

Town of Maggie Valley
Board of Aldermen Regularly Scheduled Meeting
November 9, 2022
MINUTES

Members Present: Mayor Mike Eveland, Aldermen John Hinton, Jim Owens and Tammy Wight. Alderman Phillip Wight arrived at 6:45 pm

Staff: Town Manager Vickie Best, Finance Officer Autumn Lyvers, Assistant Town Planner Sam Cullen, Police Chief Russell Gilliland, Public Works Director Mike Mehaffey, Attorney Brian Gulden, and Minute Taker Regina Massie

Others Present: Media Representative Kathy Ross, and approximately 25 others

1) **Meeting Called to Order**

Mayor Mike Eveland called the meeting to order at 6:30 pm.

2) **Pledge of Allegiance**

The Pledge of Allegiance was repeated by all, then followed with a prayer.

3) **Approval of the Agenda/Conflict of Interest Declaration**

The agenda was approved as written; no conflicts of interest were declared.

4) **Consent Agenda**

- a. Minutes to be Approved: October 4 and October 11, 2022
- b. Budget to Actual
- c. A/R Report
- d. Tax Releases
- e. Voluntary Annexation
Call for Public Hearing December 13, 2022, at 6:30 pm
Resolution 22-31 Griffith PIN TBD (Portion of Pin # 7696-08-3702)
- f. Initial Zoning Griffith PIN TBD (Portion of Pin # 7696-08-3702)
Call for Public Hearing December 13, 2022, at 6:30 pm
- g. Condition Rezoning SAHAS PIN # 8607-34-5642
Call for Public Hearing December 13, 2022, at 6:30 pm

ALDERWOMAN TAMMY WIGHT MADE A MOTION TO APPROVE THE CONSENT AGENDA. ALL VOTED IN FAVOR.

**RESOLUTION NO 22-31
TOWN OF MAGGIE VALLEY
RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO
G.S. 160A-31**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Board of Aldermen has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

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WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Maggie Valley, North Carolina that;

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Maggie Valley Town Hall at 6:30 pm on Tuesday, December 13, 2022.

Section 2. A portion of PIN # 7696-08-3702 as shown in Map Cab D Page 2051 consisting of 1.554 acres at 1580 Moody farm Road.

Section 3. Notice of the Public Hearing shall be published in the Enterprise Mountaineer, a newspaper having general circulation in the Town of Maggie Valley, at least ten (10) days prior to the date of the public hearing.

This the 9th day of November 2022.

5) **Public Comment**

Mayor Eveland explained to audience members that this was time set aside for general public comments. Time has been allocated later in the meeting to address annexations and zoning and an opportunity will be granted for public hearings at that time.

He opened and closed without public comments.

6) **2021/2022 Audit Report**

Erica Brown with Martin, Starnes & Associates, CPAs, P.A., provided the Annual Audit Presentation. She thanked the Mayor and Board of Aldermen for allowing the firm to continue serving as the town's auditors, adding that the relationship is valued.

She commended Maggie Valley during a time of high turnover in upper management, understanding that it tends to cause a lot of extra work. The transition from Finance Director Shayne Wheeler to Autumn Lyvers was smooth and Ms. Lyvers fits in great, she said. Shayne will be missed but bringing Autumn in while Shayne was still employed was a good decision.

Auditor Brown congratulated the Town of Maggie Valley for an unmodified audit opinion, or a "clean opinion," with no material misstatements that led auditors to believe that the financial statement would mislead readers. This is something to be proud of, she said.

New accounting standard GASB 87 changes the way leases are reported but has little effect on the town. However, there will be minimum changes in the wording of the audit report.

Most of her presentation focused on the General Fund, as of June 30, 2022. Nothing after that, such as purchase of the old Ferguson property, was not reflected. The report has been submitted to the Local Government Commission (LGC) and is awaiting approval.

General Fund revenues increased \$522,160 (17.51%) and expenses decreased \$40,863 (1.52%).

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The Fund Balance is a measure of the town's financial resources available. (Assets + Deferred Outflows) – (Liabilities + Deferred Inflows) = Fund Balance/Net Pos

The five classifications in the General Fund are:

- o Not spendable - Not in cash form (inventory) prepaid \$15,643
- o Restricted – External restrictions by State statute, \$476,893 (receivables) Streets \$54,163 (Powel Bill), \$30,471 (law enforcement and alcohol education), Committed for capital improvement \$366,957 (\$6,957 capital improvements and \$360,000 Soco Road project)
- o Committed – (i.e., a project ordinance or other ordinance adopted by the board that does not expire at the end of the fiscal year
- o Assigned – internal constraints, assigned for subsequent years' expenditures, \$0 for fiscal year 2022.
- o Unassigned - \$3,994,399.

From FY 2020-2021 to FY 2021-2022, the General Fund balance has steadily increased. From 2020 to 2021 the balance increased by \$364,089 or (9.8%). From 2021 to 2022 the increase was \$869,365 or (21.4%).

The increase from 2020-2021 was due to tax increases in local option sales tax \$70,800 (16%), solid waste collection fee \$15,000 (17.5% due to fee increase), and proceeds from sale of assets \$66,800.

The increase from 2021-2022 was due to an increase in revenues from local option sales tax \$157,000 (31%) and property tax \$273,700 (15%). Although the tax rate decreased from .43 to .40, the revenues increased due to tax base increase due to revaluation year. Intergovernmental revenues increased \$125,800 (68%) due to a K-9 grant of \$7,500 (did not have in prior years), increase in Powell Bill funding \$13,000 and increase in ABC board funding of \$106,000. Grants received in 2021-2022 that were not received in 2020-2021 increased revenue.

Available fund balance as defined by the Local Government Commission (LGC) and is not money that is available to be used. It is calculated as follows:

Total Fund Balance
Less: Non spendable (not in cash form, not available)
Less: Stabilization by State Statute (by state law, not available)
Available Fund Balance

The available fund balance as a percentage of the General Fund expenditures and transfers out has increased approximately 27.4% from the prior year. Typically, 8% represents a one-month supply of expenditures on hand.

At 168%, the Town has roughly 21 months of expenditures on hand. Whereas, last year the town had approximately 17.6 months, an increase of 3.4 months. This increase is due to an increase in overall revenues. There were no major projects during this period.

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This is a healthy fund balance for a town of Maggie Valley's size. It is difficult to compare it to other towns because every town is different. However, it is important to evaluate the fund balance annually based on upcoming expenses and future capital outlay.

Statistical information with municipal comparisons is provided by the LGC annually. The most recent statistics show the 2020 average is 63% for peer group. Maggie Valley's average is well above its peer group, (170%) which allows purchase of capital items without going into debt. (Peer Group based on GF expenditures 1 million to 9.9 million – Maggie Valley is 2.64 million)

Ad Valorem Taxes increased approximately \$273,733 or 15%. The increase was impacted primarily by the revaluation increase that was partially offset by a rate decrease. The town maintained a 98.52% overall tax collection rate. This is an increase of .47% over the prior year. The previous year's collection rate was 98.05%.

