



TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, March 09, 2023 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 3-9-2023

SWEARING-IN CEREMONY

2. Brad Waldrop--Commissioner

PUBLIC HEARING

3. Zoning Map Amendment Request--Peggy Revis (Cherry Street)

PUBLIC COMMENTS

REPORTS

4. Mayor's Report
5. Commissioner's Report
6. Manager's Report
7. Planning Board Report

NEW BUSINESS

8. Zoning Map Amendment Request--Peggy Revis (Cherry Street)

CLOSED SESSION

9. Pursuant to G.S.143-318.11(a)(6)—Personnel-Town Manager's Evaluation

ADJOURNMENT

Town of Sylva
CONSENT AGENDA
March 9, 2023

1- APPROVE MINUTES: February 9, 2023, **Regular Board Meeting;** February 16, 2023, **Special Called Meeting;** February 23, 2022, **Regular Board Meeting**

2- BUDGET AMENDMENT:

#33 10-367-0400 Miscellaneous Grant	\$ 5,000 C
10-510-7100 PD Grant Expense	5,000 D

REF: To appropriate a Wal-Mart Grant into the Police Department budget.

#34 10-329-0000 Interest on Investments	\$ 10,000 C
10-510-1700 PD Auto Maintenance	2,000 D
10-510-3100 PD Fuel	8,000 D

REF: To appropriate additional interest on investments into the Police Department budget to cover a shortfall in fuel and auto maintenance.

#35 10-336-0300 GUTM Sponsorship	\$ 8,048 C
10-450-1700 GUTM Expenditures	8,048 D

REF: To amend GUTM Expenditures to reflect additional sponsorships.

3- REPORTS:

- 1- Business Registration Permit as of **February 2023**
- 2- Vehicle Tax Report as of **January 31, 2023**
- 3- Ad Valorem Tax Report as of **January 31, 2023**
- 4- Statement of Revenues, Expenditures, Changes in Fund Balance as of **January 31, 2023**

4- OTHER:

- *Approve the 2022 Swimming Pool Report (attached)*

Business Registration Permit Application February 2023

Item 1.

<u>Date Submitted</u>	<u>Business Name</u>	<u>Business Location</u>	<u>Owner</u>
2/8/2023	Tattoos by Robbie Crisp	325 W. Main Street	Robbie Crisp
2/24/2023	Sylva Bullet LLC	642 W. Main Street	Gary Stockton
2/27/2023	Friends of Panthertown	116 Central Street	Jason Kimenker

JACKSON COUNTY ACTIVITY TOTALS REPORT
 ACTIVITY FROM 1/1/23 THRU 1/31/23

Tax Year 2022	Lewy	Penalty	Subtotal	Charges	Interest	Subtotal	Total
SGR Sylva Gross Receipts			0.00	521.25		521.25	521.25
Totals For Year 2022			0.00	521.25		521.25	521.25

Grand Totals	Lewy	Penalty	Subtotal	Charges	Interest	Subtotal	Total
			0.00	521.25		521.25	521.25

Tax Summary
as of January 31, 2023

(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	2964.2	2037.46	3,828.52	1,333.46	113,275.12	\$2,205,266.51	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		-184,610.24
October	-754.67	-150.41	-73.27								-978.35		-252,344.84
November	-506.6	-89.18	-394.56								-990.34		-331,138.18
December	-3730.74	-321.13	-239.1	-265.18	-265.18	-265.18	-191.57				-5,278.08		-858,242.65
January	-5458.36	-250.01	-273.02								-5,981.39		-444,263.03
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	-17170.21	-2920.99	-2757.75	-1557.14	-660.48	-660.48	-584.22	-392.65	-381.29	-248.36	-27,333.57	-2,052,643.14	-2,079,976.71
Releases											0.00		0.00
Add to Original Levy Under Appeal											0.00		10,226.12
Bankruptcy											0.00		0.00
Refund/Adj											0.00		0.00
Subtotals	-17,170.21	-2,920.99	-2,757.75	-1,557.14	-660.48	-660.48	-584.22	-392.65	-381.29	-248.36	-27,333.57	-2,042,417.02	-2,069,750.59
EOY Adjustment													
(10-110-XX) Balance	\$30,633.11	\$22,818.88	\$8,598.14	\$6,257.28	\$5,644.75	\$3,432.27	\$2,379.98	\$1,644.81	\$3,447.23	\$1,085.10	85,941.55	\$162,851.49	\$248,793.04
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	64.92	34.75	6.31								105.98		372.95
November	19.13	190.79	38.47								248.39		481.06
December	376.68	45.86	48.28	96.6	120.24	128.39	121.42				937.47		937.47
January	570.22	39.7	57.14								667.06		3,100.25
February											-		-
March											-		-
April											-		-
May											-		-
June											-		-
Interest Collected	\$1,526.40	\$650.57	\$572.27	\$533.34	\$286.00	\$329.43	\$355.75	\$269.37	\$289.43	\$214.30	\$5,026.86	\$3,169.33	\$8,196.19
Submitted by: Amanda Murajda, Tax Collector												Collection Rate	92.6494%

Top 10 Delinquent Accounts (2022 & prior)

Name	Balance 1/31/2022
Angela George	\$ 14,163.61
Tamara Holland	\$ 6,596.06
Joe Wilson	\$ 5,130.48
East Coast Petroleum	\$ 4,721.99
Dorothy Worley	\$ 4,511.97
Dorothy Franklin	\$ 4,186.73
Ray Worley	\$ 3,823.11
Marjorie Herbert Smith	\$ 3,548.83
Staff Cove (Nantahala Brewing)	\$ 3,490.48
George Howell	\$ 3,325.86

General Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances
1/31/2023

		General Fund				Actual to	Statement		
		2022-2023	Previously	2022-2023	Current	Budget	Period	Variance	
		Budgeted	Reported	YTD Actual	Month	Budget Balance	7		
Revenues:									
Ad valorem taxes	\$	2,257,082	1,689,719.02	2,145,436.09	\$ 455,717.07	\$ 111,645.91	95.05%	58.33%	36.72%
Other taxes and licenses	\$	6,000	5,140.00	5,355.00	\$ 215.00	\$ 645.00	89.25%	58.33%	30.92%
Unrestricted intergovernmental	\$	2,842,708	1,281,769.91	1,556,611.08	\$ 274,841.17	\$ 1,286,096.92	54.76%	58.33%	-3.58% *
Permits and Fees	\$	21,291	10,256.33	11,630.33	\$ 1,374.00	\$ 9,660.67	54.63%	58.33%	-3.71% *
Restricted intergovernmental	\$	216,205	140,370.14	149,091.82	\$ 8,721.68	\$ 67,113.18	68.96%	58.33%	10.63%
Investment earnings	\$	23,192	64,663.34	82,981.62	\$ 19,802.77	\$ (59,789.62)	357.80%	58.33%	299.47%
Other revenues	\$	28,110	11,176.77	24,595.77	\$ 13,419.00	\$ 3,514.23	87.50%	58.33%	29.16%
Total revenues	\$	5,394,588	3,203,095.51	3,975,701.71	774,090.69	\$ 1,418,886.29	73.70%	58.33%	15.36%
Expenditures:									
General Government	\$	944,337	420,552.04	472,957.72	52,405.62	471,379.28	50.08%	58.33%	8.25%
Salaries & Benefits	\$	368,560	182,647.82	2,108,949.07	27,956.77				
Capital outlay	\$	-	-	-	-				
All other expenditures	\$	575,777	237,904.22	(1,635,991.35)	24,448.85				
Public Safety	\$	3,333,432	1,469,452.75	1,659,643.34	190,190.59	1,673,788.66	49.79%	58.33%	8.55%
Salaries & Benefits	\$	1,885,251	739,744.89	868,970.36	119,807.25				
Capital outlay	\$	208,635	84,385.00	84,385.00	-				
All other expenditures	\$	1,239,546	28,773.70	28,773.70	70,383.34				
Culture and Recreation	\$	114,899	31,084.96	36,505.87	5,420.91	78,393.13	31.77%	58.33%	26.56%
Salaries & Benefits	\$	31,400	9,543.48	12,645.55	1,494.97				
Capital outlay	\$	10,000	-	-	-				
All other expenditures	\$	73,499	21,541.48	23,860.32	3,925.94				
Transportation	\$	775,123	251,110.22	322,547.74	71,437.52	452,575.26	41.61%	58.33%	16.72%
Salaries & Benefits	\$	336,650	120,920.81	163,801.22	20,548.54				
Capital outlay	\$	73,664	(31,538.42)	-	-				
All other expenditures	\$	364,809	161,727.83	158,746.52	50,888.98				
Economic and Physical Development	\$	-	-	-	-	-	0.00%	0.00%	0.00%
Salaries & Benefits	\$	-	-	-	-				
Capital outlay	\$	-	-	-	-				
All other expenditures	\$	-	-	-	-				
Environmental Protection	\$	201,315	92,462.05	110,638.13	18,176.08	90,676.87	54.96%	58.33%	3.38%
Salaries & Benefits	\$	87,750	42,398.49	49,678.83	7,280.34				
Capital outlay	\$	-	-	-	-				
All other expenditures	\$	113,565	50,063.56	60,959.30	10,895.74				
Total expenditures	\$	5,369,106	2,264,662.02	2,602,292.80	337,630.72	2,766,813.20	48.47%	58.33%	9.87%
Revenues over expenditures	\$	25,482	938,433.49	1,373,408.91	436,459.97	(1,347,926.91)	-25.11%		
Other financing sources (uses):									
Transfers in	\$	903,106	892,906.50	883,106.50	-				
Appropriated fund balance	\$	595,219	-	-	-				
Contributed Capital	\$	-	-	-	-				
Sale of Assets	\$	-	-	-	-				
Loan Proceeds	\$	9,800	-	9,800.00	-				
	\$	1,508,125	892,906.50	892,906.50	-				
Transfers to other funds:	\$	-	-	-	-	-			
Contributed to fund balance	\$	-	-	-	-				
Transfers out	\$	1,533,607	-	-	-				
Transfer to Capital Reserve	\$	-	-	-	-				
	\$	1,533,607	-	-	-				
Total other financing sources (uses)	\$	(25,482)	892,906.50	892,906.50	-	-			
Revenues and other sources over expenditures and other uses	\$	-	1,831,339.99	2,266,315.41	436,459.97	(1,347,926.91)			

Analysis:
Timing of Revenues

SWIMMING POOL REPORT
2022

REVENUES

	<u>Account</u>	<u>Total Season</u>
Admissions	11-3612-410-01	36,508.50
Swim Lessons	11-3612-410-02	-
Concessions	11-3612-480-01	6,127.00
TOTAL REVENUE		<u>\$ 42,635.50</u>

