

**TOWN OF SYLVA BOARD OF COMMISSIONERS  
PROPOSED AGENDA**

**REGULAR BOARD MEETING OF THURSDAY, SEPTEMBER 10, 2020**

83 Allen Street  
Sylva, North Carolina  
**5:30 P.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  
Fire Department Report

**NEW BUSINESS**

1. Board of Elections Presentation
2. Authorization for Peter Tay to Conduct Feasibility Study for Mountain Bike Trails at Pinnacle Park and Black Rock Creek
3. Ordinance Amendment Section 36 Traffic: Unmuffled Engine Compression Brakes
4. Community Assistance During Coronavirus Pandemic
5. Resolution Establishing the Jackson County Confederate Monument a Nuisance

**ADJOURNMENT**

*Town of Sylva*  
**CONSENT AGENDA**  
*September 10, 2020*

**1- APPROVE MINUTES:** August 13, 2020, **Regular Board Meeting;** August 27, 2020 **Regular Board Meeting**

**2- REPORTS:**

- 1- Business Registration Permits as of **August 31, 2020**
- 2- Vehicle Tax Report as of **July 31, 2020**
- 3- Ad Valorem Tax Report as of **July 31, 2020**
- 4- Statement of Revenues, Expenditures, Changes in Fund Balance as of **July 31, 2020**

**Business Registration Permit Application**  
**August 2020**

| <u>Date Submitted</u> | <u>Business Name</u>     | <u>Business Location</u>         | <u>Owner</u>    |
|-----------------------|--------------------------|----------------------------------|-----------------|
| 8/13/2020             | Edward Jones Investments | 86 W. Main Street (new location) |                 |
| 8/27/2020             | Forbidden Color Tattoos  | 442 E. Main Street               | Cassidy Lance   |
| 8/28/2020             | Everything Bagel         | 984 E. Main Street               | jessica DuBoise |

## SYLVA COLLECTIONS

JULY 2020

|                    | YEAR | TAX    | INTEREST | TOTAL  |
|--------------------|------|--------|----------|--------|
| RENTAL VEHICLE TAX |      | 384.37 | -        | 384.37 |
| TOTAL              |      | 384.37 | -        | 384.37 |

Tax Summary  
as of July 31, 2020

| (10-301-XX)                                 | 2019        | 2018        | 2017        | 2016       | 2015       | 2014       | 2013       | 2012       | 2011       | 2010       | 2009       | Total       | Current Year    | TOTALS      |
|---|-------------|-------------|-------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-----------------|-------------|
| <b>Starting Balances</b>                    | 41407.96    | 23675.47    | 13851.86    | 6979.94    | 3591.07    | 2404.11    | 4,139.66   | 1,644.60   | 2,454.65   | 4,396.94   | 2,866.68   | 107,412.94  |                 | 10-281-0000 |
| July  | -860.23     | -37.51      | -121.17     | -184.71    | -28.91     |            |            |            |            |            |            | -1,232.53   |                 | -1,232.53   |
| August                                      |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| September                                   |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| October                                     |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| November                                    |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| December                                    |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| January                                     |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| February                                    |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| March                                       |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| April                                       |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| May   |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| June  |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| July - June Totals                          | -860.23     | -37.51      | -121.17     | -184.71    | -28.91     | 0          | 0          | 0          | 0          | 0          | 0          | -1,232.53   | 0.00            | -1,232.53   |
| Releases                                    |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| Add to Original Levy                        |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| Under Appeal                                | -2032.4     | -2342.26    | -2673.45    |            |            |            |            |            |            |            |            | -7,048.11   |                 | -7,048.11   |
| Bankruptcy                                  |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| Subtotals                                   | -2,892.63   | -2,379.77   | -2,794.62   | -184.71    | -28.91     | 0.00       | 0.00       | 0.00       | 0.00       | 0.00       | 0.00       | -8,280.64   | 0.00            | -8,280.64   |
| EOY Adjustment                              |             |             |             |            |            |            |            |            |            |            |            | 0.00        |                 | 0.00        |
| (10-110-XX) Balance                         | \$38,515.33 | \$21,295.70 | \$11,057.24 | \$6,795.23 | \$3,562.16 | \$2,404.11 | \$4,139.66 | \$1,644.60 | \$2,454.65 | \$4,396.94 | \$2,866.68 | \$99,132.30 | \$0.00          | \$99,132.30 |
| Interest                                    |             |             |             |            |            |            |            |            |            |            |            | 80.81       |                 | 80.81       |
| July  | 37.11       | 15.69       | 24.88       | 2.04       | 1.09       |            |            |            |            |            |            |             |                 |             |
| August                                      |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
| September                                   |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
| October                                     |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
| November                                    |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
| December                                    |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
| January                                     |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
| February                                    |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
| March                                       |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
| April                                       |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
| May   |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
| June  |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
| Interest Collected                          |             | \$15.69     | \$24.88     | \$2.04     | \$1.09     | \$0.00     | \$0.00     | \$0.00     | \$0.00     | \$0.00     | \$0.00     | \$80.81     | \$0.00          | \$80.81     |
| Submitted by: Amanda Murajda, Tax Collector |             |             |             |            |            |            |            |            |            |            |            |             |                 |             |
|   |             |             |             |            |            |            |            |            |            |            |            |             | Collection Rate | #DIV/0!     |

