

Town of Maggie Valley
Board of Aldermen Regularly Scheduled Meeting
May 9, 2023
Minutes

The Town of Maggie Valley Board of Aldermen held a regular meeting on Tuesday May 9, 2023, at 6:30 pm in Town Hall Boardroom located at 3987 Soco Road, Maggie Valley NC 28751.

1. MEETING CALLED TO ORDER

Mayor Mike Eveland called the meeting to order at 6:28 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
Kathy Johnson, Town Clerk
Mike Mehaffey, Public Works Director
Matthew Boger, Interim Police Chief
Seth Boyd, Public Works
Kaitland Finkle, Planner
Shanna Bellows, K-9 Officer
Haley Crocker, Detective
Craig Justus, Town Attorney

Media Present:

Aarik Long, The Mountaineer

Others Present:

Seven others in attendance

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was repeated by all.

3. APPROVAL OF THE AGENDA/CONFLICT OF INTEREST DECLARATION

Mayor Eveland announced there would be two public hearings in the meeting. Ms. Best stated the Day of Prayer Proclamation is on the agenda and is something that is done every year.

4. CONSENT AGENDA

Town of Maggie Valley, Board of Aldermen
Regular Scheduled Meeting
May 9, 2023

a) Minutes to be approved: April 4th and 11th 2023. b) Budget to Actual c) A/R Report d) Tax Releases e) Day of Prayer Proclamation.

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

5. PUBLIC COMMENT

Alderman Phillip Wight said he thinks the Board should take the time and read the front page of the proclamations when included in the consent agenda.

6. PUBLIC HEARING: CONDITIONAL REZONING 3984 SOCO ROAD (ROCK SHOP)

Mayor Eveland invited Ms. Finkle to begin her presentation. Ms. Finkle explained that when there is more than one principal building proposed to be constructed on a single lot, the applicant is required to proceed with a Conditional Zoning District. The applicant is requesting to add a twenty-four hundred square foot building. The building would be used for retail and storage for the Rock Shop.

Ms. Finkle said Public Works Director Mike Mehaffey has gone out and met with the property owner and the tenant and explained what needs to be done in regard to the existing tap and user fees, sewer connections and things that would be required based on the current request.

In addition to the metal building the applicant is looking for an RV hook-up. There are two RV's on-site, one was permitted in 2015 and an additional RV was moved on-site in 2019 and was never properly permitted. The applicant is asking to add an additional RV hook-up adjacent to the building.

Ms. Finkle said the Towns Architectural Standards do not allow metal buildings but since there is screening that will be left on site, the applicant has requested a metal building. She said there should be a specified buffer to create a visible screen.

Ms. Finkle said one neighbor attended the neighborhood meeting and requested a wooden fence be required. She said the Planning Board did not feel that was a valuable condition. The Planning Board recommendations are as follows:

- Approving the conditional zoning district with an exception to the UDO design standards, in particular the allowance of metal siding for the building.
- Keeping a vegetated buffer along the west side of the property to ensure a visual screen between the new structure and "Brickhouse" restaurant.
- Should PIN 7686-28-6655 to the east move forward with development (specifically by receiving Zoning Permit approval), the "Gem Mine" Sign (adjacent to and facing the eastern boundary of the property) shall be removed within 30 days.
- The Board found that the applicant should not be responsible for adding a visual screen to buffer a vacant undeveloped parcel. Therefore, they did not recommend fencing to be installed on the east of the property by the applicant. This does not prevent the owner of the adjacent vacant parcel from adding screening if they so choose.

Mayor Eveland opened the hearing to public comment.

Pete Dethlefs owner of the Rock Shop said he was requesting a metal building and he would be cleaning up the property. He expressed his intention to get the approval as quickly as possible.

Board Members explained the Public Hearing would be during this meeting and the vote would be in the next meeting. Mayor Eveland said this was procedure for a Public Hearing, giving the applicant time to work with the Town on any concerns.

Mayor Eveland opened the Public Hearing at 6:44pm and asked if anyone wished to make comments. No one came forward and he closed the Public Hearing at 6:45pm.

Alderman Tammy Wight asked if the Conditional Zoning could be passed with stipulations added. Attorney Craig Justus said there was an unpermitted, unauthorized RV on site and while doing the review of this request, it was determined to be an issue that needed to be resolved. It was discussed with the property owner and that resolution would go into the Ordinance that it will be resolved. He said this is a good example to defer a month to review the Ordinance as it is written so there is no dispute.

7. PUBLIC HEARING: ZONING OF 509 CAMPBELL CREEK ROAD

Mayor Eveland invited Ms. Finkle to begin her presentation. Ms. Finkle explained while reviewing the Land Use Map draft for the Comprehensive Plan, it was discovered that the property at 509 Campbell Creek Road has been annexed into the city limits but has not been zoned. She recommends the property be zoned R-1 Low Density Residential, based off surrounding zoning districts and surrounding land uses.