EXPENSES

SALARIES & WAGES	11-6121-121-00	31,442.79
SOCIAL SECURITY	11-6121-181-00	2,248.49
UNEMPLOYMENT COMPENSATION	11-6121-185-00	321.17
WORKMAN'S COMPENSATION	11-6121-186-00	705.00
MEDICARE TAX	11-6121-187-00	525.86
SUPPLIES & MATERIALS	11-6121-260-00	18,281.02
CONCESSION SUPPLIES	11-6121-270-00	5,860.36
TELEPHONE	11-6121-321-00	1,904.33
WATER & UTILITIES	11-6121-331-00	7,980.83
CONTRACTED SERVICES	11-6121-393-00	14,093.16
TOWN OF SYLVA/INSURANCE	PD. BY TOWN	1,272.00
CAPITAL OUTLAY-EQUIPMENT	11-6121-550-00	4,290.80
CAPITAL OUTLAY-IMPROVEMENT	11-6121-550-01	-
TOTAL EXPENSE		<u>\$ 88,925.81</u>

TOTAL REVENUE	\$ 42,635.50
TOTAL EXPENSES	<u>\$ 88,925.81</u>
NET PROFIT/LOSS	<u>\$ (46,290.31)</u>
1/2 of Net Profit/Loss	\$ (23,145.16)
1/2 of \$1272 Insurance Paid by Town of Sylva	\$ 636.00
Amount Due From Town of Sylva:	\$ (22,509.16)

<i>INCLUDED ABOVE</i>	
Michael Hopkin:	10%
WAGES	8,190.51
FICA	507.81
MEDICARE	118.76
Joseph Lyon	6%
WAGES	2,485.25
FICA	154.09
MEDICARE	36.04



TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, February 9, 2023 at 5:30 PM
Board Room, 83 Allen Street Sylva, North Carolina

MINUTES

PRESENT: Mary Gelbaugh, Commissioner
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:

CALL TO ORDER

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

STAFF PRESENT: Lynn Bryant (Finance Officer).

VISITORS: Rozaria Hart, Roy Davis, Susanne Saucier, Ann Bass, Adam Gelbaugh, Seth Gelbaugh, Wren Gelbaugh, Vickie Nestler Davis, Wayne Smith, Sara Lavway, Livingston Kelley, Destri Leger, Dave Russell and Clemmy Queen.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

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

PUBLIC COMMENTS

Wayne Smith addressed the board about drainage issues near the Azalea Motel, owned by him. Water runoff is causing damage to his property and the culvert needs to be replaced. NCDOT is working on a sidewalk project on Skyland Drive near the Azalea Motel and Smith would like to request the Town replace the failing drainage pipes and culvert.

MAYOR'S REPORT: David Nestler reported that he had received the final draft of the Pinnacle Park Botanical Survey. The Pinnacle Park Foundation will review and a presentation to the board will follow at a future meeting.

COMMISSIONER'S REPORT

Commissioner Gelbaugh acknowledged David Joy, a local author, who recently had a book written by him made into a motion picture. Commissioner Guiney reminded everyone that 2023 is the Year of the Trail.

MANAGER'S REPORT: Manager Dowling reported the following:

- Thank you all for the opportunity to attend the NCCCMA conference in Winston-Salem last week. It was excellent. The best sessions I attended were on the state of the economy, keeping communities affordable, employee mental health, the retirement system, and community engagement. It was exciting to talk with other managers about capital projects they are working on in their jurisdictions.
- Employment Update: Albin Gashi has accepted a job at the Sheriff's Department with their SWAT team so we will work to fill that vacancy in the police department.
- The TWSA annual meeting is March 7th at 4:00 p.m. The business meeting starts at 5:00 p.m. Please let me know if you would like me to RSVP for you.
- Jeanette White from NCDOT is working to provide a written update on R-5600. I requested this on behalf of the Board after our last meeting and we should have it soon.
- The biodiversity study should be submitted to the Pinnacle Park Foundation tomorrow, February 8th.

Regular Board Meeting February 9, 2023

PLANNING BOARD REPORT

Manager Dowling reported that the Planning Board reviewed agricultural uses in city limits during their January meeting. Boyd Sossamon, chairman, resigned from the Planning Board.

SWEARING-IN CEREMONY: Amanda Murajda, Town Clerk, administered the oath of office to the newly appointed mayor, David Nestler.

NEW BUSINESS

MAYOR PRO-TEM APPOINTMENT: Commissioner Newman made a motion to appoint Mary Gelbaugh as Mayor Pro-tempore (Vice Mayor). The motion carried with a unanimous vote.

OATH OF OFFICE TO MAYOR PRO-TEM: Amanda Murajda, Town Clerk, administered the oath of office to the newly appointed Mayor Pro-tem, Mary Gelbaugh.

