

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

**TOWN COUNCIL AGENDA BRIEFING MEETING MINUTES**

**September 11, 2023 – 4:00 P.M. – Troutman Town Hall**

Presiding: Mayor Pro Tempore W. Paul Henkel

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

Council Members Absent: Mayor Teross W. Young, Jr.

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

Press Present: None

**I. MAYOR YOUNG CALLED THE SEPTEMBER 11, 2023 AGENDA BRIEFING MEETING TO ORDER**

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

**Add: \*\*Closed Session Pursuant to G.S. 143-318.11a (3) to Consult with Attorney.**

\*Upon motion by Councilmember George Harris, seconded by Councilmember Eddie Nau, and unanimously carried, approved the September 11, 2023 Agenda Briefing Agenda as amended above.

**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**

**Councilmember Eddie Nau**

- Asked that with today being 9/11, for everyone to take a minute to remember all victims and heroes on that terrible day, but continued by stating that it was also the day all Americans came together as one.

- Commented that he and the Town Manager met with a NASCAR owner regarding the potential of moving a future NASCAR business/team into the Town of Troutman.
- Wished Councilmember Jerry Oxsher and his wife the best of luck in opening up their restaurant.

#### **Councilmember George Harris**

- Stated that he was sorry for not being able to attend the ribbon cutting for the Volleyball courts.
- Commented that he covered the radio show for the Town Manager this week and on the way back home he noticed that the flags on the greenway were being changed out to a different one.
- Shared that he watched “60 Minutes Special” last night about the 1<sup>st</sup> Responders stating that a lot of them have suffered and the Town is thankful that we have one of those 9/11 responders (Councilmember Eddie Nau) here with us.

#### **Councilmember Felina Harris**

- Shared comments regarding 9/11 stating that her heart still goes out to all the victims.
- Commented that she is glad that football season is upon us. The SIHS Band of which her son is a member is doing really well. She also commented that she enjoyed the Homecoming Parade and the Iredell County Fair last week; it was good to see everyone out in support.
- Thanked everyone involved with the Volleyball Courts commenting that they look really good.

#### **Councilmember Jerry Oxsher**

- Recalled what it was like on 9/11 remember where he was and how he felt stating that it is easy to forget; and that there are a lot of adults that have no concept of what it was like on that day.
- Commented that the Iredell County Fair was a great event.
- Commented that he is pleased to see that there are a lot of budding small businesses opening in Town stating that the best way to treat Troutman as a small town is to control our own economy.

#### **Mayor Pro Tem Henkel**

- Remarked on 9/11 stating that he does remember where he was on that day as well as where he was the day John Kennedy and Martin Luther King were assassinated commenting that when you live a long time you see a lot of bad as well as the good.
- Congratulated Councilmember Oxsher on opening the German restaurant and wished him the best of luck stating that it is great to see small businesses come to Town.

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

**1. Town Manager / Staff Comments**

- Shared comments stating that people do not take the time to reflect on the freedoms that were lost and the friends that were lost and continue to lose because of 9/11. Words will never be appropriate in trying to explain.
- Expressed appreciation to all partners who helped make the volleyball courts come to fruition.
- Explained that in transitioning from summer to fall, law enforcement activity somewhat increases when school is back in session.

**Gary Thomas, Town Attorney**

- Shared that at his last Municipal Attorney's Conference in August, there was a very good presentation about "Social Districts". He shared that for some it is just a place to drink, but it is also found to be a good economic development tool. It has kept restaurants from leaving small towns and has attracted others to the Town. When a Town is interested in establishing a Social District, they may want to start by talking to businesses in the Town first. Town Manager Wyatt pointed out that staff receive complaints now regarding broken bottles on sidewalks and in public parking areas. Mayor Pro Tem Henkel stated that his opinion is that Council wait to see if the primary downtown establishments approach the Town with interest. If so, Council could consider it at that time and if it is not right for Troutman right now, leave as is. Attorney Thomas stated that there are at least 4 businesses in Town that may be interested. Manager Wyatt stated that it is a conversation to be had. He thinks it is a trend, and the Town has voiced interest in the past. A meeting could be held with various business owners and divide the areas into quadrants. It could be a positive and thriving thing. Mayor Pro Tem Henkel proposed that the Mayor, Town Manager, and himself talk about it and poll the rest of the Council on how to proceed with an impromptu meeting with some business owners.

