TOWN OF SYLVA BOARD OF COMMISSIONERS
PROPOSED AGENDA

REGULAR BOARD MEETING OF THURSDAY, APRIL 23, 2020

83 Allen Street
Sylva, North Carolina
9:00 A.M.

CALL TO ORDER

APPROVAL OF AGENDA

- *All items listed and adopted are for discussion or possible action.*

APPROVAL OF CONSENT AGENDA

PUBLIC COMMENTS

REPORTS

Mayor's Report
Commissioner's Report
Manager's Report
Public Works Department
Police Department
Planning Board Report

NEW BUSINESS

1. Change Time of May 28, 2020 Regular Board Meeting to 5:30 p.m.
2. Resolution for NCDOT to Assume Ownership of Caldwell Street
3. Resolution Authorizing Remote/Electronic Participation of Board Members
4. Dillsboro Bridge Discussion

ADJOURNMENT

Town of Sylva
CONSENT AGENDA
April 23, 2020

1-APPROVE MINUTES: March 12, 2020, **Regular Board Meeting**; March 12, 2020, **Board of Adjustment.**

2-REPORTS:

1- Business Registration Permit ~ **March**
2- Vehicle Tax Report as of **February 29, 2020**
3- Ad Valorem Tax Report as of **February 29, 2020**
4- Statement of Revenues, Expenditures, Changes in Fund Balance as of **February 29, 2020**

Business Registration Permit Application
March 2020

Date Submitted	Business Name	Business Location	Owner
3/11/2020	American Oncology Partners, PA	186 Medical Park Loop-Ste 350	Lucio Gordon

SYLVA COLLECTIONS

FEBRUARY 2020

	YEAR	TAX	INTEREST	TOTAL
	2012	34.32	24.62	58.94
RENTAL VEHICLE TAX		1,730.62	-	1,730.62
	TOTAL	**1,764.94**	**24.62**	**1,789.56**

Tax Summary
as of February 29, 2020

(10-301-XX)	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	Total	Current Year	TOTALS
Starting Balances	41157.98	17812.17	3365.05	4275.63	2594.86	4,259.57	1,700.96	2,442.53	4,435.93	3,027.98	90,072.66	$1,743,823.36	10-281-0000
July	-1459.1	-74.61	-131.66	-68.4	-68.4	-68.4	-68.4		-68.40	-119.83	-2,127.20		-2,127.20
August	-2792.28									-29.53	-2,821.81		-2,821.81
September	-1043.7	-111.48	-39.12							-29.75	-1,224.05	-189,432.78	-190,656.83
October	-1337.83	-549.54	-485.3	-339.9	-45.7					-3.54	-2,761.81	-119,077.20	-121,839.01
November	-230.44		-18.32								-248.76	-259,836.49	-260,085.25
December	-615.18	-575.18	-575.18	-25.36							-1,790.90	-916,037.44	-917,828.34
January	-1654.99	-1203.37	-158.68	-132.51		-67.29					-3,216.84	-215,269.45	-218,486.29
February	-849.99	-315.66									-1,165.65	-30,708.87	-31,874.52
March											0.00		0.00
April											0.00		0.00
May											0.00		0.00
June											0.00		0.00
July - June Totals	-9983.51	-2829.84	-1408.26	-566.17	-114.1	-135.69	-68.4	0	-68.4	-182.65	-15,357.02	-1,730,362.23	-1,745,719.25
Releases	-0.03										-0.03	-755.50	**-755.53**
Add to Original Levy											0.00	83,988.75	83,988.75
Under Appeal	-2342.26	-2673.45									-5,015.71		**-5,015.71**
Bankruptcy											0.00		0.00
Refund/Adj	227	90.67	53.43	28.52	18.41	15.78	12.04	12.12	29.41	21.35	508.73		508.73
Subtotals	-12,098.80	-5,412.62	-1,354.83	-537.65	-95.69	-119.91	-56.36	12.12	-38.99	-161.30	-19,864.03	-1,647,128.98	-1,666,993.01
EOY Adjustment													
(10-110-XX) Balance	$29,059.18	$12,399.55	$7,010.22	$3,737.98	$2,499.17	$4,139.66	$1,644.60	$2,454.65	$4,396.94	$2,866.68	$70,208.63	$96,694.38	$166,903.01
Interest	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	Total		
July	87.87	11.49	35.97	22.79	28.91	35.03	41.16		53.40	126.73	443.35		443.35
August	41.63									0.47	42.10		42.10
September	78.46	84.52	0.88							0.25	164.11		164.11
October	93.79	87.34	129.62	141.18	51.30					11.83	515.06		515.06
November	19.18	21.54	0.14	35.00							75.86		75.86
December	85.64	105.58	156.94	31.41							379.57		379.57
January	152.17	281.83	38.36	30.17		15.50					518.03	1,152.92	1,670.95
February	136.77	29.64									166.41	917.72	1,084.13
March											-		-
April											-		-
May											-		-
June											-		-
Interest Collected	$695.51	$621.94	$361.91	$260.55	$80.21	$50.53	$41.16	$0.00	$53.40	$139.28	$2,304.49	$2,070.64	$4,375.13
Submitted by: Amanda Murajda, Tax Collector												Collection Rate	94.7098%

