



**TOWN OF SYLVA
BOARD OF COMMISSIONERS
REGULAR MEETING**

Thursday, October 13, 2022 at 5:30 PM
Board Room, 83 Allen Street Sylva, North Carolina

AGENDA

CALL TO ORDER

APPROVAL OF AGENDA

All items listed and adopted are for discussion or possible action

APPROVAL OF CONSENT AGENDA

1. Consent Agenda 10-13-2022

PUBLIC COMMENTS

REPORTS

2. Mayor's Report
3. Commissioner's Report
4. Manager's Report

NEW BUSINESS

5. Allen Street Project Ordinance Update
6. Bryson Park Project Ordinance Update
7. Allen Street Award Approval
8. Resolution of Intent-Section 30: Streets and Sidewalks. (Public Solicitation)
9. Planning Board Bylaws
10. Poteet Bathroom Discussion

CLOSED SESSION

Pursuant to G.S 143-318.11(a)(3) - Consult with Attorney

ADJOURNMENT

Town of Sylva
CONSENT AGENDA
October 13, 2022

1- APPROVE MINUTES: September 8, 2022, **Regular Board Meeting**; September 22, 2022, **Regular Board Meeting**

2- BUDGET AMENDMENTS:

14 10-660-0600 Contingency \$ 2,000 C
10-660-1800 Website Maintenance 2,000 D

REF: To appropriate contingency funds to allow for an update to the Town's website.

15 19-367-0300 State Grant \$ 35,000 C
19-530-7300 FD Grant 35,000 D

REF: To appropriate the 2022 Supplemental Grant from the Department of Insurance into the Fire Department budget to allow for the purchase of airpacks and bottles.

3- REPORTS:

- 1-Business Registration ~ **September**
- 2-Vehicle Tax Report as of **August 31, 2022**
- 3-Ad Valorem Tax Report as of **August 31, 2022**
- 4-Statement of Revenues, Expenditures, Changes in Fund Balance as of **August 31, 2022**

4- OTHER:

- R022-10 Resolutions Authorizing the Sale of Town Personal Property by Public Action

**Business Registration Permit Application
September 2022**

Item 1.

<u>Date Submitted</u>	<u>Business Name</u>	<u>Business Location</u>	<u>Owner</u>
9/23/2022	Sylva Nails and Spa	374 Walmart Plaza	Sun K Lee
9/29/2022	Romero's Gallery	170 E Sylva Shopping Ctr	Mayra Romero

JACKSON COUNTY ACTIVITY TOTALS REPORT
ACTIVITY FROM 8/1/22 THRU 8/31/22

Tax Year 2022	Levy	Penalty	Subtotal	Charges	Interest	Subtotal	Total
SGR Sylva Gross Receipts			0.00	667.70		667.70	667.70
Totals For Year 2022			0.00	667.70		667.70	667.70

Grand Totals	Levy	Penalty	Subtotal	Charges	Interest	Subtotal	Total
			0.00	667.70		667.70	667.70

Tax Summary
as of August 31, 2022

(10-301-XX)	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	Total	Current Year	TOTALS
Starting Balances	47803.32	25739.87	11855.89	7814.42	6305.23	4092.75	2954.2	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	-1561.35	-389.12	-203.69	-155.9	-155.9	-155.9	-144.29	-144.29	-132.93			-3,043.37		-3,043.37
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
July - June Totals	-4437.05	-871.62	-489.9	-395.3	-395.3	-395.3	-392.65	-392.65	-381.29	-248.36	-248.36	-8,647.78	0.00	-8,647.78
Releases												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	-7,693.07	-3,311.60	-489.90	-395.30	-395.30	-395.30	-392.65	-392.65	-381.29	-248.36	-248.36	-14,343.78	0.00	-14,343.78
EOY Adjustment												0.00		0.00
(10-110-XX) Balance	\$40,110.25	\$22,428.27	\$10,865.99	\$7,419.12	\$5,909.93	\$3,697.45	\$2,571.55	\$1,644.81	\$3,447.23	\$1,085.10	\$1,966.41	101,146.11	\$0.00	\$101,146.11
Interest														
July	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
August	116.11	54.29	40.1	52.13	66.05	79.97	86.64	99.48	97.34			692.11		692.11
September												-		-
October												-		-
November												-		-
December												-		-
January												-		-
February												-		-
March												-		-
April												-		-
May												-		-
June												-		-
Interest Collected	\$301.62	\$129.10	\$99.66	\$130.48	\$165.76	\$201.04	\$234.33	\$269.37	\$289.43	\$214.30	\$236.50	\$2,271.59	\$0.00	\$2,271.59
Submitted by: Amanda Murajida, Tax Collector														
													Collection Rate	#DIV/0!

