



# TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, November 09, 2023 at 5:30 PM  
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. November 9, 2023 Consent Agenda

### PUBLIC COMMENTS

### REPORTS

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

### NEW BUSINESS

5. Bridge Park Green Infrastructure Project
  - A. Budget Amendment
  - B. Project Ordinance Amendment
  - C. Resolution Authorizing Mayor to Sign Contract
6. Schedule Holiday Lunch for December 7, 2023

### ADJOURNMENT

*Town of Sylva*  
**CONSENT AGENDA**  
*November 9, 2023*

**1- APPROVE MINUTES:** October 12, 2023, **Regular Board Meeting;** October 12, 2023 **Board of Adjustment Meeting;** October 26, 2023, **Regular Board Meeting**

**2- BUDGET AMENDMENTS:**

#13 10-399-0300 FB ARPA Related Funds	\$ 209,773 C
10-690-0800 Transfer out GF	209,773 D
30-369-0000 Transfer in from GF	209,773 C
30-413-0200 Bridge Park Public Restroom Construction	209,773 D

**REF: Accounting to reflect a Board approved amendment on 10/26/23 to appropriate ARPA Related Funds into the Public Restroom Project.**

#14 10-399-0000 Fund Balance Appropriation	\$ 788,000 C
10-690-0700 GF CRF Contribution	788,000 D
21-392-0000 GF CRF Transfer In	788,000 C
21-410-0600 GF CRF Contribution	788,000 D

**REF: To appropriate a transfer from fund balance to the General Fund Capital Reserve Fund. The calculation is based on the Capital Reserve Policy goal of 68% of the current year budgeted expenditures. This transfer will help with future large capital equipment purchases anticipated in the Public Works Department and the NC107/R-5600 construction project capital needs.**

**3- REPORTS:**

- 1- Business Registration Permits as of **October 2023**
- 2- Vehicle Tax Report as of **September 30, 2023**
- 3- Ad Valorem Tax Report as of **September 30, 2023**
- 4- Statement of Revenues, Expenditures, Changes in Fund Balance as of **September 30, 2023**
- 5- Quarterly Special Revenue/Capital and Grant Project Report as of **September 30, 2023**
- 6- Quarterly Finance Report as of **September 30, 2023**

**4- TAX RELEASES:**

- #1 **Graham Duls** ~ 2023 ~ Acct#1472 ~ Amount \$30.61 ~ County Clerical Error
- #2 **HPE Depositor Master Trust** ~ 2023 ~ Acct#5246 ~ Amount \$5.23 ~ LL Penalty Error
- #3 **Starbucks Corporation** ~ 2023 ~ Acct#5584 ~ Amount \$162.71 ~ LL Penalty Error
- #4 **Vendor Services Center** ~ 2023 ~ Acct#5188 ~ Amount \$2.27 ~ LL Penalty Error

**5-OTHER:**

- Finance Officer is directed to add interim manager, Richard Hicks name to the First Bank signature card to allow for check signing while Town Manager Paige Dowling is on maternity leave.
- **Amended Bryson Park and Playground Equipment Grant Project Ordinance**  
Wurster Change Order #2 amends \$40,817 from project contingency into construction/repair due to unsuitable soil in the parking lot area. (see attachment).

**Business Registration Permit Application  
October 2023**

Item 1.

Date Submitted

Business Name

Business Location

Owner

10/13/2023

Breadheads Tiki Shak

606 W. Main St

Shane Bennett

Tax Year 2022	Levy	Penalty	Subtotal	Charges	Interes
SGR Sylva Gross Receipts			0.00	630.70	
<b>Totals For Year 2022</b>			<b>0.00</b>	<b>630.70</b>	

