

**MINUTE BOOK XXXIII PAGES 80-88**  
**TROUTMAN TOWN COUNCIL REGULAR MEETING MINUTES**  
**July 11, 2024**

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, July 11, 2024 at 7:00 p.m. with Mayor Pro Tem Jerry R. Oxsher presiding.

Councilmembers Present: Mayor Pro Tem Jerry R. Oxsher; W. Paul Henkel, Nicholas D. Jaroszynski, Edward R. Nau, Felina L. Harris

Councilmembers Absent: Mayor Teross W. Young, Jr.

Staff Present: Ronald Wyatt, Town Manager; Kimberly Davis, Town Clerk; Andrew Ventresca, Planning Director; Gary Thomas, Town Attorney; Travis Goldstein, Senior Systems Administrator

Press Present: Debbie Page, Iredell Free News

**I. MAYOR PRO TEM JERRY R. OXSHER CALLED THE MEETING TO ORDER**

**MAYOR PRO TEM OXSHER WELCOMED VISITORS AND GUESTS**

**INVOCATION** – Delivered by Councilmember Paul Henkel

**PLEDGE OF ALLEGIANCE**

**ADJUSTMENTS TO AND ADOPTION OF THE AGENDA (\*\*)**

Adjustment: Add to Item VII. - a Closed Session Pursuant to 143-318.11a(5) to discuss acquisition of property.

Upon motion by Councilmember Nau, seconded by Councilmember Henkel, and unanimously carried, approved adoption of the July 11, 2024 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.*

- 1. Consider Approval of Agenda Briefing Meeting Minutes of June 10, 2024**
- 2. Consider Approval of Closed Session Meeting Minutes of June 10, 2024**
- 3. Consider Approval of Regular Meeting Minutes of June 13, 2024**
- 4. Consider Approval of Closed Session Meeting Minutes of June 13, 2024**

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

Upon motion by Councilmember Henkel, seconded by Councilmember Nau, and unanimously carried, Consent Agenda items were approved as presented.

(Copied in full, and staff reports, façade/elevations, and Interlocal Agreement is attached to these minutes and is filed on CD Titled: “Town Council Supporting Documents” dated July 8<sup>th</sup>, and 11<sup>th</sup>, 2024 in CD Book #1 Titled: “Town Council Supporting Documents”)

### III. STANDING QUARTERLY REPORT(S):

#### 8. **ABC Store**, (*Layton Getsinger, ABC Board Chairman*)

On behalf of the Troutman ABC Board (Wes Edmiston, and Kim Cavin), and General Manager Evelyn Coleman, ABC Board Chairman Layton Getsinger updated the Council on the ABC Store’s performance for the end of the 4<sup>th</sup> Quarter and the End of Fiscal Year 2023-2024 presenting the following report:

#### 4<sup>th</sup> Quarter Recap

The store experienced an increase in sales of 14.6% over last year’s 4th Quarter.

- This year's sales are \$855,846 compared to \$746,723 last year, which is 28% of the Budget broken down as follows:
  - April: \$264,287 (4.8% up over last April)
  - May: \$311,538 (13% up over last May)
  - June: \$280,020 (5.5% down over last June)
- 4th Quarter Net Profit was: \$83,443 or 10% of Sales, and 57% of the annual budgeted profit (\$145,151). This is an increase of \$12,312 or 17% increase over last year’s \$71,131 in 4th Quarter profits.
- 4<sup>th</sup> Quarter Distributions
  - Town of Troutman and its Recipients: \$24,105
  - Law Enforcement: \$4,718
  - Alcohol and Drug Education (DACI): \$6,605

#### FY 2023-2024 Recap

- Budgeted Revenue for 2023-2024 was: \$3,007,000
  - Actual Sales for this FY were: \$3,331,412
  - Actual Sales for last FY were: \$3,207,665 an increase of \$123,746 which is up 3.9%.
- Budgeted profit after distributions for FY 2023-2024 was: \$145,151
  - Actual Profits were: \$289,803 / 200% of the Budget.
- Annual Distributions:

- Town and Entities: \$93,775
- Alcohol Education: \$23,119
- Law Enforcement: \$16,513
- \$133,407
- Current Retained Working Capital is \$333,168 (against a max allowed of \$618,948) or 54%, and the current Special Capital Project Fund balance is \$306,183. (Both of these funds will be used for the construction of the 2<sup>nd</sup> store).

