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Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
October 12, 2021
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Prior to the Regularly Scheduled Board of Aldermen Meeting, Council interviewed David Williamson, Charlotte Ruiz, Rick Helfers, William Armstrong, and Eve Barrett to fill vacancies on the Zoning Board of Adjustment and the Planning Board.

The Planning Board is charged with specific duties and responsibilities to include long range planning (Master Plan); review of subdivision plans; holding public hearings and forwarding recommendations on proposed zoning changes; and reviewing major developments. The Planning Board is an advisory board.

In general, the Board of Adjustment is the body established to: hear appeals of decisions rendered by zoning administrators. ... decide on applications by landowners to permit buildings or land uses which vary from the zoning regulations.

The Board of Adjustment is a "quasi-judicial" board. Appeals of this board's decisions are filed directly to Superior Court.

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

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

Others Present: Reporter Vicki Hyatt and approximately 160 people

1) **Meeting Called to Order**

Mayor Eveland called the meeting to order at 6:30 pm on Tuesday October 12, 2021, in the Town Hall Boardroom.

2) **Pledge of Allegiance**

The Pledge was said by all.

3) **Consent Agenda**

- a. Minutes to be Approved: September 7 & September 14, 2021
- b. Budget to Actual
- c. A/R Report
- d. Tax Releases
- e. Direct Clerk to Investigate for Voluntary Annexation Sufficiency
 - i. 7696-98-6616 (1.12 ac Hambleton)
 - ii. 7696-98-4555 (0.53 ac Hambleton)
 - iii. 7696-77-7475 (16.95 ac Hotchkiss (Ferguson))

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The Hambleton properties like the Hotchkiss property is partially in Town and partially out of Town.

The Ferguson property at 751 Soco Road has sold to Robert Hotchkiss and now he would like to annex into Town.

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

4) **Public Comment**

No public comments were given.

5) **Consideration of Initial Property Zoning: PIN 7677-70-9297 (Ghost Town 3.13 ac)**

Ghost Town in the Sky (upper portion of parking lot) is 3.13 acres off Fie Top Rd. This property was annexed July 13, 2021. Access to the property is provided by Fie Top Road (State Road 1304) that also provides access to the Cataloochee Ski Area. The 2007 Future Land Use Map calls for the property to be zoned "Mixed Use Attraction" the same as the rest of Ghost Town. The "Mixed Use Attraction" zoning district does not yet exist.

It is the Staff's recommendation to set the initial zoning of PIN 7677-70-9297 to C-1 General Business.

Attorney Justus warned Council that their actions are legislative. This is not a staff or quasi-judicial decision. All decisions must be grounded in law. The purpose of zoning is consistency. Consider the public comments, the future Land Use Plan, and the consistency statement, but don't put a lot of weight on the use. Once a property is zoned anything within the allowable uses for that district can be developed. These are general use district zonings.

Planner Finkle provided the following information from G.S. 160D

§ 160D-601. Procedure for adopting, amending, or repealing development regulations. (a) Hearing with Published Notice. – Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

§ 160D-602. Notice of hearing on proposed zoning map amendments. a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide for the manner in which zoning regulations and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, in accordance with the provisions of this Chapter. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing.

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160D-603. Citizen comments.

Subject to the limitations of this Chapter, zoning regulations may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the local government submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map amendment that has been properly initiated as provided in G.S. 160D-601, to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the governing board. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

§ 160D-604. Planning board review and comment. (d) Plan Consistency. – When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action 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.

§ 160D-605. Governing board statement. (a) Plan Consistency. – When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. Governing Board § 160D-605. Governing board statement. (b) Additional Reasonableness Statement for Rezoning. – When adopting or rejecting.

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<i>Districts</i>	<i>Minimum Lot Area</i>	<i>Lot Area per Dwelling Unit</i>	<i>Minimum Lot Width</i>	<i>Setback (Front, Side, Rear)</i>
Residential 1	14,000 square feet	–	75 feet	25 feet, 10 feet, 10 feet
Residential 2	11,000 square feet	11,000 square feet; 3,000 square feet per each additional unit	60 feet	20 feet, 10 feet, 10 feet
Residential 3	7,000 square feet	7,000 square feet; 3,000 square feet per each additional unit	60 feet	15 feet, 10 feet, 10 feet
Neighborhood Business (C2)	7,000 square feet	7,000 square feet; for residential uses and RV- PUDs, R-3 provisions shall apply	60 feet	15 feet, 10 feet, 10 feet
General Business (C1)	–	For residential uses and RV-PUDs, R-3 provisions shall apply	75 feet	10 feet, 10 feet, 10 feet

The upper portion of Ghost Town parking lot is mostly impervious.

a. Public Hearing

Mayor Eveland opened the public hearing at 6:55 pm.

Jim Blyth, 212 Campbell Creek Road, addressed the Board about the watershed and flood plain. Mr. Blyth provided handouts with a PowerPoint Presentation.