**2. Presentation and Consideration of a Domestic Violence Awareness Project**

Ms. Emily Cowan of My Sisters House addressed the Council with a request to raise awareness of "Domestic Violence" stating that October is Domestic Violence Awareness Month. Her request is to place purple ribbons on light post throughout the Greenway along with informational cards in honor of victims who have lost their lives to domestic violence. She stated that domestic violence is one thing that no one likes to talk about, and they want to be there as a service and resource to those victims in need. The ribbons with the cards

are just a simple silent way to represent who we are and what we do, and it reaches more individuals than you can imagine. She commented that they are open to other options if this request is not approved.

Manager Wyatt stated that he thinks the Town needs to be cautious about what is allowed on the Greenway, and he is not saying one thing is more important or less important than something else. Domestic Violence is something that is rooted in our community unfortunately to the point we do not really understand the magnitude. Placing these things on light poles and/or trees on the greenway is less intrusive on staff as far as the mowing and maintenance of the greenway. He commented that it draws awareness without being gaudy and without causing an undue burden on staff and it certainly allows Council, if it is your desire, to limit how many to allow throughout the year. It could go in conjunction with the Child Abuse Awareness in the spring.

Among discussion by Council, they were in agreement it is a great way to spread the word, especially with the number of people that use the greenway. Mayor Pro Tem Henkel recommended that the Town Manager Wyatt and Parks and Rec. Director Emily Watson provide guidance on the number of ribbons to be placed and where they are to be placed.

\*Upon motion by Councilmember Felina Harris, seconded by Councilmember Jerry Oxsher, and unanimously carried, approved to allow Emily Cowan with "My Sisters House" to place ribbons on the town's greenway with the guidance of Town Manager Wyatt and Parks & Rec. Director Emily Watson.

### **III. OVERVIEW OF TOWN COUNCIL'S UPCOMING REGULAR AUGUST 10, 2023 MEETING AGENDA ITEMS SCHEDULED TO BE PRESENTED**

#### **Consent Agenda Items:**

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

No discussion was held.

##### **Item 5. Approval to Amend the Town of Troutman Schedule of Fees**

Town Manager Wyatt commented that the fees requested to be amended are water meter fees, reconnection fees, and tap fees due to the increase in the cost of supplies.

##### **Item 6. Approval of DRB-23-05 Autumn Leaf Apartments Façade Review – Property located at the corner of Perth Road and Autumn Leaf Road; PIN(s) 4730-89-0245, 4730-79-7585, 4730-79-4555, and 4730-89-1688**

Town Manager Wyatt stated that the Town's Design Review Board (DRB) recommended approval.

##### **Item 7. Approval of DRB-23-06 Tractor Supply Façade Review – Property located at 726 S. Main Street; PIN(s) 4740690651**

Town Manager Wyatt stated that the Town's Design Review Board (DRB) recommended approval.

**Item 8. Approval of Ordinance 24-23 Titled: "Ordinance Amending the Town of Troutman Code Ordinances Prohibiting Parking Of Vehicles In Front Yards On Residentially Zoned Lots"**

Town Manager Wyatt stated that this is becoming more regular in the Town and citizens have voiced complaints.

Mayor Pro Tem Henkel asked what "residentially zoned" means. Planning Director Hair replied that it applies to any category that is a residential zoning district such as Suburban Residential (RS), Town Residential (RT), and Mixed Residential (RM); RM is approved conditionally. She explained that the intent is to keep people from parking on the grass in front yards, using them as a parking lot and/or long-term parking. The ordinance is a way to fill in the gap in areas that do not have a Home Owners Association (HOA) to enforce the issue. Ms. Hair stated that this ordinance if passed will be enforced by the Town Code Enforcement.

**Item 9. Approval Authorizing the Acquisition of Property Located at 144 South Main Street (PIN#4731954340) Purchase Price of \$1.5 million**

Town Manager Wyatt stated that this item is at the Town Attorney's request; even though there was a motion authorizing him (as Town Manager) to proceed with a contract, this clarifies specifically the purchase price of \$1.5 million for the Dollar General property and acknowledges that he did proceed at Council's direction.