APPOINTMENT TO THE RURAL PLANNING ORGANIZATION

Each jurisdiction has a representative serving on the RPO. *Commissioner Guiney made a motion to appoint David Nestler, replacing Lynda Sossamon, to the RPO. The motion carried with a unanimous vote.*

APPOINTMENT TO THE SOUTHWESTERN NC HOME CONSORTIUM BOARD OF DIRECTORS

Manager Dowling explained this board looks at federal funds for the region for housing. Each jurisdiction has a representative on the board. *Commissioner Gelbaugh made a motion to appoint David Nestler, replacing Lynda Sossamon, to the Southwestern NC Home Consortium Board of Directors. The motion carried with a unanimous vote.*

PLANNING BOARD APPOINTMENTS

Term limits have been applied to the Planning Board. Melissa Madrona is eligible for reappointment through 2025. The board will accept applications for the replacement of Boyd Sossamon. *Commissioner Gelbaugh made a motion to reappoint Melissa Madrona to the Planning Board for a term to expire in February 2025. The motion carried with a unanimous vote.*

SPECIAL EVENT REQUEST—INNOVATION BREWING 10 YEAR ANNIVERSARY CELEBRATION

Nicole Owen, from Innovation Brewing, submitted an application to serve alcohol at their 10-year anniversary celebration in September 2023. *Commissioner McPherson made a motion to approve the request. The motion carried with a unanimous vote.*

FOOD TRUCK REQUEST TO SET UP ON TOWN PROPERTY

Shane Bennett from Bread Heads Co. is a food vendor at the Farmers Market. He would like to remain at the market on Saturdays until 4:00 p.m. after the market has closed. The food truck ordinance requires Town Board approval to set up on Town owned property. *Commissioner McPherson made a motion to approve the request. The motion carried with a unanimous vote.*

NC DEPARTMENT OF COMMERCE OUTDOOR RECREATION ECONOMIES—CORE MOU

The NC Dept. of Commerce is using State ARP grant money to fund a technical assistance initiative for outdoor recreation economy strategic planning and asset development services in rural North Carolina communities. The initiative, Creating Outdoor Recreation Economies (“CORE”) is intended leverage outdoor recreation assets available across the state to bolster local economic vitality. The Town of Sylva will be working in conjunction with Jackson County and separately as a town with the guidance of our Prosperity Zone coordinator here locally, Ann Bass. Once the MOU and resolution are signed, we will be getting a brainstorming/informational meeting scheduled with key stakeholders to pave the way for this process. *Commissioner Gelbaugh made a motion to adopt the resolution and approve the memorandum of understanding. The motion carried with a unanimous vote.*

ADJOURNMENT: *Commissioner Guiney made a motion to adjourn the meeting at 6:01 p.m. The motion carried with a unanimous vote.*

David Nestler
Mayor

Amanda W. Murajda
Town Clerk



TOWN OF SYLVA BOARD OF COMMISSIONERS SPECIAL CALLED MEETING

Thursday, February 16, 2023 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:

CALL TO ORDER

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

STAFF PRESENT:

VISITORS:

NEW BUSINESS

The purpose of the special called meeting is for the board to receive applications for the vacant seat on the Town Council. Manager Dowling distributed the applications received and explained the voting would take place at the February 23, 2023 meeting.

The three applications received were:

- Guy John Phillips, Jr.
- Destri Leger
- Brad Waldrop

No discussion from the board.

ADJOURNMENT: *Commissioner Guiney made a motion to adjourn the meeting at 9:02 a.m. The motion carried with a unanimous vote.*

David Nestler
Mayor

Amanda W. Murajda
Town Clerk



TOWN OF SYLVA BOARD OF COMMISSIONERS MEETING

Thursday, February 23, 2023 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, Mayor
Natalie Newman, 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 9:00 a.m.

STAFF PRESENT: Jake Scott (Public Works Director), Keith Buchanan (Asst. Fire Chief), Bernadette Peters (Main Street Director), and Chris Hatton (Police Chief).

VISITORS: Faustine McDonald, Marie Cochran, Judith Lewis, Johnny Phillips, Brad Waldrop, Hannah McLeod and Dave Russell.

APPROVAL OF AGENDA

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

APPROVAL OF CONSENT AGENDA

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

PUBLIC COMMENTS

Judith Lewis addressed the board about homelessness, substance abuse and mental health issues that are on the rise in the Town of Sylva. She currently works for Appalachian Community Services.

MAYOR'S REPORT

Mayor Nestle reported that he attended the Sylva Art and Design Committee meeting, and they are looking for volunteers.

COMMISSIONER'S REPORT

Commissioner Guiney thanked the Public Works department for cleaning up the Poteet bathrooms. He asked for an update on the purr pod sculpture and the skate park. Both are close to being completed. Commissioner Gelbaugh noted that she would be attending a workforce conference for retail, hospitality and tourism industry. She thanked Manager Dowling for getting a update for the board on where the Highway 107 construction stands for construction. She would like a completion date from NCDOT.

MANAGER'S REPORT:

- Manager Dowling reported the following:
- The TWSA annual meeting is March 7th at 4:00 p.m.
 - GUTM: Mark and Tammy Haskett are doing an incredible job with Greening up the Mountains planning. There are only a couple of vendor spots left. This is the earliest spots have filled up in the festival. Sponsorships are also coming in higher than last year so there will be additional advertising.
 - Budget Update: Departmental budget sheets are due by Friday, March 3rd.
 - Restroom Update: Jake Scott and Manager Dowling met with Odell Thompson, the mechanical engineer, and civil engineer to discuss items that need to be included in the bid packet for the restroom construction. The reviewed details for heaters, floor drains, a mop sink, and automatic toilets that hang from the wall for easy cleaning. The next

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step is for the architect and engineers to prepare the bid package. The depot site also needs to be rezoned General Business to the Downtown Business District because we cannot meet the site requirements like parking and setbacks.

