

Town of Maggie Valley
Board of Aldermen Regularly Scheduled Meeting
December 13, 2022
Minutes

The Town of Maggie Valley Board of Aldermen held a regular meeting on Tuesday, December 13, 2022, at 6:30 pm in Town Hall Board room located at 3987 Soco Road, Maggie Valley NC 28751.

1. MEETING CALLED TO ORDER

Mayor Mike Eveland called the meeting to order at 6:30 and welcomed everyone.

Members Present:

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

Staff Present:

Vickie Best, Town Manager
Kaitland Finkle, Town Planner
Russ Gilliland, Police Chief
Seth Boyd, Public Works
Craig Justus, Attorney
Kathy Johnson, Town Clerk

Media Present:

There were no media present

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was repeated by all, followed with prayer.

3. APPROVAL OF THE AGENDA/CONFLICT OF INTEREST DECLARATION

Mayor Eveland explained per the developer's request the Public Hearing for Conditional Zoning District 1114 Jonathan Creek Road, PIN 8607-34-5642 will be moved to January 10, 2023, meeting. It was determined that the hearing would need to be advertised again.

4. CONSENT AGENDA

a) November 1, 2022, and November 9, 2022, minutes. b) Budget to Actual c) A/R Reported Tax releases e) Declare canine "Goose" surplus f) Set Public Hearing to readopt Waynesville-Maggie Valley Annexation Line Agreement in preparation for Future Land Use Map Update (Last

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adopted April 10, 2007). g) Set Public Hearing for the Village at Twin Falls PIN 7696-28-8311, 10 Lot Conditional Zoning.

Town Manager Vickie Best stated the last annexation agreement between Maggie Valley and Waynesville was made in April of 2007. Maggie Valley Comprehensive Plan desired for the agreement to be made and agreed upon for the next twenty years. The annexation line is the ridge line at Queens farm on Dellwood Road and this includes all areas shown in the Future Land Use Map for Maggie Valley. She said staff would advertise for the public hearing.

A motion was made by Alderwoman Tammy Wight to approve the Consent Agenda with the omission of Public Hearing for Conditional Zoning District 1114 Jonathan Creek Road, PIN 8607-34-5642. The motion carried unanimously.

5. PUBLIC COMMENT

Mayor Eveland stated that although the hearing for 1114 Jonathan Creek Road has been postponed to the January meeting, the Board would like to give the public a chance to speak.

Ms. Holly Bamford, 19 Rons Ridge spoke of her concerns about putting 87 homes on quarter acre lots. She expressed concern on grading and the effect this would have on water and deforestation. She stated this type of development would be detrimental to the mountains and the people that live in Maggie Valley.

Mr. Christopher Brady, 245 Tanner Trail stated he feels Maggie Valley is not known for having this type of development and feels the development would take away from the property value. He expressed concerns about added traffic in the area with this type of development.

(unknown) stated he lived in the same neighborhood as the previous speakers. He expressed concerns over the twenty-one-acre development and how it would impact the appearance of Maggie Valley.

Ms. Ellen Pitt stated she represents Mothers Against Drunk Drivers and expressed appreciation to the Board for the use of the Venue for the candlelight service and the kindness shown to Mr. Kevin Rumley, Director of Buncombe County Veteran Court. She spoke about pretrial cam bracelets for DWI repeat offenders. She explained the forty third prosecutorial district has been selected as a pilot project district and will be able to fund the bracelets for one year and will also be working with the Police Department to collect data. Ms. Pitt extended an invitation to the Board for Haywood County Delegation at a sobriety court graduation set for Friday January 13th, 2023, at 12:30 pm.

There was discussion between Board members, and it was determined to place the ceremony date on the upcoming calendar.

6. PUBLIC HEARING FOR THE ANNEXATION OF 1580 MOODY FARM ROAD, PIN 7696-08-6462, 1.51 ACRES

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Mayor Eveland opened the public hearing at 6:43 pm and invited Planner Kaitland Finkle to start her presentation.

