



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

Thursday, November 10, 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 11-10-22

PUBLIC COMMENTS

REPORTS

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

PUBLIC HEARING

4. Ordinance Amendment: Section 30 Streets and Sidewalks. (Public Solicitation)

NEW BUSINESS

- [5.](#) Ordinance Amendment: Section 30: Streets and Sidewalks (Public Solicitation)
- [6.](#) Jackson County Municipal Grant Application Resolution
- [7.](#) TWSA Board Appointment

CLOSED SESSION

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

ADJOURNMENT

Town of Sylva
CONSENT AGENDA
November 10, 2022

1- APPROVE MINUTES: October 13, 2022, **Regular Board Meeting;** October 27, 2022, **Regular Board Meeting**

2- BUDGET AMENDMENTS:

#18 10-352-0000 PD Fines and Fees	\$	1,653 C
10-510-3800 Law Enforcement Supply		1,653 D

REF: To appropriate court released monies into the Police Department budget.

#19 10-392-0000 GF Transfer In	\$	436,296.80 C
10-392-0000 GF Transfer In (Interest)		1,290.70 C
10-690-9400 Contribution Fund Balance		436,296.80 D
10-690-9400 Contribution Fund Balance (Interest)		1,290.70 D
28-329-0000 ARP Grant Expense		436,296.80 C
28-367-0000 ARP (Interest)		1,290.70 C
28-413-0100 ARP Transfer to GF		436,296.80 D
28-413-0100 ARP Transfer to GF (Interest)		1,290.70 C

REF: The Town has elected to take the standard allowance for ARP funding to minimize UG compliance requirements. The attached project ordinance will authorize supplanting of ARP funds through salaries. This budget amendment is the accounting that will transfer ARP funds into the General Fund to be used on allowable general government expenditures selected by the Board of Commissioners. The supplanted ARP Funds will be accounted separately along with accrued interest.

#20 10-399-0000 Fund Balance Appropriation	\$	100,000 C
10-690-9700 Contribution to Sidewalk Project		100,000 D
27-331-0000 Sidewalk Transfer In		100,000 C
27-413-0000 Sidewalk Expense		100,000 D

REF: Skyland Drive Sidewalk Amendment #3

3- REPORTS:

- 1- Business Registration Permits as of **October 2022**
- 2- Vehicle Tax Report as of **September 30, 2022**
- 3- Ad Valorem Tax Report as of **September 30, 2022**
- 4- Statement of Revenues, Expenditures, Changes in Fund Balance as of **September 30, 2022**
- 5- Quarterly Special Revenue Report as of **September 30, 2022**
- 6- Quarterly Finance Report as of **September 30, 2022**

4-OTHER:

- **Sale of Capital Assets on GovDeals:**
2012 Dodge Charger (Vin#2C3CDXAT5CH305453) (Asset #0548) \$4,550
2013 Dodge Charger (Vin#2C3CDXAT6DH677028) (Asset #0550) \$5,250
Paramount CT20 Exercise Equipment and Weights Bundle \$600
- **Amended American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds Grant Project Ordinance.** *Project Code #004 Law Enforcement Services, #005 Public Works services, #006 Fire Department services ~ Expenditure category 6.1 ~ Costs Object – Salaries (2 CFR 200.430) \$436,286.80*
- **Amended Bridge Park Stormwater Project Ordinance.** *This amended ordinance will adjust the original project ordinance adopted on October 27, 2022 by \$3,000 (\$421,000 to \$418,00) This is to correct a clerical error in the calculation of ARPA related funds available.*

**Business Registration Permit Application
October 2022**

Item 1.

<u>Date Submitted</u>	<u>Business Name</u>	<u>Business Location</u>	<u>Owner</u>
10/11/2022	Gertrude and Lloyd	648 W. Main Street	Blair Smoker
10/28/2022	Little Cove Bread Bakery	646 W. Main Street	Thomas Truhcar

JACKSON COUNTY ACTIVITY TOTALS REPORT
ACTIVITY FROM 9/1/22 THRU 9/30/22

Tax Year 2022	Levy	Penalty	Subtotal	Charges	Interest	Subtotal	Total
SGR Sylva Gross Receipts			0.00	605.39		605.39	605.39
Totals For Year 2022			0.00	605.39		605.39	605.39
Grand Totals			0.00	605.39		605.39	605.39

