

**Town of Maggie Valley**  
**Regularly Scheduled Board of Aldermen Meeting**  
**October 23, 2007**  
**5:30 p.m.**

**MINUTES**

Members Present: Mayor Roger McElroy, Aldermen: Mark DeMeola, Saralyn Price, Colin Edwards, and Phil Aldridge  
Staff Present: Manager Tim Barth, Attorney Chuck Dickson, Town Clerk Vickie Best, Public Works Director Mike Mehaffey, Planning Director Nathan Clark, and Police Chief Scott Sutton  
Others Present: Twelve people attended

**1. Meeting Called to Order.**

Mayor McElroy called the meeting to order at 5:35 pm in the Town Hall Boardroom.

**2. Consent Agenda**

- a. Certificate of Sufficiency: Crayton Living Trust, #9 Big Springs Cove Estates, Parcel # 7697-22-7664, (0.5975 acres) and #10 Big Springs Cove Estates, Parcel#7697-22-6842 (0.6115 acres): Resolution No. 07-106, Setting a date for a Public Hearing on November 13, 2007 at 3:30 p.m.
- b. Certificate of Sufficiency: Jonathan & Laurence Nowakowski, 104 Ivy Lane, Parcel # 7696-39-0940, (0.3668 acres), Resolution No. 07-107, Setting a date for a Public Hearing on November 13, 2007 at 3:30 p.m.
- c. Tax Releases.
- d. Correction and Approval of Minutes for October 9, 2007.

**ALDERMAN EDWARDS MADE A MOTION TO APPROVE THE CONSENT  
AGENDA AS PRESENTED.  
MOTION CARRIED UNANIMOUSLY.**

- 3. a. Public Hearing on Annexation of Thomas Angell, #25 Preserve at Jonathan Creek, Parcel # 8607-33-9614 (1.2732 acres).**
- b. Consideration of Ordinance No. 590 to annex Thomas Angell, #25 Preserve at Jonathan Creek, Parcel # 8607-33-9614 (1.2732 acres).**

Mayor McElroy opened and closed the public hearing at 5:38 pm without public comment.

**ALDERMAN DEMEOLA MADE A MOTION TO ANNEX THE PROPERTY  
THROUGH ORDINANCE 590.  
MOTION CARRIED UNANIMOUSLY.**

- 4. a. Public Hearing on Annexation of Mountain Watch at Brannon Forest, Brannon Forest Drive Parcel # 7697-76-7563, (15 acres) and Brannon Forest Drive, Parcel #7697-76-2787, (15 acres).**

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**b. Consideration of Ordinance No. 591 to annex Mountain Watch at Brannon Forest, Brannon Forest Drive, Parcel # 7697-76-7563, (15 acres) and Brannon Forest Drive, Parcel #7697-76-2787, (15 acres).**

Mayor McElroy opened and closed the public hearing at 5:39 pm without comment.

**ALDERMAN EDWARDS MADE A MOTION TO ANNEX THE PROPERTY AS REQUESTED BY ORDINANCE 591  
MOTION CARRIED UNANIMOUSLY.**

**5. a. Public Hearing on zoning for #1, #2, and #3 Nelson Drive.**

**b. Consideration of Ordinance No. 592 to zone Parcel #7686-58-2639, Parcel #7686-58-5520, and Parcel #7686-58-7326 Residential-2 (R-2).**

Mayor McElroy opened the hearing at 5:40 pm.

**Barbara Briggs**, owner of eight adjacent units located within The Meadows complex, addressed Council opposing the three story units. Ms. Briggs felt the proposed condominiums are not compatible to the area, and will block the view from The Meadows complex.

**Ann Haggard**, 44 Meadows Lane, the same as Ms. Briggs, was concerned about the units blocking their views and the one-way bridge going into a deep curve being able to carry the additional traffic.

The Zoning Ordinance will not allow structures over 45-feet in height.

This is the initial zoning for the three parcels due to recently being annexed. Prior to annexation, the tracts were located in the County where there is no zoning.

Mr. Kolbert, the general manager, explained that the road will be upgraded to meet code and the roofline of the structures will not exceed 45-feet.

Director Clark read two letters that he received after notification to the adjacent property owners. **See Attachments #1 Schaumbert & #2 Haggard.**

Mayor McElroy closed the hearing at 5:46 pm.

