

REGULAR BOARD MEETING
Town of Sylva Board of Commissioners
January 15, 2015

The Town of Sylva Board of Commissioners held a regular meeting on January 15, 2015 at 9:15 a.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: Paige Dowling (Town Manager), Amanda Murajda (Town Clerk), Dan Schaeffer (Public Works Director), Davis Woodard (Police Chief), Tammy Hooper (Asst. Police Chief), J.P. Gallardo (Police Officer) and Eric Ridenour (Town Attorney).

VISITORS PRESENT: Quintin Ellison, Carl Queen, James Lupo, Drew Hooper, Jeff Israel, Adam Gelbaugh, Holly Kays, S.B. Myers (NCALE).

CALLED TO ORDER: Mayor Moody called the meeting to order at 9:15 a.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 Allen made a motion to approve consent agenda. The motion carries with a unanimous vote.*

PUBLIC COMMENTS: None

MAYOR'S REPORT: None.

COMMISSIONER'S REPORT: Commissioner Gelbaugh noted that a citizen made a request for concrete to be installed at the pet area at Mark Watson Park. Dan Schaeffer will forward this on to the county who maintains the park.

Commissioner Hamilton noted she was glad to see the fence removed on Mill Street.

MANAGER'S REPORT: Dowling updated the board on an appointment recommendation by the County to the Town's Planning Board to be Betty Allen. She will serve as a result of the ETJ in the Rivercrest residential area. Dowling reminded the board of the Employee Performance Evaluation webinar that will be on Thursday, January 22, 2015. The Garden Club will begin work on their projects on Mill Street as soon as drawings are received. Dowling also reminded the board that she will be out of town at a Manager's Conference for the February 5th board meeting.

PUBLIC WORKS DEPARTMENT REPORT: Schaeffer updated the board on Finch Street construction.

POLICE DEPARTMENT REPORT: None.

FIRE DEPARTMENT REPORT: None.

MAIN STREET REPORT: Manager Dowling submitted the annual program assessment report. Dowling stated that Amy Garza has been hired to coordinate the Greening Up The Mountains festival this year. Also, two new members joined the Main Street board, Jenny McPhearson and Becky Reeves.

**PUBLIC HEARINGS
(WHEEL-LOCK ORDINANCE)**

Dowling explained the need for the ordinance and summarized how it would be applied. No public comment.

(ORDINANCE 38-102: CHANGES TO SIGN REGULATIONS)

Dowling summarized the changes in this ordinance, correcting language that should have originally been included for government, institutional, and industrial districts. No public comment.

(ORDINANCE 38-40, 41, 124, 238 CHANGES IN REFERENCES AND WORDING REGARDING MANUFACTURED HOMES AND STRUCTURES)

Dowling explained that the changes were technical corrections to terms used in the building code for modular structures. No public comment.

NEW BUSINESS

PUBLIC HEARINGS

1. *Attorney Eric Ridenour made one change to wording. Commissioner Hamilton made a motion to approve the ordinance as amended. The motion carries with a unanimous vote.*
2. *Commissioner Allen made a motion to approve the changes to Ordinance 38-102. The motion carries with a unanimous vote.*
3. *Commissioner Hamilton made a motion to approve the changes to Ordinance 38-40, 41, 124, 238. The motion carries with a unanimous vote.*

ANNUAL CERTIFICATON OF FIREMEN: *After no discussion Commissioner Gelbaugh made a motion to approve the list as presented. The motion carries with a unanimous vote.*

ADOPTION OF BUDGET CALENDAR: *After no discussion Commissioner Hensley made a motion to approve. The motion carries with a unanimous vote.*

NO NAME SPORTS PUB NOISE VIOLATION DISCUSSION: Greg Fuller of No Name Sports Pub addressed the board about issues concerning his business and the allegations of noise ordinance violations. Mr. Fuller stated the following points of interest:

- No Name Sports Pub uses their live music to raise money for different causes.

- States he re-modeled a back room so that the outside stage could be moved inside.
- Planted vegetative barriers and stopped cutting vegetation around the business so as to hopefully soften the sound.
- Claims the Sylva Police Department adopted an arbitative law that if they receive a complaint in any form or fashion a ticket is issued.
- Claims the job of the police department was handed over to the residents in the area.
- Stated he has not and will not pay fines he has received because he believes they are unfair and unjust.
- Claims the ALE was called in because of not paying fines.
- No Name Sports Pub is asking for what they call an arbitative policy to cease being used because it is not backed by law, rescind all fines because they have not been based on law, and for the Town to contact Agent Myers of the ALE and tell him tickets have been rescinded.
- Mr. Fuller said that the advice of his counsel is to pursue legal action against the town and neighbors because the ordinance is unconstitutional and vague.

Neighbors from the area surrounding No Name Sports Pub also addressed the board. Drew Hooper presented a petition signed by 51 residents opposing the business being located on Skyland Dr. He stated the disruptions felt by the community members are increasingly aggravating, especially the fact that music continues after 11:00 p.m. Carl Queen stated that he has lived in the same house since 1976 and no other tenant in that location has been an issue. He does not oppose music, but opposes the fact the governing ordinances are not followed. James Lupo, who lives directly beside No Name Sports Pub, voiced the same concerns as well as issues with trash being thrown in his yard from the business. Jeff Israel, a resident of Jackson County, asked if violations other than music had occurred, for example, fights. He also question if the town required the business to employ security.

Sylva Police Chief Davis Woodard addressed the board and stated that upon opening, the police department did have good communication with Mr. Fuller. However, as the violations have progressively worsened, the communication has decreased. Mr. Woodard noted that the police department does receive noise complaints on other businesses; however No Name Sports Pub seems to be the most frequent. Woodard reiterated that the ordinance states 11:00 p.m. to 7:00 a.m. as quiet time.

Mr. Fuller requested the town look at ordinances from Waynesville and Maggie Valley to address the possibility of establishing a decibel level for noise. Town Attorney, Eric Ridenour, commented that other means of community cooperation and responsibility could remedy the situation. Mayor Moody requests that the Town Manager research the ordinances from Waynesville and Maggie Valley.

TOWN HOLIDAY SCHEDULE: Mayor Moody would like to move this item to the upcoming budget session.

CLOSED SESSION: *Commissioner Hamilton made a motion to enter closed session with attorney pursuant to NCGS. 143-318-11(a)3 at 10:30 a.m. The motion carries with a unanimous vote.*

Commissioner Hensley made a motion to come out of closed session. The motion carries with a unanimous vote and the Board entered into regular session at 11:58 a.m. No action was taken during closed session.

ADJOURNMENT: *Commissioner Hamilton made a motion to adjourn the meeting at 11:59 a.m. The motion carries with a unanimous vote.*

Maurice Moody
Mayor

Amanda W. Murajda
Town Clerk