Top 10 Delinquent Accounts (2021 & prior)

Name	Balance 8/31/2022
Angela George	\$ 9,275.42
Joe Wilson	\$ 4,566.49
Robert J Humes	\$ 4,426.72
Dorothy Worley	\$ 3,831.87
AFN ABSPROP002 LLC	\$ 3,664.06
Aarons LLC	\$ 3,516.50
Reginald Holland	\$ 3,324.07 Under Appeal
Ray Worley	\$ 3,319.32
Is Inc	\$ 3,122.20 Under Appeal
by Franklin	\$ 2,884.21

General Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances
8/31/2022

	General Fund				2022-2023 Budget Balance	Actual to Budget Percent	Statement Period	Variance
	2022-2023	Previously	2022-2023	Current				
	Budgeted	Reported	YTD Actual	Month				
Revenues:								
Ad valorem taxes	\$ 2,257,082	\$ 19,141.04	\$ 32,502.49	\$ 13,361.45	\$ 2,224,579.51	1.44%	16.67%	-15.23% *
Other taxes and licenses	\$ 6,000	2,910.00	4,570.00	\$ 1,660.00	\$ 1,430.00	76.17%	16.67%	59.50%
Unrestricted intergovernmental	\$ 2,959,432	215,964.82	410,558.68	\$ 194,593.86	\$ 2,548,873.32	13.87%	16.67%	-2.79% *
Permits and Fees	\$ 16,000	932.43	5,679.12	\$ 4,746.69	\$ 10,320.88	35.49%	16.67%	18.83% *
Restricted intergovernmental	\$ 130,000	10,000.00	12,500.00	\$ 2,500.00	\$ 117,500.00	9.62%	16.67%	-7.05% *
Investment earnings	\$ 23,192	4,882.53	11,897.50	\$ 7,014.97	\$ 11,294.50	51.30%	16.67%	34.63%
Other revenues	\$ 23,150	13,950.61	16,324.61	\$ 2,374.00	\$ 6,825.39	70.52%	16.67%	53.85%
Total revenues	\$ 5,414,856	267,781.43	494,032.40	226,250.97	\$ 4,920,823.60	9.12%	16.67%	-7.54%
Expenditures:								
General Government	\$ 889,338	80,127.32	145,157.69	65,030.37	744,180.31	16.32%	16.67%	0.34%
Salaries & Benefits	\$ 368,560	25,891.22	30,434.05	25,936.72				
Capital outlay	\$ 29,302	-	-	-				
All other expenditures	\$ 491,476	54,236.10	114,723.64	39,093.65				
Public Safety	\$ 3,315,180	225,584.18	476,768.43	251,184.25	2,838,411.57	14.38%	16.67%	2.29%
Salaries & Benefits	\$ 1,826,851	82,770.54	174,793.41	96,903.35				
Capital outlay	\$ 196,220	-	71,600.00	71,600.00				
All other expenditures	\$ 1,292,109	142,813.64	230,375.02	82,680.90				
Culture and Recreation	\$ 103,500	6,616.40	10,067.81	3,451.41	93,432.19	9.73%	16.67%	6.94%
Salaries & Benefits	\$ 31,400	1,853.14	3,595.99	1,742.85				
Capital outlay	\$ 10,000	-	-	-				
All other expenditures	\$ 62,100	4,763.26	6,471.82	1,708.56				
Transportation	\$ 760,523	59,352.94	99,039.32	39,686.38	661,483.68	13.02%	16.67%	3.64%
Salaries & Benefits	\$ 336,650	20,912.44	42,582.84	2,167.04				
Capital outlay	\$ 73,664	-	-	-				
All other expenditures	\$ 350,209	38,440.50	56,456.48	37,519.34				
Economic and Physical Development	\$ -	-	-	-	-	0.00%	0.00%	0.00%
Salaries & Benefits								
Capital outlay								
All other expenditures	\$ -	-	-	-				
Environmental Protection	\$ 201,315	23,079.08	37,936.27	14,857.19	163,378.73	18.84%	16.67%	-2.18% **
Salaries & Benefits	\$ 87,750	5,717.23	12,394.99	6,677.76				
Capital outlay	\$ -	-	-	-				
All other expenditures	\$ 113,565	17,361.85	25,541.28	8,179.43				
Total expenditures	\$ 5,269,856	394,759.92	768,969.52	374,209.60	4,500,886.48	14.59%	16.67%	2.07%
Revenues over expenditures	\$ 145,000	(126,978.49)	(274,937.12)	(147,958.63)	419,937.12	7.97%		
Other financing sources (uses):								
Transfers in	\$ 423,019	-	-	-	-			
Appropriated fund balance	\$ 10,000	-	-	-	-			
Contributed Capital	\$ -	-	-	-	-			
Sale of Assets	\$ -	-	-	-	-			
Loan Proceeds	\$ -	-	-	-	-			
	\$ 433,019	-	-	-	-			
Transfers to other funds:								
Contributed to fund balance	\$ -	-	-	-	-			
Transfers out	\$ 578,019	-	-	-	-			
Transfer to Capital Reserve	\$ -	-	-	-	-			
	\$ 578,019	-	-	-	-			
Total other financing sources (uses)	\$ (145,000)	-	-	-	-			
Revenues and other sources over expenditures and other uses	\$ -	(126,978.49)	(274,937.12)	(147,958.63)	419,937.12			