From the PowerPoint:

Why is watershed protection important? It all starts in Maggie. 5 reasons why Maggie Valley must protect its watershed. 1. Maggie Valley residents and visitors enjoy drinking some of the cleanest and most pristine water anywhere in the world. Our clean water supply is not an accident, however. 2. Over 7,000 acres of the Maggie Valley watershed already have been put into permanent land conservation easement – meaning no development will ever happen on this forested land. Additional property is in the process of being added to protected lands. 3. It has taken millions of dollars and incredible commitment from private landowners, non-profit groups plus federal, state, county, and local government to protect the headwaters of Campbell Creek (5,000 acres) and Jonathan Creek (2,000 acres) – the two streams that supply clean water to nearly 9,000 residents in Haywood, including Maggie Valley. 4. A protected watershed is vital for the health of Maggie's residents. And it is good business, too. The headwaters of Campbell and Jonathan creeks provide expanded public access for recreation – why many visitors come to Maggie. Plus, habitat for trout, elk, bear, and other threatened species is protected. 5. Maggie Valley may be a small town, but it is the center of these amazing land and water

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conservation projects. But success is not guaranteed if the town allows excessive development on individual parcels of property subject to watershed protection. Maggie Valley must obey the law. Haywood's Chapter 151 ordinance is Maggie's legal guidepost.

Haywood's Chapter 151 ordinance is Maggie's legal guidepost for watershed protection as it reviews new development. Watershed protection is part of North Carolina state law. Chapter 151 is a Haywood County ordinance, to enact this state law. The Town of Maggie Valley requested that the county administer watershed protection within town limits. The ordinance addresses development in Maggie, including subdivisions. While developments existing before the law was adopted in 1994 are not subject to the regulations, expansion of use within property classified as existing development must meet the requirements of the law. Why is this law important to protecting our watershed? Development – while it has a positive economic effect for Maggie – also has possible environmental costs, including soil erosion and the over-building of what is called “impervious” surfaces, such as roads and parking lots. (Impervious: not allowing fluid to pass through.) If there are too many impervious surfaces near Campbell and Jonathan creeks, flood waters (whether seasonal, 100-year or 500-year) will have no place to drain, with the runoff building up speed and force, destroying homes in Maggie. The recent devastation in Cruso is a tragic reminder that floodwaters know no limits. In 1997, Haywood County added a formula to calculate how much impervious surfaces are allowed in development in the Maggie watershed, and the rest of the county. The allowance is different for parcels in “critical” parts of the watershed versus parcels in what is called the “balance” of the watershed. Maggie should be proud of its great water quality. Haywood is the only headwater county in all of North Carolina, meaning that all our water comes from streams and springs that originate within the county. The process to protect the Maggie watershed at times comes down to parcel by-parcel review. The Town of Maggie Valley must follow Chapter 151 requirements for watershed protection. Maggie must follow the maps outlining where Chapter 151 applies.

“We are in control of our own water quality. For the most part, we do not get any trash, sediment, or other pollutants from outside (Haywood) county. Whatever is in the water, we put there ... We are in the unique situation of being able to decide how clean our water will be ... The presence of these high-quality waters contributes to the quality of life for area residents.”

Mr. Blyth went on to provide the following:

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The picture above shows the critical watershed where the parcels are to be zoned tonight.

Again, The Maggie Valley Sanitary District pulls 3 million gallons of water per day from the watershed (Jonathan Creek & Campbell Creek) to serve their 9,000 plus customers with clean water. Maggie Valley is known for having crystal clear clean water.

Mr. Blyth stated that he has been in contact with the County to notify them the mapping is wrong. Mr. Blyth also sent the information to the State of NC Watershed Control Agency.

Approximately $\frac{3}{4}$ of the 2.7 acre parcel will be impacted.

The Critical Watershed was established by legislators. These properties were here before the act was adopted. People need to consider all the roof tops, driveways, and roads because all are impervious and will cause runoff into our water intake. There are 12 cabins currently on the property. Additional cabins will directly impact the watershed.

Kamping Kountry does not meet the R1 guidelines.

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Mr. Blyth asked Council to protect our water, trout buffers, tourism, wildlife, fish, endangered snails, etc. Trout cannot live in warm waters; therefore, the trees must remain in place. "Please follow the law."

There was a huge applause from the audience.

The upper portion of the Ghost Town parking lot as always been used as a parking lot.

Planner Finkle admitted the GIS mapping could be off or even wrong. Jody Ferguson with Haywood County issues watershed permits to determine how much development will be allowed. Ms. Ferguson goes onto the site to make the determination as to if the proposal will be allowed. In the end, any new development will comply with the Watershed Protection Act.

Frank Senatore of 212 Stoney Ridge Loop questioned the differences between the districts.

Jim Cios of 78 Elm Dr. located in The Cliffs stated that he is 25 to 30 feet from the Ghost Town parking lot. There are seventeen homes in The Cliffs, and most are vacation homes. The last thing we want is a motel or something built that will create noise and distract from our views.

Again, Attorney Justus warned Council and informed the audience that any allowable use within the zoning district could be built without a special permit from the Town. You cannot consider the developers plan.

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Vicki Nardoizzi of 299 Campbell Creek Rd. asked if you could have C1 with limitations.

Attorney Justus responded that there are three actions to consider. All districts are general use districts. Conditions are not allowed. Conditional Zoning is a tool the Town does not have. Again, all allowable uses within a district are allowed without a Special Permit.

