

Town of Maggie Valley
Board of Aldermen Regularly Scheduled Meeting
October 10, 2023
MINUTES

Members Present:

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

Members Absent:

None

Staff Present:

Vickie Best, Town Manager
Kathy Johnson, Town Clerk
Matthew Boger, Police Chief
Mike Mehaffey, Public Works Director
Sam Cullen, Town Planner
Noah Taylor, Assistant Town Planner
Tasha Gubernath, Finance Director
Seth Boyd, Senior WWTP Operator
Cody Greene, Police Officer
Haley Crocker, Detective
Michael Herbertson, Police Officer
Craig Justus, Attorney

Others Present:

Approximately 61 others present

Media Present:

Aarik Long, Waynesville Mountaineer

MEETING CALL TO ORDER

Mayor Eveland called the Meeting to order at 6:29 pm on Tuesday October 10, 2023, in the Maggie Valley Town Hall Boardroom, 3987 Soco Road, Maggie Valley, NC 28751.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was repeated by all, followed by prayer led by Sam Cullen. Mr. Cullen asked for a moment of silence for the Vietnam Veteran that was brought back to Waynesville.

APPROVAL OF THE AGENDA/CONFLICT OF INTEREST DECLARATION

There were no changes to the agenda and no conflict of interest stated.

CONSENT AGENDA

- a. *Minutes to be Approved: September 5th & 12th, 2023,*
- b. *Budget to Actual*
- c. *A/R Report*
- d. *Resolution 23-21 Setting the Public Hearing for Conditional Rezoning for 8608-79-5334, Leatherwood Property off Jonathan Creek Road on November 14, 2023.*
- e. *Resolution 23-19 Setting Date for Public Hearing- November 14, 2023, for 907 Country Club Drive annexation and initial zoning.*
- f. *Resolution 23-20 Setting Date for Public Hearing- November 14, 2023 for 298 Nelson Drive annexation and initial zoning.*
- g. *Proclamation: Constitution Week September 17-23, 2023
Was late getting the Proclamation in early September.*

Mayor Eveland read the Proclamation for Constitution Week; proclaiming the week of September 17th through 23rd as Constitution Week.

A motion was made by Alderwoman Tammy Wight to approve the consent agenda as presented. The motion carried unanimously.

PUBLIC COMMENT

Mayor Eveland explained there would be public comment time for each hearing. He asked if anyone had general public comment. No one came forward to speak.

ABC REPORT, CHAIRMAN JOE MOODY

Mr. Moody reported that overall sales were up, as were alcohol sales across the state. They have exceeded the budget income of \$3,783,900.00 by 7.18%, bringing the total income for the year to \$4,055,681.00. He stated that he had given Town Manager Best a check for \$99,123.00 which is a State required payment of the profits for the year. He said this money will be split eighty percent to the Town, ten percent to alcohol rehabilitation in the community and ten percent to law enforcement. He said the check would have been bigger if not for the \$178,869.00 for repairs to the drainage system sinkhole that needed to be done.

Mr. Moody said the store would be paid off this month (October 2023). He said the payments on the loan have been \$ 62,500.00 a year. The last payment will be \$56,567.00 and when the check is cleared, the account can be closed. He said the CPA and auditor have advised them to open a reserve account to guard against unexpected expenses. He said they would like to do this by using the money that would have gone to the stores bank payments up to a maximum of \$200,000 over the next five years. He said this would need Board approval.

PUBLIC HEARING: ANNEXATION OF 8608-79-5334: LEATHERWOOD PROPERTY

Mayor Eveland invited Planner Sam Cullen to begin with the staff report. Mr. Cullen explained the Town received a petition from Jack Leatherwood and Luanne Webb to annex their property behind the CO-OP on Jonathan Creek. It was originally two parcels and they were combined to

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make one 41.79-acre parcel. Mr. Cullen said this is the first annexation in that area since the Comprehensive Land Use Plan and the Future Land Use Map. He said the Town has the ability to annex property that is petitioned, down to I-40. Maggie Valley is the only municipality to annex in that area.

