

**MINUTE BOOK XXXII PAGES 169-181**  
**TROUTMAN TOWN COUNCIL REGULAR MEETING MINUTES**  
**December 14, 2023**

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, December 14, 2023 at 7:00 p.m. with Mayor Pro Tem W. Paul Henkel, presiding.

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

Councilmembers Absent: Mayor Teross W. Young, Jr.; George W. Harris

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

Press Present: Debbie Page, Iredell Free News

**I. MAYOR PRO TEM W. PAUL HENKEL CALLED THE MEETING TO ORDER**

**MAYOR YOUNG WELCOMED VISITORS AND GUESTS**

**INVOCATION** – Delivered by Police Chief Josh Watson

**PLEDGE OF ALLEGIANCE**

Town Manager Ron Wyatt recognized and thanked House member Mitchell Setzer for attending the meeting.

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

\*\* Remove Item XI Closed Session NCG.S. 143-318.11(a)(3) To Consult With Attorney and NCG.S. 143-318.11(a)(6) To Discuss Personnel

Upon motion by Councilmember Eddie Nau, seconded by Councilmember Felina Harris, and unanimously carried, approved to adopt the December 14, 2023 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. Approval of Agenda Briefing Meeting Minutes of November 06, 2023
2. Approval of Closed Session Minutes of November 06, 2023
3. Approval of Closed Session Minutes of November 09, 2023
4. Approval of Resolution 39-23 Titled: "Resolution Recognizing The Distinguished Service Of George W. Harris"
5. Approval of Resolution 42-23 Titled: "Resolution In Memory Of Kenneth Alvin Reid"
6. Approval of Resolution 43-23 Titled: "Resolution Of Recognition For Outstanding Service And Entertainment As Radio Host For The "Home Add Show" On WSIC For "James Patrick 'Pat' Shannon" Upon His Retirement
7. Approval of the Town of Troutman Parks & Recreation 2024 Event Schedule

8. Approval of an Incinerator Use Interlocal Agreement Between the Town of Troutman, City of Statesville, and Town of Mooresville
9. Approval of a Fee-In Lieu of Sidewalk for the O'Reilly Auto Parts located at 165 Julian Place
10. Annexation Request AX-23-10 (Non-Contiguous), Applicant: BBC Rocky Creek, LLC, 19.511 (+/-) acres; PIN(s) 4740490827, located off Byers Road
  - a. Adoption of Resolution 40-23 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 41-23 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 January 11, 2024**)

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

(Copied in full, Res. 39-23 is filed in Resolution Book IV, Page 83)  
 (Copied in full, Res. 40-23 is filed in Resolution Book IV, Page 84)  
 (Copied in full, Res. 41-23 is filed in Resolution Book IV, Page 85)  
 (Copied in full, Res. 42-23 is filed in Resolution Book IV, Page 86)  
 (Copied in full, Res. 43-23 is filed in Resolution Book IV, Page 87)  
 (Copied in full, Resolutions 39-23 thru 43-23 and Certificate of Sufficiency, are attached to these minutes and are filed on CD Titled: "Town Council Supporting Documents" dated December 11<sup>th</sup>, and 14<sup>th</sup>, 2023 in CD Book #1 Titled: "Town Council Supporting Documents" along with Incinerator Agreement, Parks & Rec. Event Schedule, O'Reilly Auto Parts request, and annexation request along with other supporting documentation)

### **III. RECOGNITION(S) / PRESENTATION(S):**

11. **Recognition of Cameron Jones as "Town of Troutman Employee of the Month"**, (*Ron Wyatt, Town Manager/Josh Watson, Police Chief*)

Town Manager Wyatt stated that unfortunately Sgt. Jones is unavailable to attend due to having to be at another venue for a Police related activity. He stated that he and Chief Watson would like to officially recognize him next month along with the December Employee of the Month.

12. **Introduction of the Troutman Police Department K-9 Unit**, (*Josh Watson, Police Chief*)

Chief Watson introduced the Town's two (2) K-9 teams; Handler Sgt. Daniel Bova, Patrol Supervisor and K-9 Luka, and Handler Ashley Parker, Patrol Officer and K-9 Scar stating that both handlers are experienced and highly trained officers who were selected through a process involving physical testing and interviews. They attended a 6-week handler training course with their K-9 partners at Ventosa Kennel in Scotland County, NC. The K-9s are trained in narcotics detection, tracking, apprehension, and handler protection. We are excited to have the K-9 teams on duty and believe that they will be a valuable asset to the department and the community. Chief Watson thanked each of them for the time that was taken away from their families for the training stating that one has a young child and the other left for training within a couple of weeks of getting married. He stated that he is proud to have employees who will make sacrifices and show such dedication to the department and the profession.