Tax Summary
as of September 30, 2022

(10-301-XX)	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	Total	Current Year	TOTALS
Starting Balances	47803.32	25739.87	11355.89	7814.42	6305.23	4092.75	2864.2	2037.46	3,828.52	1,333.46	113,275.12	\$2,205,268.51	10-281-0000
July	-2875.7	-482.5	-286.21	-239.4	-239.4	-239.4	-248.36	-248.36	-248.36	-248.36	-5,356.05		-5,356.05
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	-2282.79	-1238.64	-1287.9	-896.66							-5,705.99	-178,904.25	-184,610.24
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	-6719.84	-2110.26	-1777.8	-1291.96	-395.3	-395.3	-392.65	-392.65	-381.29	-248.36	-14,105.41	-178,904.25	-193,009.66
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	-9,975.86	-4,550.24	-1,777.80	-1,291.96	-395.30	-395.30	-392.65	-392.65	-381.29	-248.36	-19,801.41	-178,904.25	-198,705.66
EOY Adjustment													
(10-110-XX) Balance	\$37,827.46	\$21,189.63	\$9,578.09	\$6,522.46	\$5,909.93	\$3,697.45	\$2,571.55	\$1,644.81	\$3,447.23	\$1,085.10	93,473.71	\$2,026,364.26	\$2,119,837.97
Interest													
July	185.51	74.81	59.56	78.35	99.71	121.07	147.69	169.89	192.09	214.30	1,342.98	236.50	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	193.83	210.37	322.41	306.26							1,032.87		1,032.87
October													
November													
December													
January													
February													
March													
April													
May													
June													
Interest Collected	\$495.45	\$339.47	\$422.07	\$435.74	\$165.76	\$201.04	\$234.33	\$269.37	\$289.43	\$214.30	\$3,067.96	\$236.50	\$3,304.46
Submitted by: Amanda Murajda, Tax Collector												Collection Rate	8.1126%

Top 10 Delinquent Accounts (2021 & prior)

Name	Balance 9/30/2022
Angela George	\$ 9,337.32
Joe Wilson	\$ 4,590.47
Dorothy Worley	\$ 3,853.69
AFN ABSPROP002 LLC	\$ 3,689.46
Aarons LLC	\$ 3,540.92 Under Appeal
Reginald Holland	\$ 3,347.11
Ray Worley	\$ 3,338.13
Aarons Inc	\$ 3,142.22 Under Appeal
City Franklin	\$ 2,903.42
Herbert	\$ 2,817.24

General Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances
9/30/2022

		General Fund				Actual to	Statement		
		2022-2023	Previously	2022-2023	Current	Budget	Period	Variance	
		Budgeted	Reported	YTD Actual	Month	Budget Balance	3		
Revenues:									
Ad valorem taxes	\$	2,257,082	\$ 32,502.49	\$ 215,829.96	\$ 183,327.47	\$ 2,041,252.04	9.56%	25.00%	-15.44% *
Other taxes and licenses	\$	6,000	4,570.00	4,750.00	\$ 180.00	\$ 1,250.00	79.17%	25.00%	54.17%
Unrestricted intergovernmental	\$	2,959,432	410,558.68	473,874.21	\$ 63,315.53	\$ 2,485,557.79	16.01%	25.00%	-8.99% *
Permits and Fees	\$	16,000	5,679.12	8,229.12	\$ 2,550.00	\$ 7,770.88	51.43%	25.00%	26.43%
Restricted intergovernmental	\$	130,000	12,500.00	86,600.84	\$ 74,100.84	\$ 43,399.16	66.62%	25.00%	41.62%
Investment earnings	\$	23,192	11,897.50	20,296.20	\$ 8,398.45	\$ 2,895.80	87.51%	25.00%	62.51%
Other revenues	\$	23,150	16,324.61	10,544.55	\$ (5,780.06)	\$ 12,605.45	45.55%	25.00%	20.55%
Total revenues	\$	5,414,856	494,032.40	820,124.88	326,092.23	\$ 4,594,731.12	15.15%	25.00%	-9.85%
Expenditures:									
General Government	\$	889,338	145,157.69	258,499.20	113,341.51	630,838.80	29.07%	25.00%	-4.07%
Salaries & Benefits	\$	368,560	30,434.05	95,591.07	40,352.70				
Capital outlay	\$	29,302	-	-	-				
All other expenditures	\$	491,476	114,723.64	162,908.13	72,988.81				
Public Safety	\$	3,315,180	476,768.43	776,774.77	300,006.34	2,538,405.23	23.43%	25.00%	1.57%
Salaries & Benefits	\$	1,826,851	174,793.41	346,329.91	171,536.50				
Capital outlay	\$	196,220	71,600.00	73,760.00	21,600.00				
All other expenditures	\$	1,292,109	230,375.02	356,684.86	106,869.84				
Culture and Recreation	\$	103,500	10,067.81	13,784.89	3,717.08	89,715.11	13.32%	25.00%	11.68%
Salaries & Benefits	\$	31,400	3,595.99	6,140.21	2,544.22				
Capital outlay	\$	10,000	-	-	-				
All other expenditures	\$	62,100	6,471.82	7,644.68	1,172.86				
Transportation	\$	760,523	99,039.32	150,925.31	51,885.99	609,597.69	19.84%	25.00%	5.16%
Salaries & Benefits	\$	336,650	42,582.84	74,231.96	31,649.12				
Capital outlay	\$	73,664	-	-	-				
All other expenditures	\$	350,209	56,456.48	76,693.35	20,236.87				
Economic and Physical Development	\$	-	-	-	-	-	0.00%	0.00%	0.00%
Salaries & Benefits									
Capital outlay									
All other expenditures	\$	-	-	-	-				
Environmental Protection	\$	201,315	37,936.27	55,825.21	17,888.94	145,489.79	27.73%	25.00%	-2.73% **
Salaries & Benefits	\$	87,750	12,394.99	22,308.26	9,913.27				
Capital outlay	\$	-	-	-	-				
All other expenditures	\$	113,565	25,541.28	33,516.95	7,975.67				
Total expenditures	\$	5,269,856	768,969.52	1,255,809.38	486,839.86	4,014,046.62	23.83%	25.00%	1.17%
Revenues over expenditures	\$	145,000	(274,937.12)	(435,684.50)	(160,747.63)	580,684.50	11.02%		
Other financing sources (uses):									
Transfers in	\$	423,019	-	-	-	-			
Appropriated fund balance	\$	10,000	-	-	-	-			
Contributed Capital	\$	-	-	-	-	-			
Sale of Assets	\$	-	-	-	-	-			
Loan Proceeds	\$	-	-	-	-	-			
Transfers to other funds:	\$	433,019	-	-	-	-			
Contributed to fund balance	\$	-	-	-	-	-			
Transfers out	\$	578,019	-	-	-	-			
Transfer to Capital Reserve	\$	-	-	-	-	-			
Total other financing sources (uses)	\$	(145,000)	-	-	-	-			
Revenues and other sources over expenditures and other uses	\$	-	(274,937.12)	(435,684.50)	(160,747.63)	580,684.50			

Analysis:
* Timing of Revenues
** Insurance and Postage Paid Early In Budget

Town of Sylva
Special Revenue Funds/Capital and Grant Project Quaterly Report
September 30, 2022

Item 1.

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

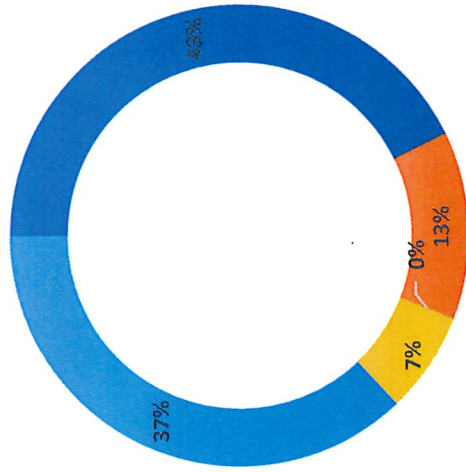
Original Ordinance		3,000,000
Expenditures		-67,225
Interest	390	
		\$2,932,775

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

Original Ordinance		250,000
Amended - SWC Grant (Reimbursable)		40,000
Amended		
Expenditures		-4,563
Interest	23	
		\$285,438

INVESTMENT PORTFOLIO:		3 Month Avg
BANK	INVESTMENTS	INTEREST
NCCMT	\$6,527,079	2.02%
Community First Bank	\$2,012,379	0.066%
United Community Bank	\$6,874	0.04%
First Bank (Central Depository)	\$1,077,017	0.029%*
First Bank (Money Market)	\$5,644,530	0.036%*
* Note : Will increase to 2.50% next month		
	\$15,267,879	

DIVERSIFICATION OF INVESTMENTS



- NCCMT
- Community First Bank
- United Community Bank
- First Bank (Central Depository)
- First Bank (Money Market)

