

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
August 7, 2007
3:30 p.m.

MINUTES

1. Meeting Called to Order.

Mayor McElroy called the meeting to order at 3:36 pm in the Town Hall Boardroom.

2. Consent Agenda

a. Certificate of Sufficiency: Silver Dollar Dream Homes, LLC, 676 Henry Dingus Way, Parcel # 8606-76-5598, (0.5654 acres): Resolution No. 07-58, Setting a date for a Public Hearing on August 21, 2007 at 5:30 p.m.

b. Certificate of Sufficiency: Brookside Village II, LLC, #1 Nelson Drive, Parcel # 7686-58-2639, (1.497 acres), #2 Nelson Drive, Parcel # 7686-58-5520, (1.05 acres), #3 Nelson Drive, Parcel # 7686-58-7326, (1.228 acres), Resolution No. 07-59, Setting a date for a Public Hearing on August 21, 2007 at 5:30 p.m.

c. Certificate of Sufficiency: Gene & Eugenia Rowe, MV Country Club Est., Parcel # 7696-49-9301, (0.07 acres), MV Country Club Est., Parcel # 7696-49-8487, (0.89 acres), MV Country Club Est., Parcel # 7696-49-6476, (0.50 acres), MV Country Club Est., Parcel # 7696-49-8487, (0.54 acres), Resolution No. 07-60, Setting a date for a Public Hearing on August 21, 2007 at 5:30 p.m.

d. Petition for Annexation: Randall & Donna Honick, 592 Brannon Forest Drive, Parcel # 7697-66-8214, (0.338 acres): Resolution No. 07-61, Directing Clerk to investigate an annexation petition.

e. Petition for Annexation: Myron & Cynthia Loffer, 124 Trapper Lane, Parcel # 7697-65-8032, (0.242 acres): Resolution No. 07-62, Directing Clerk to investigate an annexation petition.

f. Petition for Annexation: Charles & Connie Hoefs, 85 Sparkleberry Ridge, Parcel # 7697-75-0335, (0.581 acres): Resolution No. 07-63, Directing Clerk to investigate an annexation petition.

g. Petition for Annexation: Jaclyn Dallman & Maria Sarmentero, Sparkleberry Ridge, #520 & #521 Bear Walk, Parcel # 7697-75-0335, (0.53 acres): Resolution No. 07-64, Directing Clerk to investigate an annexation petition.

h. Petition for Annexation: Victoria & Peter Van Ormer, Turn-A-Bout Ct., #61 Phase1-B Brannon Forest,

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
August 7, 2007

MINUTES

Parcel # 7697-76-9024, (1.719 acres): Resolution No. 07-65,
Directing Clerk to investigate an annexation petition.

i. Petition for Annexation: Thomas & Rose Mary Solomon,
Brannon Forest Drive, #82 Phase1-C Brannon Forest,
Parcel # 7697-75-6867, (0.332 acres): Resolution No. 07-66,
Directing Clerk to investigate an annexation petition.

j. Petition for Annexation: Timothy & Fritzie Wise,
199 Cripple Creek Drive, Parcel # 7697-75-4038,
(0.396 acres): Resolution No. 07-67,
Directing Clerk to investigate an annexation petition.

k. Call for a Public Hearing on the Land Use Plan on
August 21, 2007 at 5:30 P.m.

l. Call for a Public Hearing on a Subdivision Ordinance text
amendment to include registered engineers seal on
preliminary plats on August 21, 2007 at 5:30 p.m.

m. Call for a Public Hearing on certain changes to the political
signs ordinance on August 21, 2007 at 5:30 p.m.

n. Correction and Approval of Minutes for July 24, 2007.