Grand Totals	Levy	Penalty	Subtotal	Charges	Interes
			0.00	630.70	

**General Fund**  
**Statement of Revenues, Expenditures, and Changes in Fund Balances**  
**9/30/2023**

	General Fund				2022-2023 Budget Balance	Actual to Budget Percent	Statement Period 3	Variance
	2023-2024	Previously	2023-2024	Current				
	Budgeted	Reported	YTD Actual	Month				
<b>Revenues:</b>								
Ad valorem taxes	\$ 2,318,925	\$ 38,965.46	\$ 409,830.18	\$ 370,864.72	\$ 1,909,094.82	17.67%	25.00%	-7.33% *
Other taxes and licenses	\$ 6,200	4,075.00	4,755.00	\$ 680.00	\$ 1,445.00	76.69%	25.00%	51.69%
Unrestricted intergovernmental	\$ 2,847,272	467,674.30	751,990.32	\$ 284,316.02	\$ 2,095,281.68	26.41%	25.00%	1.41% *
Permits and Fees	\$ 18,250	2,878.81	3,826.81	\$ 998.00	\$ 14,423.19	20.97%	25.00%	-4.03% *
Restricted intergovernmental	\$ 152,485	20,596.19	74,099.13	\$ 53,502.94	\$ 78,385.87	48.59%	25.00%	23.59% *
Investment earnings	\$ 68,590	45,499.70	67,679.67	\$ 22,179.97	\$ 910.33	98.67%	25.00%	73.67%
Other revenues	\$ 35,782	6,122.41	7,709.66	\$ 1,537.25	\$ 28,072.34	21.55%	25.00%	-3.45% *
<b>Total revenues</b>	<b>\$ 5,447,504</b>	<b>585,811.87</b>	<b>1,319,890.77</b>	<b>734,078.90</b>	<b>\$ 4,127,613.23</b>	<b>24.23%</b>	<b>25.00%</b>	<b>-0.77%</b>
<b>Expenditures:</b>								
<b>General Government</b>	\$ 979,966	258,757.52	305,087.71	46,330.19	674,878.29	31.13%	25.00%	-6.13% **
Salaries & Benefits	\$ 403,525	73,084.12	104,037.80	30,953.68				
Capital outlay	\$ 26,000	26,000.00	26,000.00	-				
All other expenditures	\$ 550,441	159,673.40	175,049.91	15,376.51				
<b>Public Safety</b>	\$ 3,266,192	595,038.81	782,488.11	187,449.30	2,483,703.89	23.96%	25.00%	1.04%
Salaries & Benefits	\$ 1,813,587	297,160.73	437,091.17	131,383.70				
Capital outlay	\$ 127,993	45,822.39	46,547.39	-				
All other expenditures	\$ 1,324,612	28,773.70	28,773.70	56,065.60				
<b>Culture and Recreation</b>	\$ 111,090	16,840.27	19,386.60	2,546.33	91,703.40	17.45%	25.00%	7.55%
Salaries & Benefits	\$ 31,990	1,771.39	1,771.39	1,771.39				
Capital outlay	\$ 7,000	-	-	-				
All other expenditures	\$ 72,100	15,068.88	17,615.21	774.94				
<b>Transportation</b>	\$ 841,005	191,125.26	229,846.40	38,721.14	611,158.60	27.33%	25.00%	-2.33% **
Salaries & Benefits	\$ 350,246	53,975.24	85,854.26	23,236.83				
Capital outlay	\$ 131,538	10,055.19	53,975.24	-				
All other expenditures	\$ 359,221	127,094.83	90,016.90	15,484.31				
<b>Economic and Physical Development</b>	\$ -	-	-	-	-	0.00%	0.00%	0.00%
Salaries & Benefits								
Capital outlay								
All other expenditures	\$ -	-	-	-				
<b>Environmental Protection</b>	\$ 209,581	41,343.09	52,596.10	11,253.01	156,984.90	25.10%	25.00%	-0.10% ***
Salaries & Benefits	\$ 92,154	20,568.59	22,641.39	5,766.89				
Capital outlay	\$ -	-	-	-				
All other expenditures	\$ 117,427	20,774.50	29,954.71	5,486.12				
<b>Total expenditures</b>	<b>\$ 5,407,834</b>	<b>1,103,104.95</b>	<b>1,389,404.92</b>	<b>286,299.97</b>	<b>4,018,429.08</b>	<b>25.69%</b>	<b>25.00%</b>	<b>-0.69%</b>
<b>Revenues over expenditures</b>	<b>\$ 39,670</b>	<b>(517,293.08)</b>	<b>(69,514.15)</b>	<b>447,778.93</b>	<b>109,184.15</b>	<b>2.02%</b>		
<b>Other financing sources (uses):</b>								
Transfers in	\$ 423,085		125,000.00		-			
Appropriated fund balance	\$ 23,500		-					
PB Appropriated fund balance	\$ 35,000							
Fund Balance rollover	\$ 42,561							
Contributed Capital	\$ -							
Sale of Assets	\$ 20,000	3,400.00						
Loan Proceeds	\$ -							
	\$ 544,146	3,400.00	125,000.00					
Transfers to other funds:								
Contributed to GF fund balance	\$ -							
Transfers out	\$ 548,085							
Transfer to Capital Reserve	\$ 35,731		35,731.00					
	\$ 583,816		35,731.00					
<b>Total other financing sources (uses)</b>	<b>\$ (39,670)</b>	<b>3,400.00</b>	<b>89,269.00</b>	<b>-</b>	<b>-</b>			
<b>Revenues and other sources over expenditures and other uses</b>	<b>\$ -</b>	<b>(513,893.08)</b>	<b>19,754.85</b>	<b>447,778.93</b>	<b>109,184.15</b>			