### **13. Award Presentation to Sgt. Jamie Bengé and Officer Michael Miller, (Watson)**

Chief Watson stated that the Troutman Police Department's Policy and Procedures authorize officers to receive awards for certain actions if those actions meet certain criteria. One of those awards is the Award for Meritorious Service; the criteria for this award is that a member of the department must have achieved an accomplishment where danger to the officer existed or where death, serious injury, or extreme tragedy to another party is prevented. Chief Watson presented the award to Sgt. Jamie Bengé and Officer Michael Miller responded to a dispatch report of an armed robbery at Truist Bank where the suspect had fled the bank on foot. Officer Miller arrived within moments, located the suspect, and engaged in a foot pursuit. The suspect's path of flight was leading him to an elementary school that had young students on the playground. The school was immediately put on lockdown. As the suspect approached the school, Sgt. Bengé and Officer Miller coordinated their actions resulting in the apprehension of the suspect at the edge of the school campus preventing possible life-threatening harm to students and staff. Chief Watson stated that their diligence and devotion to duty were in keeping with the highest traditions of law enforcement and reflect great credit upon themselves and the Troutman Police Department.

### **14. Presentation of the Town of Troutman's 2022-2023 Budget Year Audit, (Alan Thompson, Thompson, Price, Scott, Adams & Co., PA)**

Finance Director Justin Mundy introduced Alan Thompson of Thompson, Price, Scott, Adams & Company who presented to Council the Town of Troutman annual audit report stating that there were no findings; the Town received an unmodified audit, meaning a clean report; the highest level to be received. He stated that on the quality of aspects, the County policy, the County estimates, and the financial statements, were all good. There were no records of misstatements or disagreements with management. Management did provide them with a representation letter dated December 1st. Mr. Thompson advised that the LGC started a new process called Financial Performance Indicator of Concern of which no concerns were found.

Mr. Thompson presented a spreadsheet comparing the Town's current financial information to the previous 4 years. The following are key numbers from the 2022-2023 audit report:

Total Fund Balance - General Fund \$5,342,071  
Unavailable Fund Balance - General Fund \$931,324  
Restricted and Assigned Fund Balance \$138,808  
General Fund Expenditures (including transfers) \$8,148,562  
Total Fund Balance % of General Fund Expenditures 65.56%;  
Available Fund Balance \$4,272,339  
Available Fund Balance % of General Fund Expenditures 52.43%. (Good number, strong percentage)

#### Revenues over (under) expenditures before transfers:

- General Fund-negative \$969,042
- Capital Project Funds-negative (\$289,419)
- Water and Sewer Fund \$2,607,867

#### Cash vs. Accumulated Depreciation - Water and Sewer Fund:

- Total Fixed Assets \$24,109,083
- Accumulated Depreciation \$9,949,886
- Cash \$4,129,742

#### Cash vs Fund Balance:

- Cash - General Fund Cash \$4,684,710
- Cash - Capital Project Funds \$692,398

- Cash – Water/Sewer Fund \$4,129,742  
Total Cash Balance: \$9,506,850
- Fund Balance - General Fund \$5,342,471
- Fund Balance - Capital Project Funds \$435,123
- Fund Balance - Water and Sewer Fund \$19,297,836  
Total Fund Balance: \$25,075,430

Property Tax

Rate - 0.52% (consistent over the last 5 years)  
Collection Percentages 98.45%  
Total Property Valuation \$801,469,423  
Total Levy Amount \$4,167,641  
Total General Fund Revenues: \$8,626,804  
Total General Fund Expenditures: \$7,657,762

Mr. Thompson stated that General Fund Revenues are mainly from Ad Valorem Taxes that make up 48.23% of the Town's revenue. In General Fund Expenditures, the top 3 expenditures are Public Safety at approximately 27.78% of expenditures, General Government at 36.23%, and Streets and Public Works at 15.24%.

Mr. Thompson congratulated the Council, Finance Department, and management on the audit.

Regarding Collection Percentages, Councilmember Jerry Oxsher asked about state state-wide average which stops at the year 2021 on the graph presented. Mr. Thompson replied that the reason the state-wide average stops is because it was not published all the way through. He stated that it runs over 99% on collection and is skewed by some of the larger municipalities and by some of the smaller ones as well. Councilmember Oxsher asked if there are any other comparisons/numbers that the Council can look at to be sure they are on track. Mr. Thompson stated that he would put together something and email it to Finance Director Mundy. Manager Wyatt stated that the county handles all collections for all municipalities within Iredell County.

