

Town of Maggie Valley  
Board of Aldermen Regularly Scheduled Meeting  
August 9, 2022  
MINUTES

Members Present: Mayor Mike Eveland, Aldermen: John Hinton, Tammy Wight, Phillip Wight and Jim Owens

Staff Present: Interim Town Manager Vickie Best, Planner Kaitland Finkle, Assistance Planner Sam Cullen, Public Works Director Mike Mehaffey, Police Chief Russell Gilliland and Minute Taker Regina Massie

Others Present: Mountaineer Reporter Kathy Ross, four other audience members

**1) Meeting Called to Order**

Mayor Eveland called the Regularly Scheduled Board of Aldermen Meeting to order at 6:30 pm on Tuesday August 9, 2022, in the Town Hall Boardroom.

**2) Pledge of Allegiance**

The Pledge was repeated by all, followed by a prayer lead by Chief Gilliland.

**3) Approval of the Agenda**

Mayor Eveland announced changes to tonight's agenda: 1) The Police Department presentation has been postponed (promotions have already been approved); 2) Approval to purchase a WWTP truck has been delayed 3) A new item is added under Other Business to discuss the purchase of two Dodge Durango Pursuit Police Vehicles.

There were no conflicts of interest with the agenda items for August 9, 2022.

**4) Consent Agenda**

- a. Minutes to be Approved: July 6 and July 12, 2022  
Interim Manager Best asked counsel to speak clearly into their microphones.
- b. Budget to Actual  
Ordinance 1006 Budget Amendment for Town Hall Doors for Entryways. Last month the Board approved Ordinance 1005 for tile and the installation contract with Clint Watkins. Mistakenly, the doors were left off.

**ALDERWOMAN T. WIGHT MADE A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED AND TO APPROVE BUDGET ORDINANCE AMENDMENT 1006 (Town Hall Entryway Doors.) MOTION CARRIED UNANIMOUSLY.**

**5) Public Comment**

There were no public comments.

**6) Approval of Site Dart Contract for Website Development**

The Town website software is becoming out of date and users need an easier way to navigate its contents. Site Dart was the original designer years ago on the Town's first website. The updated website will cost \$7500. A \$4,500 deposit will be due when the contract is signed. However, a budget amendment is not needed because money was included in the 2022-23 budget. The updated site will make the website more user friendly, will include integration of new document system, and transfer and enable search engine optimization (SEO). It will give part-time residences enhanced ability to make online bill payments for taxes, sewer fees, etc. Alderman Phillip Wight questioned whether the current website has this functionality. Interim Manager Best explained that it does, but it will be simplified and enhanced, because residents have reported issues with the current system.

Not only is finding information on the current website cumbersome, but several clicks could also be eliminated by only having to manage updates in one location. Alderwoman Tammy Wight shared that she had a conversation to discuss the enhancements with Interim Manger Best and Planner Finkle and shared an example of the software currently used by Lake Lure Municipality. The mobile site, she says, is even more simplified.

**ALDERMAN JOHN HINTON MADE A MOTION TO APPROVE THE SITE DART CONTRACT FOR WEBSITE DEVELOPMENT. MOTION CARRIED UNANIMOUSLY.**

**7) Approval of Civic Plus (Municode)**

For many years American Legal has housed ordinances for the Town of Maggie Valley. However, they have gone through several changes, and are not the most user-friendly option moving forward. Since the adoption of the Unified Development Ordinance, staff decided this will be best time to start fresh with Municode. Municode is used by ninety to ninety-five percent of municipalities across North Carolina. There is an initial set-up cost of \$2550, and \$1550 for a yearly contract thereafter. Interim Manager Best requested counsel view the Waynesville site as they are the closest municipality who uses Civic Plus (Municode). A budget amendment is not needed because the monies are included in the 2022-23 budget.