STATE REVENUE ANALYSIS:	Revenue	% Collected
Telecommunication	\$7,606	31.69%
Natural Gas	\$2,848	56.96%
Video Programming	\$3,112	25.94%
Franchise on Power	\$67,994	24.11%
Total 4TH QTR (Avg should be 25%)	\$81,560	
(Note: 12th Month Estimated)		
Article 40	\$22,494	10.92%
Article 42	\$24,284	11.09%
Article 39	\$48,858	10.91%
Hold Harmls	\$19,863	11.35%
Total 12 Month (Avg should be 8.33%)	\$115,499	

FUND BALANCE ANALYSIS:	Revenue	% Collected
Unassigned - 6/30/22	\$4,682,357	
Subsequent Year Appropriation (ARPA)	-\$10,000	
Appropriated after 7/1/22	-\$41,819	
Appropriated to Fund Balance		
ARPA related funds	-\$426,431	
Available Fund Balance	\$4,204,107	Goal
	71.89%	75.00%

What does 1 cent = \$49,000
 # GF Approp. after 7/1 4
 # Contingency Approp. 0

Note: Board policy states that Fund Balance will not drop below 40% and to have a goal of Fund Balance at 75% of expenditures.

CAPITAL RESERVE FUNDS:		REVOLVING LOAN FUND:	
General Fund	Fire Department	RLF Balance 6/30/22	\$103,121
GF Res. 6/30/2022	FD Res. 6/30/22	Interest	\$6.00
Approp. to CRF	Appropriations	Investment in Real Estate	-\$52,435
Interest	DOI Earmarked	Subsequent Year Approp.	-\$6,000
Other	Interest	Balsam West Credit (A/R)	
Subsequent/Approp after 7/1			
GF Available Funds	FD Available Funds	RLF Available Funds	\$44,692

FISHER CREEK ANALYSIS:		Fisher Creek Funds Available	
Bank Investments	Current Invested	Fund Balance	3,059,755
NCCMT	\$808,264	Subsequent/Roll Over	-71,000
Entegra/Select Bank/First Bank	\$235,859	Water Quality	-1,219,319
Community First Bank	\$2,012,379	Revenues	7,616
UICB	\$0	Expenditures	-10,867
HomeTrust	\$0	Funds Available	\$1,766,185
Wachovia	\$0	ARPA Related Funds:	
1st Citizen	\$0	Appropriations	\$872,593.60
			-18,000

Note: \$3,500,000 received from Clean Water Management Trust Grant 10/2007. The grant requires that \$1,400,000 (40%) be spent on water quality. Currently \$182,141 has been expended towards this purpose leaving \$1,217,859 remaining.

PROPERTY TAX ANALYSIS		OUTSTANDING LOANS	
Budgeted	\$2,139,982	Loan	P/I
Original Billing + Utilities	\$2,205,268	Pumper Truck - FD	\$59,183
Est. 97.78% Collection	\$2,162,668	Buildng Renovations - FD*	\$242,528
Collection/Releases	\$178,904		\$301,710
Discovery/Penalties	\$2,888		
Appeals (Total)	\$0		
Outstanding	\$1,961,078		
Collection % Rate	8.11%		
Prior Year Collection % Rate	7.14%		

Submitted by: Lynn Bryant, Finance Officer

**Amended
Town of Sylva
American Rescue Plan Act of 2021:
Coronavirus State and Local Fiscal Recovery Funds
Grant Project Ordinance**

BE IT ORDAINED by the Board of Commissioners of the Town of 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 ordinance is hereby adopted:

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Sylva has received the second tranche in the amount of \$436,296.80 of CSLFRF funds. The total allocation is anticipated to be \$872,593.60, with the remainder to be distributed to the Town within 12 months. These funds may be used for the following categories of expenditures, to the extent authorized by state law:

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF funds for the provision of government services.

Section 3: The following amounts are appropriated for the project and authorized for expenditures:

Internal Project Code	Project Description	Expenditure Category (EC)	Cost Object	Appropriation of ARP/CSLFRF Funds
004	Law enforcement services for period of July 1, 2021 through December 31, 2024	6.1	Salaries	\$ 253,504.93
			Benefits	

005	Public works services for period of July 1, 2021 through December 31, 2024	6.1	Salaries	\$ 98,223.31
			Benefits	
006	Fire Department services for period of July 1, 2021 through December 31, 2024	6.1	Salaries	\$ 84,568.56
			Benefits	

Section 4: The following revenues are anticipated to be available to complete the project:

ARP/CSLFRF Funds:

1st Tranche Received - 7/15/2021 **\$ 436,296.80**
2nd Tranche Received – 7/26/2022 **\$ 436,296.80**

Total: **\$872,593.60**

Section 5: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation and effort certifications, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the Town’s Uniform Guidance Allowable Costs and Cost Principles Policy.

