

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

The Town of Sylva Board of Commissioners held a regular meeting on November 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, Barbara Hamilton, Harold Hensley, Mary Gelbaugh, and Lynda Sossamon, and ETJ member Betty Allen.

MEMBERS ABSENT: Commissioner Danny Allen.

STAFF PRESENT: Paige Dowling (Town Manager), Amanda Murajda (Town Clerk), and Eric Ridenour (Town Attorney).

VISITORS PRESENT: Rita Norris, Chuck Norris, Tanner Hall, David Nestler, Mack McNeely, Daniel McNeely, A.J. Rowell, Mary Livingston, Cary Livingston, Betty Painter, Tina Kahler, Marie Leatherwood.

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

APPROVAL OF AGENDA: Mayor Moody made a suggestion to move the new business of approving the conditional use permit for Hillman Family Automotive to directly after the public hearing for said CUP. *Commissioner Hensley made a motion to approve the agenda as amended. The motion carries with a unanimous vote.*

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

PUBLIC COMMENTS: None.

MAYOR'S REPORT: Mayor Moody noted that he was pleased with the interest in individuals running for a town board seat and congratulated the leaders at this point.

COMMISSIONER'S REPORT: Commissioner Hamilton volunteered with the Sylva Police Department at their flood relief drive. She noted that the turnout was wonderful and that nearly \$6,000 of food was collected to send to the flood victims in Columbia, South Carolina. Commissioner Hensley told the board that former commissioner Stacy Knotts called him to thank the Town and TWSA for their donations to flood victims.

MANAGER'S REPORT: Manager Dowling and Dan Schaeffer met with Duke Energy about changing the street lights on Mill Street to LED bulbs. Duke is planning to begin this project by the end of November and will make every effort not to disrupt businesses during the holiday season. Dowling attended the fall city manager's meeting on October 29, 2015 to discuss IT trends in local government. Christmas Parade applications are now available on the Town and MSSA websites. The parade is December 5th at 3:00 p.m. with a rain date of December 6th. The Veteran's Day parade will be Sunday, November 8th at 3:00 p.m. Dowling noted that all departments have received their OSHA report from their inspection visit and are working to remedy the issues found during the site visit. The Town's audit firm, Burleson and Earley, have completed their work and will make their annual audit report at the Town Board meeting on November 19th.

PLANNING BOARD REPORT: The Planning Board met on October 19, 2015 to review a conditional use permit from Hillman Family Automotive and a zoning map amendment request from McNeely's Store. The Planning Board voted to move their November meeting to the 19th and cancel the December meeting due to holidays.

PUBLIC HEARING: Mayor Moody opened the first public hearing at 5:37 p.m. for the conditional use permit request from Hillman Family Automotive, located at 628 Skyland Drive. The Town Clerk administered the oath for Rita and Chuck Norris and Manager Paige Dowling to present testimony related to the CUP. Dowling explained that the request for a CUP was for an automotive repair business in the B-2 zoning district. As per the Town of Sylva ordinances, this type of business located in the B-2 zoning district must apply for a CUP. This location has been an automotive repair business since the early 1990s. The new tenant, Benjamin Hillman, would like to continue the same type of business. The Planning Board met and reviewed the CUP and recommends approval.

Chuck Norris, the property owner, also noted the longevity of the automotive business in this location. He rented the building to Benjamin Hillman for the same. He noted that John Jeleniewski from the county made contact with Mr. Hillman and reviewed his staff report and the required regulations of a new business in the B-2 district, particularly the sidewalk requirements. Mr. Norris told the board that he had discussed with Paige and presented evidence that the building was not vacant for more than 14 days, therefore Mr. Hillman should not be required to install a sidewalk as per Town ordinances.

Manager Dowling noted that the CUP application was exhibit A, the property map was exhibit B, and the staff report was exhibit C. Dowling reviewed the revised staff report and the criteria to be met. She noted that the first staff report required a fence around the property but that would not be feasible due to rental property located behind the business using the same access driveway. The only condition for the CUP is that all outdoor displays of repair materials shall be removed and not visible during non-business hours.

Mayor Moody called for questions from the board. Being no questions, he closed the public hearing at 5:46 p.m.

NEW BUSINESS

Conditional Use Permit-Hillman Family Automotive.-- 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 Hillman Family Automotive is unanimously approved as proposed with conditions.

PUBLIC HEARING: Mayor Moody opened the second public hearing at 5:50 p.m. for the zoning map amendment request from Three Lees LLC (McNeely's Store). Manager Dowling began by illustrating to the board on a zoning map where the property was located (49 E. Hall Heights). McNeely's Store is requesting the parcel be re-zoned from R-3 to B-2. Currently, two sides of the parcel adjoin the B-2 district and two sides adjoin the R-3 district, therefore it does not constitute spot zoning. Dowling noted that per the request from McNeely's, the parcel would be redeveloped addressing driveway and traffic control issues. The planning board reviewed the request and is recommending approval.

Daniel McNeely told the board that the entrance to the business being just a short distance from Highway 107 creates a traffic nightmare for customers and suppliers. These customers and suppliers are trying to back out onto Highway 107 when leaving the business causing a very dangerous situation. McNeely's would like to create an entrance and stock yard on the proposed property to greatly improve traffic congestion and move it away from Highway 107.

Mack McNeely told the board that McNeely's had an engineer draw plans to turn traffic off of Highway 107. They also have an alternate traffic solution if the rezoning request is not approved but that would filter even more traffic up into the residential area of Hall Heights. He noted that they realize this is a change for the community but they have and will continue to try hard to be good neighbors. He also noted that McNeely's had met with a neighbor in the area and discussed adding a berm along the road as an additional shield above and beyond what is required.

Cary Livingston, an adjacent property owner, reviewed his history of living in the community. He told the board that the decision to re-zone the property affects all property owners in the community. He noted that he had met with McNeely's and agreed on the additional berm. Livingston is please that McNeely's in bringing jobs to town and is willing to be a good neighbor. His only other concern is traffic on Highway 107.

A.J. Rowell of McNeely's, added that McNeely's is trying to add a good business to the Town of Sylva and believes that by re-zoning the parcel at 49 E. Hall Heights will allow McNeely's to address the traffic congestion.

Tina Kahler, an adjacent property owner, is concerned with traffic as well and noted that the school bus has not allowed her grandson to be dropped off at the end of Hall Heights a few times because of the congestion. She is not opposed to the business but requests the traffic be addressed and plant life in the berm be evergreens for continuous coverage.

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

NEW BUSINESS:

ZONING MAP AMENDMENT—REQUEST FROM McNEELY'S STORE

Commissioner Gelbaugh made a motion to approve the zoning map amendment request. The motion carries with a unanimous vote.

RESOLUTION TO RE-ALTER THE USE OF FINCH STREET

Mayor Moody asked if there was any discussion on the proposed resolution. *Commissioner Hensley made a motion to approve the resolution to re-alter the use of Finch Street to that of two-way public vehicular use. The motion carries with a unanimous vote.*

PUBLIC COMMENT: Marie Leatherwood arrived after the scheduled public comment section at the beginning of the meeting. She presented to the board her views about the County's steep slope ordinance.

ADJOURNMENT: *Commissioner Hensley made a motion to adjourn the meeting at 6:26 p.m. The motion carries with a unanimous vote.*

Maurice Moody
Mayor

Amanda W. Murajda
Town Clerk