<i>Districts</i>	<i>Minimum Lot Area</i>	<i>Lot Area per Dwelling Unit</i>	<i>Minimum Lot Width</i>	<i>Setback (Front, Side, Rear)</i>
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Residential 3	7,000 square feet	7,000 square feet; 3,000 square feet per each additional unit	60 feet	15 feet, 10 feet, 10 feet
Neighborhood Business (C2)	7,000 square feet	7,000 square feet; for residential uses and RV- PUDs, R-3 provisions shall apply	60 feet	15 feet, 10 feet, 10 feet
General Business (C1)	–	For residential uses and RV-PUDs, R-3 provisions shall apply	75 feet	10 feet, 10 feet, 10 feet

MANAGER CLARK READ WRITTEN STATEMENTS INTO THE MINUTES THAT YOU MAY READ AT THE END OF THESE MINUTES.

Mayor Eveland closed the public hearing at 7:24 pm.

Alderman P. Wight stated that “all we are doing is zoning. Some of the runoff can be controlled. All these years it has been what it is, a parking lot.”

Alderman T. Wight added that it is better to be zoned than not.

Alderman Patel stated that Ghost Town Partners are paying taxes to be in Town and be regulated.

Mayor Eveland responded that this parcel is about 1/3 of the Ghost Town Parking Lot and has been for many years. The Town is aware of the issue with the parking lot. “We don’t know what the future may hold, but the drainage will have to be corrected. We realize that Campbell Creek and Jonathan Creek are a vital part of our water. We have the best water in NC. We want to protect our water and thank you for being here tonight.”

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Uses/Description	R-1	R-2	R-3	C-1 (GB)	C-2 (NB)
Residential					
Single Family Dwellings	P	P	P	S*	P
Two-Family Dwellings	X	P	P	X	P
Multi-Family Dwellings	X	C	C	C	C
Class A Manufactured Homes	P	P	P	S*	P
Class B Manufactured Homes	X	P	P	X	P
Manufactured Home Parks	X	X	S*	X	S*
Garage Apartments	P	P	P	X	P
Home Occupations	P	P	P	P	P
Boarding and Rooming Houses	X	P	P	P	P
Temporary Residences (Hotels, Motels, and Inns)	X	X	X	C	P
RV Parks and Campgrounds	X	X	X	S*	P

Legend

X = Prohibited

* Additional Development Standards Apply

P = Permitted

C = Conditional

S = Special Exception

Uses/Description	R-1	R-2	R-3	C-1 (GB)	C-2 (NB)
Commercial (Merchandise and Equipment Sales and Rentals)					
Retail Sales	X	X	X	C	P
Wholesale Sales	X	X	X	C	X
Warehousing	X	X	X	C	X
Automobile and RV sales/rental	X	X	X	C*	X
Automobile Service and Repair	X	X	X	S	X
Farm Machinery Sales and Service	X	X	X	C*	X
Restaurants, Bars, and Night Clubs	X	X	X	C	P*
Flea markets/Produce Stands	X	X	X	S*	X
Package Stores	X	X	X	S*	X
Convenience Stores	X	X	X	S*	X
Commercial (Services Not Primarily Related to Goods or Merchandise)					
Banks/Financial Centers	X	X	X	C	P
Professional Services	X	X	X	C	P
Personal Services	X	X	X	C	P
Adult Establishments	X	X	X	S*	X
Mini-storage Units	X	X	X	X	P
RV Storage	X	X	X	X	P
Legend	P = Permitted				
X = Prohibited	C = Conditional				
* Additional Development Standards Apply	S = Special Exception				

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Uses/Description	R-1	R-2	R-3	C-1 (GB)	C-2 (NB)
Production					
Bona Fide Farms	P	P	P	X	P
Non-Commercial Greenhouses	P	P	P	X	P
Public Utility Stations and Distribution Facilities	S	S	S	S	S
Construction and Building Firms	X	X	X	C*	P
Recycling Centers	X	X	X	X	S
Office/Institutional					
Business, Professional and Public Offices	X	X	X	C	P
Elementary/Secondary Schools	P	P	P	P	P
Business Colleges, Vocational and Trade Schools	X	X	X	C	X
Churches and Places of Worship	P	P	P	P	P
Day Care Centers	P	P	P	C	P
Library	S	S	S	C	P
Museums and Art Galleries	X	X	X	C	P
Hospital	S	S	S	C	S
Kennels/Animal Hospitals/Veterinarians	X	X	X	C	S
Civic Organizations	X	X	X	C	P
Sanitarium	S	S	S	C	S
Medical Offices and Clinics	S	S	S	C	S
Retirement/Nursing Homes	S	S	S	C	S
Funeral Homes	X	X	X	C	P
EMS, Fire, and Police Stations	X	X	X	C	P
Legend	P = Permitted				
X = Prohibited	C = Conditional				
* Additional Development Standards Apply	S = Special Exception				

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Uses/Description	R-1	R-2	R-3	C-1 (GB)	C-2 (NB)
Recreation/Entertainment					
Parks	S	S	S	P	P
Community Center	S	S	S	S	S
Tennis Courts	S	S	S	S	S
Golf Courses	S	S	S	S	S
Swimming Pools	S	S	S	S	S
Skating Rinks	X	X	X	C	X
Theaters	X	X	X	C	X
Zoos and Aquariums	X	X	X	C	X
Equestrian Centers/Stables	X	X	X	X	S
Special Events	X	X	X	S*	X
PUDs	S	S	S	S	S
<u>Legend</u>	P = Permitted				
X = Prohibited	C = Conditional				
* Additional Development Standards Apply	S = Special Exception				

b. Consideration of Zoning Ordinance

ALDERMAN T. WIGHT MADE A MOTION TO APPROVE ORDINANCE 960, ALDERMEN P. WIGHT, PATEL, AND DAVIS VOTED IN THE AFFIRMATIVE. MAYOR EVELAND OPPOSED.

