

**REGULAR BOARD MEETING**  
Town of Sylva Board of Commissioners  
April 7, 2016

The Town of Sylva Board of Commissioners held a regular meeting on April 7, 2016 at 5:30 p.m. in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C.

**MEMBERS PRESENT:** Mayor Lynda Sossamon and Commissioners, Barbara Hamilton, Harold Hensley, Mary Gelbaugh, Greg McPherson, and David Nestler.

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Paige Dowling (Town Manager), Amanda Murajda (Town Clerk), Davis Woodard (Police Chief), John Jeleniewski (Code Compliance Officer), Betty Allen (ETJ Representative), and Eric Ridenour (Town Attorney).

**VISITORS PRESENT:** Marie Leatherwood, Karen Perry, Wil Warren, John Duncan, Charles Pringle, Bernadette Peters, Tyler Watras, Jacque Laura, Holly Kays, Brian Ogle, Lois Danner, Julie Spiro, Pat Thomas, Nicole Dexter, Sheryl Rudd, Robert Rader, Lena Wolfe, Destri Leger, Jensen Leger, Rochelle Mau, Jeannine Sowers, Christina Smith, Joel Sowers, and Curt Collins.

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

**APPROVAL OF AGENDA:** Mayor Sossamon told the board that item #3 needed to be removed from the agenda, as the event on April 9<sup>th</sup> has been canceled. *Commissioner Hamilton made a motion to approve the agenda as amended. The motion carries with a unanimous vote.*

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

**PUBLIC COMMENTS:** Marie Leatherwood addressed the board on ABC Profit Sharing. Tyler Watras addressed the board and continued his discussion from a previous meeting on the Town's sign fees. Charles Pringle addressed the board about the excessive number of delivery zones on Mill Street. He also told the board that he had called Town Hall on occasion about the trash left on the street near his business but has never heard back from an employee with the Town. He asked the board if there was a process where the board would be responsible for returning communication with a citizen who addressed the board.

**MAYOR'S REPORT:** Mayor Sossamon attended the Southwestern Commission meeting in March where Sarah Thompson was named the new Director. Sossamon and Manager Dowling met with Lisa Leatherman about the upcoming expiration of the franchise agreement between Duke Energy and the Town of Sylva. A new agreement will be presented to the board in August.

**COMMISSIONER'S REPORT:** Commissioner Nestler announced that there would be a neighborhood clean-up in the Chipper Curve area on April 30<sup>th</sup> from 12:00 pm to 3:00 pm. The event will be followed by a hotdog lunch. Commissioner McPherson encouraged everyone to participate in the Draw Sylva event on Main Street. Commissioner Hamilton told the board there would be a neighborhood clean-up in the Savannah Drive community in May. Hamilton also encouraged everyone to plan to attend the Greening Up The Mountains festival on April 23<sup>rd</sup>.

**MANAGER'S REPORT:** Manager Dowling told the Board that the new downtown brochures are in. A copy has been distributed to each board member. All Concerts on the Creek have been booked for 2016. The Town of Sylva is sponsoring 4 of the concerts. Dowling reminded everyone that Greening Up The Mountains is from 10:00 a.m. to 4:00 p.m. on April 23<sup>rd</sup>. The Board will receive the draft budget on April 19<sup>th</sup>.

**PLANNING BOARD REPORT:** The Planning Board met on March 14<sup>th</sup> and reviewed a conditional use permit application from KRP Investments. The Planning Board recommends approval of the CUP by the Town Board.

**QUASI-JUDICIAL HEARING:** Mayor Sossamon opened the public hearing for the Board of Adjustments for a quasi-judicial matter on a conditional use permit request from KRP Investments at 5:55 p.m. Amanda Murajda administered an oath of testimony to Manager Dowling, Karen Perry, Wil Warren, and John Jeleniewski (Code Compliance Officer). Jeleniewski explained to the Board of Adjustments that the CUP request was for a 54-unit apartment complex in the B-2 zoning district. The B-2 district requires a CUP for multi-family housing, thus the need for the application. Jeleniewski reviewed the CUP summary and staff report before the board. He also noted the conditions proposed for the CUP to be approved. Manager Dowling told the board that the Planning Board approved the CUP with the conditions listed by the Code Compliance Officer.

Karen Perry, KRP Investments, made a presentation to the board. She illustrated, by slide show, what the development would look like, a proposed timeline of construction, and expected employment for the complex. She explained to the board how income would determine occupants of the units. She addressed questions about sidewalks, lighting, slope, and management of the complex from board members.

Being no further comment, the public hearing was closed at 6:23 p.m.

