

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

**TOWN COUNCIL AGENDA BRIEFING MEETING MINUTES**

**July 08, 2024 – 4:00 P.M.**

Presiding: Mayor Teross W. Young, Jr.

Council Members Present: W. Paul Henkel; Edward R. Nau; Jerry R. Oxsher; Nicholas D. Jaroszynski

Council Members Absent: Felina L. Harris

Staff Present: Ronald Wyatt, Town Manager; Kimberly Davis, Town Clerk; Andrew Ventresca, Planning Director; Justin Mundy, Finance Director; Josh Watson, Police Chief; Gary Thomas, Town Attorney

Press Present: Debbie Page, Iredell Free News

**I. MAYOR TEROSS W. YOUNG, JR. CALLED THE JULY 08, 2024 AGENDA BRIEFING MEETING TO ORDER**

**Adjustments made to and Adoption of the Agenda Briefing Agenda (\*\*)**

None

\*Upon motion by Councilmember Nau, seconded by Councilmember Henkel, and unanimously carried, approved the July 08, 2024 Agenda Briefing Agenda as presented.

**II. GENERAL BUSINESS**

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

**1. Council and Mayor Comments**

**Councilmember Nau**

- Complimented Staff on a great job with the Town's Party in the Park in June, and the 4<sup>th</sup> of July Parade commenting that he was happy with the turnout at each. He was unable to attend the fireworks.
- Shared that he has received complaints regarding trash can not being picked up by Republic. Manager Wyatt stated that he has addressed the issue with Republic who has apologized stating that they are overwhelmed at the amount of work it takes to

collect their containers. He shared that Staff has been bombarded with over 700 phone calls from citizens in one week and that the cans that have not been picked could create a health hazard. He suggested that Attorney Thomas research whether the Town can pick up the cans and charge Republic a fee.

- Requested to discuss the situation regarding the Cedar Stump Pub voicing concern regarding the owner not getting the additional \$1.5 million added to his current policy as discussed at last month's meeting, and regarding pictures he received of people outside the establishment at midnight. He does not feel it is fair to the citizens when the Town was ensured that the outdoor area was not in use at night. Manager Wyatt stated that the property owner did provide documentation of the Town being added as a rider to his \$1 million policy. He could not find in the records that it was voted on; it was suggested that his policy be increased to \$2.5 million after Attorney Thomas had advised that the NC League of Municipalities suggested an amount of \$5 million. Manager Wyatt stated that he sent an email to the business owner asking when the rest of the policy would be ready, and if they are still using the property; if so, what hours, but he has not received a response. Councilmember Henkel commented that it was also suggested that a survey be completed. Manager Wyatt stated that he has had no correspondence regarding a survey, he interpreted the discussion as the survey is the responsibility of the business owner to complete. A discussion was held regarding the liability risk for the Town with the continued use of the outdoor space and in leasing the property. Attorney Thomas stated that if leased, the lease agreement would say that the tenant is to indemnify and hold the Town harmless from any loss and recognize that the Town is insured. Town Manager Wyatt stated that the stage is not permitted which brings liability to the Town and the county. If the permitting process had been followed it would have been determined up-front that it was not their property to do anything on. Manager Wyatt stated that he had sent a letter to the business owner to cease and desist by June 1<sup>st</sup> after he had contacted the Town's insurance company which advised of the liability. At last month's meeting other options were discussed making the situation a civil issue. The Town is still allowing him to use the property knowing it is non-conforming which puts the Town in more liability. Following further discussion of options in moving forward Attorney Thomas stated that if the Council decides Thursday night to lease or sell the property, part of the motion that night should be "until a lease and/or deed, and the rezoning is done, there is to be no other activity on that property". Town Manager Wyatt reminded Council that one of the reasons the property was purchased was for the future development of an intersection.

\*Upon motion by Councilmember Oxsher, seconded by Councilmember Henkel, to approve to issue a cease and desist to the property owner that any further action be addressed at a later date. Councilmember Jaroszynski amended the motion to say that the cease and desist be "until a binding agreement is reached on a lease or rental, or sale of the property; and the rezoning of the property if sold or leased". Councilmember Oxsher, seconded by Councilmember Henkel, approved the amendment to the motion and the motion passed by a unanimous vote of 4-0.

