

**TOWN OF TRYON  
BOARD OF COMMISSIONERS  
NOVEMBER 19, 2019 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                      Planning Director Tim Daniels  
                         Fire Chief James “Tank” Waters                      Public Works Director Jody Morse  
                         Town Attorney William Morgan

**CALL TO ORDER**

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

**AGENDA ADOPTION**

Mayor Peoples stated we are going to drop the public hearing for tonight and asked our attorney to explain. Attorney Morgan stated the applicants for the rezoning, discussed changing it to a rezoning and adding a conditional use as part of the rezoning. This has changed it procedurally. He asked the board to set the Public Hearing for December 12<sup>th</sup> at 5:30. That meeting will be dedicated for consideration of the application for conditional use rezoning. In the meantime, the Planning Board will be meeting to consider the new application or revised application on December 9<sup>th</sup> at 5:30. There will not be public comment heard tonight on the matter, because it has fundamentally changed from a straight rezoning to a conditional use rezoning. Mayor Peoples asked if there were any other additions, deletions or corrections. Attorney Morgan stated instead of adjourning tonight he would like it to recess until Thursday, December 12 at 5:30 and prior to that a motion to set the Public Hearing for that date. Mayor Peoples entertained a motion to adopt the proposed Agenda with dropping the Public Hearing, the Planning Board meeting on December 9<sup>th</sup> and this Board to meet on December 12<sup>th</sup> at 5:30 p.m. for a public hearing on the new application. Commissioner Armbrust so moved. The motion carried unanimously.

**CONSENT AGENDA ADOPTION**

Mayor Peoples asked if there were any additions, deletions or corrections. Being none he entertained a motion to adopt the Consent Agenda, which included minutes from September. Commissioner Ingham so moved. The motion carried unanimously.

**CIP DISCUSSION**

Town Manager Ollis stated you have in front of you the capital improvement plan cash flows that were projected, with options A, B, C, D. It showcases year one through year ten, the projects that you are planning. You have requested to reach out for fifteen years on all the models as well as adjusting the rates accordingly.

### **SOUTH CAROLINA FORESTRY LEASE**

Town Manager Ollis stated several years ago we leased Brushy Knob, an old tower that we no longer use to a club that assisted Red Cross during times of trouble. S.C. Forestry needs access when they have fires in Greenville County. They have poor reception in the area. If allowed to use space, they will help upkeep the space that is not used and they will be able to communicate better in the Lake Lanier area. Commissioner Ingham asked how long the lease was for. Ollis stated two years with the option to lease additional years. Commissioner Ingham made a motion to approve the lease. The motion carried unanimously.

### **BUDGET AMENDMENT NO. 2**

Town Manager Ollis stated basically it covers revenues in General Fund, Powell Bill, Water and Harmon Field, along with expenditures in all for a total of \$161,438. You will see paving for Hogback, street lights, sidewalks, tree work, radio read meters (making progress replacing the meters), restrooms and tree work at Harmon Field. He would like to install an ADA swing, in which we received a donation for. Also received a donation for the Toy Soldier from Mayor Peoples.

Mayor Peoples thanked him for replacing the radio read meters. He entertained a motion to approve Budget Amendment No. 2. Commissioner Armbrust so moved. The motion carried unanimously.

### **MINIMUM HOUSING & PLANNING UPDATE**

Planning Director Daniels updated the board. Everything is rolling along. The Melrose Inn property we are waiting on one signature. Couple of properties he has had held hearings. Notices are being prepared. The ones on Cleveland he hasn't received notification that they have received the notices. He has to get the certified receipt back before he can proceed with that. 667 East Howard, he is waiting on the forty-five days to expire to tear it down. 45 E. Livingston, getting the offer written up and going to present it to her. We are waiting on the estimates for the demolition and then we will have to order an asbestos test. 330 Melrose Extension, owner contacted him earlier and they are going to discuss and see what needs to be done. 45 Canady Lane that notice is being prepared as well. He and the fire chief went to all these locations and inspected them to see if available for training purposes. Seven are eligible and two of them have already burnt down and two are too close to another house to do the training burn.

Commissioner Armbrust asked if he knew the last time there was verbal contact between the realtor and owner of Melrose property. Daniels stated within the last seven days.

### **CENSUS RECRUITER**

Town Manager Ollis introduced Erin Miller. Ms. Miller stated she is census recruiter for the 2020 census in Polk County. She lives in Tryon. You will see people in the area trying to find out if your house still exists as in the last one. You will be contacted and asked to fill out the form on-line. April 1, they will start to count people to see how many didn't fill out the form. She explained that everyone counted is counted for a reason. Statistics are taken to decide if new schools are needed, etc. Jobs are available and you can apply now for \$17.00 an hour, along with .58 cents a mile for about eight weeks. You have to be eighteen years of age and have transportation. Bi-lingual applicants will be looked at first. You

have to live in North Carolina. Information is private. She handed out information and asked for people to apply. Training classes will be held.

### **TDDA UPDATE**

Jamie Carpenter thanked the town for helping with the Halloween Stroll and for cleaning up for Beerfest. The festival went well. She reminded everyone about the forth Friday, Christmas Stroll and asked for a street closure for Tryon Midnight. A new program started with the Morris Bucks to be used for shopping. Please come out and support our businesses.

Mayor Peoples entertained a motion for street closure for Tryon Midnight. Commissioner Ingham so moved. The motion carried unanimously.

### **TOWN MANAGER'S REPORT, TOWN PROJECT PRIORITIZATION AND CITIZEN INPUT**

#### **COMPLETED**

- Generator inspection on all town owned equipment
- Coordinated with NCDOT regarding sinkhole at Trade and Chestnut
- Water breaks repaired at Howard Gap Rd., Wall Rd., and Butter St.
- Patching performed at Peake St., Jervey Rd., Dogwood Trail, Hidden Hills, Harmon Field, and Thousand Pines
- Rogers Park prepped for multiple events including weddings, parties, and charity
- Met with Thompsons regarding quotes on tree at Pacolet as well as Christmas decorations
- Depot steps repaired
- Dogwood Lighting
- Sidewalk repair at Packard woodworks and PCCF
- Roseland storm drain project completed with fence repairs occurring soon
- Prepped for Halloween between fire, police and public works
  - Streets
  - Stage / audio
  - Book giveaway
  - Contest
  - Traffic
- Prepped for BeerFest
  - Streets cleaned
  - Depot cleaned and landscaped
  - Traffic control, shutdown, and detours
  - Trash removed
  - Police attendance
  - Cinderblock delivery
- Prepped for 100k Gravel Ride (have approached us for next year)
  - Depot building opened
  - Traffic Control
  - Depot cleaned
- Continuous maintenance of cemetery
- Sprayed town right of ways for kudzu
- Brush removal
- Leaf pickup
- Performed extra side mowing in trouble spots
- Sprayed for kudzu
- Sidewalk inspections
- Removed debris from multiple fallen trees

- Clear overhanging brush in roadways
- Leaf schedule still on time
- Public Parking across from Windstream (Mayor discussed with Greg Staggs)
- Weed eat downtown
- Leaf management at Town Hall and TFD
- Police picked up patrol on Peak, Howard, Jervey, and Melrose for speeding
- Medicine drop off day
- Extra patrol at Harmon Field during nights of horse shows
- Firefighters Corn and Gordon have been attending EMT classes
- Firefighter Sanders has been attending Pumps and Tech Rescue Classes
- Mutual Aid response given to Columbus for structure fire
- Fire Prevention week was the last week of October
  - Lessons were presented to the elementary school and Tuesday school
- Fire department inspected hydrants again
- Tryon Toymakers Wooden Soldier Install
- Staff volunteered at the Steps to Hope Golf Tournament
- Staff volunteered at the Steps to Hope movie night
- Coordinate with the TDB regarding multiple articles in Foothills Magazine, Christmas Special, and TDB
- Coordinated taking care of TDDA needs for 4th Friday
- Inspected Dallara Project (needs to contact Mr. Dallara)
- Inspected finalized Pacolet River Restoration Project
- Spoke with engineers regarding CIP, Water resources, dam inspection, mountain lines
- Community engagement projects.
- Tourism and Harmon Field Board meetings

#### IN TRANSITION (TOWN)

- Hand reading meters to double check for accuracy
- Reviewing strategic plan
- Securing contractor for thermo-paint in front of Plaza
- Still working to manage brush removal in town
- Sidewalk repairs throughout town
- Speedbump replacement on Whitney
- Signage for rose garden
- Spraying around town
- Sidewalk improvements on Whitney
- Sidewalk replacement on Maple
- Sidewalk improvements on Melrose
- Searching for more spots to fix on creek at E. Howard
- Various street signs ordered and will be place as soon as possible
- Sign straightening as needed

Commissioner Armbrust asked about the restrooms at Harmon Field. Graffiti on the walls, can we get that taken care of. Ollis stated yes. Ingham stated that was addressed at the last Harmon Field meeting. HF Supervisor Aldred stated the two sinks in the women's restroom, he had asked his board to replace all of them. They told him they didn't have the money for four. One of the sinks do not work, but will be fixed. Armbrust asked about exposed plumbing. Aldred stated we do have exposed plumbing. Mayor Peoples stated our water and sewer crew can check on some of that and give an estimate of what it might cost to fix. Armbrust asked about the repairs to the open air gym. Aldred hasn't heard from the Lassiter's in about a month and a half. Ollis spoke with them last week and they are going to try and find time in their schedule to sit down and figure it out. Armbrust feels we need a point person, because Mason had raised all of the money. HFBS member Lindy Buss stated his father comes to all the Harmon Field Board meetings and we discuss this every month, so you can get all the information. Armbrust asked her to forward something to the board. Buss stated it's all in the minutes if you read them. Meg

does the minutes and does an amazing job. It's always in the minutes. Armbrust asked for a small sign on the toy soldier. Ollis stated he has talked with the Mayor who made the donation and he is going to come up with something. Armbrust asked about the streetlights downtown. Ollis stated Becker is having a war with them. They are supposed to be in this week, but it will probably be next week. Mr. Becker has been very apologetic about this and would like to get started on this.

### **COUNCIL/MAYOR REPORT**

Commissioner Crowell thanked everyone for coming out tonight. He thanked the town crews for all their work and Jamie for the Beerfest. Downtown is looking good.