Ms. Finkle explained the parcel was originally part of a larger 41-acre tract and has been recently subdivided. The 1.554 acres has been surveyed around the area that used to hold a mobile home and it connects back to moody farm road. The mobile home has been removed and the owners are using the basement to build a five-bedroom home which is why they need sewer service. The sewer service is on the opposite side of the Moody Farm Road and the applicant will have to bore under the road. She said it is staff recommendation to approve the annexation due to service is already in the area.

Mayor Eveland opened the hearing to public comment. With no public comment, he closed the hearing at 6:46 pm.

A motion was made by Alderman John Hinton to adopt ordinance 1021 the annexation of 1580 Moody Farm Road, PIN 7696-08-6462. The motion carried unanimously.

7. PUBLIC HEARING FOR INITIAL ZONING OF 1580 MOODY FARM ROAD, PIN 7696-08-6462, 1.51 ACRES

Mayor Eveland opened the public hearing at 6:47 pm and asked Ms. Finkle to begin her presentation.

Ms. Finkle explained the staff's recommendation for Zoning for 1580 Moody Farm Road is MU-2 Moody Farm Mixed-Use. The property is adjacent to parcels zoned to this district and is consistent with the Future Land Use Map which designates the property as Moody Farm Road Mixed Use.

Mayor Eveland opened the hearing to public comment. With no public comment he closed the Public Hearing at 6:49 pm.

A motion was made by Alderman Jim Owens to adopt ordinance 1022 Zoning the property to MU2. The motion carried unanimously.

The Board reviewed and discussed the Consistency statement.

A motion was made by Alderman Phillip Wight that the recommendations for MU-2 zoning is reasonable and in the public's interest because: currently un-zoned in the county, adjacent zoning is MU-2 and properties without zoning, surrounded Residential/Commercial Land Use, tying existing residential structure to sewer. The motion carried unanimously.

8. PUBLIC HEARING FOR CONDITIONAL ZONING DISTRICT: 1114 JONATHAN CREEK ROAD, PIN 8607-34-5642, 87 LOT SUBDIVISION (SINGLE FAMILY & ACCESSORY DWELLING UNITS)

Public Hearing moved to January 10, 2023

9. PETITION FOR ANNEXATION: 7686-95-4592 LISTER LANE

Town Manager Vickie Best explained Mr. Perry Bailey of 132 Lister Lane petitioned for annexation of 7686-95-4592 on dogwood circle because of the need for sewer. The property is outside of Maggie Valley service district, therefore would not be advantageous for Maggie Valley to annex the property. The sewer line that Mr. Bailey would be connecting to is a private line. The owner of the private line is requesting that Mr. Bailey upgrade the existing line to six inches before he connects. This matter is between the sewer line owner and Mr. Bailey, Ms. Best recommended adopting resolution 22-32 directing the clerk to investigate the sufficiency of the property.

A motion was made by Alderwoman Tammy Wight to adopt resolution 22-32 directing the clerk to investigate sufficiency. The motion carried unanimously.

10. RESOLUTION 22-31A: DESIGNATING CHIEF OF POLICE AND TOWN MANAGER AS ABC PERMIT APPLICATION OFFICIAL.

Manager Best explained this resolution would name department heads as ABC Permit Application Officials instead of naming individuals in the past.

A motion was made by Alderman Phillip Wight to adopt Resolution 22-31A. The motion carried unanimously.

11. Budget Amendments:

- a. Ordinance 1014; Amendment for 10% of appropriated Fund Balance for ABC Distribution Rehab/Education.

Manager Best said the amendment is to approve \$25,306 for the 10% of the ABC Board received annually for the purpose of community service activities, education on excessive use of alcoholic beverages and the rehabilitation of alcoholics. She reviewed the allocations for the funds with the Board.

Mayor Eveland said the checks will start being deposited quarterly and the resolution will need to be amended on a quarterly basis when this happens.

A motion was made by Alderwoman Tammy Wight to adopt Ordinance 1014. The motion carried unanimously.

- b. Ordinance 1020: Ferguson Property asbestos testing and abatement & building removal/cleanup for temporary parking.

Manager Best gave a breakdown of the funds as follows: the teardown and removal of debris, hauling and landfill fees would be \$40,000.00. Fill and compact basement area \$10,000.00.