PUBLIC WORKS DEPARTMENT REPORT: Jake Scott reported the following:

- The Skyland Drive sidewalk project is underway.
- Working on event plans including traffic detours.
- Attended the 2023 WASP meeting of TWSA

POLICE DEPARTMENT REPORT: Chris Hatton reported the following:

- Planning for the next event season including Greening Up the Mountains.
- Thanked the Public Works department for their assistance with issues at Bryson Park.
- Department has one vacancy.
- Continuing training for department members.

FIRE DEPARTMENT REPORT: Keith Buchanan reported the following:

- Reviewed calls for service for 2023.
-

MAIN STREET REPORT: Bernadette Peters reported the following:

- Festival and event season planning is underway.
- Downtown merchants' market will be March 18, 2023.
- Friends Night Out will be March 30, 2023.
- Sylva Brew Hop will be April 1, 2023.
- This will be the 25th anniversary of GUTM.

TWSA BOARD REPORT: Mayor Nestler reported that TWSA had recently updated their personnel policy.

PINNACLE BOARD REPORT:

Mayor Nestler reported that the draft botanical survey had been received and the board is still reviewing. Equinox will tentatively give a presentation to the Town Board at a meeting in April.

NEW BUSINESS

PROCLAMATION—VICTORIA CASEY-MCDONALD DAY-FEBRUARY 26, 2023: Marie Cochran approached both the Town and County requesting the boards pass a proclamation declaring Feb. 26th Victoria Casey-McDonald Day on February 26, 2023, which would've been Ms. Casey-McDonald's 80th birthday. Victoria was a retired teacher. She later wrote books on the life of residents in Black Appalachia. Her daughter, Faustine McDonald thanked the board for their support. *Commissioner Newman made a motion to adopt the proclamation. The motion carried with a unanimous vote.*

REQUEST FROM NCDOT—US HIGHWAY 23 SPEED LIMIT CHANGES: NCDOT Division Traffic Engineer contacted the town after reviewing the downhill grade of the road and found that it is difficult to reduce speed in this section with increased development. NCDOT has suggested lowering the speed limit from Teakwood Lane to Hospital Road from 45 mph to 35 mph. *Commissioner Guiney made a motion to accept the recommended speed limit changes per NCDOT. The motion carried with a unanimous vote.*

BOARD OF COMMISSIONER VACANT SEAT: Board members were given copies of application for those interested in serving on the Town Board in the vacant seat. Those applicants included Destri Leger, Guy John Phillips, Jr. and Brad Waldrop. Board members were given a ballot that include the name of each applicant. They were instructed to choose one applicant and sign the ballot. Ballots were read for votes as the following:

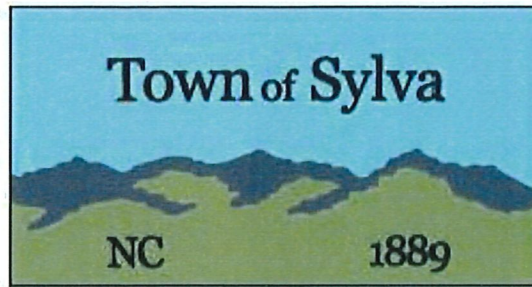
Commissioner McPherson—Brad Waldrop
 Commissioner Newman—Brad Waldrop
 Commissioner Gelbaugh—Guy John Phillips, Jr.
 Commissioner Guiney—Brad Waldrop

By vote of ballot, Brad Waldrop is appointed to the Town of Sylva Board of Commissioners. His swearing-in ceremony will be on March 9, 2023.

ADJOURNMENT: *Commissioner Guiney made a motion to adjourn the meeting at 9:44 a.m. The motion carried with a unanimous vote.*

David Nestler
Mayor

Amanda W. Murajda
Town Clerk



83 Allen Street, Sylva, NC 28779

APPLICATION FOR ZONING TEXT OR MAP AMENDMENT

Submit this completed application and all supporting documentation that may be helpful in the review process. In order to ensure that the proposed text amendment or map amendment complies with the Town of Sylva's regulations, we recommend that the applicant review the Town of Sylva Zoning Ordinance prior to application submittal. The request for a Zoning text or Zoning Map amendment may only be initiated by the Town Board of Commissioners, the Town Planning Board, Planning Staff, the owner of property in the Town of Sylva or a citizen of the Town of Sylva.

All responses in this application must be legible and filled out completely. Illegible and/or incomplete applications will be returned to the applicant. The application fee for a text amendment or map amendment is set forth in the Town of Sylva's fee schedule, is non-refundable and must be submitted with the completed application. For map amendment requests, a current survey prepared and sealed by an NC Registered Surveyor will be required. Applications are not accepted via facsimile or email. Please submit application, fees and supporting documentation to the Town of Sylva, 83 Allen Street, Sylva, NC 28779 via hand delivery or U.S. Mail.

Application deadlines are 30 days prior to the Town of Sylva's Planning Board next scheduled meeting. The applicant will be notified of scheduled hearing dates and times. The average text or map amendment petition timeline is 45 days from date of application to Town Hall. Depending on the complexity of the request, it is not unusual for a petition to take up to 6 months to be considered before the Town Board of Commissioners. Hearing schedules are not guaranteed and subject to change.