Other Taxes and Licenses include local option sales tax, occupancy tax, cable TV, franchise tax revenues, and special assessment tax revenue. The overall increase of \$119,454 or 16% is mainly due to an increase in local option sales tax.

Sales and services include overnight camping fees, community center rental fees, festival ground rental fees, labor/grounds reimbursements, and solid waste collection fees. There was an increase of \$10,300 or 8%, mainly due to an increase in solid waste collection fees.

General Government Expenditures increased \$30,001 or 5%. This was primarily due to an increase in operating expenses related to professional services for Land Use and Comprehensive Plans.

An increase of \$192,719 or 19% for 2022, was primarily due to planned salary increases, increased fuel costs, an increase in capital outlay purchases for vehicles and a police department computer server.

Transportation expenditures decreased \$132,703 or 16%. The decrease is mainly due to a decrease in street maintenance costs and a decrease in capital outlay purchases in FY 2022. In fiscal year 2021, the town purchased vehicles and equipment as well as winter woods lighting.

Regarding the Sewer Fund, the Unrestricted Net Position is \$2,256,272. This is working capital. Rates were increased years ago to be able to build this working capital.

Cash flow from operations was \$534,489.

- Unrestricted net position increased \$321,965, or 15%, over the PY due to increase in sewer user fees.
- Cash flow from operations increased \$161,962 or 43%, over the PY due to increase in sewer user fees.
- Required debt service decreased \$3,422, or 2%, over the PY.
- Quick Ratio (current assets / current liabilities) over the past 3 years has been 10.06% (2020), 12.72% (2021), and 13.84% (2022). The LGC is typically concerned with units that have a Quick Ratio below 1%.

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In FY 2021 the LGC created a new worksheet that provided various performance indicators for each unit of government. Water & Sewer net income excluding depreciation and debt service principal is \$316,590 (LGC is concerned with negative net income). There are no concerns for Maggie Valley.

Water & Sewer unrestricted cash /total expenses less depreciation and debt service principal are 285.59% (LGC is concerned with less than 16% (2months)).

In a year of turnover, this is something to be proud of, Ms. Brown said.

Questions about the audited financials should be directed to Town of Maggie Valley Finance Director Autumn Lyvers. The Management Discussion and Analysis (MD&A) gives a great summary of what occurred in FY 2022, reasons for increases and decreases, as well as a look forward to the FY 2023 budget.

Mayor Eveland thanked Ms. Brown for the report. A copy of her presentation was provided to the Council.

7) Public Hearing for the Annexation of 1585 Jonathan Creek Road

- a. Public Hearing
- b. Adopt Ordinance 1019

Haywood County owns 22.091 acres at 1585 Jonathan Creek Road. The property is being requested for annexation to build a residential subdivision connected to sewer service.

Mayor Eveland explained that before moving forward, a decision must be made about annexing this property into the Town of Maggie Valley Corporate Limits, and now was the time to come forward with any concerns or issues. A neighborhood meeting has been conducted.

He opened and closed Public Hearing for the annexation of the property at 6:46 pm and 6:47 pm without comment.

ALDERMAN JOHN HINTON MADE A MOTION TO ADOPT ORDINANCE 1019 FOR THE ANNEXATION OF 1585 JONATHAN CREEK ROAD. ALL VOTED IN FAVOR.

**ORDINANCE NO. 1019
TOWN OF MAGGIE VALLEY
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF MAGGIE VALLEY,
NORTH CAROLINA.**

WHEREAS, The Board of Aldermen has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Board of Aldermen has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

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WHEREAS, the Town Clerk as certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Maggie Valley Town Hall at 6:30 pm on November 9, 2022, after due notice by publication on October 23 and 30, 2022; and

WHEREAS, the Board of Aldermen finds that the petition meets the requirements of G. S. 106A-58.1;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Maggie Valley, North Carolina that;

Section 1. By virtue of the authority granted by G.S. 106A-58.1, the following described territory is hereby annexed and made part of the Town of Maggie Valley as of November 9, 2022.

The area proposed for annexation is described as follows:

Belonging to Haywood County 1585 Jonathan Creek Road, consisting of 22.09 acres DB 715-657 941/83 749/1104

EXHIBIT "A"

BEGINNING at an iron stake set (being a metal fence post) at the Western right-of-way of Jonathan Creek Road (U.S. Hwy. 276) which iron stake lies North 17-12-52 East 98.39 feet from NCGS Monument "TRIT" (NCGS Monument "MULE" lies North 28-55-44 East 2,988.07 feet from "TRIT") and runs North 67-31-37 West 839.22 feet (passing through a new iron stake [metal fence post] at 793.82 feet) to a point in the center of Jonathan Creek; thence with Jonathan Creek, as it meanders, seven calls: (1) North 22-10-24 East 99.48 feet, (2) North 39-58-40 East 213.22 feet, (3) North 36-12-48 East 447.36 feet, (4) North 71-28-35 East 204.98 feet, (5) North 52-50-46 East 276.30 feet, (6) North 43-16-11 East 217.77 feet, and (7) North 45-41-53 East 287.26 feet to a point on the Northern edge of a steel and timber bridge spanning the creek, being the Westmost corner of the Thomas Bryan Medford lot described in Deed Book 327 at Page 50; thence with the Southerly margin of that Lot and his adjoining Lot described in Deed Book 419 at 1163, and a tract belonging to John Michael Medford (461/82) South 43-56-43 East 354.68 feet (running generally along Pitts Drive) to an iron pin set in the Westerly margin of the right-of-way of Jonathan Creek Road where Potts Drive intersects with said Road; thence with said right-of-way seven calls: (1) South 29-03-53 West 10.12 feet to the South edge of Potts Drive; (2) continuing South 29-03-53 West 41.23 feet, crossing a 40-foot Drainage Easement belonging to the N.C.D.O.T. as described in Deed Book 238, Page 596, said easement running parallel with Potts Drive, (3) continuing South 29-03-53 West 105.07 feet to a concrete R/W Monument, (4) South 29-04-39 West 701.26 feet to another concrete R/W Monument, (5) South 29-06-56 West 145.77 feet, (6) South 28-30-20 West 153.38 feet, and (7) a curve to the left (Radius 2,661.48 feet a linear distance of 286.88 feet (Chord South 24-17-56 West 286.74 feet) to the BEGINNING, containing 22.091 acres, per survey and plat of L. Kevin Ensley, PLS, dated March 23, 2007, entitled "Survey for William Lucius Jones" and identified as Job B-005-07.

SUBJECT TO the aforesaid USDOT Drainage Easement and the easement for Potts Drive as the same exists, and the rights of various persons, if any, to take water from Jonathan Creek.

This property is located within a Flood Zone.

