

Town of Maggie Valley
Board of Aldermen Regularly Scheduled Meeting
March 14, 2023
Minutes

The Town of Maggie Valley Board of Aldermen held a regular meeting on Monday March 14, 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 6:32 pm and welcomed everyone.

Members Present:

Mayor Mike Eveland
Mayor Pro-Tem Jim Owens
Alderman Tammy Wight
Alderman Phillip Wight
Alderman John Hinton

Staff Present:

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

Media Present:

Kathy Ross, Waynesville Mountaineer

Others Present:

14 Others in attendance

2. PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF THE AGENDA/CONFLICT OF INTEREST DECLARATION

Mayor Eveland said the Public Hearing for the Conditional Zoning of 1114 Jonathan Creek Road would be heard in this meeting and the vote would be next month. He explained the procedure for the public hearing and said anyone that wished to speak would have an opportunity to do so.

4. CONSENT AGENDA

a) Minutes to be approved: February 7th, 13th, and 24th 2023. b) Budget to Actual c) A/R Report d) Tax Releases e) Set Public Hearing for April 11, 2023, for Text Amendments to the Unified Development Ordinance.

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

5. PUBLIC COMMENT

Ms. Ellen Pitt, 76 Blackberry Lane, thanked Town Manager Vickie Best for coming to the server-training meeting. She stated Bill 94 was in the House. If passed the Bill will allow Boards to make the decision if their Town will allow "Happy Hour." She said the task force is not opposing the Bill, and thinks those decisions should be made at the local level. She asked the Board to be circumspect in approving these types of activities. She said if the Board were to approve these activities, having server training in the first thirty days of employment should be included in the policy and should be updated periodically. She spoke on Social Districting and recommended the Board to be physically present to oversee how it is going and listen to the recommendations of the police chief.

Kyle Edwards, owner of the Stompin' Ground, expressed concern on Evergreen closing and the negative effect it will have on the Town. He said some of the regulations on contractors should be relaxed to help with people building homes. He invited Board members to come out and visit with the congressman at the Stomping Ground.

Perry Bailey, 132 Lister Lane, stated he would be on next months agenda to discuss his sewer driven annexation that had been previously approved with stipulations. He said it was not fair requiring him to upgrade the sewer line. He feels that should be between him and another private citizen.

6. PUBLIC HEARING ON CONDITIONAL ZONING FOR 1114 JONATHAN CREEK ROAD: SAHAS/ (RIDGE CREST)/MOUNTAIN VIEW ESTATES. ACTION WILL BE TAKEN AT THE APRIL 11, 2023, ALDERMEN MEETING.

Mayor Eveland opened the Public Hearing for 1114 Jonathan Creek Road, PIN 8607-34-5642 at 6:45 pm and asked Planner Kaitland Finkle to begin her presentation.

Ms. Finkle explained the Town had received the final draft on March 9th and it has addressed much of the concerns the Board had. She said the site plan was for a 71-lot subdivision with single-family dwelling units with accessory dwelling units. The property is designated R-3 High density zoning district. The neighborhood meeting was held in November and only one person attended the meeting. The most recent meeting was February 21 and staff recommended approval with conditions that have been addressed. She explained the Public Hearing will be at this meeting and the vote will be at a subsequent meeting. This would give the Board and the developer time to address any concerns or additional conditions they may have.

Ms. Finkle stated the original site plan reviewed by the planning Board showed 87 lots in total, that number has been reduced to 71. The updated site plan includes street standards, lot sizes/widths, setbacks, etc. She said all of the 71 lots meet the zoning requirements.

The site plan as currently shown meets or exceeds the following town standards:

- Under Maximum Dwelling Units allowed in R-3.
- Restricting uses to Single Family Dwellings and Accessory Dwelling Units.
- Not requesting density bonus.
- The Local Streets will serve fifty-six lots and comply with all Maggie Valley Street Standards: 30' ROW, 18' Pavement, 18% grade, T-Turnaround, etc.

