

**TOWN OF TRYON**  
**BOARD OF COMMISSIONERS**  
**DECEMBER 15, 2015 7:00 P.M.**  
**TRYON TOWN HALL-MCCOWN ROOM**

Present: Mayor Pro Tem Roy Miller

Commissioners Present: George Baker, Bill Ingham

Staff Present: Town Manager Joey Davis      Town Clerk Susan Bell

Police Chief Jeff Arrowood      Community Dev. Dir. Paula Kempton

Public Works Director Gary Walker

**CALL TO ORDER**

Mayor Pro Tem Miller called the meeting to order. Commissioner Baker led the invocation. Commissioner Ingham led the Pledge of Allegiance.

**AGENDA ADOPTION**

Mayor Pro Tem Miller asked if there were any additions or deletions to the agenda. Town Manager Davis asked to add two items. One item would be the recommended amendment to the zoning ordinance regarding signs in the IP district. This is continued discussion from the public hearing in October. The information is laying on your desk. Then also closed session for attorney-client privilege. Miller stated we would make 13a IP signage and 22a as the closed session and entertained a motion to adopt the agenda. Commissioner Ingham so moved. The motion carried unanimously.

**CONSENT AGENDA ADOPTION**

Mayor Pro Tem Miller asked if there were any corrections to the Consent Agenda, which includes the minutes from the previous Board meeting and tax releases (John Canady \$25.51, \$62.36, \$13.54, Vana Bolling \$55.15, Don Viehman \$46.31, \$44.69, \$44.59, \$42.56, 42.66). Being none, Commissioner Ingham made a motion to adopt the Consent Agenda. The motion carried unanimously.

**COMMENTS FROM OUTGOING COUNCIL**

Commissioner Baker asked that everyone continue on doing the right thing for the right reasons. Remember the employees for the town work for the Town Manager and the Town Manager along with the Town Clerk work for you. Just don't forget that. That's all.

Commissioner Ingham stated that that man did what he did for the love of this town. No one has ever been better prepared for meetings. Mayor Pro Tem Miller echoed his words. They have always battled over stuff and things have always come out right. Miller appreciates Commissioner Baker's friendship.

### **SWEARING OF MAYOR-ELECT**

Town Clerk Bell swore in J. Alan Peoples as the new Mayor.

### **SWEARING IN OF COMMISSIONER ELECTS**

Town Clerk Bell swore in Roy Miller as the re-elected Commissioner and Joseph Crystal Armbrust as the newly elected Commissioner. A short break was held for refreshments.

### **COUNCIL APPOINTMENTS**

Town Manager Davis stated that we have a lot of appointments to make.

Mayor Peoples entertained a motion to make Commissioner Bill Ingham as Mayor Pro Tem for this year. Commissioner Miller so moved. The motion carried unanimously.

Commissioner Miller made a motion to nominate Commissioner Bill Crowell to the Tryon Tourism Development Authority. The motion carried unanimously.

Commissioner Crowell made a motion to re-appoint Commissioners Ingham and Miller to the Eastside Committee. The motion carried unanimously.

Mayor Pro Tem Miller made a motion for Mayor Peoples to serve on the Cemetery Committee. The motion carried unanimously.

Commissioner Ingham made a motion to nominate Commissioner Miller to the IPDC Board and volunteered to be an alternate. The motion carried unanimously.

Commissioner Miller made a motion to nominate Commissioner Armbrust to the Parks Committee. The motion carried unanimously.

Commissioner Miller made a motion to nominate Mayor Peoples to the Sidewalk Committee. The motion carried unanimously.

Commissioner Miller made a motion to nominate Commissioner Ingham as the Harmon Field Board appointment. The motion carried unanimously.

Commissioner Miller made a motion to nominate Commissioner Armbrust as the Board of Planning & Adjustment appointment. The motion carried unanimously.

Commissioner Miller made a motion to nominate Commissioner Armbrust as the ABC Board appointment. The motion carried unanimously.

### **DISCUSSION OF SIGNAGE AT MORRIS THE HORSE AND SET PUBLIC HEARING**

Town Manager Davis stated that we are going to have a short discussion and then hold the public hearing next month. CDD Kempton congratulated the Board on the elections. She stated that there has been some confusion on the signs at Morris the Horse. There is no ordinance or adopted policy to follow. The issue is that she has approved some signs, based on what she was told, people call in and we tell them it's okay. The Town doesn't own the property, it belongs to DOT, with a backup easement to Norfolk Southern. DOT wouldn't allow this, but they are not going to enforce it either. Under the town's ordinance special event signs are not allowed in Central Business District. Temporary signs are

not allowed on publicly owned property. The School of Government's opinion is that if you are following a standard practice then you err on the side of consistency.