#### Fun Facts

- Since opening the store has experienced \$17,981,637 in net sales.
- Distributions since opening in December 2016:
  - Town of Troutman/Entities: \$425,826
  - Alcohol Education/Rehab: \$97,887
  - Law Enforcement: \$69,919
  - Total: \$593,632
- The store has a Net Profit of \$1,330,421 after distributions since opening or 7% of sales, and is fully staffed at the moment.

#### Next Steps

- Work with C2C to create a Reciprocal Easement Agreement.
- Working out water and sewer sourcing.
- Request for Qualifications (RFQ) has been written.

#### Final Steps

- Select a Design-Build contractor.
- Select a building design.
- Gain approval of the Design Review Board.
- Determine and obtain the type of financing.

Councilmember Harris asked if the store tracks zip codes when a sale is made to see where the people are coming from. Mr. Getsinger replied no, stating that 80% of their sales are by credit cards and they do not have any way of pulling that information. Councilmember Jaroszynski asked if there is a way to separate the consumer from the commercial sales. Mr. Getsinger responded yes; the store only has 3 commercial customers and is just shy of \$1 million in commercial/mixed beverage sales. Councilmember Henkel asked how the store is affected, based on current legislation that passed regarding opening on holidays and any other legislation that may affect our store. Mr. Getsinger stated the biggest thing that came out in the last few days is a bill that the Governor signed to allow independent boards to determine what holidays to stay open. The ABC Board met last night, missing 1 member, tabled until they have a full board. They also want to speak with employees regarding the subject before making a decision, and before bringing it to Town Council.

## **IV. OLD BUSINESS**

**9. Rezoning Request CZ-RM-24-01;** Applicant: Atlas Principals, LLC; Property Owner: Double U Holdings, 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)**, *(Andrew Ventresca, Planning Director)*

**a. Call for a Public Hearing**

***Mayor Pro Tem Oxsher Opened the Public Hearing***

Andrew Ventresca, Planning Director presented rezoning request CZ-RM-24-01 to rezone 13.55 (+/-) acres located at 129 and 131 Shermill Lane from Town of Troutman Suburban Residential (RS) to Conditional Zoning-Mixed Residential (CZ-RM) for a 49-unit townhome development. A location map, current zoning map, and Future Land Use map were presented. Mr. Ventresca stated that the Future Land Use Map calls for the use of this property and most of the area to be medium-density residential. The site plan showed that the property would be accessed off Hwy 21. The plan proposes 2 cul-de-sacs and a 25' perimeter buffer. It consists of 10 buildings with 4 or 5 units in each and increased greenspace throughout the development. Mr. Ventresca pointed out that the plan proposes 3.62 UPA versus 12 UPA for RM and 2 UPA for RS as required by the ordinance. The open greenspace proposed is 55.2% versus the minimum 10% requirement in RM and RS districts, and a 25' buffer is proposed versus no buffer requirement in the RS district. Stormwater detention is required on-site as proposed, but if developed as currently zoned, there is no stormwater detention requirement. Mr. Ventresca reminded the Council that Hwy 21 is the corridor for the Town greenway on the bicycle and pedestrian plan stating that the funded greenway south extension ends at Byers Road and that anyone that develops on Hwy 21 will have to build a segment of the greenway. In a review of the definition of Zoning vs. Land Use, Mr. Ventresca shared that the definition has some conflicting language that may need further attention. He continued by stating that the property is not in the watershed, but on-site stormwater measures will be required. The threshold for a Traffic Impact Analysis (TIA) is 50 units, therefore a TIA is not required based on the proposal of 49 units. A community meeting was held on April 30, 2024 with 1 attendee; no real concerns were discussed. He shared that staff supports the request, but the Planning Board at their last month's meeting denied the request by a vote of 4-0 stating that the request is inconsistent with the land use plan as it exceeds the 3-unit per acre maximum and does not consist of single-family detached homes as stated in the Medium-Density Residential classification.