Analysis:

Timing of Revenues
WC/Liability Insurance/Other Dues Paid in July

R2022-10

Resolution Authorizing the Sale of Town Personal Property by Public Auction

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. 160A-270 (b) allows for the disposal of surplus personal property through public auction,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Sylva that:

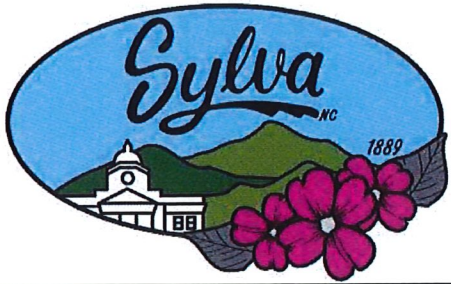
- 1- The following described property is hereby declared to be surplus to the needs of the Town of Sylva:
 - **2012 Dodge Charger (Vin#2C3CDXAT5CH305453) (Asset #0548)**
 - **2013 Dodge Charger (Vin#2C3CDXAT6DH677028) (Asset #0550)**
 - **Paramount CT 20 Exercise Equipment and Weights Bundle (Asset #0667)**
- 2- The Finance Officer is authorized to receive on behalf of the Town of Sylva bids at public auction for the purchase of the described property.
- 3- The public auction will be held through GovDeals, an online governmental surplus auction service (www.govdeals.com). The auction will start on October 14, 2022 at 8 a.m. and end on October 24, 2022 at 8 p.m. with 10 minute increments until all three items have ended. The terms of the sale shall be that the above listed items will be sold "as is" with no express or implied warranties.
- 4- The highest bid, if it complies with the terms of the sale, may be accepted by the Town of Sylva and the sale consummated.
- 5- The Town Clerk shall cause a notice of the public auction to be advertised solely by electronic means in accordance with G.S. 106A-270 (c). This will be accomplished by linking GovDeals to the Town of Sylva website at (www.townofsylva.org). The online auction will run for ten days; thus meeting the advertising requirements.

ADOPTED this 13th day of October 2022

Lynda Sossamon, Mayor

Attest:

Amanda W. Murajda, Town Clerk



TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, September 08, 2022 at 5:30 PM
Board Room, 83 Allen Street Sylva, North Carolina

MINUTES

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:

CALL TO ORDER

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

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

VISITORS: Carol Martin-Vegue and Mardy Ashe.

APPROVAL OF AGENDA

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

APPROVAL OF 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 reported that she attended the NCLM's American Rescue plan expert tour. She gave a presentation on the Town's planning for ARP funds.

COMMISSIONER'S REPORT

Commissioner Gelbaugh reported that she attended the recent skateboard competition held in Town. She added it was great to see many skaters from the community participating and was excited to see the enthusiasm. She thanked the Sylva Methodist Church for hosting. Commissioner Guiney reported that Covid vaccines are available at the health department. He noted that Saturday, September 10, 2022, is the Sylva Pride event from 11:00 a.m. to 4:00 p.m. at Bridge Park. He thanked the board for their discussions on short-term rentals. Commissioner McPherson noted the skateboard competition was great.

MANAGER'S REPORT: Manager Dowling reported the following:

- The NCLM Bulletin from August 26, 2022, featured Sylva and the Bridge Park Stormwater Project. Mayor Sossamon gave a presentation as a regional case study for planning to use ARPA funds.
- An RFP is on our website to receive proposals for an engineering firm to oversee the Bridge Park project. Proposals are due September 30, 2022, at 12:00 p.m.
- 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, 2022, and work will begin early October.

- The annual financial audit field work is the week of September 12, 2022, so administrative staff will be tied up working with the auditor.
- There is an opening in the Police Department for a Sergeant.