(Copied in full, Audit Report Summary is attached to these minutes and is filed on CD titled: "Town Council Supporting Documents" dated December 11<sup>th</sup> and 14<sup>th</sup>, 2023 in CD Book #1 titled: "Town Council Supporting Documents")

**15. Recognition in Memory of Kenneth Alvin Reid, Planning and Zoning Board Member, (Paul Henkel, Mayor Pro Tem)**

Mayor Pro Tem Henkel read aloud Resolution 42-23 in memory of Kenneth Reid expressing sympathy for his passing and in recognition of his service and contributions to the Town. Mr. Reid's family was present to accept the Resolution expressing their gratitude for the recognition.

**16. Recognition of Patrick "Pat" Shannon for his Outstanding Service and Entertainment as WSIC Radio Host of the "Home Ad Show" and in Honor of his Retirement, (Mayor Pro Tem Henkel)**

Following the reading of Resolution 43-23 in recognition of the retirement and dedicated service of Pat Shannon, radio host of the "Home Ad Show" on WSIC, Mayor Pro Tem Henkel presented the Resolution to Mr. Shannon's co-worker Brian Summers on behalf of Mr. Shannon who was unable to attend. In conveyance for Pat and wife Sasha, Mr. Summers thanked Council commenting that this is such an honor for Mr. Shannon from a place that he calls home. He stated that Mr. Shannon is a great man and friend; he calls him the voice of Iredell County of which he has been for well over 40 years.

**Other:**

Town Manager Wyatt asked that Council allow Representative Mitchell Setzer to speak at this time. He stated that the Council did not get the opportunity to thank Rep. Setzer personally for the part he played in Town receiving the \$14 million in State funding.

Rep. Setzer addressed the Council stating it is an honor to be here. He offered his services to Council stating that anytime he could be of assistance to not hesitate to call (providing his cell number).

Mayor Pro Tem Henkel expressed appreciation in thanked him for what he and the other officials did for the Town of Troutman. The funds will be spent to take care of infrastructure which is needed very much.

**IV. OLD BUSINESS**

**17. Consider an Infrastructure Reimbursement Agreement Between the Town of Troutman, and BBC Wakefield, LLC, (Wyatt)**

Town Manager Wyatt stated that this item was discussed at last month's meeting and postponed to this month to allow time to make sure the agreement is satisfactory to both parties. The Town Attorney and Town Engineer have reviewed this agreement and the applicant has agreed to it as well. Mr. Wyatt stated that the applicant and several partners are here tonight for any specific questions. Councilmember Jerry Oxsher stated that he assumes there have been no changes or amendments to the conditions the Council approved last year. Manager Wyatt replied that was correct and that a couple of items that were in this agreement were taken out because the other agreement existed.

Upon motion by Councilmember Eddie Nau, seconded by Councilmember Jerry Oxsher, and unanimously carried, the Infrastructure Reimbursement Agreement between the Town of Troutman, and BBC Wakefield, LLC was approved

(Copied in full, agreement is attached to these minutes and is filed on CD Titled: "Town Council Supporting Documents" dated December 11<sup>th</sup>, and 14<sup>th</sup>, 2023 in CD Book #1 Titled: "Town Council Supporting Documents")

**V. NEW BUSINESS**

**18. Annexation Request AX-23-11 (Non-Contiguous), Applicant: Sondra Tilton on behalf of Sunbeam Estates, LLC; 36.86 (+/-) acres; PIN(s) 4741505002; 116/140/165 Royal Oaks Drive, (Lynne Hair, Planning Director)**

**a. Call for a Public Hearing**

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

Lynne Hair, Planning Director presented the voluntary annexation request of approximately 36.86 acres located at 116/140/165 Royals Oaks Drive. The applicant is Sondra Tilton on behalf of Sunbeam Estates, LLC. The annexation is non-contiguous and staff is recommending approval of the request.

Applicant:

Alex Bonda with Prestige addressed the Council stating that a single-family residential subdivision with 118 home lots is being proposed. He stated that he has a small presentation during the re-zoning request for this property.

Comments from the public: None

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

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

**b. Consider Adoption of Ordinance 40-23 Titled: "An Ordinance to Extend The Corporate Limits Of The Town of Troutman, North Carolina (Non-Contiguous)"**

Upon motion by Councilmember Felina Harris, seconded by Councilmember Eddie Nau, and unanimously carried, Ordinance 40-23 Titled: "An Ordinance to Extend the Corporate Limits of the Town of Troutman, North Carolina (Non-Contiguous)" was approved.