Top 10 Delinquent Accounts (2019 & prior)

Name	Balance 2/29/2020	
Dewayne Ward	$ 9,057.11	
Aaron Rents Inc	$ 7,986.84	Under Appeal
WM Capital Partners 59 LLC	$ 7,964.81	
East Coast Petroleum	$ 4,649.15	
FRC, LLC	$ 4,484.09	
Sylva Hotel Group LLC	$ 4,175.09	
Rodney Riddle	$ 3,677.54	
Melton Riddle Funeral Home	$ 3,283.90	Out of Business
Robert Shephard	$ 3,251.59	
JTS Transport	$ 3,231.51	

General Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances
2/29/2020

	2019-2020 Budgeted	Previously Reported	2019-2020 YTD Actual	Current Month	2019-2020 Budget Balance	Actual to Budget Percent	Statement Period 8	Variance
				General Fund				
Revenues:								
Ad valorem taxes	$ 1,830,356	$ 1,771,023.89	$1,818,625.21	$ 47,601.32	$ 11,730.79	99.36%	66.67%	32.69%
Other taxes and licenses	$ 6,500	5,320.00	5,340.00	$ 20.00	$ 1,160.00	82.15%	66.67%	15.49%
Unrestricted intergovernmental	$ 1,609,472	823,165.47	930,923.24	$ 107,757.77	$ 678,548.76	57.84%	66.67%	-8.83% *
Permits and Fees	$ 18,000	11,835.81	12,664.74	$ 828.93	$ 5,335.26	70.36%	66.67%	3.69%
Restricted intergovernmental	$ 131,409	80,617.88	80,617.88	$ -	$ 50,791.12	61.35%	66.67%	-5.32% *
Investment earnings	$ 59,400	41,168.14	47,252.92	$ 6,084.78	$ 12,147.08	79.55%	66.67%	12.88%
Other revenues	$ 23,800	43,586.84	48,321.98	$ 4,735.14	$ (24,521.98)	203.03%	66.67%	136.37%
Total revenues	$ 3,678,937	2,776,718.03	2,943,745.97	167,027.94	$ 735,191.03	80.02%	66.67%	13.35%
Expenditures:								
General Government	$ 679,246	328,930.86	377,170.68	48,439.82	302,075.32	55.53%	66.67%	11.14%
Salaries & Benefits	$ 263,758	152,094.10	171,052.91	20,238.81				
Capital outlay	$ -	-	-	-				
All other expenditures	$ 415,488	176,836.76	206,117.77	28,201.01				
Public Safety	$ 1,987,385	973,159.04	1,059,991.81	86,832.77	927,393.19	53.34%	66.67%	13.33%
Salaries & Benefits	$ 761,050	413,744.89	442,001.81	57,480.58				
Capital outlay	$ 149,551	25,252.33	25,252.33	-				
All other expenditures	$ 1,076,784	534,161.82	592,737.67	29,352.19				
Culture and Recreation	$ 102,283	30,078.40	50,928.84	20,850.44	51,354.16	49.79%	66.67%	16.87%
Salaries & Benefits	$ 23,875	5,227.89	14,242.93	1,508.96				
Capital outlay	$ 23,250	-	13,799.94	-				
All other expenditures	$ 55,158	24,850.51	22,885.97	19,341.48				
					-			
Transportation	$ 636,725	295,715.20	342,838.46	47,123.26	293,886.54	53.84%	66.67%	12.82%
Salaries & Benefits	$ 283,500	152,454.95	172,791.09	20,336.14				
Capital outlay	$ 53,400	-	-	-				
All other expenditures	$ 299,825	143,260.25	170,047.37	26,787.12				
Economic and Physical Development	$ 14,275	4,425.79	4,425.79	-	9,849.21	31.00%	66.67%	35.66%
Salaries & Benefits								
Capital outlay								
All other expenditures	$ 14,275	4,425.79	4,425.79	-				
Enviromental Protection	$ 177,160	90,459.98	95,869.31	5,409.33	81,290.69	54.11%	66.67%	12.55%
