

MINUTE BOOK XXXI PAGES 10-18
TROUTMAN TOWN COUNCIL REGULAR MEETING MINUTES
February 10, 2022

The regular meeting of the Town of Troutman Town Council was held in the Troutman Town Hall, 400 North Eastway Drive, North Carolina on Thursday, February 10, 2022 at 7:00 p.m. with the Mayor Teross W. Young, Jr., presiding.

Councilmembers Present: W. Paul Henkel; Felina L. Harris; Edward R. Nau; Jerry R. Oxsher

Absent: George W. Harris

Staff Present: Ronald Wyatt, Town Manager; Kimberly Davis, Town Clerk; Lynne Hair, Planning Director; Gary Thomas, Town Attorney; Josh Watson, Police Chief; Emily Watson, Communications/Community Engagement/Employee Services; Michael Barker, IT

Press Present: Debbie Page, Iredell Free News

I. MAYOR YOUNG CALLED THE MEETING TO ORDER

MAYOR YOUNG WELCOMED VISITORS AND GUESTS

INVOCATION – Delivered by W. Paul Henkel, Mayor Pro Tem

PLEDGE OF ALLEGIANCE

ADJUSTMENTS TO AND APPROVAL OF THE AGENDA (Adjustments)**

Addition of:

****Closed Session Pursuant to NCGS 143-318.11(a)(5) to Discuss Acquisition of Property**

Upon motion by Councilmember Eddie Nau, seconded by Councilmember Paul Henkel, and unanimously carried, approved the February 10, 2022 Town Council meeting agenda as amended above.

II. CONSENT AGENDA: *Consent Agenda Items are considered to be routine by the Town Council and will be approved with one motion. There will be no separate discussion on these items unless the Mayor or a Council member so requests, in which event the item will be removed from the Consent Agenda and considered as the first item under New Business.*

- ITEM 1. Approval of Agenda Briefing Meeting Minutes of January 10, 2022**
- ITEM 2. Approval of Closed Session Meeting Minutes of January 10, 2022**
- ITEM 3. Approval of Regular Meeting Minutes of January 13, 2022**
- ITEM 4. Approval of NC Department Records Retention and Disposition Schedule for Local Government Agencies**
- ITEM 5. Approval of Agreement with Miracle Homes for Timed Reduction of Housing Units**
- ITEM 6. Approval of Calvin Creek Amenity Center Façade**
- ITEM 7. Approval of Surplus and Sale of Unused Tasers**

- ITEM 8. Approval of Revised Town Policy #16 Titled: “Town of Troutman Take Home Vehicle Policy”**
- ITEM 9. Approval of Town Policy #62 Titled: “Town of Troutman Social Media Comment Policy”**
- ITEM 10. Approval of Resolution 06-22 Titled: “Resolution in Recognition of Daniel Hemric NASCAR’s 2021 Xfinity Series Champion”**

Upon motion by Councilmember Felina Harris, seconded by Councilmember Eddie Nau, and unanimously carried, approved Consent Agenda as presented.

(Copied in full, Policies 16 & 62 are filed in Policy Manual #1)

(Copied in full, Resolution 06-22 is filed in Resolution Book IV, Page 10)

(Copied in full, Policy #16 & 62, Resolutions 06-22 is attached to these minutes and is filed on CD titled: “Town Council Supporting Documents” dated February 7th and 10th, 2022 in CD Book #1 titled: “Town Council Supporting Documents” along with Taser surplus and sale information, amenity building façade, letter of agreement to Miracle Houses, Inc., records retention and disposition approval form)

(Records Retention and Disposition Schedule is filed in the Clerk’s office and can be accessed on-line on the NC Dept. of Natural and Cultural Resources website)

III. INTRODUCTION(S) / RECOGNITION(S) / PRESENTATION(S)

ITEM 11. Recognition In Memory of Former Town Council Members Jennie Clontz and James (Jimmy) Troutman, (Mayor Young)

Mayor Young recognized recently passed former Council members Jennie Clontz and James (Jimmy) Troutman. He took turns reading aloud resolutions honoring their memory before presenting a copy to their family member.

Mr. Jamie Clontz, son of Jennie Clontz and Ms. Betty Jean Troutman, wife of Jimmy Troutman were present to accept the Resolutions, expressing thanks and appreciation to the Town for the recognition in memory of their loved ones.

Councilmember Paul Henkel expressed that he was honored to have known and served with each of them conveying his sympathy in their passing. Mayor Young also expressed his thanks and appreciation for their service to the Town and to their families who supported them during that time.