ORDINANCE NUMBER 960

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 October 12, 2021; and

WHEREAS, The area being zoned is property owned by Ghost Town in The Sky LLC A NC LLC; and

WEREAS, A public notice was published on September 26 and October 3, 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

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The applicant: Ghost Town in The Sky LLC A NC LLC consisting of 3.13 acres on Fie Top Road, Pin 7677-70-9297 as noted in book 1024 page 330.

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Ghost Town In The Sky LLC A NC LLC Initial Zoning and Map Amendment, Fie Top Rd (7677-70-9297) Annexation July 13, 2021

CONSISTENCY AND REASONABLENESS STATEMENT

Property PIN NO. 7677-70-9297: 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, 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 Mixed Use 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 Mixed Use 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.

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Ghost Town In The Sky LLC A NC LLC Initial Zoning and Map Amendment, Fie Top Rd (7677-70-9297) Annexation July 13, 2021

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

- 1) The Town of Maggie Valley has a growing C-1 zoning district which parallels the U.S. Highway 276 / Jonathan Creek Road thoroughfare. The subject property is similar to other community attractions and commercial businesses in Town that have been zoned C-1 as part of the annexation process. Prior to annexation, the property was located in the County and was un-zoned.
- 2) The property under consideration has previously been used for commercial purposes and is adjacent to other commercial uses and the C-1 zoning district. This site is well-situated for continued commercial use, as allowed in the C-1 district.

Upon the Board of Aldermen's initial zoning of the property to C-1: General Business, is the required adoption of this plan consistency statement.

ALDERMAN DAVIS MADE A MOTION TO APPROVE THE CONSISTENCY STATEMENT AS PRESENTED FOR PARCEL 7677-70-9297. MOTION CARRIED UNANIMOUSLY.

6) **Consideration of Initial Property Zoning: PIN 7686-17-4633 (Day 5.19 ac)**

This will be the initial zoning for 217 Campbell Creek Road. The property was annexed 8/17/21.

There were discussions about the watershed and the flood hazard areas. At the time of the development there was a 12% cap on impervious surfaces.

The request from the developer was C1, but Planner Finkle felt this would be an occasion where you could split zone the property.

Again, Attorney Justus asked that Council not give weight to the developers request because the zoning will dictate the density and the use. All uses within the general district zoning will be allowed.

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a. Public Hearing

Mayor Eveland opened the public hearing at 7:56 pm.

Tami Hartzog, owner of Kamp-n-Kountry addressed Council describing how she and other residents are trying to rebuild and pave Rocky Top Road. Ms. Hartzog went on to say the line of trees separating the properties from the flea market is a wonderful boundary for views and buffering noise. Ninety-four percent of her residents in Kamp-N-Kountry do not want this zoning to go through. The development will put too much traffic on a narrow dangerous road. "At the very least the owners of the property should contribute to the Rocky Top Road Project."

Ms. Hartzog has been a landlord for over twenty-five years and in her opinion 95% of landlords are slumlords. Also, more development will hurt the elk that often walk-through Kamp-N-Kountry to get to the open field behind Town Hall. Elk are a huge attraction for Maggie Valley. There is nothing in writing about having a HOA with covenants. The damage on Rocky Top Road will be tremendous. "Please work with us and do not destroy our neighborhood."

Mayor Eveland responded that it is the Town's goal to get Rocky Top Road rebuilt.

Larry from 15 Park Place was not as concerned about the zoning as he is about the additional traffic on Rocky Top Road. It will be difficult to get emergency vehicles in and out of the area. Large construction equipment will be taken into the area destroying any progress made on Rocky Top Road. Then he touched on the Town not being allowed to put a storage building on the Town Hall Park because Federal

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Funding purchased the land. "I have my CDL License and there is no way possible to get a big RV in and out on a one lane road. This is not like Kamp-N-Kountry where only vehicles travel from the park models. These motorhomes will be towing vehicles.

Wanda Goins resident of Solar Ct. stated that Council is talking to people like they are stupid. "We know what Mr. Wood is wanting to do back there. This will affect a lot of people and it is not fair."

Robin Pritchett of 148 Campbell Creek Road stated that this will affect our waterways. "There are rumors that they are going to put even more homes on the vacant parcel that should be R1."

Manager Clark explained how the Planning Board acts as an advisory board to both the Zoning Board of Adjustment and the Town Board of Aldermen.

Doug Wilson of 24 Solar Ct concurs with Landlord Hartzog. "This parcel should not be zoned C2."

Cliff of 133 Solar Ct stated that their view will now be over a development with noisy dump trucks and land moving equipment.