**ALDERMAN DEMEOLA MADE A MOTION TO APPROVE THE CONSENT
AGENDA AS PRESENTED AFTER CORRECTING THE MINUTES TO
REFLECT MAYOR PRO-TEM DEMEOLA OPENING AND CLOSING THE
PUBLIC HEARINGS.
MOTION CARRIED UNANIMOUSLY.**

3. a. Public Hearing on Rezoning of Roger McElroy, certain parcels From R-1 to R-2 including:

- #4 Timberlakes, Parcel #7697-83-5373 (0.542 acres),
- #5 Section 2 Timbercreek, Parcel #7697-62-4582 (0.8471 acres),
- #6 Section 2 Timbercreek, Parcel #7697-62-6433 (0.9814 acres),
- #7 Section 2 Timbercreek, Parcel #7697-62-7371 (1.3824 acres),
- #8 Section 2 Timbercreek, Parcel #7697-72-0326 (1.3055 acres),
- #9 Section 2 Timbercreek, Parcel #7697-72-2266 (1.2454 acres),
- #10 Section 2 Timbercreek, Parcel #7697-72-4228 (1.3774 acres),
- #8 Timberlakes, Parcel #7697-83-4217 (0.493 acres),
- Herbert Trail, Parcel #7697-83-6610 (0.321 acres),
- Off Private CV, Parcel #7697-74-1366 (15.476 acres),
- Off State Road 1389, Parcel #7697-73-3185 (59.628 acres).

The combined parcels are approximately 90 acres. The ETJ area is zoned R1, which does not allow for mixed use. R2 allows condominiums, town houses, and multi-family homes. The land is suitable for mixed uses, which would allow for clustering of homes and more open green space. If the area remains R1 approximately 280 homes could be constructed. If rezoned to R2, the plan will allow for between 160 and 200 homes with

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
August 7, 2007
MINUTES

lots of green space and a buffer surrounding the project. The Adjacent properties, Brannon Forest Subdivision and the Maggie Valley Resort are both zoned R2. The Planning Board members went to the area and came back with a R2 recommendation.

Due to Mayor McElroy owning the property in question, Mayor Pro-Tem DeMeola presided over agenda item 3.

Two representatives with McGill Associates explained the plan to the audience. A color-coded plan was displayed showing the open space and where the most density was proposed. The plan is environmentally conscious. The tree cover will remain by placing the houses in the pastureland without trees. The streams and wetlands will be deeded as open space. The property lies somewhat like a bowl. The bottom of the bowl will be used for higher density.

Mayor Pro-Tem DeMeola opened the public hearing at 3:51 pm for comments.

Evelyn Lee questioned who would maintain the roads.

The roads will meet NCDOT standards and the Home Owners Association will be responsible for maintenance.

Ed Jones, a former planning board chairman, requested the land remain zoned R1 with a planned unit development overlay. Mr. Jones made reference to not wanting Maggie Valley to look like Beach Mountain with ridge lines ruined.

Planning Director Clark explained that inside a PUD the uses must be the same. If an overlay were done, the homes could be clustered but multi-family homes could not be introduced.

A man spoke from the floor stating that the newspaper read that Maggie Valley was limited on sewer capacity and now you are talking about adding 200 homes.

Mayor Pro-Tem DeMeola explained that the hearing is to discuss rezoning an area within the ETJ.

The plans have been in progress for the last three years.

Diane Holden questioned if the existing sewer system has the capacity to carry another subdivision.

The areas within the town and the ETJ area have been accounted for when estimating capacity.

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
August 7, 2007
MINUTES

Ms. Holden stated that she did not want to be “swallowed up by Maggie Valley”.

Shirley Carlson stated that depending on a set of plans can be risky, if the rezoning is granted then there is no recourse.

The planning board would be reviewing all aspects of the project several times during the process.

Planning Director Clark reported that the setbacks will meet R1 zoning and the buffer surrounding the project varies from 25 to 50 feet.

Ms. Carlson stated that people don't want to see development from their homes.

There being no further comments the public hearing closed at 4:12 pm.

Alderman Aldridge and Edwards had concerns about the negative articles in the newspaper pertaining to sewer capacity and now this large project is coming about.

Manager Barth reminded Council that the rezoning to R2 plan is dependant on municipal sewer.

Alderman Price explained that the Timberlake property located within the ETJ has been included in the calculations for sewer capacity. The bidders on the Jonathan Creek property, discussed in the newspaper, never came to town staff to explain their development strategy.

Public Works Director Mehaffy stated that the property is located adjacent to the corporate limits.