NEW BUSINESS

Proclamation for Constitution Week 2022: Mardy Ashe addressed the board in regard to Constitution Week 2022. She is a member of the Daughters of the American Revolution. She explained the history behind Constitution Week and asked for the support of the Board. *Commissioner Gelbaugh made a motion to approve the proclamation. The motion carried with a unanimous vote.*

Ordinance Amendment--Chapter 4: Alcoholic Beverages-Social District Hours Update:

Manager Dowling explained that the original social district ordinance was amended, and a 6-month trial period of changes added. This revised version goes back to original version except changes the start time on Sundays to 10:00 a.m. Commissioner McPherson added that he reached out to the task force for any issues. The only thing reported was that extending the Sunday hours would be less confusing. Police Chief Hatton reported that there had been no increase in police calls due to the social district ordinance. Commissioner Gelbaugh noted that she had been contacted by one restaurant who had issues with patrons trying to bring alcohol into their establishment even though they were not participating. *Commissioner McPherson made a motion to approve the ordinance amendment. The motion carried with a unanimous vote.*

ADJOURNMENT

Commissioner Guiney made a motion to adjourn the meeting at 5:46 p.m. The motion carried with a unanimous vote.

Lynda Sossamon
Mayor

Amanda W. Murajda
Town Clerk



TOWN OF SYLVA BOARD OF COMMISSIONERS MEETING

Thursday, September 22, 2022 at 9:00 AM
Board Room, 83 Allen Street Sylva, North Carolina

MINUTES

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:

CALL TO ORDER

Mayor Sossamon called the meeting to order at 9:00 a.m.

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

VISITORS: Dave Russell

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

None.

MAYOR'S REPORT

Mayor Sossamon reported that she attended the NC Mayors Association meeting in Greensboro, NC. There will be an upcoming meeting of the association in Hendersonville, NC.

COMMISSIONER'S REPORT

Commissioner Nestler mentioned that he believed there were issues with the current sidewalk policy and that it was time to review the policy. He noted that one problem is the continuous increase in the cost of constructing a sidewalk. Commissioner Guiney added his support for the sidewalk review. Guiney also thanked everyone for their services during the Sylva Pride event. He reminded everyone that Covid booster shots are available and that there will be a drive-thru vaccine clinic at the Health Department on Tuesdays and Thursdays from 2:00 - 6:00 p.m. for flu and covid shots. Guiney also noted that he had received complaints on the bathrooms at Poteet Park and would like to see them updated and asked that staff look at funding options. Commissioner McPherson offered his support for the Poteet Park restrooms. He added that the Art and Design Committee would be hosting a skate park theme show on September 30, 2022, and October 1, 2022, from 6:00 - 9:00 p.m. as a fundraiser for a larger skatepark. Commissioner Newman offered her support for review of the sidewalk ordinance and Poteet Park restroom updates.

MANAGER'S REPORT: Manager Dowling reported the following:

- Tax bills for 2022 have been mailed.
- Town decorations will be put up ahead of Mountain Heritage Day.
- The skate ramp parts have been delivered and Jake Scott is working to have power and security cameras installed.
- The cost for construction on Allen Street and Bryson Park is over budget. The shortfall is approximately \$618,435. Staff is working with engineers and the construction company to set prioritization for a closer estimate.

Regular Board Meeting September 22, 2022

- The construction date for R-5600 (NC107) is now set for 2025 due to right-of-way and appraisal processes taking longer.
- Auditors have completed their field work for the FY2021-2022 annual audit.
- The RFP for the Bridge Park stormwater project is due September 30, 2022.
- Walk for Hope is October 1, 2022.

PUBLIC WORKS DEPARTMENT REPORT: Jake Scott reported the following:

- The department will be working on the skate park implementation and assembly.
- Scott is working on a rural transformation grant for Bridge Park
- The rooftop HCAV unit at the police department has been installed.
- Allen Street bridge repairs will be completed soon and are due to the annual bridge inspection.
- On October 6, 2022, Public Works staff will be participating in Hands on Jackson.

POLICE DEPARTMENT REPORT: Chris Hatton reported the following:

- He reviewed calls for services
- He reminded everyone of Walk for Hope on October 1, 2022.
- A UNC SOG criminal justice innovation lab is working on case studies across the state with social worker-based programs. They will interview Sylva Police Department personnel and may become a case study.
- The current homeless situation is taking up a lot of the police department time. There is a definite increase in the area. The community care program is helping, and the department is meeting weekly with community stakeholders on ways to help.