The site plan is requesting the following to be excepted as conditions:

- Lots 13-19 and 30, 32,34,36,38,40,41 are proposed to be served by private drives each with seven lots having 20' ROW 16' pavement up to 20% grade. (By right limited street can serve 4 lots 25' ROW 16' pavement 18% grade)
- Lot 43 to utilize a shared driveway

Ms. Finkle explained fourteen lots are served by streets which do not meet ROW, Pavement, or Grade requirements. The two private drives are requesting to serve seven lots each instead of the by right 4 lots and are asking to have 20" ROW instead of the by right 25" ROW. These streets also exceed the 18% grade and approach 20% grade. She said staff recommends these streets remain private, meaning the Town would not be responsible for plowing. Staff also recommends a can corral be placed for garbage pick-up due to the steep grade.

Ms. Finkle said there have been five letters of opposition and one letter of support for the proposed development. She reviewed the site plan map with the Board and answered questions.

The following documents will be required as part of the Subdivision approval:

- NC DOT Driveway Permit
 - Haywood County Approved Erosion Control
 - Maggie Valley Sanitary District Water (State approval for new public lines)
 - Maggie Valley Sewer (State approval for new public lines)
- Existing State approval valid for 8,160 GPD @ 240 gpd per unit =34 dwelling units

Town Attorney Craig Justus suggested these documents be added as conditions of zoning approval.

Mayor Eveland invited the developer to come forward to speak. Attorney Kirk Kirkpatrick explained he was representing the developer and Mark Sullivan was also present to answer any questions.

Mayor Eveland expressed concern about people parking in the street. Mr. Sullivan stated he has been working with the investor for five years and the only way to stop people from the development from parking on the streets is to include language in the Covenants and Restrictions

prohibiting it. Attorney Justus asked if the Fire Chief had approved the 20% grade. Ms. Finkle stated the Fire Chief had been to the site and felt the grade was adequate.

Mayor Eveland opened the meeting to public comment.

Jillian Bellinger stated her parents were Bill and Libby Bellinger at 337 Tanner Trail, at The Preserve next to the subdivision. She stated her parents had sent a letter stating their perspective on the development. She introduced her husband Mitch and stated they now live permanently in the house. She expressed concern over traffic from 71 homes, with a possibility of 142 cars coming in and out of the street next to The Preserves. She expressed concern over the impact on water, sewer, electric, building vehicles, deforestation, drainage, environmental impact, policing, snow removal and trash collection. She said the sewage system will be overwhelmed and will require access through The Preserves.

Mayor Eveland said most of those concerns have already been addressed and he asked Ms. Bellinger to get with Planner Finkle to review the plan.

Kyle Edwards stated he would welcome the development.

Mayor Eveland closed the public hearing at 7:22 pm.

Attorney Justus suggested Ms. Finkle have a draft Ordinance including the NC DOT Driveway Permit, Haywood County Approved Erosion Control, Maggie Valley Sanitary District Water, and Maggie Valley Sewer documents.

There was much discussion between staff, Board members and Mr. Sullivan as they reviewed the map. Mr. Sullivan said it was imperative to have 71 lots. He said the development would be done in phases and agreed the lower lot could be turned into parking for extra parking.

Attorney Justus suggested the Board review the Unified Development Ordinance Suggested Conditions:

- Structures located on the perimeter of the development are suggested to be set back from property lines and rights-of-way of abutting streets double the distance outlined in the provisions of this chapter controlling the district within which the property is situated. A typical setback is ten feet and is recommended to be twenty feet.
- An additional wooded/vegetative buffer of twenty feet in width is recommended for the perimeter of the development.

Ms. Finkle stated these were suggestions for the perimeter of the complete development. She said any specific concerns could be added. Alderman Tammy Wight asked what was the Planning Boards recommendation. Ms. Finkle stated the Planning Board felt it met the by right conditions and did not make any suggestions on increasing set backs or adding buffers.