Patricia Rowell of 194 Stoney Ridge Loop responded that, "yes she understands the Planning Board makes recommendations and that Aldermen do not have to take the recommendation." Ms. Rowell drives Campbell Creek Rd daily and all she sees is danger. "There are always people walking along the road, often with children or a stroller. The road is narrow with no sidewalk. People tend to speed along this road. Now you are going to increase the traffic and put pressure on our water supply? This is a dangerous decision! Hattie Caldwell, a historian on Maggie Valley was killed trying to get onto Soco Road from Campbell Creek Rd. Lower the density!"

The resident at 90 Solar Ct agreed with Ms. Hartzog, saying yes someone would be looking into my back window.

Jim Blyth of 212 Campbell Creek Rd. stated that regardless of what the map shows please keep in mind the critical watershed, the water intake, and the floodplain areas. "It is a matter of getting that map right. We will go to the governor's office if need be."

Dave Angel owner of Elevated Mountain Distillery stated that there are a lot of emotions in this room. "Consider what you are looking at. These properties are unregulated right now. As for the waterways, the Pioneer Village property is currently on septic tanks. As for the elk, before you love the elk, you must protect the elk. Why do you think the elk project started on Sheepback Mountain? It is safer for them to be away from a five-lane road. Don't let your emotions take over. The maps clearly show it is not in the watershed. Look at what it is today."

Steve Ayers resident of 7 Higel Ln. stated that we are talking about the elk and the five-lane road, "what do you think brings visitors here? What brought us here? It is the wildlife and the beautiful nature we have all around us. Our water is coming from this area. The sound option is R1 or at the very most R2. As a retired firefighter that drove a ladder truck, with the wide swing that is needed, a motorhome with a vehicle behind will not get up Rocky Top Rd. Council protect what we have around us."

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Gary Graves resident of 215 Rocky Top Rd. stated that he has several legitimate concerns with the condition of Rocky Top Rd., the increased traffic, with the rental properties all up and down the road, children in Kamp-N-Kountry, the impact on property values both on Rocky Top Rd. and Campbell Creek Rd. "We pay our taxes, and we have concerns! I did not want to look back at this meeting and say why didn't I speak."

Linda Taylor, realtor for Frankie Wood, stated that there are a lot of disingenuous people here tonight. This property was inherited by children that do not live in Maggie Valley. Regardless, they will sell the property. To look at this property, as a realtor, I have tried to look at the highest and best use. All these people will be looking at an RV Park. Frankie wants to be a good neighbor. He wants to improve the aesthetics in the area. It is disingenuous for people living on 125 postage size lots to be critical. You got a realtor over here (Jim Blyth) that needs all these signs up when he starts to build his RV-PUD on his property along Campbell Creek Rd. That is disingenuous. There are 97 lots/homes in Crockett Meadows. All that impervious area that is higher than the water intake will come down into the stream. I fought for Jim Blyth to be able to build Crocketts Meadow. The green meadow across from Crocketts Meadow will be developed. It has already been approved. "You Mayor are disingenuous. You sit there worried about water quality when you built a new home right on Jonathan Creek with that beautiful impervious tin roof. The cabins currently are on sewer at Pioneer Village. We have found four septic tanks. Who knows where the others are connected? Mr. Wood has agreed to connect to sewer. Mr. Wood has agreed to build a buffer. Stop these rumors! Maggie Valley is better than this!"

Joseph Bornheimer resident of 233 Rocky Top Road is not in favor of commercial zoning. Mr. Bornheimer would be in favor of R1 or R2 zoning. The road is the main problem. When you pass another car along Rocky Top Rd., one car must pull to the side to let the other one by. A lot of people walk along Rocky Top Road and there is a children's park behind Town Hall.

Kamp-N-Kountry is a cool retirement place that is peaceful. You never see a police car back there. I am opposed to commercial zoning.

Leslie McCausland, resident of 653 Panoramic Loop, stated that people move here for the peace and quiet. Maggie Valley had the greatest increase in growth in Haywood County (48%). "Please only have responsible development."

Vicki Nardozzi, resident of 299 Campbell Creek Rd, asked Council to look at the picture showing the zoning. It is Residential 1 all around.

Alderman Davis stated that he will be 91 years old in January and that he grew up in the mountains. You are my neighbors. "This is the hardest vote we have had since I came onto the board. I know how people feel. My life, my land, my dog. According to the attorney we cannot speculate on what will be built there. Our Town Planner spent a considerable amount of time on this issue. I hope we can remain friends and still say hello when passing."

Again, Attorney Justus advised Council to not focus on one use, but to consider all uses allowed within the district.

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Alderman Patel thanked everyone for coming for this hearing, and she wants to protect their land. "I am leaning towards R1."

Alderman P. Wight stated that it is all about RV Parks.

Mayor Eveland has a lot of concerns about the additional traffic on the road, as well as the impact on water. "High density on Rocky Top Road is dangerous. I would propose R1 period."

Alderman T. Wight explained that it is already high density.

The public hearing was reopened at 8:57 to allow Mr. Wood (developer) to speak. "I wasn't going to say anything. I love it here and this is not worth a financial game when no one really knows the real story. It just isn't worth it to me. I can put single family cottages there. I never said I was going to put a RV Park there. I'm all for peace and quiet. I'm not spending no more money. I can move forward or move away. I can do cottages and do this the right way. I am losing a lot of money, but I want to get along with everyone."

b. Consideration of Zoning Ordinance

ALDERMAN P. WIGHT MADE A MOTION TO ZONE THE PROPERTY R2. ALDERMEN T. WIGHT AND DAVIS VOTED IN THE AFFIRMATIVE, WHILE MAYOR EVELAND AND ALDERMAN PATEL OPPOSED. MOTION CARRIES THREE TO TWO.