FIRE DEPARTMENT REPORT: Mike Beck reported the following:

- There have been 856 calls since January 1, 2022.
- Paid staff has helped on response time for calls.
- Saturday, September 24, 2022, on Crestview Heights the department will conduct a training burn beginning at 8:00 a.m.
- October 1, 2022, is open house from 12:00 p.m. - 4:00 p.m.

MAIN STREET REPORT: Bernadette Peters reported the following:

- The Main Street program is sponsoring a culinary apprentice program designed to retain staff and elevate the talent in the area.
- There was a great turnout for the Bridge Park Boogie which was a dance for those with disabilities.
- The theme for the 2022 Christmas parade is "My Christmas Story" and the grand marshals will be story builders of Sylva which is a group of individuals who have contributed to the story of downtown sylva through design, building, growth and storytelling.

PLANNING BOARD REPORT: Manager Dowling reported that there was no quorum at the September meeting and the board discussed by-laws.

TWSA BOARD REPORT: Commissioner Nestler reported that the lift station at Jackson Paper will soon be completed.

PINNACLE BOARD REPORT:

Commissioner Nestler reported that he was not at the last meeting, however an RFP for a master plan will soon be out.

NEW BUSINESS

Bridge Park Sculpture Discussion

Manager Dowling reported the Mr. Sims has offered to loan the Town of Sylva a Purr Pod sculpture. Commissioner McPherson gave a presentation on the sculpture, named Scooby Doo. The sculpture would be on permanent loan to the Town of Sylva. He would like it to be located at Bridge Park. The board discussed the sculpture, where to place it and any legal requirements for a lease. *Commissioner Guiney made a motion to accept the loan of the sculpture and have staff draw up loan paperwork. The motion carried with a unanimous vote.*

Resolution for NC Department of Commerce Rural Transformation Grant Fund

Manager Dowling reported that the resolution is for the Rural Transformation Grant application that the Southwester Commission is administering and will apply for the Town of Sylva. *Commissioner Nestler made a motion to approve the resolution. The motion carried with a unanimous vote.*

Proclamation for Breast Cancer Awareness Month

Mayor Sossamon read the proclamation for Breast Cancer Awareness Month. Everyone is reminded to wear pink on October 21, 2022. Commissioner Gelbaugh made a motion to approve the proclamation. The motion carried with a unanimous vote.

Police Department Take-home Vehicle Policy

Manager Dowling reported that this is an update to the board approved policy from 2016. The current housing shortage has created problems for employees to find housing within the required limits. The proposal is to change the requirement from living within 10 miles of city limits to being able to arrive at work within 30 minutes to have a take-home vehicle. This is coming before the board because it was originally approved by the board. There is also a budget impact for driving farther.

Commissioner Guiney made a motion to approve the changes to the take-home vehicle policy. The motion carried with a 4-1 vote. Voting in the affirmative were Commissioners Gelbaugh, Guiney, McPherson and Newman. Voting against was Commissioner Nestler.

Commissioner Guiney made a motion to make the police department take-home vehicle policy an administrative issue rather than board issue. The motion carried with a 4-1 vote. Voting in the affirmative were Commissioners Gelbaugh, Guiney, McPherson and Newman. Voting against was Commissioner Nestler.

CLOSED SESSION: *Commissioner Gelbaugh made a motion to enter closed session pursuant to NCGS. 143-318-11(a)(3) to consult with the town attorney at 10:40 a.m. The motion carried with a unanimous vote.*

Commissioner Guiney made a motion to come out of closed session. The motion carried with a unanimous vote and the Board entered into regular session at 11:22 a.m. No action was taken during closed session.

ADJOURNMENT: *Commissioner Guiney made a motion to adjourn the meeting at 11:23 a.m. The motion carried with a unanimous vote.*

Lynda Sossamon
Mayor

Amanda W. Murajda
Town Clerk

**AMENDED
TOWN OF SYLVA
ALLEN STREET LANDSLIDE CAPITAL 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 capital project is adopted:

Section 1. The project authorized is the for the engineering, building, and repairing of a landslide area along Allen Street.

Section 2. Allen Street is a municipal street meeting the requirements of a Powell Bill eligible street and recorded within the municipal street system of the Town of Sylva.

Section 3. The project may be funded by financing through debt, grant funding, fund balance reserves, earmarked monies or other revenue sources that are applicable.

Section 4. The officers of this unit are hereby directed to proceed with the capital project within the budget contained herein.