The Timberlake property has been in planning for over three years.

An additional public hearing will be held at 5:30 pm.

4. a. Public Hearing on Annexation of Harry E. Pardee, 70 Turn-A-Bout Court, Parcel #7697-86-6031 (0.412 acres).

b. Consideration of Ordinance No. 560 to annex Harry E. Pardee, 70 Turn-A-Bout Court, Parcel #7697-86-6031 (0.412 acres).

Mayor McElroy opened the hearing at 4:23 pm.

There being no comments from the floor, the hearing was closed at 4:23

**ALDERMAN DEMEOLA MADE A MOTION TO ANNEX THE PROPERTY AS
REQUESTED THROUGH ORDINANCE 560.
MOTION CARRIED UNANIMOUSLY.**

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
August 7, 2007
MINUTES

5. a. Public Hearing on Annexation of George & Joyce McCall, 42 The Trail, Parcel #7697-51-4143 (0.9987 acres).

b. Consideration of Ordinance No. 561 to annex George & Joyce McCall, 42 The Trail, Parcel #7697-51-4143 (0.9987 acres).

Mayor McElroy opened the hearing at 4:24 pm. There being no comments from the floor the hearings closed at 4:24 pm

**ALDERMAN PRICE MADE A MOTION TO ADOPT ORDINANCE 561
ANNEXING THE PROPERTY.
MOTION CARRIED UNANIMOUSLY.**

6. a. Public Hearing on Annexation of Kenneth & Gailanne Keidel, 75 Deep Woods Court, Parcel #7697-95-2802 (0.508 acres).

b. Consideration of Ordinance No. 562 to annex Kenneth & Gailanne Keidel, 75 Deep Woods Court, Parcel #7697-95-2802 (0.508 acres).

Mayor McElroy opened the public hearing at 4:25 pm. There were no comments from the floor. The hearing closed at 4:25 pm.

**ALDERMAN EDWARDS MADE A MOTION TO ANNEX THE PROPERTY
THROUGH ORDINANCE 562
MOTION CARRIED UNANIMOUSLY.**

7. a. Public Hearing on Annexation of Bill & Patsy Cockcroft, Ladderback Ridge, #67 Brannon Forest, Parcel #7697-65-9921 (0.544 acres).

b. Consideration of Ordinance No. 563 to annex Bill & Patsy Cockcroft, Ladderback Ridge #67 Brannon Forest, Parcel #7697-65-9921 (0.544 acres).

Mayor McElroy opened the hearing at 4:26 pm and closed the hearing at 4:26 pm due to no comments coming from the floor.

**ALDERMAN DEMEOLA MADE A MOTION TO APPROVE ORDINANCE 563
ANNEXING THE PROPERTY AS REQUESTED.
MOTION CARRIED UNANIMOUSLY.**

8. a. Public Hearing on Annexation of Janice & Lawrence Scott, 654 Brannon Forest Drive, Parcel #7697-66-5471 (0.413 acres).

b. Consideration of Ordinance No. 564 to annex Janice & Lawrence Scott, 654 Brannon Forest Drive, Parcel #7697-66-5471 (0.413 acres).

Mayor McElroy opened the hearing at 4:27 pm. With no comments from the floor the hearing closed at 4:27 pm.

**ALDERMAN PRICE MADE A MOTION TO ANNEX THE PROPERTY
THROUGH ORDINANCE 564.
MOTION CARRIED UNANIMOUSLY.**

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
August 7, 2007
MINUTES

9. Appearance of Ernestine Upchurch to give an update on the Haywood County Bicentennial Committee.

Ms. Upchurch stated that Maggie Valley needs a museum to display a world of information, pictures, and artifacts pertaining to Maggie Valley's history. Maggie Valley is a community village. The Civic Association was started long before the Town incorporated. The building in which we stand was built in 1930 for \$8,000. Ms. Upchurch went on to provide different events that Maggie Valley should be proud to promote dating back to the Civil War.

Ms. Upchurch asked that the issue be addressed in the 2008/09 budget.

