

Town of Maggie Valley
Board of Aldermen Regularly Scheduled Meeting
December 12, 2023
MINUTES

Members Present:

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

Staff Present:

Vickie Best, Town Manager
Kathy Johnson, Town Clerk
Matthew Boger, Police Chief
Sam Cullen, Town Planner
Seth Boyd, Senior WWTP Operator
Rodney Riddle, Police Officer
Taylor Osborne, Attorney

Others Present:

Warren Suggs with Civil Design Concepts and 2 Others present

Media Present:

Aarik Long, Waynesville Mountaineer

MEETING CALL TO ORDER

Mayor Eveland called the Meeting to order at 6:30 pm on Tuesday December 12, 2023, in the Maggie Valley Town Hall Boardroom, 3987 Soco Road, Maggie Valley, NC 28751.

Manager Best explained Alderman Phillip Wight was sworn in by the Town Clerk earlier in the day.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was repeated by all followed by prayer led by Sam Cullen.

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: November 8th & 14th, 2023,*
- b. Budget to Actual*

- c. *A/R Report*
- d. *Call for Public Hearing: Request to be Rezoned from C1 to MU4 for Luxury 1 Investments LLC PIN# 7676-88-8767 Located at 4521 Soco Road.*
- e. *Resolution No. 23-23 Directing the Clerk to Check for Sufficiency of the Annexation Petition for PIN #7697-22-2649 Hector Morales and Angelica Zapata Morales.*
- f. *Resolution No. 23-24 Directing the Clerk to Check for Sufficiency of the Annexation Petition for 126 Clearview Drive PIN # 8607-10-7059 Steven Colby Myers and Makenzie Paige Myers.*

A motion was made by Alderman Jim Owens to approve the consent agenda as presented. The motion carried unanimously.

PUBLIC COMMENT

Mayor Eveland asked if anyone would like to make public comment. No one came forward.

ACTION ON THE CONDITIONAL ZONING FOR 8608-79-5334: LEATHERWOOD PROPERTY

Planner Sam Cullen said this property was annexed on October 10, 2023. He said staff looked through General Statutes to answer questions on the ten percent satellite annexation allowance that was brought up at the last meeting. He referenced General Statute § 160A-58.1. Petition for annexation; standards. He explained that Maggie Valley along with 117 other towns are exempt from the ten percent Satellite Annexation allowance.

Mr. Cullen said this project is under the allowed density, the actual allowed units is 205 and the plan calls for 155 units. He reviewed the map with the Board and said the only change was the developer added buffering along US-276 and Sorrells side of the property. He said they had requested smaller than by-right lot size to keep the houses off of the hillside.

The Land Use Plan, Planning Board, and Staff recommend zoning the property R3.

Mayor Eveland asked what was Staff recommendation. Mr. Cullen said his recommendation is to approve the site plan as presented with the additional buffering. Mayor Eveland asked why there was wording in the Consistency and Reasonableness statement about underground power lines. Mr. Cullen said that was not a requirement. Mayor Eveland said in the future, if it is not going to be enforced then it should be removed from the document.

A motion was made by Alderman Jim Owens to adopt Ordinance 1061 rezoning the property PIN # 8608-79-5334 to R3 with conditions. The motion carried unanimously

A motion was made by Alderman John Hinton to adopt the Consistency and Reasonableness statement for Ordinance 1061. The motion carried unanimously.

PUBLIC HEARING: FOR THE TEXT AMENDMENT TO THE TOWN OF MAGGIE VALLEY SUBDIVISION
ORDINANCE FOR ZERO LOT LINES

Mr. Cullen read through his staff report and said the Planning department has been investigating a text amendment to better define zero lot line subdivisions. A zero lot line subdivision is where a subdivider may divide the footprint or “4 walls” of a structure and sell it separate from the surrounding property, so long as that property is maintained by an HOA or POA.

Planner Cullen said the Town of Maggie Valley has traditionally allowed these types of subdivisions, but the Planning Department would like to better define them as well as state the requirements that go along with their approval. He said an example of a zero lot line subdivision would be the apartments at Maggie Valley Club and the cabins at Twin Falls.

The Planning Department recommends that the language in UDO Sections 156.12 (b) 7, 160.02 sections be amended to describe and define Zero Lot Line Subdivisions. This will guide staff when making decisions and crafting reports for various boards.

