday January 13, 2022, 5:30 PM

Initial Planning Board UDO Workshop
Draft Zoning Map
Draft Table of Permitted Uses
Draft Dimensional Standards

Monday January 31 and Tuesday February 1, 2022, 9:30 AM – 3:00 PM

Initial Board of Aldermen UDO Workshop
Draft Zoning Map
Draft Table of Permitted Uses
Draft Dimensional Standards

Tuesday February 8, 2022, 5:00 – 6:00 PM (Rescheduled from October 2021)

North Carolina League of Municipalities
Training for Municipal Advisory Boards, Commissions, and Committees Orientation

d. Nathan Clark, Town Manager

- On January 31, 2022, Ellen Pitt will be conducting WNC Grandparents Coalition. Often grandparents need to step in to protect and provide safety for their grandchildren. The event will be held in the Pavilion from 4pm until 7pm.
- Mayor Eveland, Alderman Hinton, and Manager Clark met with Representative Mark Pless to discuss ways to improve Maggie Valley.
- The Town has received notification that Maggie Valley has been awarded two safety grants for Public Works.
- The final guidance on the ARP (American Rescue Plan) will come out on Friday January 14, 2022.

15
Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
January 11, 2022
MINUTES

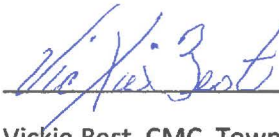
- Maggie Valley has two new hot dog businesses.
- The Maggie Board of Aldermen and staff will conduct a two-day retreat to set goals for the future and discuss current needs of the Town. The retreats will be held January 31 and February 1, 2022, in the Town Hall Boardroom beginning at 9:30 am. A continental breakfast and lunch will be provided.
- Council's laptops are ready to be given out. Manager Clark asked that Council remember that correspondence (emails) are public records.

Adjournment

Alderman T. Wight thanked the Department Heads for all they do. **ON MOTION OF T. WIGHT WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 7:57 PM.**



Mayor Mike Eveland



Vickie Best, CMC, Town Clerk



https://www.themountaineer.com/news/tube-world-permit-will-allow-crepes-coffee-on-site/article_a6ed1554-7585-11ec-8feb-0f79c79d1451.html

Tube World permit will allow crepes, coffee on site

Vicki Hyatt vhyatt@themountaineer.com

Jan 14, 2022



FOOD ON SITE — Those enjoying Tony's Tube World over the long Martin Luther King Jr. holiday will be able to grab a
Vicki Hyatt vhyatt@themountaineer.com

MAGGIE VALLEY — Visitors to Tony's Tube World will be able to enjoy hot coffee beverages and a choice between sweet and savory crepes this winter.

not had any discussion with our lawyer in the last week about any lawsuits of any kind ... this wasn't about me wanting to change my mind. I just felt there was a better way to look at what we did on Tuesday night."

Based on a motion from Tammy Wight, Harvest Moon Crepes was granted a special-event permit that coincided with the operating hours of Tony's Tube World. The initial request was for fewer hours, but it turned out that was based on information the applicants thought the board would be more likely to approve.

"I would like to consider this as a test," Eveland said, noting there wasn't a single application for the pilot food truck program that was authorized to operate in town limits from early October through Dec. 31.

The Harvest Moon Crepes special permit granted under the outdoor sales ordinance is being viewed as a better test of the impact mobile food and beverage providers will have in the community.

Why the change?

Eveland said he generally feels good about actions taken during board meetings, but noted the special event permit vote wasn't in that category.

Both Owens and Hinton also had second thoughts, perhaps after the majority of the crowd at the meeting walked out after the vote, grumbling about the outcome.

Tony's Tube World plays an important role in keeping our winter season alive. They attract tourists, locals, and those from surrounding areas.

I'm not sure that my fellow board members are aware there are approximately 5 snow tubing businesses within 1 - 2 hours from here. All of which provide food and drinks. Out of those five three are within one hour from here. Out of those three two have a food truck on site and one has a concession stand.

Having a food truck would allow them to adequately compete with like businesses in the surrounding area.

Who wouldn't want to have, the access or convenience of a snack or good hot drink while standing in the snow, waiting or watching their kids.

This food truck is offering a unique menu that is not offered anywhere else in the valley and would be an asset to Tony's Tube World and our guests.