Mr. Cullen said if annexed, the parcel would move on to the zoning portion. He answered questions from Board members about the annexation process.

Mayor Eveland opened the Hearing at 6:46 pm and asked if the property owner wished to speak.

Mr. Frank Queen spoke about his school years in what is now Town Hall and said it was shocking the changes that have been made. He explained he represents property owners Jack Leatherwood and his sister Luanne Webb. The Leatherwood family owned this property before the beginning of the last century (120 to 140 years). He said they were now ready to sell the land, and this is why they have petitioned for annexation.

Mayor Eveland said if anyone wished to speak, they could come one at a time.

Don Smart stated he was a full-time farmer in Haywood County and president of the HC Farm Bureau representing over 5,500 members and they are opposed to this annexation. He is also chairman of the Advisory Board of Commissioners of Haywood County. He said everybody is wanting to come to the United States and everybody in the United States is wanting to come to North Carolina and Haywood County. He said it seems like the leadership in the County and Towns are hell bent on making Haywood County a continuous housing development. He expressed concern on the annexation of the property and the possible development and the negative effect he feels it would have on the farmers.

Ryan Manning from Waynesville, said he would like to echo what Mr. Smart had said, J-creek was some of the last vestiges of agriculture in the Town, a wonderful community full of great people and beautiful farmland. He said you can look up on the mountains in the county in Waynesville, Canton and Maggie and there is no shortage of housing development but what there is a shortage of is good farmland. When a farm is lost to development it is gone forever, soil is destroyed, and productivity lost. He said J-Creek is a special place and should be protected and preserved. He feels the annexation will lead to the further fragmentation of the community. He asked the Board to weigh the consequences of their decision and consider the people of the community and they are more important than adding houses and collecting a few more tax dollars.

Bill (last name inaudible) from Waynesville stated he lived approximately 400 feet from the property to be annexed. He said if the Board were to allow this to happen, then the whole of J-Creek would be up for sale. He spoke about his concern on developing the property and the effects the runoff would have on the creek. He said he moved here because of the beautiful pristine community, and it is not going to remain the same.

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Michael Sorrells said he was probably the most impacted of anyone present because the property was part of a farm that belonged to his granddad. He said the land had been in his family for over a hundred and twenty years, and over time it kept getting split up and the children are no longer here. He spoke of the store that he owns and how residents have benefited from the growth. A lot of people moved in, and Haywood County has prospered from it. He said housing was needed in Haywood County. He said his family were the ones that would be most impacted by the development, and he supports it.

Dave Michael from Hemphill said he moved here because of the way the area looks, feels and the people. He moved here 14 years ago from a small Island in California and that small island started out in a similar situation to what is happening on Jonathan Creek. He has watched that island almost sink because it has been built on so much. He expressed concern for the negative changes that would be brought with development.

Ralph Bair said he moved here a year and half ago from Florida which is extremely crowded. He said ten or fifteen units per acre is crazy and doesn't make any sense and he does not support this type of growth at all.

Kate Ross said she was speaking for the young people that leave here and do not come back that was mentioned by a previous speaker. She said part of the reason the children do not come back is because they cannot afford to live here. She questioned if the development would address the housing problem and if the roads and schools were set up for such a development. She said no matter how you look at it, this would not be good for our community. She feels we need to be smart on how we develop this land and what the intent is because it will change the landscape of this county. She said count me and my husband as another vote for no.

Kate from KT's Orchard spoke about her past and told stories of her childhood. She said farmers were the backbone of the county and spoke of the need to protect farmland.

