

**MINUTE BOOK XXVII, PAGES 23-35  
TROUTMAN TOWN COUNCIL REGULAR MEETING MINUTES  
March 08, 2018**

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, March 08, 2018 at 7:00 p.m. with the Mayor Teross W. Young presiding.

Council Members Present: W. Paul Henkel, Judy Jablonski, James K. Troutman, Paul R. Bryant, Sally P. Williams

Council Members Absent: None

Staff Present: Justin E. Longino, Town Manager; Kimberly H. Davis, Town Clerk; Steven H. Shealy, Finance Director; Erika G. Martin, Planning Director; Matthew A. Selves, Police Chief; Emily M. Watson, Parks and Rec. Coordinator; Gary W. Thomas, Town Attorney

Press Present: Debbie Page, SVL Free News  
Jessica Osborne, Statesville Record & Landmark

**MAYOR YOUNG CALLED THE MEETING TO ORDER**

**ITEM 1. MAYOR YOUNG WELCOMED VISITORS AND GUESTS**

**ITEM 2. INVOCATION** – Delivered by Pastor Will Dulin, Mt. Hermon Lutheran Church, Statesville

**ITEM 3. PLEDGE OF ALLEGIANCE**

**Mayor Young recognized International Women’s Day thanking all women for all they do, and in particular for their support of family, community, and country.**

**ITEM 4. ADJUSTMENTS TO THE AGENDA**

Adjustment(s):

- \* Removed from the Agenda - Item 24. Text Amendment to the Unified Development Ordinance (UDO) – Gravel Driveways and Park for Limited Uses
- \* Addition to the Agenda: Item 26a. Request for Approval of ABC Store Quarterly Distributions Memo
- \* Addition to the Agenda: Item 28a. Call for Closed Session Pursuant to NCGS 143-318.11(a)(5) to Discuss Acquisition of Real Property
- \* Adjustment to Agenda Item 22. Remove Murdock Property (PINs 4741375279, 4741477196) from the Rezoning Request (RZ-18-01) – Request was pulled by applicant.

**ITEM 5. APPROVAL OF AGENDA**

Upon motion by Council member Bryant, seconded by Council member Jablonski, and unanimously carried, agenda for the regular meeting of March 08, 2018 was approved as amended.

**CONSENT AGENDA:** *Items on the Consent Agenda 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.*

**ITEM 6. APPROVAL OF AGENDA BRIEFING MINUTES OF FEBRUARY 05, 2018**

**ITEM 7. APPROVAL OF CLOSED SESSION MINUTES OF FEBRUARY 05, 2018**

**ITEM 8. APPROVAL OF REGULAR MEETING MINUTES OF FEBRUARY 08, 2018**

- ITEM 9. APPROVAL OF CLOSED SESSION MINUTES OF FEBRUARY 08, 2018**
- ITEM 10. APPROVAL OF PRELIMINARY PLAT FOR SUTTER'S MILL II**
- ITEM 11. APPROVAL OF PRELIMINARY PLAT FOR JEROME HOWARD PROPERTY**
- ITEM 12. APPROVAL OF FAÇADE FOR DUNKIN DONUTS**
- ITEM 13. APPROVAL OF AMENDMENT TO TOWN OF TROUTMAN POLICY #48 TITLED: "TROUTMAN FARMER'S MARKET RULES AND GUIDELINES"**
- ITEM 14. APPROVAL OF ANNEXATION REQUEST (AX-18-01) (Contiguous), Applicant(s):** KB Godley II, LLC, 4.13 acres, located at 386 Murdock Road, PIN 4742218388; Pamela McDaniel, 16.96 located at 139 Leona Lane, PIN 4742306535; Steven and Kathryn Cash, 17.96 acres, located at 199 Leona Lane, PIN 4741395538
  - a. Adoption of Resolution 03-18 Titled: *"Resolution Directing The Clerk To Investigate A Petition Received Under Article 4A Of G.S. 160A-31"*
  - b. Approval of Certificate of Sufficiency
  - c. Adoption of Resolution 04-18 Titled: *"Resolution Fixing Date Of Public Hearing On Question Of (Contiguous) Annexation Pursuant To Article 4A Of G.S. 160A"*
- ITEM 15. APPROVAL OF RESOLUTION 02-18 TITLED: "RESOLUTION IN MEMORY OF DALE IVEY BEATTY"**
- ITEM 16. ADOPTION OF TROUTMAN MISSION STATEMENT AND CORE VALUES**

Upon motion by Council member Bryant, seconded by Council member Troutman, and unanimously carried, Consent Agenda was approved as presented.