Attorney Nager stated that the Planning Board has discussed this and it will be brought before you next month. Their recommendation is to prohibit signs on or within ten feet of Morris. There needs to be a policy or ordinance to move forward with this. Commissioner Ingham asked about the directional signs. Nager stated that if you are not going to allow signs at Morris maybe a new location needs to be decided on. Ingham stated that what bothers him is the Blood Drive at Episcopal Church, Super Saturday, Beerfest and Community Chorus event signs. John Walters stated that the original concept was for community events, not businesses. Commissioner Miller stated that he doesn't feel the language was ever specified. Commissioner Armbrust stated that in these discussions an alternate location for the signs could be decided on. Miller stated that he agrees with Commissioner Ingham that this has been the center of advertising for the Block House Steeple Chase, MLK Day event, Community Chorus, Bingo and other community events. Mayor Peoples stated that after the public hearing maybe they will have the answer.

Mayor Peoples entertained a motion to set a public hearing for 6:30 p.m. on January 19, 2016 for discussion of the signs. Commissioner Ingham so moved. The motion carried unanimously.

#### **WAYFINDING SIGNAGE**

CDD Kempton stated that in your agenda she is proposing to change the wayfinding signs. There are antique shops on Highway 176, but there are no signs directing people to them. She is asking council to authorize her to change, add or look into the cost of changing the signs. Mayor Peoples stated that he had heard the complaint that the signs are for businesses outside the town limits and general businesses are not recognized. Commissioner Armbrust stated that he feels it is very important to support our local businesses and this is the easiest way, especially for individuals that are unfamiliar with our town. John Walters asked if Kempton could work with the planning board on the signs.

Commissioner Armbrust made a motion to authorize CDD Kempton to move forward and present us at the very next meeting a solution to the issues and that we authorize in this meeting the funding for those changes to the signage and further that she be in discussion with Planning & Zoning. The motion carried unanimously.

#### **ZONING ORDINANCE AMENDMENT-SIGNS**

Town Manager Davis stated that a public hearing was held in October to discuss changes to the IP District. At the Public Hearing Commissioner Miller asked the Planning Board to meet with the church and discuss the changes? John Walters stated that he, Attorney Nager and twelve members of the Church met. Commissioner Miller asked if they had counted the base as part of the signage for the Seventh Day Adventist Church. Walters stated that there were two brick piers that were not to be counted. This wouldn't be in the square footage of the sign. The Church is working within the Planning Board's recommendation. Attorney Nager stated that the 12-18" are recommended by the planning board. This has not come before you yet.

Mayor Peoples entertained a motion to adopt the Zoning Ordinance amendment. Commissioner Miller so moved. The motion carried unanimously.

### **HARMON FIELD STREAMBANK RESTORATION GRANT**

Town Manager Davis stated that this process started in December 2014. The grant was approved in October 2015. CDD Kempton stated the grant was submitted on December 18, 2014 to NCDWR for \$195,923 to do the restoration work. On October 29, 2015 the Town received notification that only \$150,000 had been awarded. Joel Lenk looked at this and revised the budget to make the \$150,000 work. She then presented it to the Harmon Field Board, which agreed to move forward with the project. This board on December 16, 2014 approved the project and the budget. The match required was 50%. The Town committed to a \$4,000 cash match, \$197,000 in-kind services through the construction match and the non-federal match was from the Pacolet Area Conservancy \$10,000 that was set aside for purposes of such. She needed permission from them to use the money for this project. Mary Walters is going to get this approval in writing to us by Thursday or Friday.

Joel Lenk with Quibble is here to answer questions on the stabilizing and restoring the streambanks. He originally had talked with Joel Burrell about this to see what could be done. This is a good project. He has a lot of experience working with this type of project.

Kempton stated that the first phase is the design. This process could run a year. There has been a lot of riverbank lost with all the rain received. Following the Mini-Brooks Act the Board needs to select an engineer to get this process started. Commissioner Ingham asked PWD Walker if he was aware of what he is going to be doing. PWD Walker stated yes.

Attorney Nager asked if Mr. Lenk had a contract. Mr. Lenk stated with your approval he will submit a proposal. Davis stated that Mr. Lenk did the work on the East Howard Street storm water management assessment and worked at the maintenance shed on the phase I and II projects.

Mayor Peoples entertained a motion to accept the grant that was dated October 20, 2015 from Governor McCrory and to appoint Joel Lenk as our engineer with the understanding that he will come back with a proposed contract monies specified. Commissioner Miller so moved. The motion carried unanimously.

### **TDDA SERVICE AGREEMENT**

Town Manager Davis stated that several months ago Council gave TDDA the Small Town Main Street. Now it's been upgraded to the Main Street program. Council wanted an agreement before doing this. Ms. Carpenter and Ms. May from TDDA are here to answer questions. CDD Kempton stated that the agreement had been passed around. It's been tweaked to work for both the Town and TDDA. It's thorough in its goals. To go forward we have to have an agreement in place. When the board said TDDA would be the managing the Main Street program, then they expect to know what our intentions are. Reports will be turned over to TDDA, who will then give to Kempton and then she will bring to the Board. Sherry Adams is patiently waiting on this. Kempton feels it is a good agreement. Davis stated that this makes sure there is some type of oversight from the Town.