Commissioner Booker thanked everybody for coming out, all the town employees, Jamie, Karen and Heidi who ran for council. She thanked everyone who voted, especially the ones who voted for her. She congratulated Commissioner Armbrust and the Mayor for getting re-elected. This board will change in a few years. They want to make good sound decisions so that the next board coming in want have the same problems we've had. Same thing with employees, when we have positions open we want to make sure we get good people to fill them. We never want to forget that all of us (employees and board) work for the citizens and the betterment of the community. We are here to serve. Happy Thanksgiving to everybody and take care of yourselves and each other until we meet again.

Commissioner Armbrust thanked everybody for coming out tonight. He wished everyone came to each meeting. Congratulations to his colleagues. He thanked those who voted. He thanked Alan for the donation. He thanked Zach for sidewalk repairs. He thanked Jamie for a fantastic Beerfest. He commended the Polk County Commissioners for their unanimous approval for the Highway 108 scenic by-way study list application to be forwarded to the next level for consideration. He gave a heads up to the board that a citizen will be coming to the next meeting to discuss the possibility of the town making a skate board park. He wished everybody a Happy Thanksgiving.

Commissioner Ingham wished Leah a Happy Birthday. He thanked Jamie for everything. He thanked Zach. He hears great comments on the town every day.

Mayor Peoples thanked everyone for coming out tonight. This is the best place he has ever lived and the best people here. Remember there will be a zoning hearing later, so we will not hear any comments on that tonight.

### **CITIZEN COMMENTS & RESPONSES**

Bill Petric 200 Glenwalden Lane asked if there was anything that could be done about the businesses staying open later in the evening. Town Manager Ollis stated that Jamie is working with property owners, but we can't designate the hours to be open. Jamie stated some of the businesses have already tried it and it hasn't proven beneficial to them. Mayor Peoples stated he has heard people are driving a distance to find it a few cents cheaper.

Rachel Hawkins, 85 Red Bird Road, regarding parking, they have been here fifteen years. Parking between Vines & Stuff, she asked what the issue is there. Ollis stated it is private property and they don't want it open. Ms. Hawkins stated that parking would be good for the town, but mobility issues are a problem. Ollis stated that the steps are gone in helping with mobility, but it is the property owner's decision. Ingham stated it is a good problem to have, because when he had a business on Trade Street he could look out and see three cars. Armbrust asked how many spaces were in the parking lot behind

McGourty's. Ollis stated maybe twenty-five spots. Armbrust stated when the property sells, we are probably going to lose those spots.

Dorothy Easley 3525 Lynn Road asked if the town could legally designate more limited mobility parking spots. Ollis stated we have worked on this for years, along with Jamie, trying to get business owners to park elsewhere and not tie up the parking on Trade Street.

Heidi Selbee 336 Melrose Avenue had concerns about handicap parking spaces for unloading a wheelchair and crossing the street safely.

Mark Timmel 135 Markham Road asked about the houses that are being taken down and asked about the corner of Markham and Grady. Daniels stated he had to schedule their hearing and will check on the sidewalk.

Commissioner Crowell asked about the sidewalks that were destroyed by the dumpster.

Erin Miller 222 Winners Circle asked about long term plans to set money aside for the water repairs. She was in Saluda on Saturday and saw all the cyclists and wondered why they didn't come to Tryon. She suggested a bicycle friendly Town. Ingham stated Highway 176 comes into Tryon. Ollis stated there is a plan to make the area friendlier to bicyclists. He wants to install a bike pump station where you can work on your bicycles. Ms. Miller suggests when we do more roadwork to include a bike path.

Jim Hawkins suggested having an event to bring bicyclists. Ollis stated we just finished the 100k Gravel Ride that brought cyclists to town and the Hincapie race also brings them to Tryon.

Leslie Turnage 145 Glenwalden asked about the railroad tracks. Mayor Peoples stated it will always be owned by the railroad. Ms. Turnage stated then there is no way to get a rails to trails. Mayor Peoples stated no. Ms. Turnage stated they had done that in Spartanburg. Ollis stated we have the plans and the want. We just can't force the railroad. Ms. Turnage stated going up Carolina near the hospital there is a small hole that needs to be fixed. Ollis will get that to Jody.

Jamie stated she loves the enthusiasm about downtown and if anyone would like to be involved, she would love to work with you.

#### **RECESS MEETING**

Mayor Peoples entertained a motion to set the Public Hearing to December 12, 2019 at 5:30 p.m. Commissioner Crowell so moved. The motion carried.

Mayor Peoples entertained a motion to recess the meeting until December 12, 2019 at 5:30 p.m. in this same room. Commissioner Crowell so moved. The motion carried unanimously.

#### **RECONVENE THE NOVEMBER 11, 2019 MEETING ON DECEMBER 12, 2019 at 5:30 P.M.**

Mayor Peoples reconvened the meeting. He set some ground rules. First, do you have an individual person speaking for you or do you need to speak. Second, please take a reasonable time. He doesn't want to limit everyone's time and he asked that everyone be civil. He then asked anyone who wanted to speak to please stand and be sworn in. Town Clerk Bell swore in those who were going to speak.

Mayor Peoples will recognize you, please give name and address before you speak. Attorney Morgan stated staff needed to give a summary, then a presentation from the applicant, then the opposition.

After Daniels speaks you can ask questions. The ones sworn in can also ask questions. There is a record being made of this so please give your name and address.

Planning Director Daniels gave an overview and background.

On October 9<sup>th</sup> Dorothy Easley and Thomas Brylowe submitted an application for a straight rezoning of 330 Carolina Drive (Tax parcel T12-E20) from R2 to GB. The 4.92-acre property contains the old St. Luke's hospital building. Their intent is to rehabilitate the property and reside there, add a woodworking shop, and a light industrial shop to manufacture gun parts and replicas. After explaining their plans and hearing citizens' concerns at the first meeting, the applicants decided to revise their submittal as a Conditional Use Rezoning, which would zone it GB-CU, adhering it to negotiated restrictions on the use of the property. At the Monday December 9<sup>th</sup> meeting, the Planning board reviewed the revised application and after continued discussion with the applicants and citizens, decided 3/2 to submit a positive recommendation along with a list of 17 proposed conditions to the Tryon Town Commissioners. Tonight's meeting is to make a final decision on the application and if approved, modify and finalize the conditions regarding the use of the property.

Mrs. Easley presented her information. She stated members of the community don't understand that attorneys don't violate code. They have to voluntarily present themselves under the supervision of your honor and the Zoning Board with this residential use under GB. The other item in the addendum. This very narrow GB request is for residential uses on page 22 is within the code. She identified a park that is not open to the public. Why would she even go to the trouble to put a park in there, if she's not putting in a park? She has been interested in voluntary conservation easements for the last four years in Polk County. It is a way that private landowners can protect their lands from things like unwanted highway expansion and unwanted use. It is also a way for those who are interested in conservation and ecological preservation and things like endangered medicinal herbs of which there are 13 endangered medicinal plants and vertebrae in Polk County is a way to promote that, thus the request for the recreational uses. She would intend to have medicinal herbs, to have other types of herbs and endangered plants within the forested area. So in order to have a voluntary conservation easement, she has verified with conservation organizations that they would need to come to the site to verify the property is being used the way it is said to be used. That's why if a professor and his students are walking through their land, then the owners will know and the Town of Tryon will know that's something that they were requesting permission to do. There were also offices and services use listed on page 23 of the zoning code. Offices of an executive, administrative sales of a professional nature. They do not want retail sales. They will not have retail sales. She doesn't want people she doesn't know coming into her home. That is not being requested within the condition that the board submitted to your honor for approval. Outdoor storage was not really even an intended use because there is already an outdoor building and no additional buildings were being constructed. Thus that was made clear also in the seventeen conditions that the board submitted to your honors. Then in the addendum, greenhouses, on page 24 of the zoning ordinance. Not for retail sales. No interest in a greenhouse for retail sales. When she lived in Texas, after getting back from working in Latin America, moved to East Texas, she grew culinary vegetables and culinary herbs in raised beds. All they did was cover them in plastic and heat them with woodstoves at each end in the winter. Her neighbors thought she was growing marijuana. She came home one day and a bunch of Texans had opened her door to the greenhouse and there were culinary Milano tomatoes, basil, sage, all sorts of foods that you can eat in

the winter. She enjoys working with her hands when she is not being a lawyer. The final item that has been misunderstood is the manufacturing and industrial request on page 25 of the ordinance. All of these are permitted within GB. What they have done is taken GB and put it into a small girdle. The light manufacturing has a woodworking shop that is 1,000 square feet. It will also have a metal and gun parts shop of approximately 2,500 square feet. Would it happen this year? Probably not. St. Luke's needs the restoration. None of this is going to happen for years, but there will be metal parts being cut. Now there is a gross misunderstanding from what they are understanding there is this assumption that this is a gun factory and ammunition factory. She is under oath. Tom Brylowe is under oath. That is not specified in the application requests. The board did not approve that. It was not specified. It was not requested. It's not being approved and will not happen. You cannot within a 50'x50' have a gun manufacturing plant. Tom Brylowe since he was a boy, grew up around guns in Connecticut, likes black powder, muzzle loaders and old fashion early turn of the century guns. His interest is in designing muzzle loading guns, not oozies and creating the parts, designing them, patenting them and making better guns. Old historic replicas of old guns. That's it. She is sorry that it's not that exciting, but that's the extent of it. The final item, the miscellaneous use/accessory buildings and structures. Only existing buildings and structures will be used. When word got around that they were buying the property there were already people wanting to buy the wooded lots from them. They are not wanting to sell those lots. They want to reforest the rest of the area, the agricultural use, the planting of trees, agroforestry. Warren was in college and has an example of agriculture, in the era of deforestation, which is a bath. She worked in industrial forestry for some time, but in the era of deforestation, it's good to know there are things like culinary mushrooms that you can cultivate in the forest. You already have here in Polk County like morels and chanterelles. She finds that interesting. She likes to do it. She's already doing it at the log house with morels and chanterelles and she enjoys collecting them. Anyone that is interested in foraging would find that interesting. She has a couple of friends doing this now.