Reference: Will Book 4 Page 431; Deed Book 75 Page 184 Tract 1; Deed Book 122, Page 637

Section 2. Upon and after November 9, 2022, the above 22.09 acres for annexation and its citizens and property shall be subject to all debts, laws, ordinances, and regulations

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in force in the Town of Maggie Valley and shall be entitled to the same privileges and benefits as other parts of the Town of Maggie Valley. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Maggie Valley shall cause to be recorded in the office of the Register of Deeds of Haywood County, and in the office of the Secretary of State of Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Haywood County Board of Elections, as required by G.S. 163-288.1.

This the 9th day of November 2022.

8) Public Hearing for Initial Zoning of 1585 Jonathan Creek Road (only if annexed)

- a. Open Public Hearing, Close Public Hearing
- b. Adopt Ordinance 1016 Zoning the Property
- c. Adopt the Consistency and Reasonableness statement

The vacant property is not zoned. It is located in Haywood County and sits between Hwy 276 and Jonathan Creek. It is adjacent to the town's sewer system.

Assistant Town Planner Cullen explained that the Planning Board created a consistency statement at their board meeting on September 20th, 2022, and unanimously recommended approval of Staff's recommendation of R-3: High Density Residential.

Staff recommends setting the Initial Zoning to R-3: High Density Residential bases upon:

- Currently un-zoned in the County
- Adjacent properties without zoning
- Surrounding High Density Residential Land Uses
- Availability to sewer
- Topography of the land
- Access to the property

2007 Future Land Use Map does not have a designation for this property as it falls outside of the study area. However, the Land Use Plan states that R-3: High Density Residential should be located in areas where slopes are minimal, access is easy and safe, and water and sewer are available or could be easily provided. A large portion of the property is in the floodplain, which requires development restrictions.

Mayor Eveland opened and closed Public Hearing regarding zoning of the property at 6:50 pm and 6:51 pm without comment.

Alderwoman Tammy Wight confirmed with Assistant Planner Cullen that the R-3 designation was a recommendation by both Planning Department Staff and the Planning Board.

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ALDERMAN JIM OWENS MADE A MOTION TO ADOPT ORDINANCE 1016 FOR THE INITIAL ZONING OF 1585 JONATHAN CREEK ROAD TO R-3: HIGH DENSITY RESIDENTIAL. ALL VOTED IN FAVOR.

**ORDINANCE NUMBER 1016
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 parcels within the corporate limits on November 9, 2022; and

WHEREAS, The area being zoned is property owned by Haywood County; and

WHEREAS, A public notice was published on October 23 and 30, 2022; 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.
2. That the following parcel located within the Town's Corporate Limits will be zoned R-3.

The applicant: Haywood County owner of 22.091 acres at 1585 Jonathan Creek Road, PIN 8607-27-9452 as noted in book 715 page 657.

Adopted in Open Session, this the 9th day of November 2022.

Mayor Eveland again reviewed the six reasons staff and the Planning Board considered when proposing the zoning designation.

ALDERWOMAN TAMMY WIGHT MADE A MOTION TO ADOPT THE CONSISTENCY AND REASONABLENESS STATEMENT AS WRITTEN. ALL IN FAVOR.

GOVERNING BOARD CONSISTENCY AND REASONABLENESS STATEMENT

Property PIN NO. 8607-27-9452: Initial Zoning R-3

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

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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, the Planning Board of the Town of Maggie Valley determined that the Town's 2007 Land Use Plan (updated 2022) suggests zoning districts that are designed to fit proposed land use categories. Consistent with the Future Land Use Plan, the Planning Board unanimously recommends zoning the property R-3.

WHEREAS, R-3 is the Town's High Density Residential district; and

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

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

Section 1: The proposed zoning amendment is consistent with the Future Land Use Map and Comprehensive Plan adopted by the Town of Maggie Valley which identifies characteristics of properties to be designated High Density Residential.

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

- 1) Currently unzoned in the County.
- 2) Adjacent properties without zoning.
- 3) Surrounding High Density Residential Land Uses.
- 4) Availability to sewer.
- 5) Topography of the land.
- 6) Access to the property.

9) Public Hearing: Planning Board Initiated Text Amendment for Building Height in Special Flood Hazard Areas

- a. Public Hearing
- b. Adoption of Ordinance 1017 Text Amendment
- c. Adoption of a Consistency Statement

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Assistant Planner Cullen explained the Planning Department was asked by the Planning Board to investigate a text amendment to the UDO concerning maximum building height in Special Flood Hazard Areas (SFHA). The currently allowed building height in SFHAs for both residential and commercial is 65 feet by right. Staff and the Planning Board think this is a little too broad. A text amendment is proposed for both safety and aesthetic reasons.

Mayor Eveland recalled that this was originally adopted when a property owner looking to build a hotel needed additional feet. In retrospect he said this variance should have been done for that individual property, so this is to correct something that happened in the past. Mr. Cullen confirmed property owners in a SFHA will still be able to achieve a taller structure through variance or conditional zoning.

Mayor Eveland opened to public hearing for a text amendment on building heights at 7:01 pm.

Maria Amaro of 228 White Oak Road owns property running parallel to Jonathan Creek. She said her comments stemmed more from concern, rather than advocating or objecting to the development. (Although this hearing was designated for another topic, Ms. Amaro was allowed to continue.)

She reported that her property has suffered erosion over the past three years, and her neighbors are experiencing the same thing. She asked what the town is doing about storm drain and flood sedimentation. Maggie Valley will gain from what's being done, but other properties owned along the creek will suffer, she said.

Assistant Planner Cullen assured her that developers of the project on Jonathan Creek Road will adhere to erosion control standards set by Haywood County.

Mayor Eveland reported that he visited the property today. Actual construction will be 100 feet away from the creek. He observed a three-to-six-foot rock buffer along the creek as well. Over the years, rocks have been plowed up and piled along the side of the creek. Sediment will not happen due to this. Part of the runoff is going to the highway side of the property. Alderman Phillip Wight said there will be erosion control measures and trout buffers.

Ms. Amaro reasoned that the 92 concrete pads going in beside the creek will undoubtedly produce runoff into the creek. She has a well, and already has problems with iron and metals and feels it will just get worse because the water will move faster now.

She explained that her biggest concern will be loss and damage to property owners along Jonathan Creek. Something that must be considered will be that these property owners will need bigger wells, pumps, and better filters. Will there be notification of a plan?

Mayor Eveland has frontage on the creek and empathized with the property owner. But, he said, the Jonathan Creek property is owned by Haywood County and the town's hands are tied. All property requires inspection. Old places are grandfathered, but new places are highly scrutinized. An erosion control plan will be filed before construction starts.

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Ms. Amaro said she was not against progress, just trying to protect property.

With no further comment, the Mayor closed the public hearing at 7:04 pm.

ALDERMAN JOHN HINTON MADE A MOTION TO ADOPT ORDINANCE 1017 TEXT AMENDMENT FOR BUILDING HEIGHT IN SPECIAL FLOOD HAZARD AREAS. ALL WERE IN FAVOR.