Mayor Eveland opened the Public Hearing at 6:50 pm for 509 Campbell Creek Road and asked if there was anyone that wished to speak. No one came forward to speak and he closed the Public Hearing at 6:51 pm.

A motion was made by Alderman John Hinton to adopt Ordinance #1037. The motion carried unanimously.

A motion was made by Alderman Jim Owens to adopt the Consistency and Reasonableness Statement for 509 Campbell Creek Road. The motion carried unanimously.

8. BUDGET AMENDMENTS

- a. Budget Amendment Ordinance #1038 (\$7,500 for Website Development/Re-design by Site Dart).

Ms. Finkle said the website should have all corrections completed and live by June 1.

A motion was made by Alderman Tammy Wight to approve Budget Amendment Ordinance # 1038 for \$7500 for Website Development/Re-design by Site Dart. The motion carried unanimously.

b. Budget Amendment Ordinance #1039 (\$14,900 Increase Advance Data Cost)

Ms. Best explained the server audit revealed Advanced Data has been billing Maggie Valley for four servers and should have been billing for seven.

A motion was made by Alderman Jim Owens to approve Budget Amendment # 1039, \$14,900 for increased Advance Data costs. The motion carried unanimously.

c. Budget Amendment Ordinance #1040 (\$15,000 Finance Officer temporary services)

A motion was made by Alderman John Hinton to adopt Budget Amendment Ordinance # 1040, \$15,000 for Finance Officer temporary services. The motion carried unanimously.

9. UNIFIED DEVELOPMENT TEXT AMENDMENT. CONTINUED FROM APRIL 11,2023 ALDERMEN MEETING

Ms. Finkle went over the UDO Text Amendments:

- 152.12 ACCESSORY USES AND STRUCTURES

This amendment has been updated to remove the exercise of discretion by the Town Planner. Existing language has been reinserted for requiring buffering only when a structure is larger than six hundred feet and adjacent to a resident.

- 154.14 RECREATIONAL VEHICLES

The amendment has been updated removing the word stored. Additional language defining “used”, “permanent dwelling”, and states they must be fully licensed and able to be moved off site at all times.

Ms. Finkle answered questions from the Board on the proposed changes. It was determined to add language from the Department of Insurance.

A motion was made by Alderman John Hinton to adopt Ordinance # 1036 with the addition of DOI language. The motion carried unanimously.

A motion was made by Alderman Jim Owens to approve the Consistency Statement for UDO text amendment. John Hinton (yes), Tammy Wight (yes), Phillip Wight (no), Mike Eveland (yes).

10. MAGGIE VALLEY FLY FISHING FESTIVAL 2024 EVENT APPROVAL

A motion was made by Alderman Tammy Wight to approve the Maggie Valley Fly Fishing festival for June 15 -16, 2023. The motion carried unanimously.

11. ADOPTION OF ORDINANCE #1041: REGULATING BEGGING, PANHANDLING, OR SOLICITING CONTRIBUTIONS

Ms. Finkle said after the discussion with Police at the Agenda setting meeting, it was determined to add sidewalk to the proposed Ordinance to read: (96.02 C) No person shall beg, panhandle, or solicit contributions while sitting or standing on a roadway or the shoulder median, or sidewalk adjacent to a roadway. She stated Town attorney Justus has reviewed the proposed ordinance.

A motion was made by Alderman Phillip Wight to adopt Ordinance #1041, Regulating Begging, Panhandling, or Soliciting Contributions. The motion carried unanimously.

12. ADOPTION OF ORDINANCE #1042: PARKS AND RECREATION

Ms. Finkle said if passed, Chapter 97 would be added to the Code of Ordinances and codify park rules for Town Parks. She said Town Attorney Justus has reviewed the Ordinance and nothing has changed since being presented to the Board at the Agenda Setting Meeting.

A motion was made by Alderman John Hinton to approve Ordinance #1042, Parks and Recreation. The motion carried unanimously.

13. RESOLUTION 23-06 OPPOSING SB 675 (ETJ)

Mayor Eveland said SB 675, a bill in the senate that is looking to eliminate ETJ's from all municipalities throughout the state.

Alderman Phillip Wight stated he opposed Resolution 23-06. He said a man has a right to his property outside city limits of government.

