

Town of Maggie Valley  
Board of Aldermen Regularly Scheduled Meeting  
January 10, 2023  
Minutes

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The Town of Maggie Valley Board of Aldermen held a regular meeting on Tuesday, January 10, 2023, at 6:30 pm in Town Hall Board room located at 3987 Soco Road, Maggie Valley NC 28751.

1. MEETING CALLED TO ORDER

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

Members Present:

Mayor Mike Eveland  
Alderman John Hinton  
Alderwoman Tammy Wight  
Alderman Phillip Wight  
Alderman Jim Owens

Staff Present:

Vickie Best, Town Manager  
Kaitland Finkle, Town Planner  
Russ Gilliland, Police Chief  
Mike Mehaffey, Public Works Director  
Seth Boyd, Public Works  
Bryan Gulden, Attorney  
Kathy Johnson, Town Clerk

Media Present:

Kathy Ross, Waynesville Mountaineer

2. PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF THE AGENDA/CONFLICT OF INTEREST DECLARATION

Alderman John Hinton stated he had attended a neighborhood meeting about the Zoning of Twin Falls. He stated the property is adjacent to his property, he will have no financial gain or loss and will not be directly impacted and feels there is no conflict of interest.

Attorney Brian Gulden read GS 160D-109. Conflicts of interest. (a) Governing Board. – A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (b) Appointed Boards. – Members

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of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

There was discussion between Board members and Attorney Gulden. It was determined there was no conflict of interest.

#### 4. CONSENT AGENDA

- a) *Minutes to be approved: December 6 and 13, 2022. b) Budget to Actual c) A/R Reported*  
e) *Set Public Hearing for Conditional Zoning for 1114 Jonathan Creek Road on February 13, 2023.*

***A motion was made by Alderwoman Tammy Wight to approve the Consent Agenda as presented. The motion carried unanimously.***

#### 5. PUBLIC COMMENT

There were no public comment.

#### 6. PUBLIC HEARING: CONDITIONAL ZONING OF THE VILLAGE AT TWIN FALLS, 7696-28-8311.

Mayor Eveland opened the Public Hearing at 6:37 pm and asked for Planner Kaitland Finkle to begin her presentation.

Ms. Finkle explained the Public Hearing was requesting rezoning for The Village at Twin Falls requesting to change the zoning district from MU-2 Moody Farm Road Mixed Use to MU-3 General Mixed Use. In 2005 the Zoning Board of Adjustment approved Brad Cox's request for a Special Exception for Camping Cabins in the C2 District. The project has been built and the owner wishes to subdivide and sell each of the cabins.

Ms. Finkle said this would change from commercial to residential which will mean the Town would provide residential services including Trash, recycling, and brush pickup. Rezoning to MU-3 will bring the density into conformity and will allow the property owner to proceed to the Planning Board for subdivision approval. She said the suggested condition from the Planning Board and Staff is to add a fenced/screened garbage can corral to be used by the entire subdivision.

Brad Cox, owner of the property thanked the Board for their time. He built the homes in 2006 and over the years he has tried to keep a well-respected community for the Town of Maggie. He stated when the properties are sold, he will be looking to build on a larger scale.

Mayor Eveland opened the hearing to public comment and asked for anyone that wanted to speak to come forward.

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Phil Tate, 7 Sophie Lane, said Mr. Cox had been a good steward of this property for over twenty years. He explained some of the stipulations that Mr. Cox has for anyone wishing to purchase these properties and spoke in favor of the rezoning.

Mayor Eveland closed the Public Hearing at 6:45 pm.

***A motion was made by Alderman Phillip Wight to adopt Ordinance 1024 Zoning at Twin Falls, 7696-28-8311. The motion passed unanimously.***

***A motion was made by Alderman Jim Owens to adopt Consistency and Reasonableness Statement for Ordinance 1024 as presented. The motion carried unanimously.***

7. PETITION FOR ANNEXATION: 7686-95-4592, LISTER LANE

Manager Best explained at the December 13, 2022 Board of Alderman meeting, the clerk was directed to check the sufficiency of the property. It has been determined that Mr. Bailey's property located on Lister Lane is out of the Town of Maggie Valley's service district and the sewer will be connecting to a private sewer line before the waste goes into the municipal sewer system.

