

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

**TOWN COUNCIL AGENDA BRIEFING MEETING MINUTES**

**March 06, 2023 – 4:00 P.M. – Troutman Town Hall**

Presiding: Mayor Teross W. Young, Jr.

Council Members Present: W. Paul Henkel; Edward R. Nau; Jerry R. Oxsher; George W. Harris; Felina L. Harris

Council Members Absent: None

Staff Present: Ronald Wyatt, Town Manager; Kimberly Davis, Town Clerk; Lynne Hair, Planning Director; Justin Mundy, Finance Director; Josh Watson, Police Chief; Gary Thomas, Town Attorney; Michael Barker, IT

Press Present: Debbie Page, Iredell Free News

Others: None

**I. MAYOR YOUNG CALLED THE MARCH 06, 2023 AGENDA BRIEFING MEETING TO ORDER**

**Adjustments to and Adoption of the Agenda Briefing Agenda**

\*Upon motion by Councilmember Paul Henkel, seconded by Councilmember George Harris, and unanimously carried, approved the March 06, 2023 Agenda Briefing Agenda as presented.

**II. GENERAL BUSINESS**

**A. Mayor and Council Items** (During this time elected officials have the opportunity to make reports, comments, and/or ask questions of staff)

**1. Mayor and Council Comments/Discussions**

**Councilmember George Harris**

- Shared that he and Town Manager Wyatt visited with representatives in Raleigh and he feels good about the possibility of the Town receiving funding from the legislature this year for the park and water and sewer infrastructure.
- Stated that he and Mayor Pro Tem Henkel participated in a CRTPO Mobility Plan meeting where he suggested stoplights at both ends of Autumn Leaf Road and other minor improvements for the Town until road improvements are made to US Hwy 21/Main Street.

**Councilmember Felina Harris**

- Thanked everyone for the card and phone calls in condolences in the loss of her father-in-law and aunt.

- Stated that she met a Troutman resident while attending an NAACP meeting commenting that he shared an interest in getting involved in the Town.

#### **Councilmember Jerry Oxsher**

- Shared that he had the honor of recently being appointed to the Centralina Council of Government's Executive Board commenting that he is looking forward to a great learning experience and working more closely with them.

#### **Councilmember Paul Henkel**

- Congratulated Councilmember Oxsher on his appointment to Centralina's Executive Board.
- Commented that he enjoyed last week's retreat and is looking forward to the upcoming budget process.
- Thanked Councilmembers Eddie Nau and George Harris for their latest visit to Raleigh commenting that he hopes the Town receives the funding that is anticipated.

#### **Mayor Young**

- Expressed appreciation to all Councilmembers who have taken the opportunity to visit with our state legislators and hopefully others will have the opportunity as their schedules permit. He stated that it is never a one-and-done conversation. As the session goes on and things happen, we need to make sure that our voice is heard and legislators know what the Town's needs are.
- Conveyed appreciation to Councilmember George Harris and Mayor Pro Tem Henkel for their participation with CRTPO and as the Town's needs continue to grow we need to make sure they are hearing our voices.
- Thanked everyone for the card and their thoughts and prayers in condolences for his wife's grandfather.
- Congratulated Councilmember Jerry Oxsher on his appointment to Centralina's Executive Board commenting that it means a lot to our Town for that leadership and to the region as well.
- Expressed appreciation to Staff for taking time and spending the day of the Strategic Planning Retreat to engage, pushing things that the Council needed to hear, and being very transparent about those needs.

**B. Staff Items:** (At this time staff was provided the opportunity to make reports, comments, and/or ask questions)

#### **Town Manager Comments**

- Expressed appreciation for all the compliments from the elected officials. He also expressed appreciation for all the comments and feedback regarding the Strategic Planning Retreat. He addressed inquiries from social media regarding how much the retreat cost stating that as retreats go, the retreat held here was as frugal as anything the Town could do.
- Shared that the Council of Government (COG) will be providing training for the Planning and Zoning Board and Board of Adjustment. Staff is in the process of identifying areas that need to be expanded upon.