**ALDERMAN PHILLIP WIGHT MADE A MOTION TO APPROVE THE CIVIC PLUS (MUNICODE) CONTRACT. MOTION CARRIED UNANIMOUSLY.**

**8) Petition for Annexation: 8607-27-9452, 1585 Jonathan Creek Road, Owned by Haywood County**

When the Town learned that the 22.9-acre parcel was not going to be a park, money invested by Maggie Valley was returned, and the property now solely belongs to Haywood County. This is the first step in the annexation process. Alderman Phillip Wight questioned whether this decision should be delayed until it is determined what use is going to be provided. What if this is something that the Town does not want to provide sewer for? Attorney Justus stated that control will come through land use regulations. Manger Best says the property will need sewer regardless of the use. A survey is being completed this week, and it appears plans are moving forward for single family and town homes.

Planner Finkle says a property cannot be controlled until it is annexed. Zoning is planned for November.

**ALDERMAN JIM OWENS MADE A MOTION TO APPROVE RESOLUTION 22-21 DIRECTING THE TOWN CLERK TO INVESTIGATE SUFFICIENCY AT 1585 JONATHAN CREEK ROAD. MOTION CARRIED UNANIMOUSLY.**

**9) Petition for Annexation: 8608-53-0888, 109 Mountain Valley Estates**

Resolution 22-19 is to set a public hearing date to annex the parcel into corporate limits so owners can access municipal sewer. This is the second phase in annexation, the first being to check for sufficiency, the second being to set a date for public hearing and the third is to hold the public hearing. After legal notice is advertised for two consecutive weeks in a newspaper of general circulation, counsel can move forward with the public hearings for both annexation and zoning. A public hearing is recommended to be set for September 13, 2022, at 6:30 pm.

**ALDERMAN JOHN HINTON MADE A MOTION TO APPROVE RESOLUTION 22-19, SETTING A HEARING DATE FOR SEPTEMBER 13 AT 6:30 FOR ANNEXATION OF 109 MOUNTAIN VALLEY ESTATES. MOTION CARRIED UNANIMOUSLY.**

Attorney Justus asked for clarification on whether the Town typically does a resolution or any type of motion to direct a public hearing on zoning, and whether the applicant puts in a request for zoning as part of the annexation application. A hearing is set if there is an application for annexation, and they do not submit a zoning request.

Mayor Eveland explained that the Board used to do annexation and zoning a month apart; but to streamline the process the second step was eliminated, so that when the applicant is brought into the meeting for annexation, counsel does a motion for zoning at the same meeting. Attorney Justus advised that it is cleaner for counsel to vote to call a public hearing on zoning, so there is a history of having done that. Planner Finkle stated that for rezoning, they would potentially have to add a month to the process. She and Attorney Justus will speak further about what is allowed procedurally, and she will update annexation forms.

Mayor Eveland reminded all that the resolution should say there is to be a public hearing for both annexation and rezoning on the same night. If the Board does a motion for annexation and the applicant disagrees on zoning, the decision can always be delayed until the next meeting. Planner Finkle says that within the past six months, some applicants, having completed annexation, have changed their minds and backed out. Attorney Justus said he only mentioned this because if they are subject to zoning, it seems odd that they are citizens but not zoned for a whole month.

Regarding Mountain Valley Estates, a motion for a zoning hearing needs to be set for the same date. Attorney Justus recommended reaching out to the applicant, asking them for written confirmation on their proposal for zoning, so the Planning Board can consider and make a recommendation.

**ALDERMAN TAMMY WIGHT MADE A MOTION TO SET A PUBLIC HEARING FOR INITIAL ZONING OF 109 MOUNTAIN VALLEY ESTATES. MOTION CARRIED UNANIMOUSLY.**

**10) Petition for Annexation: Portion of Parcel 7696-08-3702, 1580 Moody Farm Road**

This property, belonging to Tony Griffith, is located along Moody Farm Road. It is to be subdivided and Manger Best directed counsel to a map with a circle drawn around a manufactured home that will be taken down and removed. A five-bedroom home will replace it, and the owner requested to annex

where the home is to be built, and where the driveway comes down to Moody Farm Road. A surveyor has been contracted, but it will be mid-September before the survey can be completed. A parcel will be cut out of 41.3 acres of land. Annexation of this land provides opportunity for Maggie Valley's future growth. Interim Manager Best is to check for sufficiency per Resolution 22-20.

