



TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, May 11, 2023 at 5:30 PM

Board Room, 83 Allen Street Sylva, North Carolina

MINUTES

PRESENT: Ben Guiney, Commissioner
Greg McPherson, Commissioner
David Nestler, Mayor
Natalie Newman, Commissioner
Brad Waldrop, Commissioner

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

ABSENT: Mary Gelbaugh, Mayor Pro-Tem

CALL TO ORDER

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

STAFF PRESENT: Lynn Bryant (Finance Officer), Jake Scott (Public Works Director), Robbie Carter (Police Lieutenant), Aimee Watson (Lt. Detective) and Chris Hatton (Police Chief).

VISITORS: Jonathan Tharpe, Mick McCardle, Cathy Connors, Luther Jones, Brian Huneycutt, Larry Ingersoll, Nathan Mann, Garret Craig, David Ginn, Cliff Stanis, Brianne Hudak, Eddie Hudak, Travis Rountree, Chris Taber, Virginia Kinkaid, Ina Sams, Mary Schutt, Fred Schutt, Jennifer Harr, Dave Russell, Kristi Booth, Erin Booth, Nancy Martin, Marianne Harr, Sara Steiner, and Dickie Woodard.

APPROVAL OF AGENDA

Commissioner McPherson made a motion to approve the agenda. The motion carries with a unanimous vote.

APPROVAL OF CONSENT AGENDA

Commissioner Newman made a motion to approve the consent agenda. The motion carries with a unanimous vote.

PUBLIC COMMENTS

Mick McCardle addressed the board and expressed his concerns with closing Main Street for any parade or event based on loss of business for restaurants in the area. He added that merchants suffer greatly when streets are closed and the number of events in town should be limited.

Luther Jones addressed the board and expressed his concerns about the proposed FY 23-24 budget. He is opposed to a tax increase to fund a full-time Economic Development Director in the Town of Sylva and explained that the change from part-time to full-time will not be just an additional \$25,000 increase. Benefits of a full-time employee will need to be included as well.

Chris Taber addressed the board and added her support for closing Main Street for Sylva Pride events.

Garrett Craig also addressed the board and offered his support for Sylva Pride. He also added that he was in support of the housing application on the agenda.

MAYOR'S REPORT

Mayor Nestler reported that Ed Harwood would like a board representative to speak at a Memorial Day event. Commissioner Newman agreed.

COMMISSIONER'S REPORT

Commissioners Waldrop, Guiney and Newman all noted that they were glad to see construction had begun on the Allen Street slope failure.

MANAGER'S REPORT: Manager Dowling reported the following:

- Sgt. Robbie Carter has been promoted to Lieutenant.
- Amy Whisnant from NCLM completed a safety walk through all of the Town buildings following the OSHA inspection. This was very helpful for each department.
- Staff is currently working on the TDA grant application for the Bridge Park Green Infrastructure project.
- Alan Brown's family is moving to Asheville in June. He will need to be replaced on the Planning Board.
- The employee wellness fair with the health department was May 11, 2023. This is required of employees for our new health insurance plan.
- Jake Scott gave an update on the construction of Allen Street.

NEW BUSINESS

PUBLIC HEARING—ZONING MENDMENT REQUEST—COOP PROPERTIES (SOLTICE PARTNERS, LLC):

Mayor Nestler opened the public hearing at 5:53 p.m.

Manager Dowling explained the project as follows:

Applicant: COOP Properties, LLC; (Solstice Partners, LLC; Cathy Connors, Partner)

Property Location: Savannah Drive, Sylva – PIN 7631-66-1393

Current Property Zoning: General Business District (GB), ETJ

Ordinance Sections for Review: Article 3 – Procedures; Section 3.5.J – Review Process/Conditional Zoning; Section 3.9.B – Zoning and Map Amendments and Article 4, Section 4.4 – Conditional District

Description of Request: The applicant is requesting a map amendment to create a General Business - Conditional District on the property identified by PIN 7631-66-1393 to allow for a multi-family residential development. The Town Board of Commissioners may approve Conditional Districts through the legislative review process identified in Article 3 – Procedures, Section 3.5 – Review Process.

This proposed conditional district for a multi-family residential development includes three, 2-story structures consisting of eight 1-bedroom units, twenty-eight 2-bedroom units and twelve 3-bedroom units (48 total units). Included amenities are a community center with laundry, computer center; playgrounds and cover picnic shelter with tables/grills.