**Top 10 Delinquent Accounts (2019 & prior)**

| Name   | Balance<br>7/31/2020        |
|--|-----------------------------|
| Dewayne Ward                                 | \$ 9,363.86                 |
| Aaron Rents Inc                              | \$ 8,251.14 Under Appeal    |
| Rodney Riddle                                | \$ 3,813.44                 |
| Melton Riddle Funeral Home                   | \$ 3,351.90 Out of Business |
| Robert Shephard                              | \$ 3,346.04                 |
| Raleigh Double Cousins Prop LLC (Print Shak) | \$ 3,312.48                 |
| Joe Wilson                                   | \$ 3,219.61                 |
| Michelle D Franklin                          | \$ 3,166.33                 |
| Carol Garrison/ NCDOT                        | \$ 2,914.21 NCDOT purchase  |
| MODO Z LLC                                   | \$ 2,712.94 Out of Business |

General Fund  
Statement of Revenues, Expenditures, and Changes in Fund Balances  
7/31/2020

|  |    | General Fund     |            |                     |                     | Actual to<br>Budget Statement |               |              |                  |
|--|----|------------------|------------|---------------------|---------------------|-------------------------------|---------------|--------------|------------------|
|  |    | 2020-2021        | Previously | 2020-2021           | Current             | 2020-2021                     | Percent       | Period       | Variance         |
|  |    | Budgeted         | Reported   | YTD Actual          | Month               | Budget Balance                |               | 1            |                  |
| <b>Revenues:</b>   |    |                  |            |                     |                     |                               |               |              |                  |
| Ad valorem taxes   | \$ | 1,879,825        | -          | 10,547.79           | \$ 10,547.79        | \$ 1,869,277.21               | 0.56%         | 8.33%        | -7.77% *         |
| Other taxes and licenses   | \$ | 6,000            | -          | 2,885.05            | \$ 2,885.05         | \$ 3,114.95                   | 48.08%        | 8.33%        | 39.75%           |
| Unrestricted intergovernmental                                     | \$ | 1,464,916        | -          | 10,840.82           | \$ 10,840.82        | \$ 1,454,075.18               | 0.74%         | 8.33%        | -7.59% *         |
| Permits and Fees   | \$ | 17,000           | -          | 637.66              | \$ 637.66           | \$ 16,362.34                  | 3.75%         | 8.33%        | -4.58%           |
| Restricted intergovernmental                                       | \$ | 129,219          | -          | -                   | \$ -                | \$ 129,219.00                 | 0.00%         | 8.33%        | -8.33%           |
| Investment earnings  | \$ | 6,000            | -          | 1,554.63            | \$ 1,554.63         | \$ 4,445.37                   | 25.91%        | 8.33%        | 17.58%           |
| Other revenues   | \$ | 27,800           | -          | 1,336.59            | \$ 1,336.59         | \$ 26,463.41                  | 4.81%         | 8.33%        | -3.53% *         |
| <b>Total revenues</b>  | \$ | <b>3,530,760</b> | <b>-</b>   | <b>27,802.54</b>    | <b>27,802.54</b>    | <b>\$ 3,502,957.46</b>        | <b>0.79%</b>  | <b>8.33%</b> | <b>-7.55%</b>    |
| <b>Expenditures:</b>   |    |                  |            |                     |                     |                               |               |              |                  |
| <b>General Government</b>  | \$ | <b>705,249</b>   | <b>-</b>   | <b>83,569.64</b>    | <b>83,569.64</b>    | <b>621,679.36</b>             | <b>11.85%</b> | <b>8.33%</b> | <b>-3.52% **</b> |
| Salaries & Benefits  | \$ | 268,885          | -          | 21,560.11           | \$ 21,560.11        |                               |               |              |                  |
| Capital outlay   | \$ | -                | -          | -                   | -                   |                               |               |              |                  |
| All other expenditures   | \$ | 436,364          | -          | 62,009.53           | 62,009.53           |                               |               |              |                  |
| <b>Public Safety</b>   | \$ | <b>2,076,257</b> | <b>-</b>   | <b>219,189.27</b>   | <b>219,189.27</b>   | <b>1,857,067.73</b>           | <b>10.56%</b> | <b>8.33%</b> | <b>-2.22% **</b> |
| Salaries & Benefits  | \$ | 808,125          | -          | 156,800.50          | \$ 156,800.50       |                               |               |              |                  |
| Capital outlay   | \$ | 91,243           | -          | -                   | -                   |                               |               |              |                  |
| All other expenditures   | \$ | 1,176,889        | -          | 62,388.77           | 62,388.77           |                               |               |              |                  |
| <b>Culture and Recreation</b>                                      | \$ | <b>92,533</b>    | <b>-</b>   | <b>4,593.31</b>     | <b>4,593.31</b>     | <b>87,939.69</b>              | <b>4.96%</b>  | <b>8.33%</b> | <b>3.37%</b>     |
| Salaries & Benefits  | \$ | 24,425           | -          | -                   | -                   |                               |               |              |                  |