Commissioner Armbrust asked if Kempton could specify the agencies which will require reports. Kempton stated Sherry Adams from the Main Street program and you as the board are required to be reported to.

Mayor Pro Tem Ingham made a motion to approve the Service Agreement with TDDA. The motion carried unanimously.

#### **OAK STREET SIDEWALK EASEMENT**

Town Manager Davis stated Scott Lane has approached the town regarding a sidewalk easement on Oak Street for him to build a handicap ramp into his building. Attorney Nager has reviewed it and Mr. Lane has reviewed it. Attorney Nager stated that they are asking for a door to come out of Missildines onto Oak Street side and a ramp to come down (handicap ramp to front of building 5x10x21) toward Trade Street parallel to the building. It's a relatively small area. Mr. Lane stated that the issue was with retail and having an ADA compliant entrance there. The only way to do this was to put the ramp on the side of the building.

Mayor Pro Tem Ingham made a motion to approve the Oak Street Sidewalk Easement with Scott Lane. The motion carried unanimously.

#### **NORTH TRADE/OAK STREET PROJECT**

Town Manager Davis stated that this is a potential project at the intersection of Trade and Oak Street. Scott Lane stated that he and his wife have made a substantial investment in the three buildings at the corner of Oak, Trade and Pacolet Street. He hopes to be finished by the middle of next year. There is no sidewalk on the side of Oak Street. There is no entrance from there. The streetscape plan calls for reimagining that intersection, redoing the crosswalk and repairing the sidewalk. To move along with our project, he needs the town to move forward with the improvements. It's in his best interest to move quickly.

CDD Kempton stated that the town has paid for an engineer design at a cost of \$7,000. The plans are in the conference room. Trace & Company submitted a proposal for \$77,600. The scope of work is attached and she needs to make sure that the exclusions are included or at least who is paying for it. Milone & MacBroom engineers submitted a proposal of \$121,000. She expects it to be lower, but the 64% difference bothers her, but maybe this could be explained better. Trace bid a lump sum cost and the engineer had a line item bid so she couldn't compare. She added 10% contingency to cover extra cost such as change orders. If Trace guarantees their cost, then you might do it for that. You have an engineered design with DOT approval, therefore you will need engineer construction oversight of this project. She is not qualified to do inspections where you have an engineer design with DOT approval. She asked for Milone & MacBroom to give her a quote on this. He has included \$6,241 for inspections, with exclusions. The bids are all past thirty days so you will need new bids. There will also have to be a contract with specifications.

In checking for funds that we can leverage she found that TDDA has no funds to help. The Rural Planning Organization funds next cycle is in 2017.

Trace has worked with the town on several projects. He doesn't see why a 10% contingency would be a problem. It wouldn't change anything. Matt has done the estimate. It will take twenty-three days weather permitting. The concrete is going up to \$8 a cubic yard, but he will make them hold the prices that he has if he receives approval.

Kempton stated that she added \$1,350 in to get the Maple Street project in compliance with the proposal because the Polk County Community Foundation says that we need to fix it. She has talked with someone at Trace and they know about this. Armbrust stated that the work from Trace has been very fine for the Town of Tryon. Attorney Nager is very familiar with the contracts for them. The state bid process from the state is \$300,000, so we are below the threshold. It concerns him about the DOT funds. That will require at the very least a year to be notified. We don't have an excess of a year according to Mr. Lane. He would like to urge us too seriously to consider the Trace bid and designate where the funding temporarily should come from and make every honest attempt to find funding to cover this before seeking larger funding for the hole streetscape project.

Town Manager Davis stated that your options are floating a loan for this project or taking it out of fund balance. Previous discussions was to borrow a large chunk of money to do major road and sidewalk improvements in Town. Then let the Powell Bill cover the debt service. He doesn't feel that we can leverage money from the Polk County Community Foundation. Kempton stated we should be receiving a letter soon from them, but it will take months to clear up.

Mayor Peoples suggested borrowing money and paying back with x number of dollars and a percentage of what is made on the fund balance. Armbrust asked if Davis had a figure in his head for fund balance last month. Davis stated that he has a figure. The spendable amount is around \$500,000.

Commissioner Ingham stated that he would like to see the entire project done

Commissioner Miller stated that we have a capital improvement plan in place, but it hasn't been touched. There are fire hydrants that still don't work in town, East Howard Street needs to be repaired along with drainage problems. It will be a hard sell, being that some of the projects have been on the list for more than ten years.

