

TOWN OF TRYON
BOARD OF COMMISSIONERS
TOWN HALL – MCCOWN ROOM
FEBRUARY 21, 2023 7:00 PM

Present: Mayor J. Alan Peoples Mayor Pro Tem Chrelle Booker
Commissioners: Bill Crowell Absent: Commissioners Crys Armbrust & Bill Ingham

Staff Present: Jim Fatland, Town Manager Susan Bell, Town Clerk
Randall Hodge, Police Chief Tim Daniels, Planning Director
Greg McCool, Public Works Director William Morgan, Town Attorney

CALL TO ORDER

Mayor Peoples called the meeting to order and asked for a moment of silence and asked that everybody remember our employee that was recently injured and is in the hospital. He has had some surgeries and hopefully he will do well. It's Adrian Chapman, our guy who can do anything, anywhere, anytime. Interim Manager Fatland asked Interim PWD McCool to give an update. The doctors are very concerned about infection. Several surgeries have been done trying to keep infection from setting in. Fatland wanted to thank our fire department. The call came into dispatch and the fire department responded. The paramedics took him to Spartanburg Regional. Greg went down and stayed until 1:00 am. He wanted to be there when Adrian came back from surgery. Greg called him and told him he could speak with Adrian. He is in fairly good spirits, considering. He thanked everyone for their prayers.

Mayor Pro Tem Booker led the Pledge of Allegiance.

AGENDA ADOPTION

Mayor Peoples proposed moving item 24 to another date, so that the entire board could be here for the closed session. It was decided instead of adjourning this meeting, recess to Monday, February 27, 2023 at 5:30 pm. for the closed session. Mayor Peoples entertained a motion to adopt the agenda. Commissioner Crowell so moved. The motion carried unanimously.

CONSENT AGENDA ADOPTION

Mayor Peoples asked for addition, deletions or corrections. Being none, he entertained a motion to adopt the consent agenda, which includes the board's minutes, financial report ending January 31, 2023, and the tax advertisements for 2022 real property and 2022 personal property. Commissioner Crowell so moved. The motion carried unanimously.

PUBLIC HEARING: TEXT AMENDMENT TO AMEND NONCONFORMING SIGNS

Mayor Peoples opened the public hearing. Planning Director Daniels reported the Town of Tryon zoning ordinance prohibits nonconforming signs to be changed to another nonconforming sign. Staff was asked to examine the nonconforming sign ordinance, due to business owner inquiries. The Planning Board

voted not to recommend adopting with a vote of four to one. Section 1: 4.9.10 Nonconforming signs would be changed to state: A nonconforming sign, may be maintained or replaced with a new sign of the same height, square footage of total sign surface area and in substantially the same location so long as the new sign does not increase the existing non-conforming condition(s) or create any new non-conforming conditions. Nonconforming signs shall not be: (a) expanded, (b) reestablished after discontinuance for ninety (90) days, or (c) reestablished after damage or destruction if estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost.

There was a final line in there that was took out, concerning the change of ownership. After consulting with the town attorney, it would regulate the use of the land and not the ownership. For potential legal issues they omitted that line. Attorney Morgan sees this as a potential issue. If the ownership changed, but the business was the same and used the same sign, he felt this might cause an issue.

Wanda May replied, for years, the change of ownership or tenancy was the one opportunity they had to make something come into compliance. She doesn't see the point in having an ordinance if you can't enforce it. Attorney Morgan replied the goal is that overtime everything will be conforming. You also want to consider if the sign is in good condition, whether conforming or nonconforming. It is a good opportunity to get rid of issues, when signs are destroyed.

Linda Noble responded this is an opportunity to remove nonconforming issues. Seems we are taking the easiest way if a business changes ownership to make them conforming. Attorney Morgan replied he is not talking about a yarn shop and a bar wants to open there, he is talking if another owner owns a yarn shop. Jamie Addison replied his understanding is it is rebranding, not just a change in ownership.

Mayor Peoples responded he has sat in this position for twenty years and every so many meetings, the sign ordinance comes up. We are never going to get it right. There are signs in town now that don't meet the requirements. People should come to us first. Morgan responded his change is an afterthought. He suggested leaving the line that is marked out as is for now. It states, "Additionally, all nonconforming signs must come into compliance with the standards of this ordinance upon a change in the tenant or ownership of the business which is being advertised". What he is saying if someone buys an entity, the new owner shouldn't have to put new signage up. The rest of it is the proposal. Mayor Pro Tem Booker asked wouldn't it be easier if you came to the city and asked before you started. Daniels agreed, why don't people come to us first? Linda Noble asked if there was a brochure or something to tell people the procedures. Daniels is working on having a luncheon and invite all the realtors to a Q and A. He hopes to have a brochure ready in March or April to be able to handout. Booker replied she had been told businesses have been told you can come in and setup and don't have to do anything. She would think if she was coming into Tryon or New York and purchasing a business, she would come to Town Hall and find out what she can and cannot do, and to let them know she is here.