Salaries & Benefits	$ 63,875	36,325.94	36,325.94	4,824.92				
Capital outlay	$ -	-	-	-				
All other expenditures	$ 113,285	54,134.04	59,543.37	584.41				
Total expenditures	$ 3,597,074	1,722,769.27	1,931,224.89	208,655.62	1,665,849.11	53.69%	66.67%	12.98%
Revenues over expenditures	$ 81,863	1,053,948.76	1,012,521.08	(41,627.68)	(930,658.08)	-25.87%		
Other financing sources (uses):								
Transfers in	$ 393,985	343,985.00	393,985.00		-			
Appropriated fund balance	$ 364,324	364,324.00	364,324.00					
Contributed Capital	$ -	-	-		-			
Sale of Assets	$ -	-	-					
Loan Proceeds	$ -	-						
	$ 758,309	708,309.00	758,309.00	-				
Transfers to other funds:					-			
Transfers out	$ 840,172	718,672.00	718,672.00					
Transfer to Capital Reserve	$ -	121,500.00	121,500.00		-			
	$ 840,172	840,172.00	840,172.00	-				
Total other financing sources (uses)	$ (81,863)	(131,863.00)	(81,863.00)	-	-			
Revenues and other sources over expenditures and other uses	$ -	922,085.76	930,658.08	(41,627.68)	(930,658.08)			

Analysis:
* Timing of State Revenues and Grants

REGULAR BOARD MEETING
Town of Sylva Board of Commissioners
March 12, 2020

The Town of Sylva Board of Commissioners held a regular meeting on March 12, 2020 at 5:30 p.m. in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C.

PRESENT: Lynda Sossamon, Mayor
Barbara Hamilton, Vice-Mayor
Mary Gelbaugh, Commissioner
Ben Guiney, Commissioner
David Nestler, Commissioner

Paige Dowling, Town Manager
Amanda Murajda, Town Clerk
Eric Ridenour, Town Attorney

ABSENT: Greg McPherson Commissioner

Mayor Sossamon called the meeting to order at 6:10 p.m. following a Board of Adjustment meeting.

STAFF PRESENT: Mallory Caraway (Fire Department), Chris Hatton (Police Chief) and John Jeleniewski (County Planner).

VISITORS: Jenny Hooper and Joe Hamilton.

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

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

PUBLIC COMMENTS: John Jeleniewski reported that the Overlook Village apartment complex, a CUP approved by the Town of Sylva Board of Adjustments, designed by KRP Investments had pulled out from building because the site did not meet soil testing standards and their would be major expenses related to prepping the site because of the soil issues.

MAYOR'S REPORT: Mayor Sossamon reported about her NCLM meeting in Duck, NC.

COMMISSIONER'S REPORT: Commissioner Nestler reported that the Jackson County Health Department was issuing a report on a regular basis about health issues in our area. He also asked if the Town had an emergency management plan. Commissioner Guiney discussed how the Coronavirus will affect residents and businesses in Jackson County. Commissioner Hamilton noted that the "Paint the Town Purple" event would be postponed till the fall.