She was raised on a farm with horses, mules, donkeys, chickens, dogs, cats and goats. A family of nine, they all taught the goats how to butt. They are great at controlling kudzu. They may or may not have goats, but again their intent at this time has always been to be truthful, submit themselves to the supervision and control if you will of the zoning board and the commissioners of the Town of Tryon to do something with a property, such as saving a historic property. She thinks what has been lost in all of this is St. Luke's Hospital has been important to this entire community. It doesn't belong to one part of Tryon, it doesn't belong to Columbus. It belongs to all of Polk County. Down there at Missildines there were babies being born on the second floor. In 1926, they built a beautiful hospital, made out of Saluda blue granite. You can't get anymore. The decking in the building, the trusses, you walk through that building, those builders searched local materials, used local artisans and they didn't cut corners. The wings on both ends, as the old structure is a work of art. It has the carvings of the old Tryon Toymakers who are also a very important part of Tryon's history. They have seen the building deteriorating and covered in kudzu. It is a blemish. You see the Gillette Woods sign, then you see that monstrosity. It needs to be accorded the respect it deserves. Taking the historic building is a big challenge. They did that with the log house a much smaller structure, but she suggests that it is a worthy challenge. She and her husband are committed to doing it. They are looking at something ten years out. This is going to be a commitment for the next ten years, they are willing to put their backs, sweat and efforts into.

She has some exhibits that she would like to present at the appropriate time. She would like submitted into evidence. She would like to explore some of the conditions with your honors. She is looking to you for the appropriate procedures to present those exhibits.

She presented exhibit A which concerns the estimated property values. All she has is the estimate from Zillow. The property values at St. Luke shows in June 2010 was \$154,000. In May 2013 the property value dropped to \$61,600. It sold for \$50,000 in 2013. In May 2017, the estimated property value was \$418,000. In April 2018, the property value was \$394,900. In July 2019 it was \$239,000 property value and listed for \$250,000. In November 2019, the property value was at \$194,100. These are simply estimates. She is stating the obvious. The property value continues to decline as the building continues to decline. As a result of that it's doing nothing to help the property values of the surrounding buildings. If the work is done to protect St. Luke's, not simply for historic reasons but also to contain the kudzu, to eradicate the kudzu, to reforest, to landscape. It helps the property values for all of the area. It enhances the values too and the beauty of Tryon as a whole.

Your honors with your permission she submitted applicant composite exhibit B. These are the property values of some of the surrounding homes. With the best information that she could obtain, she looked up local addresses and property values. On page 1, 200 Glenwalden Lane, sold for \$265,000 in 2017. Estimate was \$310,230. Some appreciation there. Page 2 shows prior tax history of the neighborhood and values of the surrounding homes are really all over. \$286,000, \$153,000, \$286,000, \$375,000, \$149,000, \$246,000. 100 Glenwalden Circle looking at the prior tax history in 2006 the property was sold for \$305,000, then it was sold for \$620,000. Now jump to 2019 the value dropped to \$450,000. The next page shows 175 Glenwalden Lane in 2012 price was \$135,000. In the year 2013 the price charge dropped to \$93,000. 505 Carolina Drive in 2013 \$279,000. One year later it was \$249,000. Next page going to 202 Glenwalden Lane the tax history of that was sold for \$226,000. It was sold in 2018 for \$220,000. 251 Carolina Drive Apt. 8B in 2016 was listed for sale for \$129,000, prices keep coming down and sold in 2017 for \$115,000. With all due respect she doesn't think the condition of old St. Luke's Hospital is doing anything to help property values of the homes near that location. If anything the rapid swift restoration and protection of St. Luke's Hospital will improve the property values of the surrounding areas. GB limited CU, they respectfully submit, will not adversely affect that. One of the areas of concern that the board gladly picked up on is the issue of decibel and the fact that the Town of Tryon board recognized the Town of Tryon does not have a noise ordinance. She was not able to locate one.

She presented exhibit C concerning decibels. She thinks this is an issue that they have to address, not only because of St. Luke's Hospital, but also because of what we have in the entire area. One comment made at the last meeting was that there was music that was traveling all the way up the mountain. It was invading one of the resident's privacy, peace and well-being. We have to come up with some type of ordinance, but if we look at the decibel levels where pain supposedly begins. A lawnmower's decibel level at a 107 decibels, is slightly less than a chainsaw 110 decibels. Another study which was performed for the NOAA birth research laboratory is exhibit D which she would like to introduce into evidence. The decibel levels that they are enduring everyday are less than the decibel levels of many of the tools that you have in a wood working shop, so she would respectfully submit the measurements were made in the vicinity of a machinist head. The Boar's Design Acoustic Company is a consultant with the NOAA. On page 2 of that report you see a grinder decibel level is at 99, band saw 97, lathe 100 and that's if you are right there at the decibel. Going back to exhibit C, that's still a decibel level that is lower than a lawn

mower. So if we traveled 50 feet, the decibel drops by half. Being a former scientist, she believes that facts will always win and she believes that if people are informed and look at facts and take a motion and put it aside they can understand two things. Number one we do need a noise ordinance. Number two being concerned about one activity in one location is not the basis for opposing solely restrictions on that particular location. One of the reasons that she wanted to bring that up your honor is because she wants to be sure that when the conditions are reviewed, discussed, modified that the noise condition be noise conditions that can be formally applied, realistically applied consistently to our daily lives.

She would like to introduce exhibit E, which again provides you with more information. The board provided your honors with fantastic numbers about decibel levels, but she wanted to provide you with more information about the levels. She thinks it is important to understand what the individual pieces of equipment will do. In terms of the noise levels for the decibel levels, most lathes in a machine shop, drills and cutters are consistent with the decibel levels, as you see from the previous exhibit of a blender, which is 91 dba. A blower 99 dba. Again that is what you get with a lathe in a machine shop. Same thing with a blower. Compressed air 92 dba. A lawn edger 86 dba. A hedge trimmer is louder than a lathe. A hedge trimmer is at 103 dba. A plant tissue grinder is 90 dba. A riding lawn mower is 90 dba. Again these are louder than the noise levels of what you have with a lathe. And again with the lathe that is being measured right at the lathe. It is important to remember that with this granite structure where the work shop, the 2,500 square foot, 50'x50' work shop would be located is in a granite building. As she mentioned before, these builders proudly spared no expense. That building is more than twelve inches thick. Those walls exceed twelve inches of granite, so no one is going to be hearing anything outside.

She would also like to enter exhibit F. There is no request in this application for a gun range. It was not approved by the board. It was not requested. If her husband values his thirty-two years of marriage, they are not getting a gun range. However, if and when his gun patents are approved, if and when his gun parts are cut and he builds these historic replicas, the size of his quote unquote gun range is a box. Exhibit F concerns the savage range systems and on page 3 of your honors exhibit handles hand guns and rifles to 1,400 fpe. It's a safety testing box. It's a whopping thirteen inches by four inches by fifteen inches. She's from eastern North Carolina, but if that is considered a gun range, she doesn't know. If your honors would allow her to circulate this photograph of what it is going to be, it may help with concerns some of the community members may have.

She also wanted to ask the Town of Tryon if the Phase I Environmental study that was previously performed, could be introduced into evidence as exhibit G. All she has is her original copy and her understanding is that the request has been granted to introduce it into evidence. Attorney Morgan stated it is in the room and we can make steps to make sure it is entered into the record. Ms. Easley stated in the environmental assessment there was one condition that they will be requesting to be modified is that an environmental assessment was already made of this property. The environmental assessment was made by a recognized expert in the state of North Carolina, Stuart Ryman. He is with Altamont Environmental Incorporated. Mr. Ryman now has been deceased. As part of complying with that condition that was made at the board hearing, they have already obtained five bids for an Environmental Assessment Phase I combined with Phase II. They have requested an extension of time from the sellers. The sellers granted them an extension of time of thirty days to conduct their environmental assessment. The environmental assessment conducted by Mr. Ryman found "no

recognized environmental conditions". That is the buzz word. Because the board did not have an opportunity to review this actual Phase I Study, she thought it was important that it also be admitted into evidence. Because in this the expert did locate two underground storage tanks and he did inspect the soil around the area. He did not go to the Phase II, because he saw no evidence of leakage. As part of their continued faith and continued conduct, showing that they are good citizens of Tryon, they have already signed a contract with a licensed credentialed environmental assessment company located in Greenville, South Carolina that works throughout the southeast and they will be conducting the Phase I and Phase II study. She requested that condition be modified to note that the buyers have themselves voluntarily submitted to that. She does that for two reasons. Number 1, every organization that they called and they called ten organizations, everyone knew Stuart Ryman. He was the top of the top. Eighty percent of the people they called were trained by him. They worked for him. He's not alive to defend himself and this report. They also saw the report and saw nothing lacking in the report. But to protect them as potential buyers they must contract for their own report. So rather than having the zoning board imposing that condition, they respectfully request that they use the carrot. The carrot being the incentive to get the protection from liability with the combined Phase I and Phase II report. Unless your honors have any other questions she is going to sit down and be quiet. She appreciates you indulging her. She thanked them for their time and thanked all the zoning board for their time and commitment and the town attorney.

Joe McConnell 177 Glenwalden Circle asked for someone to read the seventeen conditions. There is a lot of skepticism made on these plans. The assumptions they are making on their machine shop is a machine that is not running metal and not running wood makes a lot of difference in the db level. Let's say that they get their light manufacturing going and then they decide this is too much, they are not going to move here. Then what? Commissioner Ingham stated this is for them only. Anyone else would have to come in and apply. Mr. McConnell stated that is not his question. If they decide they are not going to live there, they have a house, get their light manufacturing-in the middle of Red Bird, One Tryon Place and Glenwalden Lane, all those people are sitting there listening to that and nobody on this board lives close to that. Keep that in mind. Say they get their light manufacturing and then decide it's too much to run this place and to live in and decide to live where they are. Now we have light manufacturing and no house. See what he is saying. Is there anything in all these stipulations that says they have to renovate and make this their home? Attorney Morgan stated no it is assumed that they will, but they have to take their word for it. Mr. McConnell stated it was the same with Jerry Thomas. Attorney Morgan stated regardless of whether someone is living there as primary residence continuously or not the conditions do cap the size of the machine shop area to 2,500 square feet. They can't expand through the whole building. Mr. McConnell stated the whole pretense of this is, we are going to save this building, we are going to move in it and by the way we are going to have a woodworking shop and metal manufacturing process. So what if it turns out to be just metal work and woodworking and no home, is there anything here that makes them live there. Attorney Morgan stated that would be illegal, we can't force them to live there.

