



# TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, October 12, 2023 at 5:30 PM  
Board Room, 83 Allen Street Sylva, North Carolina

---

## MINUTES

---

**PRESENT:** Mary Gelbaugh, Mayor Pro-Tem  
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:**

### CALL TO ORDER

*Mayor Nestler called the meeting to order at 6:10 p.m, following the Board of Adjustment meeting.*

**STAFF PRESENT:** Jake Scott (Public Works Director)

**VISITORS:** Luther Jones, JB Mathews, Kathy Mathews, Kim Mitchell, Ina Sams, Cornelia Waldrum, Evelyn Bennett Jeremiah Wiggins, Joy Hooper, Pat Newman, Nathan Shepherd and Dowdy Bradley.

### APPROVAL OF AGENDA

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

### APPROVAL OF CONSENT AGENDA

*Commissioner McPherson made a motion to approve the consent agenda. The motion carried with a unanimous vote.*

**PUBLIC COMMENTS:** None.

**MAYOR'S REPORT:** None.

**COMMISSIONER'S REPORT:** Commissioner Guiney would like the Planning Board to look into setbacks. Commissioner Newman suggested having a professional give a presentation on housing related to density and setback. John Jeleniewski suggested that you would have to look at lot size and other relative things, not just setbacks. Commissioner Newman thanked the Public Works Department for putting up fall decorations. She also noted that she participated in a training burn with the Fire Department.

**MANAGER'S REPORT:** Manager Dowling reported the following:

- Employment Update: John Crisco was hired as the new Maintenance Technician in Public Works. Officer Cody Ruckart has accepted a job with the Haywood County Sheriff's Office.
- Richard Hicks (Interim Manager) visited the Town in anticipation of his upcoming employment with the Town.
- Allen Street is still on track. Sewer is almost complete. Horizontal drains have been added to the lower retaining wall.
- The Bridge Park Expansion Project bid advertisement is out. The bid opening will be October 25<sup>th</sup>. The board will need to approve the contract Nov. 12<sup>th</sup>.
- The Skyland Drive sidewalk completion date is March 23, 2024.
- I have requested a R-5600/NC 107 project update from NCDOT.

**PUBLIC HEARING:** Zoning Map Amendment Request

John Jeleniewski, Senior County Planner, presented the staff report to the zoning map amendment request as follows:

**Applicant:** Alvin and Virginia Trust – Property Owners

Regular Board Meeting October 12, 2023

**Property Location:** Off East Main Street, Sylva NC 28779

**PIN's** 7641-65-8973, 7641-65-9819, 7641-65-9855, 7641-65-8744, 7641-65-9700 and 7641-65-9646.

**Current Property Zoning:** High Density Residential - HDR

**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 designate the subject properties as General Business (GB) District.

**Background:**

The General Business District (GB) is the largest district within Sylva's commercially zoned jurisdiction. The GB District offers a broad range of permitted (use-by-right) and special uses (SUP) such as lodging, retail/commercial, restaurants, public/civil and recreational uses. Property improvements in this district are subject to development standards as set forth in the zoning ordinance including building setbacks, landscaping, architectural standards, sidewalk construction, parking, storm water treatment, etc.

The subject properties are located on the south side of Highway 107 approximately 582 lf east of the Highway 107/Cope Creek Road intersection. These properties total 1.19 acres in land area with 9 existing residential dwellings (manufactured homes) and a vacant restaurant (former Soul Infusions Tea House). Access to these properties are from the public right-of-way of Highway 107 and a private access road known as Path Finder Lane. These properties are adjacent to properties to the east that are in the GB District and are not located within the 100-year flood plain. These properties are or can be served by Tuckaseegee Water & Sewer Authority for public utilities.

**Application Response:** The applicant is requesting that the existing Town of Sylva Zoning Map be amended to designate the six subject properties (1.19 acres) to the General Business District.

**Staff Findings:** The requested map amendment would not constitute "spot zoning" as the properties to the east are zoned GB District.

The Town's adopted Land Use Plan for 2040 establishes that these properties will be in the future Urban Neighborhood District. The encouraged land uses for this future district include: primarily residential: small lot single family, townhome residential, two-, three- or four-family units, and multifamily; civic and educational uses that support community residents, live-work units, small scale in-home businesses and small scale public open space (e.g. active pocket parks, passive open space, greenways). However, if the map amendment request is approved, these properties will be in the future Community Corridors District with encouraged land uses for this district being mixed-use buildings, institutional uses, walkable neighborhood commercial (retail, office, personal services), large scale commercial, business centers, community services and civic/educational services. In addition, this requested map amendment will create available property and opportunity in the GB District that may be needed to serve the community during/after the proposed Highway 107 improvement project.

