

**TOWN OF TRYON
BOARD OF COMMISSIONERS
August 18, 2020 7:00 P.M.
MCCOWN ROOM - TOWN HALL**

Present: Mayor, J. Alan Peoples
Mayor Pro Tem, Chrelle Booker

Commissioners: Crys Armbrust, Bill Crowell, Bill Ingham

Staff Present: Town Manager, Zach Ollis
Planning Director, Tim Daniels
Fire Chief, Josh Walton
Executive Director of TDDA, Paige Henderson
Town Clerk, Susan Bell
Town Attorney, William Morgan

Police Chief, Jeff Arrowood
Public Works Director, Jody Morse

CALL TO ORDER

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

AGENDA ADOPTION

Mayor, Peoples - We have three items to add to the Agenda. Place item 5b. Mural at Harmon Field – no cost to Town, item 5c. Mural in Town of Nina Simone – Will cost \$15,000 to the consent agenda. Make item 8b. Interlocal agreement regarding amount of money that comes from the Cares Act. He entertained a motion to adopt the Agenda. Commissioner Ingham so moved. The motion carried unanimously.

CONSENT AGENDA ADOPTION

Mayor Peoples entertained a motion to adopt the Consent Agenda, which included the Board's previous minutes, the mural at Harmon Field and the Nina Simone mural. Commissioner Armbrust so moved. The motion carried unanimously.

MELROSE DISCUSSION

Item 6: Melrose previous quotes. Town Manager, Ollis – One new quote from SBR Sales LLC. Included previous quotes for comparison. Mayor, Peoples – Didn't we already approve doing this? Commissioner Crowell – We never approved financing. Town Manager, Ollis – Everything on the Minimum Housing Standards side is complete. If you want us to tear it down, we will tear it down. Commissioner, Crowell – We have no new buyer. She has raised the price to \$55,000. We will never see a penny of that money back. It's not up to us to claim responsibility. Commissioner, Armbrust - We are three weeks shy of two years. A list of potential buyers was emailed stating that Johnathon Brownley would put money in an escrow account. Commissioner, Crowell – I never saw a list. If he puts a \$150,000 in a non-refundable

escrow account for the Town of Tryon, we will buy the lot and we will clean it. Commissioner, Armbrust – We do not have to buy the lot. Commissioner, Crowell – Yes, we do. If we clean it up, she sells it to anybody and she gets all of the money. She has \$150,000 debt on the property with the people in Asheville. Mayor, Peoples – I’m going to ask the same question I ask a year or so ago. Can we sue? Town Attorney, Morgan – Yes, we can sue on the lien. Have the taxes been paid? Commissioner, Crowell – Yes. Town Attorney, Morgan - Yes, or you can get the court to order her to do it and held in contempt if they don’t do it. Commission, Crowell – That is the route we should take. Town Attorney, Morgan – Spend the money and at the end of that procedure you own it or attempt to get the money with a court order. Mayor Pro Tem, Booker when did this transpire or a decision made to become a Minimum Housing Standards situation? Commissioner, Crowell - We authorized Town Manager, Zach Ollis and Planning Director, Daniels over a year and half ago to start the paperwork so we could clean it up. That’s when it was \$35,000 - \$40,000 and now it’s \$150,000 to clean it up. She still owes for the mortgage. They are first in line to receive money. Commissioner, Crowell – If we get it for \$42,000 - \$45,000. Commissioner, Ingham – Yeah, if the town owns the property, we can start cleaning it. Commissioner, Armbrust – I don’t think we should own the property because we don’t need it. We do not have to own the property in order to clean it. Commission, Crowell – To get our money back from cleaning it up we must own the property. Commissioner, Armbrust – You are incorrect. Commissioner, Crowell – Where are you going to get the money from? Commissioner, Armbrust – Bill her. Town Attorney, Morgan - Taxes get paid first. Commissioner, Crowell – Last time I asked this mortgage is paid first, taxes get paid second, and town paid third. Town Manager, Ollis – She has a deed of trust with an individual in Asheville, and he owns the mortgage? Commissioner, Crowell – Yes. Mayor Pro Tem, Booker– How does the money come back? Commissioner, Armbrust – Put a lien on the property and in order to acquire that property the lien has to be paid. Commissioner, Crowell – By who? It’s not a clear title. Mayor, Peoples - Do we have enough people here tonight to agree to pay an \$80,000 contract pending the attorney advantage to get a signed contract with escrow money from the purchaser? Commissioner, Crowell – Will we get the money back? There has to be a legal route to recover our money. We buy it, clean it, and sell it. There is a good chance we will get \$50,000 and we have done our due diligence. Mayor, Peoples – What is the best approach? We need to make a move or drop it. Town Attorney, Morgan – If you can acquire for an advantageous price. The best result would be for someone to buy it and clean it up. Commissioner, Crowell – Contracting company will carry the liability. Mayor, Peoples – Are we going to make an offer? Town Attorney, Morgan – We need to do this in a closed session. Commissioner, Armbrust – Personally I do not think that is the proper route. Town Attorney, Morgan – You might be the only current interested party. You don’t have to do it in a closed session, but other people might up the price. The ultimate contract has to be approved in an open session. Commissioner, Armbrust – Read aloud an email from Johnathon Brownley regarding covering an \$81,000 lien for cleanup. Yes, he could make that work. Town Manager, Ollis – Options are you authorize to spend the money to tear it down and you might not get the money back depending on where we sit in the layer of the lien process. Commissioner Crowell - If we clean it up, we are not getting that money back. We need it in a legal document. Town Attorney, Morgan – I thought the agenda item was simply to hire a contractor and respond to lowest bidder. Commissioner, Armbrust – That is what it is. Commissioner, Ingham – We don’t want the town to spend money, that we won’t get back to enrich an individual. Town Attorney, Morgan – We can look at the three questions and have information for the next meeting. Planning Director, Daniels – The bid will not