Rebecca Collins 81 Redbird Road stated she and her husband own the old hospital administrator home and the hospital property is contiguous with theirs on two sides. Her concern and she is not privy to the conditions that are being discussed, that is a disservice to them to make any decisions, but they came to Town Council when Mr. Thomas started destruction of the trees and were told the town didn't have the resources to enforce the ordinance and she is concerned if there are. Mayor Peoples stated they were

told that. Mrs. Collins stated they were told that five years ago. Commissioner Crowell asked if we had a logging ordinance. He doesn't think we do. The Gillette Woods Home Owners Association needed to file suit against Jerry. He doesn't think we had the teeth to stop it. Mrs. Collins stated her issue is, if there is no teeth to stop it and we have the conditions laid out, are there within those conditions any penalties for non-compliance. She thinks the issue of the building if it is actually restored, how will that be enforced? Her concern relative to noise, possible pollution and traffic, needs to be satisfied that the town will enforce the conditions.

Bill Petric 200 Glenwalden Lane thanked them for recognizing his home went up in value, they had put a lot of work and money into it. He would like to keep it that way. He is a realist and lives in reality and lawyers are people too. Lawyers lie just like anybody else. First off he would like to start by, Crys Armbrust at the first Planning Board meeting you stood up and give a ten minute lobbying effort on behalf of these petitioners. He thinks that is an ethics violation per the state of North Carolina. He asked for him to kindly recuse himself. The rules of conduct from the zoning ordinance for the board--- you were discussing this before this meeting. Mr. Crowell --- No board member shall discuss any quasi-judicial case with any parties thereto or other Board members prior to the public hearing on that case; provided however, that members may receive and/or seek information on that case from the Zoning Administrator or any other member of the Board, its secretary or clerk prior to the hearing. Under North Carolina law any Board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitution right to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change. You had stated at the Ford dealership, earlier yesterday that you were fixed on your opinion and how you were going to vote. Commissioner Crowell asked at the Ford dealership. Mr. Petric stated the Resolution of Objection states if an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection. Commissioner Crowell clarified he was saying Ford dealership and stated he was not at the Ford dealership yesterday. Mr. Petric handed out the North Carolina law and asked those two members to recuse themselves.

Attorney Morgan wanted to ask a couple of questions that are important he thinks to recognize the distinction between what this matter is and what it was when it first started. When it first started it was proposed as straight rezoning, which is a legislative process. Most of the things that this fellow just mentioned don't apply. You can lobby members of the decision making body just like in Congress or in the General Assembly. The nature of it changed when the applicants changed their application to a conditional use rezoning. Now we have an element of a legislative decision on the zoning discussion and a quasi-judicial question on the permit issue, so the rules changed in mid-stream if you will. He doesn't know what all comments or things that have been discussed back in October and November, but it is important now for all the board members to recognize that since there is this quasi-judicial element to them you are correct on the due process, considerations are now at play or apart of this. So he is going to ask the Board members as a whole and if anybody answers this in a way that implicates the due process concerns he is raising, then we will explore that further. Do any of you as you sit here now knowing that the nature of this proceeding has changed know of any reason why you cannot hear the evidence that's being presented and will continue to be presented this evening and base your decisions, your individual vote based solely on the testimony you hear and the written evidence that is presented.

Do you know of any reason why you cannot hear and evaluate this case, financial or any other reason, about why you cannot base your decision on the evidence as you hear it this evening? A lady asked if they should not be under oath. Commissioner Armbrust stated no. Attorney Morgan stated he has made a motion or a request that at least two of the members recuse themselves. He takes it that you don't want to recuse yourselves. Does anyone want to request or move that either of the members who were singled out, be recused by the Board? No request was made by the Board. Then your request is duly noted, it's in the record. He stated we would carry on with the testimony.

Mr. Petric asked who the real estate agent was for the buyer. Mrs. Easley stated again she is under oath, she doesn't have a real estate agent for the buyer. The real estate agent for the seller is Jeremy Wood. Mr. Petric stated Mrs. Easley had referred to her broker many times in past meetings. Mrs. Easley stated the broker that she has spoken with represents the seller. Another words, under North Carolina law, her understanding is that he would be called a dual broker, but he is not her broker. Mayor Peoples called the group to order. Mrs. Easley stated he is not her broker. He represents the seller. His name is Jeremy Wood. She was told today that under North Carolina law that he would constitute a dual broker. That is her complete answer. Mr. Petric stated they don't need a rezoning property or home office or hobby business. This is 110 % about manufacturing and manufacturing buildings. It started out mentioning a hobby metal shop and grew to a 3,500 square foot combination woodshop, metal shop with ten employees. Initially they wanted at the Planning Board ten hour shifts, six days a week. The entire rezone is about manufacturing and really nothing else. He feels everything else is fluff. This is about the welfare in an established neighborhood. The deal benefits two people only, Tom and Dorothy. It does not benefit the surrounding neighborhood whatsoever. The estimates that she mentions from Zillow, any real estate agent worth their weight in salt will tell you stop relying on those. They change if the wind changes. You see that in the football game you are watching on the score percentage of who wins. The percentages run high and run low, all over the place. The manufacturing does not fit in our 100 year old established neighborhood. They have homes, residences there and have quiet there. They do not have high constant levels of noise when the thing is running. Those db levels that were provided are most likely when machines are running at low speed idle. Right there with the lawnmower and right there with the machine. It's not when they are lathing metal. It's not when they are grinding. It's not when they are cutting wood. They were changed based on density of wood, based on type of wood. Same with metal. They are not talking about a five pound air compressor that you can pick up at Home Depot. They are talking about an industrial compressor that is running a machine shop. The manufacturing facility destroys our serenity and our right to enjoy our peaceful quiet. It also destroys the value of all the near properties. He never once lived in a neighborhood where manufacturing and industrial facility got put in a residential neighborhood and it increased the values. He has seen where it decreases them. It also destroys their investments and the place that they call home. There is a great location on Melrose that would be ideal. It is mostly cleared and it is next to a couple of councilmembers. They could experience the noise. If this is approved then they will appeal.

Steve Fox, he and his wife live at 365 Glenwalden Circle, eight years ago he did a demographic search of North Carolina to see where they might retire. All indicators found important to them led them to purchasing a house in Tryon. What the demographic search couldn't reveal was the close relationships that they have developed with neighbors. Had he known eight years ago that a residential community would be rezoned to General Business and that they would be living next to a manufacturing plant that

exposes them to constant noise during the daylight hours and that they would encounter an eighteen wheeler truck coming down the winding Carolina Drive and would endanger their lives, they would have likely not purchased their house. Small tax increases in Tryon made from this rezoned property will most likely in the long run will not offset the depreciation of the residential houses. Changing from residential to General Business changes the idea of this historic neighborhood into an undesirable community. Zoning regulations are designed to protect citizens and preserve property values, however, voting in favor of this rezoning is the antifascists of protection and preservation.

Town Clerk Bell swore in additional people who had decided to speak.

Dr. Leslie Turnage 145 Glenwalden Lane stated after the discussion, she would assume that Mr. Crowell would not have access to that, because he will be financially gaining from this situation. Commissioner Crowell stated that they had never spoken on that. Dr. Turnage stated she is not saying that you have sir, she is just saying that if that comes to light then you will be financially gaining from this decision. She said in the bulletin it stated that they would put in an iron gate. Mayor Peoples stated there are other people that do that. She commended them for what they are trying to do. It's exceptional, but her concern is what they have already dealt with, Jerry Thomas. She hopes they understand where they are coming from. One of the things with the General Business Conditional Use is will this set a precedence for the Board and Planning Board to make this area totally a General Business area. There's no guarantee of that, which is a huge concern for them. She agrees with what they are planning to do, it will probably up their values of property, but again they are only going on what they are saying they are going to do. Talking about the decibels, she gets what they are saying about all of those individual things. Her question is, is there going to be an air compressor on the outside that is going to get the machines started. Mrs. Easley answered, as she understands there will not be an air compressor on the outside. They did look specifically at the decibel level of the air compressor. Dr. Turnage asked then in the conditional use, can the air compressor not be on the outside and maintained on the inside. Mrs. Easley stated her husband just informed her that it would be the quiet type of air compressor. The quiet screw type air compressor is what they are talking about, because again they will be living there. Dr. Turnage clarified it would be on the inside. Mrs. Easley stated yes ma'am. Dr. Turnage stated you might not have been members, but like Mr. Collins said they came to the town when Jerry was there. They were told that there was nothing we could do. If they would have known they would have tried to do something about Jerry Thomas. She lives very close and when the trees were being cut down, she contacted the niece of Jerry Thomas, because she was a concerned citizen. She was told that it was none of her business, unless she was a lawyer or a police officer, she was never to call back. She just wants everyone to understand, they have been so told wrong. Another thing is, are the dumpsters required. If so, how often will trucks be coming. Hopefully that is something that the board can help us with. Commissioner Ingham said they could try. Commissioner Crowell stated he got to walk through the building a month ago and there is probably twenty giant dumpsters of trash and garbage in that building. Dr. Turnage doesn't doubt that, because it's a mess. Crowell stated there is going to be a six month time that they are cleaning and they will have dumpsters. Dr. Turnage meant down the road, a continuing thing. Once this goes to General Business she doesn't see it going back. They are putting their trust in the board.

Crowell thought if sold, it would go back to residential. Attorney Morgan stated the conditional use permit states unless revoked by the board for some reason, such as a violation, the conditional use permit runs with the property. Town Manager Ollis stated if they decide to sell the property, unless

someone decides to do the exact same thing, they cannot do the other stuff that is listed in General Business, unless it goes through this process again. Basically what you are charged with is the rezoning, but also the conditional use. The conditional use states what can and cannot be utilized through that zoning. Morgan stated that is correct. There are no permitted uses where you can just go and get a zoning permit. The conditions stay in place.

Dr. Turnage stated there was some talk at the Planning Board meeting, she got kind of mad and didn't stay, but some of the other residents that live near the area did. One of the things they wanted was the hours of the manufacturing business, they were requesting 8:00 to 8:00 Monday through Saturday and then they agreed to 8:00 to 6:00 Monday through Friday for the manufacturing part of the business. Listening to a lawnmower for thirty minutes here and there at times is really different than listening to manufacturing 8:00 to 6:00 Monday through Friday.