**Planning Board Recommendation and Consistency Statement for amending the
Subdivision Ordinance by adding a definition and description of Zero Lot Lines.
(Amendments to Unified Development Ordinance Sec. 156.12 (b) 7. Subdivision
Design Standards, Sec. 160.02 Definitions. Zero Lot Lines.**

The proposal is to add language in section 156.12 (b) 7 and 160.02, which will allow a Zero Lot Line Subdivision by right, when meeting all other standards. This text amendment is consistent with the Comprehensive Land Use Plan which states we should “Provide diverse housing options”: and “Ensure Maggie Valley has a variety of housing choices, living arrangements, and building styles available.”

Mr. Cullen said the Planning Board met on November 21st, 2023, and unanimously recommended approval of the proposed text amendment.

As part of the Board of Aldermen’s amending the text of the Subdivision Ordinance is the required adoption of a plan consistency statement.

Mr. Cullen said the Comprehensive Land Use Plan states that the town should “Provide diverse housing options”: and “Ensure Maggie Valley has a variety of housing choices, living arrangements, and building styles available.” This is achieved through the differing subdivision types allowed in the UDO in both the residential and commercial/mixed use districts.

A development of land where zero lot line lots (in lieu of traditional setbacks) may be used so long as the required yards are dedicated to and are maintained around the building by a property owners association and where a purchaser is conveyed fee simple title to the footprint under the single or multi-family building, which may include town houses or patio homes. In such case, the individual lots are not

required to meet the above stated dimensional requirements; provided, however, the zero-lot line development is considered a subdivision and must be approved as such under Chapter 156 of this code of ordinances.

Zero Lot Line. A common lot line on which an interior or exterior wall of a structure may be constructed which distinguishes the property line.

Mayor Eveland opened the Hearing for Public Comment at 6:42 pm. No one came forward to comment, he closed the hearing at 6:43 pm.

A motion was made by Alderman Jim Owens to adopt the Text Amendment to the Town of Maggie Valley Subdivision Ordinance 1060. The motion carried unanimously.

A motion was made by Alderman Tim Wise to adopt the Consistency and Reasonableness statement with Ordinance 1060. The motion carried unanimously.

BUDGET AMENDMENT: ABC FUNDS DEDICATED TO ALCOHOL EDUCATION: ORDINANCE # 1064

Manager Best said State Statute requires ABC funds to be distributed at ten percent to ABC Officer, ten percent for Alcohol Education and the remaining eighty percent goes into the General Fund. Ordinance 1064 will allow Chief Boger to decide which agencies the ten percent in the amount of \$9912.00 allocated for alcohol education will go.

A motion was made by Alderman John Hinton to adopt Budget Amendment Ordinance 1064 for ABC Funds dedicated to Alcohol Education. The motion carried unanimously.

AUDIT AMENDMENT: DELAY IN COMPLETING THE ANNUAL AUDIT

Manager Best explained the Audit Amendment is a delay in completing the annual audit and is due to having had three finance officers in the past two years.

A motion was made by Alderman Jim Owens to approve the delay in completing the annual audit. The motion carried unanimously.

OTHER BUSINESS

There was no other business

DEPARTMENT HEAD REPORTS

Seth Boyd, Senior WWTP Operator

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.

Town of Maggie Valley

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- Monthly Recyclables approx. 11 tons.
- Monthly Solid Waste approx. 48 tons.
- Monthly White Goods/Electronics 4 pick-ups.
- Picked up miscellaneous residential brush and debris. 245 brush pick-ups that totaled 21 loads of brush.
- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners and Winter banners.
- Public Works continues upkeep of all Town facilities.
- Perform ditch, culvert, shoulder and road maintenance along streets. Both private and Town streets.
- Service and/or repaired three Public Works vehicles/equipment 0 Administration and 2 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 is getting close to finishing. We work with the DOT inspector to take care of issues.
- Public Works finished the removal of Fall Days decorations.
- We have finished putting up all the winter decorations and lighting. 90 pole mounted displays, 5 standalone large displays and building lights at Town Hall, Pavilion, MV Fire department and MV Police department.
- Public Works continues inspections and testing of roads, paving and other infrastructure at Moody Farm project, J-Creek Development and Mountain View Estates.
- We have had 3 Public Works employees trained and certified thru the DOT Work Zone Safety program. These certified employees are now required to work in DOT roads and highways.