Manager Best recommended that Mr. Bailey be allowed to connect to the municipal sewer at the out-of-town rate after the sewer capacity fees are paid and the private sewer line is upgraded to a six-inch line.

***A motion was made by Alderman Phillip Wight to allow Mr. Bailey to connect to the municipal sewer at the out-of-town rate after the sewer capacity fees are paid, and that the private sewer line is upgraded to a 6" line. The motion carried unanimously.***

8. PUBLIC HEARING: READOPT WAYNESVILLE-MAGGIE VALLEY ANNEXATION LINE AGREEMENT IN PREPARATION FOR THE FUTURE LAND USE MAP UPDATE (LAST ADOPTED APRIL 10, 2007)

Mayor Eveland opened the Public Hearing at 6:53 pm and welcomed Ms. Finkle to begin her presentation.

Ms. Finkle said since 2007 the Town of Maggie Valley and The Town of Waynesville came to an agreement that neither town would annex over the ridgeline at Queens's Farm located along Dellwood Road. Ordinance 1025 will need to be approved and the formal agreement will be used in the Future Land use Plan.

Ms. Finkle answered questions from the Board as they reviewed the map.

Mayor Eveland opened the hearing for public comment. With no public comment, he closed the Public Hearing at 6:57 pm.

*A motion was made by Alderman Phillip Wight to adopt Ordinance 1025. The motion carried unanimously.*

*A motion was made by Alderwoman Tammy Wight to allow Mayor Mike Eveland to sign the Annexation agreement contract. The motion carried unanimously.*

9. BUDGET AMENDMENTS:

- Ordinance 1026: Sweetbriar Parking Lot Construction Drawings and Administration- \$22,300 (Contract approved at December Board Meeting.

Manager Best explained the Budget Ordinance Amendment 1026 to JM Teague is for the construction drawing and administration of the Sweetbriar Parking Lot for \$22,300. The approval for JM Teague Engineering to provide this work was approved at the December 13, 2022 Board of Aldermen meeting.

*A motion was made by Alderman John Hinton to adopt the Budget Amendment Ordinance 1026. The motion carried unanimously.*

- Ordinance 1023: ARPA Special Revenue Fund Amendment- Allocate \$360,000 of ARPA funding to Sewer Fund provision of sewer services.

Manager Best reviewed a memo with the Board from Finance Director Autumn Lyvers. She explained Budget Ordinance Amendment 1023 would allow the spending of the \$360,000 federal funding on internal expenditures such as salaries and benefits.

*A motion was made by Alderman Jim Owen to adopt ARPA Special Revenue Fund Amendment Ordinance 1023 to allocate \$360,000 of ARPA funding to Sewer Fund. The motion carried unanimously.*

10. OFFICIALLY DISSOLVE THE PARKS, RECREATION, AND FESTIVALS ADVISORY COMMISSION AND THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION: ADOPT ORDINANCE 1027.

Mayor Eveland said Ordinance 1027 would officially dissolve the Parks, Recreation, and Festivals Advisory and the Economic Development Advisory Commission.

Alderwoman Tammy Wight stated she would like to revisit these committees in the future, she feels public input is very important. Board members discussed the various boards and their importance.

*A motion was made by Alderman Jim Owen to adopt Ordinance 1027 Officially dissolving the Parks, Recreation, and Festivals Advisory Commission and the Economic Development Advisory Commission. With Alderman Phillip Wight (NO) in opposition. Alderman John Hinton (YES), Alderwoman Tammy Wight (YES), Alderman Jim Owens (YES).*

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**11. DONATION TO HAYWOOD WATERWAYS 11<sup>TH</sup> ANNUAL PLUNGE**

Ms. Finkle stated Sam Cullen will be participating in the Plunge this year. There was discussion between Board member about the positive impact Haywood Waterways has on the community.