**Analysis:**  
 \* Timing of Revenues  
 \*\* Capital Outlay  
 \*\*\* Liability Insurance/WC

Tax Summary  
as of September 30, 2023

(10-301-XX)	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	Total	Current Year	TOTALS
<b>Starting Balances</b>	54618.14	19247.75	14712.84	6778.87	5799.32	5182.1	2905.81	1924.22	1452.88	3,447.23	116,069.16	\$2,197,834.50	10-281-0000
July	-1498.16	-496.62	-43.35								-2,038.13		-2,038.13
August	-1256.79	-134.46	-328.37	-101.49	-102.25	-102.25	-102.25	-101.74	-101.74	-101.74	-2,433.08	-14,662.01	-17,095.09
September	-1041.67	-29.46	-35.99	-36.68	-38.25						-1,182.05	-359,534.01	-360,716.06
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	-3796.62	-660.54	-407.71	-138.17	-140.5	-102.25	-102.25	-101.74	-101.74	-101.74	-5,653.26	-374,196.02	-379,849.28
Releases											0.00		0.00
Add to Original Levy											0.00		0.00
Under Appeal											0.00		0.00
Bankruptcy											0.00		0.00
Refund/Adj											0.00		0.00
Subtotals	-3,796.62	-660.54	-407.71	-138.17	-140.50	-102.25	-102.25	-101.74	-101.74	-101.74	-5,653.26	-374,196.02	-379,849.28
EOY Adjustment													
(10-110-XX) Balance	\$50,821.52	\$18,587.21	\$14,305.13	\$6,640.70	\$5,658.82	\$5,079.85	\$2,803.56	\$1,822.48	\$1,351.14	\$3,345.49	110,415.90	\$1,823,638.48	\$1,934,054.38
Interest	105.99	37.1	0.33								142.82		142.82
July													
August	50.45	192.96	39.68	33.19	41.97	51.09	60.21	68.90	78.02	87.14	703.61	96.26	799.87
September	77.33	4.97	9.36	13.05	17.01						121.72		121.72
October													
November													
December													
January													
February													
March													
April													
May													
June													
Interest Collected	233.17	\$235.03	\$49.37	\$46.24	\$56.98	\$51.09	\$60.21	\$68.90	\$78.02	\$87.14	\$968.15	\$96.26	\$1,064.41
Submitted by: Amanda Murajida, Tax Collector												Collection Rate	17.0257%

Top 10 Delinquent Accounts (2022 & prior)

Name	Balance 9/30/2023
Angela George	\$ 14,938.17
Joe Wilson	\$ 5,349.88
Dorothy Worley	\$ 4,725.89
Marjorie Herbert Smith	\$ 3,733.71
5 Grindstaff Cove (Nantahala Brewing)	\$ 3,700.32
David George Howell	\$ 3,514.10
Teena Marie Woodard	\$ 3,501.18
Joyce Straton	\$ 3,394.95
Thia Beck	\$ 2,985.70
m Realty LLC	\$ 2,904.98

Town of Sylva  
Special Revenue Funds/Capital and Grant Project Quarterly Report  
September 30, 2023

Item 1.

**Public Art Fund (Fund 23) - Special Revenue Fund:**

Original Ordinance (2017-01)	0
Fund Balance (6/30/2022 )	3,548
Revenue - Donations/ Interest	1,688.76
Fund Balance Appropriation (Operating Budget)	-2,000
Expenditures	-1,489
<b>Balance to Date</b>	<b>\$1,747</b>

**Sidewalk SRF (Fund 27) - Special Revenue Fund:**

Original Ordinance (2017-02)      Note: Amended from RLF	103,713
Budget Amendment #1 (Skyland Drive 7/11/19)	174,687
Budget Amendment #2 (Skyland Drive 3/12/20 - Note: will be reapproved on 2/10/22 )	2,800
GF Transfer In from GF (Hwy 107)	200,000
Budget Amendment #3 (Skyland Drive 11/12/22)	100,000
Revenue/Interest	25,130
Expenditures (Skyland Drive)	-114,974
<b>Balance to Date</b>	<b>\$491,356</b>
* Remaining DOT Contract Skyland Drive	<b>\$266,226</b>

**Allen Street Landslide (Fund 22) - Capital Project Fund:**

Original Ordinance (GF end of year - could have rolled into Capital Reserves)      (5/31/2021)	426,000
Amended (GF Fund Balance - Approved 6/10/2021)	324,000
Amended ( 6/30/2021 Capital Transfer)	490,500
Amended (4/21/22 GF Fund Balance)	323,647
Amended (4/21/22 DOT Contingency) Reimbursement	750,000
Expenditures	-\$963,999
Encumbrances (CDC Contract)	-\$23,036
Encumbrances (Wurster Contract)	-\$780,398
Encumbrances (Kessel Contract)	-\$15,764
Contribution to Allen Street Fund Balance	-\$349,820
Interest	52,726
<b>Balance to Date</b>	<b>\$181,130</b>

**Bryson Park/Playground (Fund 31) - SCIF Grant Capital Project Fund:**

Original Ordinance (SCIF Grant 11612) (2/24/22)	3,000,000
Expenditures	-972,252
Encumbrances (CDC Contract 7/28/2022)	-9,258
Encumbrances (Wurster Contract)	-1,116,073
Encumbrances (Kessel Contract)	-12,832
Interest	68,592
<b>Balance to Date</b>	<b>\$889,585</b>



Town of Sylva  
 Special Revenue Funds/Capital and Grant Project Quarterly Report  
 September 30, 2023

Item 1.

**Public Restrooms (Fund 30) - SCIF Grant Capital Project Fund:**

Original Ordinance (SCIF Grant 11611) (2/24/22)	250,000	
Amended - SWC Grant (Reimbursable) (5/12/22)	40,000	
Amended - (SCIF Grant 11613) (10/27/2022)	100,000	
Expenditures	-40,848	
Encumbrances (Odell Contract 3/24/2022)	-5,913	
Interest	8,938	
		\$343,239