Attorney Morgan stated Tryon does have a noise ordinance, what the ordinance doesn't contain is decibel levels. There is a noise ordinance and one of the conditions is that you will strictly comply with the noise ordinance, such as it exists. Dr. Turnage asked there is a noise ordinance and you are deciding to add decibel levels to. Are they exempt from that? Will they have to comply with that? Attorney Morgan stated if the town were to set certain decibel levels with this permit and it became more restrictive later in an ordinance amendment it would probably not apply to them because they had a vested interest and a certain decibel level wouldn't apply. The noise ordinance applies to everybody. Dr. Turnage said she listened to what Mrs. Easley is saying and according to that they shouldn't hear anything, but what if they do. What recourse do they have? What will you as commissioners do to protect us? Attorney Morgan stated everyone has an interest in it and asked what section it was in. Town Manager Ollis stated it is under the Nuisance Section 94.10. Mayor Peoples stated if you are looking for a decibel level, it is not there. Dr. Turnage stated right and she thinks what you are saying is that you are going to be looking into it. Ollis stated they have been looking into it. Dr. Turnage stated once you come up with the levels, they don't have to abide by that. Mayor Peoples stated he just said if we implement something that was not there when they applied they would be grandfathered in. Attorney Morgan stated if they say you have to follow the current noise ordinance, then they would have to follow the new ordinance, everybody would. Mayor Peoples asked about will and shall. Attorney Morgan stated shall is mandatory.

Commissioner Ingham asked if they set a decibel level is it not for the whole town. Attorney Morgan stated that would require an ordinance amendment to make it applicable to all over town. If there is a decibel level when we can get an agreement with the applicant that they will live with and the town will live with then he can add as a condition. To force it on them he's not sure if that would be a reasonable condition that would be held up in superior court.

Dr. Turnage has two more questions. Do they plan to put any more lighting outside? If so, what would the lighting be? Mrs. Easley answered, this is both a work space and a home. She knows that some people love the bright motion sensor light, but she despises it. She is not commenting on other people's taste. Around their log house, there was a huge, huge outdoor light that they made sure was properly disconnected. She uses very dim solar lights or landscape lighting, so that they have lighting around the perimeter. It's tasteful because it is primarily around the exterior. They want to look like a house. The same with the dumpster. There is going to be a lot of cleanup. That will be in the back. Nothing will be in the front. The air conditioning unit will be screened, so that it will look like a home.

Dr. Turnage knows they mentioned FEDEX and UPS trucks coming up and down the road all the time. At the end of the zoning where you were talking about or doing the conditions, there was talk about an eighteen wheeler making deliveries, she wished the town would look at that through the D.O.T. going around the sharp curve and how an eighteen wheeler would turn around. On many occasions at IGA, Carolina Drive and Highway 176 eighteen wheelers have been stuck on that little hump. She would appreciate if the town could do something with the Department of Transportation to look into that with eighteen wheelers. Commissioner Crowell stated in 2012, CISCO delivered every other day there when the county had meals on wheels. Almost every day CISCO delivered there.

Joe McConnell stated the town has great noise ordinances that deal with barking dogs, birds and cars. There is nothing in there that has anything to do with light industrial, because the Town of Tryon doesn't have light industry. There was a question, what would this council do for you if they violate something that they agreed to. They will tell you that they don't have the money. You go and get your own attorney and we will back him up.

Nancy J. McGarra 3 Red Bird Road stated she is perfectly adjacent to the property, so she can attest to everything that is going on. She has been sixteen years on her property. This is the cottage that the head nurse lived in next to Becky Collins. During the last year the previous owner had been left with piles of brush. They had a town meeting about it and was told he couldn't burn it, so he dug a hole with an excavator on the acre next to hers. He then threw all the brush in it and covered it with a thin layer of dirt and made a landfill out of it. If her grandchildren walk to the edge of her property, not unattended, but if they did they would fall thirty feet into this ibis that he has created. You cannot reforest that. You cannot plant trees on that, because that is what it is, a deep squishy landfill. It is below her property and is an entire acre. Furthermore, the rest of the property, where he left the stumps, she has walked many times. It is loaded with the superficial roots that all old trees produce when they become aged. You can't just dig a little hole and put a seedling in there. Not going to happen. The talk about reforesting. Pine trees come along fast if they have what they need, but they are not going to get what they need there, because of all the roots that have grown into the property and made it hard for walking. She doesn't know anything about mushrooms. You are not going to be reforesting that property, because there is no way to do that and certainly not the acre next to her. The Town did nothing about it while he did it, even though she told them he was excavating it. Even though these people change the venue, the worst that came out of one of your members is not erased from our minds. They heard all of that. Just because they changed the venue and meeting, they all sat here and listened to it. There was no right for any person to speak that night. She feels the whole thing has been a one sided affair.

Charles MaGee 101 Glenwalden Lane asked if the Town would benefit from the light manufacturing in taxes. Mayor Peoples stated that he would assume that if you do improvements on that property the value of that property will go up and yes we will get more property taxes. MaGee asked how about from the manufacturing. Peoples asked Ollis if it is sold within our corporate limits do we get a portion of that. Ollis stated it depends if it is on-line or what. He doesn't know how it will go. Basically the county collects all the sales tax and then they are distributed amongst the towns. Peoples stated basically if they sold and paid state tax a portion of it comes back to the county and then the Town would get a portion of that here. If they had really good sales we might benefit as a town. Commissioner Crowell stated we are more likely to get property tax when they improve the property, from them and the surrounding area.

John Walters 13 Melrose Circle, Chair of the Planning Board, asked Tim in one of the conditions, they started to discuss the decibel level and due to the time and research needed, did not send one, but his understanding is that the conditions would set some level. Attorney Morgan stated the sensory of the Planning Board thought it was a good idea and suggested that the Town Board set one as part of the conditions. Also Walters believes Mrs. Easley said they would like not to have to abide by the second environmental study, in speaking for one of our members. Mayor Peoples stated you cannot speak for another board member, but they have already agreed to do it. Attorney Morgan stated the way he understood it, they have already accepted bids on this. Mrs. Easley stated it's not that we are agreeing to abide by the Phase II study. Her greatest concern is that they have a certified expert who already did a Phase I Study and that study entered into evidence should not be rejected, unless there is a competing expert that can testify and qualify who has produced their own expert study. So she thinks from the procedural standpoint of the expert study of the Phase I study it should be accepted since the Town of Tryon and Polk County accepted that study and that the Phase I, Phase II condition should be modified to instead reflect that the buyers are voluntarily agreeing to the Phase I, Phase II study. The reason being that paying for the study, it runs with the purchaser of the study. Whoever pays for the Phase I study gets the protection from liability. So that is her request. It's not the unwillingness to abide by the study because if the Phase I, Phase II study comes back negative, then they will not purchase the property. That's her request, but she doesn't want to be misunderstood, they respect the board's recommendation. From a jurisdictional standpoint she's not sure if they can reject an experts study. It's part of the record. Mayor Peoples asked how old is that study. Attorney Morgan stated seven years. Mrs. Easley stated 2012. Mayor Peoples stated he's not going to test either one of you, but he thinks this board may be has the right to say we don't accept that and request another one if they choose. He's just asking. Attorney Morgan stated it doesn't really matter how it is worded. He would like a copy of it if they have it done. Mrs. Easley stated they would have no problem with sharing a copy of the report with the commissioners. She has no problem voluntarily submitting to the Phase I, Phase II study. For any potential purchasers restoring historic properties, everyone knows that you will have lead and paint throughout and the risk of asbestos. Future purchasers they don't want to be discouraged, because of prior precedence that might point them to have the Phase I, Phase II study. She would like that modified to state they are volunteering to do the Phase I, Phase II study.

Rachel Hawkins 81 Redbird Road, a neighbor to Nancy, her property butts up to the Collins property. She asked since there has been such good will to the neighbors, why do we not place a condition that all equipment be placed in a sound proof room. In her opinion they would not have to worry about decibels or noise. Mayor Peoples stated he couldn't answer that question. Commissioner Ingham stated he didn't know what it would take to make a room sound proof. He does know the walls are massive and that will cut down some noise. He is sure they can look into some sort of sound proofing. Ms. Hawkins stated that would be appreciated.

Bill Petric asked on behalf of Mr. Justice here, if when casting and forging of metals would it require venting and discharge into the atmosphere. Mrs. Easley stated there might be lead casting or swaging, but nothing else. Mr. Petric asked how the swag would be disposed of. Mrs. Easley stated no swag. Mr. Petric asked if there would be a condition on that, because of the environmental concern. Mayor Peoples stated if he said there wouldn't be any. Commissioner Crowell stated swag is nothing more than steel that has been heated and cooled and falls off the metal. He produces twenty pounds a week.

He sweeps up and puts in the trash can. He is going to be using a higher grade steel than he does. It's clean and polished when he gets his hands on it. Mr. Petric just had some concerns on that.

Joe McConnell asked if he understood that they were going to do a Phase I and Phase II study. Mayor Peoples stated Phase I has been done and we have it. Mr. McConnell stated Phase I then has been done. Did he understand her to say that they were going to do a new Phase I and the Phase II, because there is a whole lot of difference and it is much more expensive. You find more stuff on the Phase II, than on the Phase I. Mayor Peoples clarified with Mrs. Easley that she had already contracted for Phase II. Mrs. Easley has contracted for an additional Phase I combined with a Phase II.

Ingham stated twenty-two years ago lead fillings were getting into the creek. That was a big fine for allowing this to happen. Attorney Morgan stated he was sure that there are sufficient state regulations in place and federal. In fact a lot of the conditions that have been discussed there are already laws to deal with them. It's not like they can go away if there is not a condition. Same with our Town ordinances. Ingham stated if you suspect there is a violation of an environmental law then you have an avenue to work with. Town Manager Ollis stated there is already state and federal laws that regulates any kind of discharge like that, whether it be wastewater or storm water or whatever it is that blacksmiths do. The county also has its regulations. The Town has a harsh chemicals and harmful materials ordinance. He is not sure how detailed it is or how it is really crafted. It may not be engineered for specific things. There should be something in there that says if there is any kind of issue we can get it addressed. The last issue he remembers was a washing machine foaming outside and we had to have that addressed. The Town does have this type of thing on the books. Mrs. Easley would like to pose a friendly amendment or revision. The applicant shall comply. Mayor Peoples stated it's federal, state, county and our ordinance, it's over kill.