Section 6: If needed, funds may be advanced from the General Fund for the purpose of making payments due. Any funds appropriated will be approved by the Board of Commissioners.

Section 7: The Finance Officer is hereby directed to report the financial status of the project to the town board on a quarterly basis.

Section 8: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk of the Governing Board.

Section 9: Fund 28 (ARPA Grant Project Ordinance Special Revenue Fund) will account for the bookkeeping records of the is project.

Section 10: All documentation related to the ARP/CSLFRF must be retained for at least 5 years after the end of the award term.

Section 11: This grant project ordinance expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

Adopted this the 10th day of November, 2022.

Lynda Sossamon, Mayor

Attest: _____
Amanda 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:

Revenues:

Town of Sylva ARPA Related Funds \$ 418,000

Expenditures:

Professional Services	67,500
Construction	311,400
Contingency	<u>39,100</u>
	\$ 418,000

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 10th day of November, 2022.

Lynda Sossamon, Mayor

ATTEST:

Amanda Murajda, Town Clerk



TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, October 13, 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), and Chris Hatton (Police Chief).

VISITORS: None.

APPROVAL OF AGENDA

Commissioner Gelbaugh made a motion to approve the agenda. The motion carries with a unanimous vote.

APPROVAL OF CONSENT AGENDA

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

PUBLIC COMMENTS

None.

MAYOR’S REPORT

Mayor Sossamon thanked the Sylva Police Department and other sponsors for hosting Walk for Hope.

COMMISSIONER’S REPORT

None.

MANAGER’S REPORT: Manager Dowling reported the following:

- Employment Update: Ryan Griffin is returning to the Sylva Police Department as a Patrol Sergeant in early November. He has been working for the Waynesville Police Department since he left the Town in 2016. Hunter Lassiter will begin as a maintenance technician October 20, 2022. He grew up in Sylva and has been working for an excavation company.
- Dowling and Jake Scott will be attending the School of Government’s Practical Analytics Class Friday, October 14, 2022 in Asheville.
- The WCU Homecoming Parade will now be November 4, 2022, beginning at 6:00 p.m. to make the most of daylight.
- Bridge Park Stormwater Project: Equinox was the only firm to respond to the RFP for the Bridge Park stormwater project. Staff has been working to submit information to the Southwestern Commission for our Rural Transformation Grant application.
- Joey Owle, EBCI Secretary of Agriculture and Natural Resources notified the Town and SORBA that the trail development project is being put on hold due to turnover in a key project management staff position. Once that position is filled, work can resume. EBCI will update the Board on the progress of the trail master plan once the efforts are back underway.

Regular Board Meeting October 13, 2022

NEW BUSINESS

Allen Street Project Ordinance Update: Manager Dowling reported that the updated ordinance reflects the latest update from Wurster Engineering for slope stabilization amounts and provides contingency to reflect that amount. *Commissioner Nestler made a motion to approve the Allen Street Project Ordinance Update. The motion carried with a unanimous vote.*

Bryson Park Project Ordinance Update: Manager Dowling explained that the Bryson Park Project Ordinance update increases construction repair to match the latest cost estimates and the contingency associated with it. It does not include the sidewalk along Chipper Curve due to budget constraints. *Commissioner McPherson made a motion to approve the Bryson Park Project Ordinance Update. The motion carried with a unanimous vote.*

Allen Street Award Approval: Manager Dowling explained that the Town had received a recommendation letter from Civil Design Concepts to award the construction contract for the slope repairs and construction project to Wurster Engineering and Construction, Inc. in the amount of \$3,423,882.26. This award approval is authorized under the emergency exemption. After the board approves the award and NCDOT approves the design, the appropriate entities will review and sign the contract and receive the contractor's bonds.

Commissioner Nestler made a motion to accept Civil Design Concepts' recommendation and award the Allen Street & Bryson Park Slope Failure project in the amount of \$3,423,882.26 to Wurster Engineering Group. This award is authorized under the emergency exemption in N.C.G.S. 146-129(e)2. Furthermore, the Town Manager is authorized to execute the contract on behalf of the Town.

