

**TOWN OF TRYON
BOARD OF COMMISSIONERS**

JANUARY 16, 2018 7:00 P.M.

TRYON TOWN HALL – MCCOWN ROOM

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

Commissioners: Crys Armbrust, Bill Crowell, Chrelle Booker

Staff Present: Town Manager Zach Ollis Town Clerk Susan Bell

Police Chief Jeff Arrowood Fire Chief Geoff Tennant

CDD Paula Kempton Town Attorney William Morgan

CALL TO ORDER

Mayor Peoples called the meeting to order and asked for a moment of silence. Mayor Pro Tem Armbrust led the Pledge of Allegiance.

PROCLAMATION BIG BROTHERS BIG SISTERS

Mayor Peoples presented Big Brothers Big Sisters a proclamation proclaiming January 2018 as National Mentoring Month. Karen Dacey and Mary Prioleau were present to receive.

AGENDA ADOPTION

Mayor Peoples asked if there were any additions or deletions. No additions or deletions were made. He entertained a motion to adopt the Agenda. Commissioner Crowell so moved. The motion carried unanimously.

CONSENT AGENDA

Mayor Peoples asked if there were any additions, deletions or corrections. Attorney Morgan asked to add closed session minutes from September 19 and October 17 and the Manager's contract. Peoples asked if we could add the appointment to the Tourism Board to the consent agenda. Attorney Morgan stated yes. Mayor Peoples entertained a motion to adopt the Consent Agenda along with the additions. The consent agenda included the Board's minutes, tax releases for A Better Deal LLC (\$10.93), DD Bradley (\$269.17), Homer Frye (\$37.80), Nannie Henderson (\$87.55), Will King (\$44.27), Mildred McCarroll (\$202.05), Viola Waddell (\$630.19), Leroy White (\$56.41), Ella Williams (\$78.47), RL Wood (\$81.48), Sarah Taylor (\$47.14), Archie Frink (\$31.07), RW Early (\$43.03, \$33.61, \$28.22), Romey Johnson (\$49.69), Otis Vernon (\$461.84), David Hill (\$124.05), Simply Simons Sweet (\$422.15, \$23.54), Buck's Pizza (\$473.35, \$36.25, \$32.14, \$158.04), Renovation Holdings LLC (\$12.29), along with closed session minutes from September 19 and October 17, an amendment to the manager's contract and an application from Mary Parker to Tourism Board. Commissioner Ingham so moved. The motion carried unanimously.

APPOINTMENT TO THE BOARD OF PLANNING & ADJUSTMENT

Town Manager Ollis stated that Jonathan Gerst has applied for the open position. Currently he is an alternate on the board. Mayor Peoples entertained a motion to appoint Jonathan Gerst to the Board of Planning & Adjustment as a regular member. Commissioner Armbrust so moved. The motion carried unanimously.

RESOLUTION APPLYING FOR HF FEASIBILITY STUDY

Town Manager Ollis stated that Joel Lenk with Quible & Associates is here to explain. Mr. Lenk stated Quible & Associates helped the town apply for the N. Pacolet River Restoration grant at Harmon Field. Part of the work involved was obtaining a FEMA permit. They produced an engineering certification for what they call a no rise certification. That was submitted to the North Carolina section of FEMA. They came back with some additional information that resulted in the project not fitting in with the no rise certification. They had to go back through another modeling effort and submit what they call a conditional letter of map revision. That's the flood insurance maps for the project area. That has been completed. It put us over budget and we spoke with the Division of Water Resources, the folks who provided the grant and they suggested that we submit another grant application for the over budget amount, which would cover the conditional letter of map revision plus some treatment of exotic and evasive plants. If you are familiar with the area, you know there is a large amount of kudzu infestation. This resolution is to cover the cost of the FEMA permitting and the exotic and evasive plant removal. The total grant amount is \$16,900. He is asking for approval of the resolution to be able to submit this tomorrow to the Division of Water Resources.

Commissioner Armbrust asked if he could clarify the match. Mr. Lenk stated there is a fifty percent match. The matching amount is not a cash amount it is an in-kind amount for administration. Quible is also providing part of the match. The only cash amount is for the exotic and evasive plant removal. That has already been done. The cost was \$3,800. The total to the town was \$1,900.

Mayor Peoples entertained a motion to adopt. Commissioner Ingham so moved. The motion carried unanimously.

