

**TOWN OF TROUTMAN
400 NORTH EASTWAY DRIVE
TROUTMAN, NORTH CAROLINA**

TOWN COUNCIL AGENDA BRIEFING MEETING MINUTES

January 11, 2021 – 4:00 P.M. – Troutman Town Hall

Presiding: Mayor Teross W. Young, Jr.

Council Members Present: W. Paul Henkel; Sally P. Williams; George W. Harris; Edward R. Nau

Council Members Absent: None

Staff Present: Ronald Wyatt, Town Manager; Kimberly Davis, Town Clerk; Steve Shealy, Finance Director; Gary Thomas, Town Attorney

Press Present: None

Others: See attached Sign-In sheet

I. MAYOR YOUNG CALLED THE JANUARY 11, 2021 AGENDA BRIEFING MEETING TO ORDER

Mayor Young welcomed Mr. Ronald Wyatt to the Town as Troutman's new Town Manager.

• **Adjustment(s) to the Agenda Briefing Agenda**

**Addition of Closed Session pursuant to North Carolina General Statutes (NCGS) 143-318.11(a)(5) to discuss acquisition of property; and pursuant to NCGS 143-318.11(a)(6) to discuss personnel.

*Upon motion by Councilmember Nau, seconded by Councilmember Harris, and unanimously carried, approved additions as listed above.

• **Adoption of the Agenda**

*Upon motion by Councilmember Nau, seconded by Councilmember Henkel, and unanimously carried, approved Agenda Briefing Agenda as amended.

II. GENERAL BUSINESS

A. Mayor and Council Items

1. Town Council Vacancy (Term Expiring December 2021)

Candidate(s) Introduction/Speech and Questions

Ms. Felina Harris and Mr. Jerry Oxsher, candidates to fill the unexpired term of former Councilmember Paul Bryant whom resigned his seat in December, provided a brief introduction to Council in regards to their personal and professional background. Council in turn ask

questions as to their assets and what they could bring to the Town to make it better. Ms. Harris replied that her largest assets she could bring to Council would be bringing diversity to council and her big personality. She stated that she plans on continuing to volunteer in the community and within the county and wants to be involved in Town Council to help her community even more. Ms. Harris referenced that she would like to bring an emergency center to Town and basketball courts to the park. Mr. Oxsher stated that politics is viewed as an elder's game and that he could bring his youth to the Council of which he feels is greatly lacking in local politics as well as at the higher levels. He stated that with his training as a scientist, it has been installed in him to follow the facts and not emotions. Emotions has to be removed from decision making in order to make a conscious wise decision on what is best and most important for the community. Mr. Oxsher relayed that he is interested in revitalization of the downtown area and making the park more inviting. In response to how he would respond to conflict among citizens regarding the future of the Town, Mr. Oxsher replied that when looking at the direction of the Town as a whole, decisions have to be made. He would explain the decision and why the decision was made. He commented "If we cannot explain to the Town why we chose to do what we do, maybe we should question what we are doing".

Councilmember Williams thanked both candidates for their interest in serving the Town, and in advance congratulated whomever is chosen, and challenged the one not chosen to consider joining as a volunteer on other Town committees. Councilmember Henkel commented that both candidates are very impressive and capable and asked that whoever is not chosen to not take it as a negative and to please stay involved. Town Manager Ron Wyatt suggested that Council make the appointment at this meeting so that the appointee can take his/her oath of office at the regular scheduled Council meeting on Thursday night. Mayor Young also expressed his appreciation for their willingness to serve. Both candidates were informed of this year's upcoming election and encouraged to run for Council.

*Upon motion by Councilmember Williams, seconded by Councilmember Henkel, and unanimously carried, approved Felina Harris to fill the unexpired term of Paul Bryant expiring December 2021.

(Copied in full, applications and resumes is filed on CD titled: Town Council Supporting Documents" dated January 11th and 14th, 2021 in CD Book #1 titled: "Town Council Supporting Documents")

B. Staff Comments/Business

1. COVID-19 Expenditures and Revenue Update, (Steve Shealy, Finance Director)

Finance Director Steve Shealy updated Council regarding COVID-19 expenditures and revenues stating that the Town has received all allotted COVID funds from the county in the amount of \$67,365 of which have been fully expended.

In effort to make the report more user friendly, Mr. Shealy pointed out that new addition are now in bold print. He noted that sales tax receipts are up from last year approximately \$6,000. Property tax is up from last year almost \$200,000, and Utility sales tax is up slightly over last year by approximately \$400. Mr. Shealy stated that water and sewer billing was down slightly which could be due to timing in the billing.