Attorney Thomas to notify the business owner.

**Councilmember Jaroszynski**

- Commented that Party in the Park and the Fireworks were all well organized being the best he has experienced since he has been in Troutman; and the banners on the flag poles look good, more vibrant than usual.
- Shared that he likes trash and recycling being picked up on the same day.

**Councilmember Henkel**

- Commented that he enjoyed the Fireworks as he watched from the Park.
- Spoke about how good it is to have town employees and citizens interacting and taking an interest in the Town.

**Councilmember Oxsher**

- Stated that it was a great Holiday weekend. He hoped everyone had a chance to spend time with friends and family.

**Mayor Young**

- Complimented the Parks and Rec. team and all staff that helped with the Parade and town events. The fireworks were the best of any others. He commented that citizens have voiced that they are proud to be in Troutman and have expressed how good the town looks. Great job by the staff, their work does not go unnoticed.

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

**1. Town Manager/Staff Comments**

**Town Manager Wyatt**

- Stated that typically the Town recognizes an employee of the month, but this past month, everyone has stepped up in making the town shine, therefore he did not pick an employee of the month.
- Explained that the Town water bills did not get out on time due to the change over from one company to another and the trash can pickup by Republic.
- Stated that he has received comments from citizens and non-citizens regarding how good the Town looks.
- Informed Council of a new Parks and Rec. employee, Shawn McCoy. Joe Pinherio is no longer under Admin; he is now reporting under Parks and Rec. The Town lost the Code Enforcement Officer this past month. Several interviews for that position will be held tomorrow. Applications are coming in and being reviewed for the Associate Planner position. He recognized Planning Director Ventresca for being tenacious in finding the right person for the position.
- Stated that he is proud of each Department Director in ensuring their employees are getting their certifications.

Councilmember Nau asked when the residential structure at 135 Ruffin Loop would be torn down. Manager Wyatt stated that the property has been sold, and the new owner has a permit to tear the house down.

### **III. OVERVIEW OF TOWN COUNCIL'S UPCOMING REGULAR JULY 11, 2024 MEETING AGENDA ITEMS SCHEDULED TO BE PRESENTED**

#### **Consent**

**Items 1-4.** Minutes to be approved.

No discussion was held.

**Item 5.** Consider DRB-24-04; Façade Approval for Morris Stoneworks, 178 Julian Place, PIN 4740-87-3411 as Recommended by the Design Review Board

No discussion was held.

**Item 6.** Consider DRB-24-05; Façade Approval for Weather Creek High School, 246 Weathers Creek Road, PIN 4750-87-1673 as Recommended by the Design Review Board

No discussion was held.

**Item 7.** Consider Approval of an Interlocal Agreement Between the Town of Mooresville, the Town of Davidson, the Town of Troutman, the City of Statesville, the Town of Cornelius, the Town of Huntersville, and the County of Iredell, Creating the Lake Norman Regional Transportation Commission

Town Manager Wyatt stated that the initial agreement was previously reviewed by Town Attorney Gary Thomas and approved by Council. There is 1 minor change to the agreement and the addition of 1 or 2 towns that are now participating.

#### **Old Business**

**Item 9.** Rezoning Request CZ-RM-24-01, Applicant: Atlas Principals, LLC; 13.55(+/-) acres; PIN(s) 4741428488, 4741427067, 4741425114 located at 129 & 131 Shermill Lane to rezone from Town of Troutman Suburban Residential (RS) to Town of Troutman Conditional Zoning-Mixed Residential (CZ-RM) (**Continued item from Council's June 13, 2024 meeting**): **a.** Hold a Public Hearing; **b.** Consider Adoption of Ordinance 13-24 Titled: "*An Ordinance Changing The Zoning Classification Of The After Described Property From Town Of Troutman Suburban Residential (RS) to Town of Troutman Conditional-Zoning Mixed Residential (CZ-RM)*"; **c.** Approval of Consistency Statement

Manager Wyatt stated that this item was continued from Council's June meeting in order to look at other options. His understanding, as reported by Planning Director Ventresca, is that the applicant is still intending to come before Council with a request of 49 units, and no additions to our community. Planning and Zoning Board heard the request making a recommendation for denial. He stated that the applicant had asked for his opinion; he replied by suggesting that the applicant drop the number of units to what the town's Land Use Plan requires, or offer a traffic signal to include the church and Byers Road (which is dependent upon

NCDOT's approval), to his knowledge there has been no discussion of a signal, nor do they want to proceed with that option.

