

TOWN OF MAGGIE VALLEY
REGULARLY SCHEDULED PLANNING BOARD MEETING
August 26, 2010
MINUTES

Members Present: Chairman Billy Brede, Thomas Benoit, June Johnson, Bob Knoedler and Dorene Pauley
Staff Present: Manager Tim Barth, Planning Director Nathan Clark, and Town Clerk Vickie Best
Others Present: Realtors: Ben Glover and Ron Rosendahl, and Alderman Phil Aldridge

Meeting Called to Order

Chairman Brede called the meeting to order at 5:32 p.m. in the Town Hall Boardroom.

Approval of Minutes: July 1, 2010

**MR. BENOIT MADE A MOTION TO APPROVE THE MINUTES OF
JUNE 24 AND JULY 1, 2010.
MOTION CARRIED UNANIMOUSLY.**

Text Amendment Proposal: Real Estate Signs

Under section 153.04 entitled SIGNS NOT REQUIRING A PERMIT number (3) reads: "For Sale" or "For Rent" signs pertaining to realty, on the premises offered for sale or rent which do not exceed 8 square feet and which are not illuminated. There shall be a limit of 1 such sign for each lot and must state what is for sale or rent such as house, lot, and the like. Any tract of land with 3 or more acres or 500 feet or more of road frontage will be allowed 1 sign not to exceed 16 square feet. All the signs shall be removed within 5 days from the rental or sale closing.

Director Clark stated that in June and July there was a lot of discussion regarding real estate signs being out of control throughout town. There were incidents where one property would have several signs and other properties having huge real estate banners. Most real estate companies volunteered to remove their signs without comment. Prudential 1st Choice Realtors have requested that the Planning Board consider a change in the sign ordinance pertaining to real estate signs. Mr. Rosendahl feels that commercial real estate signs should be larger because of the speed of traffic traveling along Soco Road, the need for additional information on the "For Sale" signs, and allow for the opportunity to produce an attention grabbing sign.

Mr. Rosendahl, 1899 Dogwood Drive, addressed the board stating that the Town of Waynesville allows 16 square feet signs. Mr. Rosendahl stated that he had done an informal survey of signs along Soco Road. There were approximately 401 signs with only 25 of those being real estate signs. That is less than 6%.

Mr. Glover, 15 Hickory Drive, addressed the board stating that he was very cognizant of the look of the Valley. Due to the economy, properties are slow to sell. Realtors need the

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opportunity to market the properties as best they can. Mr. Glover went on to say that he was not sure what the size should be but it may be time to make some adjustments in the sign ordinance. Mr. Glover agreed that we do not want people driving through town to think Maggie Valley is dying.

Chairman Brede thanked Director Clark for clearing out the signage along Soco Road. It looks much cleaner. Chairman Brede went on to ask if the Town can regulate the poles/framing of a sign.

The Planning Board members do not want real estate signs the size of billboards.

Mr. Knoedler questioned how many calls signage really generates especially in the commercial district. Mr. Knoedler felt that it would be reasonable to think that someone has a business plan and then would look for properties that would suit that plan rather than driving down the road and saying "Oh I think I will buy that building and start a business".

Mr. Rosendahl responded that it is amazing the number of calls that come in from people driving by.

Chairman Brede explained that a majority of the empty buildings are not being maintained. Maintaining the landscape and building is an obligation of the realtor and the owner.

Ms. Pauley agreed that it is not so much the size of the sign but the placement of the sign in a well maintained area.

Ms. Johnson stated that the number of signage along Soco Road strikes a cord with her. Some businesses have multiple signs. The signage becomes overwhelming. Curb appeal means everything. Ms. Johnson went on to share a story about literature she found at a shop just off the Appalachian Trail. One of the quotes was "If you want a laugh go see signage run-a-muck in Maggie Valley."

Mr. Benoit concurred. There are so many businesses with confusing messages. Some businesses appear to be open when actually they are out of business. More descriptive real estate signs will not serve the Town or real estate companies.

Chairman Brede added that flyers are used to describe the property. Along Russ Avenue and downtown Waynesville you do not see large real estate signs.

Director Clark explained that one of the problems is only having one road in and out of town. Maggie Valley still has a lot of "Mom and Pop" businesses that do turn over. McDonald's and Burger King normally do not sell their structures.