Daniels would love for every new resident or shop owner to come into his office first. Development Director Newman responded she is working very hard to get them to come to Tim first. Ms. Noble asked should we not inform the owners before they sell or rent, and they will have the information to inform each tenant or new owner. Booker responded realtors are not giving the information out. She knows to tell them to see Tim first. Ms. Noble replied residential realtors are different than commercial realtors.

Mayor Peoples suggested this go back to the Planning Board with all of the questions being asked. Attorney Morgan will look at this again. Wanda May replied what is in red is what the Planning Board

voted against. The board agreed to send it back to the Planning Board. Mayor Peoples closed the Public Hearing.

PUBLIC HEARING: TEXT AMENDMENT TO AMEND THE SIGN ORDINANCE TO ADD GAS STATION SIGNAGE

Planning Director Daniels reported the zoning ordinances currently do not specifically address gas station signs, whereas staff has been asked to examine the allowance and clarification of gas station canopies and signs, due to business owner inquiries. The Planning Board voted four to one to recommend the adoption of the following section. Section 1: 4.9.9 Signs Permitted by Zoning District with only the brand name and logo can be illuminated. For gas station signs, this change is allowed in the Transitional Business and General Business Districts (XL*). X means-the sign is allowed. L means-illumination is allowed and the * means-it can only be external illumination only. 1) Signage displayed on or affixed to structures covering fuel islands shall only be on the vertical face of the canopy part of the structure. Such signage may take up 100% of the surface on all sides and shall not extend above or below the surface area. Only the brand name and logo may be illuminated. He has presented you with Claudia Adamson's email in opposition of the change. There are others who are here to speak in opposition as well.

Mayor Peoples opened the public hearing. Linda Noble asked about the height of the canopy and size of the canopy. Daniels based it on some research. Ms. Noble replied that should be enclosed. Mayor Peoples asked if they needed to send it back to the Planning Board to answer some of these questions.

Attorney Morgan recommended table both issues until a future meeting. Mayor Peoples entertained a motion to table both until a future meeting. Commissioner Crowell so moved. The motion carried unanimously. Ms. Noble asked is there anything on the books stopping them from doing anything or are we just giving them time to get what they want. Daniels responded by saying he has told them to wait until this issue is solved, before doing anything. He has told them they can paint it a single color and that is all. No stickers or decals or anything. Mayor Peoples told them to take their questions back to the Planning Board. Mr. Addison asked how people would be notified. Tim will have to readvertise it for the next meeting and if you will give him your email address, he will email you about the meeting.

AN ORDINANCE AMENDMENT TO ALLOW FOR BACKGROUND CHECKS FOR TOWN EMPLOYMENT

Police Chief Hodge reported currently the town does not do criminal background checks on employees other than police officers. This ordinance was drafted by the attorney and meets SBI standards. This allows any time the town hires someone whether it be a police officer, town manager or any other employee. This allows dispatch to run a criminal background check through DCI. It allows for future employees to be fingerprinted as well. That is done in the police department. It's just a matter of entering name and date of birth. SBI does charge a \$38 fee each time a background check is run per employee. Mayor Pro Tem Booker asked if fingerprinting was necessary. Hodge reported it is required to match the fingerprints with the criminal background check. Attorney Morgan replied it is for the employee's protection. Hodge if you have something come back, it is required to verify. Booker just wants to make sure if it is required. Hodge will go back and check with SBI to see if fingerprinting can be removed. Morgan reported this is a model of what went around about ten years ago and will be approved by SBI. This is for final candidates, not just everybody. Peoples works with children and has

been fingerprinted four times. Hodge recommends going with our town attorney it is standard for employees. It's the last thing to do for employees

Booker replied if it makes us safer as a town, she agrees with this. Hodge reported our employees are around customer's homes and this will help knowing what kind of employees we have hired.

Mayor Peoples entertained a motion to adopt the ordinance allowing for background checks. Commissioner Crowell so moved. The motion carried unanimously.

RE-APPOINTMENT TO HISTORIC PRESERVATION COMMISSION

Commissioner Crowell moved to re-appoint Ellen Reichenbach to the Historic Preservation Commission. The motion carried unanimously.

APPROVAL OF ELECTED CHAIRMAN OF TRYON TOURISM DEVELOPMENT AUTHORITY

Commissioner Crowell made a motion to approve the appointment of Marie Mason-Freeman as Chairman of the Tourism Development Authority as elected by TTDA members. The motion carried unanimously.

