



# TOWN OF SYLVA BOARD OF COMMISSIONERS MEETING

Thursday, January 25, 2024 at 9:00 AM  
Board Room, 83 Allen Street Sylva, North Carolina

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## AGENDA

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### CALL TO ORDER

### APPROVAL OF AGENDA

*All items listed and adopted are for discussion or possible action*

### APPROVAL OF CONSENT AGENDA

1. [January 25, 2024 Consent Agenda](#)

### PUBLIC COMMENTS

### REPORTS

2. Mayor's Report
3. Commissioner's Report
4. Manager's Report
5. Public Works Department Report
6. Police Department Report
7. Fire Department Report
8. Main Street Report

### NEW BUSINESS

9. Bryson Park Playground Equipment Presentation
10. Main Street Lighting--Discussion of Light Poles
11. [Introduction of Public Solicitation Ordinance](#)
12. Schedule Public Hearing for February 8, 2024--Public Solicitation Ordinance

### ADJOURNMENT

*Town of Sylva*  
**CONSENT AGENDA**  
*January 25, 2024*

**1- BUDGET AMENDMENT:**

#28 10-354-0000 PD Security	\$ 5,200.C
10-510-0300 PD Wages and Salaries	4,095 D
10-510-0500 PD FICA	314 D
10-510-0700 PD Retirement	575 D
10-510-0800 PD 401K	216 D

**REF: To appropriate Wal-Mart Police Security reimbursement into the PD Wages and Salary OT and benefits.**

**2- TAX RELEASE:**

**#1 Tax Interest Release ~ \$1,327.25 ~ See Attached ~ Postmark Release.**

**3- OTHER:**

- The Tax Collector is hereby authorized to advertise taxes in the Sylva Herald on Thursday, April 4, 2024. Based on G.S.105-369(a), the total tax amount for 2023 that are liens on Real Property is \$174,030.66 as of January 18, 2024.
- **Amended Bryson Park and Playground Equipment Grant Project Ordinance**  
This amendment reverses a prior adjustment to contingency for \$44,817 for two Wurster change orders. The change orders have now been adjusted out of the built in contingency for the Wurster Contract.

**2023 POSTMARKED TAXES FOR RELEASE**

<u>Acct#</u>	<u>Taxpayer</u>	<u>Interest</u>
4422	SPT IVEY Sylva Mob LLC	839.76
1766	Republic Services of NC LLC	29.04
3386	Wells Fargo Bank	11.08
691	Wachovia Bank	143.70
4994	AFN ABSPROP002 LLC	69.28
5351	Queen Street Land Trust	22.35
2929	Scott Taylor	0.70
5585	State Farm	0.53
5292	RTO National	0.46
5485	KAGR2 Sylva LP	85.26
5290	Reddy Ice LLC	0.92
5620	John M Clark	15.07
5621	John M Clark	4.02
3774	Richard Bryson	8.60
532	Thomas Caldwell	94.96
5172	3M Company	0.23
5280	KCI	0.26
748	Kenneth Buchanan	1.03

**\$1,327.25**

**AMENDED  
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 Statues 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:

<b>Revenues:</b>	
State Capital and Infrastructure Grant Fund (SCIF)	<b>\$ 3,000,000</b>
 <b>Expenditures:</b>	
Professional Services	68,268
<b>Construction/Repair</b>	<b>1,997,615</b>
Playground, Equipment, and Facility Upgrades	683,736
Sidewalk Professional	27,700
<b>Contingency</b>	<b>202,681</b>
Additional Testing and Inspection (Kessel)	12,832
Miscellaneous Expense	3,668
Sales Tax (NC and County)	3,500
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	<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 25<sup>th</sup> day of January 2024

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Johnny Phillips, Mayor

ATTEST:

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Amanda Murajda, Town Clerk

**An Ordinance to Amend  
Chapter 30 of the Town of Sylva Code of Ordinances:  
Streets and Sidewalks**

The Ordinance is now after discussion and affirmative vote amended to state the following:

**Section 30-14. Public solicitation and begging upon the Streets and Sidewalks Regulated**

**A. Definitions:**

**Accosting:** approaching or speaking to an individual or individuals in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession.

**Solicit:** use of the spoken, written, or printed word, or other acts as are conducted in the furtherance of the purpose of immediately collecting contributions for the use of oneself or others. As used in this Section 30-14 the word "*solicit*," and its forms, includes soliciting and begging. This definition shall not include transactions between family members or mutual acquaintances.

**Financial institution:** any bank, industrial bank, credit union, savings and loan, or automated teller machine.

**Forcing oneself upon the company of another:**

- (1) Continuing to solicit within eight (8) feet of the individual addressed after the person to whom the solicitation is directed has made a negative response, either verbally, by physical sign, by attempting to leave the presence of the person soliciting, or by other negative indication.
- (2) Blocking the passage of the individual solicited; or
- (3) Otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation.

**B. Prohibited acts.** It shall be unlawful for any person to solicit or beg as defined above:

1. By accosting another, or by forcing oneself upon the company of another.
2. Within 20 feet of any financial institution.
3. Within 10 feet of any bus stop, train station, or taxi stand, or while in a public transit vehicle.
4. Within 20 feet of any commercial establishment which is open for business.
5. While the person being solicited is standing in line waiting to be admitted to a commercial establishment.
6. By touching the person being solicited without that person's consent.
7. By blocking the path of a person being solicited or blocking the entrance or exit to any building or vehicle.
8. By following the person who has been solicited after that person has declined the request or walked away.
9. By or with the use of threatening, profane, or abusive language, during the solicitation or following an unsuccessful solicitation.
10. By or with the use of any gesture or act intended to cause a reasonable person to be fearful of the solicitor or feel compelled to accede to the solicitation.
11. During nighttime hours from dusk to dawn.

**C. Related Activities Prohibited.** In accordance with North Carolina General Statutes, it shall further be unlawful for any person to solicit or beg as defined above:

1. While intoxicated as prohibited by N.C.G.S. §14-444.
2. By using false or misleading information such as stating that the donation is needed to meet a specific need which does not exist, is already met, or when the requestor already possesses the funds necessary to meet the stated need; or such as representing that the solicitor is a veteran when the requestor is in fact not a veteran of the military as prohibited by N.C.G.S §14-100.
3. By indicating that the solicitor or any member of his/her family suffers from a physical or mental disability when such information is false as prohibited by N.C.G.S. §14-113 and/or N.C.G.S. §4-100.

**D. Penalty.** A violation of Section B is punishable as a \$50 fine in accordance with Sec. 1-7 and 1-9 of the Town of Sylva Code of Ordinances. Any protest or appeal of the issuance of a fine shall be made in writing or in person within 30 days of issuance to the Sylva Chief of Police, who shall have full authority to decide and render decision. Further appeal of the decision by the Chief of Police shall be made to the Town Manager, who shall have final authority over the matter.

N.C. Statutory Reference - Authority to prohibit or regulate begging. N.C.G.S. §160A-179.

Existing N.C. General Statutes prohibiting acts described above in section C.

N.C. Statutory Reference – Intoxicated and Disruptive in Public, N.C.G.S. §14-444

N.C. Statutory Reference – Obtaining Property by False Pretenses. N.C.G.S. §14-100

N.C. Statutory Reference – Obtaining Money by False Representation of Physical Disability. N.C.G.S. §14-113

This ordinance shall be in full force and effect upon its adoption on February 8, 2024.

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Johnny Phillips, Mayor

Attest:

Approved as to form:

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Amanda W. Murajda, Town Clerk

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Town Attorney