Applicant: Seth Willfong, representing Atlas Principals addressed Council stating that the project was 1<sup>st</sup> presented with 80 units, and they heard loud and clear from the Town that 80 units would not be supported. Therefore, they lowered the number of units to 49, having two car garages. He stated 55% open space is a big deal whereas by-right only requires 10% open space. The green space will have picnic tables and walking trails with a connection to the funded Rail Trail for easy accessibility to walk downtown and/or ride bikes. He spoke to the benefit of having diversity in housing and housing pricing (townhomes will be priced in the low \$300,000.) He expressed that he thinks this is a good project and he hopes that Council can support it.

Discussion was held regarding the possible connectivity of the driveway with the church adjacent to the property. Traffic, turning lanes, a traffic light, and the reduction of units from 49 to 45 to reduce density were also discussed.

The applicant stated he is for connectivity and can speak with the church. He advised the Council that turning lanes were looked into with their engineer stating it is too difficult and costly for a project this size. Councilmember Henkel asked if he would consider reducing the number of units to 45. Mr. Willfong conceded to reduce the units to 45 upon agreement by the seller if it would get the request approved. Mr. Willfong responded to Councilmember Nau's request to install a traffic light by stating that a signal needs NCDOT approval and that they cannot afford to install a light.

Property owner/seller Jason Willis addressed the Council to speak about density stating that the 49 units proposed are only 3.62 UPA (units per acre), the UDO allows up to 12 UPA in the RM District, and in the

Suburban Residential District the ordinance allows 2 UPA. In addressing the entrance, he stated that the entrance is located where it is shown because NCDOT wants it to line up with Byers Road. He shared that no discussion was held with NCDOT regarding the number of access points along Hwy. 21.

Andy Poole, adjacent property owner spoke in opposition to the request.

***Mayor Pro Tem Oxsher Closed the Public Hearing***

(Public Hearing Sign-In Sheet is attached to these minutes)

***b. Denial 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)”***

Councilmember Henkel stated that he has expressed concerns regarding traffic and traffic control where there seems to be an impasse. He also had expressed concern about the number of units which he thinks could be worked out. He continued by stating that the Land Use Plan is there for a purpose.

Upon motion by Councilmember Henkel, seconded by Councilmember Nau, and carried, 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)” was denied by a 4-1 vote.

Yeas: Henkel, Harris, Oxsher, Nau

Nays: Jaroszynski

The applicant asked if there was a way to postpone this. Manager Wyatt addressed the applicant stating that a motion and vote had been made. He advised that once the Council completes their business, he is welcome to contact an attorney, or unless a Councilmember that voted against brings it back up in this meeting for reconsideration or if the meeting is continued (as long as it is in the same meeting.)

***c. Consideration of a Consistency Statement***

Upon motion by Councilmember Nau, seconded by Councilmember Henkel, and unanimously carried, approved that rezoning to CZ-RM is inconsistent with the 2035 Future Land Use Map due to the future land use map showing the property to be developed as Medium Density Residential as the development is not single-family residential and is not in harmony of the surrounding area.