(Copied in full, Ordinance 40-23 is filed in Ordinance Book 10, Page 67-69)

(Copied in full, Ordinance 40-23 is attached to these minutes and is filed on CD Titled: "Town Council Supporting Documents" dated December 11<sup>h</sup> and 14<sup>th</sup>, 2023 in CD Book #1 titled: "Town Council Supporting Documents" along with the staff report, annexation petition, annexation map, aerial map, metes & bounds, and Public Hearing Notice)

**19. Rezoning Request CZ-RM-23-03, Applicant: Alex Bonda on behalf of Prestige Acquisitions, LLC; 36.86 acres; PIN(s) portion of 4741505002; 116/140/165 Royal Oaks Drive on the southwest side of Highway 21, from Iredell County RA (Residential Agriculture) to Town of Troutman CZ-RM (Conditional Zoning-Mixed Residential), (Hair)**

**a. Call for a Public Hearing**

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

Planning Director Hair presented rezoning request CZ-RM-23-03 stating that this is the rezoning portion of the annexation that was just approved. The applicant is Alex Bonda on behalf of Prestige Acquisitions, LLC; the owners are Sunbeam Estates, LLC. Ms. Hair stated that the applicant is requesting to rezone approximately 36 acres from Iredell County Residential (RA) to Town of Troutman Conditional Mixed Residential (CZ-RM) for 118 lot single-family residential subdivision. In a PowerPoint presentation, Ms. Hair presented a location map, current zoning map, the town's land use map stating that the land use on this site is medium-density residential (2-3 units per acre), and the concept plan which is required with conditional zoning. The concept proposes 3.2 units per acre, 10% open space (as required), and proposes 3 points of connectivity: 1) Rocky Creek Phase 1; 2) Rocky Creek Phase 2; 3) Tractor Supply property. They will also be supplying connections to some of the commercial out parcels on the property. Mr. Hair advised that the property is in the protected watershed therefore a high-density development permit is required. This permit requires onsite stormwater detention measures which are shown on the site plan. The applicant has provided a required standard Traffic Impact Analysis (TIA). TIA recommendations are mainly for turn lanes in and out of the site. Ms. Hair stated that the Planning Board approved the request subject to the following conditions:

- *Traffic Impact Analysis presented to Town Council in advance of the Public Hearing. Agreed and has complied.*
- *Reduce the number of dwelling units to 104. The applicant does not agree to this condition.*
- *Regarding architectural and other structural elements, the following is recommended:*
  - *Multiple façade materials:*
    - *90% of the homes will have a 2-car garage with a 3 ft. setback from the front of the house. Applicant agrees to 90% 2-car garages; Applicant does not agree to the 3 ft. setback.*
    - *Shutters on the front of the houses. Applicant agrees.*
    - *Covered front entry. Applicant does not agree due to housing affordability.*
    - *Covered water table in some type of material; not to be left bare concrete. Applicant agrees to provide this finish on the front of the house only.*

Ms. Hair completed her presentation by stating that staff recommends approval subject to the proposed overall density of 3.2 units per acre is slightly above the suggested maximum for medium-density residential (2-3 units per acre). However, due to the recent rezoning of Norman Creek Phase 1 & 2, at densities of 2.8 and 4.99, the proposal is consistent with the land use pattern of the area.

Applicant:

Applicant Alex Bonda with Prestige Acquisitions presented a PowerPoint presentation a location map stating what is being proposed is 118 single-family residential home sites with multiple connections points. They are proposing a 25' perimeter buffer alongside the Tractor Supply property and 50' buffers everywhere else which is double the required width and pointed out, using a PowerPoint presentation, the location of the required stormwater control measures. Mr. Bonda stated that the roads will be public with sidewalks on both sides and that there are small pocket park areas proposed throughout the subdivision with bench seating and advanced landscaping. A draft TIA was provided to Staff and Council which recommends the installation of a 100' Northbound left turn lane from Hwy 21 into the main access. He stated initially there was a 225' right turn lane out of Flower House Loop which is an existing project with NCDOT and it would be a project that they would contribute funds toward constructing that turn lane.

Councilmember Felina Harris stated that there were 3 things that the Planning Board suggested that they did not agree to: 1) reducing the number of lots to 104; 2) 3' setback for garages; and 3) covered front entries. She asked Mr. Bonda to explain. Mr. Bonda responded that they prefer to move forward with the 118 home sites; the reduced number does not work for them due to the viability of the project. Norman Creek has a higher density, therefore they felt that the proposed density was in line with the existing pattern. In addressing the 3' setback of the garage, he explained that part is due to the lot widths and home size. Mr. Bonda stated that newer home builders do not have a home type with a garage setback. It makes it difficult to set the garage back when there is a 20' wide garage, which leaves 10' for the front entry. Regarding the covered front entry, he stated that their builder partners were concerned about the request being major construction changes; some of their builder partners do not have home types for this feature. Also, they want to keep construction costs down to provide more affordable homes.