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The members will give thought to speed along Soco Road, location, and size of property being sold before the next Planning Board meeting to be held September 2. The members were directed to email Director Clark and to copy the other members with their thoughts.

Chairman Brede described a new sign that was put up at the Maggie Valley Club. The sign has nice posts with a canopy over the sign. Signs may just need a little artistic flare.

Mr. Glover stated that real estate signs are temporary in nature and that he would hate have to put that much money into a temporary sign.

Mr. Knoedler advised everyone to look at the pictures in the agenda packet. The signage on the smaller commercial building looks overwhelming.

Director Clark informed the members that it would be difficult to regulate sign size based on the size of the structure.

CHAIRMAN BREDE MADE A MOTION TO TABLE THE ISSUE UNTIL NEXT THURSDAY AT WHICH TIME A VOTE WILL BE TAKEN.

MS. PAULEY SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

Director Clark discussed when the members dealt with the sign at Trinity Cove, only the perimeter of the sign was measured.

Mr. Knoedler stated that there was a need for clarity on that subject (one side or two sided).

Alderman Aldridge stated from the floor that the economy dictates a lot of what is going on. Businesses have always come and gone, but never at this rate. "Larger signs will make the town look like it is for sale".

Aesthetic Standards & Design Review Discussion

Director Clark changed the format of the document as requested by the Planning Board members.

The members will review the document and discuss it next Thursday, September 2, 2010.

CHAIRMAN BREDE MADE A MOTION TO START NEXT THURSDAY'S REGULARLY SCHEDULED PLANNING BOARD MEETING AT 4:15 P.M. TO PROVIDE ENOUGH TIME TO THOROUGHLY REVIEW THE ISSUE.

MR. KNOEDLER SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

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DOCUMENT TO BE REVIEWED:

COMMUNITY APPEARANCE COMMISSION
BY-LAWS AND RULES OF PROCEDURE

1. General Rule.

The Maggie Valley Community Appearance Commission shall be governed by Chapter 160-A, Article 19, part 7 of the General Statutes of North Carolina, as amended, and Ordinance Number _____ of the Town of Maggie Valley and any amendments thereto.

2. Officers and Duties.

a. Chairman. A Chairman shall be elected annually in January by members of the Commission for a term of one year. The Chairman shall be eligible for re-election but shall not serve for more than two successive terms. The Chairman shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at that time. The Chairman, with the approval of the Commission, shall make all committee appointments. The Chairman shall have such other powers and duties as are normally associated with the office.

b. Vice-Chairman. A Vice-Chairman shall be elected by the Commission in the same manner and for the same term as the Chairman. The Vice-Chairman shall serve as acting Chairman in the absence or disability of the Chairman. At such times, the Vice-Chairman shall have and exercise the same powers and duties of the Chairman.

c. Secretary. A Secretary shall be elected by the Commission at the same time and for the same term as the Chairman and Vice-Chairman. However, the Secretary need not be a member of the Commission, and shall be eligible for re-election. The Secretary shall keep all records, shall conduct all correspondence of the Commission, and shall generally supervise the clerical work of the Commission. The Secretary shall keep the minutes of every meeting of the Commission, which minutes shall be public record. The minutes shall record all important facts pertaining to each meeting, including attendance or absence of all members, every resolution acted upon by the Commission, and all votes of Commission members upon any recommendation, resolution or other action of the Commission.

If the Secretary is not a member of the Commission, he or she shall not be eligible to vote on any of the matters before the Commission.

3. Meetings.

a. Regular Meetings. Regular meetings of the Commission shall be held on the _____ *(day of month)* at _____ *(time)* in the _____ *(location)*, provided that if the Chairman so directs, meetings may be held at other places in Maggie Valley.

b. Special Meetings. Special meetings of the Commission may be called at any time by the Chairman, provided at least 24 hours notice of the time, place and subject of the

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meeting shall be given. This notice may either be telephonic, electronic mail, or written, and shall be given either by the Secretary or the Chairman of the Commission.

c. Cancellation of Meetings. Whenever there is no business to come before the Commission, the Chairman may dispense with the regular meeting by giving telephonic, electronic mail, or written notice to all members not less than 24 hours prior to the time set for the meeting.

d. Quorum. A quorum shall consist of four members of the Commission.

e. Conduct of the meetings. All meetings of the Commission shall be open to the public. The order of business at regular meetings shall be as follows:

Roll Call
 Reading and Approval of Minutes of Previous Meeting
 Reports of Committees
 Old Business
 New Business
 Adjournment

f. Voting. The voting of a majority of those present shall be sufficient to decide any matter before the Commission, provided a quorum is present. No Commission member shall participate in the discussion of any matter in which he or she has a personal or financial interest.