Section 5. The following amounts are appropriated for the project:

Revenues:

Earmarked Money (GF 10-560-7600)	\$ 426,000
GF Fund Balance (Board Approved on June 10, 2021)	324,000
GF Fund Balance (6/30/2021 Capital Transfer)	490,500
GF Fund Balance Appropriation (4/21/2022)	323,647
DOT Contingency Funds Reimbursement	<u>750,000</u>
	\$ 2,314,147

Expenditures:

Slope Stabilization	\$1,426,268
Preconstruction Consulting Services	5,000
Preconstruction Design Services	158,932
Topo Survey	7,000
Overhead Utility Relocation	141,000
Rock Exclusion	20,000
Contingency	142,627
Contribution to Allen Street Fund Balance	<u>413,320</u>
	\$ 2,314,147

Section 6. The Finance Officer is hereby directed to maintain within the capital 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 5.

Section 9. Copies of this capital 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 22 (Allen Street Landslide Project) will account for the bookkeeping records of this project.

Adopted this the 13th day of October 2022

Lynda Sossamon, Mayor

ATTEST:

Amanda 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)	\$ 3,000,000
 Expenditures:	
Professional Services	68,268
Construction/Repair	1,997,615
Playground, Equipment, and Facility Upgrades	703,736
Sidewalk Professional	27,700
Contingency	<u>202,681</u>
	\$ 3,000,000

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 13th day of October 2022

Lynda Sossamon, Mayor

ATTEST:

Amanda Murajda, Town Clerk



October 11, 2022

Mrs. Paige Dowling, Town Manager
Town of Sylva, NC
83 Allen Street
Sylva, NC 28779

Re: Allen Street / Bryson Park Slope Failure Repairs and Construction
Proposal from Wurster Engineering and Construction, Inc.

Dear Mrs. Dowling,

Pursuant to our review of the form of proposal as provided by Wurster Engineering and Construction, Inc. dated October 11, 2022 for the project noted above and verification of proper licensure, it is our recommendation that the Allen Street / Bryson Park Slope Failure Repairs and Construction project be awarded to Wurster Engineering and Construction, Inc., in the amount of \$3,423,882.26.

Should you have any questions regarding this matter please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Bradshaw".

Patrick Bradshaw, PE
Civil Design Concepts, PA

Attachments

Mailing Address: P.O. Box 5432, Asheville, NC 28813

**168 Patton Avenue Asheville, NC 28801
Phone 828-252-5388 Fax 828-252-5365**

**52 Walnut Street- Suite 9, Waynesville, NC 28786
Phone: 828-452-4410 Fax: 828-456-5455**

FORM OF PROPOSAL

Proposal of Wurster Engineering and Construction, Inc. (hereinafter called "Contractor"); organized and existing under the laws of the State of South Carolina doing business as a corporation to the **Town of Sylva,** of North Carolina is (hereinafter called "Owner").

Contractor hereby proposes to perform all work for the construction of:

Allen Street and Bryson Park Repairs in strict accordance with the Contract Documents, within the time set forth therein, and at the prices stated below.

By submission of this Proposal, the Contractor certifies, and in the case of a joint proposal, each party thereto certifies as to his own organization, that this Proposal has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this Proposal with any competitor.

Contractor hereby agrees to commence work under the forthcoming agreement at a mutually agreeable time between the Owner and Bidder to be further specified in the Notice to Proceed and to fully complete the project within a mutually agreeable number of working days thereafter in accordance with the project schedule to be developed by the Contractor.

Contractor agrees to perform all the work indicated and described in the Contract Documents for the following price.

BASE PROPOSAL DESCRIPTION AND QUANTITY

A LUMP SUM PRICE FOR ALL WORK AS NOTED ON THE DRAWINGS, TECHNICAL SPECIFICATIONS AND CONTRACT DOCUMENTS:

\$ Three million, four hundred twenty three thousand, eight hundred eighty two dollars and twenty six cents (words)

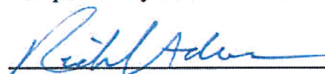
\$ 3,423,882.26 (numbers)

Which includes the cost for the Contractor to provide payment and performance bonds in the amount of 100% of the proposal price and an unallocated contingency in the amount of One hundred sixty two thousand thirty three dollars and sixty six cents (words) **\$162,033.66 (numbers)**.

UNIT PRICE WORK: Unit prices will be in effect only when necessary work falls outside the scope of the original contract work. Please insert unit price for all the items listed below. For all Unit Price Work that occurs outside the above lump sum price, payment shall be made in an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the quantity of that item.