MANAGERS REPORT: Manager Dowling reported the following:
•Budget Update: The next budget work session is March 26th after the regular meeting.
•Employment Update: Jordan Beck began work with the Police Department and Todd Fisher begins with Public Works on March 9, 2020.
•Paint the Town Purple: Decorations will be installed March 20th. Bows and banners will be put on streetlights and paw prints will be put on the street. WCU students and artists are painting windows downtown March 21st from 12-5:00 p.m.

MAIN STREET REPORT: None.

FIRE DEPARTMENT REPORT: Mallory Caraway reported that the department would be reducing the number of breathing calls they responded to due to the exposure of the Coronavirus. They would only be responding if EMS needed them. The department has had 171 since January 1, 2020.

NEW BUSINESS
RESOLUTION OF SUPPORT—HOUSE BILL 655-MEDICAID EXPANSION: *Commissioner Nestler made a motion to approve the resolution of support for House Bill 655 on Medicaid expansion. Commissioner Guiney commented this would be good for the community. The motion carried with a 3-1 vote. Voting in the affirmative were Commissioners Nestler, Guiney and Hamilton. Voting against the motion was Commissioner Gelbaugh.*

SPECIAL EVENT REQUEST—ALCOHOL—GREENING UP THE MOUNTAINS: *Commissioner Nestler made a motion to approve the request to have alcohol at Greening Up the Mountains. The motion carried with a unanimous vote.*

CHANGE TIME OF MARCH 26, 2020 BUDGET WORK SESSION: *Commissioner Hamilton made a motion to change the time of the March 26, 2020 budget work session to 9:00 a.m. The motion carried with a unanimous vote.*

CANCEL MARCH 26, 2020 REGULAR BOARD MEETING: *Commissioner Guiney made a motion to cancel the regular board meeting on March 26, 2020. The motion carried with a unanimous vote.*

RESCHEDULE MARCH 26, 2020 BOARD WORK SESSION: *Commissioner Hamilton made a motion to reschedule the board work session scheduled for March 26, 2020 to April 23, 2020 after the regular meeting. The motion carried with a unanimous vote.*

ADJOURNMENT: *Commissioner Guiney made a motion to adjourn the meeting at 6:40 p.m. The motion carried with a unanimous vote.*

Lynda Sossamon
Mayor

Amanda W. Murajda
Town Clerk

BOARD OF ADJUSTMENTS MEETING
Town of Sylva Board of Commissioners
March 12, 2020

The Town of Sylva Board of Adjustments met in a Quasi-Judicial Hearing on August 9, 2018, 5:30 p.m., Municipal Hall Board Room, 83 Allen Street, Sylva, North Carolina.

Present: Lynda Sossamon, Mayor
Mary Gelbaugh, Commissioner
Barbara Hamilton, Commissioner
Harold Hensley, Commissioner
David Nestler, Commissioner

Paige Dowling, Town Manager
Amanda Murajda, Town Clerk
Eric Ridenour, Town Attorney

Absent: Greg McPherson, Commissioner

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

STAFF PRESENT: John Jeleniewski (County Planner)

VISITORS: Joey Russell, Joe Hamilton and Jenney Hooper

CONDITIONAL USE PERMIT—SOUTHERN PROPERTIES AND DEVELOPMENT
(1) GENERAL INFORMATION: Mayor Sossamon stated that the purpose of the meeting was to have a quasi-judicial hearing, which was an evidentiary hearing where the Board of Adjustments would make a decision based solely on competent, material and substantial evidence in the record. The record was all of the materials and input that were presented to the Board, including the application, exhibits, testimony and related materials. The record may include some insufficient evidence, but the Board may not base its decision on it.

(2) OPENING THE HEARING: Mayor Sossamon opened the hearing for the conditional use permit:
(a) Project: Multi-Family Residential Development
(b) Applicant: Southern Properties and Development, LLC
(c) Location: Savannah Drive, Sylva, NC (ETJ) PIN # 7631-66-1393

(3) SWEARING IN PARTIES: Mayor Sossamon inquired if there was anyone other than the Applicant and County and Town Staff that wanted to be a party to the action. All persons, including staff, who intended to present evidence were sworn in by Mayor Sossamon.

