

**TOWN OF TRYON**  
**BOARD OF COMMISSIONERS**  
**JANUARY 19, 2016 6:30 P.M. PUBLIC HEARING**  
**TRYON TOWN HALL MCCOWN ROOM**

Present: Mayor J. Alan Peoples Mayor Pro Tem Bill Ingham

Commissioners: Roy Miller, Bill Crowell, Crys Armbrust

Staff Present: Town Manager Joey Davis Town Clerk Susan Bell

Police Chief Jeff Arrowood Community Development Director Paula Kempton

**PUBLIC HEARING: MORRIS SIGNAGE REVISION AMENDMENT**

Mayor Pro Tem Ingham called the Public Hearing to order. Town Manager Davis stated that this is the required Public Hearing for the revision to the Zoning Ordinance. The revision prohibits signage located within ten feet of Morris. The Planning Board approved this proposal unanimously at their November meeting. Ingham asked if this included blood drive signs. Community Development Director Kempton stated not within in ten feet. Attorney Nager stated that John Walters had contacted him earlier about the signage concerned about the ten feet. The ten feet is because of the historical sign that identifies Morris. It is located just beyond the ten feet. His feeling is that you wouldn't want to see signs in that area. Commissioner Armbrust asked if there wasn't something in the state ordinance that allows the exception for historical markers. Nager stated that there might be he hasn't researched that. Armbrust stated that his personal thought is that historical markers denoting something of historical significance might be accepted from the regular signage ordinance. Jerry Soderquist stated that visitors all stop and want a picture of Morris and have to get around the signs. Mary Prioleau stated that the Planning Board did come up with alternate areas for signage that could be more effective and allow for more signage if the amendment is approved. Armbrust stated that he was actually in the Planning Board meeting and they presented a plan. He asked CDD Kempton if she had a copy of the documents that she could pass around to council. Armbrust stated that those signs are located at the three entrances to the Town.

Prioleau stated that the advertising of nine events could be done. Commissioner Crowell stated that they were talking about putting six foot stanchions as part of the welcome signs so that two 3x6 foot banners could be put at the entrances

Mayor Peoples came in. Wanda May asked if the new location for signs needed to be codified in the ordinance. Nager stated probably yes, so that it is clear. Armbrust suggested that CDD Kempton oversee this if passed.

Joyce Kimpton stated that it sounds like that the board is planning to clutter up instead of cleaning up the signs. Armbrust stated that his concern is that Morris is the most visited spot in our community.

Commissioner Crowell asked if the Blood Mobile and BINGO signs will not be able to go up. The sandwich boards he feels should be allowed.

Nowell Guffey asked if there is something related to NCDOT. Nager stated that there is a part of the ordinance that already states that you can't put signs in the right-of-way. DOT will take the position that signs are not allowed in their right-of-way. Will they enforce it, he doesn't know. Joan Roseberry asked what about sidewalks. Nager stated that would be controlled by the town ordinance. Roseberry says that because the ADA disabilities act says you can't place signs on sidewalks.

Ingham stated the only thing that bothers him is the things that have been going on for 30-40 years. Commissioner Miller agrees. Crowell stated that he would like to stay within the ten feet. Kempton stated that her issue with this is Morris is the Town's property and the bed around it is as well. There should be no signs in that area. Prioleau asked if we make certain exceptions, how does that work with the Supreme Court? Ingham feels that the Blood Cross should be allowed there. Prioleau asked how do you say one can and one can't and be content neutral.

Nager stated that the Supreme Court case basically says sign ordinances are supposed to be content neutral. The ruling brings up a whole lot of questions that there are no answers to. You have a real problem by allowing non-profits only to put signs there. Where we are with the federal law it is a lot easier to say all signs or no signs. Commissioner Miller asked if that was not outside the ten feet. Ingham says, no signs.