**ALDERWOMAN TAMMY WIGHT MADE A MOTION FOR TOWN CLERK TO CHECK FOR SUFFICIENCY OF 1580 MOODY FARM ROAD. MOTION CARRIED UNANIMOUSLY.**

**11) Event Approval**

Planned for May 26-27, 2023, 4-Wheel Drives in the Valley is a new event for Maggie Valley, but the fourth for Promoter Rodney Buckner in 2023. There will be no music or alcohol sales. Camping will be permitted. Alderman Phillip Wight asked about the schedule and how close it is to the Jeep event. Interim Manager Best says the 4-wheel Drives in the Valley will check out on May 28, 2023, and Slingshots will check in on May 29, Memorial Day. Town Hall will be closed, but Public Works will manage needs of the Festival Grounds for both events. Alderwoman Wight asked if the campers will be vendors. Response was that this is the same setup that Promoter Buckner normally does.

**ALDERWOMAN TAMMY WIGHT MADE A MOTION TO APPROVE THE 4-WHEEL DRIVES IN THE VALLEY FOR THE WEEKEND OF MAY 26-27, 2023. MOTION CARRIED UNANIMOUSLY.**

As mentioned at the beginning of the meeting, the Board is pulling from discussion the purchase of the WWTP truck. Finance Officer Shayne Wheeler had mentioned the budget cut, and that they cannot get the same kind of truck for \$36,000. The plan is to reprice what the actual cost would be and come back next month to request that Board approve the difference in cost.

**12) Other Business**

Chief Gilliland received the ability to buy two Dodge Durango Pursuit Police Vehicles from Jacky Jones Dealership in Hayesville. These vehicles were priced under State Contract to Maggie Valley. \$72,000 was approved in this year's budget. The cost of the vehicles will be \$76,998, a different of \$4998. This price does not include tag or 3% taxes, an additional \$2400. If approved, there will be a budget amendment presented at next Board Meeting.

Alderman Owens asked how the Police Department found two Durango's on the lot. Chief Gilliland says that Jacky Jones reached out to the Department. Four other area agencies are to purchase vehicles from the Dealership as well.

Interim Manager Best said the vehicles are exactly alike and provided specs.

**ALDERMAN JOHN HINTON MADE A MOTION TO THE PURCHASE OF TWO DODGE DURANGOS FROM JACKY JONES. MOTION CARRIED UNANIMOUSLY.**

**13) Department Head Reports**

**Planning Department**

Planner Finkle introduced Sam Cullen as the new Assistant Planner. Sam comes from the Town of Waynesville. He is already a Certified Zoning Officer. Next week he will attend the Zoning Officer Conference in Wilmington.

The Comprehensive Plan Steering Committee official kick off is September 13. She provided the Board with a document containing the Suggested Steering Committee Representatives, and said some people have contacted her directly, while others were recommended by the Board. It will be better for this committee to not be officially appointed, so it is a little less formal and doesn't require official quorums. Meetings will be advertised on the Sunshine List. She directed everyone's attention to blanks that still need to be filled, particularly for restaurants. Any suggestions need to go through Planner Finkle. Planner Finkle will still reach out to all individuals but if Board Members reach out too, it will go a long way toward participation.

Mayor Eveland suggested that the Board review the list of recommendations individually and discuss with Planner Finkle. Diverse community representation is needed. This plan looks for the first time at the Jonathan Creek corridor up to 1-40. Planner Finkle especially would like for Board Members to make recommendations so she can reach out to potential Jonathan Creek representatives.

This is not an appointed committee. At the September 13 meeting, if individuals attend that didn't already know about the committee, but who are interested in participating, they can be added then. The goal is to stay as flexible as possible.

