

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

TOWN COUNCIL AGENDA BRIEFING MEETING MINUTES

January 10, 2022 – 4:00 P.M. – Troutman Town Hall

Presiding: Mayor Teross W. Young, Jr.

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

Council Members Absent: None

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

Press Present: Debbie Page, Iredell Free News

Others: See attached Sign-In sheet

I. MAYOR YOUNG CALLED THE JANUARY 10, 2022 AGENDA BRIEFING MEETING TO ORDER

• Adjustment(s) to the Agenda Briefing Agenda

*Addition: Closed Session Pursuant to NCGS 143-318.11(a)(5) to discuss a real estate matter under Agenda Item III.

• Adoption of the Agenda Briefing Agenda

*Upon motion by Councilmember George Harris, seconded by Councilmember Jerry Oxsher, and unanimously carried, approved the January 10, 2022 Agenda Briefing Agenda as amended.

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)

• Councilmember Felina Harris

- Asked that everyone keep the ones that lost loved ones over the Holidays in your prayers especially the families of the two children from our community.

- Recognized yesterday as National Law Enforcement Day thanking all law enforcement in the Police Department and former officers Manager Wyatt and Councilmember Nau for all they do and have done.
 - Commented that she is looking forward to the Town's MLK event on Saturday, hoping for a good turnout.
- **Councilmember Eddie Nau**
 - Thanked Council for all the warm wishes and for reaching out to him during his absence.
 - Commented that he is looking forward in attending the MLK festivities.
 - Wished everyone a Happy New Year.
- **Councilmember Jerry Oxsher**
 - Wished everyone a Happy New Year.
 - Commented he is looking forward to upcoming Town events.
 - Congratulated the opening of a new small business "Your Coffee Place" that opened up across the street. It is a great location and a great place to congregate.
 - Expressed condolences to the families that lost loved ones.
 - Excited that this is his 1st official full meeting as Councilmember. In reference to Thursday nights agenda he commented that there are some good steps here, to eliminate some gray areas and clear up some of the things we do and how we represent the Town.
- **Councilmember George Harris**
 - Commented he, his wife and grandkids visited "Your Coffee Place". It was a good experience.
 - Announcement that he will be having a knee replacement on February 3rd.
- **Councilmember Paul Henkel**
No comments were made.
- **Mayor Young**
 - Expressed his sincere condolences to the families that lost loved ones over the Holidays and to the families of the two that are on Council's Thursday night's agenda.
 - Recognized National Law Enforcement Day expressing appreciation and thanks to the Police Department for all they do in our community; requesting that Chief Watson share his sentiments with his team. He expressed appreciation to Manager Wyatt and Councilmember Nau for their service in law enforcement as well.
 - Expressed appreciation and thanks to staff for putting together the MLK event on Saturday.
 - Announce that the grand opening for "Your Coffee Place" is to be held on January 29th.
 - Wished Councilmember George Harris the best on his upcoming surgery.

1. Discuss Date and Venue for Annual Planning Retreat

Council was in agreement to hold the Annual Planning Retreat at Town Hall splitting the day long retreat into two ½ days: February 28th at 8:00 am; and March 7th at 11:30 am.

B. Staff Comments/Business

Town Manager Ronald Wyatt

- Stated that the Town continues with the mask mandate explaining that policy is being followed for everyone's protection.
- Informed Council that the owner and manager of "Your Coffee Place" have visited Town Hall several times and we appreciate the business and that they are close to Town Hall.
- Expressed appreciation to the Public Works Department and their efforts in taking down Christmas decorations. Staff has received great comments on the Christmas decorations over the holidays.
- Expressed thanks and appreciation to all the departments' and staff in making sure that the Town proceeded as normal explaining that a lot has been happening within the Town.
- Commented that staff too is looking forward to the MLK event with breakfast and speaker Kenston J. Griffin at South Iredell High School with numerous elected officials and community members that will be in attendance, followed by a community service project.