ITEM 12. Recognition of Daniel Hemric, NASCAR’s Xfinity Series Champion, (Mayor Young)

Mayor Young read aloud Resolution in recognition of Daniel Hemric recognizing his past and present accomplishments that include NASCAR’s 2021 Xfinity Series Championship. In presenting Mr. Hemric with a copy of the Resolution, Mayor Young congratulated Mr. Hemric commenting that he is sure there will be more championships in his future.

Mr. Hemric addressed the Mayor and Council expressing thanks and appreciation for the acknowledgement commenting it is an honor to be here tonight.

IV. BUSINESS SPOTLIGHT

ITEM 13. Meredith Marie Photography, *(Mayor Young)*

Mayor Young read aloud and presented a Certificate of Recognition to Meredith Marie Photography in appreciation for her volunteerism and civic service to the Town and in creating a successful and dynamic business adventure that is an inspiration to the community. Town Manager Ron Wyatt commented on the time volunteered and professionalism of the pictures taken of Town Staff and Town Council.

Ms. Heiser thanked Mayor Young and Town Council for the recognition stating it was an honor to take the Town photos.

V. STANDING REPORT(S)

ITEM 14. J. Hoyt Hayes Memorial Troutman Library Quarterly Report, *(Kelli Goodwin, Branch Manager)*

Ms. Kelli Goodwin, Branch Manager Troutman Public Library presented the following quarterly report:

- In-person programming resumed in January. Registration is required through library's website with limited spots available. The schedule is as follows:
 - Toddler Storytime with Miss Deb, Tuesdays at 11am
 - Preschool Storytime with Miss Kelli, Fridays at 11am
 - Teens, third Thursday at 4pm
 - Adult Pinterest one Saturday each month.
- Book Club
 - During pandemic, Troutman and Statesville's book clubs combined and moved out of library. The group meets at various restaurants in Troutman and Statesville each month. Interested parties can contact our program specialist Tamra Hicks for details
- Passive Programs
 - Monthly Take and Makes for all ages will include:
 - Black History Month crafts from North Carolina Museum of Arts
 - Friendship Soup ingredients for adults.
 - Mailbox Program includes:
 - Weekly writing that prompts to encourage interaction among patrons.

There are 11 programs to date totaling 141 participants. Storytime's are regularly full with a waiting list, due to limited library space.

An update for the Summer Reading Program was presented with Ms. Goodwin stating that plans are being made to have in-person summer reading program. She is serving on Summer Reading Committee that is responsible for planning programs for ages 0-5. She is working with Troutman Parks and Rec on a special presenter at the park. In addition to regular programs, they will offer several opportunities for families to attend programs for school-age children

Ms. Goodwin presented the following staffing updates:

- Tamra Hicks officially graduated from UNC-Greensboro with her master's degree in Library Science in December. She has settled well into her new position as Program Specialist and is enjoying developing programs for the adult patrons and curating book displays and local history displays.

- Katy Bradley joined our staff in August, as a part-time library assistant. She previously worked at our Statesville branch as a shelver and is enjoying getting to know our patrons. She is responsible in assisting with displays in the Library's entry way and helping keep the library a welcoming environment for everyone.

Ms. Goodwin highlighted the library's Black History Month display that represents the history of the first black schools in Iredell County, including Unity High School, Dunbar High School, and the Morningside School. She also shared that the Storytime Nook has been dedicated to Winkie Powell and through her family's donations, a beautiful sign was made and hung over the nook, now called "Winkie's Book Nook".

Staff is currently working on cleaning up the shelves in the library, many of which are filled to capacity. Items that have not been checked out in over 5 years are being sent back to the Statesville branch in order to make room for new and more popular items that patrons want. Lastly, Ms. Goodwin shared that 6th graders from Iredell Charter will visit the library at the end of the month for a tour and lesson on how to use the library and our resources

Councilmember Paul Henkel addressed Ms. Goodwin commenting that it is good to have her back. Mayor Young asked that Ms. Goodwin relay congratulations to Ms. Tamra Hicks in obtaining her Master's Degree.

VI. PUBLIC COMMENTS

The public is invited to address the Town Council with comments or concerns. Public comment is limited to three (3) minutes per individual. Speakers are required to sign in at the podium and are required to adhere to Town Policy #51 Titled: "Policy Governing Comments from the Public at Town Meetings". Public comments can be received by mail at 400 N. Eastway Drive, Troutman NC 28166, live stream chat of no more than 350 words, or email kdavis@troutmannnc.gov (emails can be received up to 5:00 pm the day of the meeting).

No public comments were submitted via live stream, email, or hand written prior to the meeting nor in person.