Al Converse 321 Laurel Way, member of the Gillette Woods Board of Directors stated they didn't expect to submit this, but they did a survey of all of the Gillette Woods residents and received ninety one responses back. Seventy-four percent of the ninety-one responses are against rezoning. Twenty-one percent are for rezoning. He can show you the proof. Commissioner Crowell asked how many residents were of the Town of Tryon. Mr. Converse couldn't say, because he only has email addresses. Crowell stated one third of Gillette Woods is in the county. Mr. Converse stated it makes no difference, we are a community. Take a look around the room and see how many people are concerned about this. These people are your friends and neighbors. You run into them at the IGA or at the library or maybe in the summertime you are in Rogers Park having a beer or glass of wine, listening to music. When he moved here he said to his wife, we found Mayberry NC. This is a town where people care about people. He doesn't live over near the people. They could run a chainsaw all day long and he couldn't hear it. He worries about his friends and neighbors. Their lives, houses and this community. Magnolia Capital made a terrible mistake investing in that property. There is something about this that just doesn't smell right. It's bound to go bad and when it does, we are going be stuck with it. You will have turned your back on all your friends and neighbors. For what, they moved into a residential area, didn't expect it to go commercial. Never in their wildest imagination. He asked please do not rezone this property.

Commissioner Ingham stated he knows the names of about everybody out there and he considers everyone out there to be his friend, but if he is going to make a judgement one way or another, because they are a friend, then he would not be a good commissioner. He is not going to make a decision one way or the other because he has friends. He's sorry. If you want to see someone else sitting up here in

a couple of years, then you have that opportunity. Mr. Converse stated he is not suggesting that. He is suggesting that we make the right decisions for the community, not because they are your friends. They happen to be your friends, because this is a wonderful community. You have good ideas, why don't you make it residential, the business may not be ready for ten years. If you make it and do what you are saying you are going to do, we can look at rezoning it then. You don't have to move in and rezone it right away. It just doesn't make sense to him.

Commissioner Crowell asked for someone to tell him what they want to see out of this property. It has forty bedrooms. He could buy that building and rent out forty rooms for a hundred dollars a month. That's called a flock house and he is glad Jerry didn't figure that out, because we could have forty to eighty people living in that building with a few bathrooms and a few showers. He asked what that would do to your neighborhood. That's what scares him about keeping it residential. At least with commercial you can control what goes on there. Mr. Converse stated start it as a residence not a business. Crowell stated it has been a business since the day it was built. It was a hospital, then it was mental health and social services. It's always been a business.

Mrs. Easley answered saying you asked why we would not move into it simply as R-2. What she can seem to convey, she knows that people have different ethical ways, but it would be dishonest for them to go in discreetly asking and then change, she refuses to do that. Even if it means that she stands in a room of hundred people and gets called dishonest and duplicitous, at the end of the day she hasn't violated code. She has showed the Town of Tryon the respect they deserve, an honest application. That's why they are applying for GBCU to be able to live and work there. They are not the type of people. She understands it is hard for people to understand a different level of ethical standards. They are not the type of people that will go in, do it one way and then ask for forgiveness later. That's not the way they operate. She is sorry if it is hard for people to understand that. She does believe there are people in this world that still operate that way and so she speaks to those people that do understand. She hopes she has answered his question. Whether you believe her or not, she can't control what you think of her. Mr. Converse asked if he could respond.

Mayor Peoples stated we are getting to the point where we are going back and forth and much of what he is hearing is working off of emotions, instead of something he can bite into and say we should vote for this or we should vote against this. As you have noticed he has not come to any of these meetings on purpose, because if there is a tie vote he will be the tie breaker.

Mr. McConnell made the suggestion to table this until the Phase II study is complete. He doesn't understand what the rush is here. Mayor Peoples stated he feels a decision will be made tonight.

Mrs. Easley stated her lawyer explained that their deadline is December 16. She asked for a thirty day extension right before the zoning meeting to be able to conduct a Phase I, Phase II study. That's all they have. Once that happens they are out of this. The seller/bank will only give them this time. Mr. McConnell can't believe anyone is trying to buy the place. Crowell stated he has heard that Jerry is trying to raise the money. Mr. McConnell cannot believe that there is anybody else that wants this property and that the bank wouldn't, the bank knows what it is to have a Phase II done. He doesn't think they want to sell something that is hazardous.

Nancy McGarra asked what makes St. Luke's Hospital historical, what is the background? She has lived in four states as a widow and worked in several hospitals. One hospital went down and another was

built. The original hospital didn't become a historical monument, which is spoken about occasionally in this Town. Mayor Peoples stated for him it is the structure that was built by local people with local stone with artisan work that you can't basically find anymore. For him, the two side arms are what he would want. Ingham stated a lot of people that live here, families were born there. Ms. McGarra understands the sentimental value. Ingham stated if you look at the picture you don't want that torn down. Crowell stated the wood carved sign that has St. Luke's Hospital is absolutely gorgeous, but the roof is starting to leak there. Ingham stated that is what makes it historical.

Ms. McGarra stated the first time she met the man that is making application, he spoke of the air compressor bringing it out of the building to operate it. She thought on that. Her husband was a tool and die maker. Mayor Peoples stated that question was just asked and he said it was going to be inside. Ms. McGarra stated she knows that, but the problem for her is that, that's not what he said the first time. Now what he says is different. That bothers her. We are not getting continuity to the answers. Mayor Peoples stated we are trying to get answers and hear both sides. Sometimes a suggestion is presented to people and they find a way to change their plans. Ms. McGarra doesn't trust him.

Judy Blackman 510 Glenwalden Circle stated she just finished a massive renovation on her property. Three people have completed renovations within the last eighteen months. She thinks as an estimated guess estimate the renovations that have occurred for the three people half a million dollars. This has a multiplier effect on the neighborhood. You have admitted that you are not going to gain getting commercial taxes as opposed to residential taxes. She doesn't understand what the hurry is. The meeting held on Monday night one of the gentlemen said in driving by this place for thirty years it is a pit. She said it is a pit, but whose problem is that. It could have been changed many times. Gillette Woods does not have any authority over this, but be that as it may she doesn't understand what the rush is. You have a window of opportunity here that has just opened. It opened before Jerry, but that's before her time. Now you have a new window that just opened four months ago. Why are we rushing in, to grant business/commercial amendments, we have time? We do not have to get this right now. You have a bunch of people here who are incredibly skilled people at what they used to do. They would like to help the Town to figure out the best way to use this property. Recently they have been tossing around the idea of an adjunct of Melrose Park, with demolition of all the additions, which are awful, and leave the original building as a meeting place. Tryon desperately needs a meeting place. Kiwanis people, the Rotary people don't have a place to go. You have forty rooms, carve some of them out and make a big meeting hall. Let various organizations such as Rotary and Pearson's Falls which are wondering around like vagabonds, give them their own place. Also give the community a place where educational events can happen. Environmental events can happen. Other events that describe the nature of the environment. Do something. As it seems to her the most important thing that they have right now is to evaluate what is best for the community. They are here and can help us. She made a list of the occupations that she has just recently found out about in meeting with all these people. They are lawyers and architects, educators, contractors, financial experts, ex-Government officials who know how to weave around regulations to get things done. They have fundraisers and draft proposals. They could as a long term plan do something like what she has described or some other alternatives. We do not have to turn it into a business proposal when this window of opportunity is only four months old. It doesn't matter what it was before, because there was no opportunity for them as residents to contribute. She's not interested in blaming people for not enforcing anything. That's like a dead issue. All they care about right now is the noise. Everything emanates the noise and isn't even worthy of

discussion. She really hopes that you wouldn't rush into something thinking that's all that there is, because she is a perfect example. Her property was for sale for four years. Old properties in this area don't go real quickly. She asked why we are racing around when this has only been available for four months. Why don't we sit down, all of the experts that she has just mentioned and figure out what is best for the community. One other thing, the decibels. Anything above seventy can cause damage if it is continuous. A lawnmower is ninety. A rock concert is a hundred and ten. There was discussions on Monday of doing one hundred. That is incredibly damaging. They should have something that is below seventy. Seventy is where the damage starts to occur. Anything above that is pretty frightening to everybody. Certainly frightening to her, because she can hear with great clarity what is going on down on the main drag. Just use them. They are here and are here to help.

Mrs. Easley would like to respond to why the hurry if she may. Mayor Peoples told her that had been explained. She said she wanted to explain the condition of the roof. That's the reason something needs to be done this year. The roof is presently leaking. There is one section in the Phase I report that deals with asbestos shingles. The shingles on the old roof are clay shingles. You only see those at the Biltmore, you don't see clay tiles up here anymore. In order to avoid the prohibited cost of a tear off where you have to replace entirely the roof, the roof is still repairable. The roofer who had to rebuild their roof is an expert and has worked with clay tile shingles before was not optimistic in the next year. Irrespective of the outcome of this hearing and she is respective of everyone in this room and the commissioners. Irrespective of the outcome, whatever happens that roof needs to be repaired this year. She says that not for self-interest purposes.

Bill Petric 200 Glenwalden Lane stated you had asked for something if you needed to break a tie, what would sway you and some fact. Let's look at what zoning is for. It's for land use. This comes from the real estate law. The basic purpose and functions of zoning is to divide a municipality into residential, commercial or industrial districts or zones. These are to separate one from another with the use of property within each district to be reasonably uniform. Within these three main types of districts, there will generally be additional restrictions that can be quite detailed, like occupancy, type of frontage, type of balconies, things of that nature. This is to segregate types from one another, not integrate them. As far as the noise, Tim was tasked by the Planning Board to visit surrounding communities, if memory serves him correct, to see what they use for noise levels. He does know that Saluda had problems with noise levels and people would skirt that. It was worth them paying the fifty dollar fine to sell more liquor for the occupant playing. He thinks now they have adopted a system to keep the cops from coming back. He would like to see something done with the noise levels. That is the big concern here. He has lived next door to noise producing facilities before and it doesn't do anything for you. It doesn't do anything for your value. It doesn't do anything for mental health and it doesn't do anything for the neighborhood or the community as a whole. He would like to see something done that is enforceable on a graduating fining system. He would also like to see the Town of Tryon adopt some ethics training. He would like to see them offer course work and tests. He worked for insurance and has to take it on a yearly basis to know if he is doing business in the Middle East, he knows what is acceptable over there and acceptable here. Mayor Peoples asked him to be careful, because the implication is that someone maybe taking a bribe. Mr. Petric stated no he is saying that employees whether they are full time or part time they have to take the training and pass the course. Mayor Peoples stated there is mandatory training from the state for Ethics in place.