*A motion was made by John Hinton to approve the donation of \$1000.00 to Haywood Waterways. The motion carried unanimously.*

**12. APPROVAL OF EVENTS AT THE FESTIVAL GROUNDS:**

Jason Hart from Knoxville Tennessee came forward to speak with the Board about a recent application for a Beatbox Fest in May. He spoke on past Beatbox festivals and explained it was a family friendly event where children could get involved in the workshops. The festival will take place for three days with the remainder of the days for setting up and taking down equipment before and after the event. The actual show dates being May 19-21, 2023. Most of the performances will be on the main stage. There will be a tent with a side stage where other performances are taking place. There will be vendors around the grounds but most of the performances will take place on the two stages. He assured the Board there would be a reader to assure the sound complies with the 70-decibel requirement. He stated there could be as many as 100 vendors with food, arts and local crafts. There was discussion between Board members and Mr. Hart answered questions from the Board.

Board members thanked Mr. Hart for his time and for answering their questions.

*A motion was made by Alderwoman Tammy Wight to approve the Beatbox Fest. The motion carried unanimously.*

**13. OTHER BUSINESS**

Alderwoman Tammy Wight said she has been speaking with Manager Best on the possibility of purchasing equipment for the festival grounds to monitor the noise decibels. She asked that it be put on the agenda for discussion next month.

**14. DEPARTMENT HEAD REPORTS**

**a) Mike Mehaffey, Public Works Director**

Public Works Director Mike Mehaffey read over the staff report as follows.:

**Public Works**

- Monthly maintenance, general cleaning and repairs at Town Hall, Pavilion, Parham Park, Rathbone/Rich Park, Festival Grounds, Public Works building and Police Department.
- Monthly Recyclables approximately 11.6 tons, Solid Waste 34.2, White Goods/Electronics 6 pick-ups.

- Picked up miscellaneous residential brush and debris. 156 brush pick-ups that totaled ten loads of brush.
- Maintenance and repairs on Welcome Banners, Miss Maggie Banners and Winter Banners.
- Performed ditch, culvert, shoulder and road maintenance along streets. Both private and Town Streets.
- Service and/or repairs of four Public Works vehicles/equipment and two police vehicles.
- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Wastewater Treatment Plant.
- Repaired and cleaned up damaged planters at Rocky Top Road and Soco road from a wreck.
- Veterans Park Project and the new Town Hall sign have been completed. Public Works will finish landscaping the areas around the sign and inside the rock work in the spring.
- All of winter woods decorations have been installed and are on. Ninety pole decoration, six Ground displays and the winter lighting at the Town Hall, Pavilion, Festival Grounds, MV Fire Department, MV Police Department and the TDA.
- Public Works put up Ice Fest banners and are preparing for the event on January 28<sup>th</sup>.
- Moving forward with asbestos removal from the Ferguson property.

#### WWTP

- Monthly testing, monitoring and analysis. Cleaning and repairs
- Road, Levee, equipment and building maintenance.
- Continued with yearly sewer line, manhole, easement spraying and creek crossing inspections as required by DENR.
- Continue to work make repairs to deficiencies identified during I/I study, smoke testing and sewer assessment. Two repairs last month from I/I issues.
- 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 monitoring Jonathan Creek and stream banks for fallen and dead trees that could impact the Towns sewer creek crossings. This now required by NCDEQ.
- Remove fallen trees and debris from Jonathan Creek on Moody Farm Road, Stonebridge Campground, Valley Creek and Campbells Creek.

#### b) Russ Gilliland, Police Chief

Maggie Valley Police Chief Russ Gilliland updated the Board and went through the staff report as follows:

- Maggie Valley Police Department investigated thirty-one incidents which included simple assault, larceny, damage to property, narcotics violation, wire fraud, motor vehicle theft, homicide, and trespassing.
- Arrested a total of ten individuals resulting in fourteen charges which included stolen property, homicide, and narcotics violations.