(Copied in full, proposed Ordinance 13-24 is filed in Ordinance Book 10, Pages 104-107)

(Copied in full, staff report, site map, current zoning and future land use maps, application, concept plan, conditions, P&Z Certification of Recommendation, community meeting notice, list of notified owners, and public hearing notice is filed on CD Titled: “Town Council Supporting Documents” dated July 8<sup>th</sup>, and 11<sup>th</sup>, 2024 in CD Book #1 Titled: “Town Council Supporting Documents”)

**10. Continued Discussion Regarding Request from Cedar Stump Pub, (Jeremy Shaw, Owner), (Ron Wyatt, Town Manager)**

Town Manager Wyatt provided a background regarding how the request originated, providing options of the request for Council to consider: 1) sell a portion of the property to his landlord; 2) lease a portion of the property to the landlord; or 3) leave as is and do nothing. If do nothing, Mr. Shaw would be required to remove the stage and sitting area from the property, and not allow patrons of the establishment onto the property. He stated that after talking to the Town's insurance company, the Town Attorney, and the Town Council, and due to the Town's UDO, he issued a letter to cease and desist by June 1<sup>st</sup> to Mr. Shaw who then came before the Council at their June meeting with his request. At that meeting, Council directed Mr. Shaw to do several things: 1) add the Town to his insurance policy increasing it from \$1 million to \$2.5 million for liability purposes; 2) make sure the Town was indemnified; and 3) get a survey. Mr. Shaw will clarify the insurance to the Council.

Jeremy Shaw addressed the Council apologizing for his lack of communication regarding the matter explaining that his insurance is \$1 million per occurrence and a \$2 million aggregate. He presented the cost of adding an umbrella policy. He stated that it took several weeks to get the quote and that he did add the Town as a rider onto his \$1 million policy the day following the June meeting. He received a quote of \$1,200 for a survey commenting that in taking over Subway and paying double rent, he needs to make sure he is spending his money where it is most efficient and would like to know whether he can move forward before spending the money. The survey the Town had when the property was purchased was requested by the surveyor to see if there was a clear line showing which part is zoned commercial and which is residential. Mr. Shaw shared that in speaking with Town Attorney Gary Thomas, he learned in depth about the zoning process, and the bid and advertising process if the property is sold. A certified letter was presented to the Town Clerk (for the record) from Dr. Patel and his wife stating that they are willing to purchase the property. In expressing appreciation to the Council for considering his request he announced that due to the processes that have to be taken, he will remove the stage and seating area from the property. He then presented the idea of establishing a Social District that includes indoor and outdoor areas of businesses within a defined area during the days and hours set by the local government. He explained that within a Social District alcoholic drinks can be purchased and carried around, and enjoyed in other participating establishments. In a PowerPoint presentation, Mr. Shaw presented a map of a proposed Troutman Social District along with maps showing the already established Social Districts in Statesville and Mooresville. Mr. Shaw also talked about the Town branding and a possible mural.

Manager Wyatt stated that in discussing with Mr. Shaw and Planning Director Ventresca, Mr. Ventresca would like to schedule a meeting in September with Town businesses (as suggested by Town Attorney Thomas) to discuss the possibility and interest of a Social District. He thanked Mr. Shaw for his research and presentation requesting that Council allow him to work with Mr. Shaw on a date to have the structure removed. A brief discussion was held regarding options of how to keep people from the property with some type of barrier. Manager Wyatt recommended the installation of a black vinyl chain link fence. He stated that the surveyor who surveyed the property needs to come out and re-stake the property. Councilmember Henkel stressed that the tape remains up to keep patrons off Town property for liability purposes.

Upon motion by Councilmember Jaronszyski, seconded by Councilmember Henkel, and unanimously carried, approved to resend the motion from Monday's meeting to be replaced with the following motion: Mr. Shaw has up to 90 days to remove the stage, fence, and any other personnel or commercial property on the land, and that installation of a fence be at the descretion and communications be coordinated between

the Town Manager and Mr. Shaw so the Town does not bare any burden of his customers entering the Town property.

(Copied in full, PowerPoint presentation is filed on CD Titled: "Town Council Supporting Documents" dated July 8<sup>th</sup>, and 11<sup>th</sup>, 2024 in CD Book #1 Titled: "Town Council Supporting Documents")

## **V. 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"*

(For Live Streaming, go to the link on the home page of the Town Website at [www.troutmannnc.gov](http://www.troutmannnc.gov))

- Gwen Spain, a Town resident voiced concerns about traffic/speeding through Troutman and on Talley Street requesting that the Town address the issue. Town Manager Wyatt commented that he will speak with the Police Chief tomorrow assuring her she will see something in the near future that the Town is trying to address the issue.