(4) DISCLOSURES: Mayor Sossamon stated that Members of the Board of Adjustments shall disclose any conflicts of interest or bias related to the case.
(a) *Commissioner Gelbaugh acknowledged she had none.*
(b) *Commissioner Hamilton acknowledged she had none.*
(c) *Commissioner Guiney acknowledged he had none.*
(d) *Commissioner Nestler acknowledged he had none.*

(5) EVIDENCE: Amanda Murajda explained the general nature of the request. The conditional use permit request is for construction of a multi-family residential development in the B-2 zoning district ETJ area of Savannah Drive. A conditional use permit is required in the B-2 zoning district for multi-family residential developments. Murajda added that the Planning Board voted unanimously to recommend approval of the application. Exhibits A, B and C are the application, site drawings and staff report respectively.

(5A) STAFF PRESENTATION OF REPORT: John Jeleniewski, Jackson County Senior Planner, presented the staff report. The applicant is requesting a conditional use permit for construction of a multi-family residential development on Savannah Drive.

Background: The property for these potential apartments is located on the south and west sides of Savannah Drive and approximately 1,120 lf south of the intersection of Business 23 (West Main Street) and Savannah Drive. The area of this vacant property is 6.83 total acres and this proposed apartment complex would be developed on the entire tract. Public utilities will be provided by Tuckaseigee Water and Sewer Authority (water and sanitary sewer) and Duke Power. This property will be served by the Sylva Fire Department. Driveway access and 3-party encroachment (sidewalk) will be required from NCDOT during their review/approval process as Savannah Drive is a state road (S.R. 1356).

Staff Findings: Based on the submitted documents by the applicant, the requirements for a Conditional Use Permit have been met for the use of multifamily apartments in the B2 district.

The findings as required by **Article VI: Conditional Use Permits:**

Section 38-152 - Procedures:

A. A Site Plan: The attached aerial, concept site plan, floor plans and building elevations show building locations, parking, driveways, ingress/egress to the property, type of units and exterior building materials. Additionally, the applicant has submitted a narrative supporting their project. Any future signage for this project will be required to comply with the sign regulations set forth in the Town of Sylva Zoning Ordinance.

B. Call for a Public Hearing

C. The Zoning Board of Adjustment shall grant and issue the Conditional Use Permit by a majority vote if it finds the following:

1. The use will not materially endanger the public health or safety if located where proposed and development according to the plan as submitted and approved.
2. The use meets all required conditions and specifications.
3. The use will not substantially injure the value of adjoining or abutting property or, in the alterative; the use is a public necessity.
4. 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.

Staff Review: Planning Department review. Jeleniewski read the following requirements for public purpose and the corresponding response.

Section 38-153 Required Public Purpose for Assigning Conditions to Conditional Use Permits:

1) *Traffic safety, congestion and visibility:*
Other than normal travel associated with this multifamily apartment complex, traffic congestion should be expected during peak hours. However, the intersection of Savannah Drive and U.S. Highway Business 23 (West Main Street) is a signalized intersection.

2) *Parking consistent with Section 38-77:*
The parking stalls required for this project would be 108. The submitted plan indicates 126 proposed parking stalls.

3) *Adequate vegetative or structural buffers between residential uses and all other uses:*
A Landscape Plan showing the proposed buffering will be required at the time of permit approval and will meet all landscape buffering requirements per the Town of Sylva Zoning Ordinance.

4) *Adequate space for traffic ingress and egress:*
The proposed driveways and alleys on the submitted concept plan appear to meet the standards set forth in Appendix A of the Town of Sylva's Zoning Ordinance. Full compliance with these standards will be reviewed on a dimensioned Site Plan prior to permit issuance. Staff is concerned with the location of the proposed access to this development off of Savannah Drive as it is in a blind curve.

5) *Adequate stormwater drainage:*
Stormwater drainage and erosion control measures will meet the standards set forth in Appendix E (Stormwater Standards) of the Town of Sylva's Zoning Ordinance. Full compliance with these standards will be reviewed on the final site construction plans prior to permit issuance.