Attorney Justus explained that an ordinance cannot pass on first reading without a $\frac{3}{4}$ vote to approve. A second reading will be needed at November's meeting.

ALDERMAN P. WIGHT MADE A MOTION TO APPROVE THE CONSISTENCY STATEMENT GOING ON TO READ A PORTION OF THE CONSISTENCY AND REASONABLENESS STATEMENT GOING ON TO STATE THE AREA IS BACKED UP TO HIGH DENSITY EVEN IF IT IS ZONED R1. THE LAND USE PLAN CALLS FOR HIGH DENSITY. ALDERMEN T. WIGHT AND DAVIS VOTED IN THE AFFIRMATIVE. MAYOR EVELAND AND ALDERMAN PATEL OPPOSED.

7) Consideration of Property Rezoning: PIN 7686-07-7298 (Day 2.74 ac)

Planner Finkle explained this is the rezoning of Pioneer Village that currently has 12 cabins built between 1965 and 1969. The request is to zone R3 due to the 12 cabins not reflecting the current R1 zoning. There is verification that there are four or fewer septic tanks on the property. To connect the cabins to sewer the parcel would need to be subdivided. R1 zoning would allow for 8 cabins, but there are 12 cabins so that would fall under R3 to bring the parcel into compliance. This parcel is entirely within the watershed and the 100-year flood plain.

a. Public Hearing

Mayor Eveland opened the public hearing at 9:21 pm and then closed the hearing without comments.

b. Consideration of Zoning Ordinance

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The bridge crossing from Campbell Creek to Pioneer Village is and will remain a privately owned and maintained bridge like the bridge going into Valley Creek Run. Each bridge carries a capacity weight. The bridge can support what is currently located within Pioneer Village.

Alderman Patel stated that the future land map shows the area as R1. Mayor Eveland recommends R1.

Multi-family is allowed in R2 and R3.

Planner Finkle reminded Council that R3 would bring the density of the property into conformity.

Alderman T. Wight stated that we have an employee that has a double master's degree in planning and development, so we need to listen to her.

ALDERMAN T. WIGHT MADE A MOTION TO ZONE THE PARCEL R3. ALDERMEN DAVIS AND P. WIGHT MOTIONED TO AFFIRM. MAYOR EVELAND AND ALDERMAN PATEL OPPOSED.

ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE CONSISTENCY AND REASONABLENESS STATEMENT, ALDERMEN DAVIS AND P. WIGHT AFFIRMED THE MOTION. MAYOR EVELAND AND ALDERMAN PATEL OPPOSED.

8) Consideration of Appointments

- a. Planning Board
- b. Zoning Board of Adjustment

ALDERMAN T. WIGHT MADE A MOTION TO PLACE DAVID WILLIAMSON AND RICK HELFERS ON THE PLANNING BOARD. MOVE TINKER MOODY TO A ZBOA FULL MEMBER AND TO MOVE JARED LEE TO THE ZONING BOARD OF ADJUSTMENT AND APPOINT EVE BARRETT AND CHARLOTTE RUIZ AS ALTERNATES. MOTION CARRIED WITH ALL IN FAVOR.

9) Consideration of Salary Adjustments

Manager Clark provided the following information:

The Town's minimum starting salary for an entry level Police Officer is \$36,169 while Haywood County is now at \$40,250 and Waynesville is at \$40,500 that is roughly a 12% increase between agencies. What compounds this problem is that both Haywood County and Waynesville have increased BLET pay across the Board. So not only Maggie Valley facing a recruitment problem, but we are also experiencing a retention problem of our current force.

On Wednesday, three of our current officers have received written offers from the Town of Waynesville. If all three accept we will have four vacancies within the department (40% vacancy rate) with little hope of finding suitable replacements soon.

The Chief and I are both very concerned how these actions will impact our current staffing levels.

Financially it is difficult to match Waynesville dollar for dollar - they are a bigger town in population, tax value/base and tax rate. I like to think of this problem as "closing the gap". If the gap remains this wide,

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then I am afraid we will continue to lose our best people to WPD/HCSO and then have little hope attracting good new officers to replace them. We need to work towards a solution that closes the gap and shows our good faith effort to continue to find a pay scale balance.

Finance Director Wheeler, Chief Gilliland and I are working through the numbers looking at different outcomes and scenarios.

More importantly I do not see this issue only effecting our Police Department; Public Works experiences the same challenges and demand for their skill sets and talents continues to grow as well. If the Board choses to make an adjustment, I would recommend making them across the board (excluding Town Manager and Department Heads) to ensure morale stays high and our current workforce stays intact providing the prove customer service results we have all grown accustomed to.

