

Town of Maggie Valley
Board of Aldermen Regularly Scheduled Meeting
February 13, 2024
MINUTES

Members Present:

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

Members Absent:

Alderman Phillip Wight

Staff Present:

Vickie Best, Town Manager
Kathy Johnson, Town Clerk
Matthew Boger, Police Chief
Sam Cullen, Town Planner
Mike Mehaffey, Public Works Director
Seth Boyd, Senior WWTP Operator
Assistant Town Planner, Noah Taylor
Taylor Osborne, Attorney

Others Present:

Seven others present.

Media Present:

Brionna Dellara, Waynesville Mountaineer

MEETING CALL TO ORDER

Mayor Eveland called the Meeting to order at 6:29 pm on Tuesday February 13, 2024, in the Maggie Valley Town Hall Boardroom, 3987 Soco Road, Maggie Valley, NC 28751. He said Alderman Phillip Wight would not be attending the meeting.

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

Mayor Eveland said Lake Silver was present and would be speaking after Public Comment. He said the Public Hearing for a Text Amendment to the Town of Maggie Valley Subdivision Ordinance is removed from the agenda until a later date.

Manager Best stated the Closed Session is also removed from the agenda.

CONSENT AGENDA

- a. *Minutes to be Approved: January 2nd, 17th and Festival Ground minutes for January 17th, 2024.*
- b. *Budget to Actual*
- c. *A/R Report*
- d. *Tax Releases*
- e. *Resolution No. 24-05 Setting Date of Public Hearing March 12, 2024, Petition to Annex and initially zone 3211 Dellwood Road PIN 8606-49-1363 Belonging to JOSE CHAVEZ-NEGRETE*
- f. *Resolution No. 24-06 Setting Date of Public Hearing March 12, 2024, Petition to Annex and initially zone 3281 Dellwood Road PIN 8606-39-9323 Belonging to MITCHELL ARMENANTE*

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

PUBLIC COMMENT

Mayor Eveland explained there would be public comment for each of the Public Hearings. He asked if anyone would like to make general public comment. No one came forward.

Mayor Eveland invited Lake Silver to step forward to speak.

Mr. Lake Silver explained he was Congressman Chuck Edwards Western Field Representative. He stopped by to hear about any local issues that the Congressman can help with. He said they have had twenty Carolina Cruiser stops in the last twelve months. Some of those took place in front of Town Hall in Maggie Valley talking to Haywood County constituents. The Congressman has been put over Appropriations. Appropriators set the spending limits for the entire federal government, which is a huge deal for Western North Carolina. He said they would love to help Maggie Valley Constituents. He offered his contact information to anyone that would like to have it. He thanked the Board for allowing him time to speak.

APPOINTMENT OF PLANNING BOARD AND ZONING BOARD MEMBERS

Mr. Cullen explained there were two seats available on the Planning Board that needed to be filled. One member's term has expired, and one member has decided to resign before the end of his term. It has been advertised and applicants were interviewed before the meeting.

Mayor Eveland confirmed with Planner Cullen that the intention is for Jared Lee, who is currently on the Zoning Board of Adjustments, to be moved to the Planning Board.

A motion was made by Alderman John Hinton to move Jared Lee to Planning Board from the Zoning Board of Adjustment. The motion carried unanimously.

A motion was made by Alderman Tim Wise to appoint Shelly Clement to the Zoning Board of Adjustment. The motion carried unanimously.

A Motion was made by Alderman Jim Owens to appoint Chuck Cummings to the Planning Board. The motion carried unanimously.

CONTINUE PUBLIC HEARING FOR A REQUEST TO REZONE 4521 SOCO ROAD PIN # 7676-88-8767 FROM C1 TO MU4

Mayor Eveland opened the Public Hearing at 6:36 pm and invited Planner Cullen to speak. Mr. Cullen said the Planning Department received a phone call from Luxury One Investments, the owner of 4521 Soco Road on January 23, 2024. The purpose of the call was to retract the application for rezoning. The applicant cited concerns over property lines and the use of the upper section of the property. Mr. Cullen said no action is needed on this item. Public Hearing closed at 6:37 pm

PUBLIC HEARING FOR THE ANNEXATION OF 126 CLEARVIEW DRIVE

Mayor Eveland opened the Public Hearing for annexation of 126 Clearview Drive at 6:38 pm and asked Planner Cullen to present the staff report.

Planner Cullen stated the clerk has checked the sufficiency and the Town can serve the property. Mayor Eveland asked if anyone would like to make a Public Comment about the annexation of 126 Clearview Drive.

Rick Helfers, 329 Clearview Drive stated he lives up the road from the property to be annexed. He stated, "during the construction they have not messed up the road and I look forward to welcoming those people into the community."

Mayor Eveland closed the Public Hearing at 6:39pm for Board discussion.