6) *Adequate landscaping along all public roads:*
A Landscape Plan showing the proposed landscaping will be required at the time of final site construction plan review and prior to permit approval; all landscaping and buffering shall meet the minimum requirements per the Town of Sylva Zoning Ordinance.

7) *That signs, consistent with Article IV, are designed, placed, illuminated and landscaped in harmony with the adjoining properties:*
Any signage erected shall be in accordance with the Town of Sylva's sign regulations.

8) *That outside lighting is screened, turned off or directed away from residential neighborhoods:*
Structure lighting per the NC Building Code will be required. The applicant has not indicated lighting on the submitted concept plan, however, due to the nature of this project, a multi-family apartment complex, lighting should be encouraged for all walkways, parking areas and community areas (playground, clubhouse, picnic area, etc.); lighting should be designed to be downcast, no "halo effect" and not directed toward the public right-of-way or adjacent properties.

9) *That commercial machinery or activities producing noise are conducted within the confines of an enclosed building:*
Not applicable.

10) *That the design of the proposed building and its use shall be consistent with the surrounding character of the neighborhood and purposes of the zoning district:*

The surrounding neighborhood consists of single-family detached homes and multi-family residential units. Businesses providing some household and daily-life essentials/services are located nearby at the intersection of West Main Street (Business 23) and Savannah Drive which is 1,120 ft to the north of the subject property. The proposed residential structures and accessory buildings are professionally designed. There are no new buildings proposed for this subject property.

Recommendations from Staff:

1) All final site construction plans be reviewed for full compliance of the Town of Sylva Zoning Ordinance.

2) A 5' wide sidewalk be constructed and connect the proposed interior sidewalk network to the required sidewalk along Savannah Drive.

3) To ensure safety for residents and visitors, provide site lighting for the parking areas, pedestrian walkways and public spaces. Lighting should be designed to be downcast, no "halo effect" and not directed toward the public right-of-way or adjacent properties.

4) That the developer coordinate with Planning Staff and the NCDOT for an alternate ingress/egress location on the property.

Questions from other parties: None.

Questions from the Board of Adjustments or Town Attorney: Mayor Sossamon asked if a new proposed entrance between the buildings would be too steep to connect the two areas of the project. Commissioner Nestler asked if that would be safer. Jeleniewski did not think that would work.

(5B) APPLICANT PRESENTATION OF EVIDENCE AND WITNESSES: Joey Russell addressed the board and reviewed the project plans. He also explained that his company not only builds the apartments, but they also retain and maintain them.

Questions from other parties: None.

Questions from the Board of Adjustments or Town Attorney: Commissioner Nestler asked Joey Russell if he agreed with proposing a new entrance location to be determined by Russell and Jeleniewski. Russell also explained the monthly rent price to the board. Mayor Sossamon asked Russell if they would be willing to voluntary annex into the Town of Sylva. Mr. Russell agreed they would be willing to annex.

Mayor Sossamon noted that the following had been submitted as written evidence and should be added as exhibits:

Exhibit A: Conditional Use Application
Exhibit B: Site Plan
Exhibit C: Staff Report

(5C) OTHER PARTIES PRESENTATION OF EVIDENCE AND WITNESSES: None.
(5D) COMMENTS FROM THE PUBLIC: None.

(6) BOARD DISCUSSION/CONDITIONS: None.

Being no further comment Mayor Sossamon asked for a motion to close the hearing. *Commissioner Hamilton made a motion to close the hearing at 6:05 p.m. The motion carries with a unanimous vote.*

(7) DECISION: Mayor Sossamon gave an overview of the Board of Adjustment meeting and asked for a motion to vote on the application. *Commissioner Guiney made a motion to vote on the conditional use application. The motion carries with a unanimous vote.*

During this Quasi-Judicial meeting, the Board must determine if the following tenants are found to be true and make findings with regard to each.

(a) Tenant 1: The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

***Affirmative**: The Board unanimously determined this statement to be true.*
Against:

(b) Tenant 2: The use meets all required conditions and specifications.

