

REGULAR BOARD MEETING
Town of Sylva Board of Commissioners
May 6, 2010

The Town of Sylva Board of Commissioners held a regularly scheduled meeting on May 6, 2010 at 7:00 p.m. in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C.

MEMBERS PRESENT: Mayor Maurice Moody and Commissioners Sarah Graham, Stacy Knotts, Danny Allen, Ray Lewis and Christina Matheson

MEMBERS ABSENT: None

STAFF PRESENT: Adrienne Isenhower (Town Manager), Brandi King (Town Clerk) and Eric Ridenour (Town Attorney)

VISITORS PRESENT: Nick Breedlove, Eric Moore, Brenda Clawson, Dottie Brunette, Jeremy Biggs, Heather Baker, Tracy Passmore and Amy Edwards

CALLED TO ORDER: Mayor Moody called the meeting to order at 7:01 p.m.

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

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

PUBLIC COMMENTS: Dottie Brunette, of the Jackson County Library, requested the Town increase their contribution in next year's budget from \$5,000 to \$10,000.

MAYOR'S REPORT: Mayor Moody and Isenhower attended a Procedures Seminar conducted by Fleming Bell last week.

PLANNING BOARD: Mary Kelley is the new chair person.

PUBLIC HEARING (CUP – BOTTOMS UP): Mayor Moody called the public hearing to order at 7:08 p.m. Tracy Passmore and Sage Ventures, Inc. have applied for a Conditional Use Permit to allow them to open "Bottoms Up" at 347 Jackson Plaza. The Town's zoning ordinance requires a CUP for "bars, nightclubs, and private social clubs" in the B-2 district. The public hearing was closed at 7:10 p.m.

PUBLIC HEARING (COMPUTER GAMING ESTABLISHMENTS AND PRECIOUS METAL DEALERS): Mayor Moody called the public hearing to order at 7:11 p.m. The purpose of the public hearing is to receive public input regarding an ordinance amendment to change the privilege license fees for computer gaming establishments and precious metal dealers. The public hearing was closed at 7:14 p.m.

CUP APPLICATION (BOTTOMS UP – TRACY PASSMORE & SAGE VENTURES, INC): Jeremy Biggs stated there is a provision in the lease stating that

“Bottoms Up” must have a security guard on the premises in the evenings. Heather Baker stated the Town of Sylva Ordinance states the CUP runs with the land, not the business owner. Baker would like for Sage Ventures, Inc. (lessee) to be added to the permit application so there will not be a need for another CUP if “Bottoms Up” goes out of business. *Commissioner Lewis made a motion to approve the CUP application for Tracy Passmore and Sage Ventures, Inc. with the condition that as long as the establishment serves alcohol, the establishment must have a separate private security officer on site during evening business hours, hired exclusively to provide security. The motion carries with a unanimous vote.*

PARKING LOT RENTAL: Sammie Cogdill does not want to sell his parking lot to the Town at this time, but would be willing to lease it to the Town for \$400 per month. Commissioner Graham stated her perception of the parking study done by WCU student Thaddeus Huff was that the parking problem is not due to the lack of parking spaces so the Board needs to work on pedestrian issues before spending funds to rent a parking lot. Commissioner Matheson stated the parking spaces in the study were overstated because the study included private parking spaces and Commissioner Knotts stated there is a parking problem on the east end of downtown. Commissioner Allen stated he has spoken with several business owners that are in favor of renting the Cogdill lot and have offered to help contribute funds to rent the lot. The item will be tabled until the next meeting so it can be discussed at the Budget Work Session.

COMMITTEE MEETINGS DISCUSSION: In the past, questions have arisen about the Town’s committee meetings and how they are handled. Commissioner Knotts suggested the Board operate without committees for a while since the committee meetings are limited in the Board’s opinion. Commissioner Matheson recommended conducting a work session before the evening Board meetings to discuss items that would ordinarily go to the committees. *Commissioner Knotts made a motion to eliminate committees. The motion carries with a unanimous vote.*

PINNACLE PARK DISCUSSION: At the last Board meeting it was decided to develop a permit to allow camping at Pinnacle Park in designated areas. Chief Jamison and Assistant Chief Hooper are hesitant about allowing camping because the Town has no way of accessing the campsites in an emergency. Commissioner Knotts stated Jeff Carpenter of the Jackson County Recreation Department also had some issues regarding camping by permit because it would hold the Town liable. Commissioner Graham recommends camping should be allowed in designated areas only, the Town would not be liable and no permit should be required. The item is tabled until the next Board meeting so the Board can discuss the issue with the Police Department, Jeff Carpenter and a Park Ranger.

ORDINANCE AMENDING THE FEE SCHEDULE (COMPUTER GAMING ESTABLISHMENTS AND PRECIOUS METAL DEALERS): *Commissioner Allen made a motion to adopt the ordinance amending the privilege license fee schedule. The motion carries with a unanimous vote.* The Board will charge \$2,500 per computer gaming establishment and \$700 per machine if more than four and \$100 for precious metal dealers.

GROSS RECEIPTS DISCUSSION: Robin Lewis made a presentation about gross receipts at the April 15th meeting. Commissioner Matheson stated the gross receipts method would be a fair way to charge privilege licenses. There are several different ways to handle gross receipts, but in the Town's case, we would focus on big businesses with a certain gross receipts threshold. The Board can set the threshold at whatever amount they desire. There would be no impact on small businesses. *Commissioner Knotts made a motion to request a proposal from Robin Lewis. The motion carries with a unanimous vote.*

FIRE DEPARTMENT FURNITURE FUNDING: Chief Mike Beck requested the Board allow him to take \$51,000 from the Fire Department's Fund Balance to purchase furniture for the new fire department building. The \$51,000 will be replaced from contingency funds when the project is complete. *Commissioner Matheson made a motion to move \$51,000 from the Fire Department Fund Balance to purchase furniture for the new building. The motion carries with a unanimous vote.*

CLOSED SESSION: *Commissioner Lewis made a motion to go into closed session pursuant to G.S. 143-318.11 (a) (6) regarding personnel. The motion carries with a unanimous vote and the Board entered into closed session at 8:22 p.m.*

Commissioner Graham made a motion to come out of closed session. The motion carries with a unanimous vote and the Board entered into regular session at 8:35 p.m.

ADJOURNMENT: *Commissioner Graham made a motion to adjourn the meeting at 8:36 p.m.*

Maurice Moody
Mayor

Brandi H. King
Town Clerk