

*Town of Sylva*  
**CONSENT AGENDA**  
*September 8, 2022*

**1- APPROVE MINUTES:** August 11, 2022, **Regular Board Meeting**; August 25, 2022, **Regular Board Meeting**

**2- BUDGET AMENDMENT:**

#13 13-399-0100 Recreation FB Approp.	\$ 3,399 C
13-620-7300 Recreation Capital – Non- Fixed	3,399 D

**REF: To appropriate from Recreation Fund Balance to provide additional funds needed to purchase cameras for the skate park.**

**3- REPORTS:**

1- Business Registration Permits as of **August 2022**

2- JC Vehicle Tax Report as of **July 31, 2022**

3- Ad Valorem Tax Report as of **July 31, 2022**

4- Statement of Revenues, Expenditures, Changes in Fund Balance as of **July 31, 2022**

**4- OTHER:**

- **Resolution (R2022-07)** – *Allows for the disposition of 28 Survivair Air Packs and Air Bottles (attached).*
- **Resolution (R2022-08)** – *Allows for the destruction of computers that have reached their life expectancy as required by the US Department of Justice (attached).*
- **Amended Bryson Park and Playground Equipment Grant Project Ordinance** *Accounting to reflect updated numbers and expenditures (attached).*

**Business Registration Permit Application**  
**August 2022**

<u>Date Submitted</u>	<u>Business Name</u>	<u>Business Location</u>	<u>Owner</u>
8/5/2022	Asheville Permanent Makeup	80 Eastgate Drive	Earleen Owens
8/8/2022	Jackson Arts Market LLC	533 W. Main Street	Joshua Murch
8/16/2022	Scotts Creek Saloon	1075 Skyland Drive	Curtis & Marilyn Robinson

JACKSON COUNTY ACTIVITY TOTALS REPORT  
 ACTIVITY FROM 7/1/22 THRU 7/31/22

Tax Year 2022	Levy	Penalty	Subtotal	Charges	Interest	Subtotal	Total
SGR Sylva Gross Receipts			0.00	552.20		552.20	552.20
Totals For Year 2022			0.00	552.20		552.20	552.20
<b>Grand Totals</b>			<b>0.00</b>	<b>552.20</b>		<b>552.20</b>	<b>552.20</b>

**Tax Summary**  
as of July 31, 2022

(10-301-XX)	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	Total	Current Year	TOTALS
<b>Starting Balances</b>	47803.32	25739.87	11355.89	7814.42	6305.23	4092.75	2964.2	2037.46	3,828.52	1,333.46	2,214.77	115,489.89		10-281-0000
July	-2875.7	-482.5	-286.21	-239.4	-239.4	-239.4	-248.36	-248.36	-248.36	-248.36	-248.36	-5,604.41		-5,604.41
August												0.00		0.00
September												0.00		0.00
October												0.00		0.00
November												0.00		0.00
December												0.00		0.00
January												0.00		0.00
February												0.00		0.00
March												0.00		0.00
April												0.00		0.00
May												0.00		0.00
June												0.00		0.00
<b>July - June Totals</b>	-2875.7	-482.5	-286.21	-239.4	-239.4	-239.4	-248.36	-248.36	-248.36	-248.36	-248.36	-5,604.41	0.00	-5,604.41
<b>Releases</b>												0.00		0.00
Add to Original Levy												0.00		0.00
Under Appeal	-3256.02	-2439.98										-5,696.00		-5,696.00
Bankruptcy												0.00		0.00
Refund/Adj												0.00		0.00
Subtotals	-6,131.72	-2,922.48	-286.21	-239.4	-239.4	-239.4	-248.36	-248.36	-248.36	-248.36	-248.36	-11,300.41	0.00	-11,300.41
<b>EOY Adjustment</b>														
(10-110-XX) Balance	\$41,671.60	\$22,817.39	\$11,069.68	\$7,575.02	\$6,065.83	\$3,853.35	\$2,715.84	\$1,789.10	\$3,580.16	\$1,085.10	\$1,966.41	104,189.48	\$0.00	\$104,189.48
<b>Interest</b>	185.51	74.81	59.56	78.35	99.71	121.07	147.69	169.89	192.09	214.30	236.50	1,579.48		1,579.48
July														
August														
September														
October														
November														
December														
January														
February														
March														
April														
May														
June														
<b>Interest Collected</b>	\$185.51	\$74.81	\$59.56	\$78.35	\$99.71	\$121.07	\$147.69	\$169.89	\$192.09	\$214.30	\$236.50	\$1,579.48	\$0.00	\$1,579.48
Submitted by: Amanda Murajda, Tax Collector														Collection Rate #DIV/0!