| Capital outlay   | \$ | 10,000           | -          | -                   | -                   |                               |               |              |                  |
| All other expenditures   | \$ | 58,108           | -          | 4,593.31            | 4,593.31            |                               |               |              |                  |
| <b>Transportation</b>  | \$ | <b>628,636</b>   | <b>-</b>   | <b>57,384.75</b>    | <b>57,384.75</b>    | <b>571,251.25</b>             | <b>9.13%</b>  | <b>8.33%</b> | <b>-0.80% **</b> |
| Salaries & Benefits  | \$ | 283,500          | -          | 19,714.63           | \$ 19,714.63        |                               |               |              |                  |
| Capital outlay   | \$ | 49,100           | -          | 7,725.00            | \$ 7,725.00         |                               |               |              |                  |
| All other expenditures   | \$ | 296,036          | -          | 29,945.12           | 29,945.12           |                               |               |              |                  |
| <b>Economic and Physical Development</b>                           | \$ | <b>14,275</b>    | <b>-</b>   | <b>-</b>            | <b>-</b>            | <b>14,275.00</b>              | <b>0.00%</b>  | <b>8.33%</b> | <b>8.33%</b>     |
| Salaries & Benefits  | \$ | -                | -          | -                   | -                   |                               |               |              |                  |
| Capital outlay   | \$ | -                | -          | -                   | -                   |                               |               |              |                  |
| All other expenditures   | \$ | 14,275           | -          | -                   | -                   |                               |               |              |                  |
| <b>Environmental Protection</b>                                    | \$ | <b>170,176</b>   | <b>-</b>   | <b>19,064.30</b>    | <b>19,064.30</b>    | <b>151,111.70</b>             | <b>11.20%</b> | <b>8.33%</b> | <b>-2.87% **</b> |
| Salaries & Benefits  | \$ | 60,620           | -          | 3,512.49            | \$ 3,512.49         |                               |               |              |                  |
| Capital outlay   | \$ | -                | -          | -                   | -                   |                               |               |              |                  |
| All other expenditures   | \$ | 109,556          | -          | 15,551.81           | 15,551.81           |                               |               |              |                  |
| <b>Total expenditures</b>  | \$ | <b>3,687,126</b> | <b>-</b>   | <b>383,801.27</b>   | <b>383,801.27</b>   | <b>3,303,324.73</b>           | <b>10.41%</b> | <b>8.33%</b> | <b>-2.08%</b>    |
| <b>Revenues over expenditures</b>                                  | \$ | <b>(156,366)</b> | <b>-</b>   | <b>(355,998.73)</b> | <b>(355,998.73)</b> | <b>199,632.73</b>             | <b>5.41%</b>  |              |                  |
| <b>Other financing sources (uses):</b>                             |    |                  |            |                     |                     |                               |               |              |                  |
| Transfers in   | \$ | 431,246          | -          | 50,000.00           | -                   | -                             |               |              |                  |
| Appropriated fund balance  | \$ | 200,123          | -          | 200,123.00          | -                   | -                             |               |              |                  |
| Contributed Capital  | \$ | -                | -          | -                   | -                   | -                             |               |              |                  |
| Sale of Assets   | \$ | -                | -          | -                   | -                   | -                             |               |              |                  |
| Loan Proceeds  | \$ | -                | -          | -                   | -                   | -                             |               |              |                  |
|  | \$ | 631,369          | -          | 250,123.00          | -                   | -                             |               |              |                  |
| Transfers to other funds:  | \$ | -                | -          | -                   | -                   | -                             |               |              |                  |
| Transfers out  | \$ | 475,003          | -          | 50,000.00           | -                   | -                             |               |              |                  |
| Transfer to Capital Reserve  | \$ | -                | -          | -                   | -                   | -                             |               |              |                  |
|  | \$ | 475,003          | -          | -                   | -                   | -                             |               |              |                  |
| <b>Total other financing sources (uses)</b>                        | \$ | <b>156,366</b>   | <b>-</b>   | <b>250,123.00</b>   | <b>-</b>            | <b>-</b>                      |               |              |                  |
| <b>Revenues and other sources over expenditures and other uses</b> | \$ | <b>-</b>         | <b>-</b>   | <b>(105,875.73)</b> | <b>(355,998.73)</b> | <b>199,632.73</b>             |               |              |                  |