Mayor Eveland closed the public hearing at 7:12 pm and opened the meeting to Board discussion. Alderman Phillip Wight asked Mr. Cullen to explain the sufficiency. He asked if it had been determined how the sewer and flow rate would impact the Town. Mr. Wight asked what the legal stand would be on denying the annexation. Attorney Justus explained the petition is for voluntary annexation and the Board has the discretion to say yes or no. Planner Cullen said the property does not have to be contiguous to annex the property. He said if annexed it would be a satellite annexation.

There was much discussion between Board members and Planner Cullen. Mayor Eveland said it was not the position of the Board to discuss what was going to be done with the land at this time. Mr. Owens explained this hearing is only for the annexation, the following hearing will get into the initial zoning. Mr. Cullen said any areas of concern should come up during future hearing. He reiterated that this hearing was for annexation.

A motion was made by Alderman Jim Owens to approve Ordinance # 1059; the annexation of 8608-79-5334 the Leatherwood Property. The motion carried 3 to 2 with John Hinton (yes), Tammy Wight (no), Phillip Wight (no), Mayor Eveland (yes).

PUBLIC HEARING: INITIAL ZONING FOR PARCEL 8608-79-5334: LEATHERWOOD PROPERTY

Mayor Eveland opened the public hearing at 7:16 pm and invited Mr. Cullen to begin his presentation. Mr. Cullen said Civil Design Concepts approached Town staff on behalf of the property owner with an interest in annexing the parcel into Town limits. He said now that the annexation is done, the property will need to be assigned an initial zoning district. He stated this is an area of focus for the Comprehensive Land Use Plan and Future Land Use Map.

Mr. Cullen said staff recommends that the property be zoned R-3 High Density Residential. This recommendation is based off the Future Land Use Map and factors such as topography, access to Town services and access to HWY 276. He explained that on September 19, 2023 the Planning Board met to discuss this item and unanimously voted to recommend the initial zoning be set to R-3 High Density Residential which is consistent with the Comprehensive Land Use Plan.

Mayor Eveland opened the meeting up to public comment.

Donna Cole said she lived in the Jonathan Creek area and thinks about the people are there and how this will affect them. She expressed concern about the low-income residents and how a development will affect them in the way of taxes. She has lived in areas where once this sort of thing starts, people are taxed out of their home. She expressed concern on the farmers that are left and the taxes that follow.

Don Smart said “since you good folks have changed Haywood County forever making it a cluster development, I’m going to tell you this, you might as well pile ‘em high and deep. If you are going to go to hell, go in style.”

Bill (last name inaudible) expressed concern on the amount of water the development would use and what happens when there is no more water in Jonathan Creek. He asked if the Board has thought about this when making these kinds of decisions.

Marshall Casse said he has lived here twenty-two years and understands the sentiments about Jonathan Creek. He said we are talking about somebody’s land, they own it, that’s kind of important in this country. It is life, liberty, and the pursuit of happiness and private property is important. He has not heard anyone suggest to get together five million dollars to purchase the land. He said if you put in regulations to make it impossible for them to make the best use of their land then you are tantamount to taking the property.

Ralph Bair said J-Creek residents were being controlled and dumped on by people they have no control over or right to vote in or out.

Adam Ross said he was Captain with Jonathan Creek Fire Department. He said the taxes for the new development would go to MVFD and not Jonathan Creek Fire Department. He said MVFD is ten miles away from that property and Jonathan Creek Fire Department would likely be responding to any fire that were to happen.

Ryan Manning said property rights matter but so does community. He said there has to be a sense of what is best for all. He said the houses in the development was not meant for the average Haywood County citizen.

Gary Jones from Waynesville asked if a traffic study has been done. He expressed concern about the traffic a development would bring. Mr. Cullen stated the NCDOT would decide what the impact would be and if a traffic study is needed.

Mayor Eveland said he respects everything that is being said and he wanted to clarify the hearing is for the initial zoning of the property.