**Top 10 Delinquent Accounts (2021 & prior)**

Name	Balance 7/31/2022
Angela George	\$ 9,213.52
Joe Wilson	\$ 4,542.51
Robert J Humes	\$ 4,399.41
Dorothy Worley	\$ 3,810.05
AFN ABSPROP002 LLC	\$ 3,638.66
Aarons LLC	\$ 3,492.08
Reginald Holland	\$ 3,301.03 Under Appeal
Ray Worley	\$ 3,300.51
Aarons Inc	\$ 3,102.18 Under Appeal
Dorothy Franklin	\$ 2,865.00

**General Fund**  
**Statement of Revenues, Expenditures, and Changes in Fund Balances**  
7/31/2022

	General Fund				2022-2023 Budget Balance	Actual to Budget Percent	Statement Period	Variance
	2022-2023	Previously	2022-2023	Current				
	Budgeted	Reported	YTD Actual	Month				
<b>Revenues:</b>								
Ad valorem taxes	\$ 2,257,082	\$ -	\$ 19,141.04	\$ 19,141.04	\$ 2,237,940.96	0.85%	8.33%	-7.49% *
Other taxes and licenses	\$ 6,000	-	2,910.00	\$ 2,910.00	\$ 3,090.00	48.50%	8.33%	40.17%
Unrestricted intergovernmental	\$ 2,959,432	-	215,964.82	\$ 215,964.82	\$ 2,743,467.18	7.30%	8.33%	-1.04% *
Permits and Fees	\$ 16,000	-	932.43	\$ 932.43	\$ 15,067.57	5.83%	8.33%	-2.51% *
Restricted intergovernmental	\$ 130,000	-	10,000.00	\$ 10,000.00	\$ 120,000.00	7.69%	8.33%	-0.64% *
Investment earnings	\$ 23,192	-	4,882.53	\$ 4,882.53	\$ 18,309.47	21.05%	8.33%	12.72%
Other revenues	\$ 23,150	-	13,950.61	\$ 13,950.61	\$ 9,199.39	60.26%	8.33%	51.93% **
<b>Total revenues</b>	<b>\$ 5,414,856</b>	<b>-</b>	<b>267,781.43</b>	<b>267,781.43</b>	<b>\$ 5,147,074.57</b>	<b>4.95%</b>	<b>8.33%</b>	<b>-3.39%</b>
<b>Expenditures:</b>								
General Government	\$ 889,338	-	80,127.32	80,127.32	809,210.68	9.01%	8.33%	-0.68%
Salaries & Benefits	\$ 368,560	-	25,891.22	25,891.22				
Capital outlay	\$ 29,302	-	-	-				
All other expenditures	\$ 491,476	-	54,236.10	54,236.10				
Public Safety	\$ 3,315,180	-	225,584.18	225,584.18	3,089,595.82	6.80%	8.33%	1.53%
Salaries & Benefits	\$ 1,826,851	-	82,770.54	82,770.54				
Capital outlay	\$ 196,220	-	-	-				
All other expenditures	\$ 1,292,109	-	142,813.64	142,813.64				
Culture and Recreation	\$ 103,500	-	6,616.40	6,616.40	96,883.60	6.39%	8.33%	1.94%
Salaries & Benefits	\$ 31,400	-	1,853.14	1,853.14				
Capital outlay	\$ 10,000	-	-	-				
All other expenditures	\$ 62,100	-	4,763.26	4,763.26				
Transportation	\$ 760,523	-	59,352.94	59,352.94	701,170.06	7.80%	8.33%	0.53%
Salaries & Benefits	\$ 336,650	-	20,912.44	20,912.44				
Capital outlay	\$ 73,664	-	-	-				
All other expenditures	\$ 350,209	-	38,440.50	38,440.50				
Economic and Physical Development	\$ -	-	-	-	-	0.00%	0.00%	0.00%
Salaries & Benefits								
Capital outlay								
All other expenditures	\$ -	-	-	-				
Environmental Protection	\$ 201,315	-	23,079.08	23,079.08	178,235.92	11.46%	8.33%	-3.13% ***
Salaries & Benefits	\$ 87,750	-	5,717.23	5,717.23				
Capital outlay	\$ -	-	-	-				
All other expenditures	\$ 113,565	-	17,361.85	17,361.85				
<b>Total expenditures</b>	<b>\$ 5,269,856</b>	<b>-</b>	<b>394,759.92</b>	<b>394,759.92</b>	<b>4,875,096.08</b>	<b>7.49%</b>	<b>8.33%</b>	<b>0.84%</b>
<b>Revenues over expenditures</b>	<b>\$ 145,000</b>	<b>-</b>	<b>(126,978.49)</b>	<b>(126,978.49)</b>	<b>271,978.49</b>	<b>5.16%</b>		
<b>Other financing sources (uses):</b>								
Transfers in	\$ 423,019	-	-	-	-			
Appropriated fund balance	\$ 10,000	-	-	-	-			
Contributed Capital	\$ -	-	-	-	-			
Sale of Assets	\$ -	-	-	-	-			
Loan Proceeds	\$ -	-	-	-	-			
Transfers to other funds:	\$ 433,019	-	-	-	-			
Contributed to fund balance	\$ -	-	-	-	-			
Transfers out	\$ 578,019	-	-	-	-			
Transfer to Capital Reserve	\$ -	-	-	-	-			
Total other financing sources (uses)	\$ (145,000)	-	-	-	-			
<b>Revenues and other sources over expenditures and other uses</b>	<b>\$ -</b>	<b>-</b>	<b>(126,978.49)</b>	<b>(126,978.49)</b>	<b>271,978.49</b>			