A motion was made by Alderman Jim Owens to adopt Resolution 23-06 opposing SB 675. John Hinton (yes), Tammy Wight (no), Phillip Wight (no), Mike Eveland (yes)

14. FAÇADE, SIGN, LANDSCAPING GRANT IMPROVEMENT PROGRAM: BEAR WATERS BREWING COMPANY

Ms. Finkle said BearWaters Brewery was looking to add a timber entry way. She reviewed the design proposal and said based on previous decisions that the Board will only look at providing reimbursement for the timber frame entry feature. She said as discussed in the agenda setting meeting the Town would be funding half of the total of the timber frame which would be \$7157.

A motion was made by Alderman Tammy Wight to approve \$7157 for BearWaters Brewery. The motion carried unanimously.

15. OTHER BUSINESS

Town of Maggie Valley, Board of Aldermen
Regular Scheduled Meeting
May 9, 2023

Ms. Best said the June Board of Aldermen meeting will be delayed a week and will be on June 20th. She said the adoption of the 23/24 budget would be approved at that meeting. The budget presentation will be on Tuesday May 16 at 10:00 am.

Mr. Mehaffey said the contractor would be doing the work on the Festival Ground entrance project on May 15th and 16th. He said the funding for the paving part of the project is \$48,000.00 and he is asking for an additional \$12,000.00 for drainage work, bringing the total to \$60,000.00.

A motion was made by Alderman Phillip Wight to approve the Festival Ground entrance project for up to \$60,000. The motion carried unanimously.

16. DEPARTMENT HEAD REPORTS

a. Mike Mehaffey, Public Works Director

Public Works Director 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. 8 tons.
- Monthly Solid Waste approx. 37.5 tons.
- Monthly White Goods/Electronics 3 pick-ups.
- Picked up miscellaneous residential brush and debris. 223 brush pick-ups that totaled 16 loads of brush.
- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners and Spring Banners.
- Perform ditch, culvert, shoulder and road maintenance along streets. Both private and Town streets.
- Service and/or repaired 5 Public Works vehicles/equipment 0 Administration and 4 Police vehicles.
- Picked up bagged trash and debris along Highway 19 and Highway 276 from Fie Top Road to the Wastewater Treatment Plant.
- The Highway 19 Pedestrian Safety project continues to progress on a hit or miss schedule. We work with the DOT inspector to take care of issues. Right now, the contractor has agreed on May 15th they will start the work at the Festival Grounds entrance. We will be preparing our part of the entrance work the week of May 8th. Entrance relocation and paving will take place between May 15th and the 23rd. This is the only week before August that we have an open weekend at the festival grounds.
- We have completed our work on the Ferguson property at the Festival Grounds. The road, gravel and screening of the restroom entrance were all completed before the mini truck event.
- Public works placed 7.5 yards of concrete to repair sidewalks and the entrance to the Ferguson property.

- We removed all the roadside benches, trashcans and concrete pads as required by DOT for the highway project.
- Public Works staffed 1 very successful event at the Festival Grounds in April.

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/repared 5 sewer services issues, cleaned and videoed approximately 350' feet of sewer line, inspected 9 sewer connections/installations, repaired/leak stopped 1 damaged manhole and inspected 4 manholes as we continue to work on I&I issues.
- Dewatered 44,000 gallons of digester sludge. Lime Stabilized 58 tons of dewatered sludge. Also, we 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 fifty-eight NC811 locate requests. 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 3 grease trap inspections. Of these 1 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.
- The sewer extension and rehab on the Kilgore property and Stonebridge campground has been completed and inspected. The sewer creek crossing is no longer in service, and the contractor will be removing the creek crossing in mid-May.
- J-Creek Development has started installing the utilities for the project. We inspect the sewer, stormwater and the roads as they are being installed. This will continue through the summer.

b. Matthew Boger, Interim Police Chief

Interim Police Chief Matthew Boger read through the staff report as follows

Incidents

During this reporting month, the Maggie Valley Police Department (MVPD) investigated thirty incidents which include: Defrauding an Inn Keeper, Trespassing, Criminal Damage to Property, Assault with a Deadly Weapon, Simple Assault, Larceny of a firearm, DWI, Rape, Kidnapping, and Breaking and Entering

Arrests

Maggie Valley police officers arrested ten individuals resulting in twelve charges which include: Assault, Weapons Law Violations, Criminal Damage to Property, DWI, and Trespassing.

Motor Vehicle Traffic

Maggie Valley Police Officers investigated five motor vehicle accidents for the reporting period and issued eighty-four traffic-related charges. Thirty-six percent of citations were for speeding.

