

TOWN OF TRYON
BOARD OF COMMISSIONERS
DECEMBER 19, 2017 7:00 P.M.

TRYON TOWN HALL – MCCOWN ROOM

Present: Mayor J. Alan Peoples Mayor Pro Tem Crys Armbrust

Commissioners: Bill Crowell, Chrelle Booker

Absent: Bill Ingham

Staff Present: Town Manager Zach Ollis Town Clerk Susan Bell

Police Chief Jeff Arrowood Fire Chief Geoff Tennant

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.

AGENDA ADOPTION

Mayor Peoples asked if there were any additions or deletions. Town Manager Ollis stated that Ms. Booker would like to add a discussion of ordinances. Mayor Pro Tem Armbrust would like to add work sessions for discussion. Mayor Peoples entertained a motion to adopt the agenda with additions 7a. Work Sessions and 7b. Ordinances. Commissioner Crowell so moved. The motion carried unanimously.

CONSENT AGENDA

Mayor Peoples added 6b. Close street for Tryon Midnight. He then entertained a motion to adopt the Consent Agenda with the addition. Mayor Pro Tem Armbrust so moved. The motion carried unanimously.

SWEARING IN OF MAYOR & COMMISSIONER ELECTS

Town Clerk Bell swore in re-elected J. Alan Peoples as Mayor and re-elected Bill Crowell as Commissioner and elected Chrelle Booker as Commissioner.

COUNCIL LIAISON DISCUSSION

Town Manager Ollis stated that each of you serve as a liaison to our boards and committees. Mayor and Commissioners wanted the same boards and committees.

Commissioner _____ as Mayor Pro Tem
Commissioner Crowell to the Tryon Tourism Development Authority
Commissioner Ingham and Commissioner Booker to the Eastside Committee
Mayor Peoples to serve on the Cemetery Committee

Commissioner Armbrust to the Parks Committee
Mayor Peoples to the Sidewalk Committee
Commissioner Ingham as the Harmon Field Board liaison
Commissioner Armbrust as the Board of Planning & Adjustment liaison
Commissioner Armbrust as the ABC Board liaison

Armbrust asked about the Tryon Downtown Development Association. Wanda May stated the board hasn't discussed a replacement. Commissioner Crowell volunteered.

Commissioner Armbrust made a motion as our tradition to appoint William Ingham as Mayor Pro Tem in that he was high vote getter in the November election. The motion carried unanimously. The Board accepted all other appointments.

WORK SESSIONS

Commissioner Armbrust made a motion to hold work sessions one hour prior to the regular meeting to discuss the work of the Board of Commissioners and to relay that work to the town manager to implement. Commissioner Crowell agreed. Armbrust added for all months that we meet. The motion carried unanimously.

ORDINANCES

Commissioner Booker stated she feels that the board needs to visit all of the ordinances to see if any changes needed to be made. Mayor Peoples stated some of the ordinances are behind and haven't been updated since 2004. It took months to go through it. He asked if staff needed to go through it or does she want the board to go through it. Commissioner Armbrust stated in this re-visitation we need keep in mind Dr. Carson's comments about putting teeth into the ordinances, particularly the substandard housing. The Town of Tryon can't handle the expense alone. Booker suggested working together to get the job done. Commissioner Crowell suggested the work session was a good start.

Attorney Morgan stated that some changes have to go through the Planning Board and some do not. Some require a public hearing and some things can be changed when presented. He has noticed several things that need to be brought up to date. He has notes on the minimum housing that can be brought up first. Armbrust asked him to forward those before the work session.

Mayor Peoples stated before we continue he wanted to let everyone know that Commissioner Ingham's daughter was at Greenville hospital having surgery and he was with her.

DALLARA FOUNDATION PROJECT

Town Manager Ollis stated Attorney Morgan has prepared a Memorandum of Understanding so that the Dallara's could get started with work. It outlines the timelines, funding, different phases, the authority to back out. The only thing that has to be adjusted is item 9, which he will add, is the budget.