**Analysis:**

- \* Timing of Revenues
- \*\* Insurance Reimbursement
- \*\*\* WC/Liability Insurance/Other Dues Paid in July

## **Resolution Authorizing the Disposition of Town Property**

**WHEREAS**, the Board of Commissioners of the Town of Sylva, North Carolina desire to declare surplus and dispose of certain Town owned personal property,

**WHEREAS**, G.S. 106A-280 allows for the donation of Town owned property to a nonprofit organization incorporated by the United States,

**WHEREAS**, the Sylva Fire Department is in possession of air packs and air bottles that have reached their 10-year life expectancy and the company purchased from is no longer in business to service air packs and air bottles;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Sylva that the following described property is hereby declared to be surplus to the needs of the Town of Sylva Fire Department:

- 28 Survivair Air Packs
- 28 Survivair Air Bottles

**BE IT FURTHER RESOLVED** that the Town Manager is hereby authorized to dispose of the aforementioned personal property by any means allowable by law. This would include: offering for sale at public auction, donation to a nonprofit organization, Internet on-line offerings, private negotiation and sale, upset bid process, or destruction. The Town Finance Officer shall keep record of the sale or donation and report the items sold to The Board of Commissioners.

ADOPTED this 8<sup>th</sup> day of September 2022

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Lynda Sossamon, Mayor

Attest:

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Amanda W. Murajda, Town Clerk

## Resolution Authorizing the Disposition of Town Property

**WHEREAS**, the Board of Commissioners of the Town of Sylva, North Carolina desire to declare surplus and dispose of certain Town owned personal property,

**WHEREAS**, the Sylva Police Department is in possession of numerous computers that have reached their life expectancy and are no longer in service;

**WHEREAS**, the US Department of Justice specifies how hard drives of such computers must be disposed of; and

**WHEREAS**, the Sylva Police Department would like to dispose of said computers with hard drives by destruction; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Sylva that the following described property is hereby declared to be surplus to the needs of the Town of Sylva Police Department:

- Acer Aspire XC 704G, S/N: DTB0ZAA0001533A17F6300
- Dell Inspiron 5490, S/N: 0K6X26
- Panasonic CF-53, S/N: AB01234567892FTSA05463
- Acer Aspire Z1-621G, S/N: DQ8Z3AA002502008DD6900
- HP TPC-Q030-22, S/N: 8CC74207JP
- Dell Inspiron 3477, S/N: 0VGJ92
- Samsung HD161GJ, S/N: S1VCJ90SB92702
- Western Digital WD400BD, S/N: WMAMA9265094
- Dell D09S, S/N: F79VP02
- Cisco 1941, S/N: FTX164084TF
- Dell DCTA, S/N: 70QBHM1
- Dell WHL, S/N: BGZDKB1
- Dell D16M, S/N: 0FG1JH
- Dell D16M, S/N: 0KXGVD
- Netgear WNDR3700V3, S/N: 2SK11B710338B

**BE IT FURTHER RESOLVED** that the Town Manager is hereby authorized to dispose of the aforementioned personal property by means of destruction as required by the US Department of Justice. The Town Finance Officer shall keep record of the destruction.

ADOPTED this 8<sup>th</sup> day of September 2022

\_\_\_\_\_  
Lynda Sossamon, Mayor

Attest:

\_\_\_\_\_  
Amanda W. Murajda, Town Clerk

**TOWN OF SYLVA  
BRYSON PARK AND PLAYGROUND EQUIPMENT GRANT PROJECT  
ORDINANCE**

**BE IT ORDAINED** by the Governing Board of the Town of Sylva, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project is adopted:

**Section 1.** The project authorized is the for the engineering, repair, and construction, facility upgrades, and playground equipment at Bryson Park.

**Section 2.** The project may be funded by financing through debt, grant funding, fund balance reserves, earmarked monies or other revenue sources that are applicable.

**Section 3.** The officers of this unit are hereby directed to proceed with the grant project within the budget contained herein.

**Section 4.** The following amounts are appropriated for the project:

**Revenues:**

State Capital and Infrastructure Grant Fund (SCIF)	<b>\$ 3,000,000</b>
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**Expenditures:**

Professional Services	68,268
Construction/Repair	1,531,640
Playground, Equipment, and Facility Upgrades	703,736
Sidewalk Professional	27,700
Contingency	<u>668,656</u>
	<b>\$ 3,000,000</b>

**Section 6.** The Finance Officer is hereby directed to maintain within the grant project ordinance sufficient detailed accounting records to satisfy the requirements of a grantor agency and any federal regulations if applicable.