Nager says that the Planning Board is prohibiting signs within ten feet, but they need clarification on the signage beyond the ten feet. The ordinance says signs are prohibited in the right-of-way. Armbrust stated that Norfolk Southern also has a right-of-way of 75 feet both ways. It seems to him that the rational way to go forward is, to do as has been proposed by the Planning Board, no signage within the ten feet and the council could allow advertisement of certain events such as BINGO and the blood drive.

Nager has two concerns. First saying that you are going to allow signs such as blood drive is not a content neutral and second you are putting signs in the right-of-way when you have an ordinance that prohibits that. Miller asked if the Town sign at Pacolet Street is in the right-of-way. Nager stated that there is an exception to street signs, stop signs and railroad signs.

Ingham stated that notification to the public needs to be done.

Miller asked about the location of the new signs. CDD Kempton stated that the Planning Board has come up with these locations. Mayor Peoples stated that we have a wonderful town but we keep splitting hairs.

Nowell Guffey stated that you are saying no signage within ten feet of Morris. Now everyone in Town comes in and wants to put up a sandwich board for advertising. Ingham stated that we can't discriminate.

Ingham stated that the sign in the back of a truck on Main Street is legal. He doesn't understand.

Being no more comments, Mayor Peoples closed the public hearing.

#### **REGULAR MEETING 7:00 P.M.**

#### **CALL TO ORDER**

Mayor Peoples called the meeting to order. He then asked for a moment of silence in respect for those that are sick and those fighting to keep us free. Commissioner Miller led the Pledge of Allegiance.

### **AGENDA ADOPTION**

Mayor Peoples asked for any additions or deletions to the proposed agenda. Town Manager Davis added 6a the option to vote on the Morris signage revision and add attorney-client privilege to the closed session. Mayor Peoples entertained a motion to adopt. Commissioner Miller so moved. The motion carried unanimously.

### **CONSENT AGENDA ADOPTION**

Mayor Peoples entertained a motion to adopt the proposed Consent Agenda, which includes the minutes from the previous meeting and tax releases (RE Mevers \$1,567.65, GE Capital \$101.48 and D&D Unlimited \$9.70). Mayor Pro Tem Ingham so moved. The motion carried unanimously.

### **MORRIS SIGNAGE REVISION AMENDMENT**

Mayor Peoples entertained a motion to approve the Morris Signage Revision. Attorney Nager read the revision prohibiting signage within ten feet of Morris. Commissioner Miller so moved. The motion carried unanimously.

### **STREETS AND SIDEWALKS DISCUSSION**

Town Manager Davis turned this over to CDD Kempton. She stated that she and PWD Walker had been tasked with prioritizing the streets that needed work and which ones have been on your list the longest. They have looked at only thirty of the streets and have prioritized those. The average cost of repaving is \$20 per square yard. To repave or patch the thirty streets would cost an estimated \$118,000. The first list would cost \$25,000, which includes Rector Street. The street only has a couple of houses on it, but it is in bad shape.

Mayor Pro Tem Ingham stated when we do this we have to keep in mind one thing, if we are going to do this properly, we need to do all streets alike, not have one section all paved and another section patched only. Commissioner Armbrust stated that sometimes we choose a method that gives us and our citizens a half assed decision. He asked CDD Kempton to forward her list to the council. CDD Kempton stated that of the thirty that they have looked at this is the first ones on the list. Carson & Second Street to Whitney Street, Depot, Cowan Lane, Spruce, Peake, possible Howard Street, Beaver, Rector and Chestnut.

Miller asked what the criteria is for the top eleven was. Why wasn't Howard Street parallel to Stott's Ford on the list? Kempton stated that is it not listed because of the sewer. It is a huge priority. Davis stated that the fire hydrant is going to have to be moved and the sewer lines replaced before paving. Kempton stated the reason that Peake Street made it is because of the drainage. Wilcox is badly in need. She dropped it into the second priorities, because of the number of houses on the street.

Armbrust stated that he would like to discuss the downtown corridor. It is imperative that we complete the downtown corridor. He feels that it needs to be completed because of the town being recognized on the national historical registry. He would like to move forward to acquire funding for multiple projects and secondly to propose a downtown project and residential project as a series of upgrades in the future.