inflate too much? They mentioned asbestos, which increased the price. Commissioner, Armbrust – I would not think so.

DISCUSSION OF FIRE EQUIPMENT PURCHASES

Item 7: Fire equipment purchase. Fire Chief, Walton - Offered a position to a candidate to start the 24 hour shifts in September. Items will be donated from another fire department for the bedroom and no construction for the building. Egress was less than five feet, so we were able to save money without remodeling. Fire Departments are governed by FDA 1500 and 1851. The standards state that gear has a shelf life of 10 years. Gear with the exception of two sets are three years out of date. We are looking to purchase a set for everybody and apply for a grant to get it covered for another set because FDA requires two sets for everyone. We will stagger over time in the budget. We went through four different vendors and we recommend Globe. The cost is \$60,000. They are right in the middle of the bid. I can attest to their products. I've used them for 20 years. It holds up and it's durable. Need pickup truck that can haul people. Over two months we've run about 97 calls. 30% service calls and 20% medical call. We take the big engine or two vehicles to respond. When we were at the apartment fire in Columbus we got dispatched to a cardiac arrest in Tryon. We had to go in a POV. Like to get a pickup truck to run medical. Serve to haul equipment back from fires. More cost effective and beneficial. Ford dealership \$25,000 - \$30,000 with lower mileage, under 100,000. Commissioner, Crowell – Is the money there? Fire Chief, Walton – Money is there.

Mayor Peoples entertained a motion to approve the purchasing of the gear and truck. Commissioner Ingham so moved. The motion carried unanimously.

INTERLOCAL AGREEMENT BETWEEN POLK COUNTY AND TOWN OF TRYON FOR

Item 8b – Cares Act covers the process for the funding. The Interlocal Agreement with Polk County for the Management of Funds from the Coronavirus Relief Fund established by the CARES ACT.

Mayor Peoples entertained a motion to approve the Interlocal Agreement with Polk County. Commissioner Armbrust so moved. The motion carried unanimously.

APPOINTMENT(S) TO TOURISM AUTHORITY BOARD

Item 9 - Appointment to Tourism Board. Michelle Fleming-Newman. Town Manager Ollis stated she used to work for Tryon Fine Arts Center. Now she works at Greenville-Spartanburg International Airport as a Communications Major. Commissioner, Armbrust – How many openings do we have on the board. Town Manager, Ollis – He thinks two, but he would have to check the bylaws. Armbrust asked about restrictions on the appointment. Ollis – not on this appointment, but yes on how many that own Bed & Breakfasts. Armbrust – the new owner of Friendly Hills on Country Club Road. He will get in touch with him.