4. Committees.

The Chairman may appoint committees to investigate particular matters or undertake other assignments within the responsibility of the Commission. The Chairman shall be responsible for the preparation of the charge to the Committee, subject to the approval of the Commission. The Chairman shall be ex officio a member with full voting privileges of all committees.

5. Amendments.

These rules may, within the limits allowed by law, be amended at any time by an affirmative of not less than a majority of members of the Commission, provided that such amendments shall have first been presented to the membership in writing at a regular or special meeting at least two weeks before the meeting at which the vote on the amendment is proposed to be taken.

ORDINANCE TO ESTABLISH
 A
 COMMUNITY APPEARANCE COMMISSION
 IN

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THE TOWN OF MAGGIE VALLEY, NC

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF MAGGIE VALLEY UNDER AUTHORITY DULY GRANTED UNDER SECTIONS 160A-451 THROUGH 160A-455 OF THE GENERAL STATUTES OF NORTH CAROLINA AS FOLLOWS:

1.0 Establishment of Community Appearance Commission.

There is hereby created and established "The Maggie Valley Community Appearance Commission", hereinafter referred to as the "Commission." The Commission shall be composed of seven members appointed by the Board of Aldermen of the Town of Maggie Valley including: two ex officio members from the Planning Board of the Town of Maggie Valley, two ex officio members from the Zoning Board of Adjustment of the Town of Maggie Valley, and three at-large members. All members shall be residents of Maggie Valley's planning and zoning jurisdiction at time of appointment.

2.0 Membership Qualifications and Terms of Office.

2.1 Where possible, appointments shall be made in such a manner as to maintain on the Commission at all times a majority of members who have had special training or experience in a design field, such as architecture, landscape architecture, horticulture, city planning or a closely related field.

2.2 The terms of office of the at-large members shall be four years and the terms of ex officio members from the Planning and Zoning Boards shall be one year, except that the Board of Aldermen may stagger the length of the terms of the initial appointees so that all terms do not expire simultaneously.

2.3 Members of the Commission shall serve without pay, but may be reimbursed for actual expenses incidental to the performance of their duties within the limits of funds available to the Commission.

3.0 Organization of the Appearance Commission.

3.1 The Appearance Commission, within thirty days of its appointment, shall meet and elect a Chairman, Vice Chairman, Treasurer and a Secretary; the latter officer need not be a member of the Commission. It shall also adopt by-laws to govern the conduct of its business.

3.2 The Commission shall maintain a record of its members' attendance, its actions, findings, and recommendations, which record shall be open to the public.

3.3 A quorum of four members shall be necessary to take any official action authorized or required by this ordinance.

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3.4 The Commission shall hold at least one meeting per year. All of its meetings shall be open to the public.

4.0 Powers and Duties of the Commission.

The Appearance Commission shall have the following powers and duties:

4.1 To initiate, promote and assist in the implementation of programs of general community beautification in Maggie Valley;

4.2 To seek to coordinate the activities of individuals, agencies, and organizations, public and private, whose plans, activities, and programs bear upon the appearance of Maggie Valley;

4.3 To provide leadership and guidance in matters of area or community design and appearance to individuals, and to public and private organizations, and agencies;

4.4 To make studies of the visual characteristics and problems of Maggie Valley, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, any portion or neighborhood thereof, or any project to be undertaken;

4.5 Prior to consideration of any application for approval of a conditional use, the Board of Aldermen shall request a recommendation on the appearance of such a proposed conditional use from the Commission. The Commission shall have 45 days after the request is made to submit its recommendations;