**ORDINANCE NUMBER 1017
TOWN OF MAGGIE VALLEY
AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
TO REMOVE 65 FOOT BY RIGHT IN SPECIAL FLOOD HAZARD AREAS**

WHEREAS, The Town of Maggie Valley held a public hearing on the zoning of parcels within the corporate limits on November 9, 2022; and

WHEREAS, A public notice was published on October 23 and 30, 2022; 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-601.
2. The text will read as follows:

SECTION 1: AMENDMENT Sec. 3-3. – “Dimensional standards.” of the Town of Maggie Valley Unified Development Ordinance is hereby *amended* as follows:

DENSITY & DIMENSIONAL TABLE*

*Requirements, as specified in the table below and as otherwise specified in the ordinance, are the minimum standards for individual lot development and subdivisions. Developments that do not meet the above requirements may apply for conditional zoning.

~~**For special flood hazard areas, the maximum height shall be sixty-five (65) feet.~~

SECTION 2: AMENDMENT Sec. 3-12. – “Building height.” of the Town of Maggie Valley Unified Development Ordinance is hereby *amended* as follows:

No building shall hereafter be erected or altered so as to exceed the height established in Section 152.03 Density & Dimensional Requirements. ~~unless said structure is to be located in a special flood hazard area, in which case a height of 65 feet can be achieved.~~

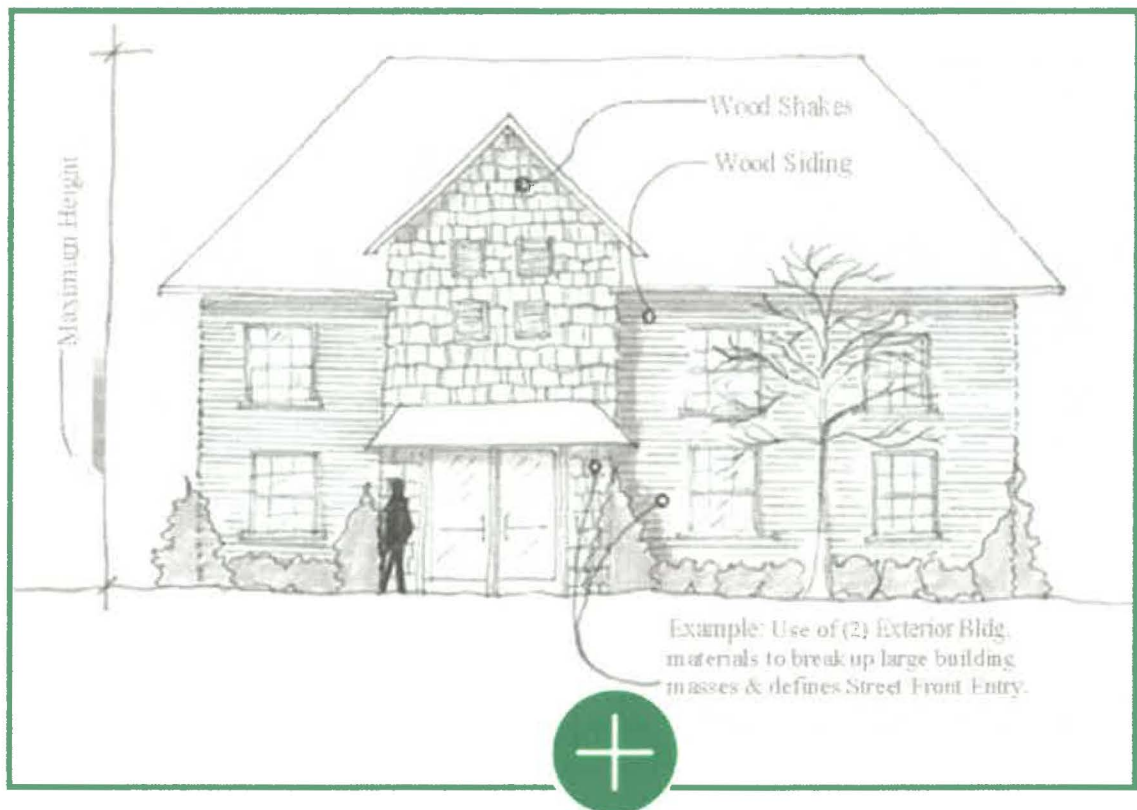
SECTION 3: AMENDMENT Sec. 6-5. – “Design guidelines.” of the Town of Maggie Valley Unified Development Ordinance is hereby *amended* as follows:

- F. *Height.* 45 foot maximum height as measured from the average natural grade to top of the roofline. ~~For those areas existing in a Special Flood Hazard Area, the maximum height shall be sixty-five (65) feet; E~~existing contours shall be provided on plot or site plans as part of the zoning permit

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application.



Adopted in Open Session, this the 9th day of November 2022.

As part of the Board of Aldermen's changing the text of the UDO, is the required adoption of a plan consistency statement.

ALDERMAN JIM OWENS MADE A MOTION TO ADOPT THE CONSISTENCY AND REASONABLENESS STATEMENT TO REMOVE 65 FEET HEIGHT IN SFHA. MAYOR EVELAND, ALDERMAN HINTON AND ALDERWOMAN WIGHT VOTED IN THE AFFIRMATIVE. ALDERMAN PHILLIP WIGHT OPPOSED.

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GOVERNING BOARD CONSISTENCY AND REASONABLENESS STATEMENT

Text Amendment to UDO Sec. 3-3, 3-12, & 6-5 to remove 65 feet height in SFHA.

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 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, the Planning Board of the Town of Maggie Valley determined that the Town's 2007 Land Use Plan (updated 2022) states that the Ordinance is in need of revisions and that it is necessary to bring the Ordinance up to date to make it more meaningful. Consistent with the Future Land Use Plan, the Planning Board unanimously recommends approving the proposed text amendment.

WHEREAS, proposed text deletes 65 foot by height allowance in Special Flood Hazard Areas; and

WHEREAS, as directed above, Town Board of Aldermen must approve a Plan Consistency Statement with regard to each adoption or rejection of a text amendment;

NOW THEREFORE, based the record of the proceedings related to the proposed text amendment, THE BOARD OF ALDERMEN OF THE TOWN OF MAGGIE VALLEY HEREBY STATES:

Section 1: The proposed text amendment is consistent with the Future Land Use Map and Comprehensive Plan adopted by the Town of Maggie Valley.

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10) **Property Owner Requested Conditional Zoning District: 1585 Jonathan Creek Road Conditional Zoning**

- a. Public Hearing
- b. Adoption of Ordinance 1018 Conditional Zoning of the Property
- c. Adoption of the Consistency and Reasonableness Statement

Civil Design Concepts, PA submitted a site plan on behalf of developer Quiet Creek Properties, LLC who is under contract to purchase the property from Haywood County. The proposal is for a 92-lot residential subdivision with 61 single family homes and 31 townhomes. The property has been annexed for sewer service, received initial zoning designation of R-3 High Density Residential, and now requests to move forward with conditional zoning.