(Copied in full, Resolution 02-18 is filed in Resolution Book IV, Page 2)

(Copied in full, Resolution 03-18 is filed in Resolution Book IV, Page 3)

(Copied in full, Resolution 04-18 is filed in Resolution Book IV, Page 4)

(Copied in full, Preliminary Plats with applications, Dunkin Donuts façade, Policy #48, Resolutions 02-18, 03-18 & 04-18, and Certificate of Sufficiency is filed on CD titled: "Town Council Supporting Documents" dated February 5<sup>th</sup>, and February 8<sup>th</sup>, 2018 in CD Book #1 titled: "Town Council Supporting Documents")

## **RECOGNITIONS AND PRESENTATIONS**

**ITEM 17. PRESENTATION OF RESOLUTION 02-18 IN MEMORY OF "DALE IVEY BEATTY",** *(Mayor Young)*

Mayor Young read aloud Resolution 02-18 in memory of Dale Ivey Beatty, retired United States Army Staff Sergeant, and co-founder of Purple Heart Homes who passed away on February 12, 2018. He stated that Mr. Beatty was at Town Council's December meeting for the recognition of Purple Heart Homes as the Business Spotlight for the month and the Town and it is very unfortunate of his passing and in all he has done, the Town wanted to make sure we recognize his contributions to the community and to his country.

Mr. Beatty's wife was unable to attend.

**ITEM 18. EDUCATIONAL SPOTLIGHT – TROUTMAN MIDDLE SCHOOL,** *(Judy Jablonski, Council Member)*

Council member Judy Jablonski presented Troutman Middle School as the Education Spotlight for the month of March honoring and recognizing students for their accomplishments and achievements. The students were selected by one of the following teachers: Ms. Evans, Ms. Reep, Mr. Morrison, Ms. Gardner, and Mr. Engelhart. Principal Kathy Walker had the honor of presenting the following students:

All-County Band Participant: Ivan Shenefield  
School Spelling Bee Winner and District Spelling Bee Participant: Riley Bartos  
School Spelling Bee Runner-Up: Tania Comayagua  
Highest Growth on Reading iReady for Entire School: Desmond Olds  
All-County Girls' Cross Country Participants (placing in the top 5): Emily Hapes, Oliva Ostwalt, Jordan Vaughn  
Outstanding Bobcat Student: Callisa Richardson  
All-State Chorus Participants: Caleb Bost, Michael Sanders, Jordan DuTremble  
District Wrestling Champions with Undefeated Wrestling Seasons: Billy Baily, Michael Rank, Dylan Donaldson

Following the conclusion of the recognitions, Principal Walker thanked the Mayor and Town Council for the recognition. Troutman Middle Schools students and staff came forward for a congratulatory handshake from each Council member and Mayor Young who presented them with a Town of Troutman medallion and patch.

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Mayor Young shared a letter that he received from Molly Freeze, a young Town citizen who is concerned about the extinction of endangered animals. Miss Freeze's letter requested that he mention her concern and help try to figure out ways to help them. She is putting fliers together to solicit the help of more people.

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**ITEM 19. BUSINESS SPOTLIGHT – ABT, Inc.,** *(Mayor Young)*

In presenting ABT, Inc., located at 259 Murdock Road as the Business Spotlight for the month of March, Mayor Young commented that Troutman has some wonderful businesses in our community and ABT is one of them. ABT has been creative in offering solutions for the challenges of water drainage and management in commercial construction since its founding in 1982. It began with PolyDrain a precast tech drain made from polymer concrete with the concept to offer a modular pre-sloped series of drain sections that can be assembled in the field that would provide reliable drainage performance every time. The core of ABT's business philosophy is the desire to help create sustainable infrastructure that represent the value of earth's water as a resource not a waste product. Products and technologies have been developed for surface drainage, storm water management, Clean Water Act compliance, filtration, and storage. Mayor Young named many widely used trade names such as PolyDrain, PEX, Transformer, First Flush, Terminator, etc. currently offered by ABT. The company provides products not only in North America, but in Mexico, Central America, South America, Middle East and North Africa. Major clients include: Ford Motor Company, NASA, Toyota, SpaceX, Port of Los Angeles, and Yankee Stadium to name a few.

Mr. Nathan Paul, ABT's Business Development Manager thanked Mayor Young for his kind words and the background summary of the company and expressed his appreciation of the recognition. He stated that the company is a local family owned company employing 150 people locally. The company has grown and expanded since 1982 having several other plants; a metal fabrication company and a styrofoam company located in Statesville. Mr. Paul again thanked Mayor Young and Town Council for the recognition commenting they are proud and excited to be part of the community.

In recognition and appreciation of being an important part of the Troutman Community, Mayor Young presented Mr. Paul with a framed Certificate of Recognition who accepted it on behalf of the company.

(Copied in full, Certificate of Recognition is filed on CD titled, "Town Council Supporting Documents" dated March 5<sup>th</sup> and March 8<sup>th</sup>, 2018 in CD Book #1 titled, "Town Council Supporting Documents")

## **STANDING REPORTS**

### **ITEM 20. J. HOYT HAYES MEMORIAL TROUTMAN LIBRARY, (Rebecca Lopez, Troutman Library Branch Manager)**

Ms. Rebecca Lopez, Manager of the J. Hoyt Hayes Memorial Troutman Library presented the following monthly library report on current and upcoming programs and events:

- Rotary Little Free Library is painted and assembled, and should be installed within the next week or two.
- Mark Kroos, a double-neck guitarist will be performing on Thursday, March 15<sup>th</sup>, at 5:30pm. His performance is paid for with the Town of Troutman grant money.
- Library will be closed for the Easter Holiday on Friday, March 30<sup>th</sup> and Saturday, March 31<sup>st</sup>, reopening on Monday, April 2<sup>nd</sup>.
- National Library Week is April 9<sup>th</sup>-14<sup>th</sup> celebrating libraries, reading, and library staff. The schedule for the week's activities (listed below) is available at the library.
  - Dr. Seuss themed activities:
    - DIY Masks
    - Breakout Box
    - Dr. Seuss Story time
    - "Cat in the Hat" movie showing
  - Book Clubs:
    - Book Warriors Tween Reading Club
    - Adult Themes & Treats Book Club: Cover Love

## **COMMENTS FROM VISITORS AND GUESTS:**

*The Public is invited to address the Town Council with comments or concerns. The public comment period is limited to three (3) minutes per individual. (Newly adopted public comment policy is posted in the lobby and available on the Town Website)*

None

## **OLD BUSINESS**

### **ITEM 21. UPDATE REGARDING REBALANCING OF ADVISORY BOARDS, (Erika Martin, Planning Director)**

Planning Director Erika Martin stated that last month she provided some misinformation regarding the population within the Town Limits and Extraterritorial Jurisdiction (ETJ). The number provided for the ETJ was in fact the population of the ETJ plus the Town limits combined. Thus, the Town is in compliance with the state statutes regarding the Planning and Zoning Board representation.

Council member Henkel explained that the county misunderstood Ms. Martin request regarding the population, therefore incorrect information was given.

## **NEW BUSINESS**

**\*ITEM 22. CONSIDER REZONING REQUEST (RZ-18-01)**, Project Name: Troutman Industrial Park, approximately 129.98 acres located along Leona Lane, Murdock Road and Perry Road, PINs: McDaniel (4742306535); S. Cash (4741395538); W. Cash (4742312390, 4742314406) and ~~Murdock (4741375279, 4741477196)~~, (Martin)

Mayor Young stated that the Murdock parcels were withdrawn from the rezoning request by the applicant. (Removed under adjustments to the Agenda)

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

#### ***Mayor Young Opened the Public Hearing***

Planning Director Erika Martin presented the rezoning request RZ-18-01 stating that the request has changed slightly from the request in your packets. This request is now comprised of 40 acres belonging to Pamela McDaniel, Stephen Cash, and William Cash. These 40 acres are currently zoned Suburban Residential and adjacent to the 115 acre property rezoned to Heavy Industrial at the year's end. The tracts are to the north of IL Creek, south of Murdock Rd, and west of Leona Lane. If approved these tracts will become part of Troutman Industrial Park with sewer available onsite and through connection to the Town's water system off of Iredell Avenue. The Town's Future Land Use Plan shows strong support for the upper 40 acres along Leona Lane and Murdock Road transitioning to Heavy Industrial. When the Future Land Use Plan was being developed the Town focused on the downtown and Exit 42, but then bigger brush strokes were given to the east and west side of our community. The big idea to the east of Hwy 21, or the 4<sup>th</sup> area was development from Children's Hope Alliance to Murdock Road to I-77. Planning Staff and the Planning and Zoning Board recommend rezoning the 40 acres to Heavy Industrial.

Ms. Sandra Murdock, resident of Murdock Road and adjacent property owner expressed her appreciation that Mr. Murdock withdrew his request to rezone the 90 acres and that it is distressing to see Troutman's interest of turning Murdock Road into industrial properties. She commented that she understands that Council cannot base decisions on her feelings, but can only hope that Council would want to preserve the community. Ms. Murdock applauded the residents of Perry and Hoover Roads for banning together as a community and stated that she is ambivalent about the McDaniel and Cash properties. If the developer is a good neighbor to the surrounding neighborhood, then to her it is preferable to the high density residential proposals of the past.

#### ***Mayor Young Closed the Public Hearing***

(Public Hearing sign in sheet is attached to and made part of these minutes)  
(Copied in full, public hearing notice is attached to these minutes)

### **b. Adoption of Ordinance 05-18 Titled: "An Ordinance Changing The Zoning Classification Of The After Described Property From Suburban Residential (RS) to Heavy Industrial (IH)"**

Upon motion by Council member Jablonski, seconded by Council member Henkel, and unanimously carried, approved RZ-18-01 as requested to Heavy Industrial through the adoption of Ordinance 05-18 titled: "An Ordinance Changing The Zoning Classification Of The After Described Property From Suburban Residential (RS) to Heavy Industrial (IH)" which includes the properties of McDaniel, W. Cash, and S. Cash.

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

Upon motion by Council member Jablonski, seconded by Council member Williams, and unanimously carried, approved the rezoning's of McDaniel, W. Cash, and S. Cash consistent with the 2035 Future Land Use Plan which shows the corridor along Murdock Road transitioning to Employment Center/Light Industrial. Furthermore, the action

is consistent with the 2035 Future Land Use Plan Business and Industrial Development Goal in that Heavy Industrial will provide for a wide variety of employment uses to build upon and strengthen the economic vitality of the area.