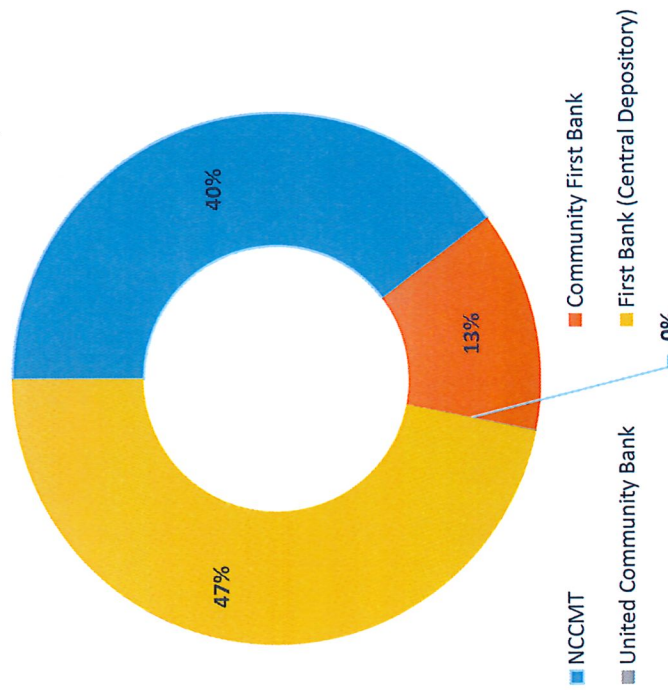
**Bridge Park Stormwater Project ( Fund 32) - Capital Project**

Original Ordinance (10/27/2022) ARPA Related Funds	421,000	
Amended Ordinance (11/10/2022) ARPA Related Funds	-3,000	
Amended Ordinance (9/14/2023) JCTDA	367,757	
Expenditures	0	
Encumbrances (Equinox Contract 11/21/22)	-67,500	
Interest	9,663	
		\$718,257

**INVESTMENT PORTFOLIO:**

BANK	INVESTMENTS	3 Month Avg INTEREST
NCCMT	\$6,102,149	5.18%
Community First Bank	\$2,069,230	3.38%
United Community Bank	\$6,887	0.25%
First Bank (Central Depository)	\$7,202,930	2.50%
	<b>\$15,381,195</b>	

**DIVERSIFICATION OF INVESTMENTS**



**STATE REVENUE ANALYSIS: (33% Budget)**

	Revenue	% Collected
Telecommunication	\$7,469	34.58%
Natural Gas	\$2,262	28.27%
Video Programming	\$2,627	26.27%
Franchise on Power	\$71,174	24.97%
<b>Total 1st QTR (Avg should be 25%)</b>	<b>\$83,532</b>	
Article 40	\$42,448	20.61%
Article 42	\$47,005	21.46%
Article 39	\$94,786	21.54%
Hold Harmless	\$36,577	19.77%
<b>Total 2 Months/1 Estimated (Avg should be 16.66%)</b>	<b>\$220,816</b>	

**FUND BALANCE ANALYSIS:**

Unassigned - 6/30/23 + Subsequent	\$5,423,523	
Subsequent appropriation/rollover	-\$83,150	
Appropriated/rollover after 7/1/23	-\$47,911	
Recommended transfer to GF Capital Res.	-\$788,000	
ARPA related funds	-\$446,642	
<b>Available Fund Balance</b>	<b>\$4,057,820</b>	<b>Goal</b>
	<b>68.00%</b>	<b>68.00%</b>

**What does 1 cent = \$49,000**

- # GF Approp. after 7/1 1 Balance \$17,276
- # Contingency Approp. 3
- # GF Rollovers after 7/1 3

**Note: Board policy states that Fund Balance will not drop below 40% and to have a goal of Fund Balance at 68% of expenditures.**



**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)		\$ 3,000,000
 <b>Expenditures:</b>		
Professional Services		68,268
<b>Construction/Repair</b>		<b>2,042,432</b>
Wurster Change Order #1	\$4,000	
<b>Wurster Change Order #2</b>	<b>\$40,817</b>	
Playground, Equipment, and Facility Upgrades		683,736
Sidewalk Professional		27,700
<b>Contingency</b>		<b>157,864</b>
Additional Testing and Inspection (Kessel)		12,832
Miscellaneous Expense		3,668
Sales Tax (NC and County)		3,500
		<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 9<sup>th</sup> day of November 2023

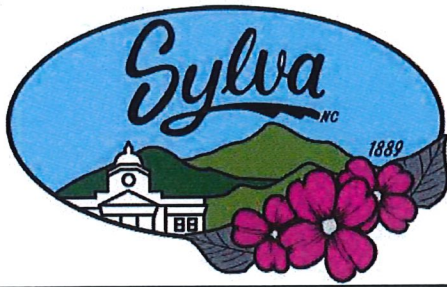
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David Nestler, Mayor

ATTEST:

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Amanda Murajda, Town Clerk



## TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, October 12, 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  
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

**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 ft 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 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



**BOARD OF ADJUSTMENT MEETING**  
**Town of Sylva Board of Commissioners**  
**October 10, 2023**

The Town of Sylva Board of Adjustment met in a Quasi-Judicial Hearing on October 12 2023, 5:30 p.m., at Town Hall, 83 Allen Street, Sylva, North Carolina.

Present:	David Nestler, Mayor Mary Gelbaugh, Commissioner Ben Guiney, Commissioner Greg McPherson, Commissioner Natalie Newman, Commissioner Brad Waldrop, Commissioner	Paige Dowling, Town Manager Amanda Murajda, Town Clerk Eric Ridenour, Town Attorney
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Absent:

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

**STAFF PRESENT:** John Jeleniewski (County Planner),

**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.

*Mayor Nestler:* A quasi-judicial meeting is an evidentiary hearing where the Town of Sylva Board of Adjustment will make a decision based solely on competent, material and substantial evidence in the record. The record is all of the materials and input that is presented to the Board, including the application, exhibits, testimony and related materials. The record may include some insufficient evidence, but the Board may not base its decision on it. These types of hearings are conducted in a manner similar to courts.