10. Presentation by Veracity Management Group on Business Continuity and Recovery Planning Services.

Alex Trio addressed council discussing what the Management Group could do for Maggie Valley with the ever constant challenges growth brings to an area. The company attracts professional businesses to help young people stay within the area and find comparable jobs that are often found in larger cities.

11. Consideration of a policy to not allow Town elected officials to participate in the health insurance program provided to Town employees.

Alderman Aldridge felt that allowing Council to get on the Town's insurance policy could jeopardize the employees' benefits.

**ALDERMAN ALDRIDGE MADE A MOTION TO NOT ALLOW ELECTED OFFICIALS TO PARTICIPATE IN THE EMPLOYEE'S HEALTH PLAN.
MOTION CARRIED UNANIMOUSLY.**

12. Consideration of a change order for a retaining wall at the new Police Department.

Approximately 20 additional feet can be obtained by placing a retaining wall going into the Public Works Facility. This space would allow for additional parking spaces.

**ALDERMAN PRICE MADE A MOTION TO APPROVE THE RETAINING WALL.
MOTION CARRIED UNANIMOUSLY.**

Council members were invited to meet on site with the engineer to discuss the retaining wall.

13. Manager's Report.

Town of Maggie Valley
 Regularly Scheduled Board of Aldermen Meeting
 August 7, 2007
 MINUTES

- ▶ There will be a newsletter going to all sewer customers regarding fats, oils, and grease going into the sewer system. The State mandates annual newsletters regarding sewer systems and the negative impact certain materials have on the efficiency of said system.
- ▶ The annual Moonlight Race will be a two day event this year. There will be a health and fitness expo on August 17 and the race will be held on August 18 at 8 pm.
- ▶ The League of Municipalities has arranged for people to meet and talk with Senator Heath Shuler at the Waynesville County Club on August 21. The Council is invited.
- ▶ The Haywood County Regional Medical Center will have a grand opening of the new surgery and outpatient services on August 15 at 3 pm.

14. Other Business.

- Alderman Aldridge questioned how many parcels were left in Brannon Forest Subdivision that are not annexed.

Approximately 12 parcels remain unincorporated.

- Ms. Upchurch reminded Council that grant money is available for heritage projects. Ms. Upchurch asked that the Planner investigate the possibilities and that she could provide the needs portion of the grant application.

ON MOTION OF ALDERMAN DEMEOLA, COUNCIL RECESSED FROM 5:05 PM UNTIL 5:30 PM WITH ALL MEMBERS IN FAVOR.

THE MEETING RECONVENED AT 5:33 PM ON MOTION OF ALDERMAN PRICE WITH ALL IN FAVOR.

ALDERMAN PRICE MADE A MOTION TO EXCUSE MAYOR MCELROY FROM VOTING ON THE REZONING OF THE TIMBERCREEK PROPERTIES. MOTION CARRIED UNANIMOUSLY.

15. a. 5:30 p.m. Public Hearing on Rezoning of Roger McElroy, certain parcels From R-1 to R-2 including:

- #4 Timberlakes, Parcel #7697-83-5373 (0.542 acres),
- #5 Section 2 Timbercreek, Parcel #7697-62-4582 (0.8471 acres),
- #6 Section 2 Timbercreek, Parcel #7697-62-6433 (0.9814 acres),
- #7 Section 2 Timbercreek, Parcel #7697-62-7371 (1.3824 acres),
- #8 Section 2 Timbercreek, Parcel #7697-72-0326 (1.3055 acres),
- #9 Section 2 Timbercreek, Parcel #7697-72-2266 (1.2454 acres),
- #10 Section 2 Timbercreek, Parcel #7697-72-4228 (1.3774 acres),
- #8 Timberlakes, Parcel #7697-83-4217 (0.493 acres),
- Herbert Trail, Parcel #7697-83-6610 (0.321 acres),

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
August 7, 2007

MINUTES

Off Private CV, Parcel #7697-74-1366 (15.476 acres),
Off State Road 1389, Parcel #7697-73-3185 (59.628 acres).

b. Consideration of Ordinance No. 559 to rezone the above mentioned property from R-1 to R-2.