WWTP

- Daily and 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.
- Installed/repaired 6 sewer services issues, cleaned and videoed approximately 00' feet of sewer line, inspected 15 sewer connections/installations, repaired/leak stopped 0 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, 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 112 locate requests for NC811. 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 5 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.
- J-Creek Development has started installing the utilities for the project. We inspect the sewer, stormwater and the roads as they are being installed. The utilities have been completed. Some testing still must be completed. The roads are scheduled to be paved in mid-November.
- Reviewed plans and permits for new developments and projects.
- Moody Farm project has started. We inspect all sewers, stormwater and roads as they are being installed. This project is close to completion with paving and some repairs to manholes still needed.
- The Mountain View Estates project has started. The contractor has started clearing debris from lots and the storm drainage system that was previously installed. Sewer installation has begun. This is another project we will be doing inspections for sewers, stormwater and roads. The first phase of this project will continue through the spring.

Matthew Boger, Police Chief

Incidents

During the reporting month of November, the Maggie Valley Police Department investigated twenty-nine incidents, which included suspected Manslaughter, Breaking and Entering, Larceny, Fraud, Property Damage, Drug Violations, Trespassing, Felony Assault, Simple Assault, Sexual Assault, Motor Vehicle Theft, Identity Theft, Disorderly Conduct and Driving While Impaired.

Arrests

Maggie Valley Police Officers arrested ten individuals, resulting in twenty-three charges, which include Sexual Assault, Felony Assault, Simple Assault, Larceny, Breaking and Entering, Motor Vehicle Theft, Property Damage, Drug Violations, and Driving While Impaired.

Motor Vehicle Traffic

Maggie Valley Police Officers investigated three motor vehicle accidents for the reporting period and issued two hundred and fifteen traffic-related charges. Forty-five percent of citations were for speeding (19 citations and 77 written warnings).

Officer Activities

- THIS LIST IS NOT A COMPREHENSIVE LIST OF ALL THE INCIDENTS FOR THE REPORTING PERIOD. SOME CASES, DUE TO THE INTEGRITY OF THE CASE, CAN NOT BE PUBLICLY DISCLOSED AT THIS TIME.

- Officer Greene and Officer Herbertson responded to a suspicious person's call at a local restaurant. Following an investigation into this call, the person who gave Officer Greene a false identity was arrested for the possession of a controlled substance. Officer Greene was able to identify the subject using his investigative skills.
- Officer Greene completed a follow-up investigation at the Ski Area. Officer Greene was able to gain a confession for the crimes committed and was able to locate all the stolen property
- Officer Herbertson investigated a motor vehicle collision, which resulted in the driver's arrest for DWI.
- Officer Greene worked on a domestic-related incident that started in Teague's parking area. The investigation continued back to a residence on Campbell Creek. All parties were warned to keep the peace or separate for the evening.
- Officer Herbertson assisted Det. Crocker and Chief Boger with processing a suspicious death scene.
- Officer Herbertson assisted Canton Police with a DWI investigation by administering an Intox test at the detention center.
- Sgt. Wood stopped a vehicle to investigate a possible impaired driver. The driver was arrested for DWI.
- Sgt. Flowers responded to a welfare check at a local hotel. After the investigation, a subject was arrested for domestic assault.
- Sgt. Flowers documented an assault that occurred in the MVPD parking lot during a child custody exchange.
- Sgt. Flowers and Chief Boger responded to a domestic call for service. Following a lengthy on-scene investigation, a subject was arrested for felony assault by strangulation and assault on a female.
- Sgt. Flowers took a report in the lobby of the HCSO. The victim, who was assaulted in Maggie Valley, had been subject to a domestic violence incident. The investigation ended with Sgt. Flowers obtaining warrants for arrest for Felony Assault. Sgt. Flowers and Officer Herbertson later brought the suspect to justice.
- K9 Officer Bellows took a report of a stolen motor vehicle and property damage at the Ski area and the Ranch. This call ended with Officer Greene identifying the suspect and getting a confession for the crimes.
- Officer Riddle took several reports for larceny and other offenses. Some of the reports were forwarded to CID for further investigation.