Councilmember Jerry Oxsher stated that Mr. Bonda mentioned affordability, he asked for the price range of these homes. Mr. Bonda replied low to mid \$300,000. Councilmember Oxsher asked when they would expect occupancy. Mr. Bonda stated that the 1<sup>st</sup> home will probably not be built until 2026 then there will be an 1 1/2 to 2-year build-out. Councilmember Oxsher asked if the left turn required by DOT would have an impact. Town Manager Wyatt replied that it would; the idea is to collect the funds from all builders and build the road infrastructure at one time. Mayor Pro Tem Henkel inquired about the schedule for the re-alignment of Flower House Loop. Ms. Hair stated that there are a lot of improvements that will be taking place at this intersection. The re-alignment of Flower House Loop and Houston Road is projected for 2024; it is a funded project by NCDOT. The TIA will go to NCDOT for review.

Public Comments: None

### ***Mayor Pro Tem Henkel Closed the Public Hearing***

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

### ***b. Approval of Ordinance 41-23 Titled: "An Ordinance Changing The Zoning Classification Of The After Described Property from Iredell County RA (Residential Agriculture) to Town of Troutman CZ-RM (Conditional Zoning-Mixed Residential)"***

Upon motion by Councilmember Jerry Oxsher, seconded by Councilmember Paul Henkel, and unanimously carried, Ordinance 41-23 Titled: "*An Ordinance Changing The Zoning Classification Of The After Described Property from Iredell County RA (Residential Agriculture) to Town of Troutman CZ-RM (Conditional Zoning-Mixed Residential)*" was approved as presented with said conditions, and that the applicant signs a form of consent to said conditions.

### **c. Statement of Consistency**

Upon motion by Councilmember Eddie Nau, seconded by Councilmember Jerry Oxsher, and unanimously carried, approved that the requested rezoning is consistent with the Troutman Strategic Plan and the Future Land Use Map as it will serve to guide residential development in the scale and density prescribed in these policy documents by allowing appropriate medium density residential development and their customary accessory uses. Finally, the requested rezoning is considered reasonable and in the public interest as it proposes to allow the retention of residential development in areas of Troutman where it is appropriate.

(Copied in full, Ordinance 41-23 is filed in Ordinance Book 10, Page 70-74)

(Copied in full, Ordinance 41-23 is attached to these minutes and is filed on CD Titled: "Town Council Supporting Documents" dated December 11<sup>th</sup> and 14<sup>th</sup>, 2023 in CD Book #1 titled: "Town Council Supporting Documents" along with the staff report, application, site map, concept plan, current land use map, current zoning map, community report, development standards, draft TIA recommendation, P&Z Board's Certification of Action Taken, and Public Hearing Notice)

**20. Rezoning Request RZ-23-08**, Applicant: Leon Bouwens, Jr.; 43 (+/-) acres; PIN's 4742226953, 4742323776, 4742215966, 379, and 381 Murdock Road on the north side of Murdock Road from the Town of Troutman RS (Suburban Residential) to the Town of Troutman LI (Light Industrial), (*Hair*)

#### **a. Call for a Public Hearing**

##### ***Mayor Pro Tem Henkel Opened the Public Hearing***

Planning Director Hair presented rezoning request RZ-23-08 to rezone approximately 43 acres located on Murdock Road. The applicant is Leon Bouwens, Jr., and the property owner is Charlie R. Mills. The request is to rezone from Suburban Residential (RS) to Light Industrial (LI) and is a traditional rezoning therefore, there is no site plan required as part of the application. Ms. Hair explained that the rezoning is in the town's Extraterritorial Jurisdiction (ETJ) so it is in the Troutman zoning area. In a PowerPoint presentation, Ms. Hair presented a location map stating that there are 3 parcels involved in the request. She presented a current zoning map, the town's land use map that shows the land as Employment Center, and the zoning classification that matches Light Industrial. She advised Council that the Planning Board at their last meeting unanimously recommended denial.

Councilmember Jerry Oxsher asked if the Planning Board provided any grounds for denial. Ms. Hair stated that they did not state a specific reason for the denial but from her perspective, the Planning Board feels that there is enough Industrial in the area and they were concerned with all the residential and agriculture in the area. Concerning an inquiry regarding conditional zoning, Ms. Hair explained that the UDO does require Heavy Industrial to go through conditional zoning, but it does not require Light Industrial, so legally the Town cannot require conditional zoning.