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Miscellaneous grading \$10,000.00. Gravel on graded area \$7,500.00. Asbestos removal \$19,500.00. Asbestos inspections and testing which has already been approved is included \$1,500.00.

Mayor Eveland confirmed the ordinance would approve \$88,500.00 to be moved from the general fund bringing the total to \$95,000.00.

A motion was made by John Hinton to adopt ordinance 1020 the Ferguson property asbestos testing and abatement and building removal/cleanup for temporary parking. The motion carried (4-1) with Alderman Phillip Wight in opposition.

12. APPROVAL OF \$8,130.00 SALT SPREADER (EQUIPMENT PREVIOUSLY BUDGETED)

A motion was made by Alderman Jim Owens to approve \$8,130.00 for salt spreader. The motion carried unanimously.

13. APPROVAL OF EVENTS AT THE FESTIVAL GROUNDS

- a) Worldwide Beatbox Fest: May 18 through 23, 2023, live music and Overnight Camping.

Ms. Best said she had spoken with Tanner Boyd, and he has assured her the noise level would not exceed that of the Hillbilly Jam. There will be the main band on stage competing while other tents will be scattered around the grounds with other competitions. She said Mr. Boyd had stated the speakers were turned down and would not interfere with the other competitions. Ms. Best expressed concern about the weeklong music event.

There was much discussion among Mayor Eveland, Board Members, Attorney Justus and Manager Best on the length of the event and noise concerns. It was determined that Ms. Best would contact Mr. Boyd and extend an invitation for him to attend the January Board of Alderman meeting to discuss concerns on the event.

- b) WNC Jeep Fest: June 9-10, 2023, with live music food trucks, vendors, and jeep show.

Ms. Best said for the past couple of years this event has been held as a fundraiser for Sarges Animal Rescue. The Sarges foundation has backed out and this event will be for the WNC Jeep group only.

A motion was made by Alderwoman Tammy Wight to approve the WNC Jeep Fest for June 9-10, 2023. The motion passed unanimously.

- c) Maggie Valley Fly Fishing Festival: June 24-25, 2023.

Manager Best explained the Fly-Fishing Festival was a new event being put on by the new fly-fishing shop located in Maggie Valley. There will be live music and Alcohol sales.

A motion was made by Alderwoman Tammy Wight to approve the Maggie Valley Fly Fishing Festival (June 24-25, 2023). The motion carried unanimously.

- d) Pavilion request for Iron Warriors Motorcycle Club (Law Enforcement) want to hold registration, the regional meeting and will have food on-site.

Manager Best said the policy states that Staff must get council approval before allowing a commercial type of event to be located within the pavilion. She along with Mayor Eveland met with the gentlemen to discuss them renting the pavilion. She stated there would be very little activity at the pavilion because the group of retired law enforcement officers would mostly be going on tours and rides. This event will bring approximately two hundred people to Maggie Valley for the weekend.

A motion was made by Alderwoman Tammy Wight to approve the Pavilion request for Iron Warriors Motorcycle Club event for August 16-17, 2024. The motion carried unanimously.

14. CONTRACT APPROVAL WITH J.M. TEAGUE ENGINEERING & PLANNING FOR SWEETBRIAR PARKING LOT CONSTRUCTION DRAWINGS AND ADMINISTRATION \$22,300

Ms. Best stated Public Works Director Mike Mehaffey met with JM Teague and discussed the proposed construction plans. She said it would take approximately 90 days to complete the construction plans. She answered questions from the Board on the timeline of the project.

A motion was made by Alderman John Hinton to approve the contract with J.M. Teague Engineering & Planning for Sweetbriar parking lot construction drawings and administration of \$22,300. The motion carried unanimously.

15. PARTICIPATION WITH STONE BRIDGE CAMPGROUND FOR SEWER EXTENSION TO REMOVE LOW WATER SEWER CREEK CROSSING.

Manager Best read through her staff report explaining the elimination of the creek crossing has been part of the wastewater capital improvements plan (CIP) for several years. The low water crossing was damaged during the winter storms of 2013. DENR now requires Maggie Valley to monitor the two crossings for debris removal. Stonebridge Campground is in the process of doing a sewer extension that will give the Town of Maggie the ability to eliminate the upper crossing as part of their on-going sewer project. The Towns participation would be to install 240 feet of gravity sewer across the Kilgore property, and this would leave 1120 feet for Stonebridge Campground to install at their cost.