**Analysis:**

\* Timing on taxes, state revenues, and misc revenues  
\*\*

**REGULAR BOARD MEETING**  
Town of Sylva Board of Commissioners  
August 13, 2020

The Town of Sylva Board of Commissioners held a regular meeting on August 13, 2020 at 5:30 p.m. hosted in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C. and held electronically by Zoom meeting.

|                 |                              |                              |
|-----------------|------------------------------|------------------------------|
| <b>PRESENT:</b> | Lynda Sossamon, Mayor        | Michael Morgan, Town Manager |
|                 | Greg McPherson, Commissioner | Amanda Murajda, Town Clerk   |
|                 | Mary Gelbaugh, Commissioner  | Eric Ridenour, Town Attorney |
|                 | Ben Guiney, Commissioner     |                              |
|                 | David Nestler, Commissioner  |                              |

**ABSENT:** Barbara Hamilton, Vice-Mayor

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

**STAFF PRESENT:** Lynn Bryant (Finance Officer), Chris Hatton (Police Chief), Jake Scott (Public Works Director), Mike Beck (Fire Chief) and Mallary Caraway (Fire Coordinator).

**VISITORS:** Julie Donaldson (Chamber), Kelly Donaldson (Chamber), Sande Lolli (Chamber), Lisa McBride (Main Street Committee President) and John Wermuth.

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

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

**PUBLIC COMMENTS:** None.

**MAYOR'S REPORT:** Mayor Sossamon announced that the Mayor of Washington, NC had recently passed away from complications of COVID-19.

**COMMISSIONER'S REPORT:** Commissioner Gelbaugh recognized schoolteachers, parents and students for their hard work in adjusting to a different school year. She also noted that more internet service was needed. Commissioner Nestler noted his disappointment in the County Commissioner's decision to leave the Confederate Statute in place. He added that he would like citizens to be aware that since their decision, orange cones and fencing have been installed and police presence occurs 24 hours per day. He also voiced concerns about threats being made online. He would like the board to consider condemning the statute as a public safety threat before someone gets seriously hurt. Nestler requested to add a discussion about this to the next board meeting. Commissioner McPherson congratulated the recent SMHS graduates and commended the school system for their hard work in making it happen during the COVID-19 pandemic. He also expressed his disappointment in Jackson County's decision to keep the Confederate Statute in its current location. Commissioner Guiney gave an update on the COVID-19 pandemic from the hospital. He also discussed the possibility of adding more outdoor seating around town for patrons to use.