Mayor Young questioned the significant increase in SRO reimbursement. Mr. Shealy stated that the increase is because the county fully funded Officer Kerry Baker's SRO position for 10 months at 100% (opposed to 50% previously) which is paid on an annual basis. Town Manager Wyatt explained that there was a misunderstanding on behalf of the school board on the financial side when

the position was first established stating that the position was supposed to be 100% funded from day one.

Council member Henkel requested that Town Manager Wyatt and Police Chief Fleming to continue with former Councilmember Paul Bryant endeavor in trying to accomplish fairness and equality in funding through the SRO program. Town Manager Wyatt agreed there is still work to be done for fair and equal reimbursement explaining that Troutman SRO's are the only SRO's in the county directing school traffic of which Troutman is not getting reimbursement. Mayor Young advised that Council had made a decision as to how to inform the school board (via letter) in renegotiating the SRO agreement (Memorandum of Understanding-MOU). Councilmember Williams and Mayor Young confirmed that former Town Manager Gruesbeck did send a letter to the school board as directed by Council. Town Manager Wyatt to follow up as to whom the letter was sent and handle it going forward.

(Copied in full, report is filed on CD titled: "Town Council Supporting Documents" dated January 11th and 14th, 2021 in CD Book #1 titled: "Town Council Supporting Documents")

2. Discuss Closing Out South Iredell High School (SIHS) Greenway Project, (Todd Poteet and Benjie Thomas, West Consultants)

Town Attorney Gary Thomas referenced a discussion held at Council's December meeting where Council requested Attorney Thomas review contracts associated with the SIHS Greenway project and the Town having to pay \$50,000 due to proper testing not being performed. Attorney Thomas stated that he felt it would be best if the engineers from West Consultant (Benjie Thomas and Todd Poteet) be present to review with Council. Mr. Poteet led the discussion referencing an email sent to the Town in September that referenced the shortfalls involving the testing are Kessel (the Town's testing firm), and Country Boy (the contractor). The email provided a breakdown of the line items with NCDOT's 50% reduction that resulted from a discrepancies list (provided in Council packet). From the list, line item 11 and SA2.1 Asphalt Surface Course-NCDOT requires two sets of core test to be done with asphalt paving. One test is a quality control test that was to be completed by a firm the contractor hired and the other test is quality assurance was to be completed by Kessel the Town's testing firm. Where the Town's testing firm did their quality assurance testing, the contractor failed to do the quality control testing which is what the NCDOT is choosing not to participate. Line items 20-Curb and Gutter, 21-Sidewalk, and SA1.3-Driveway from the discrepancies list are concrete items. Item 20 has two results; 1) with the results of insufficient testing may need additional explanation from NCDOT, and 2) with results stating testing laboratory not certified. Mr. Poteet stated that NCDOT notified him that the lab in Mooresville that Kessel used for testing was not NCDOT certified, but in speaking with Kessel today they are wanting to reach out to NCDOT to offer a different type of test for the concrete. Engineer Benjie Thomas commented that there was a question of whether the curb and gutter concrete need testing at all, but since they went above and beyond and did test it, the testing lab needed to be NCDOT certified. In reference to Item 37-Wattle, an erosion control device, and Item SA1.1, a 12" drainage pipe, the discrepancies list noted that "no documentation was made for material delivered". Mr. Poteet explained that the contractor did not notify West Consultants that wattle had arrived and that they were starting work. Therefore, an arrival date could not be logged in. In regards to the drainage pipe, there were no manufactured date provided and the date could not be provided by the contractor or the manufacturer.

Councilmember Williams expressed appreciation to Mr. Poteet for stating in the email that the Town does not have to pay anything because of the improper testing but questioned why this was not discovered earlier. Mr. Poteet replied that they have had the discrepancy list from the NCDOT for

a while, but does not remember the exact date it was received. He has been trying to communicate with NCDOT regarding their issues with the items. Mr. Poteet advised that the contract was completed in 2018 and he has been waiting a little over a year to receive information from the contractor. The initial list was a lot more extensive than this current list. Councilmember Nau asked the final amount that is being disputed. Mr. Poteet referenced "Contractor's Application for Payment No. 2", as provided in Council's packet stating that the amount of \$128,397.66 is the amount after applying the liquidated damages if the Town chooses to not hold anyone liable and is the most the Town would pay. Finance Director Shealy stated that he has already paid \$128,397.66 to the contractor. Engineer Thomas stated that West Consultants will handle the \$1,500, and Kessler would be the most difficult to re-coop funds back from. Attorney Thomas asked if application to the state for reimbursement been made. Finance Director Shealy replied no. Attorney Thomas commented that if the state reimburses the Town for the full amount there would be no damages. Town Manager Wyatt spoke of responsibilities of the engineering firm expressing disappointment and concern in the way the project was overseen by West Consultants. He stated that things have to be handled better going forward. Engineer Thomas stated that he had recommended to the Town to not send the check to Country Boy. Mr. Poteet stated that he sent an email in October to former Town Manager Gruesbeck and Finance Director Shealy recommending payment of the undisputed amount of approximately \$98,000. Attorney Thomas stated that the first step is to apply for reimbursement to the state. Engineer Thomas commented that Kessel is working with NCDOT to get the discrepancy reversed.