Resolution of Intent-Section 30: Streets and Sidewalks. (Public Solicitation): Manager Dowling explained that the Board requested such ordinance be reviewed. The ordinance contains standard language for a panhandling ordinance and has a criminal charge associated with it. There will be a public hearing on November 10, 2022 at 5:30 p.m. on the proposed ordinance. *Commissioner Gelbaugh made a motion to approve the resolution of intent for amendments to Section 30 of Streets and Sidewalks for public solicitation. The motion carried with a 4-1 vote. Voting in the affirmative were Commissioners Gelbaugh, Guiney, McPherson and Newman. Voting against the motion was Commissioner Nestler.*

Planning Board Bylaws: Manager Dowling explained that the Planning Board bylaws have been updated to include term limits, updated for the 160D requirements and the meeting times of the board. *Commissioner Nestler made a motion to approve the Planning Board bylaws with changing the name to Sylva Town Board in article 5 of the bylaws. The motion carried with a unanimous vote.*

Poteet Bathroom Discussion: Mayor Sossamon reminded everyone of the large number of projects the Town of Sylva is currently working on. Commissioner Guiney gave a presentation on the Poteet Bathrooms and the need for repair. He presented pictures of the bathroom to illustrate his presentation. Board members discussed the need for repairs but also the need to complete current projects, totaling approximately \$6.8 million and including the Allen Street slope failure project, prior to undertaking repairs to Poteet Park restrooms. Funding can be applied for through the Jackson TDA grant process. The Town will apply for grant funding for an approximate construction date of Fall 2023.

CLOSED SESSION: *Commissioner McPherson made a motion to enter closed session pursuant to NCGS. 143-318-11(a)(3) to consult with the town attorney at 6:20 p.m. The motion carried with a unanimous vote.*

Commissioner McPherson made a motion to come out of closed session. The motion carried with a unanimous vote and the Board entered into regular session at 6:58 p.m. No action was taken during closed session.

Upon exiting Closed Session Commissioner McPherson made a motion to appropriate \$10,000 from fund balance for professional services. The motion carried with a unanimous vote.

ADJOURNMENT: *Commissioner Gelbaugh made a motion to adjourn the meeting at 7:00 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, October 27, 2022 at 9:00 AM
Board Room, 83 Allen Street Sylva, North Carolina

MINUTES

PRESENT: 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: Lynda Sossamon, Mayor

CALL TO ORDER

Vice-Mayor Nestler called the meeting to order at 9:00 a.m.

STAFF PRESENT: Jake Scott (Public Works Director), Mike Beck (Fire Chief), Keith Buchanan (Asst. Fire Chief), Bernadette Peters (Main Street Director), Albin Gashi (PD), Robbie Carter (PD), Ty Foxx (PD), Bruce Moore (PD), John Thomas (Asst. Police Chief) and Chris Hatton (Police Chief).

VISITORS: Dave Russell, Cyndy Caravelis, Galadriel Lavere and Greg Bauguess.

APPROVAL OF AGENDA

Commissioner McPherson made a motion to remove the closed session from the agenda. The motion carried with a unanimous vote. Commissioner McPherson made a motion to approve the amended agenda. The motion carried with a unanimous vote.

PUBLIC COMMENTS

None.

MAYOR'S REPORT

Vice Mayor Nestler reported that he has a first draft written of a sidewalk ordinance. He would like to discuss with Manager Dowling and Town Attorney Ridenour for a future agenda.

COMMISSIONER'S REPORT

Commissioner McPherson noted the passing of Lambert Wilson and Jen Gordon who were two community members who had a lot of passion and care for the community. Commissioner Newman gave birthday wishes to Sylva Herald reporter Dave Russell. She also mentioned an opportunity for food truck owners to attend a food truck boot camp in conjunction the EBCI on November 9, 2022.

MANAGER'S REPORT: Manager Dowling reported the following:

- Treat Street is Monday, October 31, 2022 from 5-7:00 p.m.
- The WCU Homecoming Parade will be November 4, 2022 at 6:00 p.m.
- The WNC Pottery Festival will be held at Bridge Park November 5, 2022 from 10:00 a.m. until 4:00 p.m.
- Downtown Restroom: The depot survey is complete. Odell Thompson has contacted engineers for the public restroom. Looking at the timeline of their projects, designs, and bid process, Odell anticipates having documents for the railroad to approve in February.
- Bridge Park Stormwater Project: After the Bridge Park Stormwater Project ordinance is approved the contract with Equinox for project management and oversight of the project can be executed.

PUBLIC WORKS DEPARTMENT REPORT: Jake Scott reported the following:

- Leaf collection has begun and the town will deliver to the community garden.