A motion was made by Alderman Tim Wise to approve Ordinance 1068, annexing 126 Clearview Drive. The motion carried unanimously.

PUBLIC HEARING FOR INITIAL ZONING OF 126 CLEARVIEW DRIVE

Mayor Eveland opened the Public Hearing for initial zoning of 126 Clearview Drive at 6:40 pm and asked Planner Cullen to present the staff report.

Planner Cullen said now that the property is in the Town of Maggie Valley, it must be zoned. This is a 3.36-acre lot that was previously in the ETJ and was zoned R-1. He said the staff's recommendation is that the property be zoned R-1 Low Density Residential. Based on the surrounding zoning districts and the surrounding land uses, staff recommends zoning the property R-1 Low Density Residential. This recommendation is in harmony with the Comprehensive Land Use Plan which shows this area as mixed-Use Core.

Mr. Cullen said the Planning Board met on January 16, 2024, and unanimously recommended approval of R-1 Low Density Residential.

Mayor Eveland asked if anyone would like to make a Public Comment. No one came forward to speak and he closed the Public Hearing at 6:42 pm for Board discussion.

A motion was made by Alderman Jim Owens to approve Ordinance 1073 zoning 126 Clearview Drive R-1 Low Density Residential. The motion carried unanimously.

A motion was made by Alderman John Hinton to approve Ordinance 1073 Consistency and Reasonableness Statement. The motion carried unanimously.

PUBLIC HEARING FOR ANNEXATION OF A PARCEL OFF VALLEY VIEW DRIVE (HUGHES DRIVE)

Mayor Eveland opened the Public Hearing for annexation of a parcel off Valley View Drive (Hughes Drive) at 6:43 pm and asked Planner Cullen to begin his presentation.

Mr. Cullen said the Town Clerk has checked for sufficiency and can serve the property with all Town services. It has been explained to the property owner if they want Town services, they must be accessed off of Valley View Drive.

Mayor Eveland asked if anyone would like to speak on the annexation of the property off Hughes Drive. No one came forward to speak and he closed the Public Hearing at 6:44 pm for Board discussion.

A motion was made by Alderman Jim Owens to approve Ordinance 1069 annexing the property off Valley View Drive (Hughes Drive). The motion carried unanimously.

PUBLIC HEARING FOR INITIAL ZONING OF A PARCEL OFF VALLEY VIEW DRIVE (HUGHES DRIVE)

Mayor Eveland opened the Public Hearing for initial zoning of the property off Valley View Drive (Hughes Drive).

Assistant Town Planner Noah Taylor said this is a 4.71-acre lot near the Maggie Valley Country Club area. Staff recommends that the property be zoned R-1 Low Density Residential. The recommendation is based off the surrounding zoning districts and the surrounding land uses. The R-1 zoning classification will not create any nonconformities and should not create spot zoning in the future.

The Planning Board met on January 16, 2024, and unanimously recommended approval of R-1 Low Density Residential. The Comprehensive Land Use Plan does not address this parcel specifically, but recommends the area be designated for Mountain Residential uses.

The Property is contiguous with Mountain Residential and therefore this recommendation is also in harmony with the Comprehensive Land Use Plan. The minimum lot size in the R-1 district is .33 acres and this lot sits at 4.71 acres.

Mayor Eveland asked if anyone would like to speak about the zoning of the property. No one came forward, he closed the hearing at 6:46 pm for Board discussion.

A motion was made by Alderman John Hinton to approve Ordinance 1074 zoning the property off Valley View Drive (Hughes Drive) as R-1 Low Density Residential. The motion carried unanimously.

A motion was made by Alderman Jim Owens to approve Ordinance 1074 Consistency and Reasonableness statement. The motion carried unanimously.

BUDGET AMENDMENT: ORDINANCE 1070 FOR NEW HEAT PUMP/FURNACE

Mayor Eveland said the Bids were approved in the Agenda Setting Meeting and now the Budget Amendments need to be approved for payment to the contractors.

A motion was made by Alderman Tim Wise to approve Budget Amendment Ordinance 1070 for the New Heat Pump/Furnace. The motion carried unanimously.

(Ordinance 1070 was approved at the February 6, 2024, Agenda Setting Meeting and was put on this meeting agenda for clarification of the Budget Amendment).

BUDGET AMENDMENT: 1071 SWEET BRIAR PARKING LOT: CUSTOM PAVING: \$231,000

A motion was made by Alderman Jim Owens to approve Budget Amendment Ordinance 1071 for Sweet Briar parking lot for \$231,000. The motion carried unanimously.

BUDGET AMENDMENT: 1072 TOWN HALL & PAVILION: CONSOLIDATED ROOFING: \$94889

A motion was made by Alderman John Hinton to approve Budget Amendment Ordinance 1072- Consolidated Roofing for Town Hall and Pavilion- \$94,889. The motion carried unanimously.