Director Clark explained that the density of neighboring properties was used to derive at the proposed R2 zoning. The property has no more than a 5% to 8% grade. R2 allows for multi-family housing where as R3 does not. The land would have been taxed out at R3 zoning with single-family homes. The developer will be bringing municipal sewer across the creek and will be providing access to The Meadows, if ever the need due to failing septic tanks.

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Alderman DeMeola commended staff and the planning board for attending to the issues that needed to be addressed. A prominent element is the way the land lays; R3 zoning would have been pushing the limits. Alderman DeMeola was happy with R2 zoning and felt each case should be addressed on a case-by-case basis.

The property is approximately 3.73 acres in size. Theoretically, R1 zoning would allow for 11 single-family dwellings. R2 zoning would allow 14 single-family dwelling units and R3 would allow for 23 single-family dwelling units. R1 zoning does not allow multi-family homes. R2 would allow 53 units and R3 allows for 54 multi-family units. The numbers provided do not take into consideration the stream bank buffers, rights-of-way, parking, etc.

Mr. Kolbert added that the structures would have flow-through garages to accommodate for any hazards due to the flood plain.

**ALDERMAN DEMEOLA MADE A MOTION TO ADOPT ORDINANCE 592  
ZONING THE THREE PARCELS RESIDENTIAL 2.  
MOTION CARRIED UNANIMOUSLY.**

Ms. Briggs and Haggard were informed that plans for the area would still need approval through the Planning Board. Their input would be considered again during those meetings.

- 6. a. Public Hearing on a text revision to the Subdivision Ordinance regarding allowing engineers to sign off on Subdivision Plats.**  
**b. Consideration of Ordinance No. 593 to allow engineers to be able to sign off on Subdivision Plats.**

Town of Maggie Valley, NC

**Ordinance 593**

**Amending Ordinance Number 407 Entitled the Maggie Valley Subdivision Ordinance**

AN ORDINANCE TO amend Ordinance Number 407 the Maggie Valley Subdivision Ordinance, Article VI, section 605 entitled Major Subdivisions-Preliminary Plat number 3 will be revised to add that a registered engineer may prepare the preliminary plat.

BE IT ORDAINED by the Maggie Valley Board of Aldermen that the section 3 under article 6 of the subdivision ordinance will be revised to read:

**Contents Required.**

The preliminary plat shall be clearly and legibly drawn at a scale of one hundred (100) feet to one (1) inch and/or at another scale acceptable to the Planning and Development Director. A registered engineer or land surveyor currently licensed and registered in the State of North Carolina by the N.C. Board of Registration for Professional Engineers and Land Surveyors, shall prepare the preliminary plat, and shall contain the following information:

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This ordinance shall be in full force and effect upon its adoption.

As projects become more complex, engineers are required to sign off on projects anyway. This amendment will clarify any ambiguity.

**ALDERMAN PRICE MADE A MOTION TO ADOPT ORDINANCE 593 AMENDING  
THE SUBDIVISION ORDINANCE.  
MOTION CARRIED UNANIMOUSLY.**

- 7. a. Public Hearing on zoning for Tim Childers property located off of Range Drive, Parcel # 7697-01-0949 (32.0418 Acres).**  
**b. Consideration of Ordinance No. 594 to zone Parcel #7697-01-0949 (32.0418 acres), located off of Range Drive to Residential-1 (R-1).**

Mayor McElroy opened the public hearing at 5:59 pm.

Mr. Erval Olsen, 80 Range Drive, addressed Council with concerns about Mr. Childers using his road to get into the proposed subdivision. Mr. Olsen paid to have a portion of Range Drive paved and now the heavy equipment has already created damage.

Council explained that Mr. Olsen would need to work those problems out with Mr. Childers. The Town will not take over maintenance of substandard roads. Most of the roads within the area do not meet the basic road standards due to width and grade.

Mr. Olsen also had concerns about the narrow road carrying additional traffic from 21 proposed home sites.

Director Clark stated that the actual traffic load would not increase dramatically due to the majority of the homes being used seasonally. There is access into the development from both Range Drive and Paso Fino Drive.

Mr. Olsen stated that he has already seen signs of problems with storm water runoff.

The County and State oversee erosion control.

Mayor McElroy closed the hearing at 6:04 pm.