Ms. Finkle said she would draft an ordinance for the Board to review at the next Agenda setting meeting to include the suggested conditions.

7. RESOLUTION NO. 23-04 OPPOSING HOUSE BILL 264 PARTISAN ELECTIONS

Alderman Tammy Wight said previously she had voted in favor of non-partisan elections but her job as a leader is to put the interest of the people that she represents before her own. She explained that she was going to oppose the resolution and encouraged everyone to contact the House of Representatives and let them know how they feel. She stated it should be up to the voters.

A motion was made by Alderman Jim Owen to approve Resolution No. 23-04. Alderman John Hinton (yes), Alderman Tammy Wight (no), Alderman Phillip Wight (no), Mayor Mike Eveland (yes)

8. APPROVAL OF THE 2024 CALENDAR OF EVENTS FOR THE MAGGIE VALLEY FESTIVAL GROUNDS

A motion was made by Alderman Tammy Wight to approve the 2024 calendar of events for the Maggie Valley Festival Grounds. The motion carried unanimously.

9. PETITION FOR ANNEXATION: NATHAN MESSER, 8607-04-6743, 248 FOX RUN ROAD

Manager Best stated Nathan Messer petitioned for annexation for 248 Fox Run Road. She stated his property was out of the service district and her recommendations to allow him to hook on to Town sewer at the out-of-town rate. He would be charged the out-side rate and would not be annexed.

A motion was made by Alderman Tammy Wight to approve the extension of sewer for 248 Fox Run Road for the out-of-town sewer rate. The motion carried unanimously.

10. OTHER BUSINESS

There was no other business.

11. DEPARTMENT HEAD REPORTS

a) Mike Mehaffey, Public Works Director

Public Works Director Mike Mehaffey read through 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 buildings and Police Department.
- Monthly Recyclables approx. 14.8 tons.
- Monthly Solid Waste approx. 52.4 tons.
- Monthly White Goods/Electronics 4 pick-ups.
- Picked up miscellaneous residential brush and debris. 118 brush pick-ups that totaled 7 loads of brush.

- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners and Winter Banners.
- Perform ditch, culvert, shoulder and road maintenance along streets. Both private and Town streets.
- Service and/or repaired 4 Public Works vehicles/equipment 1 Administration and 3 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 has been cutting back grass, dirt and debris from the sidewalks. We have completed from Summit drive to 276 and from 276 back to Parham Park/Moody Farm Road.
- Public Works is finishing removal of our winter decorations. 90 pole decorations, 6 Ground displays, and the winter lighting at the Town Hall, Pavilion, Festival Grounds, MV Fire Department, MV Police Department and the TDA.
- We continue work on the Ferguson property at the Festival Grounds. The MVFD trained and burned the buildings on February 11 and our contractor piled and finished burning the remaining debris. The site cleanup and prep are continuing but wet weather is slowing the work. We hope to be finished soon.
- The podium in the board room has been relocated.

WWTP

- Monthly testing, monitoring and analysis; Monthly cleaning and repairs.
- Monthly Road, Levee, equipment and building maintenance.
- Continued yearly sewer line, manhole, easement spraying and creek crossing inspections as required by DENR.
- We worked with NC Rural Water to do an I&I study of the sewer lines in the Campbell Creek watershed. We found approximately 30 deficiencies in the sewer system. We continue to repair these problems.
- Installed/repaired 15 sewer services issues, cleaned and videoed approximately 900' feet of sewer line, inspected 2 sewer connections/installations, repaired/leak stopped 2 damaged manhole and inspected 0 manholes as we continue to work on I&I issues.
- Dewatered ,000 gallons of digester sludge. Lime Stabilized 0 tons of dewatered sludge. Also, hauled 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 63 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 2 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.
- This month we poured the dumpster pad to finish our Residuals Storage Sheds project. This project was made possible by a grant thru the Southwestern Commission.
- We completed and delivered to EPA our 2022 Bio-Solids/Residuals annual report.