APPROVAL OF STREET CLOSURE FOR ST. PATRICK'S DAY PARADE MARCH 17, 2023

The Board approved the street closure for the St. Patrick's Day Parade on March 17, 2023.

BUDGET AMENDMENT NO. 3

Interim Manager Fatland reported the budget amendment deals with Harmon Field Board of Supervisors budget. Last year before the books were closed, the Town received \$108,000 from the insurance company to compensate for the maintenance shed that burned at Harmon Field. When the budget was adopted for FY23, the fund balance was not appropriated to repair the building. He is appropriating the remaining fund balance of \$102,000 to earmark for maintenance shed restoration.

Mayor Peoples entertained a motion to adopt Budget Amendment No. 3. Commissioner Crowell so moved. The motion carried unanimously.

BRAEWICK ROAD SEWER REHABILITATION PROJECT

Manager Fatland reported in the email he sent to council that he was going to meet with WithersRavenel to get an update on the project. He did and they mentioned that we had to adopt a few action items. First is accepting the offer that we got of \$2.6 million dollars, with one million in principle forgiveness and \$1.6 million as a loan. Subsequent to that, they notified us that they were going to use American Rescue monies for the \$1.6 million loan. The total project will be fully covered by grants. He recommends the Town 1) Accept the offer for full funding, 2) adopt a grant ordinance which is required for the American Rescue money, and 3) adopt the capital project ordinance. The design is complete and submitted to DENR for approval. We are still waiting for that. Probably at the May council meeting, he will come to you to authorize the construction bids. He would like for them to give a presentation of the project to the council. The question he has for you is, would you rather have it done at a work session at 6:00 pm or at the regular session. Mayor Peoples suggested work session. Manager Fatland said then you can authorize it at the regular meeting at 7:00 pm.

Mayor Peoples entertained a motion to adopt the three items as specified by the Town Manager, in reference to Braewick. Mayor Pro Tem Booker so moved. The motion carried unanimously.

RFQ FOR ON-CALL-ENGINEERING SERVICES

Manager Fatland reported the Town sent out RFQ's last November, with a due date in December. You received one from WithersRavenel. He feels the reason the previous manager did this is because there are two grant opportunities that need to be submitted. One is the Asset & Inventory of the water system and one for the Asset & Inventory of the sewer system for \$200,000. DENR staff is recommending approval and WithersRavenel is handling.

He feels we need additional engineers here for the smaller projects. He would like to reissue the RFQ to get more firms to apply.

Mayor Peoples entertained a motion to adopt proposal to send out RFQ's for on-call engineering services. Commissioner Crowell so moved. The motion carried unanimously.

ELECTRIC VEHICLE CHARGING STATION GRANT

Planning Director Daniels reported the N.C. Department of Quality have funds available for installing electric vehicle charges due to a 2017 settlement with Volkswagen. In phase 2 of this program, funds were allocated to the level 2 publicly acceptable electrical vehicle charging station infrastructure program. Funds are distributed on a first come, first serve basis. After gathering information staff would suggest placing at least one charging station at Depot parking lot. He was hoping to put it near the steps to the Clock Tower, but there is a RV power pole or power pylon more toward the center of the parking lot closer to Depot Street. That would be a lesser expensive option. Per the program, the Town can apply for a rebate up to \$5,000 per station. Current estimate for a single one is \$10,000, for a double it is \$17,000. Along with the rebates the actual cost to the Town is \$7,000 for two. For this amount the Town would like to pursue distributing the cost between the Town, TDDA and Tourism. Upon completion of the install, it will be placed in the regional charger map, bringing users downtown. Typically, users will be staying an hour or longer. These stations use standard J1772 plug type that are compatible with all electrical vehicle manufacturers. Users can park a car, use an app or scan a QR code from the station to pay for the charge. It can accept multiple pay options. The Town can set our own prices as what we want to charge per kilowatt. He is asking if council would like to proceed with the process and if they would like to go for two chargers. Manager Fatland feels this would be a positive asset for our downtown and recommends two chargers. Mayor Pro Tem Booker asked if anyone had looked to see if there would be an upgrade or any changes. Daniels responded the plugs are standardized. He can look into that. Fatland replied the funds are getting lower. Daniels has gotten all the paperwork in today, if you decide to do this. His quote is from Becker Electric. Commissioner Crowell asked if they had looked at different places. Daniels replied they looked at parking near The Bottle and decided this location would take away from parking.

Mayor Peoples entertained a motion to adopt applying for the Electric Vehicle Charging Station grant. Mayor Pro Tem Booker so moved. The motion carried unanimously.