**ALDERMAN ALDRIDGE MADE A MOTION TO ADOPT ORDINANCE 594  
ZONING THE AREA RESIDENTIAL 1.  
MOTION CARRIED UNANIMOUSLY.**

**8. Consideration of an ordinance to ban sex offenders from Town parks.**

The Aldermen and Staff have been monitoring the results of the lawsuit and appeals by the ACLU against the Town of Woodfin regarding banning registered sex offenders from public parks. The Town of Woodfin's ordinance was held up in appeals court.

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Chief Sutton explained that if the ordinance were adopted, signage would need to be posted at all public parks in Maggie Valley.

**TOWN OF MAGGIE VALLEY  
ORDINANCE 595  
PROHIBIT SEX OFFENDERS FROM USE OF PUBLIC PARKS AND  
RECREATIONAL FACILITIES**

**WHEREAS**, the presence of registered sex offenders on or about public parks are a concern and;

**WHEREAS**, the following definitions shall apply:

- 1. Registered Sex Offender** - An individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including but not limited to the sex offender registry established pursuant to Article 27A, Chapter 14, of the North Carolina General Statutes.
- 2. Public Park** - Any publicly owned or maintained land, which is designated by the Town of Maggie Valley as a park or recreational facility.

**THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE  
TOWN OF MAGGIE VALLEY:**

**1.** That the following prohibition and penalties shall apply:

A. It shall constitute a general offense against this ordinance of the Town of Maggie Valley for any person registered with the State of North Carolina or any other state or federal agency as a sex offender to knowingly enter into or on any public park, which is owned, operated or maintained by the Town of Maggie Valley.

B. Any person found in violation of this ordinance shall be subject to a fine of not less than \$500.00 and thirty- (30) days in jail for each offense. Each entrance into a public park, regardless of the time period involved, shall constitute a separate offense of this ordinance.

**ALDERMAN EDWARDS MADE A MOTION TO ADOPT ORDINANCE 595  
PROHIBITING SEX OFFENDERS FROM ENTERING TOWN PARKS.  
MOTION CARRIED UNANIMOUSLY.**

**9. Consideration of recommending names for appointment to the TDA Board.**

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Council discussed several names that would be good to submit to the County Commissioners for appointment to the TDA Board before making the following motion.

**ALDERMAN ALDRIDGE MADE A MOTION TO ASK LYDIA FREYEISEN AND MARION HAMEL TO SUBMIT APPLICATIONS ON BEHALF OF THE TOWN OF MAGGIE VALLEY.**

**MOTION CARRIED UNANIMOUSLY.**

One appointment will be made to serve as Maggie Valley's representative while at-large seats will remain open to anyone.

**10. Manager's Report.**

- Manager Barth read a card sent to Mayor McElroy from visitors that just happened upon the quilt show. They found the show so amazing, that they stayed an extra day.
- The revisions to the inter-local agreement to assist in purchasing the park land on Jonathan Creek will go before the County Commissioners on November 5. Manager Cotton felt there would not be an issue with Maggie Valley receiving principal and interest in the event the land was sold.
- An additional informational hearing will be held October 30 beginning at 5:30 pm. The presentation will include revised areas in the plan and a revised map.
- Advantage West will have their annual meeting on November 1 in Asheville.
- Council was invited to attend the Haywood County Senior Leadership Class on Wednesday October 31 at 11:00 a.m. in the Town Hall Boardroom. Manager Barth will address the class talking about local government.
- The LGC and the Division of Water Quality approved the expansion of the Waste Water Treatment Plant. The bid opening will be held October 30 at 2:00 pm.
- Mayor McElroy and Manager Barth will be attending a Rural Center workshop in Waynesville on October 31, 2007

**11. Other Business.**

Alderman Aldridge apologized for not being able to attend the candidate forum. Alderman Aldridge stated that he has had health problems but went on to assure everyone that he wholeheartedly wants to serve the valley and remain on the board for another four years.

**12. Public Comment.**

Now that the 2007 season is ending, Ms. Lynn Collins, the Chamber Director, wanted Council to know that the Chamber could not do the events they have without the help of the Police Department and the Public Works Department. They are greatly appreciated.

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Mayor McElroy thanked Ms. Collins for her comments stating that with the Town and Chamber working together the festivals will only grow.

**13. Meeting Adjourned.**

**ON MOTION BY ALDERMAN EDWARDS, WITH ALL IN FAVOR, THE MEETING  
ADJOURNED AT 6:24 PM.**

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Mayor Roger McElroy

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Vickie Best, CMC, Town Clerk