Planning Director Clark explained the difference between the two zoning districts and that the adjacent properties are zoned Residential 2.

Mr. Clark went on to read three letters from property owners in the area that were opposing the rezoning or voicing their concerns. See attachments 1, 2, and 3.

C. B. Turner addressed Council stating that tonight he was representing the Maggie Valley Country Club Estates, as the POA President and as a homeowner in the area. Council should consider that this development would be using the roads that are part of the road tax district. There will be a requirement for the “meeting of the minds” of the POA and the developer regarding the road maintenance. The roads are inadequate now much less after being traveled by numerous construction trucks and added residents. The Maggie Valley Country Club Estates POA must have some assurances.

As a homeowner, Mr. Turner stated that he owns one of the most expensive homes along the ridge. Mayor McElroy built his home, which is very nice. Mr. Turner felt that it would be very inappropriate to look down on quarter acre lots with small homes. Mr. Turner asked that Council find a way to subdivide the land to protect the homeowners.

Herb McElroy, co-developer, responded that the intent of rezoning is to allow for clustering of homes thereby leaving more green space. The property has been within the ETJ area since ETJ was adopted. The design is to create a community, not a subdivision. There will be recreation for children and each unit will have a view. There will be no homes located near the streams to allow those areas to remain open space.

Shirley Carlson stated that she bought her home for peace and quiet and the view. If the land is developed, that will be lost. Ms. Carlson added that plans do change.

The Planning Board will review the plan several times throughout the project.

Evan McDermott lives on Fox Run Road and felt that additional traffic would be dangerous especially with the one lane bridge at the bottom of the hill. Using the national average the development would put another 720 cars in the area of the one lane bridge.

Mr. Clark sits on one of the NCDOT boards and informed Council that the bridge is going to be widened in 2009.

Mike Krezek stated that he agrees with both CB and Ms. Carlson. Access through the MVCCE road district is a sensitive subject due to recent events with the Maggie Valley

Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
August 7, 2007
MINUTES

Resort. The residents pay for road maintenance but have to provide public access. Mr. Krezek just hopes the developers will be honest.

Herb McElroy assured Mr. Krezek that they were working on a front-page basis with CB. There are no hidden agendas.

Mr. Turner stated that he has no concerns regarding Roger [Mayor McElroy] and Herb but his concerns are what could happen if the property were sold. We need assurances from the homeowners.

Several more comments were made about wanting to preserve the beauty of the area, leaving Florida because of traffic and development, and moving to the mountains for the peace and quiet.

Ms Carlson compared what she saw as a disaster at the Maggie Valley Country Club with the clustering of homes and the new traffic patterns to what would take place on the Timberlake property.

Mayor Pro-Tem DeMeola closed the hearing at 6:30 pm.

Alderman Aldridge had many concerns about the process for getting subdivision approval, rezoned and getting sewer. The initial plan at the Country Club did change. Every developer wants the biggest bang for the buck. Alderman Aldridge felt the issue should be tabled until the August 21 meeting.

Alderman Edwards agreed.

Alderman Price stated that she was ready to vote. The plan will be visited and revisited by the planning board to ensure the project meets the Town's requirements.

The plan has been the same since the inception.

Mr. Roger McElroy stated that when the area was placed within the ETJ, the Planning Board discussed sixty acres R2 then.

Mayor Pro-Tem DeMeola thanked everyone for the comments and the presentation presented by McGill and Associates. Now it is up to Council to determine what is the right fit for the Town. All concerns will be discussed

**ON MOTION OF ALDERMAN ALDRIDGE THE ISSUE WAS TABLED UNTIL
AUGUST 21, THE NEXT REGULARLY SCHEDULED BOARD OF ALDERMEN
MEETING.
MOTION CARRIED UNANIMOUSLY.**

10
Town of Maggie Valley
Regularly Scheduled Board of Aldermen Meeting
August 7, 2007
MINUTES

16. Meeting Adjourned

**ALDERMAN PRICE MADE A MOTION TO ADJOURN AT 6:47 PM
MOTION CARRIED UNANIMOUSLY.**

Mayor Roger McElroy

Vickie Best, CMC, Town Clerk