Under our UDO we can allow them a special event permit to have a food truck on premises.

Tony's Tube world benefits us all bringing guests into the valley during our challenging winter months and if you tube the 6pm sessions it can be challenging to find a place to eat if you tube the 8pm session you have no food choices when you leave. I feel by allowing this food truck it is a way we can give back and say Thank You!

Black Bear Snow Tubing Hendersonville Concession Stand

Moonshine Mountain Hendersonville Southern Dawg BBQ Food Truck

Zip and Slip Mars Hill Food Truck

Wolf Ridge Ski Resort Mars Hill Concessions

**Sugar Mountain Sugar Mountain Food and beverage available at their
base lodge**

Our current UDO allows Campgrounds RV's and RV PUD's. Now that interest has been expressed in these types of developments fellow board members want to disregard those rules and regulations by enacting a moratorium until they can decide where Campgrounds and RV parks can be allowed or if they should. The timing of the moratorium can easily be viewed as gross misuse of power. Expecting property owners and investors to place their potential projects on hold for six months or indefinitely but this is not always without legal risk, and unnecessary considering we are currently working on a revised UDO.

I don't see this as a question of whether Maggie Valley needs more Campgrounds or RV Parks. I see it as a land owner having a right they had taken away.

Where I feel the town has failed is the enforcement of buffering. Obviously our citizens do not like the visibility of Campgrounds and RV Parks from the road. We have rules in place to protect our scenic beauty and we need to improve them and enforce them.

motels actually took a hit during Covid
VRBO & Air BnB contributed to the increase in occ
RVing is up 20 over other types of accommodations

§

ORDINANCE NUMBER 976
AN ORDINANCE PLACING A MORATORIUM ON LOCATING CAMPGROUNDS, RV
PARKS, RV- PUDS, AND RV STORAGE WITHIN THE ZONING JURISDICTION OF
THE TOWN OF MAGGIE VALLEY

WHEREAS, The Town of Maggie Valley held a legislative hearing before adopting a development regulation imposing a development moratorium within the zoning jurisdiction on January 11, 2022 pursuant to N.C.G.S. §160D-107; and

WHEREAS, Public notice for the legislative public hearing was published on December 29, 2021 and January 5 & 9, 2022 in accordance with N.C.G.S. §§160D-107(b) and 160D-601; and

WHEREAS, the Board of Aldermen of the Town of Maggie Valley believe it to be in the best interest of the Town of Maggie Valley to adopt a moratoria as hereinafter described under N.C.G.S. §160D-107.

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

Section 1. The Board of Aldermen of the Town of Maggie Valley hereby declares a six (6) month moratorium on issuing local development permits of any kind for erecting, constructing, locating or otherwise facilitating the establishment of the use of property for Campgrounds, RV Parks, RV-PUDs, and RV Storage (hereinafter collectively "Campgrounds/RVs") within the Town of Maggie Valley's zoning jurisdiction.

Section 2. It is the intent of this moratorium to allow the Board of Aldermen to make findings of fact, review current laws and ordinances of other local governments, and receive public comment in order to identify possible changes to development regulations associated with Campgrounds/RVs. In furtherance of this moratorium, the Board of Alderman makes the following statements:

- A. In recent times, the Town has experienced a considerable growth of Campgrounds/RVs within the zoning jurisdiction of the Town, which use of land creates or contributes to unique aesthetic concerns, impacts on the surrounding environment, including septic and property values and impacts on public services. A text amendment was considered but was not deemed adequate as it would remove the allowed uses in perpetuity. The Town has been working on drafting a new Unified Development Ordinance (UDO) which proposes a new district specifically for Seasonal Residential. A moratorium provides the time needed to complete the procedures required for consideration of adoption of new development regulations and rezoning property.
- B. The development approvals subject to the moratorium include zoning permits and special exception approvals for Campgrounds, RV Parks, RV-PUDs, and RV Storage. This will preserve the status quo while appropriate areas for the uses are mapped, and adequate standards have been finalized.
- C. The moratorium is proposed to cease on July 1st, 2022. The approximate six-month duration is necessary and reasonable given the numerous public input sessions that will be required to address the problems or conditions leading to imposition of the

ORDINANCE NUMBER 976
AN ORDINANCE PLACING A MORATORIUM ON LOCATING CAMPGROUNDS, RV PARKS, RV-
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Section 2. It is the intent of this moratorium to allow the Board of Aldermen to make findings of fact, review current laws and ordinances of other local governments, and receive public comment in order to identify each of the following:

- A. A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.
- B. A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- C. A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- D. A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

Section 3. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this Ordinance does not apply to any project for which a valid building

permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific vesting plan approved pursuant to G.S. 160D-108.1, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) applies when permit processing resumes.