Attorney Morgan stated the document that he produced contains the cost of each phase. That is what he intends to attach. Commissioner Armbrust asked when this will be transmitted to Mr. Dallara. Ollis stated he could send it to him tomorrow if you approve.

Commissioner Armbrust made a motion to accept the document with the suggested emanations added to finalize the document for transmission to Mr. Dallara by town manager tomorrow. Attorney Morgan asked if Mr. Dallara had minor changes that the board give the authority to accept to Town Manager with the assistance of the Town Attorney. Armbrust stated no. His understanding was this is the final document. Attorney Morgan stated that Mr. Dallara may want minor changes. Ollis stated he will not change. If Mr. Dallara wants to discuss any changes, he will bring back before the board. Commissioner Crowell made a motion to adopt. The motion carried unanimously.

PLAZA/DEPOT APPLICATION

Town Manager Ollis stated the application for the use of the plazas were on the agenda a while back and the board decided to table it. He is bringing it up once again. The applicant will fill out an application and then he will place on a calendar much like Rogers Park.

Mayor Peoples entertained a motion to adopt the Plaza/Depot application forms as presented by the Town Manager. Commissioner Crowell so moved. The motion carried unanimously.

LOGO USE APPLICATION

Town Manager Ollis stated the board also tabled the use of the Morris logo and he is bringing it back now. The application goes through the Town Manager, then to you. Commissioner Crowell asked if we had the ability to deny use because an applicant is not representing our town. Ollis stated yes, because the Town of Tryon owns the rights to the logo. Attorney Morgan stated that is correct. Commissioner Armbrust feels that applicants should be fully promoting our town. We could evaluate case by case. Commissioner Booker asked what happens if someone is denied. Attorney Morgan stated you could send them a cease and desist letter. Crowell asked if we had set a price to use the logo. Ollis stated if the board wants to access a price you could. Armbrust stated this is an economic advantage. Attorney Morgan stated the Town of Carboro doesn't charge, but they do want to keep track of who is using the logo. Mayor Peoples stated the amount that is charged could go to tourism. Attorney Morgan stated we could look at other towns. Mayor Peoples suggested letting people fill out an application until we decide on the charge. If people are going to use the logo to make money, then you should pay. Armbrust suggested adding renewable one year license.

AFROFEST DISCUSSION

Town Manager Ollis stated AFROFEST is coming again this year. It did well last year. The event will be held May 12th from 4-8. They are going to request to close the street and make this an AFRO/LATINO FEST. Steven Green is very excited and will be here closer to time. There will be a Mother's Day 5k race to promote Mothers. Ollis is presenting now before Mr. Green comes in to get input from the board. He is going to have kid events, bounce houses and different things to make it kid friendly.

TRYON FIRE CONTRACT

Town Manager Ollis stated Fire Chief Tennant has presented the draft proposal for the Fire Contract between the Town and the County, basically for the township district. Chief Tennant stated the only things that have changed since it was signed in 2014 are on page 3. 3.1 (a) requires the Fire Department to present their proposed budget to the Fire & Rescue committee by March 15 and 3.1 (b) request the

Fire Department to present their budget to Polk County by a date to be set. Everything else is the same. Attorney Morgan stated it all looks standard to him.

Mayor Peoples entertained a motion to adopt the Fire Contract. Commissioner Armbrust so moved. The motion carried unanimously.