4.6 To prepare both general and specific plans for the improved appearance of Maggie Valley. These plans may include the entire area or any part thereof, and may include private as well as public property. The plans shall set forth desirable standards and goals for the aesthetic enhancement of Maggie Valley or any part thereof within its area of planning and zoning jurisdiction, including public ways and areas, open spaces, and public and private buildings and projects;

4.7 To request from the proper officials of any public agency or body, including agencies of the State and its political subdivisions, its plans for public buildings, facilities, or projects to be located within Maggie Valley;

4.8 To review these plans and to make recommendations regarding their aesthetic suitability to the appropriate agency, or to the planning or governing board. All plans shall be reviewed by the Commission in a prompt and expeditious manner, and all recommendations of the Commission with regard to any public project shall be made in writing. Copies of the recommendation shall be transmitted

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promptly to the planning board or Board of Aldermen of Maggie Valley and to the appropriate agency;

4.9 To formulate and recommend to the Board of Aldermen the adoption of amendments of ordinances (including the zoning ordinance, subdivision regulations, and other local ordinances regulating the use of property) that will, in the opinion of the Commission, serve to enhance the appearance of Maggie Valley and its surrounding areas;

4.10 To direct the attentions of Maggie Valley officials to needed enforcement of any ordinance that may in any way affect the appearance of Maggie Valley;

4.11 To seek the voluntary adherence to the standards and policies of its plans;

4.12 To enter, in the performance of its official duties and at reasonable times, upon private lands and make examinations or surveys;

4.13 To promote public interest in and an understanding of its recommendations, studies and plans, and to that end to prepare, publish and distribute to the public such studies as will, in the opinion of the Commission, advance the cause of improved municipal appearance.

4.14 To conduct public meetings and hearings, giving reasonable notice to the public thereof.

5.0 Annual Report.

The Commission shall, no later than April 15 of each year, submit to the Board of Aldermen a written report of its activities, a statement of its expenditures to date for the current fiscal year, and its requested budget for the next fiscal year. All accounts and funds of the Commission shall be administered substantially in accordance with the requirements of the Municipal Fiscal Control Act.

6.0 Advisory Council Committees.

The Commission may establish an Advisory Council when in the judgment of the Commission such a Council will be an aid to the performance of its duties. However, the Commission shall not delegate to such Advisory Council any of its official powers or duties. In addition, the Commission may, from its own membership, establish any temporary or permanent committees needed to assist it in the study of specific questions or problems.

7.0 Staff and Technical Services.

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The Commission may recommend to the Board of Aldermen suitable arrangements for the procurement or provision of staff or technical services for the Commission.

8.0 Receipt and Expenditure of Funds.

The Commission may receive contributions from private agencies, foundations, organizations, individuals and the state or federal government, or any other source in addition to any sums appropriated for its use by the Board of Aldermen. It may accept and disburse these funds for any purpose within the scope of its authority and as herein specified.

9.0 Effective Date.

Planning Director's Report

☞ The Town of Maggie Valley was not selected for the Main Street Program. The Towns of Highlands, Catawba, and Troy received the grant.

☞ Director Clark will be applying for the NC Step Program.

Other Business

☞ The Board members were delighted at the progress that has been made the last two months. Soco Business Center is refurbishing and looks great. Many of the real estate signs have been removed. By Leaf Season, the remaining areas will be mowed/maintained.

☞ Director Clark informed the members about the North Carolina League of Municipalities Home Town program. All municipalities are encouraged to submit pictures of their favorite hometown place. The selected photographs will be published and shown across the State.

☞ The Health Care facility goal to open is May 1, 2011.

☞ Ms. Pauley asked if anything could be done to remove the old water flume. Her motel faces the unsightly flume with chunks of concrete hanging off the side of the hill. Director Clark and Attorney Dickson are working to revamp the nuisance ordinance to make it more enforceable.

☞ Ms. Johnson reported that when she returned from vacation she was informed that there are several places that are staying open until 2 a.m. with a lot of alcohol and fights going on. It is also rumored that a nightclub is going to open at Carolina Nights.

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**THERE BEING NO FURTHER BUSINESS TO DISCUSS, ON MOTION OF MR.
KNOEDLER, SECONDED BY CHAIRMAN BREDE, THE MEETING
ADJOURNED AT 7:25 P.M.**

Chairman Billy Brede

Vickie Best, CMC, Town Clerk