Conditional Zoning Districts (CD) are a zoning tool, permitted in accordance with NCGS 160D-703.b., which may be utilized to create new unique, site-specific districts for uses or developments that may have particular benefits and/or impacts on both the immediate area and the community as a whole. The development of these uses may require deviation of the general district standards. The applicant must provide an initial Master Site Plan and zoning proposal that includes all proposed uses and standards for the conditional zoning district being proposed. It is not the intention of Conditional Zoning to circumvent, reduce, or eliminate particular regulations as they would normally be applied to any particular district or use but rather provide flexibility and design standards unique to the subject property and use.

This negotiated approach between the applicant and the Town through a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. Special restrictions have been placed on Conditional zoning. Conditional Zoning Districts occur at the owner's request and conditions cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by the use of the site. The town must assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

Conditional Zoning shall be subject to the specific procedural rules located in Articles 3 and 5.

**PLEASE COMPLETE ALL SECTIONS OF THE APPLICATION;
INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT;
INDICATE "NOT APPLICABLE" OR "N/A" WHERE APPROPRIATE**

Contact Information:

Applicant/Agent: Peggy P. Revis

(This person will be the contact person and will receive all mailings)

Address: 144 Cherry St. Sylva, N.C. 28779

Phone: 828-586-9836 Fax: _____

Email: peggyrevisnc@gmail

Property Owner(s): _____

(If the owner is different than the applicant)

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Information:

Property Location/Address(es): 94 Cherry St.

Vacant Lot corner of Caldwell + Cherry Sts

Tax Parcel Identification Number(s): 7641478063

Current Use of Property(ies): Vacant

Acreage to be Rezoned: 1.252

Deed Book: 878 + 766 Page: 60 + 366 Lot / Tract Size: 1.252 Acres (acres)

Property Street Frontage / Width: Caldwell 245.25'
Cherry 247.60' Property Depth: 2058.5'

Flood Plain: 100 year FIRM Panel: _____

Zoning Information:

Current Zoning District(s): Residential

Requested Zoning District(s): Commercial

Purpose of Zoning Change (optional): _____

Spot Zoning Statement:

In the space below, please indicate whether the proposed rezoning *will* or *will not* constitute a spot zoning and explain *why* the proposed rezoning *will* or *will not* constitute a spot zoning. (For more information on spot zoning, refer to the attachment on spot zoning).

Town of Sylva LAND USE PLAN CONSISTENCY

All rezoning requests must be consistent with the Town of Sylva's *Land Use Map*

Current Land Use Classification(s): _____

This rezoning request is:

Consistent with the Town's Land Use Map.

NOT consistent with the Town's Land Use Map.

IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE LAND USE MAP:

A Land Use Map Amendment is *REQUIRED*. All rezoning requests **MUST BE CONSISTENT** with the Town of Sylva's *Land Use Map* and/or the *Town's Land Use Plan*. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Town's Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain *why* the proposed Land Use Amendment will be consistent with the Town of Sylva's Land Use Plan and how the character of the area has changed (A copy of the Town of Sylva's Land Use Plan and Map can be viewed at Town Hall).

The land is consistent with the Town's Land Use Map

APPLICATION REQUIREMENTS:

All written materials and photographs must be a minimum of 8½"x11" paper; maps, surveys and plans must be submitted on a minimum 11"x17" paper. For the first level of review with the Town of Sylva Planning Board, the applicant must supply one (1) original and ten (10) copies of the completed application, supporting documents, photographs and materials. For Clerk advertisement and Board of Commissioners consideration, the Planning Staff may request additional documents as necessary. Please plan to attend all meetings and be prepared to answer questions or present information as necessary to the Planning Board or Town Board of Commissioners. Failure to attend may result in a delay or denial of your application.

1. **Legal description and property survey:** For a Major map amendment or if the applicant is seeking to subdivide a property to amend, attach a complete legal description (metes and bounds) of the property. Provide an existing survey of the property, with a scale indicating dimensions. If the applicant is seeking a text amendment, please attach a tax map with PIN number.
2. **Requested zoning change and use:** Indicate the current zoning classification and the proposed zoning classification being requested.
3. **Adjacent property zoning and land use:** Provide the current zoning and land use for the parcels immediately adjacent to the subject property (include all directions – north, south, east and west). Do not include right-of-way when considering adjacent uses.
4. **Land use and future development:** Describe how land use and future development conditions have changed that make the existing zoning designation unsuitable; include detail as to why a rezoning would be compatible with the character of the area.
5. **Public need:** Indicate the perceived need for the additional land to be zoned to the requested classification stated above.
6. **Community impact:** Describe the impact the proposed rezoning would generate on the adjacent properties and the surrounding neighborhoods/communities/businesses. Include in your discussion: transportation, utilities, storm water management, fire, public safety, open space, topography, density, property access and economic development. Provide in detail why or why not (and if so, how) the proposed rezoning will affect the surrounding properties.
7. **Infrastructure demand:** Describe the impact the proposed rezoning would have on public services, facilities and infrastructure (e.g. schools, parks, recreational services, roads, senior services, etc.). Provide in detail estimated demand for existing and/or new services based upon build-out and population projections.
8. **Zoning Ordinance and Comprehensive Plan compliance:** Explain how the proposed rezoning or development will be in compliance with Town's Land Use Plan and/or Comprehensive Plan.