VII. NEW BUSINESS

ITEM 15. Text Amendment (TA-22-01) to the Town of Troutman Unified Development Ordinance (UDO) Regarding Decriminalizing of the Ordinance (Article 12.3), (Lynne Hair, Planning Director)

a. Call for a Public Hearing

Mayor Young Opened the Public Hearing

Planning Director Lynne Hair stated that the text amendment is a request by staff specifically asking that Article 12.3.1 the Unified Development Ordinance (UDO) be amended as advised by the Town Attorney. In providing a background, Ms. Hair stated that on August 25, 2021 the Senate Bill 300 was passed by the General Assembly requiring local jurisdictions to remove all criminal penalties tied to ordinances, including zoning and development regulations under 160D. The proposed went before the Planning Board last month for a recommendation who unanimously recommended approval. The amendment is as follows:

- To remove 12.3.1 in red below

~~12.3.1 CRIMINAL PENALTIES~~

~~Violations of the provisions of this UDO shall constitute a misdemeanor, punishable by a fine and/or maximum imprisonment as follows:~~

~~A.—Use Violations: A violation involving a use that is expressly prohibited or not listed as a permissible use in the zoning district in which it is located is subject to a \$100 fine and/or 30 days imprisonment.~~

~~B.—Compliance Violation: A violation involving a failure to comply with the zoning district development standards for property is subject to a \$200 fine and/or 60 days imprisonment.~~

~~C.—Nuisance Violation: A violation involving an activity which is judged to be a public nuisance is subject to a \$300 fine and/or 90 days imprisonment.~~

~~D.—Public Health and Safety Violations: A violation involving any development activity or use of property which clearly endangers the public health and/or safety is subject to a \$400 fine and/or 120 days imprisonment.~~

- Therefore changing the numbering of the following:

12.3.21 CIVIL PENALTIES *Remaining language in section to remain unchanged*

12.3.32 EQUITABLE REMEDY *Remaining language in section to remain unchanged*

12.3.43 REVOCATION OF PERMITS *Remaining language in section to remain unchanged*

12.3.54 STOP WORK ORDER *Remaining language in section to remain unchanged*

12.3.65 INJUNCTIONS & ORDERS OF ABATEMENT *Remaining language in section to remain unchanged*

Councilmember Paul Henkel expressed concern regarding 12.3.1 (D) pertaining to public health and safety violations. Planning Director Hair explained that the proposed amendment is specific to the Town's UDO, but there are other ordinances in the Town's Code of Ordinances such as minimum housing codes and etc. that have similar language that will not be de-criminalized. She continued by stating that the Town still will have the ability to pursue bringing those violations into compliance through a civil penalty. Town Manager Wyatt reminded him that this change is a state legislature requirement, not a town or staff recommended change. Town Attorney Gary Thomas pointed out that under this ordinance the Town still has the authority to seek conjunctions and if someone violates an injunction they can be held in contempt of court. He further stated that in the Town's Code of Ordinances, Chapter 6 deals with buildings and building regulations where unsafe buildings are addressed and under that section it does not have to be de-criminalized. The language reads "a willful violation under Code Enforcement is a misdemeanor". He also advised that under the Minimum Housing Code, the violation is a misdemeanor and it too does not have to be de-criminalized.

Alicia Malatesta asked if this text amendment applies to commercial or residential buildings. Planning Director Hair stated it applies to all buildings.

Mayor Young Closed the Public Hearing

(Public Hearing Sign-in Sheet is filed with these minutes)

b. Approval of Consider Adoption of Ordinance 01-22 Titled: "Ordinance Amending The Town Of Troutman Unified Development Ordinance"

Upon motion by Councilmember Paul Henkel, seconded by Councilmember Felina Harris, and unanimously carried, approved Ordinance 01-22 Titled: "Ordinance Amending The Town Of Troutman Unified Development Ordinance"

c. Consider Adoption of Statement of Consistency

Upon motion by Councilmember Paul Henkel, seconded by Councilmember Eddie Nau, and unanimously carried, approved that the text amendment is consistent with the 2018 Strategic Plan and the Unified Development Ordinance as it would bring the ordinance into consistency with Senate Bill 300; further the text amendment is reasonable and in the public interest, addressing the need to de-criminalize the ordinance and utilize civil penalties as the preferred method of bringing violations into compliance.