Adopted in Open Session, this the 11th day of January 2022.

Mayor Mike Eveland

Vickie Best, CMC, Town Clerk

Submission for Town Meeting for Maggie Valley, NC 12/14/21

From: John and Karen Darguzas, owners of Waters Edge Motor Court & RV Park, 3600
Circle, MV, NC 28751, 828-825-1801

We have been Business Owners at our current location for 23 years. We bought it in 1998 and paid a premium for our property because Maggie Valley was a lively and fun town to live and work in. It was the ultimate mix of "small town living" and prosperous business in our opinion. Families would flock to the Valley and spend their vacation funds supporting the local businesses. Ghost Town was an integral part of the mix, along with live music, and kid friendly activities.

With the closure of Ghost Town we have seen the Valley turn into one, and over the years have had to change our own business model to address the changes. Moving from a family friendly vacation get away spot... to a longer term, retirement style location just to pay the bills and keep up with the taxes which never reflected the losses of businesses closing all over town. These RV Parks, which are so objectionable to the new Alderman... who by the way seemed to run for election based on false claims of Water Quality Issues and the Elk... not ELIMINATING ALL RV Parks in the city limits... are actually helping to keep the local businesses alive here in the Valley. Our loyal customers return year after year, several generations of families in fact... shop local eat at the restaurants, pay their taxes and accounted for a decent percentage of the "population boom" reported in the census and which the city is bragging about in their annual newsletter. Our Mayor and past Alderman were elected based on a Pro-Business platform from what We remember... Not an Obstruction of New Business Platform. Other than Phillip and Tammy We haven't seen much on the Pro-Business model except for the addition of festivals that bring in customers for 2-3 day stays. Those are helpful but can't possibly sustain our local economy long term. We need a solid anchor for our businesses to thrive, like the rebuilding of the Ghost Town project, like the RV PUD infusions, investors who are willing to take a chance on our town and possibly make it even better than it was in its HayDay. Whether it's popular or not to our new Alderman, there is a HUGE DEMAND for RV spots in our area, especially for newer, larger more updated spots which will accommodate the BIG RIGS, who currently cannot get into the older, less modernized parks. No one from the city has ever asked our opinion on the need for more spaces, or how we impact the local economy. They make assumptions based on their BIAS.

In Conclusion, We feel that the Town of Maggie Valley is discriminating against RV Park owners like us, who have stood by, patiently waiting, paying our taxes, year after year. Hoping and Praying that a Pro Business mayor and Board of Alderman would do what they promised... actually promote business... All Businesses, not just the hotel owners. So if the proposed zoning goes into effect, our property, and many others, would have a huge economic face. The Town would be obstructing the valid use of the Property we bought and paid for, changing the rules to suit the whims of this Board.

We ask that the Board rejects the new zoning against RV Parks in the City Limits and allow the RV PUD Applications on file.

Thank you

John and Karen Darguzas

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WHEREAS, the Board of Aldermen of the Town of Maggie Valley believe it to be in the best interest of the Town of Maggie Valley to adopt a moratoria as hereinafter described under N.C.G.S. §160D-107.