Notification:

All property and business owners within 100 feet of the property being considered for a text or map amendment must be mailed an Adjacent Property Owner Notification a minimum 10 days prior to the Town of Sylva Planning Board and Town Board of Commissioners meetings. The applicant is responsible for supplying a list of the names and mailing address for these properties and businesses affected by the possible text or map amendment change. In addition, the applicant must supply two (2) set of stamped, addressed #10 envelopes for each property and business owner within a 100' radius. The return address should read:

Town of Sylva
83 Allen Street
Sylva, NC 28779

SPOT ZONING**SPOT ZONING DEFINED:**

"A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called spot zoning."

How to determine whether a particular rezoning is spot zoning when a relatively small tract of land is:

- o Zoned differently from the surrounding area
- o Not taking into account the larger community context
- o Not in accordance with the comprehensive plan

Factors to Consider:**1. Size of Rezoning Area**

The smaller the area/tract the more likely the rezoning can be considered a spot zoning. The size of the tract must be looked at in context for the larger area.

2. Compatibility with the Plan

How consistent is the rezoning with the Land Use Plan(s). Relationship of the Town's Land use policies and objectives. Is the land suitable for the following:

- o Development (e.g., topography, soil types, wetland locations, and flood areas)
- o Availability of Services (e.g., water, sewer, roads)
- o Existing and Needed Land Uses.

3. Benefits & Detriments

Look at who will benefit and be harmed (if anyone) from the result of the rezoning (e.g. owner, adjacent owners & community at large).

4. Relationships of Uses

The relationship of the proposed uses versus the current uses on adjacent land.

Authorization:

Note: If the person requesting of The Town of Sylva, to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this form with his/her signature notarized. If the property owner is the applicant please complete the section below and sign as indicated.

Fax, Scan or Copied images of the original document will not be accepted.

I, Peggy Revis (Land owner name) am the owner of the property located in the Town of Sylva Zoning Jurisdiction at:

Street address: 94 Cherry Street Property PIN: _____

I hereby authorize Janet Lee (owner or applicant's name) to appear with my consent before the Town of Sylva Planning Board and Board of Commissioners in order to request a rezoning for the above noted location. I authorize the Town of Sylva to advertise and the applicant to present this matter in my name as the owner of the property. I hereby authorize the Town Officials to enter my property to conduct relevant site inspections as deemed necessary to process the application. All information submitted and required as part of the approval process shall become public records. I, as the land owner, hereby CERTIFY THAT THE INFORMATION CONTAINED HERIN IS TRUE TO THE BEST OF MY KNOWLEDGE; AND BY ACCEPTING THIS REZONING, if approved, shall in every respect conform to the terms of this application and to provisions of the Statutes and Ordinances regulating development in the Town of Sylva. Any VIOLATION of the terms above stated and/or Town Ordinances or Regulations will result in civil penalties. If there are any questions, you may contact me at:

Street Address: 144 Cherry Street

City / State / Zip Code: Sylva, NC 28779

Phone Number: 828 - 586-9856

Email Address: _____

Owners Signature: Peggy Revis

Sworn to and subscribed before me, this the 10 day of January, 2023

Amanda W Murajda
Notary Public

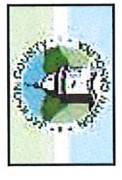
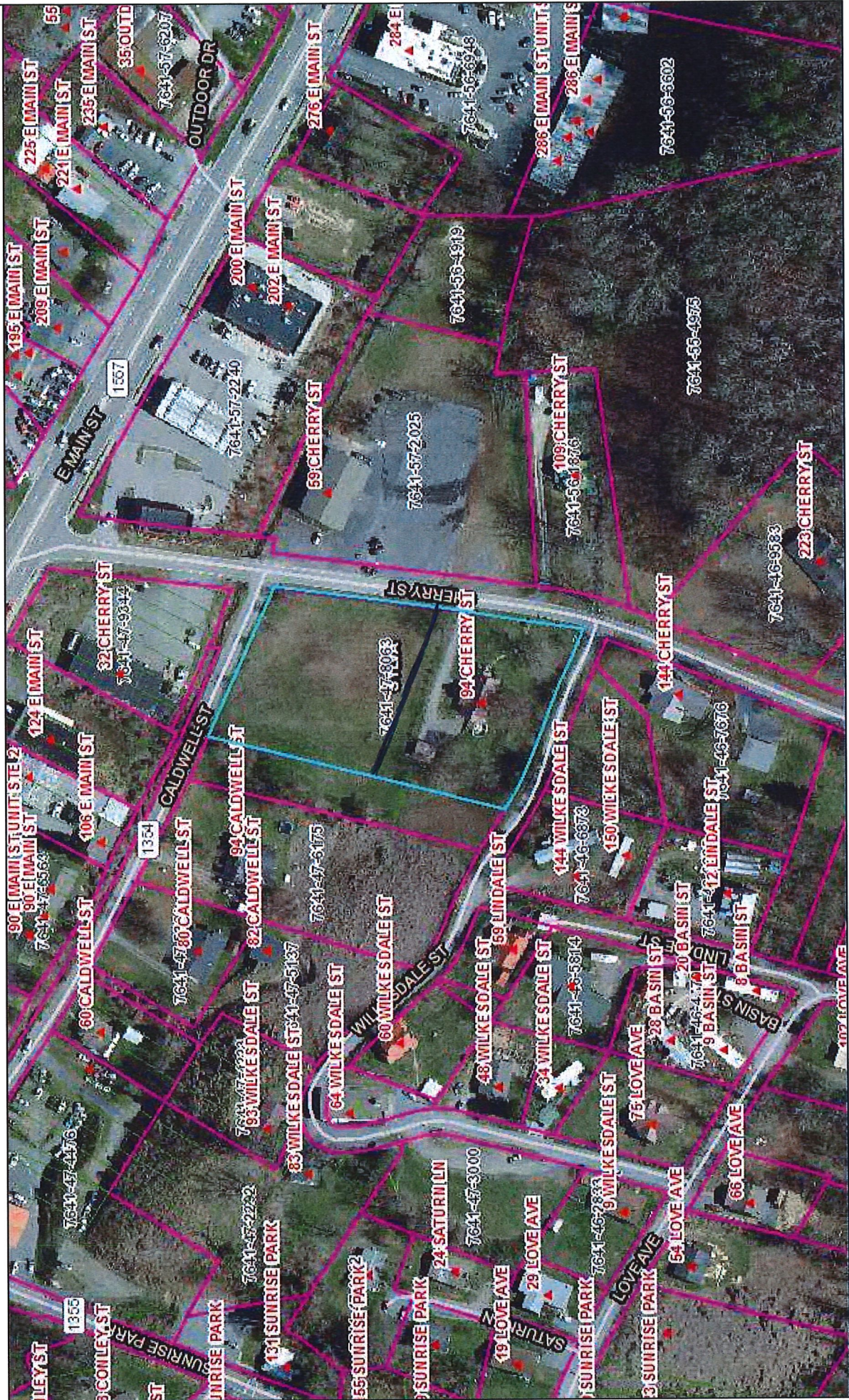
Seal