In summary, Mayor Young stated that at this point Country Boy has completed the work, and have been paid therefore the Town has no commitment that they are going to work with the state for reimbursement and West Consultants is taking care of the \$1,500. Town Attorney advised that Council needs to take action on how much to reduce the pay application that is to be sent to the state. He also commented that if the check to Country Boy has cleared, the Town could simply stop payment. Engineer Thomas asked if Council want him to request the \$29,576 back from Country Boy and \$19,194.22 from Kessel. Town Attorney Thomas suggested that the motion simply be to approve the full amount of the pay application. If the full amount is not approved, the Town would then request for reimbursement from Country Boy and Kessel.

*Upon motion by Councilmember Henkel, seconded by Councilmember Harris, and unanimously carried, approved to accept full amount of payout application to the state.

In expressing concern and hesitation, Mr. Poteet agreed that he will sign the payout application. Engineer Thomas suggest that he sign with an (*) referencing an explanation in attached letter stating "subject to reduction of certain items denied by NCDOT".

(Copied in full, email, contract, and attachments are filed on CD titled: Town Council Supporting Documents" dated January 11th and 14th, 2021 in CD Book #1 titled: "Town Council Supporting Documents")

Engineer Thomas Updated Council on other Town projects:

- **Mill Village Sewer Project**

- . The section of the project to the Fairgrounds is completed which allowed the elimination of the Fat Boys pump station. In the Mill Village section they are putting in the main lines are in process of connecting to the houses. In connecting there have been very few difficulties with little expense which will be addressed at the next construction meeting. The project should be completed by Spring.

- . A change order will be presented for consideration once the total is received for pricing of the Rimmer Farm Road and Iredell Avenue pump station upgrades. Upgrades should be completed by this summer.
- . Upgrades to the IK Creek pump station should be completed this Spring.

- **Barium Springs Sewer Project**

- . Recapped that the original plans were completed, then changed to include the Iredell County Recreation Center (former YMCA) of which the County is partaking in the cost. In combining their projects, it is a win-win for both the Town and the County.
- . Plans have been sent for review to the funding agency (Division of Water and Infrastructure). Waiting to receive comments back within the next month or two.
- . Plans were reviewed by Children's Hope Alliance (CHA) and the Iredell County because easements are needed. The County had no comments. Engineer Thomas to check with CHA for comments before plats are done and easements drawn up by the Town Attorney.
- . Advised that there will be a small crossing of the Onsrud property. The line will cross Duck Creek to tie into the Town's existing sewer.
- . The Town had requested that CHA fix and monitor leaks in their existing system. Monitoring was done but Engineer Thomas was informed that they have no way to transfer the data from the device to read it. Monitoring and collection of readable data is still required before the project goes out to bid later this year.

- **Barium Seasons Water Pressure Issue**

- . Informed Council that he has not spoken with Public Works Director Adam Lippard in several months regarding the pressure issue and was hoping no news was good news.
- . Per recommendation, the altitude valves at both tanks were checked and were in good working order and every valve has been exercised to make sure all are opening.
- . Last suggestion is to get a pressure monitor for the neighborhood. The monitor, when hooked up to a hydrant will create a graft that can overtime provide a pattern as to when pressure is low. A monitor can be provided through NC Rural Water Association.

3. Overview of the Upcoming Regular November 12, 2020 Meeting Agenda Items Scheduled to be Presented, (Wyatt)

Adjustments

- ❖ Under Section IV - Standing Reports: Item 11. Titled: "J. Hoyt Hayes Memorial Troutman Library Quarterly Report", and Item 12. Titled: "Troutman Fire Department Quarterly Report" is removed from the agenda and replaced by a new Item 11. Titled: "Administration of Oath of Office for Newly Appointed Councilmember Felina L. Harris"; and a new Item 12. Titled: "ABC Store Quarterly Report".
- ❖ Under Section VI - New Business: Item 13(d). Titled: "Appointment of 1 (One) Voting Delegate for 2021-2022 Biennium Legislative Policies as Requested by the NC League of Municipalities (NCLM)" was removed from the November 12th agenda due to Council taking the following action:

*Upon motion by Councilmember Harris, seconded by Councilmember Williams, and unanimously carried, approved to appoint Paul Henkel as the voting delegate for the 2021-2022 Biennium Legislative Policies as requested by the NCLM.