**MANAGERS REPORT:** Interim Manager Mike Morgan reported that he and Jake Scott had met with construction firms who are working on recommendations for repairs. Those recommendations should be available in a few weeks. Morgan also noted that the applicants who submitted RFPs for the zoning ordinance update are being reviewed and a recommendation will be available at the next meeting.

**MAIN STREET REPORT:** Julie Donaldson, Kelly Donaldson and Sande Lolli from the Jackson County Chamber of Commerce, presented to the board a monthly update on the Main Street Committee. The Chamber was contracted to serve as the Main Street Director. The team updated the board on current statistics, training, brochures, member databases and upcoming events.

**FIRE DEPARTMENT REPORT:** Mallary Caraway and Mike Beck reported on call statistics, 2019 including 786 calls, and their upcoming ISO Rating which will be in September.

**NEW BUSINESS**

**MAIN STREET PROGRAM DISCUSSION:** The FY 2020-2021 budget allowed for the Town to enter into a contract with a firm to serve as the Main Street Program Director. The Jackson County Chamber of Commerce was chosen to serve in this capacity. Commissioner McPherson voiced his concerns over the process of hiring for the position. He added that not opening this position to other applicants limited their options for diversity. Commissioner Nestler also voiced his concern with the choice. He believes the Main Street board should have been consulted and would like the process to be changed going forward. Interim Manager Morgan explained that the Main Street board had not previously been involved in the hiring process. Commissioner Gelbaugh reiterated that the Chamber is doing a great job and it is appreciated. However, she added that other boards of the Town request applications to fill vacancies and the same should have been done with the Main Street position. Lisa McBride, current President of the Main Street Sylva Association, noted that the Chamber was doing a good job and the amount of services provided by them were more as an agency than an individual could provide. John Wermuth, former President of MSSA, expressed to the board that he was not pleased with how the hiring process was conducted.

**CARES ACT FUNDING RESOLUTION:** Interim Manager Mike Morgan discussed the CARES Act Funding available from Jackson County. He presented to the board staff's recommendation for using the CARES Act money. The board discussed their ideas of how the money should be used as well. *Commissioner Nestler made a motion to pass the resolution accepting the CARES Act money from Jackson County. The motion carried with a unanimous vote.*

*Commissioner Guiney made a motion to appropriate \$20,000 from Fund Balance to Non-fixed Capital of respective departments to go ahead and purchase equipment included in the resolution for the Cares Act money. The motion carries with a unanimous vote.*

**FIRE DEPARTMENT VERIFICATION FROM MUNICIPALITY RESOLUTION:** Interim Manager Morgan stated this resolution is needed from the Board in order for the Fire Department to complete their ISO Rating Process. The inspection will hopefully lower the tax rating to decrease the insurance premiums for homeowners and business owners in the Town. *Commissioner McPherson made a motion to approve the resolution. The motion carried with a unanimous vote.*

**ADJOURNMENT:** *Commissioner Guiney made a motion to adjourn the meeting at 7:14 p.m. The motion carried with a unanimous vote.*

\_\_\_\_\_  
Lynda Sossamon  
Mayor

\_\_\_\_\_  
Amanda W. Murajda  
Town Clerk



**REGULAR BOARD MEETING**  
Town of Sylva Board of Commissioners  
August 27, 2020

The Town of Sylva Board of Commissioners held a regular meeting on August 27, 2020 at 9:00 a.m. hosted in the Board Room of Municipal Hall, 83 Allen Street, Sylva, N.C. and held electronically by Zoom meeting.

|                 |                              |                                      |
|-----------------|------------------------------|--------------------------------------|
| <b>PRESENT:</b> | Lynda Sossamon, Mayor        | Michael Morgan, Interim Town Manager |
|                 | Barbara Hamilton, Vice-Mayor | Amanda Murajda, Town Clerk           |
|                 | Mary Gelbaugh, Commissioner  | Eric Ridenour, Town Attorney         |
|                 | Ben Guiney, Commissioner     |                                      |
|                 | Greg McPherson, Commissioner |                                      |
|                 | David Nestler, Commissioner  |                                      |
|                 |                              |                                      |

**ABSENT:**

Mayor Sossamon called the meeting to order at 9:00 a.m.