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- Public Works is preparing for upcoming events.
- Duke Energy recently installed power for the skate park and Scott hopes to install surveillance cameras next week.
- He rural transformation grant deadline is November 1, 2022; Scott thanked Ann Wade and Becca Scott for their help.
- Scott is currently coordinating overhead utility relocation on Allen Street.
- Scott, along with TWSA director Daniel Manring, participated in a field trip with 7th graders on stormwater systems in the city limits.
- Holiday decorations will go up in November and the Christmas tree will be up December 1, 2022.

POLICE DEPARTMENT REPORT: Chris Hatton reported the following:

- As of November 3, 2022, the department will once again be fully staffed.
- Albin Gashi, from the Wendale PD, is now working as an Auxiliary Officer.
- Walk for Hope was very successful, and the attendance was around 100 people.
- Event season planning is underway; the department is working on solutions for security during events.
- Call for service in the last month total approximately 1200 calls.

FIRE DEPARTMENT REPORT: Mike Beck reported the following:

- There have been 977 calls since January 1, 2022, which is 200 more than all of the previous year.
- Members of the paid staff and seven volunteers are currently in training.
- Fire Academy training will begin in Haywood County for members who have not completed the training.

MAIN STREET REPORT: Bernadette Peters reported the following:

- Peters attended a State Workforce Conference.
- Peters reviewed the upcoming activities and events in the Town of Sylva.
- MSSA will be launching winter bingo through the Promotions Committee so that people are incentivized to visit all merchants.
- There will be a food truck program at the EBCI.
- Christmas parade board participation: Peters suggested that the Town Board, staff and families decorate wagons to carry candy and walk in the parade following at the front of the parade behind the WCU Chancellor, SCC President and Town Mayor so that they can stop at the fountain to watch the rest of the parade.

TWSA BOARD REPORT: Daniel Manring, TWSA Director, was present for the meeting and thanked Jake Scott for his help with a field trip for local schools. He added that TWSA did a pump startup and the new Jackson Paper location and reminded the public to always report any leak they noticed.

PINNACLE BOARD REPORT:

Commissioner Nestler reported that a workday was scheduled for Saturday, October 29, 2022, and that a biodiversity study was underway.

NEW BUSINESS

Police Department Special Recognition: Chief Hatton presented Assistant Police Chief John Thomas with a plaque in recognition of leadership training he has completed through NC State University Administrative Officers Management Program. It is the premier law enforcement management training for leadership.

Police Department Community Care Program: Cyndy Caravelis addressed the board and gave an update on the Community Care Program. Several months earlier, she and her colleague, Katy Allen approached the Sylva Police Department about implementing a Community Care social work program. The program has proven very successful. Chief Hatton expressed to the board that the program has become an important resource for officers to have when responding to certain calls. Galadriel Lavere, the current intern, gave the board an overview of what she sees and what services she provides when responding to calls with officers.

Allen Street Project Ordinance Updates: Manager Dowling reported that the amended version of the Allen Street Capital Project Ordinance includes \$63,500 previously spent with Kessel Engineering for geological exploration. This should have been included in the prior version since it shows a more accurate picture of project costs. *Commissioner Guiney made a motion to approve the amended Allen Street Capital Project Ordinance. The motion carried with a unanimous vote.*

Jackson County Emergency Operations Plan/Hazard Mitigation Plan: Manager Dowling explained that every 5 years the county and its municipalities are required to approve the Jackson County Emergency Operations Plan. Jackson County

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approved the plan September 20, 2022. Their letter of approval and the presentation Todd Dillard, Director of Emergency Services, gave to the county commissioners are included in this agenda packet. FEMA mandates the Smoky Mountain Regional Hazard Mitigation Plan be renewed every 5 years by the counties of Jackson, Haywood, Macon, Swain, Graham, and Cherokee along with their municipalities. *Commissioner Guiney made a motion to approve the Jackson County Emergency Operations Plan. The motion carried with a unanimous vote.*

Cancel November 24, 2022 Board of Commissioner Meeting: The November 24, 2022 Board of Commissioners Meeting falls on the Thanksgiving holiday. *Commissioner Gelbaugh made a motion to cancel the meeting. The motion carried with a unanimous vote.*

Cancel November 24, 2022 Planning Board Meeting: The November 24, 2022 Planning Board Meeting falls on the Thanksgiving holiday. *Commissioner Newman made a motion to cancel the meeting. The motion carried with a unanimous vote.*

Christmas Parade Discussion on Board Participation: During the Main Street Report, Bernadette Peters suggested that the Town Board, staff and families decorate wagons to carry candy and walk in the parade following at the front of the parade behind the WCU Chancellor, SCC President and Town Mayor so that they can stop at the fountain to watch the rest of the parade. The Board agreed to participate in the parade with this suggestion.