***Opening of the Quasi-Judicial Meeting***

*Mayor Nestler:* The next item on the agenda is a request from Mountain Modern Construction, LLC for a variance from the required front building setback of 30' and side setback of 10' in the LDR district for their specific property. The hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards.

***Disclosures***

*Nestler:* Before we begin, I'd like to give Board members a chance to reveal any possible disclosures or conflicts. I would like to remind the Board that a conflict of interest has a stricter definition with a quasi-judicial matter than a general legislative matter. If an individual board member has a strong personal interest in a case, he or she must not participate in this case. Disclosures might include site visits, Ex parte communications with any person including County and Town staff and consultants, specialized knowledge related to the case, family, business or other relationship with the applicant or affected person, financial interest in the outcome or any other relevant information.

*Nestler:* Are there any disclosures to be made?

*Guiney:* I would like to disclose that I visited the site and sent pictures to the board of the site.

***Parties***

Mayor Nestler inquired if there was anyone other than the Applicant and the County/Town Staff who wished to be a party to this action. Anyone other than the Applicant and County/Town Staff who want to be a Party in this action must have standing as explained earlier. Those wishing to be a party to the action, in addition to county and town staff were Kathy Mathews and Jeremiah Wiggins. Mayor Nestler administered an oath to the above-mentioned individuals, John Jeleniewski (Senior County Planner) and Paige Dowling (Town Manager).

**Variance Request—Mountain Modern Construction, LLC**

**(1) General Information:**

- (a) Project: Residential Home Build
- (b) Applicant: Mountain Modern Construction, LLC
- (c) Location: Keener Street, Sylva, PIN 7641-07-0338; LDR District

**(2) Explanation of Proceedings:** Mayor Nestler explained the order of business for the hearing as follows:

- a. Staff Presentation of Report.
- b. Applicant Presentation of Evidence and Witnesses.
- c. Other Parties with standing Presentation of Evidence and Witnesses.
- d. Rebuttal.
- e. Closing Statements

**(3) Evidence:** Mayor Nestler added that if anyone wanted the Board to see written evidence such as reports, maps, or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of their testimony. Also, parties may cross-examine witnesses when questions are called for.

**EXHIBITS:**

- (A)** Application for the Variance Request
- (B)** Drawings
- (C)** Staff Report
- (D)** Letter of Support from Mary Ann Roos

**(4) Staff Presentation of Report:** John Jeleniewski, Jackson County Senior Planner, presented the staff report. Jackson County is contracted by the Town of Sylva to do planning and zoning. The applicant is requesting a variance for setback requirements for a residential home build. Jeleniewski read the staff report as follows:

**Project:** Residential Home Build  
**Applicant:** Mountain Modern Construction, LLC  
**Property Location:** Keener Street, Sylva, PIN 7641-07-0338  
**Property Zoning:** Low Density Residential District (LDR)  
**Ordinance Request:** Article 3, Section 3.8.B - Variances

**Description of Request:** The applicant is requesting a variance from the required front building setback of 30' and side setback of 10' in the LDR District for his specific property. The variance process administered by the Board of Adjustment is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this ordinance. However, in no event shall the Board of Adjustment grant a variance that would conflict with any state code, would allow the establishment of use that is not otherwise allowed in a particular zoning district, or which would change the zoning district classification or the district boundary of the property in question.

**Background:** The property for this requested variance is located off Keener Street and is approximately 300' south of the Old Jackson County Courthouse. This property is 0.22 acres in land area and is bordered residential properties to the north, east and south. The applicant is seeking a variance from the required 30' front building setback to be reduced to a 20' front setback and that the side building setback (south side only) be reduced from 10' to 5' for a proposed residential dwelling. Public utilities will be provided by Tuckaseigee Water and Sewer Authority (water and sanitary sewer) and Duke Power.

**Staff Findings:** Based on the submitted documents by the applicant, the requirements for a variance application have been met for review by the Town Board of Adjustment.

The findings as required by:

- **Article 3, Section 3.8.B.3. – Variances, Required Findings:**  
*(Staff assistance is offered in bold below)*

3. Required Findings: The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:

- a. Carrying out the strict letter of the ordinance would result in unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

*The applicant is requesting a reasonable reduction of the front and side (south side only) building setbacks which will move the proposed residential dwelling closer to Kenner Street in effort to minimize disturbance of the steeper areas of the property.*

b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

*The existing site conditions and constraints are not the actions of the applicant. The Town's Zoning Ordinance was adopted in 1997 which established building setbacks and the existing grade of the property does not appear to be a modified slope.*

c. The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

*The existing site conditions and constraints are not the actions of the applicant. The Town's Zoning Ordinance was adopted in 1997 which established building setbacks and the existing grade of the property does not appear to be a modified slope.*

d. The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that public safety is secured, and substantial justice is achieved.

*This existing lot of record has limited land area and a somewhat steep slope. Reducing the front building setback by 10' and the side setback by 5' will keep in standing with the spirit/purpose/intent of the Zoning Ordinance as public safety and unnecessary land disturbance will be supported.*

e. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. That is, the applicant is not seeking to establish, or expand, or extend a nonconforming use. Moreover, the existence of a nonconforming use is the same or in any other zoning district shall not constitute a reason for granting the requested variance.