Alderman Phillip Wight questioned whether the Zoning and Planning Boards would pick their own chairs. Planner Finkle says that she is trying to stay away from those leadership positions, keeping this informal, and encouraging open and honest dialogue. Those Boards will decide who best to sit on the committee, and how they will handle the commitment, such as rotating on and off so different people can be involved.

Monthly Report:

July 2022	21	Description
Residential Permits	5	3 BR SF Residence Creekside Drive @ Horseshoe Cove Handicap Ramp Rushing Creek Lane Shed Asgi Trail @ Smoky Mountain Retreat Roof over existing deck Appalachian Trail @ Appalachian Village 1 BR added in basement remodel Plateau Drive Masters Landing
Commercial Permits	6	(2) Carport/roof over existing unit at Mountain Retreat RV Park Deck for existing unit at Mountain Retreat RV Park Roof over existing deck Kamp-n-Kountry Mobile Food Vendor Host Site Cardinal Inn Addition of 2 Mini Storage Warehouse Buildings Water Plant Road
Floodplain Permits	1	Carport over existing unit at Mountain Retreat RV Park
Misc. Requests	2	Permit to exceed Noise Regulation for Fundraiser at Valley Tavern Zoning Verification Letter 4195 Soco Road
Zoning Compliance Letters	4	3 BR SF Residence Odalu Trail Smoky Mountain Retreat at Eagles Nest 3 BR SF Residence Campbell Mountain Drive Campbell Mountain Estates (2) 2 BR Duplex February Lane Meadows at Campbell Mountain

Notice of Violations	3	High Grass at 325 Caldwell Drive (2) Floodway Violation 65 Sophie Road 2 <sup>nd</sup> and 3 <sup>rd</sup> Follow Up
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Alderwoman Tammy Wight welcomed Sam Cullen. She also stated that she was not opposed to Planner Finkle deciding which individuals will be on the committee, going on to state she expects Planner Finkle will have a good rapport with the representatives. Alderman Owens agreed, adding it will end up helping consultants. Alderwoman Tammy Wight said it was important that individuals are comfortable with Planner Finkle.

Planner Finkle reiterated that she does not know the Jonathan Creek residents as well because the Town has not reached out to them before. Mayor Eveland says the recommendations on the list from Jonathan Creek are good, but he is concerned that the Boyd's November and December schedule might not allow them to be active on the committee. Alderwoman Tammy Wight added that Planner Finkle will gain insight when she reaches out.

### **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. 15.7 tons.
- Monthly Solid Waste approx. 58.8 tons.
- Monthly White Goods/Electronics 4 pick-ups.
- Picked up miscellaneous residential brush and debris. 260 brush pick-ups that totaled 16 loads of brush.
- Continue maintenance and repairs on Welcome Banners, Miss Maggie Banners, Summer Banners and Flag Banners
- Perform ditch, culvert, shoulder and road maintenance along streets. Both private and Town streets.
- Service and/or repaired 4 Public Works vehicles/equipment 0 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 started the Veteran's Park Project in late July. We are also working on the new Town Hall sign foundation and utilities to both.
- Public Works is working with Pressley Excavating (the utility and grading contractor) on Mari's Meadow a new subdivision off Panoramic Loop.
- Public Works staffed 4 very successful events at the Festival Grounds in July. We also staffed the 4<sup>th</sup> of July Fireworks event.

### **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.
- Continue working to make repairs to deficiencies identified during I/I study, smoke testing and sewer assessment. 0 repairs last month from I/I repair list.
- Installed/repared 2 sewer services issues, cleaned and videoed approximately 550' feet of sewer line, inspected 2 sewer connections/installations, repaired/leak stopped 0 damaged manholes and inspected 0 manholes as we continue to work on I&I issues. We had to dig up and repair 2 existing sewer services damaged by others.
- Dewatered 45,000 gallons of digester sludge. Lime Stabilized 0 tons of dewatered sludge. Also, 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 NC811 locate request for 58 tickets. 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 preformed 7 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.
- Public Works refloored the deck of the WWTP bridge. This has to be repaired about every 7 to 8 years.
- We completed and delivered to DWQ Pretreatment Unit an Industrial Waste Survey (IWS) as required by the Towns NPDES Permit.