<u>Description</u>	<u>Unit Price</u>
Mass Rock Excavation (with a minimum charge of \$4,000.00) Pre-blast survey and monitoring by others	<u>\$55.00 Dollars / CY</u>
Trench Rock Excavation	<u>\$ 275.00Dollars / CY</u>
Under Cut Unsuitable backfill with soil	<u>\$ 45.00 Dollars / CY</u>
Under Cut Unsuitable backfill with #57 stone	<u>\$90.00 Dollars / CY</u>

Respectfully submitted:


Signature

181 Charlotte Street, Suite 200, Asheville, NC 28801
Address

Rich Adams
Name

October 11, 2022
Date

North Carolina Regional Manager
Title

Wurster Engineering and Construction, Inc.

License # 49246
North Carolina Contractor's License Number

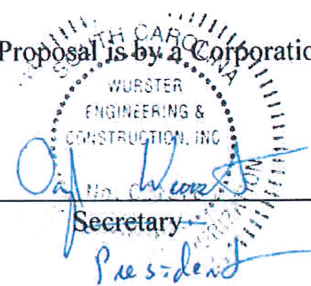
34 Carrie Drive, Greenville, SC 29615
Corporate Address

Seal - if Proposal is by a Corporation

South Carolina
State of Incorporation

Attest: 

828-338-6126
Telephone Number



License Year

2022

License No.

49246

North Carolina

Licensing Board for General Contractors

This is to Certify That:

Wurster Engineer. & Constr., Inc., T/A
Wurster Construction, Inc.
Greenville, SC

is duly registered and entitled to practice

General Contracting

Limitation: Unlimited

Classification: Building

until

December 31, 2022

when this Certificate expires.

Witness our hands and seal of the Board.

Dated, Raleigh, N.C.

January 01, 2022

This certificate may not be altered.



J. E. Thompson
Chairman

C. Hank Wimer
Secretary-Treasurer

**RESOLUTION OF INTENT
2022-10**

**A RESOLUTION DECLARING THE INTENTION OF THE
BOARD OF COMMISSIONERS OF THE TOWN OF SYLVA
TO CONSIDER AMENDING SECTION 30 OF THE TOWN CODE OF ORDINANCES
ENTITLED: STREETS AND SIDEWALKS.**

WHEREAS, N.C.G.S. §160A-174 authorizes the Board of Commissioners to establish and amend ordinances; and

WHEREAS, the Board of Commissioners finds it necessary to amend section 30 of the Town Code of Ordinances titled: Streets and Sidewalks; and

WHEREAS, the Board of Commissioners considers it advisable to conduct a public hearing for the purpose of giving consideration to the proposed amendments to section 30 of the Town Code of Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Sylva that;

- (1) A public hearing will be held at 5:30 pm on the 10th day of November 2022, at Sylva Municipal Hall to consider proposed amendments to section 30 of the Town Code of Ordinances entitled: Streets and Sidewalks.
- (2) The Town Clerk is hereby directed to publish the notice of public hearing for two successive weeks in the Sylva Herald.
- (3) The proposed amendment is as follows:

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

Public solicitation and begging upon the Streets and Sidewalks Regulated.

A. DEFINITIONS:

1. *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.
2. *Beg, solicit or panhandle*: 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 one's self or others. As used in sections 1 through 3, the word "*solicit*," and its forms, includes begging and panhandling.
3. *Financial institution*: any bank, industrial bank, credit union, savings and loan, or automated teller machine.
4. *Forcing oneself upon the company of another*:
 - a. Continuing to solicit in close proximity to 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;

- b. Blocking the passage of the individual solicited; or
- c. 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 beg, solicit, or panhandle, as defined in the subsection titled definitions above:

1. By accosting another, or by forcing oneself upon the company of another;
2. Within 100 feet of any financial institution;
3. Within 100 feet of any intersection of a public vehicular road;
4. Within 15' of the edge of the pavement or top of the curb of a public vehicular road;
5. Within 20 feet of any commercial establishment which is open for business;
6. While the person being solicited is standing in line waiting to be admitted to a commercial establishment;
7. By touching the person being solicited without that person's consent;
8. By blocking the path of a person being solicited or blocking the entrance or exit to any building or vehicle;
9. By following the person who has been solicited after that person has declined the request or walked away;
10. By or with the use of threatening, profane, or abusive language, during the solicitation or following an unsuccessful solicitation;
11. 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;
12. Between the hours of 8:00 p.m. and 6:00 a.m.;
13. While under the influence of alcohol or after having illegally used any controlled substance, as defined in the North Carolina Controlled Substance Act;
14. 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;
15. By indicating that the solicitor or any member of his family suffers from a physical or mental disability when such information is false;

C. PENALTY: A violation of this section is punishable as a misdemeanor as set forth in N.C.G.S. §14-4.

State law references:

Authority to regulate soliciting in the highway, streets and right of ways. N.C.G.S. §20-175(d)

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

This the 13th day of October, 2022.