**STAFF PRESENT:** Lynn Bryant (Finance Officer), Chris Hatton (Police Chief) and Jake Scott (Public Works Director).

**VISITORS:** Melissa McKnight (Jackson County Health Department).

**AGENDA:** *Commissioner Gelbaugh made a motion to amend the agenda and add an ordinance amendment for outdoor sidewalk dining in the B-1 Main Street district. Commissioner Gelbaugh made a motion to approve the agenda as amended. The motion carries with a unanimous vote.*

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

**PUBLIC COMMENTS:** Christine Taber addressed the board about CDC guidelines on wearing masks during the pandemic and added that businesses needed to abide by the rules.

**MAYOR'S REPORT:** Mayor Sossamon reminded everyone to participate in the 2020 Census as it was very important to funding in communities.

**COMMISSIONER'S REPORT:** Commissioner Gelbaugh noted that she sympathized with parents during the virtual school classes students now have. Commissioner Nestler commended WCU on their response to racial acts on campus. He would like to request the District Attorney's office do a presentation on an upcoming agenda. He also requested a discussion be added to the next agenda regarding the CARES Act funding. Commissioner McPherson noted that he was proud of WCU for their stance on the racial acts that occurred on campus. Commissioner Guiney echoed Nestler and McPherson on WCU. He thanked Mike Morgan for talking with Main Spring about the use of bicycles at Pinnacle Park and Black Rock Creek. He requested that the Town look at umbrellas for the newly installed tables around town. Commissioner Hamilton reminded everyone to continue donations to the Community Table and to visit Harold's Supermarket. She thanked the police department for their work.

**MANAGERS REPORT:** Interim Manager Mike Morgan reported that North Carolina is 37<sup>th</sup> in the nation with census response and stands to lose significant funding. Jackson County is 98<sup>th</sup> in the state of 100 counties in response rate. Sylva has a response rate of 46.8% and is 365<sup>th</sup> out of 551 municipalities. He reminded everyone to please participate in the 2020 census. Morgan added that tables have been added to Bridge Park and the pocket part on Allen Street to assist businesses with outdoor dining.

**PUBLIC WORKS DEPARTMENT:** Jake Scott reported that he was looking at purchasing water barricades and fencing panels to assist with events. The 2019-2020 Solid Waster report will be submitted in the next week. Scott

will be working with the Chamber and Rotary Club on a volunteer day. He is waiting on design estimates for repairs on Allen Street.

**POLICE DEPARTMENT:** Chris Hatton reported on department statistics. The department received new respirators that were greatly needed.

**PLANNING BOARD REPORT:** The August meeting was cancelled because of the virus.

**TWSA REPORT:** Commissioner Nestler noted that TWSA extended their policy on disconnections.

**NEW BUSINESS**

**JACKSON COUNTY HEALTH DEPARTMENT—CORONAVIRUS UPDATE:** Melissa McKnight gave an update to the board on the Coronavirus Pandemic both locally and at the state level.

**RESOLUTIONS FOR EVENT STREET CLOSURES**

- (A) **EVENT RESOLUTION—WALK FOR HOPE:** A request has been made by the Sylva Police Department to close Main Street for the purpose of having a Walk for Hope celebration for breast cancer awareness on October 10, 2020. *Commissioner Hamilton made a motion to approve the temporary street closure. The motion carries with a unanimous vote.*
- (B) **EVENT RESOLUTION—TREAT STREET:** A request has been made by the Main Street Sylva Association to close Main Street for the purpose of having a “Treat Street” festival for Halloween on October 31, 2020. *Commissioner Guiney made a motion to approve the temporary street closure. The motion carries with a unanimous vote.*
- (C) **PARADE RESOLUTION—VETERAN’ DAY PARADE:** A request has been made by the local Veterans chapter to close Main Street for the purpose of having a parade on November 7, 2020. *Commissioner Hamilton made a motion to approve the temporary street closure. The motion carries with a unanimous vote.*
- (D) **PARADE RESOLUTION—CHRISTMAS PARADE:** A request has been made by the Main Street Sylva Association to close Main Street for the purpose of having a Christmas parade on December 6, 2020. *Commissioner Gelbaugh made a motion to approve the temporary street closure. The motion carries with a unanimous vote.*
- (E) **EVENT RESOLUTION—GREENING UP THE MOUNTAINS:** A request has been made by the Main Street Sylva Association to close Main Street for the purpose of having the Greening Up the Mountains festival on April 24, 2021. *Commissioner McPherson made a motion to approve the temporary street closure. The motion carries with a unanimous vote.*