TRYON STREETScape STORM DRAIN ASSESSMENT

Town Manger Ollis stated we have had this discussion over the past six months and in the previous hour. He asked if the board would like to continue the discussion. Commissioner Armbrust stated that he would like to continue the discussion and take a vote. Mr. Scruggs is here this evening and he would like to allow him to speak on the issue. Mr. Scruggs stated during the summer, TDDA came to him and asked if he would like to give the property to the Town for a plaza. He stated yes with the condition that the town would take over the asphalt area. The town would be responsible for anything under that area if they take it over. He also asked if the plaza was done, if it could be named after his family. That's as far as it got. There is drainage that runs under the area. It comes from a catch basin in front of the Gold shop. The water comes from two sources. One is across the railroad tracks, down the bank and into the catch basin. The catch basin was enlarged about sixteen years ago. It also catches the water from Trade Street. This is the only catch basin in the area. He was asked to donate the property. He said he would under those conditions and it has taken a life of its own.

Commissioner Armbrust asked for correctness of the written record. He was approached by the Town not TDDA. Mr. Scruggs stated that's fine. He doesn't know of any stream that is under it. He always gets water in the basement when we get two or more inches of rain within an hour. His father bought the property in the 60's to early 70's. Until the washout fifteen to sixteen years ago, to the best of his knowledge there wasn't a problem. He's been back here since the late 70's. Armbrust thanked him for his generosity to donate that parcel of land. He feels that it will be a vital and important programming spot for future downtown events. Mr. Scruggs stated it wasn't totally generous, he was hoping the town would take it over so that he wouldn't have to deal with it.

Commissioner Ingham stated that he was under the impression that there were more problems, but he asked Mr. Scruggs if it was the same problem that he has had for years and it hasn't changed. Mr. Scruggs stated yes. Commissioner Crowell stated the high water was seen coming up out of the ground and it is from the creek coming under the building. It builds pressure when it hits the boulder and has to go somewhere.

Mr. Scruggs stated that he has never seen a report that there is a creek under there. All he hears is city water. Mayor Peoples asked if this council was to accept this and found something, what we suspect, would he be willing to pay any monies to help repair it. Mr. Scruggs stated no sir. Armbrust asked what he meant by what we expect. Mayor Peoples stated you have said you don't think there is a problem and the owner says there is not a problem, and if there turns out to be a problem, this is what he meant. Crowell stated that he feels there is a separation of pipe somewhere. Water is going somewhere and there has been erosion underneath the asphalt. They had a company not long ago there pouring buckets of gravel down in a hole. Ingham stated if that is the case, then he feels that we need to get down there and fix it. If it's causing a problem then it will start working its way toward our road and we need to fix it. Crowell stated it would be DOT's problem, we don't own the sidewalks. Armbrust stated the Town of Tryon is responsible for the sidewalks. Ingham stated that if we ignore the problem in the pipe, it is only going to get worse. This is part of the infrastructure that needs to be fixed even if we have to borrow the money.

Mr. Scruggs stated about fifteen years ago a basketball got into the drain, backed it up and when it broke loose it literally blew the floor out of the building (Gold Shop). At that time the Town insurance paid to go in and replace the pipe underneath to correct all of that. It happened again about five years ago with the sink hole. He received information after the lawsuit that any town culverts that ran under private property belongs to the property owner. So therefore the town did not pay to fix it. The cost was about \$25,000 to his father to make repairs. During that period of time the responsibility was taken from the town and put on the property owner. He doesn't know what legalities would be, if he decides to dig down, close off the pipe and tells the town to figure out what to do about the water. Don't know if he legally can do that. But according to the lawsuit he is responsible for what happens underneath his building. He feels he should give that section to the town to be responsible for and he would be responsible for whatever is under his building. With what happened fifteen years ago and what happened five years ago, he found the town was responsible one time and not the second. That is what has happened since he has been part of this.

Armbrust stated that Mark Maxwell was then Public Works Director fifteen years ago. Mr. Scruggs stated the town rebuilt the holding thing, big enough so that a man could walk down into it. That's actually under the highway.

Crowell stated that he is not in favor of this. There is a creek that runs underneath. Ingham stated that he doesn't know about a creek and he hasn't seen a report about a creek. Crowell stated the creek is on the other side of the railroad tracks. The creek bed collapsed on Trade Street. When DOT dug it up, it was a hand laid stone arch culvert. It wasn't piping, it was hand laid by the railroad when they built that big hill. They ran it out and probably stopped it where the buildings are. When that land was developed the property owner probably dug a ditch, put in a concrete culvert, filled it in and built the buildings on top of it. It is a continuous flow of water. Ingham stated then that is his pipe and he can do what he wants with it. He's not responsible for taking away the town's water. He's only responsible for the pipes under his building. If we leave a mess then we are not being responsible. Armbrust agrees. Crowell stated then both of you are agreeing there is a mess there to be dealt with. Ingham stated that he has seen the concrete in the pipe which is not under his building, it is closer to the sidewalk. Not sure of how it got there, but it is there. Crowell stated when they were working on his parking lot they put it there. It will cost at least \$25,000 we know, because that is what the Scruggs have spent.