Mayor Peoples entertained a motion to appoint Michelle Fleming-Newman to the Tourism Authority Board. Commissioner Armbrust so moved. The motion carried unanimously.

DISCUSSION OF ASADRA FUNDING

Town Manager, Ollis - RFQ Report for Qualifications for Engineering Services for Braewick Sewer Project. ASADRA Granted \$2.2 million. Comes in the form of grant and low interest loan. Deadline is December 1 for the engineering report to begin the process. Would like a month to prepare.

Mayor Peoples entertained a motion to approve the RFQ for Engineering Services for the Braewick Road Sewer Rehabilitation Project. Commissioner Ingham so moved. The motion carried unanimously.

TDDA UPDATE

Executive Director of TDDA, Paige Henderson – She is very excited to be the new executive director at TDDA. She comes to this position with experience in non-profit management and grant writing. She worked at the VA hospital in Asheville and also spent time with Catawba County manager’s office. She is looking at saving \$6,000 to move the TDDA office to town hall, which will pay for a small festival. Working on a drive-through Beer Fest. They want to keep the momentum going. Commissioner, Armbrust – I agree that you can have an office here. How will moving that office into town hall impact the financial allocations to the Tryon Historical Museum? Town Manager, Ollis – The BOC made an agreement for the previous TDDA office to be housed there and in exchange Linda Lee asked for financial assistant. Commissioner, Armbrust - How much? Town Manager, Ollis - \$500 or \$600 per month and we will not stop paying that. We are already taking on the responsibility of TDDA. I don’t think we can take on the responsibility of helping TDDA and the museum yet. It makes more sense to have TDDA at the Town Hall.

INTRODUCTION OF NEW EMPLOYEES

Town Manager, Ollis - Introduced Fire Chief, Josh Walton and Executive Director of TDDA, Paige Henderson.

TOWN MANAGER’S REPORT/TOWN PROJECT PRIORITIZATION, AND CITIZEN INPUT

Town Manager, Ollis - Managers’ Report – Keeping up with the Cares Act and Governor’s orders. Finished the software transition. Auditors have been in to start working with ABC and Town. Jody and crew have been very busy with repairs to water and sewer. Hydrant on Harmon Field road is being replaced. Monitoring Braewick. Drainage box on Broadway was not installed by the town, but Jody will clean it out. Cemetery tree work on a regular basis.

Fire Chief, Walton– Patrick Corn went to Cleveland County to get his certifications. Patrick received the Peer Award voted on by his classmates.

Town Manager, Ollis - ETV transmission, windshield, and lights were repaired. Christmas parade is moving forward. The past two months have been working on COVID-19 and hiring.

Commissioner, Armbrust – Information about school start up? Town Manager, Ollis– The School Board made the decision late to push back a week. Commission, Armbrust – Who is monitoring when a call is going to be made to shut them down if it spikes? Town Manager, Ollis – The School Board and The Health Department makes that decision.

COUNCIL/MAYOR REPORT

Commissioner Crowell thanked the staff for their hard work.

Commissioner Armbrust also thanked the staff for stepping up to the plate during these times. He congratulated Patrick Corn on his award. He thanked Oak Hall Condos for their wildlife removal.

Commissioner Ingham thanked staff for a fabulous job.

Commissioner Booker welcomed Paige and Josh, congratulated Patrick on his award and thanked all for trying to work through COVID. Take care of yourselves and each other.

Mayor Peoples was contacted by citizens with Braewick overflow. The problem seems to be caused in 2013-2014 when I was not Mayor. They decided to save money and it would not cause a problem. It caused a problem. Spent more money trying to correct it. The overflow cost us \$28,000 to make a pond to hold the water. We have a grant for \$2M to fix the issue.

CITIZEN COMMENTS & RESPONSES

Planning Director, Daniels - Reviewed email from citizen regarding Braewick overflow.

John Vining – Rogers Park Restrooms have been locked since last October. Ollis locked them because of the coronavirus. They can be unlocked if you want. Vining encouraged them to open the restrooms, because of bikers traveling through town.

CLOSED SESSION FOR PERSONNEL

Mayor Peoples entertained a motion to go into closed session to discuss personnel. Commissioner Ingham so moved. The motion carried unanimously.

J. Alan Peoples, Mayor

Attest:

Susan B. Bell, Town Clerk