ADJOURNMENT: *Commissioner Guiney made a motion to adjourn the meeting at 10:20 a.m. The motion carried with a unanimous vote.*

Lynda Sossamon
Mayor

Amanda W. Murajda
Town Clerk

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

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

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

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 ordinance shall be in full force and effect upon its adoption on November 10, 2022.

 Lynda Sossamon, Mayor

Attest:

Approved as to form:

 Amanda W. Murajda, Town Clerk

 Town Attorney

Resolution of Support and Acceptance of Funds
Jackson County Municipal Grant

Whereas, it is the desire of the Town of Sylva to promote public art and murals in the Town of Sylva; and

Whereas, Downtown Sylva is becoming an art-centered hub of Jackson County having many public art murals and smaller art projects throughout the Town of Sylva; and

Whereas, the Town of Sylva having considered the need to create a unified economic driver for the downtown area through public art would like to create a Sylva Art Walk featuring Murals on Mill and Art Walk Rack of Cards and kiosk; and

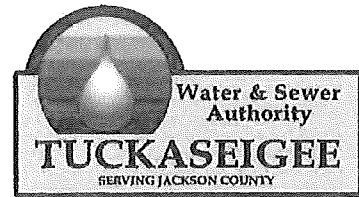
Whereas, the Town of Sylva intends to submit an application to Jackson County's Municipal Grant Program in the amount of five thousand dollars (\$5,000.00) to fund the implementation of the Sylva Art Walk; and

Now Therefore, the Town of Sylva Board of Commissioners authorizes the Sylva Town Manager, Paige Dowling and Main Street Economic Development Director, Bernadette Peters, to apply for the Jackson County Municipal grant, and if awarded, purchase the supplies and materials to implement the Sylva Art Walk.

Approved this the 10th day of November, 2022.

Lynda Sossamon, Mayor

Amanda Murajda, Town Clerk



1246 West Main Street
Sylva, NC 28779

October 21, 2022

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

Dear Ms. Dowling,

Tuckaseegee Water and Sewer Authority (TWSA) swears in new or reappointed Board Members at the January Business Meeting. Mick McCardle's term expires on December 31, 2022, however, he is eligible to serve another three (3) year term. Please provide the Town's appointment for this seat in the near future so we can prepare for the January meeting.

TWSA is very appreciative of the time, energy and dedication the Board of Directors contribute.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Manring".

Daniel Manring
Executive Director

Town of Sylva



APPLICATION FOR CONSIDERATION OF APPOINTMENT TO TOWN OF SYLVA BOARDS OR COMMISSIONS

Applicants are strongly urged to attend several meetings of a board prior to applying and/or appointment to a board.

NAME H. Michael "Mick" McCARDLE DATE 11-9-18

ADDRESS 195 CIRCUS LN. SYLVA NC 28779

EMAIL MMCCARDLE@ROADRUNNER.COM

HOME PHONE _____ WORK PHONE 828-586-8989

EMPLOYER EWL'S ON MAIN OCCUPATION OWNER

EMPLOYER'S ADDRESS 678 W. MAIN ST. SYLVA NC 28779

DO YOU LIVE WITHIN THE MUNICIPAL LIMITS OF SYLVA? NO

DO YOU LIVE WITHIN THE EXTRA TERRITORIAL ZONING DISTRICT? NO

NAME OF BOARD OR COMMISSION FOR WHICH YOU ARE APPLYING TO SERVE ON: TUSA

PLEASE LIST ANY SPECIAL SKILLS, INTEREST OR QUALIFICATIONS WHICH YOU FEEL WOULD BE AN ASSET TO SAID BOARD OR COMMISSION:

30+ YEARS OF MANAGEMENT & PROFESSIONAL BUSINESS EXPERIENCE -
OWNED/MANAGED THE CONSTRUCTION AND/OR RENOVATION OF OVER 40 COUNTRY CLUB
PROPERTIES, INCLUDING INFRASTRUCTURE - EDUCATION (MASTERS IN PUBLIC ADMIN)

WHY DO YOU WISH TO SERVE ON SAID BOARD OR COMMISSION?

I HAVE A KEEN INTEREST IN THE SUCCESS & FUTURE OF OUR COMMUNITY
AND A STRONG SENSE OF STEWARDSHIP REGARDING OUR ENVIRONMENT &
RESOURCES, AND BELIEVE BOTH INTERESTS CAN BE SERVED.

PLEASE RETURN THIS APPLICATION TO TOWN HALL
83 ALLEN STREET, SYLVA, NC 28779