**Item 10. Approval to Transfer Capital Reserve Funds to the General Fund Account to Replenish Funds for Property Acquisitions**

Town Manager Wyatt stated that approval ensures a clean audit for next year. Finance Director Mundy stated it is money that has been saved for years in Capital Reserve Funds. As the Town Manager stated, these funds can be used to replenish the General Fund instead of getting a loan for property acquisitions. It frees up the money to transfer it into an account that pays more interest.

**Item 11. Approval to Amend Town Policy #30 Titled: "Rotation Wrecker Policy"**

Town Manager Wyatt informed Council that a citizen addressed Police Chief Watson and himself regarding the Town's current Wrecker Policy. He stated that Chief Watson has investigated policies with surrounding agencies and towns finding that the current policy is outdated and refers to another agency, specifically the Highway Patrol for direction. It was approved as a Town Policy when adopted, but it is normally a Police Policy. He stated that the Policy in Council's packet provides clarity, more expectations from the towing service, and definitive pricing. It also asks for inspections by the Chief or his designee and is monitored by the Police Department. It has not been investigated, but it has been alleged that one company is charging customers higher prices.

Mayor Pro Tem Henkel asked how many are in the rotation. Police Chief Watson replied that there are 5 in the rotation. A brief discussion was held regarding the procedure of someone requesting a certain wrecker company, cancellation of a wrecker company, etc. Chief Watson stated that the fees will be accessed for adjustments yearly.

**Item 12. Annexation Request AX-23-09 (Non-Contiguous), Applicant: Jabula Properties; 3.5 (+/-) acres; PIN(s) 4750174203 (269 Houston Road)**

- a. Adoption of Resolution 28-23 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 29-23 Titled: *“Resolution Fixing Date of Public Hearing On Question of Contiguous Annexation Pursuant to Article 4A Of G.S. 160A” (Setting Public Hearing Date of October 12, 2023)*

No discussion was held.

**Recognition(s)/Presentation(s):**

**Item 13. Recognition of Tania Trent as “Town of Troutman Employee of the Month”**

No discussion was held.

**Standing Quarterly Report(s):**

**Item 14. J. Hoyt Hayes Memorial Troutman Library**

No discussion was held.

**New Business:**

**Item 15. Annexation Request AX-23-08 (Non-Contiguous), Applicant: Troutman Commercial Properties LLC; 7.5 (+/-) acres; PIN(s) 4741603432, 4741604372, 4741606173 (709 South Main Street)**

- a. Hold Public Hearing
- b. Consider Ordinance 25-23 Titled: *“An Ordinance To Extend The Corporate Limits Of The Town Of Troutman, North Carolina (Non-Contiguous)”*

No discussion was held.

**Item 16. Rezoning Request RZ-23-04, Applicant: Troutman Commercial Properties LLC; 7.5 (+/-) acres; 709 South Main Street located on the north side of Highway 21, across from Royal Oaks Drive, from Iredell County RA (Residential Agriculture) to Town of Troutman HB (Highway Business.)**

- a. Hold Public Hearing
- b. Consider Ordinance 26-23 Titled: *“An Ordinance Changing The Zoning Classification Of The After Described Property From Iredell County Residential Agricultural (RA) To Town Of Troutman Highway Business (HB)”*
- c. Consider Statement of Consistency

No discussion was held.

**Item 17. Annexation Request AX-23-05 (Contiguous), Applicant: MI Homes, Representing Sterling Properties of Mooresville LLC; 49.62 (+/-) acres; PIN(s) 4741014288**

- a. Hold Public Hearing
- b. Consider Ordinance 27-23 Titled: *"An Ordinance To Extend The Corporate Limits Of The Town Of Troutman, North Carolina (Contiguous)"*

Town Manager Wyatt advised that the applicant has requested to defer to the Council's October meeting. Staff has no objections. Council was in consensus with the request.