The site plan presented by CDC meets most town standards and, in many cases, exceeds them:

Maggie Valley Street Standards: 30' ROW, 18' Pavement, T-Turnaround

Exceed: 18" Curb and Gutter

Cluster Development: 10% Open Space Set aside

Greenway easement (A linear greenway easement has been granted and path size can be negotiated depending on what needs are.)

The property owner is not requesting a density bonus.

Special Flood Hazard Area (SFHA): No development or disturbance proposed in Floodway

Trout buffer: 25' setback required from top of bank

Exceed: Approximately 200' setback provided

Height: 35' maximum in residential districts, SFHA allowance of 65'

Parking: Single Family require 2 spaces at 9'x18', Multifamily require 1.5 spaces at 9'x18'

Exceed: Spaces are larger than required, multifamily has 2 provided, does not count additional parking in garages to be provided for some units.

The site plan does not show, but will still be required to follow:

Appearance Standards: Townhomes will be required to meet Design Guidelines (UDO 6.5) which includes approved building materials, pitched roofs, permitted colors, etc.

Landscaping: Street planting yard will be required on Townhome parcels (UDO 6.6.a)

Special Flood Hazard Area (SFHA): Approximately 50% of units located in 100 Year Floodplain

Signage: Entrance/Exit, Subdivision, Parking, etc.

NCDOT Driveway Permit (has been applied for. DOT is not concerned enough about volume to do traffic study.)

Haywood County Approved Erosion Control

Maggie Valley Sanitary District Water (Capacity confirmed)

Maggie Valley Sewer (Capacity confirmed)

The site plan does not meet and is asking for an exception on the following:

Minimum lot size: Base district not yet determined

Minimum lot width: 60 feet (50–60-foot lot sizes are requested)

Setbacks: Base district not yet determined (7-foot setbacks in some instances)

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Due to the amount of floodway on the property they are requesting to cluster the units and utilizing smaller than by right minimum lot width and setbacks. There are numerous benefits of clustering, including enhanced stormwater management, visual access to open space, protected wildlife habitat, and reduced costs for maintaining infrastructure (streets, sewer lines, etc.).

The Planning Board created a consistency statement at their Board meeting regarding this issue on October 25th and unanimously recommended approval of the site plan with the added condition that the developer provide a six-foot minimum barrier or fence, to include plantings for appearance, safety, and sound attenuation along Hwy 276.

Alderman Phillip Wight commented that the exceptions to lot size setbacks affects less than 20% of the entire project.

Concerned that some things the Planning Board and Town Planner recommended were not mentioned in Mr. Cullens presentation, Mayor Eveland asked for assurance that these things were noted before moving forward to adopt conditional zoning.

Assistant Planner Cullen directed his attention to the new site plan, noting the developer will provide a barrier along Hwy 276.

Alderman Phillip Wight again emphasized that this is not a maximum buildout. The setbacks are not for the total project, only certain lots. Less than 20% may need the setback reduction. Assistant Planner Cullen agreed.

Allowable units in this R-3 designation are 122 homesites, but only 92 are planned, so this is well below the maximum. The setback from Hwy 276 is a 60-foot setback, with a 30 foot right of way.

Approval, if granted, is based on the site plan, so any additional conditions need to be added at this time, Assistant Planner Cullen explained. Mayor Eveland said he wasn't aware of any other conditions the board wanted to discuss.

Mayor Eveland opened the public hearing for the conditional zoning of the property at 7:15 pm.

Pamela Michael of 54 Calm Creek Road said she attended the neighborhood meeting. Most of her concerns at that meeting were about protection of the creek, the impact on Jonathan Creek Elementary, and setbacks. Most of those questions were addressed, she reported.

However, Jonathan Creek has a problem with speed and traffic. Another development is being added now, and she questioned if any consideration is being given to the additional traffic and the impact it will have. Assistant Planner Cullen responded that the developer has submitted a request for a driveway permit to NCDOT. NCDOT will review the site plan, and any traffic decisions will be managed solely by them. They will implement their own standards.

Mayor Eveland concurred that NCDOT will determine if a traffic study is needed, required entrances and exits, etc. Regarding Maggie Valley Police Department's role, once they become

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a neighborhood, it will be policed. Chief Gilliland said the project impact is something that the police department is discussing already.

Ms. Michael said it's an issue already and this only adds to it. She then asked about traffic lights. NCDOT has a district office in Bryson City that oversees Haywood County. NCDOT ordinarily conducts a traffic study if 300 or more homes are being added in a new development, reported Patrick Bradshaw with CDC. Roughly one-third that number is being added at the Jonathan Creek project, so a traffic study isn't expected. However, NCDOT could impose various conditions, such as turn lanes or wider entrance/exits.

Mayor Eveland reminded everyone of the NCDOT's Hwy 276 project, and that turn lanes are expected to be added at the development. Alderman Jim Owens noted that additional deceleration lanes, just like the one across from Pride RV Park, are expected all along the road to the intersection with Soco Road. These will make the road a lot safer. This is an extensive plan that has been in the works for about two years and will address many safety issues on Hwy 276 that are not necessarily related to this development.

Chief Gilliland agreed to provide the Sheriff's Office and Police Department with contact information to Ms. Michael.

Maria Amaro spoke again about the impact the development will have on existing resources. There are no supermarkets or houseware stores, and everyone must shop in Waynesville she said. She asked if Maggie Valley is planning to create new resources for those new people coming in. Mayor Eveland responded that while the town would not refuse if approached, this is not something that the town does. Alderman Owens agreed, stating density drives grocery stores, and the grocers are the ones who initiate studies to determine need.

Lynn Noland of 271 Quail Cove had questions about the effect on the floodplain and security fencing.

His understanding was that for the development to be considered, the property had to be filled to above the floodplain level. Alderman Phillip Wight said it was filled on Haywood County's own merit to make the land more attractive to potential buyers, without knowing at the time how it would be developed.

Mr. Noland owns property and represents the Enloe's, both having properties situated on the other side of the creek from the development. He worries that elevating the level of the property above the floodplain on one side of the creek leaves the potential for a funnel on the other side of the creek for flood water to be pushed to that property. He asked if there had been any consideration of flood damage caused to the on other side of creek by implementation and construction on the project.

Mayor Eveland said there is a floodway along the creek; however, as stated earlier, development will occur up to 200 feet away from creek, and the rest will remain the original level of dirt that has been there for many years. Rock was pulled over the years as people farmed the land. Mr. Noland is aware of that, recalling that he watched them do it.

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Alderman Phillip Wight asked Mr. Noland if the Enloe property has flooded in the prior 10 years, to which Mr. Noland responded that it has not. His property is directly across and up the creek from the development near the silo.

Mr. Noland then asked if the property developer plans to add a security fence around property. He said he is concerned about the high-density population and that people will want to wade the creek, possibly to his property, adding that he is not objecting, he just doesn't want residents wading the creek to his property, nor does Mr. Enloe. Being a resident along Jonathan Creek himself, Mayor Eveland observes people wading in the creek every day, and they are allowed to do that. Mr. Noland agreed they can, up to their own property line, but his property line is in the center of the creek.