Officer Activities

- There were sixteen Officer Activity Logs for the month, including: Assist Other Agencies, Civil Disturbance, Business Checks, Welfare Check, and Unlock Motor Vehicles.
- K9 Officer Bellows recovered trafficking-level amounts of narcotics while assisting with traffic stops.
- Officer Herbertson charged an individual with a felon possessing firearms during a traffic stop. Three firearms were recovered as evidence.
- Sgt. Flowers and K9 Officer Bellows responded to a gunshot wound call for service. K9 Officer Bellows was able to apply her CAT tourniquet to the victim's leg to control the bleeding while waiting for EMS to arrive. The case is closed due to the gunshot being ruled as accidental and self-inflicted.
- Officer Herbertson did a wonderful job handling an out-of-control juvenile. Officer Herbertson had to maintain custody of the juvenile for several hours while waiting on the Dept. of Juvenile Justice to secure orders. The juvenile was then transported to Madison Co. Detention Center under a secure custody order.
- Alcohol Beverage Control receipts were acquired from our ABC stores. Two ABC inspections were initiated at one local business. No BARS classes were requested for this reporting period.
- Several officers responded to an assault in progress at a local convenience store. The suspect, who used a log chain to violently assault the victim, fled the scene. Det. Crocker was able to locate the suspect traveling up Soco Mountain. Captain Boger and Det. Crocker arrested the suspect and brought him to justice.

Evidence Processing (E/P)

Town of Maggie Valley, Board of Aldermen
Regular Scheduled Meeting
May 9, 2023

E/P technician processed 17 items for the month. Evidence items include recovered snowboards from a previous larceny case, firearms, blood evidence, ammunition, cell phones, and other weapons used in assaults.

Investigations (CID)

- CID used some crafty investigative techniques to recover four (4) stolen snowboards taken over the winter at the ski lodge.
- CID recovered one stolen firearm from a local motel. The owner has been notified of the recovery.
- CID is investigating some Fraud cases involving general contractors. These cases are extremely hard to prosecute and have lots of civil characteristics.
- Work continues with the homicide case from New Year's Eve 2022. (Lab results etc.)
- CID investigated an assault with a deadly weapon at a local convenience store. Charges were made in this case, and two (2) search warrants have been issued on items recovered at the scene.
- CID investigated a suspected Kidnapping attempt at JVES. The suspect was possibly at the wrong school. The case is now closed.
- CID investigated a missing person's report at a local motel. The missing person is entered NCIC, and a few attempts were made to ping his cell phone location.

K9 Program

- K9 Officer Shanna Bellows and Charlie participated in the monthly narcotics training exercises.
- K9 Officer Bellows was the key to several trafficking-related drug seizures while assisting with traffic stops.

Community Patrol and Interactions

- Maggie Valley Officers patrolled through our residential neighborhoods 389 times during the month.
- Maggie Valley Officers performed their monthly business visits.
- Maggie Valley Officers responded to 281 Calls for Service (CFS) in this reporting period.

Events, Schools, and Meetings

- The Maggie Valley Police Department Officers worked two events at the festival grounds. The Southeast Mini Truck Nationals was a huge success again this year with minimal complaints and issues. The other event, Festival Carolinas, generated many complaints that patrol officers handled.

c. Kaitland Finkle, Town Planner

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

- Eight residential permits included: Single family home, Alex Ridge., Storage building at 62 Vintage Lane, Deck addition at 32 Hasty Drive, Trash can corral at 5 Rachels Circle, House pad at 391 Valley View Drive, Single family home at 64 Maris Place,

Town of Maggie Valley, Board of Aldermen

Regular Scheduled Meeting

May 9, 2023

Lot 38 Twinbrook Lane, 356 June Bug Trail.

- Two commercial permits included: Renovation of 4253 Soco Road, new pizza business at 1560 Soco Road.
- One Floodplain permit for retaining wall at 345 Mountain View Drive.
- Two Miscellaneous requests included: Major subdivision at 5 Rachels Circle, Zoning verification at Rocky Top RV Park.
- Six zoning compliance letters: 356 June Bug Trail, 1055 Soco Road, 50 Destination Drive, 119 Ranch Drive, 475 Twinbrook Lane, Lot 26 Construction Ave.
- 10 Notice of Violations: 3732 Soco Road for high grass, Market Square for feather flags, 49 Evans Cove for high grass, 1584 Soco Road for feather flags, Eagle Plaza for solid waste, junk vehicles and signs, feather flags at 2914 and 2848 Soco Road, 105 Construction Avenue for stormwater/erosion/road repair, high grass at Mari's Meadow off Panoramic Loop, Nuisances at Maggie Valley Town Center.

17. ADJOURN

A motion was made by Alderman Tammy Wight to adjourn the meeting at 7:31 pm. The motion carried unanimously.

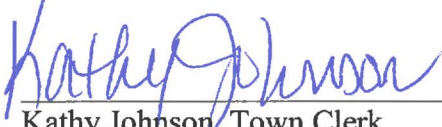
ATTEST:



Mike Eveland, Mayor



Vickie Best, Town Manager



Kathy Johnson, Town Clerk