*The applicant is not requesting to expand a nonconforming property or use. The variance request is specific to the subject property only.*

Staff Recommendation:

- That the applicant complies fully with the Town of Sylva's Zoning Ordinance and any conditions set forth by the Board of Adjustment.

Jeleniewski: Building a residential home on the property is a use by right.

**Questions from the applicant:** None.

**Questions from parties with standing:** Kathy Mathews, neighbor on lower side, said her concern is groundhogs that live on the property and whether they plan to trap and remove, removal of them, concern is that construction will cause them to self-disperse.

Jeleniewski: There is nothing in zoning ordinance that requires applicant to remove any non-protective wildlife.

**Questions from the Board of Adjustments or Town Attorney:** None.

**(5A) Applicant Presentation of Evidence and Witnesses:** Jeremiah Wiggins, managing member of Mountain Modern Construction, LLC, explained that there is a knoll on the property and the goal is to position the home on that knoll which eliminates some construction cost and keeps ground stability. Without variance then forced to crowd neighbor below by building lower. There is a large stand of popular trees, and we are trying to preserve the tree canopy so that means they need side setback reduction. As far as the groundhogs go, we have already trapped

and removed two groundhogs humanely. It is a single-family residence, and we have two interested families who would be permanent residents.

**Questions from other parties:** None.

**Questions from the Board of Adjustments or Town Attorney:** None.

**(5B) Other Parties Presentation of Evidence and Witnesses:** Mayor Nestler submitted as Exhibit D a letter of support from Mary Ann Roos.

Nestler: Read letter of support.

**Questions from the applicant:** None.

**Questions from parties with standing:** None

**Questions from the Board of Adjustments or Town Attorney:** None.

**(5C) Rebuttal**

**Applicant:** None.

**Other Parties:** None.

**(5D) CLOSING STATEMENTS:**

*Nestler:* Does the staff have any closing statements? None.

*Nestler:* Does the applicant have any closing statements? None.

*Nestler:* Board do you have questions of the applicant? None.

Being no further comment Mayor Nestler asked for a motion to close the hearing. *Commissioner Guiney made a motion to close the hearing at 6:00 p.m. The motion carries with a unanimous vote.*

**NEW BUSINESS:**

Mayor Nestler summarized the quasi-judicial hearing with the following:

**Project:** Residential Home Build

**Applicant:** Mountain Modern Construction, LLC

**Property Location:** Keener Street, Sylva, PIN 7641-07-0338

**Property Zoning:** Low Density Residential District (LDR)

**Ordinance Request:** Article 3, Section 3.8.B - Variances

**Description of Request:** The applicant is requesting a variance from the required front building setback of 30' and side setback of 10' in the LDR District for his specific property.

**Discussion/Motions:**

Is there any additional discussion from the Board on this variance request application? None.

Is there a motion from the Board to vote on the variance request application?

*Commissioner Guiney made a motion to vote on the application. The motion carried with a unanimous vote.*

**Decision:**

*Nestler:* Now comes the decision time on this. The following items are necessary in granting a variance. All must be approved for the request to be granted.

Item 1: Carrying out the strict letter of the ordinance would result in unnecessary hardship.

Votes in the affirmative? Unanimous

Votes against?

Item 2: The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Votes in the affirmative? Unanimous  
Votes against?

Item 3: The hardship did not result from actions taken by the applicant of the property owner.

Votes in the affirmative? Unanimous  
Votes against?

Item 4: The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that public safety is secured, and substantial justice is achieved.

Votes in the affirmative? Unanimous  
Votes against?

Item 5: The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

Votes in the affirmative? Unanimous  
Votes against?

**(e) Motion:** *Commissioner Guiney made a motion to approve the variance request. The motion carries with a unanimous vote.*

*There being no further business, Commissioner Guiney made a motion to adjourn the meeting at 6:03 p.m. The motion carries with a unanimous vote.*

\_\_\_\_\_  
David Nestler  
Mayor

\_\_\_\_\_  
Amanda W. Murajda  
Town Clerk



## TOWN OF SYLVA BOARD OF COMMISSIONERS MEETING

Thursday, October 26, 2023 at 9:00 AM  
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 9:00 a.m.*

**STAFF PRESENT:** Jake Scott (Public Works Director), Bernadette Peters (Main Street Director), Mike Beck (Fire Chief) and Chris Hatton (Police Chief).

**VISITORS:** Luther Jones, Dave Russell and Odell Thompson.

#### APPROVAL OF AGENDA

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

#### PUBLIC COMMENTS

Luther Jones addressed the board and expressed his concerns over the public restroom design plans. He recently reviewed the plans and noted several areas where he thought the Town could save money.

#### MAYOR'S REPORT

None.

#### COMMISSIONER'S REPORT

Commissioner Gelbaugh thanked the Public Works Department for repainting the lines on Main Street. Commissioner Guiney presented updated pictures of the Skyland Drive sidewalk and the progress on Allen Street. He thanked staff for all of their work on these projects. Commissioner Newman reported that she recently attended the NC affordable housing conference in Raleigh, NC. She also announced that the candidate meet-and-greet scheduled for October 26, 2023 was cancelled.

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

- Employment Update: Gabe Ashe has accepted a job with the Jackson County Sheriff's Department.