Ingham stated his cost included new asphalt also. The town is going to be doing that anyway with the new sidewalk.

Ken Dahlstrom asked if in the spring aren't they repaving the road. If the road is already opened up, then doesn't that give a better opportunity to fix something? Ingham agrees. To leave this doesn't seem right. Armbrust stated that the town is working on scheduling to get the streetscape finished. Once we have completed our part, the state will come in after and repave. The state very generously donated \$400,000 of work to re-asphalt the road. Mr. Dahlstrom asked if there would not be a lot of vibrations and heavy equipment at that time. Could this not cause problems? Crowell stated if we take the property then we are going to have dig the pipe up, go inside the pipe and remove the blockage. It's virtually going to be the same job the Scruggs did. Mayor Peoples asked why we should do anything about it. Crowell asked if Trace had looked at this.

Ollis stated that we have had surveys performed and engineers to look at this. The report shows what they found. They had a camera on a robot go through the pipe and take pictures that showed issues in the pipe. There were issues because of holes drilled in the asphalt. There are just a number of small things that build to a larger complex issue. Basically where we are at now, the engineers have looked at the pipe itself and we as a collective unit have looked at the current state of the asphalt as well as the basement. If we were to take the project on, we would not know the true cost until we get in to take everything out. It could be very cheap, it could be very expensive. That's something that will have to be determined. Armbrust asked do we not have the option to do an inflatable pipe that would be substantially cheaper. Ollis stated that could be done.

Carol Browning asked if she understood Zach to say the town wouldn't know the cost until you get into the project. Ollis stated yes. Ms. Browning asked how you would bid it. Ollis stated you would have to have contractors to come and look at this before bidding. Ms. Browning stated her second point is how do you as councilman make decisions without having basic cost figures for tax payers, because you haven't budgeted for this and don't know the cost. It seems irresponsible to her. Armbrust stated that he doesn't know that it is irresponsible, we have been dealing with this issue for months. CDD Kempton stated talking began about nine months ago. Armbrust stated that we have the basic cost because council has approved the streetscape from Foothills Realty to Palmer Street. It is merely an add on that Trace hasn't bid on yet. Ms. Browning asked how you as councilman can make a decision to spend the

taxpayer's money without knowing the cost. Ingham stated he felt someone could give us a bid based on the engineering reports. Ms. Browning asked if that would not be the appropriate time to make an intelligent decision. Mayor Peoples thanked her for her point, because he would like to have the property, but at what cost. Ingham stated this is infrastructure and it is a project that we have been working on for twenty years. If there is a mess underneath, at some point it is going to cost somebody. Ms. Browning stated maybe if it puts a burden on your budget, then maybe you don't do that part of streetscape now. She's not in favor of that and she's not advocating for it, but the dollar is a very important part of receiving this.

Mayor Peoples asked Zach and Paula how long it would take to get a quote on this. Paula stated you would have to have an instant bid and would send the report to Trace.

Armbrust stated that he wanted to throw this out for consideration, when we have we not found the money for our infrastructure projects. Ingham stated there is a difference between \$25,000 and \$100,000. Armbrust agreed. Crowell stated he would love to have Trace's opinion on removal, compaction and meet all DOT standards and pour slab. Kempton stated she will send it to them. Mayor Peoples suggested tabling this to get an estimate. All agreed. Armbrust asked if we could have estimate within the next two weeks. Kempton will get this to them.

Mr. Scruggs asked for an estimated time to do the work, because the businesses may have to be closed. Armbrust stated that we haven't closed a business yet. Trace is very conscientious of the businesses.

MONTHLY PROJECT PRIORITIZATION LIST

Town Manager Ollis asked that citizens not put bricks, rocks or limbs in with the leaves. This destroys the leaf machine. The crews have had problems picking up the leaves because the leaves are frozen. The crews have been fixing a lot of water leaks recently. We have been switching people around to get the leaks taken care of. He thanked the ones that held the dinner at the parade and congratulated Big Brother Big Sisters for the proclamation. He also thanked TDDA and Anne Day for Tryon Midnight. It went great. The public work crews have pulled 16 hours this weekend on top of their forty hour week to fix some of the water lines that are snapping. He thanked the Fire Department for all they did this past weekend.

Commissioner Armbrust asked about the Melrose Avenue sidewalk. CDD Kempton stated the crew will be here next week. Armbrust asked about the painting of the barriers. Ollis stated the street crew has been shifted to water to help with the leaks and have gotten behind in leaf pickup and other projects.

Commissioner Ingham asked if we were any closer on minimum housing. Kempton stated she has inspected five houses and is working on the complaint notice of hearing letter. She is trying to get them ready to go out.