Mayor Eveland closed the hearing at 7:36 pm for Board discussion. Alderman Phillip Wight said he knew it was sewer driven and he feels they could give them sewer at an out-of-town rate without annexing them. Alderman John Hinton confirmed with Mr. Cullen that the Planning Board recommend R-3 for zoning. Alderwoman Tammy Wight confirmed with Mr. Cullen that R-3 was also staff's recommendation. Mr. Cullen said if approved, there would need to be a consistency statement adopted. Alderman Jim Owens confirmed with Mr. Cullen the next step after initial zoning would be the conditional zoning. Mr. Cullen said now that it has been annexed it must have a zoning district. Mr. Cullen answered questions from the Board on zoning.

Attorney Justus reminded the Board this hearing was for initial zoning of the property only.

A motion was made by Alderman John Hinton to adopt Ordinance # 1052 initial zoning for parcel 8608-79-5334: Leatherwood property consisting of 41.79 acres to R-3 High Density. The motion carried 4 to 1 with Alderwoman Tammy Wight (yes), Alderman Phillip Wight (no), Alderman Jim Owens (yes), Mayor Mike Eveland (yes).

A motion was made by Alderman Jim Owens to adopt the Consistency and Reasonableness Statement in the Agenda packet for Ordinance # 1052. The motion carried 4 to 1 with Alderman John Hinton (yes), Alderwoman Tammy Wight (yes), Alderman Phillip Wight(no), Mayor Mike Eveland (yes).

PUBLIC HEARING: ANNEXATION OF 7697-41-9100: 102 SAGE CT

Mayor Eveland opened the public hearing at 7:42 pm and invited Planner Cullen to begin his presentation. Mr. Cullen said the property owner petitioned the Town for annexation because of

their failing septic system. The clerk has checked sufficiency for the property. He said if annexed it will need to be assigned an initial zoning district.

Mayor Eveland asked if anyone wished to make public comment on this annexation. No one came forward to speak. He closed the public hearing at 7:44 pm for Board discussion.

Mayor Eveland asked if the owner was present to speak. Mr. Cullen stated the owner was not present. Mayor Eveland asked if the Board had any questions or comments. Alderman John Hinton confirmed with Mr. Cullen that this annexation was sewer driven.

A motion was made by Alderman John Hinton to adopt Ordinance # 1057 annexing 102 Sage Ct. PIN # 7697-41-9100 into the corporate limits of Maggie Valley. The motion carried unanimously.

PUBLIC HEARING: ZONING OF 7697-41-9100: 102 SAGE CT

Mayor Eveland opened the Public Hearing at 7:44 pm and invited Mr. Cullen to begin his presentation. Mr. Cullen said on September 19, 2023 the Planning Board met to discuss the zoning of 102 Sage Ct. and unanimously voted to recommend the initial zoning be set to R-2 Medium Density Residential.

Mr. Cullen said Town staff recommends that the property be zoned R-2 Medium Density Residential. He said this recommendation is based off of the surrounding zoning districts and the surrounding land uses. The R-2 zoning classification will not create any nonconformities and should not create future spot zoning. He said this recommendation is in harmony with the Comprehensive Land Use Plan which shows this area as Mountain residential.

Mayor Eveland opened the hearing to public comment. No one came forward to comment. He closed the public hearing at 7:46 pm for Board discussion. Mr. Cullen answered questions from the Board on what is allowed in the R-2 zoning district.

A motion was made by Alderman Jim Owens to adopt Ordinance # 1050 zoning 102 Sage Ct. (PIN # 7697-41-9100) R-2. The motion carried unanimously.

A motion was made by Alderman Phillip Wight to adopt the Consistency and Reasonableness Statement in the Agenda packet for Ordinance # 1050 for 102 Sage Ct.

PUBLIC HEARING: ANNEXATION OF 7697-41-8282: 106 SAGE CT

Mr. Cullen explained 106 Sage Ct. was part of same duplex as 102 Sage Ct. and the petitioned for annexation for the same reason. He said all of the details were exactly the same as the previous annexation. The annexation is sewer driven and served by a septic system that failed.