**Section 7.** If needed, funds may be advanced from the General Fund Balance for the purpose of making payments due. Any funds appropriated from Fund Balance will be approved by the Board of Commissioners.

**Section 8.** The Finance Officer is directed to report on a quarterly basis the financial status of each project element in Section 4.

**Section 9.** Copies of this grant project ordinance shall be furnished to the Clerk of the Governing Board and the Finance Officer for direction in carrying out this project.

**Section 10. Fund 31** (Bryson Park and Playground Equipment Grant Project Ordinance) will account for the bookkeeping records of this project.



**Section 11.** Per SCIF Grant requirements, investment earnings received on grant monies must be used for the same purpose as the authorized uses.

**Section 12.** Per SCIF Grant requirements, monies will not revert until the end of the project.

**Section 13.** Per SCIF Grant requirements, all records related to the grant project must be retained at least five years after the close of the project.

Adopted this the 8th day of September, 2022.

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Lynda Sossamon, Mayor

ATTEST:

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Amanda Murajda, Town Clerk

**REGULAR BOARD MEETING**  
Town of Sylva Board of Commissioners  
August 11, 2022

The Town of Sylva Board of Commissioners held a regular meeting on August 11, 2022, at 5:30 p.m. hosted in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C and held simultaneously electronic by Zoom.

**PRESENT:** Lynda Sossamon, Mayor  
Mary Gelbaugh, Commissioner  
Ben Guiney, Commissioner  
Greg McPherson, Commissioner  
David Nestler, Vice-Mayor  
Natalie Newman, Commissioner  
Paige Dowling, Town Manager  
Eric Ridenour, Town Attorney

**ABSENT:**

Mayor Sossamon called the meeting to order at 5:30 p.m.

**STAFF PRESENT:** Lynn Bryant (Finance Officer), Jake Scott (Public Works Director) and Mike Beck (Fire Chief).

**VISITORS:** William Sparks, Elaine Hall, David Hall, Max Holland, Brian Bock, Paul Busick, Asha Howard, Richard Bassell and Rob Will.

**AGENDA:** *Commissioner Nestler made a motion to remove the Blackrock Creek Trail Update due to a scheduling conflict. The motion carried with a unanimous vote. Commissioner Gelbaugh made a motion to approve the amended agenda. The motion carried with a unanimous vote.*

**CONSENT AGENDA:** *Commissioner Nestler made a motion to approve the consent agenda. The motion carried with a unanimous vote.*

**PUBLIC COMMENTS:** None.

**MAYOR'S REPORT:** Mayor Sossamon noted that the Southwestern NC Home Consortium will be meeting August 19, 2022 to review applications for funding.

**COMMISSIONER'S REPORT:** Commissioner Gelbaugh reported that two businesses owners had contacted her about the appeal process for parking tickets. She would like to have a discussion about this at a later date. Commissioner McPherson reported that the Town has a signed lease with Motion Makers to place skatepark equipment on their property and thanked them for the opportunity.

**MANAGERS REPORT:** Manager Dowling reported the following:

- Fire Department Employment Update: The transition to a paid and volunteer department has been completed. All eight positions have been filled and the department began running 24-hour shifts on July 28, 2022. Dowling gave the board an introduction of all employees.
- The Governor's State of Emergency (SOE) for Covid is set to expire August 15, 2022. The SOE laws allowing remote participation in meetings expire when the SOE ends. The authority for boards to participate remotely will have to come from the legislature.
- There will be a public hearing on the proposed short-term rental ordinance amendment on August 25, 2022 at 5:30 p.m. The regular meeting for that day will be moved to 5:30 p.m. as well.

**PUBLIC HEARING—MAP AMENDMENT APPLICATION: MAHEC OF ASHEVILLE:** Mayor Sossamon opened the public hearing at 5:41 p.m.

Max Holland addressed the board with his concerns about the location. He does feel that this project is better than the last one presented.

*Being no further comment, Commissioner Gelbaugh made a motion to close the public hearing. The motion carried with a unanimous vote.*

**NEW BUSINESS**

**MAP AMENDMENT APPLICATION: MAHEC OF ASHEVILLE:** John Jeleniewski, Senior Planner of Jackson County, presented the staff report to the Board.

**Zoning Map Amendment Request:**

**Applicant:** Mountain Area Health Education Center (MAHEC)

**Property Location:** 701 Skyland Drive, Sylva; PIN 7642-42-8622

**Current Property Zoning:** Professional Business District (PB)

**Ordinance Sections for Review:** Article 4, Section 4.4 – Conditional District

Article 5, Section 5.4.AA – Supplemental Standards-Planned Unit Development

**Description of Request:**

The applicant is requesting a map amendment to create a *Professional Business - Conditional District* on a portion (0.80 acres) of parcel identified by PIN 7642-42-8622. In addition, the applicant is requesting to develop a Planned Unit Development (PUD) within this newly created Conditional District (CD). The Town Board of Commissioners may approve Conditional Districts and Planned Unit Developments through the legislative review process identified in *Article 3 – Procedures, Section 3.5 – Review Process*.