Copied in full, Ordinance 01-22 is filed in Ordinance Book 9, Page 1)

(Copied in full, Staff Report, P&Z Board Certification of Action Taken, Ordinance 01-22 and Public Hearing Notice is attached to these minutes and is filed on CD Titled: "Town Council Supporting Documents" dated February 7th and 10th, 2022 in CD Book #1 titled: "Town Council Supporting Documents")

ITEM 16. Text Amendment (TA-22-02) to the Town of Troutman Unified Development Ordinance (UDO) Regarding Addition of Language Regulating Commercial Accessory Structures (Article 3.4), (Lynne Hair, Planning Director)

a. Call for a Public Hearing

Mayor Young Opened the Public Hearing

Planning Director Lynne Hair stated that this text amendment request being made by staff at the request of the Design Review Board (DRB). The proposed is an amendment to Article 3.4 of the Town's Unified Development Ordinance (UDO) that addresses Additional Use Standards. She stated that in 2021 the Town received two applications for accessory structures associated with commercial uses. The UDO addresses accessory structures for residential properties, but is silent on these uses when located in commercial districts. The UDO does require the Design Review Board approval of all non-residential structures. Resulting from two requests pertaining to accessory structures, DRB directed staff to create language regulating commercial accessory structures in efforts to regulate the building location but provide flexibility on aesthetics. After two draft re-writes the Board recommended that language be presented to the Planning Board for a recommendation. The Planning Board unanimously approved the proposed language subject to the addition of allowing fences up to 8' in the rear yard setback to item D. The following amendment is recommended for approval:

Article 3.4 ADDITIONAL USE STANDARDS by adding a new section as Section 3.4.3.1 Accessory Structures (Commercial) as follows:

- A. Commercial Accessory Structures shall be subject to all applicable regulations of this Ordinance unless otherwise expressly stated herein.
- B. Commercial Accessory structures shall not be erected in the front yard of any principal structure, provided that fences up to 4 feet in height shall be allowed within required front yard setback.
- C. Commercial Accessory structures shall not be erected in any required side setbacks, provided that fences up to 8 feet in height shall be allowed within required side setbacks.
- D. The rear yard setback will be no closer than 15 feet from the rear property line, or meet the required property boundary buffer, whichever is greater. Fences up to 8 feet in height shall be allowed in rear setbacks.
- E. Commercial Accessory structures shall not exceed the height of the principal structure on the property.
- F. Mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are not allowed in front setbacks. They may be allowed in side and rear setbacks if less than 48 inches in height.

Mayor Young asked if the UDO addresses grandfathering of structures. Ms. Hair responded yes there is a section that talks about grandfathered structures that would apply to any existing structures and that the amendment would apply to new structures going forward.

No public comments were made.

Mayor Young Closed the Public Hearing

(Public Hearing Sign-in Sheet is filed with these minutes)

b. Approval of Consider Adoption of Ordinance 02-22 Titled: *"Ordinance Amending The Town Of Troutman Unified Development Ordinance"*

Upon motion by Councilmember Paul Henkel, seconded by Councilmember Felina Harris, and unanimously carried, approved Ordinance 02-22 Titled: *"Ordinance Amending The Town Of Troutman Unified Development Ordinance"*

c. Consider Adoption of Statement of Consistency

Upon motion by Councilmember Eddie Nau, seconded by Councilmember Paul Henkel, and unanimously carried, approved that the text amendment is consistent with the 2018 Strategic Plan and the Unified Development Ordinance as it would provide consistent regulation of accessory structures for commercial uses, promoting the desired goal of enhancing the aesthetics of downtown. Amendment is reasonable and in the public interest.

(Copied in full, Ordinance 02-22 is filed in Ordinance Book 9, Page 2)

(Copied in full, Staff Report, P&Z Board Certification of Action Taken, Ordinance 02-22 and Public Hearing Notice is attached to these minutes and is filed on CD Titled: "Town Council Supporting Documents" dated February 7th and 10th, 2022 in CD Book #1 titled: "Town Council Supporting Documents")

VIII. ELECTED / OFFICIALS REPORTS AND COMMENTS

Councilmember Jerry Oxsher

- Stated he was able to participate in the orientation and in the 1st Annual Meeting of Centralina Council of Governments (CCOG) commenting it was a great experience and that he could not have asked for a better onboarding. Informed Town Council that action was taken in adopting their budget. He stated that it was made clear various opportunities of which assistance is offered to municipalities highlighting grant opportunities for one.

Councilmember Paul Henkel

- Stated he participated in the 1st meeting of the Lake Norman Transportation Committee (LNTC) last night virtually, along with Councilmember Felina Harris. He stated he has a list of item the LNTC is currently working on. He will provide the list to the Town Clerk for distribute to Council, but the largest item is the re-alignment of Houston Road with Flower House Loop on Hwy 21 is on the fast track moving forward designated for 2023. He extended an invitation to the public to attend expressing hope that the committee can meet in person in March.