**ZONING REQUEST FOR PROPOSALS—UPDATE TO THE TOWN OF SYLVA ZONING AND SUBDIVISION ORDINANCES:** Mike Morgan reported that the Town received 2 proposals for the project. Withers Ravenel submitted a proposal for \$25,250 with a 6-month time frame and J Turner Consulting submitted a proposal for \$57,300 and a 1-year time frame. The Planning Department has reviewed both and recommends using Withers Ravenel. *Commissioner Hamilton made a motion to approve the resolution and accept the recommendation of Withers Ravenel and authorize the Town Manager to enter into contract with them. The motion carried with a unanimous vote.*

**ORDINANCE AMENDMENT SECTION 30-14; STREETS AND SIDEWALKS ALLOWING SIDEWALK DINING:** Mike Morgan explained that this amendment is temporary and for the use of restaurants in the B-1 district. *Commissioner Guiney made a motion to approve the ordinance amendment. The motion carried with a unanimous vote.*

**DISCUSSION OF JACKSON COUNTY’S ACTION ON THE REMOVAL OF CONFEDERATE STATUTE:** Commissioner Nestler commented that the statute is a safety concern and the town should take a stand for public safety. He believes that Chapter 19 of the NCGS explains nuisances and that the town should declare it as

so. Nestler added that he had a proposed resolution that he would like considered. Commissioner McPherson added that he would support the nuisance idea. Commissioner Guiney noted that he believes it does meet the definition of a nuisance. Commissioner Hamilton explained that she is still against the removal but does not like the safety issues. Commissioner Nestler read his proposed resolution to the board and will forward to staff to review for the next board meeting.

**ADJOURNMENT:** *Commissioner Guiney made a motion to adjourn the meeting at 10:40 a.m. The motion carries with a unanimous vote.*

---

Lynda Sossamon  
Mayor

---

Amanda W. Murajda  
Town Clerk

**An Ordinance to Amend Section 36 Traffic:  
Prohibiting the Use of Unmuffled Engine Compression Brakes**

**Whereas**, the Town of Sylva may by ordinance prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks, alleys, and bridges of the Town, and

**Whereas**, a compression release engine brake, frequently called a Jacobs brake or Jake brake, is an engine braking mechanism installed on some diesel engines. When activated, it opens exhaust valves to the cylinders, right before the compression stroke ends, releasing the compressed gas trapped in the cylinders, and slowing the vehicle, and

**Whereas**, the use of compression release engine brakes may cause a vehicle to make a loud chattering or "machine gun/jackhammer-like" exhaust noise, especially vehicles having high flow mufflers, or no mufflers at all; and

**Whereas**, the North Carolina Department of Transportation (NCDOT) considers appropriate engine braking an essential safety practice, and prohibiting use of engine brakes may have negative impacts. However, a properly installed muffler will reduce the excessive noise and vibration emitted. Therefore, NCDOT will allow the installation of "Unmuffled Engine Braking Prohibited" signs on NCDOT right-of-way inside municipal limits.

**Now therefore**, the Town of Sylva Board of Commissioners is amending the Town of Sylva Code of Ordinances to prohibit the use of "Unmuffled engine compression brakes" within the Town of Sylva.

**The ordinance is now after discussion and affirmative vote amended to include the following:**

***Article 1 In General Section 36-1 Definitions.***

*Engine compression brakes means* a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes (commonly referred to as a "jake" brake, "Jacob's" brake, engine brake or dynamic braking device).

***Article 1 In General Sec. 36-15 - Unmuffled Engine compression brakes prohibited.***

- (a) No person shall use a motor vehicle where the unmuffled engine compression brake (jake brake) is in any way engaged or activated on such motor vehicle or any unit a part thereof, except for emergency situations for the purpose of avoiding a collision with another object, person or vehicle. Engine compression brakes are defined in Section 36-1.
- (b) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with General Statutes 20-169.

**This ordinance shall be in full force and effect upon its adoption on September 10, 2020.**

---

Lynda Sossamon, Mayor

ATTEST:

Approved as to form:

---

Amanda W. Murajda, Town Clerk

---

Town Attorney