**Item 10.** Continued Discussion Regarding Request from Cedar Stump Pub, (Owner-Jeremy Shaw)

Councilmember Nau asked if the Town has something from Mr. Patel (landlord) stating that he wants to purchase the property. Attorney Gary Thomas to request that Mr. Shaw bring something to Council Thursday night to verify Mr. Patel's offer to purchase. Council was in agreement.

**New Business**

**Item 11.** Consider the Adoption of Ordinance 20-24 Titled: *"An Ordinance Enacting A Code Of Ordinances For The Town of Troutman, North Carolina, Revising, Amending, Restating, Codifying And Compiling Certain Existing General Ordinances of the Political Subdivision Dealing With Subjects Embraced In Such Code Of Ordinances"*

Mayor Young asked how to handle any recommended changes for Thursday night. Attorney Thomas stated that a list of changes can be made and when the Council makes a motion to approve, have that as part of the motion; or adopt as is and amend it at a later meeting. Several topics/proposed amendments were discussed such as alcohol, social district, noise, backflow, grammatical, structural, errors, etc. It was determined that in addressing a social district would require meetings with particular parties.

Manager Wyatt suggested that the Council postpone adoption for another month for further review. Manager Wyatt suggested dividing up chapters among each Council member to review. Mayor Young liked the Manager's idea of dividing the chapters. Attorney Thomas explained that certain things can fall under several different chapters. Manager Wyatt stated that he thinks the Mayor is just asking for clarity. Councilmember Henkel commented that he thinks nothing in the proposed ordinance should be changed; adopt and amend the ordinance as things are identified. Town Clerk Davis stated that in the cover letter from American Legal, it was requested that any amendments to the Code be done after the adoption. Attorney Thomas concurred suggesting that after the adoption, the Council could form a committee for review. Councilmember Henkel agreed.

A motion was made by Councilmember Nau, seconded by Councilmember Oxsher, to remove Item 11. from Thursday night's meeting. Discussion was held that a motion is not needed to remove the item from Thursday's agenda; therefore, Councilmember Nau resended the motion, seconded by Councilmember Oxsher.

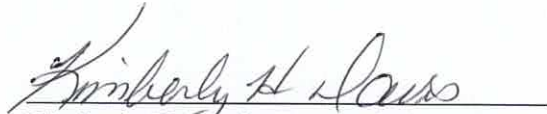
Upon agreement of Council, Item 11. Consider the Adoption of Ordinance 20-24 to approve the code is to be removed from Thursday's agenda.

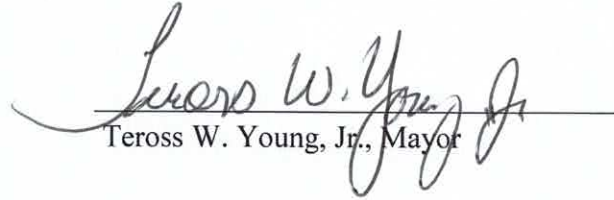
**~~IV. CLOSED SESSION PURSUANT TO G.S. 143-318.11(a)(6) TO DETERMINE QUALIFICATIONS AND CONDITIONS REGARDING APPOINTMENT OF A PUBLIC OFFICER~~**

**Closed Session was removed from Thursday's agenda.**

**V. ADJOURNMENT**

\*Upon motion by Councilmember Oxsher, seconded by Councilmember Jaroszynski, and unanimously carried, approved to adjourn the July 08, 2024 Town Council meeting at 6:30 p.m.

  
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Kimberly H. Davis, Town Clerk

  
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Teross W. Young, Jr., Mayor

(\*) Motion