BUDGET AMENDMENT: 1075 SEWER TRUCK: AMENDING BUDGET AMENDMENT ORDINANCE 1066

Ms. Best explained Budget Amendment Ordinance 1075 is amending Budget Ordinance 1066.

A motion was made by Alderman Jim Owens to approve Budget Amendment Ordinance 1075 Budget Amendment Ordinance 1066 for the sewer truck. The motion carried unanimously.

REAPPOINT AL MATTHEWS AND DANNY MITCHELL TO THE ABC BOARD

Ms. Best said ABC Board Members Al Matthews and Danny Mitchell are up for reappointment this month. She said the ABC Board Meeting is scheduled for February 20, 2024.

There was discussion between Board Members and Alderman John Hinton questioned the number of years each Board Member has served on the Board. He said before their reappointment he would like to see how many years each member has served. Manager Best said she would get the terms of each of the ABC Board Members for the Board to review.

Mayor Eveland said Joe Moody would be up for reappointment in October 2024. He suggested reappointing Mr. Matthews and Mr. Mitchell so their term would expire in October 2024 as well.

A motion was made by Alderman John Hinton to reappoint Al Matthews and Danny Mitchell to the ABC Board until October 2024. The motion carried unanimously.

DIRECT TAX COLLECTOR/TOWN MANAGER ORDER TO ADVERTISE THE TAX LIENS AFTER SENDING A FIRST-CLASS NOTICE OF DELINQUENT TAXES TO THE PROPERTY OWNER.

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Manager Best explained according to general statute the Board would need to Direct Tax Collector/Town Manager to advertise the tax liens after sending a first-class notice of delinquent taxes to the property owner. Delinquent notices were mailed February 7, 2024, and will be advertised in the Mountaineer Newspaper in the weekend edition March 9.

A motion was made by Alderman Jim Owens to approve the Town Manager/Tax Collector to advertise the delinquent tax list. The motion carried unanimously.

OTHER BUSINESS

There was no other business.

DEPARTMENT HEAD REPORTS

Mike Mehaffey, Public Works Director

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. eleven tons.
- Monthly Solid Waste approx. forty-eight tons.
- Monthly White Goods/Electronics four pick-ups.
- Picked up miscellaneous residential brush and debris. Sixty-five brush pick-ups that totaled four 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 six Public Works vehicles/equipment 0 Administration and six 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. The island at the Mexican restaurant has been shortened twelve feet.
- We continue maintenance on 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.
- Public Works prepared the festival grounds for the Ice Fest, staffed the event, cleaned up and made repairs to the grounds.
- We had nine days of snow and ice removal in January and hauled four loads of salt.

- Public Works has begun installing drainage piping and boxes for the Sweet Briar parking lot project. We bid out the project and will have that for the workshop.

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/repared three sewer services issues, cleaned and videoed approximately 200' feet of sewer line, inspected 1 sewer connections/installations, repaired/leak stopped 0 damaged manhole and inspected 0 manholes as we continue to work on I&I issues.
- Dewatered 46,000 gallons of digester sludge. Lime Stabilized 0 tons of dewatered sludge. Also, we hauled forty-four 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 seventy-five 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 four 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.
- 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.

- This month we completed and delivered to DWQ our application for the Collections System permit renewal. Also, we completed our yearly Collections System inspection with DWQ.
- We completed and delivered to EPA and DWQ our yearly Residuals Report and Pollutant Scan.

Matthew Boger, Police Chief

Incidents

- During the reporting month January, the Maggie Valley Police Department investigated thirty incidents, which included Breaking and Entering, Larceny, Property Damage, Drug Violations, Trespassing, Simple Assault, Disorderly Conduct, and Counterfeiting/Forgery.

Arrests

- Maggie Valley Police Officers arrested nine individuals, resulting in seventeen charges, which included Larceny, Breaking and Entering, Property Damage, Drug Violations, Disorderly Conduct, Motor Vehicle Theft, Counterfeiting/Forgery, and Trespassing.

Motor Vehicle Traffic

- Maggie Valley Police Officers investigated five motor vehicle accidents for the reporting period and issued two-hundred and twenty-nine traffic-related charges. Fifty-nine-point eight percent of charges were for speeding (31 citations and 106 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 worked several shifts with Officer Snyder's field training. The training is focused on general officer safety, report writing and investigation. Officer Snyder moved into phase three of the FTO program.
- Officer Greene was dispatched to Maggie Gift Shoppe in reference to counterfeit money. The suspect was located and charged with possession of counterfeit instruments, uttering forged instruments, drug paraphernalia, breaking and entering and larceny.
- Officer Greene, Officer Herbertson, Sergeant Wood, and Detective Crocker followed up on a larceny investigation. A large amount of stolen property was recovered and returned to the victim.
- Officer Herbertson and Sergeant Wood responded to a trespassing call on Jonathan Creek Rd. The resident wished to have the guests removed from his apartment upon returning from the hospital. Two subjects refused to leave the residence and after a physical altercation with officers, both individuals were placed into custody.