Peoples stated that we keep talking about the cost. Take the top 20 list of roads then the sidewalks to get a realistic number. This would give us a place to start. He feels that taking a portion out of fund balance and a portion out of Powell bill to make payments on the loan would work.

Kempton stated that some of the streets we are looking at are less than sixteen feet and doesn't qualify for Powell bill.

Kempton stated the estimates are:

From Owens to Oak Street the 2014 estimate was \$14,900 and from Foothills Realty to Palmer Street was \$53,375 for a total of \$68,275. She reminded the Board that the grant application for sidewalks outside of town we applied for in October will be funded in March. Then DOT can be asked to help with funding.

Armbrust asked her to give a general figure to do Howard Street, Peake Street and the Oak Street project. Peoples stated that we need to get numbers. Kempton stated that this is based on the streets that I have seen. Do you not want to see about the rest of the roads? Armbrust stated no. Thirty projects are enough.

Davis estimated between \$250,000 \$260,000 to finish projects:

\$100,000 for Oak Street intersection, \$40,000 for Peake, \$40,000 for Howard, \$25,000 for infrastructure under Howard Street, \$53,000 sidewalks Foothills Realty to Palmer Street, \$14,000 top side of Oak Street above Owens Pharmacy. Peoples stated that we are past time on getting things done.

Armbrust stated that he has questions about the timeline of the Lane building. Mr. Lane stated that he is looking at being in by late this summer. He would like to see the sidewalk finished by the end of spring. Peoples stated that we need to get a bid to see what we can afford. Armbrust asked for individual bids per project so as to have no problems with the bid threshold. He would also like to consider moving forward on the three projects.

Commissioner Crowell stated that we have to have bids before we approve the project and need an open work session on spending \$250,000. He has seen trucks have to pull up and back up to get turned on Oak Street. A fifty foot trailer will not be able to turn once you put in bump outs. Can't close the street when having festivals. The Board also needs to talk about what should be done about closing Maple Street to meet the grant applications from the Polk County Community Foundation.

Armbrust stated that DOT has examined and approved the design at Oak Street. They are the authorizing agent for North Carolina. Crowell stated they also designed the roundabouts. He has concerns and needs firm numbers. Kempton stated with all due respect the numbers were in last month's agenda packet and the plans for the Oak Street project were in the other room.

Miller stated that we need firm numbers on Peake Street and Howard Street. He tends to agree with Crowell if spending \$250,000 of the taxpayer's money nothing can be approved without concrete numbers. The street department has repaired sidewalks in the past for a cost savings. We might could use them for some repairs. Let see numbers in front of us. The only solid numbers that he has seen was on the Oak Street project. Peoples stated we need numbers and a work session before the next meeting.

Miller stated that he would concentrate on Peake Street, Howard Street, sidewalks on Oak street with bump outs, sidewalks in front of Owen's and sidewalks to Palmer, then decide which ones need it right now and which ones need to be done in the near future.

Armbrust stated that we need movement on the sidewalk, because they are opening in the summer. Ingham stated that we shouldn't do it right now. Miller stated that we can call a special meeting.

Armbrust suggested that the Town Manager acquire information from area banks on financing. Davis stated that he and Kempton know what to do. Armbrust asked if we need to make a motion to approve that within x amount of time we will have estimates from Kempton and information from Davis. Peoples stated no, we have given them direction.

#### **APPOINTMENT(S) TO BOARD OF PLANNING & ADJUSTMENT**

Town Manager Davis stated that the Board needs to appoint two regular members and one alternate to the Board of Planning & Adjustment. There are four applications in your packet. Mayor Pro Tem Ingham made a motion to appoint Carl Wharton and John Salmon to the Board. The motion carried unanimously. Commissioner Miller made a motion to appoint Fred Fuchs as the alternate to the Board. The motion carried unanimously.