Mayor Peoples asked about calling for the question. Attorney Morgan stated if you are satisfied that we are finished with the evidentiary of the presentations, he would suggest, nonetheless not close the public hearing, because you might have questions. You can begin your own deliberations.

Carol Batts 118 Devils Ridge Lane, to see the building decaying and falling in, she doesn't know who else is going to come and do that or who has the money. Does the Town have that kind of money? She doesn't think so. She knows from being overseas, they had a place that had the twelve inch walls in France. They actually had a workshop in the house on the second level and you could not hear anything. She's not saying that you might not hear anything. She doesn't know that. Her concern is to see the building put back like it was with the artistic beauty it had. She thinks any efforts to do that and you have people here that have done their homework and they have taken comments that she feels they shouldn't have had to take, but she doesn't see that anyone else is going to come along and put it back there. Every time they drive by there, it is an eyesore, it is horrible to see that building like that. Like she said before, if you want to go to the new hospital and you can take a look at the picture on the wall of the original building. The picture of the original granite is absolutely gorgeous. The brick part is not gorgeous at all and she would think for the neighbors, if it were her, she would go and get a hammer and go help them knock that brick part off.

Mayor Peoples asked for discussion. Attorney Morgan pointed out there are two decisions, possibly three to the point of going through the conditions. The order he has seen primarily in these dual track situations is that you do the rezoning decision first. There is no need to go further if that is negative. If it is positive then you would move on to the conditional use permit portion. There is a work sheet for that. You need to make sure that you check all the findings. Mayor Peoples stated for Attorney Morgan to read the first and then if needed they will move to the next part.

Attorney Morgan stated considering a rezoning you must make a plan consistency statement. This is consistent with plans. And a statement that it is reasonable in public interest. These items are required. The Planning Board recommended this in the form of a motion. This is only if it is favorable. If it is not favorable, then there is no need for a statement. Mayor Peoples stated if you read that, then someone here will accept or not accept.

Attorney Morgan read what the Planning Board had requested "I move that the approval of the rezoning request by the Board of Commissioners with the rezoning request be approved by the Board of Commissioners and that the proposed rezoning is consistent with all applicable comprehensible plans of the zoning ordinance and is reasonable and in the public interest because the uses generally found in the general business district are most often provided for an individual freestanding establishments not serving the pedestrian flow and are therefore intended for locations along major traffic arteries so as to serve on or any of the traffic patterns. The subject property is located along or near to Trade Street. A major traffic artery through Tryon outside of the Central Business District in close proximity of other properties zoned General Business. #3 the historical uses of the property, including a hospital, school and offices, which are more consistent with the uses found and allowed within the General Business District than those allowed within the Town's residential zoning districts. Last #4 The current structure on the property is of local historical, cultural and architectural nature. General Business zoning opens up the potential reuses and increasing the chances that the building will be rehabilitated and preserved. On the other hand if the property remains zoned Residential R-2, the uses are much more restricted and

limited to one single family, detached dwelling units and limited to generally one family and detached dwelling units and those uses that are allowed are not practicable for this structure.”

Mayor Peoples asked to hear a motion. Commissioner Booker stated she wanted to talk to Mr. Brylowe. She asked how long he had been making bullets and gun parts. Mr. Brylowe stated it has been a hobby of his since he was twelve years old. Booker stated that is making the parts and making the bullets. Mr. Brylowe stated no. Booker asked how long he had been making bullets and gun parts. Mr. Brylowe stated when you say making bullets, are you talking about bullets or are you talking about cartridges. Cartridges are ready to fire. Booker stated she might be wrong, but she thought she heard him say at one point that he made bullets and gun parts. Mr. Brylowe stated reloading. Booker asked how long you have been making gun parts, forget the bullets. Mr. Brylowe stated he had only designed gun parts at this point. He has only fabricated in amateur gunsmithing occasionally a few small parts. Booker stated so you have never had a business. Mr. Brylowe stated no never had a gun business fabricating gun parts for sale. Booker so you can clearly say you know how much noise you are going to or not going to be making. You know how many people in the future that you are going to need to hire. She just wanted clarification as to the process of making gun parts. Explain to her the way from point A to point C, D or whatever your process of making gun parts. Mr. Brylowe stated he doesn't make gun parts right now, he just designs them. She is under the impression that you have a business or had a business where you make gun parts. Mr. Brylowe stated that was never stated. He has never had a business selling. Booker stated but you wanted a business about something you don't have. Mr. Brylowe stated a hobby business at this point with patent applications in the works. It may never bear fruit like many patents. It may never turn out to be worth any money. Booker asked you are wanting a building where you can have a business doing what you are saying you are not doing. Mr. Brylowe asked if she could rephrase that. Booker stated she was done. Ms. Easley clarified his experience is with Marlin Fire Arms. That came out in the zoning meeting. She is a lawyer and is just trying to help facilitate because you were thinking that he is running a gun business. Booker remembers that you were married for thirty two years, she just wanted to give him the opportunity to speak. Mr. Brylowe stated the gun parts that he has made was from a production worker and operating computer control machines, milling machines and grinding machines. But this is a hobby business. It may or may not bear fruit. You still need to prototype anything that you plan to offer to market for sale. Assuming the patents are approved, assuming the rights are granted, that would provide us with the right to intellectual property which would prevent people from copying for twenty years. Booker asked why do you need a zoning change to do something that you haven't done or possibly will not do. Mr. Brylowe stated because in a typical residential area you cannot operate lawfully a seven and a half horse power milling machine or heavy equipment. You can't even install that in most households, because the floor will not support it. They are not stable enough. You don't have the power requirements for a lab to develop machine parts, because it requires three phase power. It is very sensitive to power when trying to make precision parts. You should think of it more as a laboratory. Instruments of a modern machine shop is much more like that than a noisy, hazardous place. Those machines cost tens of thousands of dollars, are extremely valuable, they require skilled operators, people with mathematics, so it's a very serious undertaking. Booker stated you don't have any of that equipment stored anywhere or have it on paper that you plan to purchase within the next few years or whenever. Do you know exactly what equipment you are going to purchase? Mr. Brylowe stated without the specifications, he does not. It's preliminary. Would you spend thousands of dollars and months of hours planning something that was due to contingency? Booker stated that she was under the impression that this is what you do. She was under

the impression that you knew exactly the db's, you knew exactly the material you need, you knew exactly the equipment you needed. Not only did you need a building for it, she was under the impression that this is what you do almost daily is make gun parts. Now that we know you don't, why do we need it to be rezoned, now? Why can't it be rezoned later, when you are clear as to what you want to do? Mr. Brylowe stated his ideas are clear. You had asked if he knew the equipment that he needed down to the specifications. He doesn't. He knows he wants a Haas horizontal mill, seven and a half horse power mill that costs about \$30,000 to \$39,000. To know what exactly bed length he does not know exact details. He knows what steels he wants to buy. He knows what he wants to prototype. But it is all contingent on patents. If the patents are not granted, then why would you want to spend \$50,000? The many small arms manufacturers startups, first submit drawings to outsource. He never assumed that he would make anything from start to finish. You have to send precise drawings with dimensions and to contractors. You buy the parts from them. You manufacture proprietary parts, the parts that nobody else should see and nobody else can make as well as you can. Then you combine the outsourced parts with the parts that you make in-house to produce the product. As far as the business plan he knows exactly what he wants to do, but there are all contingencies. Booker stated she thinks he knows exactly what she asked him. Why should this town rezone that property for something you are not actively doing or producing? You don't know when you will. Mr. Brylowe stated because he needs a prototype laboratory, not fit in a residential use. One lathe cannot be operated at his house. He would have to pour a new floor. Concrete that meets specifications for a five ton mill. Booker asked what if they suggest that he do that. She just wonders. She wants him to buy this. Mr. Brylowe stated the power is there. The infrastructure is there. It is rock solid building. It can sustain heavy equipment without a lot of vibration. There are not a lot of places like that around. Many of these commercial buildings would have to rip out the floor in order for it to carry heavy equipment. Booker understands that he is telling them a lot of something that you don't know a lot about. She's done. Thank you.

Mrs. Easley stated that her husband has just been insulted. For the record he has an MBA in Corporate Financing, MS in Forestry and in Firearms.

Commissioner Armbrust so moved the motion as it has been read by Attorney Morgan. Attorney Morgan stated this is a motion to adopt the plans consistency statement and reasonable statement that was recommended by the Planning Board. The motion carried 3-1 (Booker).

Attorney Morgan stated there is an ordinance to effectuate a zoning change, which is necessary, because of the rezoning.

Town Manager Ollis read: An ordinance to amend the official zoning map of the Town of Tryon to change the zoning of 4.92 acres owned by Magnolia Financial (Under contract to applicants Brylowe and Easley) located at 330 Carolina Drive (Tax Parcel No. T12-E20 from Residential R-2 to General Business-Conditional Use (GB-CU)).

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF TRYON:**

Section 1. The official zoning map of the Town of Tryon, North Carolina is hereby amended by rezoning the area described as 4.92 acres, owned by Magnolia Financial and which is under contract to the applicant Thomas Brylowe and Dorothy Easley, applicants for this rezoning, assigned Tax Parcel No. T12-

E20 and located at 330 Carolina Drive, Tryon, North Carolina, from Residential R-2 to General Business-Conditional Use (GB-CU).

Section 2. That this Property is rezoned from R-2 to GB-CU subject to all the individualized development conditions set forth in that Conditional Use Permit of even date herewith, and to all the requirements of the Tryon Zoning Ordinance and other applicable laws, standards, policies and guidelines, all of which shall constitute the zoning regulations for the approved district and are binding on the Property.

Section 3. The conditions proposed by the applicant, proposed by the Planning Board and/or Staff and agreed to by the Applicant to address conformance of the development and use of the Property to ordinances and officially adopted plans, to address impacts reasonably expected to be generated by the rezoning, and to promote the public health, safety and general welfare, and accepted and approved by the Town are set forth in that Conditional Use Permit issued to Thomas Brylowe and Dorothy Easley of even date which are incorporated herein by reference and attached to this Ordinance.

Section 4. All ordinances of the Town in conflict with this Ordinance are hereby repealed as to this property to the extent of said conflict.

Section 5. This Ordinance shall become effective upon adoption.

Mayor Peoples entertained a motion to adopt. Commissioner Ingham so moved. The motion carried 3-1(Booker).