The proposed PUD includes eight modular studio cottages (378 s.f. living area, 168 s.f. deck area) and a 1,000 square foot community building. Each cottage will include a sleeping area, bathroom, kitchenette and covered deck. The community building will be for residents and used as a study/computer room and for communal/social activities. Each residential cottage will be provided one parking space.

**Background:**

The property for these proposed cottages is located approximately 250 lf north of the Chipper Curve and Allen's Branch Road intersection with access directly to Allen's Branch Road. This parcel is a portion of the property identified by PIN 7642-42-8622 which 1.53 acres total and the proposed subdivision of land will create the 0.80 acres for this PUD to serve graduate medical education residents. The property surrounding the cottages and community building will be common open space totaling 0.50 acres with remaining impervious area of 0.30 acres. Tuckasee Water and Sewer Authority (water and sanitary sewer) and Duke Power will provide public utilities and the Sylva Fire Department will provide fire safety services. Driveway access and 3-party encroachment (sidewalk) will be required from NCDOT during their review/approval process as Allen's Branch Road (S.R. 1439) is a state-maintained road.

**Application Response:**

The Professional Business District is established to reserve areas for the development of small to medium scale office use, compatible with that of adjacent commercial and institutional uses. The Professional Business District may consist of residential units converted to office uses and provide for a mixture of service and offices along commercial corridors. This district also serves as a transition district between commercial and residential areas and as such, activities associated with nonresidential uses, shall be restricted to general business hours.

The applicant is requesting a zoning map amendment to create a *Professional Business - Conditional District* on the proposed 0.80-acre subdivision of property. *Article 4 - Section 4.4 Conditional Districts* of the Town's Zoning and Subdivision Ordinance allows the Town Board of Commissioners to create these districts:

Conditional Zoning Districts (-CD) are a zoning tool, permitted in accordance with NCGS 160D-703.b., which may be utilized to create new unique, site-specific districts for uses or developments that may have particular benefits and/or impacts on both the immediate area and the community as a whole. The development of these uses may require deviation of the general district standards. The applicant must provide an initial Master Site Plan and zoning proposal that includes all proposed uses and standards for the conditional zoning district being proposed.

It is not the intention of Conditional Zoning to circumvent, reduce, or eliminate particular regulations as they would normally be applied to any particular district or use but rather provide flexibility and design standards unique to the subject property and use. This negotiated approach between the applicant and the Town through a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. Special restrictions have been placed on Conditional zoning. Conditional Zoning Districts occur at the owner's request and conditions cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by the use of the site.

The town must assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

The applicant is also requesting a PUD which is permitted in the Professional Business District only when a Conditional District has been approved by the Town Board of Commissioners. *Article 5 - Section 5.4.AA Planned Unit Developments* of the Town's Zoning and Subdivision Ordinance identifies these regulations:

1. More than one (1) principal structure shall be allowed within the planned unit development.  
*The submitted concept plan shows eight studio cottages proposed to be developed on a subdivided property of 0.80 acres.*
2. Uses proposed to be incorporated into the planned unit development shall be permitted uses in the Town of Sylva, as outlined in Article 5 for the zoning district in which the planned unit development is proposed. *The Professional Business District allows residential dwellings as an allowable use.*
3. The land in a planned unit development shall be under single ownership or management by the applicant before final approval and/or construction, or proper assurances (legal title or execution of a binding sale agreement) shall be provided that the development can be successfully completed by the applicant.  
*This 0.80-acre property and development of eight studio cottages will be owned, operated and maintained by Mountain Area Health Education Center (MAHEC) for the use of graduate medical education residents.*
4. Every dwelling unit shall have access to a public or private street, walkway, or other area dedicated to common use, and there shall be provision for adequate vehicular circulation to all development properties, in order to ensure acceptable levels of access for emergency vehicles.  
*The proposed subdivided parcel of 0.80 acres will have direct access to Allen's Branch Road which is a public State maintained road (S.R. 1439) and a proposed sidewalk will parallel the road along the frontage of this property. The submitted concept plan shows a loop driveway 16' in width to serve the cottages and a potential effortless flow for emergency services. The property surrounding the cottages and community building will be common open space totaling 0.50 acres.*
5. Density standards shall be consistent with the underlying district. Dimensional standards maybe varied to accommodate the anticipated design.  
*This property is in the Professional Business District the density standards are specific to single-family dwellings, townhomes, multi-family developments and varied non-residential uses. This proposed development is offering an innovative design of tiny cottages to create a new unique, site-specific conditional district that will serve particular benefits on both the immediate area and the community as a whole. The Town Board of Commissioners has the autonomy to approve the requested Conditional District which will provide flexibility and design standards unique to the subject property and use.*
6. Design standards shall be consistent with the requirements of Article 7.  
*The development standards found in Article 7 (parking, landscaping, lighting, etc.), will be reviewed at the time when final site construction plans are submitted to the Planning Staff. A zoning permit will be issued only after final plans are reviewed/approved showing full compliance with the Town of Sylva Zoning Ordinance.*
7. The minimum distance between buildings shall be twenty (20) feet or as otherwise specified by the Board of Commissioners or North Carolina Building Codes to ensure adequate air, light, privacy, fire separation, and access for emergency vehicles.  
*The submitted concept plan shows that building separation for this project will meet or exceed this requirement.*
8. Each development shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants and adjacent properties for screening of

objectionable views or uses, and for reduction of noise. Multi-level buildings shall be located in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