Background: The property for this development is located on the south and west sides of Savannah Drive and approximately 1,120 lf south of the intersection of Business 23 (West Main Street) and Savannah Drive. The area of this vacant property is 6.83 total acres, and this proposed complex would be developed on the entire tract. Public utilities will be provided by Tuckaseegee Water and Sewer Authority (water and sanitary sewer) and Duke Power. This property will be served by the Sylva Fire Department. Driveway access and 3-party encroachment (sidewalk) will be required from NCDOT during their review/approval process as Savannah Drive is a state road (S.R. 1356).

Application Response: The applicant is requesting a zoning map amendment to create a General Business - Conditional District on the 6.83-acre 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 ensure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

Staff Findings: The conclusion of Planning Staff is that this proposed development can meet or exceed the regulations set forth in the zoning ordinance including General Business District standards and required development regulations (Article 7).

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Approval for this Conditional District 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.

Comments: Nathan Mann offered his support for the proposal. Mary and Fred Shutt noted they were concerned about erosion as they live above the proposed site. Jennifer Harr offered support for the project.

Being no further comment, Commissioner Newman made a motion to close the public hearing at 6:06 p.m. The motion carried with a unanimous vote.

ZONING AMENDMENT REQUEST—COOP PROPERTIES (SOLTICE PARTNERS, LLC):

Cathy Connors, project owner, addressed the board and explained the funding sources, concerns about erosion and traffic.

Commissioner Guiney made a motion to approve the zoning amendment request as presented and adopt the statement of consistency as presented. The motion carried with a unanimous vote.

PUBLIC HEARING—ZONING MAP AMENDMENT REQUEST—CJ PROPERTIES (EDWARD/BRIANNE HUDAK): Mayor Nestler opened the public hearing at 6:24 p.m.

Manager Dowling explained the project as follows:

Applicant: CJ Properties – Property Owners; Edward and Brianne Hudak representatives

Property Location: 414 Skyland Drive, Sylva; PIN's 7642-41-7128 and 7642-51-1400

Current Property Zoning: General Business - GB

Ordinance Section for which the Text Amendment is requested: Article 3 - Procedures - Section 3.9.B – Zoning and Map Amendments

Description of Request: The applicant is requesting a map amendment that would change the subject properties from the General Business District (GB) to the Professional Business District (PB). The representative for the applicant would like to operate a private school on the subject property which is not an allowed use in the GB District; however, schools are a permitted use within the PB District.

Background: The property for this proposed school use is located at 414 Skyland Drive (currently Smoky Mountain Fitness) with access directly to Skyland Drive. This property has a total land area of 13.93 acres (both parcels) with existing structures housing the fitness/pool activities and an accessory storage building. Properties to the east are in the Institutional District, properties to the south are in the High-Density Residential District and properties to the west are in the General Business District. If required by the Town's Zoning Ordinance, property improvements in this district (PB) are subject to development standards as set forth, including building setbacks, landscaping, architectural standards, sidewalk construction, parking, storm water treatment, etc. Tuckaseegee 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.

Application Response: The applicant is requesting that the existing Town of Sylva Zoning Map be amended to designate both properties (PIN's 7642-41-7128 and 7642-51-1400) as Professional Business.

Staff Findings: The requested map amendment would not constitute "spot zoning" as the subject properties will be in accordance with the Town's adopted Land Use Plan for 2040. This plan establishes that these properties 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.

Being no comment, Commissioner McPherson made a motion to close the hearing at 6:26 p.m.

ZONING AMENDMENT REQUEST—CJ PROPERTIES (EDWARD/BRIANNE HUDAK):

Brianne Hudak explained to the board the specific plans for the private school including enrollment, funding, design plans and capacity.

Commissioner Guiney made a motion to re-open the public hearing at 6:33. The motion carried with a unanimous vote.

Luther Jones asked what credentials instructions would need. Jennifer Harr asked questions related to autism.

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Commissioner Waldrop made a motion to close the hearing at 6:37 p.m. The motion carried with a unanimous vote.