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Section 2. It is the intent of this moratorium to allow the Board of Aldermen to make findings of fact, review current laws and ordinances of other local governments, and receive public comment in order to identify possible changes to development regulations associated with Campgrounds/RVs. In furtherance of this moratorium, the Board of Alderman makes the following statements:

- A. In recent times, the Town has experienced a considerable growth of Campgrounds/RVs within the zoning jurisdiction of the Town, which use of land creates or contributes to unique aesthetic concerns, impacts on the surrounding environment, including septic and property values and impacts on public services. A text amendment was considered but was not deemed adequate as it would remove the allowed uses in perpetuity. The Town has been working on drafting a new Unified Development Ordinance (UDO) which proposes a new district specifically for Seasonal Residential. A moratorium provides the time needed to complete the procedures required for consideration of adoption of new development regulations and rezoning property.
- B. The development approvals subject to the moratorium include zoning permits and special exception approvals for Campgrounds, RV Parks, RV-PUDs, and RV Storage. This will preserve the status quo while appropriate areas for the uses are mapped, and adequate standards have been finalized.
- C. The moratorium is proposed to cease on July 1st, 2022. The approximate six-month duration is necessary and reasonable given the numerous public input sessions that will be required to address the problems or conditions leading to imposition of the

moratorium.

D. Schedule of actions

- a. January/February: Board of Aldermen and Planning Board review Drafted Zoning Districts, Zoning Map, Table of Permitted Uses, Density and Dimensional Standards
- b. March/April: Public Input on UDO and Zoning Map
- c. May/June: Public Hearing and Adoption

Section 3. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this Ordinance does not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific vesting plan approved pursuant to G.S. 160D-108.1, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) applies when permit processing resumes.

Adopted in Open Session, this the 11th day of January 2022.

Mayor Mike Eveland

Vickie Best, CMC, Town Clerk

https://www.themountaineer.com/news/tda-has-room-to-play-with-increased-budget/article_3714c8d2-543b-11ec-8166-d72fb36a8b7a.html

TDA has room to play with increased budget

By Rachel Moore rmoore@themountaineer.com

Dec 7, 2021



WHICH WAY? — This wayfinding sign at the intersection of Soco and Russ directs tourists en route to Waynesville or Maggie Valley, providing cohesive messaging for visitors.

Becky Johnson

By its own admission, the TDA is somewhat conservative when projecting their annual budget at the outset of the fiscal year. Yet, trends show that the county can expect to see each month outpace the same month in previous years, at least for now.

So, the finance subcommittee recommended a mid-year budget increase of 23%, leaving the board \$303,230 to use as they see fit.

While the increased budget may not seem exciting on its own, it leaves room for more than just advertising tourism in Haywood, one of the TDA's main focuses.

Taking up a whopping one-third of the \$300,000 are plans for expanding wayfinding signage across the county. The new signs will be a phase II roll-out of the long-awaited project that came to fruition in March 2021.

So far, there are 23 wayfinding signs around the county. They're brown, emblazoned with a unique signifier of their respective municipality — a Plott hound for Waynesville, elk in Maggie, bald eagle for Lake Junaluska and a bear for Canton — and direct drivers to the doorstep of each destination.

In the first round, there were some gaps — the signs focused on gateways and highway junctions. The second round of signage will focus on signs around towns, to help visitors navigate more easily once they arrive.

Other projects funded under the budget increase include: trimming trees at Blue Ridge Parkway overlooks to improve vistas and funding for grants that will benefit the whole county.

New fund for projects

Despite increasing their budget, the TDA was still left with excess funds, so they decided to set up a one-time fund for capital projects.

As a tourism board, the TDA usually shys away from capital projects perceived as mostly benefiting locals. Examples would include a greenway expansion or infrastructure projects. These are projects that don't necessarily drive tourism or "get heads in beds."

The capital project grant will award local governments at least \$50,000, which they must match with their own money, for special projects. Although no applications will be accepted until January 2022, Lowe and Lynn Collins, TDA executive director, said it's likely municipalities or the county already have ideas in the works.

In less successful years, funding capital projects could be considered a risk for the TDA, because their own funding relies solely on tourism. Lowe said that balancing the needs of the local community with the need to get heads in beds is no easy feat.

"It is the most difficult thing. Guests need to have something to do, and it does take a group effort to figure it out," Lowe said.

MORE INFORMATION

West's North Carolina General Statutes Annotated

Chapter 160D. Local Planning and Development Regulation

Article 1. General Provisions

N.C.G.S.A. § 160D-107

§ 160D-107. Moratoria

Effective: June 19, 2020

Currentness

(a) Authority.--As provided in this section, local governments may adopt temporary moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

(b) Hearing Required.--Except in cases of imminent and substantial threat to public health or safety, before adopting a development regulation imposing a development moratorium with a duration of 60 days or any shorter period, the governing board shall hold a legislative hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 160D-601.