**Item 18. Rezoning Request CZ-RM-23-02, Applicant: MI Homes (Representing Sterling Properties); 49.62 (+/-) acres located on Autumn Leaf Road adjacent to the Quail Haven subdivision to the west, from Town of Troutman RS (Suburban Residential) to Town of Troutman CZ-RM (Conditional Zoning-Mixed Residential)**

- a. Hold Public Hearing
- b. Consider Ordinance 28-23 Titled: *"An Ordinance Changing The Zoning Classification Of The After Described Property From Town of Troutman RS (Suburban Residential) to Town of Troutman CZ-RM (Conditional Zoning-Mixed Residential)"*
- c. Consider Statement of Consistency

Town Manager Wyatt advised that the applicant has requested to defer to the Council's October meeting. The staff has no objections. Council was in consensus with the request.

**Item 19. Text Amendment Case No. TA-23-08 – Applicants: Mad Monkey Garage and Tails of Lake Norman. The request is to amend Articles 6.2.1 and 6.2.2 of the Troutman UDO to allow Wall Murals as a permitted sign type in the HI (Heavy Industrial) and HB (Highway Business) Districts**

- a. Hold Public Hearing
- b. Consider Ordinance 29-23 Titled: *"An Ordinance Amending the Town of Troutman Unified Development Ordinance"*
- c. Consider Statement of Consistency

Town Manager Wyatt reminded the Council of the applicant who attended Council's meeting last month from Tails of Lake Norman along with Mr. Mural requesting a mural on her fence. Manager Wyatt briefly spoke in regard to the Federal protection law of murals. In regard to the Mad Monkey request, Manager Wyatt stated that 2 of the 6 property owners object the mural advising that they were not asked if a mural could be painted on the building. The applicant is a renter and not one of the owners. He advised the Council that some citizens like the Mad Monkey mural and others do not. Manager Wyatt stated that the Town has an ordinance in place to allow murals as art in certain places, but is not allowed there. If people had abided by the ordinance, this would be a non-issue. Councilmember Eddie Nau asked about a penalty; and why can't the Town not impose a penalty? Attorney Thomas stated that there could be a penalty because it is a code violation. Planning Director Hair explained the enforcement process stating that the applicant has requested the amendment in an effort to remedy the issue. She stated that Council has to decide if murals are to be allowed in the HI district because this is a text amendment and it will not only apply to Mad Monkey, but to the whole HI district, and that is what Council really needs to focus on.

Mayor Pro Tem Henkel stated that if the amendment is approved, it would go before the Design Review Board (DRB) for approval. Attorney Gary Thomas stated that Federal law does not allow the content of a sign to be regulated and there could be some pretty bad stuff on signs. The Town can basically only regulate the location and size, but the Town can have an ordinance that says no murals. The council was in agreement that amending the ordinance could allow murals to get out

of control. Ms. Hair pointed out the murals are currently allowed in the CB district downtown. She explained the process of someone wanting a mural in the CB district, they would have to come to the Town for a permit that would be approved by staff. If the Council wants it to come before them for approval, the ordinance would have to be amended. Councilmember Nau asked if the Council does not approve the amendment, who would be responsible for removing what is painted there. Manager Wyatt replied that it would be the owner of the building.

**Item 20. Text Amendment Case No. TA-23-09 – Request by Staff to Amend Article 5.1.5 of the Troutman UDO requiring a landscape berm on the perimeter of all new Single-Family Residential Subdivisions adjacent to a public street**

- a. Hold Public Hearing
- b. Consider Ordinance 30-23 Titled: "*An Ordinance Amending the Town of Troutman Unified Development Ordinance*"
- c. Consider Statement of Consistency

Manager Wyatt addressed Staff's request stating that citizens are complaining in regard to some of these new neighborhoods not having buffers and being able to see into yards and homes. The best way to resolve that is to make sure it is shielded, and in requiring berms it would give more space from the roadway; it is also a way to require additional green space. Manager Wyatt stated that Planning Director Hair has done research from different places of her employment as a planner and has come up with a good concept regarding the amendment. He stated that the berms will not just be mounds of dirt, they will also be landscaped. Councilmember Henkel asked for a rough estimate of the height of the berm. Planning Director Hair stated that the average height for a good berm is 5 to 6 feet with plantings on top, and the Town Engineer will be looking at cross-sections to make sure it works.