RENTAL OF OFFICE SPACE

Town Manager Ollis stated the Forest Service has approached the town about possible rental space. He would like to rent the Visitor's Center to them and place the brochures in the backroom so that anyone can have access to them. It will be good for people to walk by an open office. Commissioner Crowell stated he loves the idea of moving the brochures and making them accessible and he likes the idea of money coming in. Commissioner Armbrust admits there are clear benefits to having the Forest Service close by, but the loss of the tourism office is a real concern to him. If the board decided to go with the county-wide tourism he is concerned that the town will not be promoted. Commissioner Booker has no problem with this if staff can handle it. Armbrust stated he doesn't have a problem with it. He just wants a commitment to do tourism promotion of Tryon ourselves. Crowell stated his understanding is that the Town will receive funds, more than before that could be used for marketing. Ollis stated there are multiple options, yet to be established by Polk County TTDA. He has crafted a letter on behalf of the Mayor that we are interested in talking. We are not committed toward any avenue at this time. Mayor Peoples stated he thought we had voted to accept it. Ollis stated you voted on the avenue that you would like to go down, but still we have to negotiate with the county for the two percent. If the county is in acceptance then we would enter into an inter-local agreement. Crowell stated we will have to recreate the tourism board to handle our marketing. Ollis stated that would depend on the inter-local agreement. It depends on how the state set up the tourism. Funds are audited and we need to make sure the money is spent the correct way. The board would like to get the extra two cents. He will bring back to you.

Mayor Peoples stated we need someone there all the time, but we don't seem to be much better off than when we started about staffing the museum, TTDA or TDDA. Armbrust stated he would like to see the return on the tourism dollars spent every month and no one has given this to him.

Mayor Peoples stated when Mr. Fatland was here the board authorized the town manager to sign one year leases. Do we need a vote? Attorney Morgan stated no.

TRYON STREETScape STORM DRAIN ASSESSMENT

Town Manager Ollis stated the property at the corner of Palmer Street and Trade Street property has been assessed to make a nice plaza. The property owner has offered the property to us. In your packet is basically a report from GEO Track Technologies an engineering firm. The tunnel that goes from the storm drain pipe on Trade Street toward Palmer has some serious issues. If we take the property then we will be responsible not only for the pipe, but the issues that relate to that pipe. To sum it up joint inspections found blockage, moderate to severe cracks in the pipe, issues going to the pipe and around the pipe that could jeopardize a number of things related to the project.

Crowell stated Commissioner Ingham was concerned that it was partially our responsibility, but the Town of Tryon doesn't pick up any responsibility until it actually leaves the Scruggs property and enters into our street. The railroad starts with it under the rail bed, Bob Morgan has to worry about what is

under his building, DOT took it to the sidewalk and the property owner takes it from the street on behind the building. He has been watching that parking lot sink ever since they repaired it. When it rains it puddles up and he understands that it runs into the basement due to the blockage. Unless the property owner wants to dig up the pipe and install it properly this time, they are going to have to reinforce the front foundation of the building with a new retaining wall. When they tried to fill in the hole, they dropped the parking lot another three inches where the truck parked. Compaction wasn't done right. He agrees with Crys it will be a gorgeous addition. He figures over a hundred thousand dollars to fix the pipe and doesn't feel that we need to take that on. Commissioner Booker stated she hasn't been here to know about all of this, but she feels that it would be a detriment to take on this project.

Commissioner Armbrust stated we are in the process after twenty years of finally having the end of downtown streetscape in sight. This is our last opportunity to do something that will help that end of downtown. Those of you that were at the parade attended a nice event held there. The cost seems to be the concern. He is going to ask his colleagues to not think about the cost today and think about ten to twenty years down the road. He has his own opinions about the responsibility of the drainage pipe under commercial buildings in the downtown corridor. A drainage pipe that clearly hooks to and runs through Tryon's drainage infrastructure, so that he will have plausible deniability here, he will not finish his thought about this. He suspects everyone knows what he is talking about. He asked that the audience be able to ask questions. Everyone agreed.

Mr. McDowell owner of the Coin shop stated he walks over the area every day. His perspective is that where the sinkage occurred with the truck is about 25 feet from pipe laterally. He has been in the cellar when water has been there. It doesn't come from the drainage, it comes from the seepage that comes between the sidewalk and his building. There was another sink hole in the street years ago. It's more than rain water that comes through it, it continually runs like a stream. He doesn't feel the pipe is all the problem. That end of town has been the red headed step child. He would like to see streetscape finished.