**BOARD OF ADJUSTMENT:** Mayor Sossamon opened the Board of Adjustment meeting at 6:23 p.m.

***Conditional Use Permit-KRP Investments.-- Mayor Sossamon 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 KRP Investments is unanimously approved as proposed with conditions.*

Board of Adjustment Meeting closed at 6:27 p.m.

**PUBLIC HEARING:** Mayor Sossamon opened the second public hearing at 6:28 p.m. for the closing of Robert, Washington, and a portion of Cowee Streets. Manager Dowling explained that Ben Guiney sent a letter of request to the Town of Sylva requesting the closure of Washington Street and the portion of Cowee Street between Maple and Ridgeway Streets. In addition to these streets, Dowling noted that it made sense to also close Robert Street at the same time. Property owners adjoining said streets will split driveways. Being no further comments, the public hearing was closed at 6:29 p.m.

**PUBLIC HEARING:** Mayor Sossamon opened the third public hearing at 6:29 p.m. for the proposed changes in Ordinance Section 4-2, alcohol consumption in public places. Manager Dowling gave an overview of the proposed changes which came as a request from the Board at a previous meeting. The proposed changes to the ordinance include allowing alcohol at special events as requested by event coordinator, to be approved on a case-by-case basis by the Town of Sylva Board of Commissioners.

Sheryl Rudd of Heinzelmännchen Brewery noted that she understood and respected everyone's opinion about alcohol and wanted the Board and citizens to know this would be a periodic event. Rudd explained that alcohol is the livelihood of those who own breweries. She also explained that the same alcohol laws that pertain to their businesses also apply to special events, such as selling to minors. Bernadette Peters of City Lights Café explained that the profile of a craft beer drinker is different from others who drink commercialized beer. They enjoy beer for the craft. She noted that she had never seen a craft beer bottle on the side of the road. She added that Decatur, Georgia has a similar ordinance and they have had no problems.

John Duncan with the Sneak-e-squirrel explained that tourism from craft breweries is huge on the Eastern Seaboard. He believes that Sylva is a hub of the tourism traffic line in Western North Carolina and should be promoted in this area. Curt Collins spoke in support of the ordinance changes and the breweries in the Town of Sylva.

Being no further comment, the public hearing was closed at 6:39 p.m.

## **NEW BUSINESS**

**CLOSING OF STREETS:** *Commissioner Gelbaugh made a motion to approve the closing of Robert and Washington Streets and a portion of Cowee Street noted in the order of closing. The motion carries with a unanimous vote.*

## **ORDINANCE SECTION 4-2: ALCOHOL CONSUMPTION IN PUBLIC PLACES:**

*Commissioner Nestler made a motion to approve changes to Section 4-2: Alcohol consumption in public places. Commissioner Hamilton stated that they need to continue to have control of what is done in the Town of Sylva, that she wants to support all citizens and take baby steps by having interest groups apply to the Board for permission to serve alcohol. Nestler agreed with Hamilton and noted that each case would have to be addressed individually. Commissioner McPherson believes this is an ongoing process. Commissioner Hensley stated that he believes this is a bad idea. No further comments. Mayor Sossamon noted a motion was on the floor and asked for a vote. Voting in favor of approval were Commissioners Gelbaugh, Nestler, McPherson, and Hamilton. Voting against approval was Commissioner Hensley. The motion passes with a 4 to 1 vote.*

**SPECIAL EVENT REQUEST FOR ALCOHOL:** Manager Dowling explained that the Town received a permit request for alcohol at a special event from Sheryl Rudd at Heinzelmännchen

Brewery. The event, Bier Garden (Crawfish Boil) is scheduled for April 23, 2016 during the Greening Up The Mountains festival. Chief of Police Davis Woodard explained to the board where the location of the event would be and that it would be roped off and participants would be held to that area while participating. *Commissioner McPherson made a motion to approve the special event request to allow alcohol. Voting in favor of the motion were Commissioners Gelbaugh, Nestler, McPherson, and Hamilton. Voting against the motion was Commissioner Hensley. The motion carries with a 4 to 1 vote.*

**RESOLUTION OF SUPPORT AND ACCEPTANCE OF FUNDS:** Manager Dowling explained to the board the Southwestern Commission grant funded through the Appalachian Region Commission was for implementing the Sylva Wayfinding project. *Commissioner Hamilton made a motion to approve the resolution. The motion carries with a unanimous vote.*

**ADJOURNMENT:** *Commissioner Hensley made a motion to adjourn the meeting at 6:51 p.m. The motion carries with a unanimous vote.*

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Lynda Sossamon  
Mayor

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Amanda W. Murajda  
Town Clerk