



# TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, April 13, 2023 at 5:30 PM  
Board Room, 83 Allen Street Sylva, North Carolina

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## MINUTES

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**PRESENT:** Mary Gelbaugh, Mayor Pro-Tem  
Ben Guiney, Commissioner  
Greg McPherson, Commissioner  
David Nestler, Mayor  
Natalie Newman, Commissioner

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

**ABSENT:** Brad Waldrop, Commissioner

### CALL TO ORDER

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

**STAFF PRESENT:** Aimee Watson

**VISITORS:** Alan Farmer, Matt Little, Ann Bass, Ross Orr, Owen Carson, Aster Ayer, Sunny Himes, Mike Nichols, Dennis Desmond, Kathy Mathews, Pete Bates, Matthew Morelli, Kelder Monar, Peter Tay.

### APPROVAL OF AGENDA

*Commissioner Gelbaugh 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

None.

### MAYOR'S REPORT

Mayor Nestler thanked the Pinnacle Park Foundation members for attending the meeting.

### COMMISSIONER'S REPORT

Commissioner Gelbaugh reported that the Tuckasegee River Clean-up would be Saturday, April 13, 2023, and the annual bike rodeo would be Saturday, April 22, 2023. Commissioner Guiney requested that MSSA work with businesses on reducing waste. Commissioner McPherson thanked the Pinnacle Park Foundation board for attending. He would like a picnic table added to the Ritz lot. Commissioner Newman also thanked the Foundation for attending.

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

- Staff is currently preparing for Greening Up the Mountains coming up on April 22, 2023.
- The Allen Street contract has been signed and work will soon begin.
- The skate ramp needs to be inspected by a risk adjuster from our insurance company. That will occur soon.

**PUBLIC HEARING—ORDINANCE AMENDMENT: SECTION 5.4.C.1 OF THE TOWN OF SYLVA ZONING AND SUBDIVISION ORDINANCE—AGRICULTURAL USES:** Mayor Nestler opened the public hearing at 5:45 p.m. Being no comment, Commissioner McPherson made a motion to close the hearing at 5:45 p.m.

**PUBLIC HEARING—ORDINANCE AMENDMENT: SECTION 4.3.B.9 OF THE TOWN OF SYLVA ZONING AND SUBDIVISION ORDINANCE—Flexibility Specific to Commercial Corridor Overlay (CCO) FEE IN LIEU OF SIDEWALKS:** Mayor Nestler opened the public hearing at 5:46 p.m. Being no comment, Commissioner McPherson made a motion to close the hearing at 5:46 p.m.

**NEW BUSINESS**

**PINNACLE PARK BOTANICAL SURVEY PRESENTATION:** Owen Carson, Botanist at Equinox, presented the recent findings of a botanical survey with the boundaries of Pinnacle Park.

**PINNACLE PARK MASTER PLAN:** The Foundation received proposals for a Master Plan in the amount of \$150,000. Nestler noted that the TDA has pledged \$50,000 and he would like there to be a 3-way partnership with the County and Town. *Commissioner Guiney made a motion to appropriate \$50,000 from the Fisher Creek General Fund. The motion carried with unanimous vote.*

**PUBLIC HEARING—ORDINANCE AMENDMENT: SECTION 5.4.C.1 OF THE TOWN OF SYLVA ZONING AND SUBDIVISION ORDINANCE—AGRICULTURAL USES:** Manager Dowling reported that the Planning Board has reviewed the ordinance as requested by the Town Board. The Town Board discussed the ordinance and changes to make to the district and start date. Commissioner McPherson made a motion to remove the restriction of the Downtown Business (DTB) district and add a one-year effective date for the number of allowed hens. *The motion carried with a 3-1 vote. Voting in the affirmative were Commissioners Gelbaugh, McPherson and Nestler. Voting against the motion was Commissioner Guiney.*

**PUBLIC HEARING—ORDINANCE AMENDMENT: SECTION 4.3.B.9 OF THE TOWN OF SYLVA ZONING AND SUBDIVISION ORDINANCE—Flexibility Specific to Commercial Corridor Overlay (CCO) FEE IN LIEU OF SIDEWALKS:** Manager Dowling explained that this ordinance amendment was for properties impacted by the NC 107 construction project and would allow businesses to pay the sidewalk fee to the Town instead of actually constructing a sidewalk since it would be torn down by NCDOT during construction. *Commissioner Newman made a motion to approve the ordinance. The motion carried with a unanimous vote.*

**PLANNING BOARD APPOINTMENT:** Stephen Phillips withdrew his application leaving only one applicant, Larry Tyson. This term will expire February 28, 2025, and will be a 1<sup>st</sup> term. *Commissioner Gelbaugh made a motion to appoint Larry Tyson. The motion carried with a unanimous vote.*

**SCHEDULE CHANGE—MAY 25, 2023, PLANNING BOARD MEETING—CHANGE TO MAY 18, 2023:** The May Planning Board meeting will need to be moved since the budget public hearing will be on May 25<sup>th</sup>. *Commissioner Newman made a motion to move the May Planning Board meeting to May 18, 2023, at 5:00 p.m. The motion carried with a unanimous vote.*

**SCHEDULE CHANGE—MAY 25, 2023, REGULAR BOARD MEETING—CHANGE TIME TO 5:30 P.M.:** *Commissioner Newman made a motion to change the time of the May 25, 2023 board meeting to 5:30 p.m. to accommodate the budget public hearing. The motion carried with a unanimous vote.*

**ADJOURNMENT:** *Commissioner Guiney made a motion to adjourn the meeting at 8:00 p.m. The motion carried with a unanimous vote.*

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David Nestler  
Mayor

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Amanda W. Murajda  
Town Clerk