## **1. Discuss the Town's Water and Sewer Service Policy (Policy #29)**

Finance Director Justin Mundy stated that some of the Town's water and sewer service fees were not up-to-date. Included in Council's packet is a red-lined copy showing proposed changes. Mr. Mundy pointed out that the Town has been a little lacking regarding payment extensions. Explaining that the Town's in-house payment allows the customer to pay the prior month past due; not the full bill as the policy states. Councilmember Paul Henkel commented that he would like to see the policy enforced with a reasonable amount of compassion on a case-by-case basis.

Town Manager Wyatt noted that Public Works Director Adam Lippard and Finance Director Mundy researched surrounding municipalities in comparison to fees charged. Mr. Mundy requested direction from recommended that Council double the fee explaining that the Town's current rates no longer cover a minimum bill. Manager Wyatt addressed the proposed fee schedule pointing out that the proposed fee schedule does not show a comparison of the new fees to the old fees stating that staff will provide a revised schedule showing the comparisons.

Under "Water Sold for Swimming Pools" on page 5 of the policy, Councilmember George Harris suggested that the language "No swimming pools may be filled from hydrants without prior approval by the Town Manager" be changed to read "By the Public Works Director or Town Manager", and add a sentence to read "Any other additions for unusual circumstances must be approved by the Town Manager."

## **2. Discuss Remote Participation by Council at Official Meetings**

Manager Wyatt stated that Council has in their packets, a copy of the County Commissioners' Policy which he thinks would best benefit the Council and the citizens. He explained that the county's policy allows remote participation by phone, audio, or video but a physical quorum has to be present. Members are only allowed to miss 2 meetings a year and cannot participate in additional meetings remotely without a supermajority vote of the board. Manager Wyatt stated that the policy does not allow remote voting in closed session or quasi-judicial.

Attorney Gary Thomas stated that in his legal opinion, a remote participant cannot vote. A brief discussion was held regarding whether a remote vote is valid. Attorney Thomas stated if a person votes and they are the deciding vote, then their vote is invalid and at that point, there is a tie vote. The Mayor would have to break that tie at that meeting, or there is the potential that before the Mayor breaks the tie someone could make a motion to continue the matter to the next meeting, but he thinks under Robert's Rules that would not take president over the motion on the floor. Manager Wyatt stated that under Robert's Rules, it is allowed, while a vote is pending, to table the matter for a later date. Attorney Thomas also expressed concern regarding a "due process" issue in regard to zoning matters with someone putting up slides or handing out papers of which the remote person is most likely unable to see. Mayor Young asked Attorney Thomas if in his opinion, is the county's policy an invalid policy. Attorney Thomas replied "in his opinion, yes, parts of it" explaining that there are only a few differences between the Town's current policy and the county's policy. Councilmember Paul Henkel expressed that he would feel better knowing that Council is following State Statutes, rather than "assuming", and the Town becomes legally liable in some way.

Following continued discussion, Council was in agreement to add the following statement to the Town's current Policy (Policy #56) as the new #4: "If a remote vote by a Council member is the deciding vote, the motion shall be continued to the next regular meeting of the Town Council".

Consideration of Policy #56 is to be added to Council's Thursday's Agenda as Item #7 under the Consent Agenda.

### **3. Discuss Independence Day Events**

Town Manager Wyatt stated as discussed at Council's retreat, there are federal laws around paying employees and the accruing of hours during a holiday week; the employees are doubly punished in having to work. He stated that staff's recommendation is to continue with the Independence Day Parade. Councilmember Jerry Oxsher asked Police Chief Josh Watson if he see the Town moving in the direction to hold the parade only and if it would be a burden lifted. Chief Watson shared that it is a major burden on the officers when they have to work all day and all night.

\*Upon motion by Councilmember George Harris, seconded by Councilmember Paul Henkel, and unanimously carried, approved to hold the Independence Day Parade only.

### **4. Set a Date for the Annual Budget Retreat**

Council was in agreement to set the following dates for their Annual Budget Retreat:

Wednesday, April 12, 2023 from 8am-4pm at Troutman Town Hall; and  
Wednesday, May 10, 2023 from 8am-1pm at Troutman Town Hall.