**PUBLIC WORKS DEPARTMENT REPORT:** Jake Scott reported the following:

- Allen Street walls are complete, and drains are in; TWSA will begin water line installation next week.
- Meet with Bliss Products and renewed discussions about Bryson Park upgrades. He will submit a new conceptual and prices soon.
- Pinnacle Park invasive species removal is underway.
- WCU Homecoming Parade and Treat Street are coming up.
- Restriping of Main Street and parking lots is underway.

**POLICE DEPARTMENT REPORT:** Chris Hatton reported the following:

- Held Walk for Hope at Bridge Park.

- The department will have a HEIGHTS intern at the department.
- Awarded Samantha Hyatt, of the Highway Patrol, a community service appreciation award.
- Community Care received a grant from the Great Smokies Health Foundation for two years.

**FIRE DEPARTMENT REPORT:** Mike Beck reported on the following:

- Training burns will continue on properties purchased by NCDOT for the Highway 107 project.
- 1172 calls so far for 2023 which is up 20% from this time last year.
- Increase in Narcan use in the last month.
- They have responded to two structure fire calls outside of the town limits and seven wrecks that required fire department intervention.

**MAIN STREET REPORT:** Bernadette Peters reported the following:

- WCU Homecoming Parade will be Friday, October 27, 2023.
- Treat Street will be October 31, 2023, from 5:00-7:00 p.m.

**TWSA BOARD REPORT:**

- The annual audit report will be presented at the November meeting.

**PINNACLE BOARD REPORT:** Mayor Nestler reported the following:

- Pinnacle Park survey is now closed.
- Held a public input session Oct. 23<sup>rd</sup> for the public to give input on wishes for Pinnacle Park.

**NEW BUSINESS**

**BRIDGE PARK GREEN INFRASTRUCTURE PROJECT—ELECTRONIC RE-BID APPROVAL:** The original request for bids for the Bridge Park Green infrastructure project did not receive 3 bid proposals. Therefore, the bid must be advertised once more. Per NCGS 143-129 (b), the Town, with board approval, can advertise electronically for 7 days to solicit bids. *Commissioner Guiney made a motion to approve the electronic advertising of this bid. The motion carried with a unanimous vote.*

**DOWNTOWN PUBLIC RESTROOM ITEM VALUATION DISCUSSION:** At the last board meeting, the Board asked that Odell Thompson request specific line-item pricing for components of the bid from Cinderella Partners, the low-bid contractor for the downtown public restroom project. The contractor provided a list of value-items that could be changed for the board to discuss. Any of these changes would result in a reduction in the construction bid amount. The list is as follows:

**Construction Bid**

1-Replace ICF walls with 8" CMU walls	8,000
2-Reduce the interior wall tile to 6 feet high w/painted Gypsum	2,500
3-Omit the T&G ceiling and replace with painted Gypsum Board	1,600
4-Replace floor tile with sealed concrete	2,500
5-Replace floor tile with an epoxy coating	1,200
6-Replace interior wall tile with 2 colors of epoxy coating	6,000
7-Remove solar panels/power	14,875
Total Savings	\$ 36,675

Jake Scott gave a presentation on each item of change and his suggestions for the project. Odell Thompson gave his suggestions for the project. The board voted by item, whether or not to accept the changes to reduce the total price of the construction bid.

**Vote by item:**

1-Replace ICF walls with 8" CMU walls	NO-unanimous
2-Reduce the interior wall tile to 6 feet high w/painted Gypsum	NO-unanimous
3-Omit the T&G ceiling and replace with painted Gypsum Board	NO-unanimous
4-Replace floor tile with sealed concrete	NO-unanimous
5-Replace floor tile with an epoxy coating	NO-unanimous
6-Replace interior wall tile with 2 colors of epoxy coating	NO-unanimous
7-Remove solar panels/power	YES-unanimous

\*By vote, the amount of reduction in cost will be \$14,875 for the solar panels. *Commissioner Gelbaugh made a motion to accept the changes voted on for the downtown public restroom. The motion carried with a unanimous vote.*

**RECESS:** *Commissioner Guiney made a motion to recess the meeting for an estimated 10 minutes for the purpose of allowing staff the time to amend the financial documents related to the changes in the construction bid. The motion carried with a unanimous vote.*

**DOWNTOWN PUBLIC RESTROOM PROJECT:**

**A: BUDGET AMENDMENT:** *Commissioner McPherson made a motion to appropriate \$209,773 from fund balance using the ARPA related funds. The motion carried with a unanimous vote.*

**B: PROJECT ORDINANCE AMENDMENT:** *Commissioner Newman made a motion to approve the project ordinance as presented. The motion carried with a unanimous vote.*

**C: RESOLUTION AUTHORIZING MAYOR TO SIGN CONTRACT:** *Commissioner Newman made a motion to approve the resolution as presented authorizing the Mayor to sign the contract. The motion carried with a unanimous vote.*

**CANCEL NOVEMBER 23, 2023 PLANNING BOARD MEETING:** *The November 23, 2023 Planning Board Meeting falls on the Thanksgiving holiday. Commissioner McPherson made a motion to cancel the meeting. The motion carried with a unanimous vote.*

**CANCEL DECEMBER 28, 2023 PLANNING BOARD MEETING:** *The December 28, 2023 Planning Board Meeting falls on the Christmas holiday. Commissioner Newman made a motion to cancel the meeting. The motion carried with a unanimous vote.*