Commissioner Waldrop made a motion to *approve the zoning map amendment request as presented and adopt the statement of consistency as presented. The motion carried with a unanimous vote.*

PUBLIC HEARING—STREET CLOSING: PORTION OF PATHFINDER LANE: Mayor Nestler opened the public hearing at 6:38 p.m. Manager Dowling explained the hearing was for a request to close that portion of the platted but unopened street known as Pathfinder Lane that extends across the northwest corner of the lands of SOCOL Company, Inc. from current Hwy 107 in a southwesterly direction an approximate 280' and thence in a northwesterly direction an approximate 50'

Comments:

Ina Sams, applicant representative, explained that Hallie Manor Court was not a road the allowed for any right-of-way. David Ginn added that he was not opposed to the closure but wanted to make sure the other end of Pathfinder remains open.

Being no further comment, Commissioner Newman made a motion to close the public hearing at 6:42 p.m. The motion carried with a unanimous vote.

STREET CLOSING—PORTION OF PATHFINDER LANE: Mayor Nestler expressed to the board that the Town needed to accommodate the request. *Commissioner McPherson made a motion to approve the request to close that portion of the platted but unopened street known as Pathfinder Lane that extends across the northwest corner of the lands of SOCOL Company, Inc. from current Hwy 107 in a southwesterly direction an approximate 280' and thence in a northwesterly direction an approximate 50'. The motion carried with a unanimous vote.*

FORMAL PRESENTATION OF FY 2022-2023 BUDGET: Manager Dowling formally presented the FY 2023-2024 budget to the board and reminded them of the public hearing scheduled for May 25, 2023, at 5:30 p.m.

SPECIAL EVENT REQUEST—SYLVA PRIDE: Manager Dowling gave background information of the event. The Town Board has always approved temporary road closure permits to send to NCDOT for events that stop, block, or detour traffic on state-maintained roads. Last year, Town staff updated the park application and procedure for outdoor special events. Town staff started working on special event changes in September 2022 because of increasingly large events being held at Bridge Park and requests for street closures along with 5k races. The revised outdoor special even application encourages bigger events to take place at Bridge Park due to safety and constraints on manpower. Larger events increase the need for more resources. Town staff can approve park rentals, but the authority to request closing the street still rests with the board. Currently, the Board approves road closure permits for the Christmas Parade, Greening Up, WCU Homecoming (WCU PD also works this detour), Treat Street, the Veterans Day Parade (Jackson County assists), and July 4th (this is a temporary detour during the fireworks, if necessary).

Pride is requesting the two-block march on Main Street as they have done for the last two years. The park rental for Pride is approved, but the Town Board will vote on approving the march only. Pride volunteers will staff the other events that weekend. Having a two-block march would involve staff time for planning, coordination, and overtime the day of the event, but a total road closure where we clear the street would use all our resources for a day like the Christmas Parade. Costs and resources vary differently for a two-block march compared to a full street closure.

The Board needs to vote on the temporary street closure resolution to submit to NCDOT for the same route Pride marched the last two-years. The Board also needs to decide whether to charge Pride for the Town resources involved in the road closure. The Board has charged groups in the past for large events which is for security and traffic control.

Commissioner Guiney clarified that by sponsor he meant the town accepts responsibility for the event and provides all staffing, which he asked Chief Hatton to discuss security. Hatton explained that you must be very specific with entry when there is controversy or opposition and that a 2-block route is much simpler and safer.

Commissioner Guiney made a motion to approve the resolution for the Town of Sylva Board of Commissioners to undertake the formal steps necessary to conduct a parade in the downtown area for Sylva Pride. The motion carried with a unanimous vote.

COMMUNITY CARE LIAISON GRANT—GREAT SMOKIES HEALTH FOUNDATION: WCU has received the Dogwood Health Foundation grant to make the Community Care Liaison at the Police Department full-time for three years and they will be employed by WCU which will begin July 1st. In the meantime, the Great Smokies Health Foundation is

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going to award the Town a \$5,000 grant to cover the lapse in time from now until July 1st to fund the position as a contract employee. The Board needs to approve this grant so that we can amend the budget and fund this contract position.

Commissioner McPherson made a motion to approve acceptance of the grant and fund the contract position for a Community Care Liaison through June 30, 2023. The motion carried with a unanimous vote.

ADJOURNMENT: *Commissioner Guiney made a motion to adjourn the meeting at 7:06 p.m. The motion carried with a unanimous vote.*

David Nestler
Mayor

Amanda W. Murajda
Town Clerk