**Applicant Comments:** Ina Sams, the real estate agent, explained to the board the intention of the buyer for commercial use. The buyer will work towards cleaning up the area.

**Public Comments:** Dowdy Bradley expressed his concerns with tax value related to the zoning map change.

*Commissioner Gelbaugh made a motion to close the public hearing at 6:38 p.m. The motion carried with a unanimous vote.*

**NEW BUSINESS**

**ZONING MAP AMENDMENT:** Manager Dowling reported that the Planning Board voted 3-1 to recommend approval of the request. She added that the Town Board will need to consider, if approved, engaging a consultant to update the future land use plan to reflect the map amendment since it would be a change from residential to general business.

Commissioner Waldrop advised that the decisions related to reducing density for housing should be taken seriously. The board discussed the request related to the Highway 107 project and also in regards to the need for housing.

**Board review & vote:**

*Commissioner Gelbaugh made a motion to approve the request for a zoning map amendment. The motion carried with a unanimous vote.*

**Board vote on consistency statement:** Mayor Nestler read the consistency statement as follows:

**Statement of Consistency pursuant to G.S. 160D**

Re: Proposed zoning map amendment from High-Density Residential to General Business for parcels identified by PIN#s 7641-65-8973, 7641-65-9819, 7641-65-9855, 7641-65-8744, 7641-65-9700 and 7641-65-9646.

The Town of Sylva Planning Board has found the zoning map amendment to parcels identified by PIN#s 7641-65-8973, 7641-65-9819, 7641-65-9855, 7641-65-8744, 7641-65-9700 and 7641-65-9646 to be supported by the Town of Sylva 2040 Land Use Plan.

We find the proposed amendment to be consistent with the key drivers for The Plan for Sylva identified on page 29 and 32 of the Town of Sylva 2040 Land Use Plan. The term driver refers to a top planning consideration that shapes The Plan for Sylva. More specifically:

**Urban Neighborhoods:** The Urban Neighborhood character area includes existing residential and new areas where it is envisioned that reinvestment in the community can and will occur, with a focus on providing a variety of housing options that are walkable to Downtown Sylva and the Town's other commercial areas.

**Community Corridors:** The intent of the Community Corridor character areas is to create an authentic "Sylva Look and Feel" for the town's entryways. Community Corridors will be the town's "workhorse" corridors – connecting commercial areas to residential neighborhoods while providing a major transportation link between job centers and areas outside of Sylva. The key to success is redevelopment that incorporates a mix of land uses in compact development patterns, links downtown and neighborhoods, and provides additional housing options, neighborhood amenities, and job opportunities. With some exceptions, the form the uses take is more important than land use.

*Commissioner Guiney made a motion to approve the consistency statement. The motion carried with a unanimous vote.*

**TWSA BOARD APPOINTMENT:** Manager Dowling explained that Mayor Nestler's term on the TWSA Board of Directors will end at the end of December. Nestler will have served the maximum amount of three terms. The Town Board needs to appoint someone to begin serving on the TWSA Board in January. *Commissioner Gelbaugh made a motion to appoint Manager Paige Dowling to the TWSA Board for a three-year term beginning January 1, 2024.*

**DOWNTOWN PUBLIC RESTROOM PROJECT:** Manager Dowling reported that bids were received on the downtown public restroom. Cinderella Partners out of Indian Trail, NC was the low bidder. Their bid was \$522,297.09. If solar panels are removed from the bid, it can be reduced by \$14,875 down to \$507,423. The proposed project ordinance recommends taking \$211,797 from ARPA related funds. There may be room to save on the bathroom with value engineering options, but we need to be careful not to impact the durability. The Board needs to amend the budget, adopt a project ordinance amendment, and adopt a resolution authorizing the mayor to sign a contract to proceed with the contract.

The Board discussed the project and the pending Bridge Park Green Infrastructure Project to begin as well. Mayor Nestler noted that on the financial side, to keep in mind that both projects will need to make up the shortfall using ARPA related funds. The Board was of the consensus to ask for item pricing detail and delay the vote. Commissioner Guiney made a motion to move the proceedings for the downtown public restroom project to the October 26, 2023, board meeting. The motion carried with a unanimous vote.

**ADJOURNMENT:** *Commissioner Guiney made a motion to adjourn the meeting at 7:15 p.m. The motion carried with a unanimous vote.*

---

David Nestler  
Mayor

---

Amanda W. Murajda  
Town Clerk