Council member Henkel commented that he is appreciative of Ms. Sandra Murdock's comments stating that Council is mindful of their homes in that area and have no intention of deliberately upset or disrupt any ones quality of life. This has been on the books since 2006/2007. The Town needs industry, but not at the expense of our citizens.

(Copied in full, Ordinance 05-18 is filed in Ordinance Book 8, Page 204)

(Copied in full, rezoning application, Planning Board Certification of Recommendation, and public hearing notice is attached to these minutes)

(Copied in full, staff report, Ordinance 05-18, rezoning application, Planning Board Certification of Recommendation, maps, adjacent property owner's notification, and public hearing notice is filed on CD titled: "Town Council Supporting Documents" dated March 5th, and March 8th, 2018 in CD Book #1 titled: "Town Council Supporting Documents")

**ITEM 23. CONSIDER REZONING REQUEST (RZ-18-02)**, Hoover/Perry/Murdock Roads, approximately 136.08 acres belonging to multiple property owners along Hoover Road, Perry Road, and Murdock Road, PINs: Murdock (4742420787), Emery (4741449369), J Miller (4741564437, 4741566653), W Miller (4741672102, a portion of 4741671767, 4741662694), Morrow (4741664925), Davies (4741650561), Lamberth (4741666585), O'Donnell (4741452974), Hales (4741561144), Dulin (4741564032), Boyd (4741575541), Neumann (a portion of 4741676684), General (4742423277, 4742425567), Baker (4741452571), Feilke (4742420353), Laffin (4741367343), Lippard (4741560652), Stroud (a portion of 4741676387), and Gillon (4741357966, 4741357181, 4741344477), (*Martin*)

**a. Call for Public Hearing**

***Mayor Young Opened the Public Hearing***

Planning Director Erika Martin presented the rezoning request RZ-18-02 consists of approximately 136 acres stretching from the intersection of Murdock Road and Hoover Road to Perry Road. Currently, the majority of the 136 acres are zoned Suburban Residential; the exception being a small lot zoned Town Residential off of Cedar Street. IL Creek and its 100 year floodplain run through this area. Public utilities are limited in this area; sewer does run along IL Creek, but public water is not within close proximity of these tracks. The Town's Future Land Use Plan shows support for the parcels belonging to Murdock, Feilke, and General becoming Rural Preservation, but transition of the other tracks to Rural Preservation is not supported by the plan. However, the new statutory consistency statement law that came into effect at the end of 2017 allows future land use plans to be amended in conjunction with rezoning's as long as such an amendment is reasonable and provides an explanation for why a change in conditions has made such an action warranted.

Ms. Martin stated that in preparing for tonight's meeting, she found an idea board from September of 2013; a full year after kicking off development of our 2035 Comprehensive Future Land Use Plan. The area we are talking about tonight was still blank or undecided. When the Future Land Use Plan was being developed, the Town had a steering committee comprised of leaders from throughout our planning area and held two public input meetings, but this segment of our community for whatever reason was not well represented and that this snapshot in time is reflective of that. In using power point, Ms. Martin referred to color coded maps from the idea board which compared the 2008 Future Land Use Plan, proposed road networks, environmental features, developed and undeveloped areas. Specifically pointing out a blank area of the map with future land uses yet to be determined. Eventually a portion of the area along the curve of Murdock Road was designated rural residential. Followed by the designation of employment center/light industrial for the remaining area representing the Town's need for employment and industrial opportunities. In developing the future land use plan, Ms. Martin noted that individual parcels were not studied because the future land use plan is comprehensive in nature. She then compared aerial views to demonstrate environmental and existing conditions at a closer perspective

Ms. Martin stated that on Monday (at Council's Agenda Briefing Meeting) Council member Henkel inquired as to whether this request should wait until the Strategic Plan is complete. She stated that she and the Planning Board are recommending that the properties of O'Donnell, Laffin, Gillon, & Baker be held for that study because those properties and that area in general are close to our downtown, near public utilities, and have fewer environmental challenges making that area of our community prime for some sort of development justifying further study. Ms. Martin did not include the majority of the area to the east of this request, because there are a fair amount of developed ½ acre lots, yet the area is bounded by I-77 making possible a variety of outcomes, thus warranting further exploration. However, she and the Planning Board are recommending that the remaining parcels within the request comprised of 111 acres belonging to K. Murdock, Feilke, General, Lippard, J Miller, Boyd, W Miller, Nuemann, Stroud, Morrow, Lamberth, Dulin, Hales, Davies, and Emery be rezoned and the Future Land Use Plan be amended because good planning is not black and white, it's a colorful mix of the concrete and abstract. It is looking at science and physical constraints, considering best practices and planning theories, and listening to community members to preserve and enhance the unique qualities of a place. These citizens before you tonight may not have heard about the 2035 Future Land Use Plan when the Town first put paintbrush to canvas some years ago, but they've heard about it now and are simply requesting that Troutman's future plans be reflective of what already exists today, their rural way of life. Similar sentiments were expressed during the Town Council Retreat, and thus approving this request assists the Town in ensuring that large rural lots continue to be a viable part of Troutman.