Town Clerk to email open house registration information to Councilmember Henkel.

Town Manager Wyatt asked that Council please review all appointments listed on the agenda before considering to volunteer and/or appointing.

4. Town Manager Comments

- Town Manager Wyatt asked Council's preference regarding the use of Town Seal verses Town Logo in efforts of being consistent suggested that the Town Seal be used on legal and/or official documents mainly as a watermark and the logo with the paddle used for email and all other documents.

*Upon motion by Councilmember Henkel, seconded by Councilmember Williams, and unanimously carried, approved use of official Town Seal on all legal/official documents and the logo with the paddle for all other uses.

- Town Manager Wyatt presented the following two plan options for the Town owned Wagner Street building and requested permission to start demolition on the inside with the intent to make the space business ready. Estimated interior cost \$15,000. Paxton Hix would be doing the demo removing the T-11, interior walls, and cabinets. Install basic lighting, new outlets, window seals, flooring, front and back door, door knobs, front steps, and vinyl. Also paint walls, windows, bath vanities, molding, and bi-fold doors. Approximately an additional cost of \$5,500 for the exterior. He stated depending on the business/commercial use that would utilize the building, the Town may not have to complete the whole list. For residential use, less work would be needed. Estimated cost \$6,000 for the interior, and an additional \$5,500 for the exterior. Demo and remodel would take approximately 3-4 weeks and would be for the first level only. Manager Wyatt informed Council that there is currently interest in the building for commercial use and an appointment has been made to show the space next week. Mayor Young asked what exterior work is involved. Manager Wyatt stated that there a few things that need to be brought up to code, but mainly cosmetic. Mr. Hix stated that the doors and windows are leaking and seals need to be repaired. He suggested replacing the front door with either commercial or residential door. Replace both windows that are broken in the back and a new door there also. Mr. Hix informed Council that he left off an estimated \$3,500 for exterior paint and sealant for the brick.

❖ Council was in agreement that the building be for commercial use and to move forward with demo and remodel.

III. *HOLD CLOSED SESSION PURSUANT TO NCGS 143-318.11(a)(6) FOR A PERSONNEL MATTER AND PURSUANT TO NCGS 143-318.11(a)(5) FOR ACQUISITION OF PROPERTY**

Mayor Young called for a Closed Session pursuant to North Carolina General Statutes (NCGS) 143-318.11(a)(6) to discuss a personnel matter; and pursuant to NCGS 143-318.11(a)(5) to discuss acquisition of property.

Along with Mayor Young and Town Council, Town Manager Ronald Wyatt joined the Closed Session.

*Upon motion by Councilmember Williams, seconded by Councilmember Henkel, and unanimously carried, approved to hold a Closed Session pursuant to NCGS 143-318.11(a)(6) to discuss a personnel matter: and pursuant to NCGS 143-318.11(a)(5) to discuss acquisition of property.

Mayor Young Opened the Closed Session.

****MINUTES OF CLOSED SESSION HAVE BEEN SEALED UNTIL SUCH TIME PUBLIC INSPECTION WILL NO LONGER FRUSTRATE THE PURPOSE OF THE CLOSED SESSION****

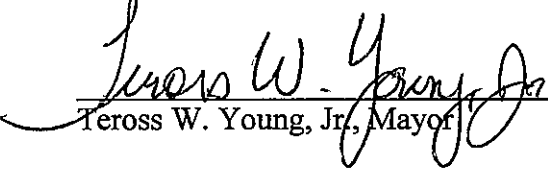
Closing of Closed Session and Reconvene Open Session

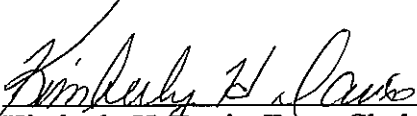
*Upon motion by Councilmember Henkel, seconded by Councilmember Harris, and unanimously carried, approved to reconvene open session.

Action taken as a result of the Closed Session - None

IV. ADJOURNMENT

*Upon motion by Councilmember Harris, seconded by Councilmember Nau, and unanimously carried, Agenda Briefing of January 11, 2021 was adjourned at 7:12 p.m.


Teross W. Young, Jr., Mayor


Kimberly H. Davis, Town Clerk

- (*) Motion(s)
- (**) Adjustments to the Agenda