Mayor Eveland opened the public hearing at 7:50 pm for public comment. No one came forward to comment. He closed the hearing at 7:51 for Board discussion.

A motion was made by Alderman Jim Owens to adopt Ordinance # 1058 annexing 7697-41-8282: 106 Sage Ct. into the corporate limits of Maggie Valley. The motion carried unanimously.

PUBLIC HEARING: ZONING OF 7697-41-8282: 106 SAGE CT

Mr. Cullen said Planning Board and staff recommendation for 106 Sage Ct. is R-2 Medium Density Residential. He said it is exactly the same as the previous property of 102 Sage Ct.

Mayor Eveland opened the hearing at 7:51 pm for public comment. There was no one that came forward for comment. He closed the hearing at 7:52 pm for Board discussion.

A motion was made by Alderman John Hinton to adopt Ordinance #1051 zoning 106 Sage Ct. (PIN # 7697-41-8282) R-2. The motion carried unanimously.

A motion was made by Alderwoman Tammy Wight to adopt the Consistency and Reasonableness Statement in the Agenda packet for Ordinance #1051 for 106 Sage Ct.

APPROVAL OF CONTRACT WITH WITHERSRAVENAL FOR ENGINEERING TO REMOVE THE LOW WATER SEWER CREEK CROSSING.

Manager Best explained this is the engineering to eliminate the low water sewer creek crossing. The cost is \$45,700. The survey for easements, with an estimated cost of \$4,860 is not included in the contract. She said the money would come for the enterprise fund for the sewer.

Ms. Best said construction observation costs can be eliminated by Public Works employees doing the observation in-house. This should save between \$4,000 and \$5,000 to help offset the cost of the easement surveys. The current budget has \$40,860 allocated to Professional Services in the sewer department. She said this is to approve entering into the contract.

A motion was made by Alderwoman Tammy Wight to approve entering into contract with WithersRavenel for Engineering to remove the low water sewer creek crossing. The motion carried unanimously.

BUDGET AMENDMENT: ORDINANCE 1055: ADOPTING BUDGET FOR THE NC SMOKIES ICE FESTIVAL.

Ms. Best explained Ordinance # 1055 was for a Budget amendment for the NC Smokies Ice Festival. She said the funds will be transferred out of the appropriated fund balance in the amount of \$12,412 to offset the cost HCTDA funding of \$37,238 for a total of \$49,650 for the ice sculptures and D.J.

Alderwoman Tammy Wight confirmed with Ms. Best that the motion would be for \$12,412.

A motion was made by Alderwoman Tammy Wight to adopt Budget Amendment Ordinance # 1055. The motion carried unanimously.

APPOINT DAVID CARRIKER TO BECOME A FULL MEMBER OF THE ZONING BOARD OF ADJUSTMENT TO REPLACE THE MEMBER THAT RESIGNED.

Manager Best said Mr. Carriker has been serving as an alternate on the Zoning Board and this would move him to a full voting member.

A motion was made by Alderman Phillip Wight to appoint Mr. David Carriker to the Zoning Board of Adjustment. The motion carried unanimously.

OTHER BUSINESS

Ms. Best congratulated Town Clerk Kathy Johnson in obtaining the Certified Municipal Clerk Certificate through the International Institute of Municipal Clerks.

DEPARTMENT HEAD REPORTS

Manager Best said due to the late hour there would be no department head reports.

ADJOURNMENT

A motion was made by Alderwoman Tammy Wight to adjourn the meeting at 7:57 pm. The motion carried unanimously.

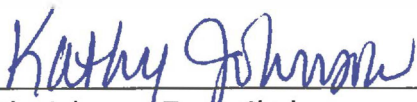
Attest:



Mayor Mike Eveland



Vickie Best, Town Manager



Kathy Johnson, Town Clerk