My commission expires: 3-8-2025



Item 8.

Peggy Revis--Cherry Street Zoning Map Amendment



*WARNING: THIS IS NOT A SURVEY.
 This map is prepared for inventory of real property within Jackson County. It is compiled from recorded deeds, plats, and public records. Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification. Jackson County or any County representative assumes no legal responsibility for the accuracy of this map.

Item 8.

- ▲ Address Points
- Centerlines
- Parcel Lines
- Easement
- Hooks
- Leader Line
- Lot Line
- Subdivision
- ROW
- Parcels



February 23, 2023

TOWN OF SYLVA BOARD OF COMMISSIONERS

Statement of Consistency pursuant to G.S. 160D

Re: Proposed zoning map amendment from High Density Residential to General Business for a portion of parcel identified by PIN# 7641-47-8063.

The Town of Sylva Planning Board has found the zoning map amendment to parcel identified by PIN# 7641-47-8063 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 20 and corridor specifications found on page 34 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:

- Driver 1—Reimagine Commercial Corridors: To align with the vision, integrating the corridors in Sylva will be necessary due to major construction proposed with the R-5600 NC Highway 107 plan. This plan will displace several businesses along the construction path. Future development of additional business space is needed to accommodate the loss of property fronting Highway 107. This parcel lies one parcel back from Highway 107.
- 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. A focus on things such as the walkability to Downtown Sylva and the Town’s other commercial areas, higher density residential units and live-work units are included in the Urban Neighborhoods. This parcel lies with the urban neighborhood area of the Town of Sylva 2040 Land Use Plan.

We therefore consider the proposed zoning map amendment to be reasonable and in the public interest.

Signed: _____

David Nestler, Mayor, Town of Sylva



February 23, 2023

TOWN OF SYLVA PLANNING BOARD

Statement of Consistency pursuant to G.S. 160D

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We find the proposed amendment to be consistent with the key drivers for The Plan for Sylva identified on page 20 and corridor specifications found on page 34 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:

- Driver 1—Reimagine Commercial Corridors: To align with the vision, integrating the corridors in Sylva will be necessary due to major construction proposed with the R-5600 NC Highway 107 plan. This plan will displace several businesses along the construction path. Future development of additional business space is needed to accommodate the loss of property fronting Highway 107. This parcel lies one parcel back from Highway 107.
- 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. A focus on things such as the walkability to Downtown Sylva and the Town's other commercial areas, higher density residential units and live-work units are included in the Urban Neighborhoods. This parcel lies with the urban neighborhood area of the Town of Sylva 2040 Land Use Plan.

We therefore consider the proposed zoning map amendment to be reasonable and in the public interest.

Signed: _____

Alan Brown, Chairman, Town of Sylva Planning Board

**Town of Sylva, North Carolina
Zoning Map Amendment Request
Staff Report – February 8, 2023**

Applicant: Peggy Revis – Property Owners

Property Location: 144 Cherry Street, Sylva NC 28779; PIN 7641-47-8063

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 a portion of the subject property as General Business (GB).

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 and special uses 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 property is located on the southwest corner of Caldwell Street and Cherry Street intersection. This property is 1.60 acres in land area with an existing residential structure located near the southerly property line. Access to this property is from the public right-of-way of both Caldwell and Cherry Streets. Historically, this property has been used only as a private residence. This particular parcel is adjacent to properties north and east that are zoned and in the GB District and is partially located in the 100-year flood plain. This property is served by Tuckasegee Water & Sewer Authority for public utilities.

Application Response:

The applicant is requesting that the existing Town of Sylva Zoning Map be amended to designate a portion of the subject property (1.25 acres) to the General Business District.

Staff Findings:

The requested map amendment would not constitute “spot zoning” as the properties to the north and east are zoned GB.

The Town’s adopted Land Use Plan for 2040 establishes that this property 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). In addition, this requested map amendment will create an available property and opportunity in the GB District that may be needed to serve the community during/after the proposed Highway 107 improvement project.