Evidence Processing (E/P)

- Evidence Technicians O. Murphy and S. Justice processed thirty items for the month. Evidence includes narcotics, narcotics paraphernalia, firearms, ammunition, cell phones, medical equipment, and prescription medications.

Investigations (CID)

- Officer Greene investigated a larceny and B&E at Cataloochee Ski Area. All items taken were recovered, as well as a full confession. The suspect was charged accordingly.

- Detective Crocker responded to Ghost Town about a trespasser. An 18-year-old male on his motorcycle was issued a citation for 1st-degree trespassing.
- Detective Crocker investigated a sexual assault case. The suspect was interviewed and charged with sexual battery. Detective Crocker and Officer Riddle arrested him.
- Detective Crocker responded to a cardiac arrest that later resulted in a death investigation. The death was ruled a suicide.
- Detective Crocker was called to the scene of another death investigation that had potential criminal charges. An autopsy was performed, and the death was ruled natural.
- Detective Crocker responded to 273 Mountain View Dr in reference to a structure fire. Detective Crocker was first on the scene and observed the fire in the floor and the rock work under the fireplace. Everyone was evacuated safely, and the fire department was able to extinguish the fire, leaving fire damage only to the fireplace area of two units.
- Officer Greene is investigating a larceny case at the Maggie Valley Nursing Home.

K9 Program

- Sergeant Wood spent the month in K-9 training and basic handlers training with K-9 Karma. K-9 Karma is doing extremely well in training! K9 Karma graduates' boot camp on December 8th. We look forward to the service this K9 team will offer the agency, town, and community.

Community Patrol and Interactions

- Maggie Valley Officers patrolled through our residential neighborhoods 185 times monthly.
- Maggie Valley Officers performed their monthly business visits.
- Maggie Valley Officers responded to 300 Calls for Service (CFS) in this reporting period. The average number of calls for service per day has been consistently around 10 for the last several months.

Events, Schools, and Meetings

- Chief Boger Attended a press release at the Haywood County Justice for the WNC DWI Task Force.
- All officers completed all in-service training for 2023
- Firearms training for 2023 was completed.

Sam Cullen, Town Planner

- Twenty-Four Residential Permits: twenty-one lot Subdivision at Mountain View Estates, an addition at 676 Henry Dingus Way, New Structure at 141 Creekside Drive.
- Five Commercial Permits: Harvest Moon Crepes Food Truck permit, New Structure at Cataloochee Ranch, Stonebridge RV resort upgraded sewer, New Structure at 2961 Soco Road, Tanglewood Villages Food Truck Host Site.
- Two Floodplain permits: Renovations at 2372 Soco Road and 4192 Soco Road.
- Six In person consultations: Development consultations concerning various areas in town, guidance for new business owners, guidance for people interested in annexations, answering ongoing development inquiries.
- Four Final Zoning Compliance: 105 Constitution Avenue, 676 Henry Dingus Way, 2487 Soco Road, 454 Twin Brook Lane.

- Two Misc. requests: Annexation/Zoning request for Valley View Drive, Zoning verification off Soco Road.
- Four Notice of Violations: three for solid waste, and an abandoned vehicle.
- Two Violations Resolved: Solid Waste and abandoned vehicle.

In November, the Planning Department:

- Attended the Haywood County Greenways Advisory Council Meeting.
- Hosted the regularly scheduled Planning Board meeting where the board granted Final Plat Approval for phase one of Mountain View Estates and gave a recommendation on an initial zoning and text amendment.
- Met with developers concerning potential residential development.
- Was able to abate 4 violations with voluntary compliance on the part of the property owners.
- Meet with community members giving them a better understanding of the Comprehensive Land Use Plan.
- J Creek Development will receive Final Plat Approval at the December Planning Board meeting. All Infrastructure, with the exception of a small section of fencing, has been completed. The section of fencing that has not been completed, has been bonded.

ADJOURNMENT

A motion was made by Alderman Tim Wise to adjourn the meeting at 6:59 pm. The motion carried unanimously.

Attest:



Mayor Mike Eveland



Vickie Best, Town Manager



Kathy Johnson, Town Clerk