- Officer Herbertson and Sergeant Wood assisted HCSO with an attempted suicide call off Jonathan Creek Rd. Officers on scene were able to calm the subject down and they decided to voluntarily go to the hospital to be checked out.
- Sergeant Flowers continued FTO training with Officer Snyder throughout the month.
- K-9 Officer Bellows responded to the ski lodge in reference to larceny of skis. A report was documented.
- Officer Snyder and Sergeant Flowers responded to a storage unit facility in reference to a breaking and entering and larceny call for service. A report of the larceny was documented and forwarded to the C.I.D division. Detective Crocker took over the case and all items were located at a later date via execution of a search warrant.
- Officer Snyder and Sergeant Flowers responded to a residence in reference to a larceny of a motor vehicle call for service. The suspect in question was at the residence and arrested. He was transported to the Maggie Valley Police Department where the Department of Juvenile Justice took custody of him.

Evidence Processing (E/P)

- Evidence Technicians O. Murphy and S. Justice processed forty-one items for the month. Evidence includes narcotics, narcotics paraphernalia, firearms, ammunition, money, cell phones/electronics, counterfeit money, personal property, and prescription medications.

Investigations (CID)

- Detective Crocker investigated a larceny of a motor vehicle case where a juvenile took his grandparents vehicle without permission, again. DJJ was contacted and the juvenile was taken into custody.
- Detective Crocker and Sgt Wood investigated an attempted kidnapping of a 9-year-old at the ski area. The child was found safe and video footage of the suspect was collected. He has not been identified at this time.
- Detective Crocker investigated a larceny report from a storage unit. The suspect was identified, and an address was obtained. Officer Greene executed a search warrant and nearly every item taken was returned to the victim. The suspect has outstanding warrants.
- Detective Crocker executed a search warrant on 8 cellphones and had them taken to the DEA to be forensically downloaded.
- There are currently ten larceny reports that occurred at Cataloochee Ski area. Multiple snowboards and skis were taken over the month. The suspect appears to be someone different for each offense.

K9 Program

- The K9's deployed 3 times during this reporting period for narcotics detection. No contra band was located.
- Both K9 Teams attended training and 14 training exercises was reported.

- K9 Karma is showing itself to be a great investment for the town and her continued training is going better than expected.

Community Patrol and Interactions

- Maggie Valley Officers patrolled through our residential neighborhoods.
- Maggie Valley Officers performed their monthly business visits.
- Maggie Valley Officers responded to 316 Calls for Service in this reporting period. The average number of calls for service per day has been consistently around ten for the last several months.

Events, Schools, and Meetings

- Chief Boger attended the annual Chief's Conference in Cherokee, NC
- Sergeant Wood attended class for First Line Supervision.
- Officers Herbertson and Greene spent one week completing SFST classes.

Sam Cullen, Town Planner

- Eight Residential Permits: New Structure, 36 Stable Ln, 88 Katua Falls, Mountain View Estates #62,63,64,11 and Greystone Place #12
- One Commercial Permit: New Business Permit, 2466 Dellwood Road
- Seven In person consultations: Development consultations concerning various areas in town x2, ZBOA Guidance, Planning Board Guidance, Stormwater, DOT
- Three Final Zoning Compliance: 110 Regents Place, 11 Garden Court, 44 Kennerly Cove
- One Misc. requests: Request to withdraw rezoning application, 4521 Soco Road

In January, the Planning Department:

- Attended a meeting of the Southwestern NC Home Consortium and received updates on affordable housing projects.
- Met with Department of Transportation Officials concerning upgrades to Hwy. 276
- Began Outreach to property owners in the Campbell Creek area concerning right of entry for tropical storm clean-up.
- Met with Haywood County Development Services concerning floodplain jurisdiction.
- Met with the Planning Board and the ZBOA at the regularly scheduled meetings/solicited applications for both boards.
- Additionally, Assistant Planner Taylor obtained his Notary Public Certification. Congratulations Noah!

ADJOURNMENT

A motion was made by Alderman Tim Wise to adjourn the meeting at 7:11 pm. The motion carried unanimously.

Attest:

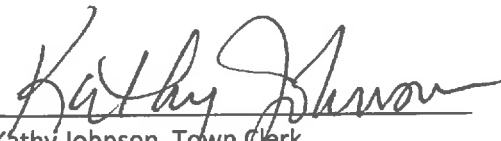
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