- Alison Stroud, applicant, addressed the Council first by stating that in doing some research she came upon a Town of Troutman Flow Chart that outlined Government structure that it begins with the Troutman residents. In displaying the flow chart through power point, she asked that Council take a moment to look at it and remember that this really is now Troutman is designed to be run. Ms. Stroud shared the following reasons she and the other properties are requesting to be rezoned to Rural Preservation: they are well-settled, deeply rooted with acreage, many have animals and gardens, consider their homes as homesteads, away from the hustle and bustle, value and steward the land, protect it for generations to come, and will allow residents to continue to have a high quality of life. This preservation, paired with the targeted growth and multiple new residential subdivisions that have already been approved will facilitate the state of desire for the Town of Troutman which is to be a small town destination of choice where families live, work, and play in a healthy environment. She stated that at Council's retreat, it was stated that preservation of large lots was of high importance of the Town's leadership, submitting that this is an opportunity to match words with your actions. Ms. Stroud agreed with the idea of a Strategic Plan, but strongly objected to the suggestion of waiting 6 months stating it would be a disservice to the property owners and would frustrate and mislead the consultant of the Strategic Plan.
- Linda Gillon, one of the four applicants whose property is being recommended to be excluded from the rezoning request. Her property, located on Perry Road is 20 acres, largest of the four properties recommended for exclusion. She stated that she is committed to the property; it is her family home and she has no intention of selling it. She is currently in the process of remodeling the property and plans to move there within the next 3-4 months. Therefore, she asked that her property be included in the rezoning request to Rural Preservation.
- John Dulin, Jr., applicant requested that all requested parcels as originally presented to be rezoned to Rural Preservation. He stated that if residential suburban on Murdock Road can be rezoned to Heavy Industrial, he sees no reason why medium residential on Perry Road cannot be rezoned to Rural Preservation. From attending the Council's Planning Retreat, the vibes he received indicated that the Town was interested in preserving these areas.
- Barry General, applicant addressed future growth and the impact to the quality of life that particular growth brings. He stated that areas around Exit 42 should be utilized first for Heavy Industrial use. Mr. General also objected to the suggesting of waiting to be rezoned, and stated that Rural Preservation is appropriate and should be reflected as such on the Town of Troutman 2035 Future Land Use Plan Map. Long term residents with their farm animals and farm related activities have rights as well. He concluded by asking that Council rezone to Rural Preservation.
- Hal Lamberth, applicant addressed the Council commenting that several people have spoken because all have vested interest in what happens. We own property, we live here, and even the Council has vested interest. Nothing should be entered into hap hazardously, everything should be well thought out. In asking how many industrialist live beside their industry, he answered they don't, they establish their industry and move own. Mr. Lamberth commented that he and

everyone else wants a quality of life; an atmosphere that is comfortable to them. He asked that Council take special consideration of everyone requesting rezoning because he has a very deep love and respect for this community as it exist and would like to see it continue for future generations he is sure will do their part and bring forth a ruling that is equitable for everybody.

- John Kindley, Equity Commercial Properties addressed the Council as Troutman tax payer and Iredell County resident commenting that industrialist has been talked about tonight; the Town just presented an award to an industry located on Murdock Road that has been a great neighbor. The Town has its 2035 Plan to go industrial on Murdock Road toward I-77. The people that live off Perry Road want to go Rural Preservation, he does not have a problem with it, but one of the parcel's (requesting Rural Preservation) is located on Murdock Road. He stated that the reason they are here tonight is because growth is going their way, whereas before the Town went 10 years with no growth. With the plan now in fruition, now there are people trying to get out in front of the Town's plan trying to stop it. In questioning why the applicants are in such a hurry to rezone; Mr. Kindley asked that Council take their time and not allow the present get in the way of the Town's future plan. He stated that the Town is going to have to keep raising taxes if there is not balanced growth. He continued by stating that very few residents/tax payers of Troutman are here tonight; many are on a fixed income and cannot afford to pay higher property taxes.
- Greg Morrow, applicant, addressed Mr. Kindley's comments by commenting that there is not anyone in this room that does not pay taxes.
- Dennis Neumann, applicant, commented that residents on Hoover Road want to live as they are. In the way they decided to live when they moved here. It is upsetting and he does not understand why someone wants to bring industry into our backyards. There is a lot of land where industry can go within Troutman without disturbing Hoover Road.
- Frank Harmon, Equity Commercial Properties, representing Mr. Bruce Murdock spoke against the rezoning stating that he is all for preserving land in the right circumstances and the right locations. He responded to recent newspaper articles; one of which stated that the residents objected to the rezoning request as it was a violation to the 2035 Land Use Plan stating that the Plan is about to change, and that the request for proposal for the 10 year Strategic Plan has been mailed out. Another article quotes Council's comments that the Town's plan needs to be refreshed and looked at annually. Mr. Harmon also read from an article quoting Mr. Henkel's questioning if the residents would consider holding off on the rezoning request until the Strategic Plan is in place stating the concern that some of the properties might not be in line with the plan if Council approves the rezoning. He noted that there is sewer line that runs through properties designated for Rural Preservation and Ms. Godley is going to spend millions of dollars to run water to the now approved Industrial Park debunking that water and is not available to the large land tracts. Mr. Harmon stating that the current 2035 Land Use Plan shows 96 acres on East Monbo Road already zoned Rural Preservation pointing out that the difference between the two areas is that there is no water and sewer available in the East Monbo Road area. In conclusion, he asked Council not to consider the rezoning until they know what the pros and cons will be for the Town.
- Amy Crowley, resident of Hoover Road, addressed Council stating that she does not live in the city limits, and do not pay town taxes. She had requested that her 40 acres be rezoned to Rural Preservation, but was informed that her property is not part of the Troutman jurisdiction and therefore could not be part of the Rural Preservation effort. Ms. Crowley commented that the comments made that that most people in attendance are not residents of the Town, and that is true, but we are members of this community: we shop in the stores, attends church, and volunteer in the schools. In comparing the applicants of the zoning change with the two gentlemen (Kindley and Harmon) that spoke against it, Ms. Crowley stated that the applicants are a group of active community people who are only asking to make a zoning change for land they currently owner and do not intend to sell; where Kindley and Harmon have no vested interest in these properties other than the commissions they can make as realtors selling to industrial clients. They do not want to disrupt the Town plans, but as resident of this community they beseech that Council make decisions that does preserve the way of life that they all enjoy here; stating that there are other options for industrial uses to explore such as at Exit 42. She asked that Council honor the request to rezone from the group of citizens that has cared enough to be here month after month, and not make decisions that disservice the members of not just the Town, but our community.