Attorney Morgan stated that takes care of the rezoning. Now if you will move to the Conditional Use permit included in the site specific conditions. This simply restates the findings that are required in Tryon's ordinance. Those findings are in the application to complete. He would like for the Board to take one at a time. A motion on each one. And vote on each one.

Mayor Peoples entertained a motion that the application is complete. Commissioner Armbrust so moved. The motion carried 3-1(Booker).

Mayor Peoples entertained a motion that the application complies with all applicable requirements of the Zoning Ordinance. Commissioner Crowell so moved. The motion carried unanimously.

Attorney Morgan stated on the next three if the person making the motion wants to pluck out some of the information and identify that, the important thing is that record contain information to support it.

Mayor Peoples entertained a motion that it is completed as proposed, the development more probably than no, will not materially endanger the public health or safety. Town Clerk Bell wanted to make clear that if you don't vote it counts as a yes. Attorney Morgan stated that is correct. Commissioner Crowell so moved. The motion carried unanimously.

Mayor Peoples entertained a motion that the completed proposed development will not substantially injure the value of adjoining or abutting property. Commissioner Armbrust so moved. The motion carried unanimously.

Mayor Peoples entertained a motion that the completed as proposed development will be in harmony with the area in which it is to be located. Commissioner Armbrust so moved. The motion carried unanimously.

## Conformity with Plans

Mayor Peoples entertained a motion that the completed as proposed development will be in general conformity with all officially adopted land use plans, the Zoning Ordinance and all other applicable plans. Reference to the motion from Planning Board (the plan consistency statement). Commissioner Ingham so moved. The motion carried unanimously.

Mayor Peoples entertained a motion that the application is granted, subject to the following 17 conditions:

Ms. Hawkins asked about all the equipment being placed in a sound proof facility. Commissioner Ingham asked if they could work with that. Ms. Easley stated no they can't work with a sound proof room. Ingham was thinking about the equipment being inside. Ms. Easley stated yes sir. Mayor Peoples stated they had already agreed to that. Dr. Turnage asked about number 8 that states equipment outside. Mayor Peoples stated they agreed to move it inside.

Commissioner Crowell stated that his understanding is that if you pass Phase I you don't need to do a Phase II, but if you fail Phase I then you are required to do a Phase II. Mrs. Easley stated the Phase I and Phase II are presently being done together at the same time. Crowell stated you are continuing with the Phase II. Mrs. Easley stated absolutely, because of the short time frame they have. They are asking that it be modified.

Attorney Morgan suggested they are under oath saying they are going to do it. Just have a condition that requires the submittal to the Town copies of the Environmental Phase I/II study/report. Mrs. Easley requested that be removed and instead insert the language that you were just agreeing upon as reasonable. Attorney Morgan stated remove item 17 as it is currently reads and state the Town shall receive a copy of the Phase I/II study that has been will committed by applicants. Crowell stated that is nice of them to do the Phase II and that will let the property owners around there know what is there and if it is a clean piece of property. Mrs. Easley stated that's right.

Ms. Hawkins stated their neighborhood concern is about the equipment being placed in the sound proof room. That was just dismissed, because they say they don't want to do that. Mayor Peoples stated they would have, within reason, sound and we are studying that at this point. Ms. Hawkins asked to look at that for ten hour days. Mayor Peoples stated he did not know what they would do with that, but he knows when this first came, he came by and talked with you, how many weeks ago, before anything ever happened and he started looking at the decibels that day. He can't tell you where it's going to be, but he knows this staff is working on it.

Commissioner Ingham stated on number eleven it states noise creating activity-associated with the workshop shall be limited to the hours of 8:00 and 6:00. Ms. Hawkins stated that's still a ten hour day and it's a constant noise. Crowell stated those who have walked the property, there is a twenty foot wall between the door of his shop and the outside world. There's no house except for the old nurses house anywhere within eyesight of that property. You see rooflines only. There is a hundred yards to your house. The lathe inside the building, you will never know he is there. You may hear his music if he is outside washing his car long before you will hear his machine shop. Ms. Hawkins hopes that is correct. Crowell does this for a living and he has a good idea of the equipment that he is going to buy. It's top notch and it's quiet.

Attorney Morgan stated that item 11 states that all activities will adhere to the Tryon Noise Ordinance. Mayor Peoples asked if they can say what's in the current ordinance to include what is adopted. Attorney Morgan stated you could say all activities will strictly adhere to the Tryon Noise Ordinance as may be amended from time to time. Mayor Peoples stated if they change the ordinance he wants to make sure that everybody follows it. Ollis stated the way it is set up currently, but if we change the ordinance, everyone in town has to abide by that. Attorney Morgan stated it is a Police powered ordinance. Dr. Turnage was thinking in the notes that she has seen they didn't want to be bound by that. Mayor Peoples stated at this point they have to set a decibel level, but he is not sure what it is going to be.

Attorney Morgan wanted one more clarification on number 8. It originally read any necessary equipment which must be okay for outside enclosed building shall not be visible to adjacent residential zoned properties. Are you saying there will be no workshop equipment outside? Mr. Brylowe stated no workshop equipment, but air conditioning compressor. Dr. Turnage understands air conditioning units, but she doesn't have a compressor outside at her house. Crowell stated if you have an air conditioner you have a compressor. Crowell stated the one he is looking at purchasing an auger, it's not the one that bumps continuously. Ingham stated he will have an air conditioner just like at your house, but necessary equipment for the use of the workshop will be inside. Mr. Brylowe stated right. Mrs. Easley wanted to clarify what the commissioner stated, any necessary equipment for the use of the workshop. Ingham stated yes. She asked about paragraph six and eight as it relates to the nurses home, because the bottom of the nurses home is almost at the roof of St. Luke's Hospital, so they are seeing into their property no matter what they do, unless they were to build a high industrial wall and they are trying to make it look like a house. They want the wings taken off and get back to the original structure. Ingham stated it states a screen to minimize visibility. You just do the best you can. You can't help that there is a house right there. Crowell stated the corner of the old nursing house is three feet from the wall. Attorney Morgan stated this will take care of that. Add to the extent practicable, to number 6. Number 8 he doesn't think that is an issue now, because the workshop equipment will be inside. Commissioner Armbrust likes that phrase, to the extent practicable. Attorney Morgan stated it's not practicable to build a giant structure so people want see any cars.

Mrs. Easley stated they are comfortable with the conditions that the Board recommended and commissioners have modified.

Mayor Peoples asked if the Attorney and Tim had everything and were satisfied. They were clear on the conditions.

Conditional Use Rezoning From R-2 to GB-CU – Saint Luke's Hospital Property – 330 Carolina Drive,  
Tryon, N.C. **Site Specific Conditions**

1. The Applicants shall complete the development strictly in accordance with the plans and application submitted to and approved by the Board of Commissioners, a copy of which is on file in Tryon City Hall.
2. If any of these conditions or any part thereof is held invalid or void, then this permit shall be void and of no effect.
3. No new buildings are authorized by this permit, except as described in the application (small greenhouse for personal use).

4. All additional uses that might be made of the property if it is zoned General Business are hereby elevated to conditional uses which will require a conditional use permit regardless of the Table of Permissible Uses, as the property will be zoned General Business – Conditional Use (GB-CU).
5. The area developed for a woodworking shop within the existing St. Luke’s building shall not exceed 1000 square feet. The area to be developed for a machine shop within the existing St. Luke’s building shall not exceed 2,500 square feet. No additional light industrial uses shall be initiated or maintained on the property.
6. No more than ten (10) employees shall be on the property at any given time. Employee parking shall be located on the existing paved portions of the property and situated and/or screened to minimize visibility from adjacent residentially zoned properties to the extent practicable.
7. Retail sales of products produced onsite shall not be allowed.
8. Any necessary equipment (e.g., an air compressor) for the use of the workshop will be located indoors.
9. Raw materials for the woodworking and fabrication shops shall be stored within the fully enclosed structures currently located on the property and no new structures built for storage purposes. Brief periods of temporary outside storage of materials for the workshops planned for the property as described in the application shall be allowed and the materials removed to the existing buildings on the property as soon as practicable and shall not be left outside longer than 14 calendar days.
10. Raw materials required for the workshops will be delivered to the property no more than 4 times per week. Deliveries shall be completed 9am to 6pm Monday through Saturday only.
11. Noise- creating activity associated with the workshop shall be limited to the hours of 8 a.m. to 6 p.m. Monday through Friday. All activities will strictly adhere to the Tryon Noise Ordinance.
12. The greenhouse described in the application and planned raised vegetable beds shall be constructed or erected on the currently existing paved areas of the property (Whether those areas are to remain paved or not).
13. The residential use planned for the property shall be a one family residence only.
14. Only office uses associated with the workshops and one professional office shall be allowed on the property.
15. Signs consistent with signage allowed for home-occupations shall be allowed.
16. Reforestation of the property and agroforestry shall be allowed and the planting of mushrooms and herbs as described in the application. Agriculture uses shall be for personal use only and no commercial agricultural uses are allowed by this permit.
17. The applicants shall provide copies of new Phase I and Phase II Environmental Site Assessments to town council upon completion.

Mayor Peoples entertained a motion to approve the Conditional Use Permit subject to the seventeen conditions. Commissioner Crowell so moved. The motion carried unanimously.

Mrs. Easley stated tree cutting is an issue and could be a huge money maker for the town. If the commissioners found anyone cutting a tree within the Town limits without a permit pays a sizeable fine. Armbrust asked if it was appropriate or inappropriate at this point to make a comment. Attorney Morgan stated up to Mayor. Mayor Peoples asked if they wanted to listen to a comment from Crys.

Commissioner Armbrust stated this is for Dr. Turnage a comment to you and a quote, that rang in his ears, that he has heard from countless citizens, he thinks this comment has influenced much of this anxiety and concern that has been part of this process, and your quote was, “what we have already dealt with, with Jerry Thomas” whose actions in his opinion under-achievable. Check the transcript from

his comments during the legislative meeting in November, which he will say were perfectly in his right to make in the context of that meeting, he said the same thing much of this anxiety would certainly have been avoided had we not all communicated and had to deal with that experience. Dr. Turnage responded that we only hear what they are saying. As long as they do what they are saying and the noise is down like they are saying she can live with it. She agrees with her there is something that we need to talk about later.

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

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J. Alan Peoples, Mayor

Attest:

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Susan B. Bell, Town Clerk