There will be a six-foot fence installed along Hwy 276, but the town is not aware of any other planned fencing. The developer will not put a fence across the creek.

Mr. Noland hopes for fencing to prevent trespassing of development residents onto private property. Chief Gilliland acknowledged Mr. Noland's concerns and asked to be made aware if trespassing occurs.

Mr. Noland said Council may think it is a ridiculous question, but he owns a picnic area on other side of the creek, and has seen it happen before, just the trespassers were cows. People are going to be lured to cross the creek. Mayor Eveland feels like that between the police and HOA, if issues arise, there will be avenues and opportunities to address them. Also, the houses will be so far off the creek, there won't be such a problem. However, he invited Mr. Noland to contact the Sheriff's Office or Maggie Valley Police Department if it happens. Mr. Noland ended with an old adage, "Good fences, make good neighbors."

Alderwoman Tammy Wight confirmed that if the creek is hatchery supported, people are allowed to fish. They just need public access, which right now they don't have.

An audience member who did not introduce himself asked if sewer capacity has been discussed. He has read articles in the local newspaper about sewer capacity. Director Mehaffey explained where Maggie's treatment plant is located and that capacity issues, he read about are for Waynesville. There are no concerns about Maggie Valley's capacity. In fact, it is only at 45% capacity right now per one million gallons. Maggie Valley does not treat stormwater.

Mayor Eveland closed the public hearing at 7:27 pm.

Alderman Phillip Wight commented that he thought Mr. Noland had a legitimate concern about flooding after building the property up; however, he felt better when he learned of the 200-foot buffer. Mayor Eveland and Alderman Owens agreed, relieved that the undisturbed original soil is at the same level it has been for years.

ALDERMAN JIM OWENS MADE A MOTION TO ADOPT ORDINANCE 1018 CONDITIONAL ZONING OF 1585 JONATHAN CREEK ROAD. ALL VOTED IN FAVOR.

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ORDINANCE 1018
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 parcels within the corporate limits on November 9, 2022; and

WHEREAS, The area being zoned is property owned by Haywood County; and

WHEREAS, A public notice was published on October 23 and 30, 2022; 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.
2. That the following parcel located within the Town's Corporate Limits will be zoned R-3 Conditional based on Site Plan.

The applicant: Haywood County owner of 22.091 acres at 1585 Jonathan Creek Road, PIN 8607-27-9452 as noted in book 715 page 657.

Adopted in Open Session, this the 9th day of November 2022.

Attorney Gulden advised that General Statute requires the applicant to sign off on any conditions. A discussion ensued that since the site plan has been updated with all conditions, Aldermen could make a motion to approve the site plan. Assistant Planner Cullen said the site plan can't be changed. Attorney Gulden clarified that if the changes are included on the site plan, the applicant doesn't need to sign anything.

Regarding the Consistency and Reasonableness Statement, Attorney Gulden noted the N.C. General statute that addresses Consistency and Reasonableness is 160D-605, not 160D-701, as recorded in the document. Assistant Planner Cullen will correct this discrepancy and recheck others for accuracy.

ALDERMAN JIM OWENS MADE A MOTION TO ADOPT THE CONSISTENCY AND REASONABLENESS STATEMENT FOR THE CONDITIONAL ZONING OF 1585 JONATHAN CREEK PER NCGS 160D-605. MAYOR EVELAND, ALDERMAN HINTON, AND ALDERWOMAN WIGHT VOTED IN FAVOR. ALDERMAN PHILLIP WIGHT OPPOSED.

GOVERNING BOARD CONSISTENCY AND REASONABLENESS STATEMENT
Property PIN NO. 8607-27-9452: Conditional Zoning R-3

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

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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 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, the Planning Board of the Town of Maggie Valley unanimously recommends approval based on the Town's 2007 Land Use Plan (updated 2022) which states "the conditional rezoning process would allow for more flexibility in the rezoning of property. This would allow the governing board to impose conditions on rezonings, require site plans, and have more latitude in their decisions."

WHEREAS, the Planning Board suggests "the developer provide a six-foot minimum barrier or fence, to include plantings for appearance, safety, and sound attenuation along Hwy 276"; and

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

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

Section 1: The proposed zoning amendment is consistent with the Future Land Use Map and Comprehensive Plan adopted by the Town of Maggie Valley which identifies characteristics of properties to be designated High Density Residential.

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

- 1) Surrounding High Density Residential Land Uses.
- 2) Availability to sewer.

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- 3) Topography of the land.
- 4) Access to the property.

11) Approval of Event:

- a. Vairs in the Valley, October 13 and 14, 2023

This live music event has outgrown the Pavilion and is now requesting to move to the Festival Grounds. This event started out at Mtn Valley Lodge.

Manager Best explained that the event for Worldwide Beatbox has been removed. She left a message for promoters but hasn't received a call back. After watching a youtube video, she felt that this is a hugely different event than the Festival Grounds has ever hosted. They also requested camping for attendees for up to five days.

ALDERWOMAN TAMMY WIGHT MADE A MOTION TO APPROVE THE 2023 VAIRS IN THE VALLEY EVENT. ALL VOTED IN FAVOR.

12) Budget Amendment: Ordinance 1015

This is the remaining property tax for the former Ferguson property beside the Festival Grounds. When property tax bills were issued, they were still in Ferguson's name. Maggie Valley must pay this year, but the property will be tax exempt moving forward. The amount owed is \$1,252.00.

ALDERMAN JIM OWENS MADE A MOTION TO APPROVE ORDINANCE 1015 TO PAY TAXES ON THE FORMER FERGUSON PROPERTY. NONE OPPOSED.

**ORDINANCE 1015
TOWN OF MAGGIE VALLEY
AN ORDINANCE AMENDING THE FY 2022/23 BUDGET ORDINANCE**

Be It Hereby Ordained by the Town Board of Aldermen of the Town of Maggie Valley, North Carolina, that the Budget Ordinance for the year 2022/23 is amended as follows:

General Fund – Property Taxes (Ferguson Property)

	Description	Previous	Increase (Decrease)	Amended
Revenues	Appropriated Fund Balance 10-000-3991	\$603,117	\$1,252	\$604,369
Appropriations	Capital Outlay – Land 10-612-4570	\$436,000	\$1,252	\$437,252

Adopted by the Town Board of Aldermen of the Town of Maggie Valley in Regular Session
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13) American Rescue Plan Act (ARP) Funds

The Internal Control Policy must be followed from the beginning of use of ARP Funds. It is a policy of checks and balances per se.