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- Investigated two motor vehicle accidents and issued 203 uniformed traffic citations and warning citations combined. Seventeen percent of citations were for speeding.
- There was a total of forty-four Officer Activity Logs for the month which include: alarm activations, assist other First Responders, business checks, civil disturbances, suspicious persons, incomplete 911 calls, school security, unlock vehicles, domestic, gas drive off, and welfare checks.
- Sgt's Jeff Mackey and Ryan Flowers inspected police vehicles for maintenance and cleanliness.
- Sgt Ryan Flowers and Officer Rodney Riddle arrested a fugitive suspect along with a suspect harboring a fugitive from out of state.
- E/P technician processed twenty-six items for the month. Evidence items range from methamphetamine, weapons, marijuana, drug paraphernalia, computers, and cell phones.
- CID investigated a death by natural causes, and a death caused by an overdose.
- CID is investigating a Homicide. An arrest has been made.
- Detective Croker and Captain Boger continue to investigate contractors for failing to do work after being paid.
- K9 Officer Shanna Bellow participated in three training exercises and three Detection deployments, contraband was found and arrests were made.
- Maggie Valley Officers patrolled through our residential neighborhoods 446 times during the month.
- Maggie Valley Officers performed their monthly business visitations.
- Maggie Valley Officers responded to 457 calls for service.
- Officers assisted with a Jeep Parade held in Maggie Valley.
- MV Police Department assisted MADD with their annual Night of Remembrance.
- Utilize MV ABC funds for a public service announcement over the holidays. WPTL radio station assisted our agency.
- Officer participated in a (BARS) class held at Legends.
- Maggie Valley Police Association made donations to the Henry Cemetery Preservation Association, and to a local family needing wood for the winter.

c) Kaitland Finkle, Town Planner

Ms. Finkle went over Planning Department staff report as follows:

- Eleven residential permits included: Addition on a single-family home, two Accessory Structure permits, four permits for Duplex at Appalachian Trail, three deck permits, and one renovation permit.
- Three commercial permits included: Maris Meadow Sign Permit, White Oak Cabins Sign Permit, new tiny home business, Dellwood Road (Whit Oak Cabins).
- One Floodplain Permit for electric change out.
- Re-issued two permits.
- Seven zoning compliance letters for 634 Rocky Top Lane, 260 Trout Lily Lane, 107 Carsen Loop, 24 Hawthorne Drive, 30 Sleeping Bear Ridge, 1113 Moody Farm Road, 239 Alexander Drive.

- Four notices of violations included: Smokey View Cottages for subdivision compliance, 3029 Soco Road for solid waste, U.S. Post Office for Junk Vehicle, Maggie Valley Restaurant for zoning compliance.

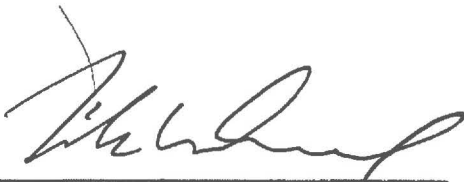
d) Vickie Best, Town Manager

Ms. Best presented the Managers Report as follows:

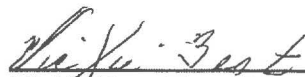
- Maggie Valley has received \$51,006.12 for Powell Bill Funding.
- At the December 13, 2022, Board of Aldermen Meeting, Council approved Budget Amendment Ordinance Number 1020 for \$88,500 to get to the point where parking will be available for the Mini-truckin event in April on the Ferguson Property. Tear down and removal of debris \$40,000. Hauling and landfill fees, Fill and compact basement area \$10,000. Miscellaneous grading \$10,000. Gravel on graded area \$7,500. Asbestos removal \$19,500. Asbestos Inspection and testing \$1,500.
- At the time of approval, the Asbestos removal cost was \$19,500 from Fleetwood Daniels Group LLC.
- She stated staff is gearing up for the MV Ice Fest to be held on January 28 from 3-8 pm. She thanked Alderman Jim Owen for helping put signs out for the event and she encouraged everyone to post the event on their personal Facebook page. She thanked Cataloochee Ski Area for advertising the Ice fest.

**15. ADJOURN**

*A motion was made by Alderwoman Tammy Wight to adjourn the meeting at 7:33 pm. The motion carried unanimously.*



Mayor Mike Eveland



Vickie Best, Town Manager

  
Kathy Johnson, Town Clerk