## **VI. ELECTED OFFICIALS / STAFF REPORTS AND COMMENTS**

### **Elected Reports and Comments**

#### **Councilmember Jaroszynski**

- Expressed appreciation to all who came out to speak tonight.
- Commented that the Town employees did a great job with the 4<sup>th</sup> of July event at the Fairgrounds with the entertainment, food trucks, fireworks, and traffic control.

#### **Councilmember Harris**

- Expressed appreciation to everyone that came out tonight and for their comments.
- Expressed appreciation for all the work from staff at the parade and fireworks commenting it was an amazing job.
- Announced the upcoming Party in the Park on July 19<sup>th</sup> commenting that the last one was amazing and ensured the next one will be as well.

#### **Councilmember Nau**

- Commented that he is happy to see the progress of the Town's 2<sup>nd</sup> grocery store.

#### **Councilmember Henkel**

- Complimented Mayor Pro Tem Oxsher on filling in for the Mayor in his absence.

#### **Mayor Pro Tem Oxsher**

- Commented he is looking forward to the upcoming Party in the Park this month and next month's National Night Out.

## **Staff Reports and Comments:**

### **Ron Wyatt, Town Manager**

- Explained why there was no Employee of the Month stating that this past month 60%-75% of the Town employees could have been identified as exceeding the normal standards of their duties, but with the events and long hours put in, he did not want to choose any certain one.
- Thanked every staff member for their part in the Independence Day Parade and Fireworks event commenting that it takes a lot of preparation and discussions. He expressed appreciation to Council for their comments.
- Thanked Town residents for their patience and grace during the transfer from one trash vendor to another. The Town is working through the process as best as we can. He explained that the fairest way for all citizens to pick up trash is through a monthly bill rather than through raising taxes. He stated that about 95% of the old cans have now been picked up and approximately 80 homes still have not received the new cans. Hopefully by the end of the business day today all issues have been resolved.

### **VII. CLOSED SESSION PURSUANT TO 143-318.11(a)(6) TO DETERMINE QUALIFICATIONS AND CONDITIONS REGARDING APPOINTMENT OF A PUBLIC OFFICER; AND \*\* PURSUANT TO NCGS143-318.11(A)(5) TO DISCUSS THE ACQUISITION OF PROPERTY.**

Mayor Pro Tem Oxsher called for a closed session pursuant to NCGS 143-318.11(a)(6) to determine qualifications and conditions regarding appointment of a Public Officer; and pursuant to NCGS143-318.11(a)(5) to discuss the acquisition of property.

\*Upon motion by Councilmember Nau, seconded by Councilmember Henkel, and unanimously carried, approved to hold a closed session to determine qualifications and conditions regarding appointment of a Public Officer and discuss the acquisition of property.

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

*Mayor Pro Tem Oxsher opened the Public Hearing*

**\*\*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 Jaroszynski, seconded by Councilmember Henkel, and unanimously carried, approved to reconvene open session.


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

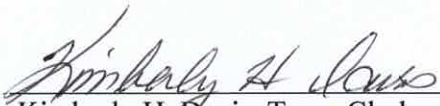


**Continuance of Council's July 11, 2024 Meeting**

Upon motion by Councilmember Jaroszynski, seconded by Councilmember Henkel, and unanimously carried, approved to continue the July 11, 2024 Town Council meeting until Wednesday, July 24, 2024, at 5:00 pm.

Time: 9:48 pm

  
\_\_\_\_\_  
Jerry R. Oxsher, Mayor Pro Tem

  
\_\_\_\_\_  
Kimberly H. Davis, Town Clerk



(\*\*) Adjustments to the Agenda