#### **APPOINTMENT(S) TO CEMETERY COMMITTEE**

Town Manager Davis stated that you have two applications in your packet for the Cemetery Committee. Commissioner Miller made a motion to appoint Jerry Soderquist and Allan Strom to the Cemetery Committee. The motion carried unanimously.

#### **APPOINTMENT(S) TO PARKS COMMITTEE**

Town Manager Davis stated that you have one application in your packet for the Parks Committee. Commissioner Armbrust made a motion to appoint Sandra Sammons to the Parks Committee. The motion carried unanimously.

#### **PROPOSAL FROM QUILBE ASSOCIATES**

CDD Kempton stated that at the last meeting the Board approved Joel Lenk as the engineer for the Harmon Field River Restoration Project. He has submitted his proposal estimate for the design, construction administration and oversight of the project. The Town Attorney and Town Manager have also reviewed the proposal. Mayor Peoples asked if progress reports would be provided. Mr. Lenk stated yes. Mayor Peoples entertained a motion to accept the proposal. Mayor Pro Tem Ingham so moved. The motion carried unanimously.

#### **TOWN MANAGER'S REPORT**

Town Manager Davis stated that the Tryon Midnight event went well. TDDA Executive Director Jamie Carpenter stated that they were lucky to have the great weather for the event. The crowd was good. She thanked Town Manager Davis and the Fire Department for helping with the fireworks, Chief Arrowood and police for keeping them safe. It was a nice event. Davis reminded everyone of the Martin Luther King event this Saturday at Tryon Fine Arts Center at 6:00. He gave the public works department kudos for their work this week. They have had three water breaks with the weather and

are ready for the snow and ice storm. He reminded everyone to make sure they have batteries and food just in case of power loss.

### **COUNCIL/MAYOR REPORT**

Commissioner Crowell asked about leaf pickup. The damage done at the Sunnysdale property and the ABC parking lot is due to the lack of cleaning out the ditches. They haven't been cleaned out in four years. There needs to be a schedule. He is against them using the frontend loader, because it tears up the infrastructure. The curbing on Broadway and other streets is gone and the water goes where it's not supposed to go. He understands there has been other damage because the ditches haven't been cleaned out and the leaves picked up.

Commissioner Miller thanked everyone for coming out tonight. He does listen to everyone's comments. He asked that everyone be safe, be a good neighbor and stay warm.

Commissioner Armbrust stated that the Town of Tryon was successful in getting on the National Registry. He can't thank everyone who helped across twenty years for making this happen. He would like to mention specifically Annie MacDonald, Clay Griffith and Meg Rogers, Brady-Trakas Architects, Sherri Adams, Gayle and Scott Lane for all the work that went into this designation.

Mayor Pro Tem Ingham thanked everyone for coming. There is a nice crowd here. He thought the Midnight celebration was a sign of all working together, a nice event.

Mayor Peoples stated that when he was a classroom teacher he used to teach about hero's and people who grew up knowing the right thing to do, but knowing that they were going to get hurt and did it anyway. He always thought of Martin Luther King. He thought that he always knew what was going to happen to him and he faced it anyway. His hat off to him.

### **CITIZEN COMMENTS & RESPONSES**

Mary Prioleau, chairman of the Tryon Tourism Board invited everyone to attend their meeting next Tuesday at 6:00. Sharon and Molly from Tryon International Equestrian Center will be there to talk about bridging historic Tryon and the Equestrian Center.

Patti D'Arbanville stated that she agrees with Commissioner Crowell. She doesn't know why the leaves are not getting picked up. Mayor Peoples stated that he doesn't have an answer for this. Infrastructure needs to be replaced. You all want more services, but it cost money. Ms. D'Arbanville asked if burning was allowed. Town Manager Davis stated yes, but you need a permit.

Julie McIntyre stated that the leaves are accumulating in the ditches. How do these leaves get picked up. Mayor Peoples stated that the Town is responsible for picking them up. Joyce Kimpton stated that she started in October calling and asking about a schedule. In the past the town has picked up leaves two times a year. The other times you have to bag them. Once you set a rule, abide by it or be fined.