Applicant:

Sam Barnett, Real Estate Broker addressed the Council on behalf of Applicant Leon Bouwens stating that the request to rezone to Light Industrial matches the town's future land use. He stated that Heavy Industrial was what they wanted, but with feedback and pushback from neighbors and in an effort to be good neighbors, they decided to request Light Industrial. He stated that there are several things to think about and consider which is the use is going to be very low-impact with not a lot of traffic, and having high-end warehouses. He commented that ideally, he thinks the neighbors do not want the land developed at all, asking how is it fair to the property owner Charlie Mills, to not be able to sell his property/family farm. He read the following insert/term in the contract "buyer can keep a bronze plaque on the property recognizing the seller's family farm and that the seller to name the roads using Mill's family member names", this is to preserve the history of the property. Mr. Barnett stated that the developers are good people describing how they stepped up for the community in a time of need. He also asked with all the housing development in Troutman, where are these people going to work.



Public Comment:

Joyce Feilke, Murdock Road resident; Melissa Suggs, adjacent property owner and resident of 330 Duck Creek Road; Jessica Williams, Murdock Road resident and adjacent property owner; Scott Murdock, Duck Creek Road resident; Gene Reese, Murdock Road property owner; and Steve Vaughn, Murdock Road resident all spoke in opposition of the rezoning request expressing concern about the quality of life (health and safety of the adjacent property owners), decrease in property value, and air and light pollution. They asked that Council protect the people, legacy, and history of the land. It was pointed out that the Troutman UDO states that residential homes are not prohibited for use in light or heavy industrial areas, asking why it is ok for industrial use to be allowed in residential without conditions. A petition in opposition was presented to the Clerk. Mr. Vaughn asked that the request be deferred to another meeting date to get some sort of conditions put in place.

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

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

**b. Approval of Ordinance 42-23 Titled: “An Ordinance Amending the Town Of Troutman Unified Development Ordinance”**

Councilmembers shared their point of view:

- Councilmember Jerry Oxsher stated that Murdock Road has been a point of contention since before he knew what Troutman was, commenting that there is no right answer. He sympathized with the residents commenting that his home backs up to the Barium Springs project. Councilmember Oxsher stated that there have been a lot of things said over the past year that if people step back and look at what they have said, he thinks they would be ashamed. The Town has a Land Use Plan and he was part of the Land Use Plan committee. He and several committee members were incredibly disappointed by the lack of public input commenting that he recognizes one face here tonight from that process who came to those meetings. He stated that when it was amended, Murdock Road was not touched, it has been light grey for more than 2 decades. He shared that he feels for himself and his fellow Council members because they cannot win in making a decision.
- Councilmember Felina Harris agreed with Councilmember Oxsher commenting that no matter what we approve there, there are going to be complaints.
- Councilmember Eddie Nau also agreed with Councilmember Oxsher stating the Land Use Map for that area has not changed in over 20 years.
- Mayor Pro Tem Henkel stated that he was on Council in the 1990s when discussion was held in that regard concerning Murdock Road. The thought process has been there and he knows it will one day develop. With people moving on and as land is sold this may not be an issue. He stated in looking at the map there are other spots he would have liked to see this a little less impactful on the neighbors. Mayor Pro Tem Henkel stated that he is expected to follow the Land Use Plans and the UDO as reasonably possible admitting that he is a passionate factor in his heart and that he is conflicted.

Upon motion by Councilmember Eddie Nau, seconded by Councilmember Jerry Oxsher, to approve Ordinance 42-23 Titled: “An Ordinance Changing The Zoning Classification Of The After Described Property from Town of Troutman RS (Suburban Residential) to Town of Troutman LI (Light Industrial)”. The motion failed due to a tie vote of 2-2.

Yeas: Nau, Oxsher

Nays: F. Harris. Henkel

**c. Statement of Consistency**

Upon motion by Mayor Pro Tem Henkel, seconded by Councilmember Felina Harris, and carried, approved that rezoning to Light Industrial is inconsistent with the 2035 Future Land Use Map because at this point and time the request is not conducive to current land use. The motion passed by a 3-1 vote.

Yeas: Henkel, Oxsher, F. Harris

Nays: Nau

(Copied in full, Ordinance 42-23 is filed in Ordinance Book 10, Page 75)

(Copied in full, Ordinance 42-23 is attached to these minutes and is filed on CD Titled: "Town Council Supporting Documents" dated December 11<sup>th</sup> and 14<sup>th</sup>, 2023 in CD Book #1 titled: "Town Council Supporting Documents" along with the staff report, rezoning application, P&Z Board's Certification of Action Taken, Letter of Authorization, Aerial Map, Future Land Use Map, Current Zoning Map, and Public Hearing Notice)

**21. Annexation Request AX-23-12 (Contiguous), Applicant: MartinRay Holdings; 1.19 (+/-) acres; PIN(s) 4741327938 located on Maple Street, and 4741327896 located on Eastway Drive**

**a. Call for a Public Hearing**

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

Planning Director Hair presented the voluntary contiguous annexation request of approximately 1.19 acres located at 681 South Eastway Drive. The applicant/property owner is MartinRay Holdings. The applicant does intend to develop the adjacent property as a single-family 40-lot subdivision and this is a by-right development. The 2 parcels will be used as the entry to the development. Staff recommends approval.