*The perimeter of the proposed subdivided property will require buffer plantings including the public right-of-way along Allen's Branch Road. The nature of this cottage development will promote an educational community experience that encourages medical graduate students to interact professionally and socially; interior screening with walls/barriers stifles the spirit and intent of this project. It is assumed that Interior plantings that enhance the overall aesthetics around the cottages, parking areas and community building will be installed and maintained.*

9. All buildings, landscaping, signage, and similar features within the planned unit development shall be developed with a coordinated architectural style.

*The proposed landscaping will be required to comply with the Town's native plant schedule as set forth in the Zoning Ordinance. No signage is proposed at this time; however, any community identification and individual unit signage will comply with the Town's sign regulations. The architectural design of the cottages and community building will be similar in style and materials.*

**Staff Findings:**

The Town's adopted *Land Use Plan for 2040* establishes that this project property as well as the entire *Professional Business District* will be in the future *Skyland Mixed Use Corridor District*. The encouraged land uses for this future district include mixed use development, residential (live/work, multifamily, townhomes, small-lot single family), neighborhood commercial, small-scale restaurants and breweries, small scale hotels, civic and educational uses that support community residents and open space. By applying the *Conditional Zoning* tool for this property, the Town will create unique, site-specific district that will have particular benefits and/or impacts on both the immediate area and the community as a whole.

The conclusion of Planning Staff is that this proposed development can meet or exceed the regulations set forth in of the zoning ordinance including Professional Business District standards, required development regulations (Article 7), Planned Unit Development standards and the adopted Town of Sylva Land Plan for 2040. Approval for this *Conditional District* and *Planned Unit Development* is required by the Town Board of Commissioners for this application. Planning Staff will issue a zoning permit at the time of final plan review/approval.

**MAHEC Presentation:** Richard Bassell, a representative of MAHEC, addressed the board and explained the purpose of MAHEC's program. Housing is needed for students in the health care education programs being placed in rural communities. MAHEC has been awarded grant funding through AHEC for student housing projects. These programs are for 3<sup>rd</sup> and 4<sup>th</sup> year medical students. Students will be in the resident houses for periods of time ranging from two to three weeks to approximately three months. Buildings for this project will be built off-site and brought in. Final completion will be done on-site. All buildings are in compliance with the state building code.

**Approval or Denial of Application Request and Consistency Statement:**

*Commissioner Nestler made a motion to approve the conditional overlay map amendment request, the application of the PUD and adopt the consistency statement pursuant to NCGS 160D. The motion carried with a unanimous vote.*

**ADJOURNMENT:** *Commissioner Guiney made a motion to adjourn the meeting at 6:45 p.m. The motion carried with a unanimous vote.*

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Lynda Sossamon  
Mayor

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Amanda W. Murajda  
Town Clerk

**REGULAR BOARD MEETING**  
Town of Sylva Board of Commissioners  
August 25, 2022

The Town of Sylva Board of Commissioners held a regular meeting on August 25, 2022, at 5:30 p.m. hosted in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C.

**PRESENT:** Lynda Sossamon, Mayor  
Mary Gelbaugh, Commissioner  
Ben Guiney, Commissioner  
Greg McPherson, Commissioner  
David Nestler, Vice-Mayor  
Natalie Newman, Commissioner

Paige Dowling, Town Manager  
Amanda Murajda, Town Clerk  
Eric Ridenour, Town Attorney

**ABSENT:**

Mayor Sossamon called the meeting to order at 5:30 p.m.

**STAFF PRESENT:** Lynn Bryant (Finance Officer), Jake Scott (Public Works Director), Bernadette Peters (Main Street Director), Mike Beck (Fire Chief) and Keith Buchanan (Assistant Fire Chief), Chris Hatton (Police Chief) and Aimee Watson (Lt. Detective).

**VISITORS:** Travis Frazier, Sarah Shelton, Worth LaRose, Marti Walker, Diane Brazier, Kelli Huy, Garret Craig, Cinty Roberts, Marilyn Robinson, Curtis Robinson, Marian Garrett, Jack Garrett, Dave Russell, Maurice Moody, Dickie Woodard, Brian Bock, Stefanie Conley, Ina Sams, Vickie DeStefano, Eric DeStefano, George Neslen, Gladys Pilarski, David Porter, Jenny Porter, Mark Bryant, Ben Rickert, Bernie Gilchrist, Lee Ewart, Adam Koons, Marianne Harr, Nancy Martin and Jennifer Harr.