(Copied in full, Policy 29, and Remote Participation Information including current Policy #56 is filed on CD titled: "Town Council Supporting Documents" dated March 6<sup>th</sup> and 9<sup>th</sup>, 2023 in CD Book #1 titled: "Town Council Supporting Documents")

## **6. Overview of Town Council's Upcoming Regular January 12, 2023 Meeting Agenda Items Scheduled to be Presented, (Wyatt)**

### **Consent Agenda Items:**

**Items 1-2.** Minutes to be approved.

No discussion was held.

### **Item 3. Budget Amendments**

**a.** Purchase of 3 Dodge Chargers-Patrol Vehicles

Approval of this budget amendment in the amount of \$172,540 will allow for the purchase and outfitting of 3 Dodge Charger police vehicles.

**b.** Roll-over of Unused Funds-Troutman Mobility Plan

Approval of this budget amendment in the amount of \$40,000 is to roll over unused funds from the 2021/2022 budget.

c. Professional Fees

Approval of this budget amendment in the amount of \$40,000 is for reimbursement of professional fees that are paid upfront.

**Item 4. Annexation Request AX-23-01; (Non-Contiguous), Applicant: Sunbeam Estates, LLC; 36.81 (+/1) acres; PIN#4741505002 (116 Royal Oaks Drive)**

- a. Adoption of Resolution 01-23 Titled: "Resolution Directing The Clerk To Investigate A Petition Received Under Article 4A of G.S. 160A"
- b. Approval of Certificate of Sufficiency
- c. Adoption of Resolution 02-23 Titled: "Resolution Fixing Date of Public Hearing On Question of Non-Contiguous Annexation Pursuant to Article 4A Of G.S. 160A" (Setting Public Hearing Date of April 13, 2023)

**Annexation Request AX-23-01 was withdrawn by Applicant (To be removed from the Agenda)**

**Item 5. Annexation Request AX-23-02 ; (Non-Contiguous), Applicant: Jerry K. & Joy C. Cline; 1.5 (+/-) acres; PIN#4740690651 (726 S. Main Street)**

- a. Adoption of Resolution 03-23 Titled: "Resolution Directing The Clerk To Investigate A Petition Received Under Article 4A of G.S. 160A"
- a. Approval of Certificate of Sufficiency
- b. Adoption of Resolution 04-23 Titled: "Resolution Fixing Date of Public Hearing On Question of Non-Contiguous Annexation Pursuant to Article 4A Of G.S. 160A" (Setting Public Hearing Date of April 13, 2023)

This agenda item is part of the process of setting a date for a Public Hearing. Typo regarding acreage to be corrected from 1.5 acres to 10.5 acres.

**Item 6. Amend the Town of Troutman Schedule of Fees**

The Schedule of Fees was previously discussed during this meeting. Additional information as requested by Council will be sent via email.

**Item 7. Approval of an Economic Development Agreement for CI 77 Troutman, LLC**

Attorney Gary Thomas informed Council that this economic development project was formally called Collett. The property was sold and the name changed to CI 77, LLC. He stated that the incentive amount of \$624,000 (over a 3-year period) is the same as was originally approved. Attorney Thomas stated that neither Jenn Bosser, Iredell Economic Development President & CEO nor Chad Thomas, Vice President will be able to attend Council's Thursday night meeting. Town Manager Wyatt stated that the agreement is a standard agreement.

**Item 11. Text Amendment – Case No. TA-23-02 – EV Charging Stations** – Request initiated by Dewberry Engineers on behalf of Tesla, to amend Article 3 of the UDO to allow electric vehicle charging stations as an accessory use on commercial property with additional standards. The Tesla charging stations are proposed to be located at the Exxon Station at Exit 42.

**Item 12. Text Amendment – Case No. TA-23-01 – Mobile Food Trucks** – Request initiated by Town Council, to amend Article 3 of the UDO adding Mobile Food truck as an accessory use with additional standards.

**Item 13. Text Amendment - Case No. TA-23-03 – Front Setbacks** – Request initiated by Staff to amend Article 4 of the UDO to allow certain structures to encroach into the established front yard setback.

**Item 14. Text Amendment – Case No. TA-23-04 – Addressing Where Sidewalks are Required** – Request initiated by Staff to amend Article 7 of the UDO to clarify where sidewalks are required in new developments.