Crowell stated that DOT went to the property owner when they had Main Street open and informed the owner about the problem under his property. He didn't seem to care, DOT covered up their hole and a year later his property caved in. He got a company that really didn't do a good job, who put a slab of concrete in the pipe. There is a huge hole in the pipe. The photos show deterioration. The property owner needs to sleeve the pipe. He doesn't feel that the town should open up Pandora's box. There's no telling what kind of structural damage is around the building.

Jessica Phillips with A Taste of Olives stated that you have two pictures in front of you. She wants to basically show you the type of things that we are trying to do. She worked with Big Brothers Big Sisters letting people know they are not alone at Christmas. They had free hot dogs and hamburgers during the parade at the area being discussed. They need people to visit that end of the town like other parts of Town. Sooner or later it is going to be a bigger issue.

Ken Dahlstrom stated ignoring the problem is going to make it worse. Mayor Peoples stated all agree that it would be nice, but we have seen what the engineers have found. Christine Cowles commented that she hopes this plaza will be included with all other plazas like Depot, St. Luke's, Ballenger and the Morris plaza.

Jamie Carpenter stated TDDA supports the streetscape, but they haven't discussed this. They will discuss this at their January meeting. Wanda May questioned the attorney if there was nothing to compel the property owner to make repairs, because it is a safety issue, there is a cause and effect there. Is there no way to compel Mr. Scruggs? Attorney Morgan stated there are ways. Armbrust stated the issue is kind of unique, the property owner owns that property and the building next door.

Shelly Woodward stated he knows he has a major problem and that's the reason he wants to give the property to the town. Ms. Cowles asked if the buildings were up for sale. Mayor Peoples stated as far as he knows not. He wants as many plazas downtown that he can get, but he is not willing for his taxpayers to pay for something they shouldn't have to.

Armbrust stated no one will be able to convince him that the Town of Tryon does not own the drainage pipe. Ollis stated that he would like to get as much information about the pipe to place in your hands to make a decision next month.

Carol Brown stated most utility company's make the property owner responsible for anything that goes through their property, through some type of an assessment. Armbrust stated his point is that he is certain that the Town of Tryon installed that pipe. He doesn't know if that would happen in Tryon in 1935. Crowell stated when the building was built the land owner put in the pipe, not the Town, but the land owner, because everything up stream of that was hand laid using arch stone piping that the railroad put in in 1897. Mr. McDowell asked since it is a creek, was it open before on that piece of property. Crowell stated yes. Mr. McDowell questioned if the road was there. Crowell stated it was a dirt road at that time. They culverted the property just like Stott's culverted the creek that runs underneath them. Mr. McDowell asked if the railroad put it in in 1880 and was the road there. He thought it was built in the 30's. Crowell stated the railroad probably put in the pipe to where the sidewalk is today. The owner of the gas station put the pipe in and built on top of it. Mr. McDowell asked if there were records in the Register of Deeds office that would show this. They should have records of drainage lines. Crowell stated they might, but he's not sure.

Mayor Peoples asked if it wasn't generally accepted by law that whatever pipes are on your property, if they break it is your responsibility. He knows of property owners that have had to make repairs. Attorney Morgan stated generally, he would research this more.

Mr. McDowell asked if utility pipes were not treated differently than pipes for running creeks. Ollis stated it is classified on whether or not it is a creek or a blue line stream and he doesn't feel this is a blue line stream. Armbrust stated we should remember that it is structure in the commercial corridor. Ollis stated he will get more information. The issue doesn't revolve strictly around the pipe. The pipe leads to significant issues that are related to all the dirt around the building and underneath the building. There are a lot of structural issues. He wants to put in front of the board so that you can make the correct decision next month.