Alderwoman Tammy Wight commented that it is exciting to see groundbreaking on the Veteran's Park, that has been a conversation for 12 years. Mayor Eveland asked what work has been completed. Director reported service has been completed to get rid of electric in yard, and if someone must cut off electric, they can easily identify and get to where it is located.

## **Police Department**

### **Incident/Investigations**

During this reporting month, the Maggie Valley Police Department (MVPD) investigated thirty-six incidents which include: Criminal Property Damage, Simple Assault, Larceny, Narcotics Violations, and Trespassing.

#### Arrests

Maggie Valley police officers arrested a total of fourteen individuals resulting in twenty-three charges which include: Simple Assault, Narcotics Violation, Criminal Property Damage, Aggravated Assault, and Drug Paraphernalia Violations.

#### Motor Vehicle Traffic

Maggie Valley Police Officers investigated 1 motor vehicle accidents for the reporting period. Issued one hundred seventy Uniformed Traffic Citations and Warning Citations combined. 48 percent (82) of citations were for speeding.

#### Officer Activities

There was a total of one hundred ninety-nine Officer Activity Logs for the month which include: Business Checks, Civil Disturbance, Suspicious Persons and Vehicles, Noise Complaints, Trespassing, Assist Motorist, Assist other First Responders, Missing Person (found), Incomplete 911 Calls, and Welfare Checks.

Sgt's Jeff Mackey and Ryan Flowers inspected our vehicles for maintenance and cleanliness.

#### Evidence Processing (E/P)

E/P technician processed seven items for the month. Evidence items range from Marijuana, THC extract, Drug Paraphernalia, Opioids, and Methamphetamine.

#### Investigations (CID)

CID Captain Matthew Boger and Detective Haley Crocker assisted in a county wide drug operation.

Detective Crocker is following up on two larceny investigations.

Detective Crocker concluded a credit card theft case. Felony warrants have been issued for arrest of the suspect.

CID reviewed and deleted June 2022 in-car camera videos.

#### K9 Program

The Maggie Valley Police Department K-9 team attended fourteen training exercises and deployed ten times with narcotic seizures.

Maggie Valley K-9 Officers were involved in ten canine deployments.

#### Community Patrol and Interactions

Maggie Valley Officers patrolled through our residential neighborhoods 360 times during the month.

Maggie Valley Officers performed their monthly business visitations.

Maggie Valley Officers responded to 307 Calls for Service (CFS) in this reporting period.

#### Events, Schools, and Meetings



Maggie Valley Police Officers provided security for our July 4th event.

Maggie Valley Police Officers provided security for Hillbilly Jam event.

Officers Michael Herbertson and Rodney Riddle attended the NC Highway Patrol Driving School located in Raleigh NC.

Maggie Valley Officers participated in a seminations exercise held at Haywood Community College training center.

**Manager's Report:**

There were 751 contacts on the Sunshine List.

Interim Manager Best commended an article by Reporter Kathy Ross on the Comprehensive Plan Steering Committee.

June Board Minutes have not been completed because Ms. Best is juggling duties of both Interim Manager and Clerk. Regina Massie has agreed to review the recording and compose minutes for the meeting.


Ferguson property delayed due diligence until August 22. Manager Best wants to do a walk through if possible.

Aldermoman Tammy Wight recognized that the Department is going through a lot of changes and a heavy workload. Alderman Owens expressed appreciation for all Ms. Best is doing.

**ON MOTION OF ALDERWOMAN TAMMY WIGHT, THE MEETING ADJOURNED AT 7:13 pm**

  
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Mayor Mike Eveland

  
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Regina Massie, Minute Taker