**Item 21. Consider Request by C&H Investment Holdings that fines levied in the amount of \$300 for Code Violations on 3 vacant lots located on Rumble Street be waived. (PINs 4731-93-5216, 4731-93-5349, and 4731-93-5386), (PN-23-290)**

Manager Wyatt informed the Council that the owner of the property is supposed to appear in person for this request. Letters were sent advising him to mow, but due to moving and his address being changed, he did not receive the notices. Manager Wyatt stated that he went by this week and it still is not mowed therefore he is still in violation. Councilmember George Harris praised Code Enforcement Harris on sending out the notifications and even though the person moved, he still has an obligation.

**Item 22. Development Agreement Case No. DA-23-01 – Wakefield Village Development Agreement**

- a. Hold Public Hearing
- b. Consider Approval of a Development Agreement by and among BBC Wakefield, LLC, Barium Springs Home or Children, and the Town of Troutman per NCGS 160D-1001

Manager Wyatt stated that Children's Hope Alliance has requested a deferral until their Board has reviewed and approved the agreement.



**Item 23. Consider Authorizing the Town Attorney to Initiate Eminent Domain for a Sewer Pump Station against Dependable Development Inc. and/or Successors at Sutter's Mill/Westmoreland Road; obtain an appraisal, and make an offer based on the appraisal.**

Manager Wyatt stated that Benjie Thomas, the Town Engineer, reached out to the Dependable Development Inc./Sutter's Mill via email and the gentleman asked Mr. Thomas how much the Town wants to pay for the property. Mr. Thomas answered that he thought that they would donate the property to the town; no response has been received following that response. Manager Wyatt stated that he then sent emails and after verifying the address, he sent a certified letter and still did not have any response. He asked Town Attorney Gary Thomas to get involved who sent two letters to which he has had no response. Therefore, Staff is asking to proceed with eminent domain.

Attorney Thomas stated that the motion will need to authorize him to initiate the lawsuit and authorize Engineer Benjie Thomas to do the survey work and hire an appraiser. He presented quotes from 2 appraisers recommending Brian Bryant with BB&G out of Charlotte who is an MAI appraiser, and the quote is \$3,900 with a 3-week time frame.

Mayor Pro Tem Henkel requested that Town Attorney Thomas write up a motion for Council to present at Thursday night's meeting. Attorney Thomas agreed.

**Item 24. Consider Reappointment of Tonya Bartlett as an Inside Alternate Member of the Planning and Zoning Board for a 3-year Term, (current term expires 9/14/23)**

Manager Wyatt expressed concern with the process of reappointment positions not being advertised and the public is not aware that a position is available. Therefore, he requested that the Council consider waiting to make an appointment deferring the item to their October meeting. For the record, Manager Wyatt stressed that this applicant had done nothing wrong; he feels that the public should be aware.

**\*\*IV. HOLD CLOSED SESSION PURSUANT TO GENERAL STATUTES 143-318.11(A)(3) TO CONSULT WITH ATTORNEY**

Mayor Pro Tem called for a Closed Session pursuant to North Carolina General Statutes (NCGS) 143-318.11(a)(3) to consult with attorney.

Along with Mayor Pro Tem Henkel 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 Felina Harris, and unanimously carried, approved to hold a Closed Session pursuant to NCGS 143-318.11(a)(3) to

*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 George Harris, seconded by Councilmember Jerry Oxsher, and unanimously carried, approved to reconvene open session.

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

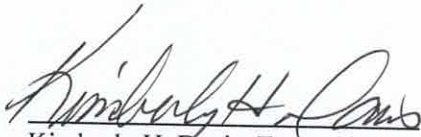
**Other:**

Town Manager Wyatt stated that the following item will need to be added to the consent Agenda for Thursday night's meeting (request by: Justin Mundy, Finance Director).

- Transfer Capital Reserve Funds in the amount of \$2.2 million to the General Fund for a higher interest rate.


**V. ~~IV.~~ ADJOURNMENT**

\*Upon motion by Councilmember George Harris, seconded by Councilmember Jerry Oxsher, and unanimously carried, approved to adjourn the Agenda Briefing of September 11, 2023. Time of adjournment: 7:35 p.m.

  
Kimberly H. Davis, Town Clerk

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



  
W. Paul Henkel, Mayor Pro Tem