AUDIT CONTRACT

Manager Fatland reported the auditor's had sent an engagement letter to do the audit. The audit is coming to you next month. He received a draft copy of the financials Friday night. They are working on the notes still. Susan and he found that the actual contract had not been completed. He recommends approval of the audit contract and the amended contract. The state recommends the audit be finished by October 31. Very few towns are meeting that date this year. They are running behind primarily because of the American Rescue funds. Also, the audit firms are walking away from doing the audits, because of all the compliance issues. He asked the current auditors if they could do the audit for next year and they responded, they do not have the staff to complete it and they would be late again. We are reaching out to some audit firms.

Mayor Peoples responded to follow up on that, he was talking to some people that are doing the auditing and works for the state, said the state is considering doing the audit every two years. Fatland responded the LGC has said it is really hard to get the counties and small governments, when in fact getting an auditor is tough.

Mayor Peoples entertained a motion to adopt the audit contract proposed by manager, along with the amended contract. Mayor Pro Tem Booker so moved. The motion carried unanimously.

MINIMUM HOUSING

Planning Director Daniels reported:

- 1) 144 Cleveland and 136 Cleveland are slated to burn this coming Saturday. Having two houses next to each other is a prime opportunity for training. They are having departments from Asheville, along with our department. Fire Chief Walton responded that he had invited Polk County.
- 2) 161 Peake Street is in the minimum housing process. He has to send him some paperwork for the ordinance, unless he wants to burn it.
- 3) Canady Lane is in the process of being cleaned up.
- 4) 51 Shepherd and 800 Howard Street-He has sent letters to contact the owners. He heard back from 800 Howard Street and is going to schedule an inspection on it. He has not heard back from 51 Shepherd as of yet. Mayor Pro Tem Booker thinks 51 Shepherd is on the foreclosure list. Daniels just needs to inspect it.

TDDA UPDATE

Development Director Newman reported she has provided her report to you and will be happy to answer any questions that you have. Most notable item here recently is that we have been fully accredited as a Main Street Program and will be receiving the certificate soon. She will be publicizing as soon as we get the certificate. This was based on our 2022 report. She thanked everyone for their support looks forward to the future.

TOWN MANAGER'S REPORT

Manager Fatland would like the budget calendar approved. Mayor Peoples entertained a motion to adopt the budget calendar as proposed by manager. Commissioner Crowell so moved. The motion carried unanimously. Fatland has been here for a few weeks and it doesn't seem like he has been gone

for 15 years. You have great group of employees and provide good service to the community. He looks forward to the budget process and working with the supervisors and council.

COUNCIL/MAYOR REPORT

Commissioner Crowell asked for you tell Adrian to get better soon and thanks to the staff.

Mayor Pro Tem Booker feels this has been an excellent meeting and welcomed Fatland back. You all have made it an excellent meeting. Adrian, she talked to him before his surgery and he was Adrian. She was thankful he is being checked on. She thanked the staff. Thank you all for letting her do what she does for the Town. Thank you all for coming out. Take care of yourself and each other.

Mayor Peoples thanked the staff and said we don't always agree on everything, but we are "Nearly Perfect, Always Tryon".

CITIZEN COMMENTS & RESPONSES

Joyce Kimpton asked if there was a problem with our phone answering service. She left a message the first of the month and asked to be called back and she still has not received a call back from Mr. Daniels. Daniels apologized. He didn't get the message. She will call him tomorrow.

Anne Day wanted to thank the police department for helping with some stuff going on in the neighborhood.

MOTION TO RECESS

Mayor Peoples recessed the meeting, reference the closed session item to discuss personnel to Monday at 5:30 pm, 27th of February.

MOTION TO RECONVENE FEBRUARY 21, 2023 MEETING

Mayor Peoples reconvened the meeting. Mayor Pro Tem Booker, Commissioners Crowell, Ingham and Armbrust were in attendance.

MOTION TO CONVENE CLOSED SESSION

Mayor Peoples entertained a motion to enter into closed session pursuant to N.C.G.S. 143-318.11(a)(6) to discuss personnel. Commissioner Crowell so moved. The motion carried unanimously. Pros and cons of hiring one of the applicants as a new manager or retaining Jim Fatland was discussed. Mayor Peoples entertained a motion to convene to open session. Commissioner Ingham so moved. The motion carried unanimously.

After more discussion, it was decided to hire Jim Fatland as the Town Manager for Tryon, by a vote of 3-1 (Armbrust was against).

ADJOURN

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

J. Alan Peoples, Mayor

Attest:

Susan B. Bell, Town Clerk