b) Russ Gilliland, Police Chief

Police Chief Russ Gilliland read through the staff report as follows:

- During this reporting month, the Maggie Valley Police Department (MVPD) investigated twenty-six incidents which include: Larceny, Identity Theft, Damage to Property, Drug/Narcotics Violations, Driving While Impaired, and Theft from Building.
- Maggie Valley police officers arrested a total of seven individuals resulting in twelve charges which include: Simple Assault, Drug/Narcotics Violations, and Driving While Impaired.
- Maggie Valley Police Officers investigated 0 motor vehicle accident for the reporting period. Issued sixty Uniformed Traffic Citations and Warning Citations combined. 63 percent (38) of citations were for speeding.
- There was a total of 115 Officer Activity Logs for the month which include: Assault, Business Checks, Domestic, Suspicious Vehicles, Assist HCSO, Civil Disturbance, Welfare Checks, School Security, Incomplete 911, Trespassing, Prowler and Unlock Car.
- Officer Michael Herbertson apprehended an absconder during a traffic stop.
- Sgt's Jeff Mackey and Ryan Flowers inspected our vehicles for maintenance and cleanliness.
- E/P technician processed 13 items for the month. Evidence items range from Narcotics Paraphernalia, U.S. Currency, Clothing, Methamphetamine, Marijuana, and Fentanyl.
- CID is currently investigating an ongoing Homicide case from 12/31/22. This case has been presented to the District Attorney's Office.
- CID is directing two overdose cases that are being investigated as Death by Distribution.
- CID is investigating some Fraud cases involving general contractors.
- Officers responded to two death investigations that were found to be natural causes.
- CID reviewed and deleted in-car videos for November 2022.

- K9 Officer Shanna Bellows and Charlie participated in narcotics training exercises for the month and deployed three times in the field. Narcotics were seized with arrests.
- Maggie Valley Officers patrolled through our residential neighborhoods 460 times during the month.
- Maggie Valley Officers performed their monthly business visitations.
- Maggie Valley Officers responded to 267 Calls for Service (CFS) in this reporting period.
- The Maggie Valley Alcohol Beverage Control (ABC) store receipts were collected and reviewed.
- Two onsite ABC inspections were conducted at two area businesses.
- The Maggie Valley ABC Board and the Town of Maggie Valley presented a donation to Meridian Health Services located in Waynesville NC.
- Chief of Police Russell Gilliland attended the monthly Chiefs and Sheriff's meeting held at the Haywood County Sheriff's Office.

c) Kaitland Finkle, Town Planner

Town Planner Kaitland Finkle read through the Planning Department staff report as follows:

- Six residential permits included: Three deck additions, 511 Asgi Trail Single Family Home, 15 Olli Trail Single Family Home, 1443 Moody Farm Road Single Family Home.
- Four commercial permits included: 1904 Soco Road New Sign, 2404 Dellwood Road Temporary Sign, 2404 Soco Road New Business (Maggie Valley Still Co.)
- One Floodplain Permits Included: 2451 Soco Road Utility Replacement.
- Four Miscellaneous requests included: 1904 Soco Road (Expanding Storage) Special Exception Request, 69 Water Plant Road (Design Standards) Variance, Duke Power (height limitations) Variance, 33 Indian Tail (setbacks) Variance.
- Three zoning compliance letters: 511 Asgi Trail, 44 Anisidi Trail, 15 Ironwood Land.
- One notice of violations included: 33 Indian Trace. Road Encroachment into Setback.

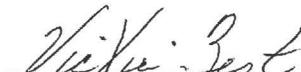
12. ADJOURN

A motion was made by Alderman Tammy Wight to adjourn the meeting at 8:18 pm. The motion carried unanimously.

ATTEST:



Mike Eveland, Mayor



Vickie Best, Town Manager



Kathy Johnson, Town Clerk