**Mayor Young Closed the Public Hearing**

(Public Hearing sign in sheet is attached to and made part of these minutes)  
(Copied in full, public hearing notice is attached to these minutes)

**b. Tabling of Ordinance 06-18 Titled: “An Ordinance Changing The Zoning Classification Of The After Described Property From Suburban Residential (RS) And Town Residential (RT) To Rural Preservation (RP)”**

Council member Bryant commented that in light of the consideration of Council Retreat last month, Council agreed to move forward with refreshing the Town’s long term land use plan and consolidating it with a Strategic Compliance Master Plan with a tight timeline to fruition of September 2018, along with the fact that several of the properties requesting rezoning do not meet the minimum requirement standard under the Town’s ordinances pertaining to Rural Preservation, Council member Bryant made the following motion:

Upon motion by Council member Bryant, seconded by Council member Troutman, and carried, approved to table the rezoning request (RZ-18-02) until such time the Town’s master plan is complete, reviewed, and approved.

Yeas: Henkel, Bryant, Jablonski, Troutman

Noes: Williams

Council member Henkel explained that his question of asking the applicants if they would consider waiting on the Strategic Plan before rezoning stating that things are not going to change over the next 5 to 6 months and his feeling is that area in the plan should be Rural Preservation. He commented that as he is pro-industry, pro-business, pro-mom and pops as well as pro residential, he is pro for what is best for the Town, its citizen and its community. He requested that the applicants be patient.

Mayor Young commented that what was said by both Council members Bryant and Henkel is clear indicating that Council would like to wait to make an educated decision, so at the next agenda briefing Council will hopefully have the details for the RFP’s and can move forward from that point.

**c. Consistency Statement - Consistency Statement was not needed due to the tabling of the agenda item.**

(Copied in full, Ordinance 06-18 is filed in Ordinance Book 8, Page 205)

(Copied in full, rezoning applications, Planning Board Certification of Recommendation, and public hearing notice is attached to these minutes)

(Copied in full, staff report, proposed Ordinance 06-18, rezoning application, Planning Board Certification of Recommendation, maps, adjacent property owner’s notification, and public hearing notice is filed on CD titled: “Town Council Supporting Documents” dated March 5th, and March 8th, 2018 in CD Book #1 titled: “Town Council Supporting Documents”)

**\*ITEM 24. TEXT AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO) – GRAVEL DRIVEWAYS AND PARKING FOR LIMITED USES, (TA-18-03), (Erika Martin, Planning Director)**

- a. Hold Public Hearing
- b. Consider Adoption of Ordinance 07-18 Titled: “An Ordinance Amending The Town Of Troutman Unified Development Ordinance”
- c. Consider Adoption of Statement of Consistency

**(\* Item 24-Removed from the Agenda during Adjustments to the Agenda**

**ITEM 25. CONSIDER REQUEST FOR RELEASE FROM EXTRATERRITORIAL JURISDICTION:** Troutman Crossing Subdivision off of Crews Lane, Skyuka Road, and Watering Trough Road for a portion of Troutman Crossing (PINs: 4732872953, 4732970950, 4732889099, 4732980202, 4732980314, 4732888239, 4732887320, 4732885271), (*Martin*)

**a. Call for Public Hearing**

***Mayor Young Opened the Public Hearing***

Planning Director Erika Martin presented the request stating that Mr. John McCormick is requesting relinquishment of ETJ over Troutman Crossing due to the use of well and septic, and desires to develop under the County's ordinances which does not require construction of sidewalks. Staff and the Planning Board recommend denial of this request.