**Item 15. Text Amendment – Case No. TA-23-05 – Feather Flags** – Request initiated by Staff to amend Article 6 of the UDO regulating the use of Feather Flags.

**Item 16. Consider Approval of Amendments to Policy #29 Water and Sewer Service Policy**  
The amendment to Policy 29 was previously discussed during this meeting.

**Item 17. Consider Modification or Termination of the Annexation Agreement Between the Town of Mooresville and the Town of Troutman**

Town Manager Wyatt provided a brief background regarding past and current efforts in amending the Annexation Agreement between Troutman and Mooresville involving the release of 2 parcels that include property owned by the Troutman ABC Store and 9.8 acres previously owned by Bonnie Smith. Mr. Wyatt recommended that Council vote Thursday night to modify the agreement releasing the 2 properties. He stressed to Council that all the background information provided was through conversations with Mooresville's staff and not their elected officials. Mayor Young suggested Council give staff the approval to negotiate properties with Mooresville's elected officials in an effort to come to a solution.

**Item 18. Consider Annexation Boundary Agreement with the City of Statesville**

Town Manager Wyatt stated that the Town sent notice to disband the annexation agreement with Statesville in 2016 which took effect in January 2021. He stated that in Council's packet, there is a new map that shows proposed boundary areas with Statesville pointing out that Statesville's future annexation boundary line is basically north of Moose Club Road and both sides of Wallace Springs Road. Mr. Wyatt clarified the boundary along Duck Creek Road stating when heading north, properties to the right of Duck Creek would be considered Statesville, and properties located on the left side of Duck Creek would be considered Troutman. Property located south and west of the interstate at Exit 45 and Murdock Road would be within the Town of Troutman's annexation boundary. Mayor Young commented that based on much-needed conversations with Statesville, he thinks the proposed map is very reasonable and that it provides clarity of Troutman's boundaries.

Town Attorney Gary Thomas recommended that the Council at Thursday's meeting move that they are acceptable to the concept of the boundary line subject to a final written agreement. Manager Wyatt agreed.

**OTHER:**

Town Attorney Gary Thomas advised Council that he got the judgment today against A1-LED Signs/Richard Crisp here in Iredell County. He asked for Council's direction in whether Council wants to also file in Virginia in the county in which Mr. Crisp resides. If so, the Town would have to hire a lawyer in Virginia to file the judgment. Attorney Thomas advised Council that it would cost the Town between \$300-\$1000; and that filing a judgment where Mr. Crisp resides is the only way to put a lien of any of his assets.

Council was in agreement with filing the judgment. Attorney Thomas stated that he would get a quote on the cost to present to Council.

**III. HOLD CLOSED SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTES (NCGS) 143-318.11(a)(5) TO DISCUSS ACQUISITION OF PROPERTY**

Mayor Young called for a Closed Session pursuant to North Carolina General Statutes (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.

\*Upon motion by Councilmember George Harris, seconded by Councilmember Eddie Nau, and unanimously carried, approved to hold a Closed Session 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\*\***

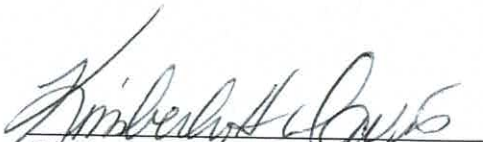
*Closing of Closed Session and Reconvene Open Session*

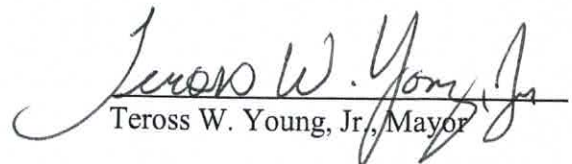
\*Upon motion by Councilmember Paul Henkel, seconded by Councilmember George Harris, and unanimously carried, approved to reconvene open session.

**Action taken as a result of the Closed Session: None**

#### IV. ADJOURNMENT

\*Upon motion by Councilmember George Harris, seconded by Councilmember Felina Harris, and unanimously carried, approved to adjourn the Agenda Briefing of March 6, 2023. Time of adjournment: 7:01 p.m.

  
Kimberly H. Davis, Town Clerk

  
Teross W. Young, Jr., Mayor



- (\*) Motion(s)
- (\*\*) Adjustment(s)