Mayor Pro Tem Ingham stated that the town has had a lot of leaves, wet weather and a lot of other issues. The crews have been working on them. Ms. Kimpton stated that they need a schedule, because she has to hire someone to get her leaves raked. Leaves shouldn't be picked up on the day of the Christmas parade. Mayor Peoples stated that there will be a schedule next year. Ms. Kimpton stated at least give us an idea of when the leaves are going to be picked up.

Ms. Kimpton stated that all other towns do a police report and fire report in the bulletin and asked why Tryon doesn't? Town Manager Davis stated that there is one coming, working on format with council.

Anne Day thanked PWD Walker, Chief Arrowood and Town Manager Davis for sitting down and talking to her and Ms. Kimpton this week about concerns that they had.

Peter Piacente stated that he moved here about 14 months ago. With all these complaints you should raise the taxes to be able to accommodate. This would take care of a lot of problems. It's ridiculous how low the taxes are. Mayor Pro Tem Ingham stated that he would vote against an increase. Commissioner Miller stated that he would also. To raise taxes would hurt our elderly population.

Ms. D'Arbanville asked if the leaves were going to be picked up this year? Davis stated the town paid \$15,000 last year to pick up the leaves. They will try.

Allan Strom stated that if all he had to worry about was his leaves he would just move back North. He can go to anyone of you and ask a question and get an answer. He has seen schedules before. Put your leaves in bags and give the town a break.

Nowell Guffey asked about Highway 176 from the railroad down. Mayor Peoples stated that the NCDOT was responsible. Town Manager Davis stated that he has sent letters asking them to expedite this. We are four years out on the schedule. Mr. Guffey stated that it is bad being the entrance to the town.

#### **MOTION TO CONVENE TO CLOSED SESSION**

Mayor Peoples entertained a motion to convene to closed session to discuss economic development pursuant to N.C.G.S. 143.318-11(a)(4) and for attorney-client privilege pursuant to N.C.G.S. 143.318-11(a)(3). Commissioner Miller so moved. The motion carried unanimously.

A motion was made and carried unanimously to convene to regular session.

#### **REGULAR SESSION**

Mr. Miller asked about the former Tryon Riding & Hunt Club building. Mr. Davis stated that he has had two inquiries about renting space in the building. One of those includes a proposal by the prospective lessee to provide some maintenance of the grounds as an offset for part of the rent. The Board discussed whether to rent or sell the building and the need for maintenance of the grounds. No vote was taken, but there was a split of opinion about which course to pursue. The Board instructed Mr. Davis to determine what work is necessary to make the building ready to rent. Mr. Armbrust recommended that a plaque stating "Meyer Building" be placed on the building. Mr. Crowell's motion to that effect was approved unanimously.

Mr. Miller stated that he feels the Town should entertain discussion with Charles Dallara about his proposed donation to Harmon Field. Mr. Ingham feels that the statue is acceptable because it has a generic look. Mr. Peoples stated that he has told Mr. Dallara that the name "Dallara" must be printed smaller than "Harmon Field" on any signage. Mr. Miller stated that he would like to see a splash park, but a donation must include funds for perpetual care. Mr. Armbrust stated that he appreciates the nod to the Tryon All Stars who originally played on the Barber property near Harmon Field. The Board discussed the need to bring baseball back to Harmon Field. The Board directed Mr. Davis to contact Mr.

Dallara about meeting the Board and the Harmon Field Board of Supervisors at the Harmon Field cabin for a joint meeting at 5:30 p.m. on February 16<sup>th</sup> and to invite Mr. Dallara to attend the Board's regular meeting at 7:00 p.m. that evening at Town Hall. The Board also asked Mr. Davis to notify the Bulletin so that the public is aware of the meeting.

**ADJOURN**

A motion to adjourn by Mr. Miller was approved unanimously.

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J. Alan Peoples, Mayor

Attest:

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Susan B. Bell, Town Clerk