**AGENDA:** *Commissioner Newman made a motion to add a closed session to the agenda pursuant to NCGS. 143-318-11(a)(3) to consult with the town attorney. The motion carried with a unanimous vote. Commissioner Gelbaugh made a motion to approve the amended agenda. The motion carries with a unanimous vote.*

**CONSENT AGENDA:** *Commissioner Newman made a motion to approve the consent agenda. The motion carried with a unanimous vote.*

**PUBLIC COMMENTS:** George Neslen, a business owner in Sylva, addressed the board regarding panhandling in the city limits. The intersections in city limits see a lot of individuals participating in such activities. He would like the board to consider ordinance regulations related to panhandling.

**MAYOR'S REPORT:** Mayor Sossamon met and spoke with Secretary of State Elaine Marshall who was visiting small businesses. She attended the NC Home Consortium meeting where they reviewed 10 applications for funding to split \$750,000, 5 of them were approved.

**COMMISSIONER'S REPORT:** Commissioner Gelbaugh also noted the number of panhandlers in and around the Town of Sylva was growing. Commissioner McPherson thanked Jake Scott and Paige Dowling for ordering the skatepark equipment and added that he hoped to have it up and running soon.

**MANAGERS REPORT:** Manager Dowling reported the following:

- Allen Street: Town Staff had a meeting with Civil Design, Wurster, TWSA, and Jackson Paper to review the draft plan set for Allen Street. Plans are almost finalized, and the contract is being drafted. The timeline is to have the Board approve the construction contract September 22<sup>nd</sup> and work will begin in early October.
- Manager Dowling attended the WNCMA meeting the August 19, 2022 and heard an informative legislative update from the League of Municipalities and the Association of County Commissioners. She also attended a health forum the Southwestern Commission hosted and heard about funding opportunities related to chronic health, behavioral health, and the opioid settlement.

- Staff watched a grant administrative webinar August 18, 2022, on the \$200,000 Community Project Fund from USDA. The appropriation Sylva received in the federal budget for Allen Street repairs is a grant with very stringent requirements. An environmental review is required, and they take approximately 90 days. Since the Allen Street repair will have started by then, they have reached out to the grant administrator to see if it's possible to utilize these funds.
- Employment Update: Sgt. Jordan Beck has accepted a position as an SRO with the Sheriff's Department.

**PUBLIC WORKS DEPARTMENT:** Jake Scott, Public Works Director, reported the following:

- Working on RFQ for management bid package for the Bridge Park Infrastructure project
- Owle construction will begin work on the Allen Street bridge as noted in the bi-annual bridge inspection report.
- New high quality air filters are being installed in all Town buildings.
- Sailboat is gone
- The annual solid waste report will be submitted showing 777 tons of solid waste collected for the year and 46 tons of recycling collected.

**POLICE DEPARTMENT:** Chris Hatton, Police Chief, reported the following:

- Department has a sergeant position open.
- Staff has been busy with school starting, traffic and speed enforcement
- Walk for Hope is October 1, 2022, from 10:00 a.m. – 12:00 p.m.
- The Department of Justice will be doing a cover story on the Sylva Police Department
- The department has received several calls on homeless populations and are working with community resources.

**FIRE DEPARTMENT:** Mike Beck, Fire Chief, reported the following:

- The department has responded to 766 calls in 2022
- There were 762 for the whole year of 2021
- Paid staff is working well.

**MAIN STREET REPORT:** Bernadette Peters, Mainstreet Director, reported the following:

- Attended the Main Street Directors conference
- Working with local businesses on restoration
- Peters discussed grant opportunities for the MSSA

**PLANNING BOARD REPORT:** No report.

**TWSA BOARD REPORT:** Commissioner Nestler reported that TWSA rejected bids on a wastewater project due to cost.

**PINNACLE PARK REPORT:** Commissioner Nestler reported that the Foundation has firmed up a timeline outlining plans for the next two years. An RFP for a master plan will be issued in the near future.

**PUBLIC HEARING—ORDINANCE AMENDMENT: SECTION 5.4 (JJ) OF THE TOWN OF SYLVA ZONING AND SUBDIVISION ORDINANCE—SHORT TERM RENTALS:** Mayor Sossamon opened the public hearing at 5:54 p.m.

- Worth LaRose read a statement from Sarah Shelton supporting Airbnb regulations.
- Garrett Craig, from Sylva, commented that the housing options are tough in Jackson County and Sylva and short-term rentals are pushing people out, therefore he does not support them.
- Marian Garrett commented that she owns multiple houses in Sylva and would like to keep her rental businesses. She is not in support of the regulations presented.
- Dickie Woodard stated that private property rights should be protected. He added that taking it away from someone is a slippery slope and that so many individual rights are being lost.
- Ina Sams commented that affordable housing doesn't exist and that taking property rights from others is wrong.
- Vickie DeStefano commented that she doesn't live in city limits but has had a short-term rental for two years. She invests with all downtown businesses by providing her guests with goodie baskets containing items from the businesses. They bring business to Sylva.