Determining at which levels to adjust salary is more complex than just matching salary with our neighboring competitive towns. For example, pay grade tables do not match up because of organizational scale; Waynesville's Police Department 35 employees (14 separate pay grades) is larger than our entire Town staff at 25 (9 active pay grades). My goal is to adjust salary positioning not necessarily to match or beat neighboring communities but close the gap where money is not the deciding factor to leave. Although employees may still choose to leave making a mid-budget year adjustment shows the Board's good faith in attempting to retain all our employees who have contributed to the Town's success. Below you will see what across the board wage increases for all employees except department heads- our threat of employee loss is much greater on non-department head employees.

6% Increase

- Police Department: \$28,638.04
- All Others: \$22,144.89
- Total Increase: \$50,782.93
- \$1.10 "Penny Value"

7% Increase

- Police Department: \$30,356.32
- All Others: \$23,473.58
- Total Increase: \$53,829.90
- \$1.17 "Penny Value"

8% Increase

- Police Department: \$32,177.70
- All Others: \$24,882

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- Total Increase: \$57,059.70
- \$1.24 "Penny Value"

9% Increase

- Police Department: \$34,408.36
- All Others: \$26,374.92
- Total Increase: \$60,482
- \$1.30 "Penny Value"

In comparison the FY 21-22 Budget provided a 3% merit for all employees that had a total cost of \$45,108

I originally was targeting 6% increase, Chief Gilliland believed 8% would provide better protection against neighboring agencies and be more in line with the pay grade/ scale. The difference between 6% and 8% is only \$6,277. This seems like a worthwhile investment in hoping to retain our dedicated staff.

This is what the Police Department minimum salary

36,169 current

39,062 proposed

40,450 Waynesville

ALDERMAN DAVIS MADE A MOTION TO APPROVE THE SALARY INCREASE AS PRESENTED. Mayor Eveland responded that he would recommend 9%.

Again, Manager Clark informed Council that Chief Gilliland had wanted 8%.

Mayor Eveland stated that is \$10,000 for the PD and Public Works to have competitive pay.

ALDERMAN DAVIS AMENDED HIS MOTION TO GIVE ALL EMPLOYEES OTHER THAN THE DEPARTMENT HEADS A 9% INCREASE IN SALARY. MOTION CARRIED UNANIMOUSLY.

10) **Consideration Event: Festival Grounds**

- a. Haywood Arts Council – Distillery Tasting

The Bluegrass Festival was approved in early 2021. The new Arts Council Director would like to have distillery tasting as part of the event.

ALDERMAN PATEL MADE A MOTION TO APPROVE THE BLUEGRASS FESTIVAL HAVING DISTILLRY TASTING. MOTION CARRIED BY MAJORITY.

- b. Jimmie Van Zant: October 15, 2022

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ALDERMAN T. WIGHT MADE A MOTION TO APPROVE THE APPLICATION FOR THE JIMMIE VAN ZANT FESTIVAL. MOTION CARRIED UNANIMOUSLY.

11) **Other Business**

There was no other business to discuss.

12) **Department Head Reports**

Due to the late hour, the clerk will put the reports out on the Sunshine List.

13) **Closed Session:**

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


MAYOR EVELAND MADE A MOTION TO ENTER CLOSED SESSION AT 9:43 PM. MOTION CARRIED UNANIMOUSLY.

14) **Adjournment**

ON MOTION OF ALDERMAN PATEL WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 9:58 PM.



Mayor Mike Eveland



Vickie Best, CMC, NCCMC, Town Clerk



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Ronald and F. Elaine Freed
Property PIN #7686-07-5326
Campbell Creek Rd #16

October 11, 2021

Ref: Letter to be read at the Public Hearings Zoning Meeting 10/12/2021 on the rezoning of Day property and Pioneer Village

We are writing today to voice our concerns on the re-zoning of the property adjacent to ours, currently known as Pioneer Village. We strongly oppose that the property be re-zoned to C1. The C1 designation leaves too many options for changes that could drastically impact the value of our property in a negative way. We also oppose the surrounding vacant land being zoned as C1 for those same reasons.

We contacted the planning commission about a year ago to inquire about the possibility of adding a 30/50 amp RV hookup to our personal property, along with a circle drive that would allow use of our own personal RV when visiting and checking on our lot, to be used once or twice per year while we determine the best time to build our second home. We were told that although we appeared to have an aesthetic plan in the making, the fear would be that our personal use could possibly turn into a more permanent thing. We explained that we would not want to worry our neighbors and if they discussed it and were not comfortable with this proposal, we could understand and accept that decision. We understand the fact that people can sometimes paint a pretty picture to get what they want, and then those good intentions turn into something other than that once the real planning begins. We never received an official answer from the planning office on our request. So, to learn about plans of an RV Park being potentially proposed in our back yard came as a shock. More of a concern is that we only know anything because other residents in the area notified us. The idea of changing the zoning to C1 on the other side of the creek from an established residential area is concerning, especially considering the issues with RV's/Travel Trailers that were described in our earlier personal proposal. If it was a concern for us to park our RV on our own personal property periodically, how is it ok to allow a developer full rights to change zoning on the property behind and beside us with plans to build a RV Park?

We do believe changing the zoning on both Pioneer Village and the Day property would negatively impact our property value as well as those that surround us. If allowing one camper is a "very slippery slope", as we were told, then how do you justify allowing an entire RV park be built there? We believe Maggie Valley and the surrounding area could determine a more suitable location to build an RV park other than this property which lies within a well-established residential area. Thank you for your time and consideration.