Lynda Sossamon, Mayor

ATTESTED BY:

Amanda W. Murajda, Town Clerk

BY-LAWS AND GENERAL RULES OF PROCEDURE

TOWN OF SYLVA PLANNING BOARD

ARTICLE I. PURPOSE

The Planning Board shall be governed by the terms of Chapter 160 D-301, of the General Statutes of the State of North Carolina, as well as the “Ordinance to Establish a Planning Board for the Town of Sylva.” All members of the Planning Board shall thoroughly familiarize themselves with these laws. For the purposes of this set of by-laws, the Sylva Planning Board shall hereafter be referred to as the “Board.”

ARTICLE II. MEMBERSHIP

The Board shall consist of 7 members appointed by the Town of Sylva Board of Commissioners.

Section 1. All members shall have equal rights, duties and privileges on all issues brought before the Board.

Section 2. Six at-large members must reside within the town limits of Sylva. One member shall reside within the town’s extraterritorial planning jurisdiction and shall be appointed by the Jackson County Board of Commissioners, however, shall the county board fail to make such appointments within 90 days, the Town Board may make such appointments. The extraterritorial jurisdiction shall have proportional representation on the Planning Board.

Section 3. In the event of a vacancy on the Board, the Board of Commissioners shall appoint a new member to fill the unexpired term of the vacated position.

Section 6. Members shall serve three-year terms. All members shall serve a maximum of three consecutive full terms, with the exception of the representative from the extra-territorial jurisdiction. Terms of initial appointments shall be staggered so that all terms do not expire simultaneously.

Section 7. Any member who misses more than three (3) consecutive regular meetings, or more than half the regular meetings in a calendar year shall be replaced by the Town Board of Commissioners. Absences due to sickness, death, or other emergencies shall be excused absences.

ARTICLE III. POWERS AND DUTIES

Section 1. The Planning Board shall have the power to perform the following duties at the direction of the Board of Commissioners:

1. Make studies of the Town and the surrounding areas;

2. Determine objectives to be sought in the development of the study area;
3. Prepare plans for achieving these objectives;
4. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
5. Advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
6. Perform any other duties that the Board of Commissioners may direct.

ARTICLE III. OFFICERS AND SUPPORT STAFF

Section 1. The officers of the Board shall be Board members and shall consist of a chairperson and vice-chairperson elected by a majority vote of the Board. Officers shall be chosen annually at the first meeting held after July 1st. Officers shall serve a one-year term and are eligible for reelection of additional terms.

Section 2. The chairperson shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage of such office.

Section 3. The chairperson shall have the privilege of discussing all matters before the Board, making motions or seconds and of voting thereon.

Section 4. The vice-chairperson shall act for the chairperson in his/her absence and shall exercise the same powers and duties as the chairperson in such instances.

Section 5. The Town Clerk shall keep all minutes, records, conduct all correspondence, arrange for all required public notices, notify members of pending meetings, their agenda, and generally oversee all aspects of the Board's clerical work.

Section 6. The Town Clerk shall keep the minutes of every meeting of the Board. The minutes shall show the record of all important facts pertaining to each meeting or hearing, every resolution acted upon by the Board and all votes of members of the Board upon any resolution or upon the final determination of any question.

ARTICLE IV. MEETINGS

Section 1. Regular Meetings. Regular meetings of the Board shall be held every month on the fourth Thursday of the month at 5:00 p.m. in the Town Hall provided that meetings may be held at any other convenient place in the Town of Sylva if directed by the chairperson in advance of the meeting. Faithful attendance at all meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite of continuing membership on the Board. If a Board member fails to attend more than three (3) consecutive meetings, that member may be replaced.

Section 2. Special Meetings. Special meetings of the Board may be called at any time by the Town Clerk. At least forty- eight (48) hours written notice of the time and place of special meetings shall be given, by the Town Clerk or by the chairperson, to each member of the Board.

Section 3. Cancellation of Meetings. The Town Clerk may dispense with a regular meeting by giving written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meetings.

Section 4. Voting. All members may vote on any issue unless they have disqualified themselves for any reason. In all other matters, such as conducting general business of the Board and providing recommendations to the Board of Commissioners, issues may be decided by a majority vote provided a quorum is present. A quorum shall consist of at least four members.

Section 5. Conduct of Meetings. All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

- a) Determination of quorum
- b) Approval of previous minutes
- c) Review and recommendations on agenda items
- d) Consideration of additional agenda items
- e) Adjournment

ARTICLE V. AMENDMENTS.

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of the members of the Planning Board, provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.