***Affirmative**: The Board unanimously determined this statement to be true.*
Against:

(c) Tenant 3: The use will not substantially injure the value of the adjoining or abutting property or, in the alternative, the use is a public necessity.

***Affirmative**: The Board unanimously determined this statement to be true.*
Against:

(d) Tenant 4: 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 environments.

***Affirmative**: The Board unanimously determined this statement to be true.*
Against:

(e) Based on the affirmative voting of the aforementioned tenants, the conditional use permit application for Southern Properties and Development, LLC is approved as presented with conditions.

(f) *Motion*: *Commissioner Nestler made a motion to approve the conditional use permit application with conditions assigned by the Planning Staff. The motion carries with a unanimous vote.*

Mayor Sossamon stated the permit was approved and the meeting for Southern Properties and Development, LLC was concluded at 6:10 p.m.

There being no further business, Commissioner Guiney made a motion to adjourn the meeting at 6:10 p.m. The motion carries with a unanimous vote.

Lynda Sossamon Mayor	Amanda W. Murajda Town Clerk

Resolution Allowing for Board Member Attendance
at Meetings VIA Remove Conference Telephone or Other Electronic Means
During a State of Emergency

WHEREAS, the Town of Sylva Board of Commissioners conducts all official board meetings as meetings open to the public, subject only to lawfully recognized exceptions, and in accordance and in compliance with North Carolina General Statutes; and

WHEREAS, the Town of Sylva Board of Commissioners have discussed the matter of whether to authorize board members to participate in official board meetings by remote attendance in situations where there has been a state of emergency declared by a local, state or federal government exercising apparent and appropriate jurisdiction.

WHEREAS, North Carolina General Statute 143-318.10(d) defines an "Official meeting" as follows:

> " Official meeting" means a meeting, assembly, or gathering at any time or place ***or the simultaneous communication by conference telephone or other electronic means*** (emphasis added) of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body.

WHEREAS, the Town of Sylva Board of Commissioners have determined that authorizing such remote attendance, e.g., ***by simultaneous communication by conference telephone or other electronic means***, by board members during a state of emergency is in the best interest of the Town of Sylva and the community they serve; and

NOW, THEREFORE, BE IT RESOLVED by the Town of Sylva Board of Commissioners, electronic or remote meeting attendance during a state of emergency shall comply with the following:

Section A. Board members shall attend all meetings of the Board unless the member's absence is unavoidable. To be eligible for an excused absence, members shall, unless prevented by unavoidable circumstances, notify the Town Manager or Mayor at least twenty-four (24) hours in advance of the meeting of his or her anticipated absence from the meeting. Such notice may be given in person, by telephone or other electronic means.

Section B. Board members shall be authorized to participate in regular, special, and other called meetings by remote attendance during a state of emergency under the following conditions:

1. As allowed by this resolution, a Board member may participate in a meeting from a remote location by telephone or other form of electronic means that produces a reliable audible connection between the member and the proceedings. The Board member planning to participate by remote attendance shall notify the Town Manager or Mayor as soon as possible, but no later than twenty-four (hours) prior to the meeting. Such notice may be given in person, by telephone or other electronic means.

2. Prior to remote participation, the identity of the remotely participating Board member shall be verified by reasonable means by the Town Manager or Mayor of the meeting.

3. Any board member participating in a meeting by remote attendance shall be available for the entire meeting. Participation in less than an entire meeting remotely shall require approval of a majority of the attending members.

4. Board members participating in a meeting through remote attendance may participate and vote as though physically present at the meeting.

5. The board member participating by remote attendance must be able to hear the proceedings at the location of the meeting. Board members, staff and others in attendance at the meeting, and not limited to members of the public in attendance, physically or by telephone or other electronic means must be able to hear the member participating remotely. The person then serving as Mayor shall ensure that the remotely attending member's participation meets these standards. Any technical problems with the connection arising during the meeting shall be resolved before the meeting continues. If problems with the connection are not able to be resolved in a reasonable amount of time, as determined by the person serving as Mayor, the remote participation shall be terminated and the member will be treated as if he or she had left the meeting and will be considered absent for voting status and it shall be so documented in the minutes of the meeting.