MONTHLY PROJECT PRIORITIZATION LIST

Town Manager Ollis stated the list in front of you is part of what we are working on. Tryon Peak towers fell back in July. Then they were injured during the tornado. He is getting quotes on repairing the roof and wall that was damaged during the tornado. He is working with the insurance and the State for reimbursement. There is a lot of damage at Woodland Park. He is working with John Vining on this.

Emergency management required the project to clean up Woodland Park be bid out. The Town received no bids, so we had to start over. Leaf pick up has begun.

Commissioner Armbrust asked about painting the barriers in front of Missildine's. Could you prime them and paint them black, not a flat black. The rails on the Rotary Plaza stairs and the one at Pacolet need to be repainted. The signs still need to be straightened.

TOWN MANAGER'S REPORT

Town Manager Ollis wanted to let Jamie Carpenter with TDDA speak on Tryon Midnight. Ms. Carpenter stated as always the ball will drop at 10:00, 10:05 and so on. They will have live music, free food and hot chocolate. She thanked town employees for their help with the Christmas Stroll. Ollis stated there is a benefit being planned to help the Fans of Harmon Field. The first one on February 9th is from Hammett Constructions new office down to the plaza and the second one is in mid-March from the plaza down past the theatre. Michaila Cowles stated one will be at 6 and one at 6:30. The businesses are helping to organize and giving a portion of their sales to Fans of Harmon Field.

Christine Cowles stated on May 5th from 12-4 there will be an arts and craft fair and a craft fair with craft beverages, 70's music, cookers. They will also need the road closed. Lindy's lemonade stand, band at the clock tower, the crafts will be on the railroad side of Trade Street to not block store fronts. They have met with A.L.E. and have found they need a special letter to be able to do this. Michaila stated she has met with A.L.E. five times and there is a special form needed to be able to extend the roped off area for the day. This is to move distilleries further out. She will pick up on Monday and present to you in January. Christine stated the permit is for Units A & B only. The permit is for one day spirits in the roped in area. They have run out of space due to four or five distilleries coming. Ollis stated he wanted to present this to the board this month so that you are aware of what is going on.

Ollis stated he wants to get the budget started next month and suggested having one or two a month at different times each day, such as 9:00, 12:00 and 5:00 so that everyone would have the opportunity to attend. He will send a schedule for each of you to look at.

COUNCIL/MAYOR REPORT

Commissioner Armbrust gave many thanks to TDDA and merchants on the Christmas Stroll. It was very nice. He thanked the Fire Department for a great Christmas parade and most importantly the Town of Tryon employees for their willingness to always step up to the plate when there is a need. Thank you for being here. He thanked everyone for their presence and input and wished everyone a safe and happy holiday and Merry Christmas.

Commissioner Crowell thanked everyone for being here. Sorry he missed last month, he was attending a family thing. He suggested moving the November meeting to the second week instead of the third week. Town staff doing a good job. The weather has been good for vacuuming leaves. He wished everyone a Merry Christmas and be safe. He thanked TDDA and merchants. There was a short stroll last night for the retailers. He would like to see that expand next year.

Commissioner Booker thanked everyone for coming out, especially her parents and her aunt from Inman. The crews have done a great job on leaf pickup. They have been on the Eastside. To all the

events that have gone on lately, the guys have done a great job. She also thanked the Fire Department. It was a great parade. She wished everyone a Merry Christmas and a Happy New Year.

Mayor Peoples thanked everyone for coming out. He thanked TDDA and TTDA. Last Thursday Polk County High School held a Reindeer track meet and to get in, it cost one can of food. They received 3,988 cans of food. He wished everyone a Merry Christmas and a Happy New Year.

CITIZEN COMMENTS & RESPONES

Christine Cowles asked about the forms and fees for the events held on the Plaza. Town Manager Ollis stated the paperwork that you have done is all that you need. He will get with her later.

ADJOURN

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

Mayor Peoples invited everyone for refreshments.

J. Alan Peoples, Mayor

Attest:

Susan B. Bell, Town Clerk