**CANCEL NOVEMBER 23, 2023 REGULAR BOARD OF COMMISSIONERS MEETING:** *The November 23, 2023 Regular Board of Commissioners Meeting falls on the Thanksgiving holiday. Commissioner McPherson made a motion to cancel the meeting. The motion carried with a unanimous vote.*

**CANCEL DECEMBER 28, 2023 REGULAR BOARD OF COMMISSIONERS MEETING:** *The December 28, 2023 Regular Board of Commissioners Meeting falls on the Christmas holiday. Commissioner Newman made a motion to cancel the meeting. The motion carried with a unanimous vote.*

**ADJOURNMENT:** *Commissioner Guiney made a motion to adjourn the meeting at 10:22 a.m. The motion carried with a unanimous vote.*

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David Nestler  
Mayor

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Amanda W. Murajda  
Town Clerk



**AMENDED  
TOWN OF SYLVA  
BRIDGE PARK STORMWATER 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 project is adopted:

**Section 1.** The project authorized will install stormwater improvements adjacent to Bridge Park including drainage, biowales, riparian buffers, landscaping, implementation of stream restoration, and parking areas.

**Section 2.** The project may be funded by financing through debt, grant funding, fund balance, fund balance reserves, or other revenue sources that are applicable.

**Section 3.** The officers of this unit are hereby directed to proceed with the project within the budget contained herein.

**Section 4.** The following amounts are appropriated for the project:

<b>Revenues:</b>	
ARPA Related Funds (1 <sup>st</sup> Appropriation)	\$ 418,000
<b>ARPA Related Funds (2<sup>nd</sup> Appropriation)</b>	<b>98,447</b>
JCTDA Grant	367,757
<b>Bridge Park Interest</b>	<u><b>9,500</b></u>
<b>Total Project</b>	<b>\$ 893,704</b>
<b>Expenditures:</b>	
Professional Services	67,500
<b>Construction</b>	<b>749,360</b>
<b>Contingency</b>	<b>73,844</b>
<b>Supplies and Expense</b>	<b>2,500</b>
<b>Sales Tax</b>	<u><b>500</b></u>
	<b>\$ 893,704</b>

**Section 6.** The Finance Officer is hereby directed to maintain within the 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 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 32** (Bridge Park Stormwater Project Ordinance) will account for the bookkeeping records of this project.

Adopted this the 9th day of November 2023.

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David Nestler, Mayor

ATTEST:

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Amanda Murajda, Town Clerk

**Bridge Park Stormwater and Green Infrastructure Project**  
**Resolution Authorizing the Town of Sylva Board of Commissioners to Award the Contract Authorizing the Town Mayor to Execute the Contract with Buchanan and Sons, Inc.**

- WHEREAS**, The Town of Sylva Board of Commissioners acknowledges that Scott Creek is an impaired waterway, and slowing, treating and cooling stormwater prior to entering the creek is desired; and
- WHEREAS**, the Town of Sylva Board of Commissioners fully support a Bridge Park Stormwater project, which will result in the improvements to Bridge Park, parking facilities, stormwater infrastructure and connections to natural assets at 77 Railroad Avenue; and
- WHEREAS**, this is a green infrastructure improvement project located at Bridge Park in the heart of Sylva to include the development of a planted bioretention swale to filter stormwater, a new paved parking area with designated wheel stops, two ADA parking spaces, a concrete pedestrian walkway, benches, picnic tables, and a small deck overlooking Scott Creek to provide amenities for park users; and
- Whereas**, it is the desire of the Town of Sylva to complete Bridge Park green infrastructure improvements to serve residents and visitors of the Town; and
- Whereas**, requests for sealed bids were solicited from interested companies who attended a pre-bid conference October 6, 2023; and
- Whereas**, on October 25, 2023, the Town of Sylva only received sealed bids from two (2) agencies, therefore the Town was required to re-bid the project; and
- Whereas**, on November 3, 2023, after the project was re-bid for a seven (7) day requirement, the Town of Sylva received and opened sealed bids from two (2) agencies and BH Graning Landscapes, Inc. was the lowest bid at \$738,433.57; and
- Whereas**, the Town did not receive a HUB Certificate from BH Graning Landscapes, Inc. and is required to go with the next lowest responsible bidder of Buchanan and Sons, Inc. and their proposal was selected and recommended for approval; and
- Whereas**, the Town of Sylva will enter into an agreement pending a final reference check and recommendation from staff; and
- Whereas**, the Town of Sylva will be entering into an agreement in the amount not to exceed \$749,360 to complete the Bridge Park stormwater and green infrastructure improvements; and
- Now Therefore Be it Resolved**, the Town of Sylva Board of Commissioners awards the contract to Buchanan and Sons, Inc. and authorizes the Town of Sylva Mayor to enter into a contract with Buchanan and Sons, Inc. in the amount not to exceed \$749,360 to complete the green infrastructure improvements at Bridge Park. Furthermore, funding for the contract will come from a combination of Fund Balance using funds set aside for ARPA-related projects and JCTDA Grant funds.

Approved this the 9th day of November 2023 in Sylva, North Carolina.

\_\_\_\_\_  
David Nestler, Mayor

\_\_\_\_\_  
Amanda W. Murajda, Town Clerk