Ronald and F. Elaine Freed
Property PIN #7686-07-5326
Campbell Creek Rd #16

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Vickie Best

From: Eric Romaniszyn <romaniszyne@gmail.com>
Sent: Tuesday, October 12, 2021 9:16 AM
To: Vickie Best
Cc: Nathan Clark; James Blyth
Subject: Haywood Waterways statement for Alderpersons meeting

Hi Vicki,

We were asked to submit a quote for tonight's Board meeting in regards to the proposed Maggie Valley developments. Since none of us are available to attend in person, please read the following statement for the record.

"Haywood County's waterways provide many values to our community, including water for drinking, irrigation, recreation, and human health and wellness. They also support a vibrant tourism-based economy, and a tremendous diversity of wildlife unlike anywhere else in the world. It is important to consider and protect these values in our decision making processes.

Haywood Waterways is available to provide technical guidance for local officials and property owners to help new projects minimize impacts to waterways from stormwater and nonpoint source pollutants, and also improve already developed land to reduce or eliminate those pollutant issues. We can also seek financial resources to help with planning and construction of pollutant reduction projects, such as rain gardens and mitigating streambank erosion. Thank you.
Eric Romaniszyn, Executive Director of Haywood Waterways Association."

Eric

Eric Romaniszyn
Executive Director
Haywood Waterways Association
PO Box 389, Waynesville, NC 28786
828-476-4667
info@haywoodwaterways.org
www.haywoodwaterways.org

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For Zoning meeting Oct 12 2021; to be read at meeting

To: Vicki Nardozi <vickolator@nardco.com>
vbest@maggievalleync.gov <vbest@maggievalleync.gov>
Mon 10/11/2021 11:57 AM

Received
10/11/2021

We want known our concerns about some of the proposed development for Maggie Valley and wish to have several issues noted.

1. Agenda item #6

The Smoky Mountain News reported in error that the planning board recommended R1 zoning for the portion this parcel (PIN 7686-17-4633) bordering Campbell Creek. We attended the recent planning board meeting in which we believe R3 zoning was recommended for the Campbell Creek portion with C1 recommended for the portion of the parcel abutting Kamp N' Kountry, but cannot confirm this as the minutes from that meeting are not available as of this writing. ALL of the property surrounding this as yet unzoned parcel is currently zoned R1 (requires 14,000 sf of land per dwelling), regardless of its current use. Increasing the density of the entire parcel to R3 or C1 (both require 7,000 sf of land per first dwelling and 3,000 sf per additional unit on the same lot) changes the very nature and capacity of this currently low density neighborhood. To retain the character of this neighborhood we urge the board to permit zoning of the single family portion of this parcel as R1 to keep the property consistent with its neighbors. If C1 zoning is granted for the vacant portion of the parcel, we would hope to see conditions placed on the type of development permitted there as suggested by the Town Planner at the special planning board meeting.

2. Agenda item #7, (PIN #7686-07-7298) regarding rezoning property currently zoned R1. Again, this parcel is completely surrounded by either unzoned farmland or properties zoned R1 AND is fully encompassed by watershed. Three units that are part of Kamp N Kountry abut this property; otherwise all of the other abutting neighbors are R1 single family dwellings. The property currently has 12 small rental cabins on it, greater than what is allowed for the R1 density now zoned and beyond what is allowed to be impervious in a watershed. If these structures are to be moved or removed, the property should be returned to the R1 density of the surrounding neighborhood. We oppose changing the zoning to allow higher density additions to this property as the neighborhood is otherwise all zoned R1 and additional construction in the watershed on this parcel sets a poor precedent for protecting the watershed and Maggie's water supply.

3. We do not oppose development in Maggie Valley, however, the proposals that have been made so far include some that are entirely dismissive of the concerns of close neighbors and neighborhood residents. One board member is quoted in The Mountaineer as saying

"I'll be the voice for our residents and help them understand sometimes we have to make decisions they might not like." "This is kind of one of those lessons of life."

The lure of having Ghost Town operative again without the transparency or apparent due diligence regarding said plans and developers is reminiscent of previous experiences the people of Maggie have had before. When questions were raised regarding due diligence a board member responded that he,

"thinks Wood is legitimate, however."

We expect greater diligence, or more information if such diligence has been undertaken and greater attention to the voices of the people who currently are and have been taxpayers in Maggie.

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We expect greater diligence, or more information if such diligence has been undertaken and greater attention to the voices of the people who currently are and have been taxpayers in Maggie.

Respectfully,
Michael and Victoria Nardozi

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For Alderman Meeting on OCT 11, 2021

Comments from Bennie Good

PO Box 265

r Santee SC 29142

803 707 512

My Family and I visit this area often and find the Parkland adjacent facilities very nice and hope it stays that way in the future.



I feel the rezoning of the area adjacent to the park to permit other than single family owned units with a minimum of 5 Acres each would detract from the area as well as the public park.

The block of land adjacent the park is a wooded buffer zone that needs to be maintained in that condition.

The extra vehicle traffic would not be compatible with the area. Traffic on this road needs to be kept at a minimum.

Single family owned homes with attached acreage support the best type of communities as they take pride of which they own and protect it.

Thank You

Bennie Good