Upon request by Councilmember Jerry Oxsher, Ms. Hair provided a brief history of the property.

Applicant comments: None.

Public comments: None

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

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

**b. Adoption of Ordinance 43-23 Titled: "An Ordinance to Extend The Corporate Limits Of The Town of Troutman, North Carolina (Contiguous)"**

Upon motion by Councilmember Jerry Oxsher, seconded by Councilmember Felina Harris, and carried, approved Ordinance 43-23 Titled: "An Ordinance to Extend The Corporate Limits Of The Town of Troutman, North Carolina (Contiguous)" as presented.

Yeas: Oxsher, Henkel, F. Harris

Nays: Nau

(Copied in full, Ordinance 43-23 is filed in Ordinance Book 10, Page 76-78)

(Copied in full, Ordinance 43-23 is attached to these minutes and is filed on CD Titled: "Town Council Supporting Documents" dated December 11<sup>th</sup> and 14<sup>th</sup>, 2023 in CD Book #1 titled: "Town Council Supporting Documents" along with the staff report, annexation petition, annexation map, aerial map, metes & bounds, and Public Hearing Notice)

## **VI. ORGANIZATIONAL BUSINESS**

### **22. Administration of Oaths of Office for Town Council by the Honorable Chris Carney, Mayor of the Town of Mooresville.**

The Honorable Chris Carney administered the Oath of Office for Councilmember Re-elect Edward (Eddie) R. Nau, and newly elected Councilmember Nicholas D. Jaroszynski who were accompanied by family members.

*The newly sworn-in Councilmembers took their appropriate seats at the dais.*

(Copied in full, signed Oaths are attached to these minutes and are filed on CD titled: "Town Council Supporting Documents" dated December 11<sup>th</sup> and December 14<sup>th</sup>, 2023 in CD Book #1 titled: "Town Council Supporting Documents")

### **23. Selection of Mayor Pro Tempore**

Councilmember Eddie Nau nominated Councilmember Jerry Oxsher to serve as Mayor Pro Tempore.

Upon motion by Councilmember Eddie Nau, seconded by Councilmember Felina Harris, and unanimously carried, approved nomination of Jerry Oxsher to hold the position of Town of Troutman Mayor Pro Tempore.

### **24. Adoption of the Troutman Town Council 2024 Meeting Schedule**

Upon motion by Councilmember Jerry Oxsher, seconded by Councilmember Felina Harris, and unanimously carried, approved to adopt the Town of Troutman 2024 Meeting Schedule as presented.

(Copied in full, 2024 Meeting Schedule attached to these minutes and filed on CD Titled: "Town Council Supporting Documents" dated December 11<sup>th</sup> and 14<sup>th</sup>, 2023 in CD Book #1 titled: "Town Council Supporting Documents")

### **25. Consider Council Appointments**

#### **a. Appointment of Delegate and Alternate Delegate to Centralina Council of Governments (CCOG)**

Councilmember Jerry Oxsher nominated Councilmember Felina Harris as Delegate and Councilmember Eddie Nau as Alternate.

Upon motion by Councilmember Jerry Oxsher, seconded by Councilmember Eddie Nau, and unanimously carried, nomination of Councilmember Felina Harris as Delegate and Councilmember Eddie Nau as Alternate Delegate to the Centralina Council of Governments (CCOG) was approved.

#### **b. Appointment of Alternate to Charlotte Regional Transportation Planning Organization (CRTPO)**

Councilmember Felina Harris nominated Councilmember Jerry Oxsher as Alternate Delegate to the Charlotte Regional Transportation Planning Organization (CRTPO)

Upon motion by Councilmember Felina Harris, seconded by Councilmember Eddie Nau, and unanimously carried, nomination of Councilmember Jerry Oxsher as Alternate Delegate to the Charlotte Regional Transportation Planning Organization (CRTPO) was approved.

**c. Appointment of Delegate and Alternate to Lake Norman Regional Transportation Commission (LNRTC)**

Councilmember Jerry Oxsher nominated Councilmember Nicholas Jaroszynski as Delegate and Councilmember Paul Henkel as Alternate Delegate to the Lake Norman Regional Transportation Commission (LNRTC)

Upon motion by Councilmember Jerry Oxsher, seconded by Councilmember Felina Harris, and unanimously carried, nomination of Councilmember Nicholas Jaroszynski as Delegate and Councilmember Paul Henkel as Alternate Delegate to the Lake Norman Regional Transportation Commission (LNRTC) was approved.