Commissioner Armbrust asked about the camera installation in this room and the surveillance camera in town. Town Manager Ollis stated we are working with our current camera company to get quotes on the cameras around the building. The webcam he has met with Commissioner Crowell about how to place it and has met with Windstream and they tell him we can't get broadband service across street. Armbrust asked if Foothills Realty had been approached. CDD Kempton stated Owens Pharmacy is a no for putting cameras on their building. Ollis stated they could contact Foothills.

Commissioner Armbrust asked about the status of the parking lot owned by Owens Pharmacy and leased by the Town of Tryon. CDD Kempton stated that as of November, he has a problem and wants make sure that is cleared up first. He does seem agreeable. The lease expires in April.

TOWN MANAGER'S REPORT

Town Manager Ollis stated that he had already done this.

COUNCIL/MAYOR REPORT

Commissioner Crowell thanked Mr. Scruggs for offering the piece of property to the Town. The crews have done a great job on repairing the water leaks. Melrose Extension is a nice neighborhood, but there is a dilapidated house there. CDD Kempton stated it is on the list. There were at least ten complaints on it years ago. Mayor Peoples stated for a number of years, the town has changed managers and changed Planning & Zoning Administrators and each time we do this, we have to start all over again. Kempton stated each time the hearing takes place, the owner complies and the process starts all over. Armbrust stated that minimum housing is our first priority. Kempton stated the town attorney has started working on this and has given her a first draft.

Commissioner Booker thanked everyone for being here. She thanked the police and fire departments for their work on the fire. She knows they came out seven or eight times. She does appreciate it. She has had two people that wanted to make sure the police received thanks for checking on a few elderly women. She thanked all the town employees, but especially those that work outside. She also thanked Dr. Carson for his meetings. He gives a different point of view.

Commissioner Armbrust gave kudos to Tryon, North Carolina for being named by Expedia as the North Carolina destination. He thanked everyone for coming.

Commissioner Ingham thanked town staff for all their hard work and everyone for coming out tonight.

Mayor Peoples thanked Jamie for Tryon Midnight. He thought there was at least a thousand people there. He asked about the fire department how much water they used this weekend. Chief Tennant thought around 100,000 gallons of water. Mayor Peoples stated that we have a chair maker opening a business in town. Another restaurant is opening in town in March. A couple of other businesses are moving locations in town. A lady called him about the Expedia and he let her know that we already knew Tryon is a great destination.

CITIZEN COMMENTS & RESPONSES

Jamie Carpenter with TDDA, thanked the town for all the work for Tryon Midnight. Their quarterly meeting will be held on February 13 at 8:00 at Stott's in their new showroom. Anne Day asked to bring cat food or dog food for the local shelters if you can.

Dr. Carson asked about the funds budgeted in the current budget for demolition. Town Manager Ollis stated there is money budgeted for the demolition of buildings. Dr. Carson asked when it can be used and showed pictures of 427 E. Howard Street so the board can see how ugly the house is. Ollis stated we are waiting on the finalized paperwork telling the people to correct their problems or we are going to tear their home down. Dr. Carson stated he would be delighted to come to a meeting one night and see this robust discussion that you have had on the pipe downtown, though instead seeing you try to

address some of the concerns in the neighborhoods, especially on the east side. The neighborhoods are where people live. People aren't going to do it just because you think they are. On another note he would like to ask if it is appropriate for the town to dispose of the leaves by blowing them into the creek. It was just a question.

Commissioner Crowell asked if the town would own the property at 427 E. Howard Street once it is condemned and we tear it down. Does the town own the property or do we just improve the property? CDD Kempton stated the town does not own the property once it is torn down. You have to file a lien on the property, but you do not own it. Once you possess the property rights on the property you can sell it. One of the homes on the minimum housing list has just recently sold. She has found that four of the homes do not meet the criteria. You can only clean up the debris. Crowell asked if they were paying their taxes. Kempton stated typically they owe taxes. If the town sells the property then the county usually gets the first part for their taxes. Mayor Peoples stated some properties are in the flood plains and some are too small to rebuild on. The town needs to take action and try to enforce the ordinance and get the owners to take care of the property.

Ken Dahlstrom asked if the council had any authority beyond the city limits. Mayor Peoples stated only zoning and planning in the ETJ area. Commissioner Ingham stated that the zip code 28782 means nothing. Addresses for Red Fox and part of the Green Creek area have Tryon addresses. Mr. Dahlstrom is having problems with his internet service and was hoping for someone to help with that.

ADJOURN

Mayor Peoples entertained a motion to adjourn. Commissioner Armbrust so moved. The motion carried unanimously.

J. Alan Peoples, Mayor

Attest:

Susan B. Bell, Town Clerk