Armbrust stated that he wants to improve the residential area. It's essential moving forward if they borrow money to include monies for the residential infrastructure. Miller stated that we owe it to the citizens to work on those problem areas. Prioritizing the streets need to be completed before starting. Armbrust stated that they are having two discussions, his intentions is doing a small project.

Ingham stated that we have promised people for a long time to do these repairs. He feels like we could do both at the same time. Davis asked if PWD Walker and CDD Kempton could take an inventory of street repairs and bring back to you next month. Walker will tell you that you are going to have to do infrastructure repairs on East Howard Street before you re-pave it.

Commissioner Crowell feels that it needs more discussion, before making a decision. Why not fix what needs to be fixed. Kempton is going to meet with Jonathan Hollifield next week to discuss updating the capital improvement. Crowell doesn't want four options to pay for this, he wants Davis to come up with one option and let's do it. Armbrust stated that his only concern is that the entire project will exceed the states threshold. Peoples stated that he could bid it out with smaller projects. Miller stated that we can come up with three or four projects to work with first. Peoples stated that we can call for a special meeting to discuss if needed. Davis asked if this discussion cleared up the next item. Peoples stated yes. Davis stated that they will have something in January or before. **(STREETS/SIDEWALK DISCUSSION)**

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

Town Manager Davis stated that there are two positions with terms expiring in December 2015. You also have one alternate that needs to be appointed. Four applications have been received.

Commissioner Armbrust stated that he had had several people talk to him about being on that board. He suggested tabling until next month. John Walters asked how many would they have to have for a variance. Attorney Nager stated five members. Commissioner Crowell stated that he would like to see more business people on the board instead of retirees.

Commissioner Miller made a motion to table until the next meeting whether it be the regular meeting or a called meeting. The motion carried unanimously.

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

Town Manager Davis asked Jamie Carpenter if she had anything to say about the Christmas Stroll. Ms. Carpenter stated that the Christmas Stroll went well and thanked Police, Fire and CDD Kempton. She felt there was a nice crowd. It brought people downtown. Davis stated that the weather couldn't have been better. It's good to have Chief Arrowood back with us and let him know if there was anything that he needed to let them know. Trade Street will be closed on Thursday, December 31<sup>st</sup> from about 5:30 for the Tryon Midnight celebration. Festivities begin around 7:00, the ball drop will be at 9:00 and the fireworks at 9:05. Carpenter with TDDA stated that the event was moved up because of the children and elderly. Funds for the event are provided by the Polk County Community Foundation and she wanted to thank them for that. Davis reminded everyone that Town Hall will be closed Wednesday, Thursday and Friday for Christmas. Remember that January 18<sup>th</sup> Town Hall will be closed in observance of Martin Luther King holiday. There will also be a street closure on Oak Street from 8-5 due to paint work.

### **COUNCIL/MAYOR REPORT**

Commissioner Miller thanked everyone for coming out tonight. Congratulations to Crys and Bill Crowell and Alan. He thanked Scott and Chele Lane for their investment here and making their home here. He asked everyone to remember former officers Scott and David Lindsey who lost their father recently. Also Edward Littlejohn a former employee for 30-40 years passed away this week.

Mayor Pro Tem Ingham echoed Commissioner Miller on the Scott and Chele Lane building. It brightens his day when looking at their building. He thanked everyone for coming.

Commissioner Armbrust thanked everyone for coming out and reminded everyone that today is the 224<sup>th</sup> anniversary of the signing of the Bill of Rights, which guarantees everyone rights of participation in the government process. Take advantage of that process. He wished everyone a phenomenal holiday and looks forward to working with everyone.

Commissioner Crowell thanked everyone for appointing him to the Board. The closing of Cowan's Hardware will make another hole in Main Street and cost him about \$500 a year to run to another hardware store. It is sad for our downtown. Please help him get rid of his inventory by stopping by and buying something. Crowell is pro-business. He would like to see businesses on the town boards. He has heard that they are getting a reputation that we don't support business. He would like to see more businesses on Main Street instead of all the non-profits.

Mayor Peoples thanked everyone for coming. They have a lot to accomplish. He wished everyone a wonderful holiday and God bless you all.

**CITIZEN COMMENTS & RESPONSES**

John Walters asked since the discussion of the Morris signage was put off until next month he would like to ask for the board to put some type of plan in place for the next 30 days. The Board agreed that decision was up to CDD Kempton to make any decisions. Mayor Peoples stated that it is frustrating for people, but they will discuss next month.

**CLOSED SESSION**

Mayor Peoples entertained a motion to enter into closed session for attorney-client privilege pursuant to N.C.G.S. 143-318.11(a)(3). Commissioner Miller so moved. The motion carried unanimously.

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J. Alan Peoples, Mayor

Attest:

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Susan B. Bell, Town Clerk