6. The person then serving as Mayor shall announce a Board or committee member's remote attendance for the record and such remote attendance shall be reflected in the minutes of the meeting.

7. Any Board member participating through remote attendance shall have a copy of the meeting agenda available to them. Where possible, any exhibits or supporting documentation to be presented during the meeting shall be transmitted to the member prior to the meeting.

Section C. All remote participation meetings must comply with North Carolina General Statutes insofar as giving public notice of the time and place of each meeting of the Board or a committee as well as a location and telephonic or electronic means where the public can listen to the meeting. During a state of emergency declared by a local, state or federal government of appropriate jurisdiction such means should be tailored to allow as much of the public as possible to hear the meeting.

Section D. Minutes shall be kept in regular form for all meetings with remote attendance.

THIS RESOLUTION IS ADOPTED by the Town of Sylva Board of Commissioners on the 23rd day of April, 2020. It is effective immediately upon its adoption.

_____

Lynda Sossamon, Mayor

_____

Amanda W. Murajda, Town Clerk

TOWN OF SYLVA

NC 1889

83 ALLEN STREET
SYLVA, N.C. 28779

828-586-2719 FAX 828-586-8134

April 9, 2015

Ms. Lauren Triebert
Transportation Engineer
NC Dept. of Transportation
Project Development and Environmental Analysis
1548 Mail Service Center
Raleigh, NC 27699-1548

Re: Replacement of Bridge #27

Dear Ms. Triebert:

The Town of Sylva Board of Commissioners would like to express our opposition to the alternative that involves an offsite detour during the replacement of the Dillsboro Bridge #27 over Scotts Creek. There is not a viable alternate route as there is not a secondary road. The Town of Sylva does not have a preference whether the bridge is replaced in its current location or to the south of the existing bridge as long as an offsite detour is not used. If the Town of Dillsboro has a strong preference between Alternative 2 and Alternative 3, we will support either of those alternatives.

We understand the timeline for replacing the bridge will take two years and we are concerned that rerouting traffic to the bypass during construction will be difficult for emergency services, inconvenient for residents, and it will have a significant negative impact on businesses in both Sylva and Dillsboro.

Please contact us if you have any questions.

Sincerely,

Maurice Moody

Maurice Moody
Mayor

From: Adams, Theodore B <tadams@ncdot.gov>
Sent: Tuesday, April 7, 2020 3:46 PM
To: Paige Dowling <townmanager@townofsylva.org>
Cc: Bishop, Joseph M <jmbishop@ncdot.gov>; Tanner, Nathan R <nrtanner@ncdot.gov>
Subject: Dillsboro Bridge Replacement

Paige,
The contractor on the bridge replacement on US-23 Bus. in Dillsboro has reached out to the NCDOT to see if the road can be closed to allow them to expedite their work. They have made a value engineering proposal that would take the project from 3 years of construction to 9 months. There is also a cost savings that will be split 50/50 with the contractor in accordance with our specifications. Since the Town of Dillsboro would not originally agree to the road closure, we planned for a temporary bridge to be constructed for traffic, while the new bridge was built. Eliminating the temporary bridge is where the time and cost savings is gained.
The contractor, Wright Brothers Construction, reached out to the Department and the town to see if this was possible now, since most of the businesses are closed in Dillsboro. We have informed Wright Brothers that we will pursue the value engineering proposal as long as the officials with the Town of Dillsboro are in a agreement with the road closure. I just wanted to reach out to you and the Town of Sylva to make sure this would not be an issue for Sylva. If this is approved, we will have an official detour on US-441 to US-74 to Exit 83, back to Sylva. We plan on leaving the temporary bridge in place on the Old Home Town Road for local and emergency traffic. I believe this is an opportunity to get this bridge constructed with the least amount of impact to both towns.
If you have any questions or concerns, please let me know.
Thank You,

Ted B. Adams, P.E.
Division Construction Engineer
Division 14
North Carolina Department of Transportation

828 586 2141 office
828 361 0854 mobile
tadams@ncdot.gov

253 Webster Road
Sylva, North Carolina 28779

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