- Mr. McCormick, developer of Troutman Crossing Subdivision and a resident of Troutman addressed the Council commenting that at the Planning Board meeting, he felt as though his integrity was questioned in regards to receiving Certificate of Occupancy (CO's) for two houses in Troutman Crossing stating that he followed procedure in getting the CO's. Planning Directed Martin stated the Town did not inspect the property, nor did the Town sign off with the county in approving the CO's. Mr. McCormick again voiced that he did nothing wrong stating that he followed regular procedure by going online through the county's website, where in turn the two CO's were issued.

In reference to the request, Mr. McCormick provided background information that he was advised by Troutman and the City of Statesville that neither have future plans to provide water or sewer to the development, but under Troutman's extraterritorial jurisdiction (ETJ) he is being required to provide sidewalks for all streets of Troutman Crossing that he considers to be a rural area. Mr. McCormick previously sought relief through the Town's Board of Adjustment for a sidewalk variance, and is now requesting relief through release from ETJ. He stated that the requirement of sidewalks would just be sidewalks to nowhere and that he feels he is being made to do something that is out of line pointing out that the Town should have the same requirements inside town limits as in the ETJ.

Council member Jablonski asked Mr. McCormick to address the decision/ruling of the Board of Adjustment when he went before them with the sidewalk variance request. Mr. McCormick stated that they ruled that sidewalks are required in the city of Troutman, commenting that the subdivision is not in the city. He continued to say that when the Town said they were not going to provide water and sewer, then the Town is basically releasing them from the ETJ. Council member Jablonski then asked Planning Director Martin to explain the Board of Adjustment ruling. Ms. Martin stated that the Board of Adjustment was unanimous in their ruling that sidewalks would be require; or fee paid in lieu of, on all three sides of his property.

***Mayor Young Closed the Public Hearing***

(Public Hearing sign in sheet is attached to and made part of these minutes)  
(Copied in full, public hearing notice is attached to these minutes)

**b. Denial of Ordinance 08-18 Titled: “*An Ordinance Relinquishing The Extraterritorial Jurisdiction Of Troutman Crossing*”**

Mayor Young asked Ms. Martin if the Town's Unified Development Ordinance (UDO) speaks to sidewalks in the city limits. Ms. Martin responded that it does not; the Town's subdivision ordinance requires sidewalks for any residential lot that is less than an acre. Council member Bryant asked if Ms. Martin has an insight to other options for Mr. McCormick. Ms. Martin stated it has been over one year since he applied for a variance with the Board of Adjustment; therefore he has the option to return to the Board of Adjustment with a variance request. She informed Council that when he first went before the Board of Adjustment, she was supportive of not requiring a sidewalk on Crews Lane, but she feels it is very important that sidewalks are on the other two streets. Mr. McCormick stated that there is no time to wait for the Board of Adjustment that this is the day of reckoning; his Certificates of Occupancy are being denied due to this issue and he is being told to either put the sidewalks in or pay for them. Ms. Martin stated that the Board of

Adjustment meet on an as-need-basis and need at least 15 days to get organized that includes a 10 day public notice. Mayor Young noted that the option as outlined by Council member Bryant is to go back to the Board of Adjustment to see if that opportunity is there.

Upon motion by Council member Jablonski, seconded by Council member Troutman, and carried, denied the request for ETJ relinquishment, rejecting Ordinance 08-18 as presented.

Yeas: Jablonski, Troutman, Bryant, Henkel

Noes: Williams

For the purpose of “being on record” Mr. McCormick voiced several issues regarding other properties that has been reported to the Town and have not been addressed. Issues include:

- Gave easement to the Town on Valleybrook in Inglewood Subdivision for storm sewer water connection that the Town agreed to do. The connection has not been made nor has the easement been maintained and it is an issue now because it is being called a stream. He also stated that he has never received his dollar for the easement.
- Sewer tap that was put in for a lot at the end of Barndale was used for another property and when he went to hook up the sewer the tap was no longer there.
- Road that was a gravel street use to extend all the way to the end, now ends at his lot on Barndale leaving him with no access to his lot.

Mayor Young requested that Town Manger Longino look into the issues (as stated above) and report back to Council.

(Copied in full, Ordinance 08-18 is filed in Ordinance Book 8, Page 207)

(Copied in full, request letter, Planning Board Certification of Recommendation, and public hearing notice is attached to these minutes and is filed on CD titled: “Town Council Supporting Documents” dated March 5th, and March 8th, 2018 in CD Book #1 titled: “Town Council Supporting Documents”)

(Copied in full, staff report, request letter, Planning Board Certification of Recommendation, Adjacent property owners notification, map, plat, and public hearing notice is attached to these minutes and is filed on CD titled: “Town Council Supporting Documents” dated March 5th, and March 8th, 2018 in CD Book #1 titled: “Town Council Supporting Documents”)

**ITEM 26. APPROVAL TO RE-APPOINTMENT OF KENNETH OVERCASH AS INSIDE MEMBER TO THE TOWN OF TROUTMAN BOARD OF ADJUSTMENT (Term expiring April 6, 2018), (Martin)**

Upon motion by Council member Jablonski, seconded by Council member Henkel, and unanimously carried, re-appointment of Kenneth Overcash as inside member to the Board of Adjustment was approved.