**VII. 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"*

- Cass Carbo expressed admiration for the Council thanking them for representing the citizens stating that as a resident it makes him very proud to live in Troutman. He commented that his fear is if NCDOT improves Hwy 21 it might take away the greenway.
- James Amico, the owner of Mad Monkey Garage, requested to appeal the Administrator's decision regarding the allowance of a mural at his location. He asked for an appeal hearing and for the violation fees to be temporarily halted until there is a resolution. He commented that he feels the situation has been mishandled from the start stating that he was never told in a letter or verbally to desist with the mural as it was being painted. Daily fines have accumulated to around \$3,000.

**VIII. ELECTED / OFFICIALS / STAFF REPORTS AND COMMENTS**

**Elected Reports and Comments**

**Councilmember Eddie Nau**

- Thanked family and friends for their support and encouragement during the election campaign. He also thanked the past and current Council that he has served with and his friend Mayor Chris Carney.
- Wished everyone a Merry Christmas and Happy New Year.

**Councilmember Felina Harris**

- Commented that she is always glad to see a lot of citizens attend the meetings. It is difficult to make decisions and they do try to make the best decisions on the information they have. She was raised here in Troutman and loves the Town and will always do the best for the citizens.
- Wished everyone a Merry Christmas.

**Councilmember Nicholas Jaroszynski**

- Thanked the Town and everyone that voted for him and most importantly his Lord and Savior Jesus Christ for calling him to this position. It is a great opportunity to allow the citizen's voice to be heard.
- Wished everyone a Merry Christmas

**Councilmember Jerry Oxsher**

- Thanked Staff for doing a great job on the greenway commenting that the decorations look great and the Park looks phenomenal.
- Wished everyone a Merry Christmas and a happy holiday season commenting that it is a great time of year and a great time to spend with family.

**Mayor Pro Tem Henkel**

- Thanked everyone for coming out tonight and letting Council know how they feel. He commented that all they can do as a Council is to do their best and hope that people understand that they cannot be everything to everybody.
- In congratulating the newly appointed Mayor Pro Tem Jerry Oxsher, he thanked the Council for their support in allowing him to serve since 2016 as Mayor Pro Tem. Mayor Pro Tem Oxsher expressed thanks for his support and formally welcomed newly elected Councilmember Nicholas Jaroszynski to the Council.

**Staff Reports and Comments:** Town Manager Wyatt stated that he will forego staff reports due to the time.

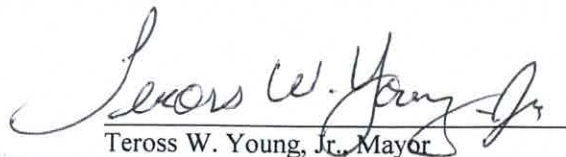
- Manager Wyatt requested that Council make a decision of whether to hold the Independence Day Fireworks this year on July 3<sup>rd</sup> reminding them that the fireworks vendor has to have an answer by tomorrow.

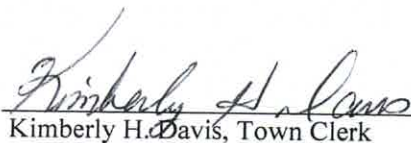
Upon motion by Councilmember Jerry Oxsher, seconded by Councilmember Nicholas Jaroszynski, and unanimously carried, approved authorization of the Town Manager to greenlight the Fireworks for July 3<sup>rd</sup>.

- Manager Wyatt addressed comments/actions displayed by the public stating that he takes offense to those actions of people approaching IT wanting different things put into the Town’s computer system explaining that the Town has a policy when it comes to IT which is in place to keep the Town safe and stay free of viruses. It is not in malice when people are told certain things are not allowed and we are not criminals and are not trying to prohibit the right to free speech. He continued by stating that he sympathizes with everything that individuals had to say, but the town has to follow state statutes. He does not appreciate being called a crook and a criminal just because he is not doing something that they want him to do when they want him to do it; those things will have consequences just like the decision made here tonight. Mr. Wyatt stated that as explained previously to Council, the Town has a strong box of what can and cannot be approved and unless we can prove why a project is denied, there is usually legal action to follow. He can see that the Town violated legal rights so when the legal action comes we will have to deal with it; at the taxpayers’ expense.

**IX. ADJOURNMENT**

Upon motion by Councilmember Nicholas Jaroszynski, seconded by Councilmember Jerry Oxsher, and unanimously carried, approved to adjourn the December 14, 2023 Town Council meeting at 9:48 p.m.

  
Teross W. Young, Jr., Mayor

  
Kimberly H. Davis, Town Clerk



(\*\*) Adjustments to the Agenda