The following policies must be in place prior to spending ARPA Funds:

- a. Resolution 22-27 Nondiscrimination Policy applies to the operation of any program, activity, or facility supported by ARPA Coronavirus State and Local Fiscal Recovery Funds. This resolution states that Maggie Valley will not discriminate against anyone regardless of race, color, national origin, religion, sex, familial status, or disability.
- b. Resolution 22-28 Adopts an Eligible Use Policy, showing that Maggie Valley will spend the ARP funds on what is deemed to be eligible uses.
- c. Resolution 22-29 Cost Principles for Expenditures resolves that Maggie Valley will follow the Allowable Costs and Cost Principles Policy, a policy outlining direct and indirect costs.
- d. Resolution 22-30 Conflict of Interest Policy ensures that Maggie Valley will prevent the personal interest of staff members, elected officials, and board and committee members from interfering with performance or duties and responsibilities of administering federal financial assistance or result in personal financial, profession, or political gain.

TO ENABLE SPENDING OF ARPA FUNDS ALDERMAN PHILLIP WIGHT MADE A MOTION TO ADOPT RESOLUTIONS 22-27 NON-DISCRIMINATION POLICY, 22-28 ELIGIBLE USE POLICY, 22-29 COST PRINCIPLES FOR EXPENDITURES, and 22-30 CONFLICT OF INTEREST POLICY. ALL VOTED IN FAVOR.

14) Request \$500 for Asbestos Test on Old Ferguson Property.

Manager Best shared that a contract with Fleetwood Daniels Group, LLC for an asbestos survey has been drafted. Five hundred dollars is the initial amount needed; additional funds will be requested later because each bore (test) costs \$20. This could run an additional \$300 to \$400. The survey will save the town money in the long run because there will be less debris to haul off after the structure is burned.

The Maggie Valley Fire Department will be using the buildings for training for a couple of weeks prior to the burn, which will also be a training opportunity. The buildings will be burned after the Maggie Valley Ice Festival on January 28, 2023.

Before moving forward, Alderman Phillip Wight requested to strike through the part about burning the structure, because a motion hasn't been made to burn the building. He said he was willing to approve the \$500, and up to \$1500 for asbestos testing. If no asbestos is found this might even be a good place to have the Ice Festival.

Board members and town staff previously discussed doing a walk-through. People have decided to burn the building, but he hasn't walked through yet, he said. Mayor Eveland did a walk through a while ago. He felt like Alderman Wight's suggestion to approve from \$500 to \$1500 is a good idea, because they already know there will be more expense incurred.

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More information about the property will be coming next month, and this conversation can be continued then. Mayor Eveland assured everyone that before any decision is made on what to do with the property other meetings will be held.

ALDERWOMAN TAMMY WIGHT MADE A MOTION TO APPROVE \$500 AND UP TO \$1500 FOR AN ASBESTOS SURVEY FOR THE FORMER FERGUSON PROPERTY, STRIKING THROUGH FUTURE PLAN TO BURN THE BUILDING BEFORE COUNCIL DISCUSSES FURTHER. ALL VOTED IN FAVOR.

15) Department Head Reports

- a. Public Works – Director Mike Mehaffey
- b. Police Department – Police Chief Russ Gilliland
- c. Planning Department – Assistant Planner Sam Cullen
- d. Managers’ Report – Manager Vickie Best

Public Works:

- Monthly maintenance, general cleaning and repairs at Town Hall, Pavilion, Parham Park, Rathbone/Rich Park, Festival Grounds, Public Works buildings and Police Department.
- Monthly Recyclables approx. 11.7 tons.
- Monthly Solid Waste approx. 43.5 tons.
- Monthly White Goods/Electronics 6 pick-ups.
- Picked up miscellaneous residential brush and debris. 296 brush pick-ups that totaled 13 loads of brush.
- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners and Fall Banners.
- Perform ditch, culvert, shoulder, and road maintenance along streets. Both private and Town streets.
- Service and/or repaired 4 Public Works vehicles/equipment 1 Administration and 7 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 continues work on the Veteran’s Park Project and the new Town Hall Sign. The Veteran’s Park is complete except for the plaques. We hope to have them and install them in late November or early December. The sign is scheduled to be installed the week of November 22nd. We would like to look at scheduling the park dedication, maybe after the agenda workshop on December 6th.
- Public Works continues to work with Pressley Excavating (the utility and grading contractor) on Mari’s Meadow, the new subdivision off Panoramic Loop. Water, storm drainage and the sewer infrastructure have been completed and inspected.
- Public Works staffed 3 successful events at the Festival Grounds in October.
- We finished our street repairs and paving for this summer. Ladderback Ridge was paved with BST, crack sealing was completed in Horseshoe Cove and patching was also completed.

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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. 0 repairs last month from I/I repair list.
- Installed/repaired 3 sewer services issues, cleaned, and videoed approximately 400' feet of sewer line, inspected 5 sewer connections/installations, repaired/leak stopped 1 damaged manhole and inspected 0 manholes as we continue to work on I&I issues.
- Dewatered 76,000 gallons of digester sludge. Lime Stabilized 0 tons of dewatered sludge. Also, hauled 0 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 71 NC811 locate request. These were all marked in a timely manner.
- Continue monitoring Johnathan 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's Creek on Moody Farm Road, Stonebridge Campground, Valley Creek, and Campbell Creek.
- Grease in the Towns sewer collection system and in the Wastewater Treatment Plant is an ongoing and time-consuming problem. Regular grease trap pumping and maintenance is the key to keeping these problems to a minimum. All food handling businesses are required to have grease-removing equipment installed and to maintain records of cleaning and maintaining their equipment. The sewer department staff regularly inspects this equipment and looks at records and logs of this maintenance. This month we performed 7 grease trap inspections. Of these 0 were found to be non-compliant. We continue to work with all businesses on their grease issues. We provide assistance and education in hopes of reducing the amount of grease in our sewer system.

Regarding the Veteran's Park Dedication, Director Mehaffey said to was just thinking about December 6th as the date, but a decision doesn't have to be made right away. The plaques should be here within ten days. He gave a shout-out to the Public Works staff for all the work they've done on the new Veteran's Park and said he wants to include them in the ceremony. "It never ceases to amaze me, the work they are able to do" Mehaffey said. Time of the event was discussed, and a decision made that daytime over evening, was preferable.

Alderman Jim Owens said they want to make this a big deal and appreciates all the work that has gone into the park. He thinks there will be a great turnout but expressed concern about whether the plaques will arrive on time. Manager Best is preparing for the event and veteran participation now.

Installation of winter lights should be completed in the week of November 28th. Getting the project completed before Thanksgiving wasn't possible this year with Veteran's Park and

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other projects. Snowflakes, banners, and the main entrance lighting will go up before Thanksgiving, but other smaller displays will not be completed until the following week.

Police Department:

Incident/Investigations

- During this reporting month, the Maggie Valley Police Department (MVPD) investigated forty-one incidents which include: Simple Assault, Larceny, Shop Lifting, Damage to Property, Motor Vehicle theft, Narcotic Violations, Weapons Law Violations, Driving While Impaired, Wire Fraud, and Trespassing.