- Jenn Harr asked if occupancy taxes could be used better in the Town. She is worried about the enforcement of rules because of previous history.
- Bernie Gilchrist commented that people buying in the LDR are adding Airbnb to supplement income. He also added that if you are going to restrict someone on how to use their money then it will affect town business.

*Being no further comment, Commissioner Nestler made a motion to close the hearing at 6:16 p.m. The motion carried with a unanimous vote.*

**NEW BUSINESS**

**ORDINANCE AMENDMENT: SECTION 5.4 (JJ) OF THE TOWN OF SYLVA ZONING AND SUBDIVISION ORDINANCE—SHORT TERM RENTALS:** Commissioner Nestler gave an overview of the proposed STR ordinance. He explained the zoning ordinance review process and that STRs would be reviewed individually. He noted that he would like a balance of regulations. Commissioner Newman added that her biggest takeaway was that the proposal did not remove existing STRs. Commissioner Gelbaugh would like to extend the date of payment of occupancy taxes to 30 or 60 days from the ordinance date.

*Due to continued comments from the public, Commissioner Newman made a motion to re-open the public hearing at 6:29 p.m. The motion carried with a unanimous vote.*

- Ben Rickart asked the board if they had considered restricting STRs to permanent residents.
- Eric Ridenour, Town Attorney commented that the Town contracts with Jackson County for enforcement but if that action doesn't work then the town would enforce. He added that there were approximately 19-21 STRs in the city limits that would be grandfathered in. He also clarified what occupancy taxes can be spent on.
- Brian Bock—own property in city limits; asking the town to think about—are you limiting investment in the city limits
- Stephanie Conley asked if there currently districts that do not allow them.
- Jenn Harr requested that enforcement be fair.
- Ina Sams asked why the Town would take people's property rights.
- Bernie Gilchrist added that it looks like the Town is trying to pay attention to STRs and that it will be an educational process for realtors. He agrees that a permanent resident spends more money.
- George Neslen commented that there has to be housing availability for people to come here the first time.

*Being no further comment, Commissioner Guiney made a motion to close the public hearing at 7:00 p.m.*

*After discussion by the board, Commissioner Nestler made a motion to adopt the ordinance amendment as presented. The motion carried with a unanimous vote.*

**SPECIAL EVENT REQUEST—WARD PLUMBING & HEATING COMPANY PICNIC, ALCOHOL REQUEST:** Manager Dowling explained that Ward Plumbing wants to have employee appreciation 11/18 and would like to serve alcohol. Event is from 4-8. *Commissioner Guiney made a motion to approve the request. The motion carried with a unanimous vote.*

**RESOLUTIONS FOR EVENT STREET CLOSURES:**

- (A) **EVENT RESOLUTION—WALK FOR HOPE:** A request has been made by the Sylva Police Department to close Main Street for the purpose of having a Walk for Hope celebration for breast cancer awareness on October 1, 2022.
- (B) **EVENT RESOLUTION—TREAT STREET:** A request has been made by the Main Street Sylva Association to close Main Street for the purpose of having a "Treat Street" festival for Halloween on October 31, 2022.
- (C) **EVENT RESOLUTION—WCU HOMECOMING PARADE:** A request has been made by Western Carolina University to close Main Street for the purpose of having a homecoming parade on November 4, 2022.
- (D) **PARADE RESOLUTION—VETERAN' DAY PARADE:** A request has been made by the Jackson County Veterans office to close Main Street for the purpose of having a parade on November 12, 2022.



- (E) PARADE RESOLUTION—CHRISTMAS PARADE:** A request has been made by the Main Street Sylva Association to close Main Street for the purpose of having a Christmas parade on December 4, 2022.
- (F) EVENT RESOLUTION—GREENING UP THE MOUNTAINS:** A request has been made by the Main Street Sylva Association to close Main Street for the purpose of having the Greening Up the Mountains festival on April 22, 2023.
- (G) EVENT RESOLUTION—INDEPENDENCE DAY CELEBRATION:** A request has been made by the Main Street Sylva Association to close certain streets in the Downtown area for the purpose of having an Independence Day celebration on July 4, 2023.

*Commissioner Guiney made a motion to approve all of the event street closure resolutions. The motion carried with a unanimous vote.*

**CLOSED SESSION:** *Commissioner Newman made a motion to enter closed session pursuant to NCGS. 143-318-11(a)(3) to consult with the town attorney at 7:27 p.m. The motion carried with a unanimous vote.*

*Commissioner Gelbaugh made a motion to come out of closed session. The motion carried with a unanimous vote and the Board entered into regular session at 8:18 p.m. No action was taken during closed session.*

**ADJOURNMENT:** *Commissioner Guiney made a motion to adjourn the meeting at 8:19 p.m. The motion carried with a unanimous vote.*

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Lynda Sossamon  
Mayor

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Amanda W. Murajda  
Town Clerk