(c) Exempt Projects.--Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section does not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted as complete, to development set forth in a site-specific vesting plan approved pursuant to G.S. 160D-108.1, to development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval, or to preliminary or final subdivision plats that have been accepted for review by the local government prior to the call for a hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the local government prior to the call for a hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. Notwithstanding the foregoing, if a complete application for a development approval has been submitted prior to the effective date of a moratorium, G.S. 160D-108(b) applies when permit processing resumes.

(d) Required Statements.--Any development regulation establishing a development moratorium must include, at the time of adoption, each of the following:

- (1) A statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the local government and why those alternative courses of action were not deemed adequate.

(2) A statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.

(3) A date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.

(4) A statement of the actions, and the schedule for those actions, proposed to be taken by the local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

(e) Limit on Renewal or Extension.--No moratorium may be subsequently renewed or extended for any additional period unless the local government has taken all reasonable and feasible steps proposed to be taken in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of subsection (d) of this section, including what new facts or conditions warrant the extension.

(f) Expedited Judicial Review.--Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the General Court of Justice for an order enjoining the enforcement of the moratorium. Actions brought pursuant to this section shall be scheduled for expedited hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In such actions, the local government has the burden of showing compliance with the procedural requirements of this subsection.

Credits

Added by S.L. 2019-111, § 2.4(§ 160D-1-7), eff. June 19, 2020. Amended by S.L. 2020-25, § 4, eff. June 19, 2020.

N.C.G.S.A. § 160D-107, NC ST § 160D-107

The statutes and Constitution are current through S.L. 2021-147, of the 2021 Regular Session of the General Assembly, subject to changes made pursuant to direction of the Revisor of Statutes.

End of Document

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From: Linda Taylor lindagtaylor@icloud.com
Subject: Letter for town hall
Date: Jan 11, 2022 at 15:31:10
To: [REDACTED]

To the Maggie Valley Mayor, Town Board of Alderman and Town Employees.

My husband Andy and I are 30+ year residents and electors in the town of Maggie Valley. Due to health concerns we are unable to be at this meeting to represent ourselves.

We purchased approximately 4 acres of land some 15-16 years ago outside the town's jurisdiction but adjacent to the Town Of Maggie Valley. In 2006 we submitted an application for annexation and zoning. We were granted a C2 zoning which allows either an R3 build out or a campground. We have paid a debt service on this property that was purchased at close to \$100,000 per acre plus the cost of removal of debris because it was our intent to use this property for sale in order to retire and live our lives in Maggie Valley. We are discouraged at your desire to place a moratorium on RV parks and RV Puds in the city of Maggie Valley. Last year the previous Town Planner Ron Hancock and Town Manager Nathan Clark took Mr. Wood to see the potential of the property we own because of the zoning being unrestricted for the type of sub-division he was interested in doing. We currently have a contract on the property but the sale will most likely only proceed if we are allowed to use it as a RV park and PUD as that is the desire of the purchaser. The current zoning allows us to have a RV Park "By Right" and a RV PUD by obtaining permission by the ZBOA. We will oppose any and every down zoning on the property located at 1728 Moody Farm Road after paying taxes for 16 years and never reaping one benefit of the ownership. We find ourselves in the position of now owning property that may not even be worth the purchase price after 16 years of ownership. We are not sure where this newly elected board is headed in their desire to stunt the growth and cause the town further stagnant business opportunities. As a realtor, I am grossly concerned that all of us who have made our living in Maggie Valley and are the very back bone of

Maggie Valley's economy will not be able to move forward given your desire for knee-jerk reactions to every plan that is presented. Our contract will expire during your planned moratorium effectively stopping the sale of that property we had intended for our retirement. We hope you all will reconsider and realize you are representatives of all of the people of Maggie Valley including those of us who have not yet retired. Maggie Valley has been a tourist town since before it was incorporated as a town in the 70s and your desire to turn it into a retirement community will take years to undo by future generations. Please think before you take action and allow the input needed for the UDO to be completed and passed so that decisions will not be made arbitrarily based on who the petitioner might be.

Best Regards

Linda and Andy Taylor

[828-734-6900](tel:828-734-6900)

Sent from my iPhone