Arrests

- Maggie Valley police officers arrested a total of thirty individuals resulting in forty-three charges which include: Simple Assault, Shop Lifting, Narcotics Violations, Weapons Law Violations, Stolen Property, Driving While Impaired and Trespassing.

Motor Vehicle Traffic

- Maggie Valley Police Officers investigated 4 motor vehicle accident for the reporting period. Issued one hundred ninety-nine Uniformed Traffic Citations and Warning Citations combined. 41 percent (83) of citations were for speeding.

Officer Activities

- There was a total of one hundred eighteen Officer Activity Logs for the month which include: Alarm Activations, assist other First Responders, Business Checks, Civil Disturbances, Suspicious Persons and Vehicles, Noise Complaints, Trespassing, Animal Complaints, Incomplete 911 Calls, School Security, Unlock Vehicles, and Welfare Checks.
- Sgt's Jeff Mackey and Ryan Flowers inspected our vehicles for maintenance and cleanliness.
- Maggie Valley Officers recovered four stolen vehicles during this reporting period.

Evidence Processing (E/P)

- E/P technician processed forty-two items for the month. Evidence items range from Methamphetamine, Weapons, Marijuana, Drug Paraphernalia, Opioids, and Hashish

Investigations (CID)

- CID secured Possession of Stolen Vehicle charges on a suspect.
- CID is assisting the Haywood County Sheriffs Office in an ongoing investigation.
- CID was involved in a week-long drug operation that canvassed Haywood County. Several arrests and seizures were made during the operation.
- CID executed a search warrant for illegal narcotics at a residence. Arrest and seizures were made.
- Captain Matthew Boger reviewed and deleted in-car video for the month of August 2022.

K9 Program

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- The Maggie Valley Police Department K-9 team attended fourteen training events and deployed seventeen times in the field. During the searches K-9 Officers seized narcotic items.
- Maggie Valley K-9 Officers assisted other Law Enforcement agencies.

Community Patrol and Interactions

- Maggie Valley Officers patrolled through our residential neighborhoods 574 times during the month.
- Maggie Valley Officers performed their monthly business visits.
- Maggie Valley Officers responded to 446 Calls for Service (CFS) in this reporting period.
- Maggie Valley Officers were involved in our annual Trunk of Treat held at Dellwood Baptist Church.

Events, Schools, and Meetings

- Maggie Valley Police Officers completed our annual Firearms Qualification.
- Detective Crocker attended narcotics training held at the NC Justice Academy.
- Maggie Valley Officers attended the annual Jonathan Valley Elementary School (JVES) Fall Festival.
- Maggie Valley Officers participated in the "Safe City for Kids" located at the Haywood County Fairgrounds.
- Maggie Valley Officers participated in a lock down drill located at JVES.
- Chief Russell N. Gilliland attended the monthly Chiefs and Sheriffs meeting.
- Maggie Valley Officers supplied additional security at the Bluegrass Festival.

Planning Department:

October 2022	13	Description
Residential Permits	6	2993 Soco Rd. Expand side and front decks, add bathroom. 9 Grandfather Way, new storage building. 19 Datsu Trl. Deck addition. 60 Birdsong Way, New Deck. 1255 Campbell Mountain Dr, new single-family home. 109 Mount Valley Rd., storage building.0
Commercial Permits	4	Tonys Tube World, Mobile food vendor host site. Eagle Plaza, Sign permit. Rippling Waters RV Park, electrical change out. Dellwood Baptist Church, 80x100 open air pavilion.
Floodplain Permits	2	9 Grandfather Way, new storage building. Dellwood Baptist Church, pavilion.
Misc. Requests	1	1114 Jonathan Creek Rd, Conditional

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		Rezoning, 87 Lot Single Family Residential Subdivision in R-3
Zoning Compliance Letters	0	
Notice of Violations	0	

The Comprehensive Plan Survey will close on November 30th. A Vision Statement is being crafted and a rough draft can be expected soon.

Manager's Report:

The Maggie Valley Civic Association has been dissolved and the town is now the owner of the Civic Association building to the back of the ABC Store parking lot. Manager Best requested that Council tour the building for any ideas on what the town can use the structure for.

There is a small storage building beside the Association building that Public Works will need to clean out. Now that the kitchen in the Pavilion will no longer belong to the Civic Association, what can we do with it? It can't be rented out due to liability.

Going on to say that the Council has discussed upgrading the Pavilion previously, now may be a good time to take another look at those actions needed to upgrade the facility, Manager Best said. It may be time to increase facility rental fees if upgrades are made.

Mayor Eveland said town staff needs to make recommendations and present them to the board. They plan to do a walk through before the December Agenda Setting Meeting. Clarification was given that the kitchen will not be rented. It may be removed, and the equipment needs to be taken out.

If someone brings food, a warmer could be set up, keeping the sink, they could serve food, just not cook. This is fairly easy and low-cost option potentially eliminates a lot of problems. Alderman Phillip Wight stated that private parties would appreciate it.

Manager Best provided an update on the Soco Road Project. The Land of the Sky has allocated an additional \$80,000 for the project. She read from a message received from the NCDOT person over the project: "We did get a bidder. Given that his project was combined with the sidewalk in Jackson County as well, I am waiting on a specific bid item so that I know that the cost for each individual project is. The bid only provided a price for both projects combined. The bids came in higher than what we allocated for both projects. I don't know yet how much for each project. As soon as I have that information, I will let you know."

Veteran's Park benches are installed. Veteran's Park has turned out to be a nice addition to the Town Hall. Staff are receiving a lot of positive comments. When the new sign is installed, it will totally change the look of the Town Hall.

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Board of Aldermen Regularly Scheduled Meeting
November 9, 2022
MINUTES

The public will be invited to the dedication via the website, Sunshine List, and Facebook. The Navy painted vehicle will be on hand. If moving the dedication to noon, town staff will plan to have refreshments. Mayor Eveland said anything after 11:30 on December 6th is okay.

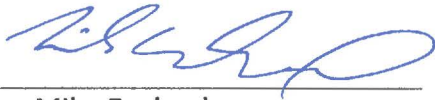
Manager Best is looking for a color guard and veteran speakers, potentially the new sheriff, a retired colonel. Alderman Phillip Wight said he thought Sheriff Wilke would be proud to do it. Mayor Eveland will read a proclamation and patriotic songs played in the background are being worked on. Town staff is open to suggestions. Suggestion for Clayton Davis to do a prayer.

Manager Best will provide a report on Maggie Valley Ice Festival after the committee meeting tomorrow.

Alderwoman Tammy Wight wished Town staff and community a Happy Thanksgiving. She gave special thanks to the Maggie Valley Police Department for keeping our community safe and to the Public Works Department for the additional work they do during the holidays. "We appreciate and thank you," she said.

16) Adjournment

ALDERWOMAN TAMMY WIGHT MADE A MOTION TO ADJOURN. WITH ALL IN FAVOR, THE MEETING ADJOURNED AT 8:00 PM.



Mayor Mike Eveland



Regina Massie, Minute Taker