(Copied in full, re-appointment application is filed on CD titled: “Town Council Supporting Documents” dated March 5th, and March 8th, 2018 in CD Book #1 titled: “Town Council Supporting Documents”)

**\*ITEM 26A. REQUEST FOR APPROVAL OF ABC STORE QUARTERLY DISTRIBUTIONS MEMO**

Town Manager Longino presented the request on behalf of Layton Getsinger, ABC Board Chairman stating that the ABC Store has recently went through a performance audit with the North Carolina ABC Commission and in looking at the numbers the Commission informed Mr. Getsinger that due to the state retention requirement to retain 4 months of working capital in reserve, there is not enough in their working capital at this time to continue quarterly distributions. The ABC Commission has requested that the Town approve delay of further distribution to the local entities until the store has reached its mandatory working capital retention level.

Upon motion by Council member Henkel, seconded by Council member Bryant, and unanimously carried, approved to accept memo for the ABC Store Quarterly Distributions as written.

(Copied in full, request letter, memo to ABC Board, working capital computation sheet is filed in the ABC Board file and on CD titled: "Town Council Supporting Documents" dated March 5th, and March 8th, 2018 in CD Book #1 titled: "Town Council Supporting Documents")

## **ITEM 27. COMMENTS FROM TOWN COUNCIL AND MAYOR**

Mayor Young

- Commented that he and Town Manager Longino attended National School Breakfast Week at Troutman Elementary School. It was an awesome time with the little ones, who have a lot to say.
- Sprint into Spring was a very good and well-done event. Even though it was cool out, the event brought out a huge crowd. Ms. Emily Watson, Parks and Recreation Coordinator advised that there were 208 participants; and the event net profited \$5,842.

## **ITEM 28. COMMENTS FROM TOWN MANAGER**

Emily Watson, Parks and Recreation Coordinator

- Thanked all the Sprint into Spring sponsors
- Reminder(s):
  - Easter Egg Hunt – March 24<sup>th</sup>, 10am at Troutman ESC Park for children of all ages. Free admission. Thanked Southern Treats for their sponsorship and donation of 3,500 eggs and all the candy and toys to go in the eggs. Girl scouts have volunteered to help hide the eggs. The playground will be roped off for ages 1-4, and ages 5 and up will hunt eggs on the paved trail. There is one dozen of golden eggs that will contain gift certificates to Southern Treats and a dozen that will hold a 1 dollar bill in each. There will be several basket give-a-ways for the kids that find a special coin in their egg.

Matthew Selves, Police Chief commented that the weekend of March 24<sup>th</sup> is also the Horse Sale at the Fairgrounds.

### **\*ITEM 28a. CALL FOR CLOSED SESSION PURSUANT TO NCGS 143-318.11(a)(5) TO DISCUSS ACQUISITION OR REAL PROPERTY**

Mayor Young called for a closed session pursuant to NC General Statute 143-318.11(a)(5) to discuss acquisition of real property.

\*Upon motion by Council member Henkel, seconded by Council member Bryant, and unanimously carried, approved to hold a closed session pursuant to NCGS 143-318.11(a)(5) to discuss acquisition of real property.

**Mayor Young opened the closed session.**

Along with Town Council, Mayor Young asked that Justin Longino, Town Manager; Kimberly Davis, Town Clerk; Gary Thomas, Town Attorney to join Council for the Closed Session.

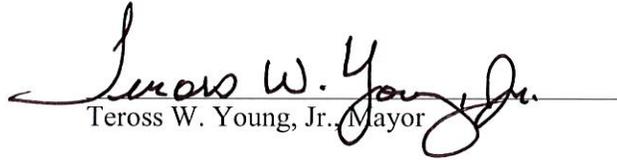
***\*\*MINUTES OF CLOSED SESSION HAVE BEEN SEALED UNTIL SUCH TIME PUBLIC INSPECTION WILL NO LONGER FRUSTRATE THE PURPOSE OF THE CLOSED SESSION\*\****

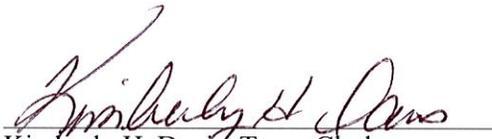
### **Reconvene Open Session**

\*Upon motion by Council member Henkel, seconded by Council member Bryant, and unanimously carried, approved to close the closed session and reconvene the open session.

**ITEM 29. ADJOURNMENT**

Upon motion by Council member Troutman, seconded by Council member Henkel, and unanimously carried, the March 08, 2018 Town Council meeting was adjourned at 9:03 pm.

  
Teross W. Young, Jr., Mayor

  
Kimberly H. Davis, Town Clerk