Councilmember Eddie Nau

- Congratulated families of loved ones recognized tonight and Daniel Hemric for the recognition of the Xfinity Series Championship stating that he has known Mr. Hemric for over 15 years and has turned out to be a great man, husband, father and now a NASCAR Champion. He is proud to say he is from Troutman.
- Wished everyone a Happy Valentine's Day.

Councilmember Felina Harris

- Wished everyone Happy Black History Month asking that everyone get to know someone different, someone that doesn't look like you.
- Stated that she is the Alternate to LNTC and her 1st meeting was quite an experience. She has a long list of acronyms to look up.
- Wished everyone a Happy Valentine's Day.
- Congratulated everyone recognized tonight.

Mayor Young

- Expressed appreciation for the comments Councilmember Felina Harris made regarding Black History Month encouraging and challenging everyone to engage with their neighbor and get to know them.
- Wished everyone a Happy Valentine's Day.
- Expressed appreciation of Council's activity and engagement in representing the Town on various committees.

Town Manager Wyatt

- Informed the Mayor, Town Council and the public that Iredell County Commissioner Chairman James Mallory put out a public notice today ending Iredell County's mask mandate effective tomorrow February 11th at 5pm. The State is having conversations regarding their mask mandate policy due to the decrease in COVID-19 cases. In following suit of the county, Troutman will also be removing our mandatory mask mandate tomorrow at 5pm as well.
- Discussed historical "Sherrill's Pass" within Colonial Crossing Subdivision located between Talley Road and East Monbo Road. Following a brief history regarding the Pass, Manager Wyatt stated that the developer is willing to donate the Pass to the Town to maintain as a walking trail in efforts to preserve it.

****IX. CLOSED SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTES (NCGS) 143- 318.11(A)(5) ACQUISITION OF PROPERTY****CALL FOR CLOSED SESSION**

Mayor Young called for a closed session pursuant to NCGS 143-318.11(a)(5) to discuss acquisition of property.

*Upon motion by Councilmember Paul Henkel, seconded by Councilmember Felina Harris, and unanimously carried, approved to hold a closed session pursuant to NCGS 143-318.11(a)(5) to discuss acquisition of property.

Along with Mayor Young and Town Council, Ronald Wyatt, Town Manager; Kimberly Davis, Town Clerk; Gary Thomas, Town Attorney joined the Closed Session.

****THESE 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 Paul Henkel, seconded by Councilmember Felina Harris, and unanimously carried, approved to reconvene open session.

Action Taken as a Result of Closed Session:

*Upon motion by Paul Henkel, seconded by Eddie Nau and unanimously carried, approved that the Town purchase property located at 344 Eastway Drive in the amount of \$350,000 authorizing staff to pursue a loan in that amount plus any additional fees to cover closing cost.

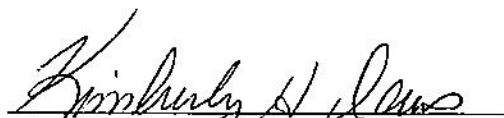
OTHER DISCUSSION:

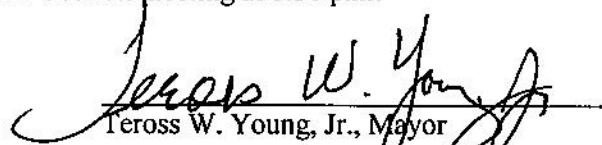
Councilmember Jerry Oxsher asked if Council could be provided with a list of properties owned by the Town. Town Manager Wyatt replied he can certainly produce a list.

Councilmember Paul Henkel requested an update on the progress of the Planning House. Town Manager Wyatt reported that the Heating and Air unit is oversized and is being worked on to correct; Spectrum Cable Company is coming within the next two weeks to install the phones and internet; furniture has been donated by CATS; filing cabinets have been purchased and the front door needs to be replaced and secure. He stated that Planning Director Lynne Hair, Associate Planner Andrew Ventresca, Public Works Director Adam Lippard and himself will visit the house tomorrow to establish a list of additional items needed. Manager Wyatt stated that the original plan was to move the Planning Department over in November, but it is now looking like mid to late March. Councilmember Jerry Oxsher asked if it will be open to the public. Town Manager Wyatt stated that official plans were not to meet there. Meetings could be held there but the house is not ADA accessible. Meetings can be held at Town Hall if ADA accessibility is needed.

X. ADJOURNMENT

Upon motion by Councilmember Felina Harris, seconded by Councilmember Paul Henkel, and unanimously carried, approved to adjourn the February 10, 2022 Town Council meeting at 8:50 p.m.


Kimberly H. Davis, Town Clerk


Teross W. Young, Jr., Mayor



(**) Adjustments to the Agenda