

TOWN OF TRYON
BOARD OF COMMISSIONERS
SPECIAL MEETING
JANUARY 8, 2015
10:00 A.M.
TRYON FIRE STATION

Present: Mayor Jim T. Wright Mayor Pro Tem Roy Miller
Commissioners: Happy McLeod, Bill Ingham
Staff Present: Town Manager Joey Davis Town Clerk Susan Bell
Town Attorney Bailey Nager Public Works Director Joel Burrell
In-coming PWD Gary Walker

CALL TO ORDER

Mayor Wright welcomed everyone and called the meeting to order.

Town Attorney Nager stated that Mr. Duetsch, attorney for Ms. Whitmire will speak and then the Board may enter into closed session.

Attorney Duetsch stated that Ms. Whitmire acquired her house in 1999 and began having problems soon after with sewer backing up into her pipes. The Town figured out that the pipe was inadequate to carry the flow. The time that it took the town to address the situation and the ability to use the house and live there is what were here to discuss. Ms. Whitmire will be 70 in June and basically she has a home that she couldn't enjoy since she has been in the home, because of the sewage issue. Sewage has backed up onto her neighbor's property, then hers and into the house. The inverse condemnation affect is that you condemn the property. It's just compensation – just as you have taken property to put in the sewer line. What we are asking is for you to buy Ms. Whitmire's house because they don't see how she is going to live in the house now, because it is in bad shape, not all at the Town's fault, but because of the roof problem. If you live in a home temporarily you don't feel like you are at home. The intense nature of the sewer invading your home makes it difficult to want to occupy the house. She's asking that the town give her enough money to fix the house so she can move back into it.

Attorney Duetsch presented a board of pictures that show a timeline since 2012. He commended the town on applying for a grant and fixing the line. They recognize the measures that have been taken. Capping off the manhole caused it to back up worse. Ms. Whitmire needs confidence to move back into the house and not worry. She lives alone. The infrastructure is finally being addressed. A jury would decide on an inverse condemnation. Give her fair market value for the house and then the town could sell it to make the money back. If this goes to court, then she would get attorney fees that could be close to the value of the house. He has seen in the paper that council should buy the house. In terms of solving the problem, she has to have a new home as opposed to one that is in bad shape. It doesn't have to be an expensive house. The Town has agreed to give her \$25,000 to her to fix up her house.

She is going to continuously think about this. Ms. Whitmire has family here, they are hard-working citizens. Hopefully after this there will be a long term solution. Give her a new house.

Mayor Wright asked when the original sewer line was built. PWD Walker stated 40's or 50's. Wright stated the line was in there before Ms. Whitmire moved in. Burrell and Walker stated yes.

Sonya Glover stated the manhole has been moved. Wright asked when. Attorney Duetsch asked if it was moved before she moved in. Ms. Whitmire stated yes.

Ms. Whitmire stated that the sewer has caused her problems. She couldn't walk into her yard. She hopes that the Board knows what she has been through. It has been rough for a long time. Council said they were going to fix and finally have.

Attorney Nager stated that Duetsch had mentioned to him on the phone about having an appraisal done, getting a cost for repairs and discussing the mold in the home. He asked if there was a counter proposal. Duetsch stated that he feels the best thing would be to buy the house. The Town could sell the house and make their money back. Fair market value and \$10,000 to boot. Ms. Whitmire has a mortgage on the house and has defaulted. Her credit is being affected, the roof is due to neglect on her part not being aware of it. She is reluctant to go back into house. There is too much to do to get the house back into shape for her to live in it.

Mayor Pro Tem Miller asked if she is asking for fair market value plus \$10,000 and attorney fees. Duetsch stated no attorney fees, only fair market value plus \$10,000.

Mayor Wright entertained a motion to enter closed session to discuss attorney-client privileges pursuant to N.C.G.S. 143.318-11(a)(3). Commissioner McLeod so moved. The motion carried unanimously. The Board moved to Town Hall.

After closed session the Board moved back to the Fire Department.

ADJOURN

Commissioner McLeod made a motion to adjourn. The motion carried unanimously.

Jim T. Wright, Mayor

Attest:

Susan B. Bell, Town Clerk

Commissioner Baker arrived and left during closed session. Mayor Wright left during closed session.