There was discussion among Board members as Attorney Justus answered questions concerning the project. Ms. Finkle confirmed this would only be approving participation in the project. There has been no contract drawn up or budget amendment for the project.

A motion was made by Alderwoman Tammy Wight to approve the participation with Stonebridge campground for sewer extension to remove low water sewer creek crossing. The motion carried unanimously.

Mayor Eveland stated on behalf of the Board he would like to wish everyone a Merry Christmas and Happy New Year.

16. DEPARTMENT HEAD REPORTS

a) Seth Boyd, Public Works

Seth Boyd with the Public Works department read over the staff report as follows.:

- 12.7 tons of recycling, 41.5 tons of solid waste, six white goods and electronic pickups, 296 brush pickup which totaled thirteen loads of brush.
- Serviced and repaired four public works vehicles and two police vehicles.
- Picked up and disposed of all the fall decorations.
- Completed yearly fire extinguisher inspections for all buildings and vehicles.
- Public Works completed most of the Veteran Park project and new Town Hall sign.
- Installed all the Winter wood decoration, ninety pole decorations, six ground displays and all the winter lighting at Town Hall, pavilion, festival grounds, fire department, police department, and the TDA.
- All Public Works and Administration vehicles were inspected in November.
- WWTP completed monthly testing, monitoring and monthly cleaning and repairs.
- Installed and repaired two sewer service issues. Cleaned, and videoed approximately 200 feet.
- Inspected eleven sewer connections and leak stopped one damaged manhole.
- Received sixty-four 811 locate tickets that were all marked in a timely manner.
- Continue monitoring Jonathan Creek for downed trees that could impact the Towns sewer creek crossing which is now required by NCDEQ.
- Conducted seven grease trap inspections and all of them were compliant.
- Did a DENR inspection for NPDES wastewater permit and the DWQ residuals permit and were compliant with all parameters.

Alderman Jim Owen commended the Public Works department and expressed his appreciation for their hard work. He has received calls from the public on the exceptional job performed by the department.

b) Russ Gilliland, Police Chief

Maggie Valley Police Chief Russ Gilliland updated the Board and went through the staff report as follows:

- 25 incidents which included simple assault, larceny, damage to property, narcotic violations, forgery, identity theft, intimidation, and trespassing.
- He explained there had been eighteen individuals resulting in twenty-two charges which include simple assault, narcotics violations, and trespassing.
- Motor vehicle traffic: investigated four motor vehicle accidents and issued 122 traffic citations combined. Twenty seven percent of those were for speed.
- Total 119 officer activity log for the month which included alarm activations, assisting other agencies, business checks, civil disturbances, suspicious person and vehicles, investigation of incomplete 911 calls, school security, unlocked vehicles, discharge firearms, domestics, intoxicated persons and well checks.
- Sergeants Jeff Mackey and Ryan Flowers inspected the interior of Police Vehicles for needed maintenance and cleanliness.
- Sergeant Ryan Flowers and Rodney Reynold found a missing person from Virginia. The person was found to have warrants and he was arrested.
- Sergeant Jeff Mackey assisted in helping a suicidal female with getting professional assistance.
- Evidence of Processing: there were seventeen items processed for the month including methamphetamine, weapons, marijuana, drug paraphernalia, computers, and cell phones.
- Investigations: There were two people charged with high level drug crimes.
- Detective Haley Crocker and Officer Michael Herbertson are currently investigating a motor vehicle hit and run accident that is ongoing.
- CID investigated a death incident and found the death to be of natural causes.
- Detective Hailey Croker is investigating a breaking and entering involving the coca cola machines at the QP.
- Detective Hailey Croker and Captain Mathew Boger continue to investigate several contractors failing to do work after being paid.
- Captain Matthew Boger reviewed and deleted all in car video tapes for the month of September.
- The K-9 team was involved in five field training events and assisted other law enforcement agencies throughout the month.
- Patrolled through the community 387 times throughout the month, performed monthly business visits and the total call load was 251 calls for service.
- The Maggie Valley Police Association donated to the Tuscola wrestling program to purchase a new mat for the school.
- Officers completed the mandatory 2022 law enforcement in service training.
- Detective Haley Crocker attended a preventing and encountering violence extremism class.
- Administrative Coordinator Andre Murphey attended a class on light duty policy.
- Officer Logan Wood participated in the annual swat round up which is held in Florida.
- Chief Gilliland and Captain Mathew Boger attended the WNC Regional task force meeting held at the Justice academy.
- Chief Gilliland and Captain Boger attended a WNC press release held at the Haywood County Court House.
- Officers participated in blue lights across WNC in memory of victims of DWI.

