

REGULAR BOARD MEETING
Town of Sylva Board of Commissioners
February 5, 2015

The Town of Sylva Board of Commissioners held a regular meeting on February 5, 2015 at 5:30 p.m. in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C.

MEMBERS PRESENT: Mayor Maurice Moody and Commissioners Danny Allen, Harold Hensley, Mary Gelbaugh, Barbara Hamilton, and Lynda Sossamon.

MEMBERS ABSENT: None

STAFF PRESENT: Amanda Murajda (Town Clerk), Davis Woodard (Police Chief), Bruce Moore (Police), Mike Beck (Fire Chief) John Jeleniewski (Zoning Administrator) and Eric Ridenour (Town Attorney).

VISITORS PRESENT: Drew Hooper, Jason Kimenker, Jim Moore, Greg Fuller, Adam Blankenship, Tanner Hall, Clemmy Queen, Holly Kays, Boyd Sossamon, Jr., Carl Queen, Denise Robinson, Glynis Murray, Adam Bigelow, Alice Bauman, Curt Collins, Dwight McMahan

CALLED TO ORDER: Mayor Moody called the meeting to order at 5:30 p.m.

APPROVAL OF AGENDA: *Commissioner Hamilton made a motion to approve the agenda. The motion carries with a unanimous vote.*

APPROVAL OF CONSENT AGENDA: *Commissioner Sossamon made a motion to approve consent agenda. The motion carries with a unanimous vote.*

PUBLIC COMMENTS: Visitors attending the meeting spoke in reference to No Name Sports Pub's request for noise ordinance violations and rules to be reviewed by the board. Public comment was opened up by Jason Kimenker, former owner of Soul Infusion. Mr. Kimenker stated that he would like to see the Town balance community needs and hold all establishments equally responsible at the same decibel level. He reminded the board that any decision made regarding decibel levels will impact economic investment. Curt Collins quoted the Smoky Mountain News' interview with Commissioner Hensley and stated that he agreed with Hensley in sentiment that all should get along but he believes there should be a 24 hour noise ordinance or furthermore no ordinance at all governing noise. Alice Bauman, who is a musician often playing at No Name Sports Pub, voiced concern over the growth of a strong cultural community if noise is limited. She does not want decisions made concerning the noise ordinance to limit cultural opportunity. Adam Bigelow, a musician, stated he would like a noise limit that is enforceable. He also stated that he believes the word "reasonable" is arbitrary. He would like to see the board review ordinances of surrounding towns. Mary Harper, who is the Bar Manager for No Name Sports Pub and also a resident of the surrounding area, stated that she works third shift and no one is quiet while she is trying to sleep.

Dwight McMahan, a neighbor, stated he is in favor of all kinds of music. However, there needs to be a limit on noise for everyone. He has trouble putting a child to sleep because of the noise level at No Name Sports Pub. He also commented that he can hear hollering coming from the business which is very upsetting and the litter around the business has risen dramatically. He believes there is a reason for the noise ordinance and the loud noise has been too much for too long. Drew Hooper, also a neighbor, would like to see other means of measurement instead of a decibel meter because he believes that when a decibel meter in on the premises the noise level would be lowered just for measurement purposes then would be increased. Carl Queen, also a neighbor, stated that there is a noise ordinance in place and it should be followed.

Mayor Moody stated that there is no intention to change the existing ordinance however, the board will look at all concerns. Commissioner Gelbaugh noted that she would like to see other demographics catered to as well, creating a community for everyone.

MAYOR'S REPORT: Mayor Moody noted that Officer Bennett is recovering well after being assaulted in a traffic stop.

COMMISSIONER'S REPORT: Commissioner Gelbaugh noted that Lifeway Church will be sponsoring a fundraiser for adoption benefits on February 14th, 2015. Commissioner Sossamon would like for everyone to share on social media the Historic District Tax Credit information. Commissioner Hensley noted the importance to supporting Neighbors in Need. Commissioner Hamilton would like to encourage trash clean-up within the town and county as the amount of trash is increasingly getting worse.

MANAGER'S REPORT: None.

PUBLIC HEARING: CONDITIONAL USE PERMIT—WEBSTER ENTERPRISES, INC

Mayor Moody opened the public hearing at 6:01 p.m. John Jeleniewski was sworn in by the Town Clerk. Mr. Jeleniewski reviewed the staff report for the conditional use permit. He noted the applicant was requesting to have a manufacturing business on Harold Street in the former Ashley Enterprises building. This would be a temporary facility for overflow purposes during renovations of their permanent facility. He recommends to the Board of Adjustments that the permit be approved with the following conditions:

1. That a 5' wide sidewalk be constructed per the Town of Sylva Zoning Ordinance and at the location as proposed by the applicant. Ramps meeting ADA standards at the driveway crossings and painted crosswalks shall be installed. Sidewalk to be installed by April 1, 2015.
2. That a 10' wide landscape buffer, with plantings, be installed by April 1, 2015.

Boyd Sossamon, Jr. of the Planning Board, after being sworn in by the Town Clerk, also stated that the Planning Board recommended the approval of the permit so long as the attached conditions were met. He noted that there was one other item, that of sprinkler systems being installed. Mr. Jeleniewski said that was reviewed during the inspection process.

Being no further comment, the public hearing was closed at 6:07 p.m.

NEW BUSINESS

PUBLIC HEARING

Conditional Use Permit-Webster Enterprises of Jackson County, Inc.-- Mayor Moody read the following for approval by board:

- a. *The use will not materially endanger the public health or safety if located, proposed and developed according to the plan as submitted and approved. The motion carries with a unanimous vote.*
- b. *The use meets all required conditions and specifications. The motion carries with a unanimous vote.*
- c. *The use will not substantially injure the value of adjoining or abutting property or, in the alternative, the use is a public necessity. The motion carries with a unanimous vote.*
- d. *The location and character of the proposed use will be in harmony with the area in which it is to be located and in general conformity with the development of the Town and its environs. The motion carries with a unanimous vote.*

The conditional use permit request by Webster Enterprises of Jackson County, Inc. is unanimously approved as proposed with conditions.

RESOLUTION SUPPORTING NC HISTORIC PRESERVATION TAX CREDIT

PROGRAMS: *After no discussion Commissioner Hamilton made a motion to approve the resolution as presented. The motion carries with a unanimous vote.*

ADJOURNMENT: *Commissioner Hensley made a motion to adjourn the meeting at 6:11 p.m. The motion carries with a unanimous vote.*

Maurice Moody
Mayor

Amanda W. Murajda
Town Clerk