c) Kaitland Finkle, Town Planner

Ms. Finkle went over Planning Department staff report as follows:

- 28 permits issued in the month of November.
- Twin Brook is beginning to sell single family home lots.
- The Swag is working on renovations.
- A new food truck at Valley Cigar and their goal is to operate Monday through Friday.
- Conditional rezoning is set for the Village at Twin Falls and the Board will be hearing next month. She encouraged the board to drive through the community before the January meeting.
- 15 Appalachian Trail that has been divided into four lots. There will be a duplex sitting on each lot. She stated it is a by-right subdivision and development therefore no hearing will be required. She asked the board to direct any questions they may receive to her.
- The Comprehensive Plan survey closed at the end of November. The original goal was to have at least a 10% participation rate from residents, which would have been 180 participants. Those expectations were far exceeded with 350 participants. She stated that she has printed some of the concerns for the Board to review.

Mayor Eveland and Board Members welcomed Kathy Johnson as new Town Clerk.

Alderwoman Tammy Wight thanked everyone that participated in the Jeep parade, and she thanked Cabbage Rose for coordinating the event. She announced Roses in the Valley will be closing and said she wishes owner Rose Beck success in the next chapter of her life. She thanked Ms. Maggie and said although it is getting chilly outside, she is hard at work showing off the winter decorations!

Attorney Justus spoke about the Town obtaining title insurance coverage and said he wanted to let the Board know he would like to reach out to Attorney Kirk Kirkpatrick for guidance.

d) Vickie Best, Town Manager

Ms. Best asked the Board for the Agenda Setting meeting scheduled for Tuesday January 3rd to be moved to Wednesday January 4th at 10:00 am due to the holiday. All Board members agreed.

17. CLOSED SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL UNDER NC G.S. 143-318.11(a)(6) TO CONSIDER THE QUALIFICATION, COMPETENCE, PERFORMANCE, CONDITIONS OF APPOINTMENT OF A PUBLIC OFFICER OR EMPLOYEE OF PROSPECTIVE PUBLIC OFFICER OR EMPLOYEE

A motion was made by Alderwoman Tammy Wight to enter closed session at 7:52 pm. The motion carried unanimously.

The Board discussed contract terms and a bonus for the new Town Manager.

A motion was made by Alderman John Hinton to reconvene into open session at 8:04 pm. The motion carried unanimously.

A motion was made by Alderwoman Tammy Wight to approve the contract for the new Town Manager. The motion carried unanimously.


Mayor Eveland explained the contract offered to Ms. Best would be for \$91,000.00 yearly salary with a \$6,000.00 sign-on bonus. He thanked Ms. Best for serving as interim Manager since July and offered her the position as Town Manager of Maggie Valley. He explained the salary details and stated the contract would be dated December 1st. Ms. Best accepted and thanked the Board and Mayor.

18. ADJOURN

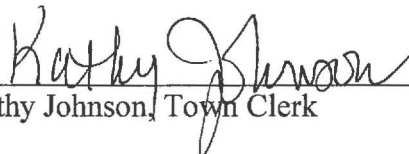
A motion was made by Alderwoman Tammy Wight, to adjourn the meeting at 8:06 pm. The motion carried unanimously.



Mayor Mike Eveland



Vickie Best, Town Manager



Kathy Johnson, Town Clerk