1. Presentation of the Town's Disaster Readiness Plan, (Ian Tolman, Town Intern/Ron Wyatt, Town Manager)

Town Manager Wyatt introduced Ian Tolman, who came to the Town from Western Carolina University as the Town's summer intern majoring in Emergency and Disaster Management. Manager Wyatt stated that the Town's current Disaster Readiness Plan was completed 16 years ago and some of the Town personnel listed in the plan have been gone more than 8 years. He explained how important a Disaster Readiness Plan is to the Town stating that Mr. Tolman worked hard and numerous hours on updating it but there are still a few tweaks needed before the plan is complete.

Mr. Tolman expressed thanks to Manager Wyatt for allowing him to intern in Troutman and getting the work experience stating it was tough his senior year having to fight the school for the internship because at that time they were not allowing internships.

Councilmember Eddie Nau thanked Mr. Tolman for his hard work. On behalf of himself and the Town Mayor Young thanked Mr. Tolman for his initiative.

2. Discuss 2022 Board and Committee Advisory Positions

Town Manager Wyatt suggested that Council members be assigned to a town board and/or committee in a liaison position (to observe).

- Mayor Pro Tem volunteered to continue as liaison on the Design Review Committee (DRB).
- Councilmember Felina Harris volunteered for Parks & Recreation Committee.
- Councilmember George Harris volunteered for Planning and Zoning Board
- Jerry Oxsher volunteered for the Board of Adjustment.

(Copied in full, 2021 list of current appointments is filed on CD titled: "Town Council Supporting Documents" dated December 6th and 9th, 2021 in CD Book #1 titled: "Town Council Supporting Documents")

3. Financial Report

Town Manager Wyatt advised Council that the Town Financial Audit that began late July, early August by Petway, Mills and Pearson is not complete. He advised that a representative with the company has stated that the employee that was performing the audit no longer works for their company and feels he misled them and the town. He reviewed emails sent between the Town and the auditors regarding the issue. As of last conversation with the company's representative, she was going to discuss the issue regarding the delay of the audit with her team and get back with the Town. Manager Wyatt stated that the Town has done everything we are supposed to do and has provided everything they have asked for to complete the audit. Mayor Young asked if there is a statutory requirement that the audit needs to be completed by. Town Manager responded that there is and at this point all the Town can do is let the state know that the Town is not in compliance and share the contract and all email correspondence that the Town is not at fault. Mayor Young asked for the deadline as to when the audit should be presented and accepted. Finance Director Justin Mundy replied that the soft deadline is October 1st and the hard deadline is November 30th but some municipalities drag it out until February and March and the state expects that. He is hopeful that the audit is complete by the end of January but unfortunately the Town is at the mercy of the firm. Mr. Mundy explained the process and timeliness in which an audit should be performed. Councilmember Eddie Nau asked if it is too late to find another agency to complete the audit since they have not done what the Town asked and paid them to do. He continued by stating he has a problem rewarding incompetence and the Town should not be too quick to write the check. Town Manager Wyatt commented that he thinks it is too late at this point. However if by the end of this month the audit is not completed, the Town has no choice but notify the state and start all over. Finance Director Mundy stated that the person that came to Town Hall and did the field work left the company and he feels the ball got dropped from that transition which is basically the root of the problem. Mayor Young stated that the Town needs to go with the current process and get this audit completed then going forward the Town needs to be interviewing other firms. Councilmember Paul Henkel ask about filing a complaint with the state. Attorney Thomas suggested that the Town wait to file a complaint until the audit is complete.

Councilmember George Harris expressed concern regarding expenditures in Administration being at 72% and Capital Expenditures being at 88% which is over percentage wise for this time of year inquiring if there will be any problems by the end of year. Town Manager replied that budget amendments will be needed to compensate explaining that one of those was the new position created for Emily Watson and for contracted services.

4. Discuss Upcoming Essentials of Municipal Government Conference, (Kimberly Davis, Town Clerk)

Town Clerk Kimberly Davis informed Councilmembers George Harris and Eddie Nau whom had expressed interest in attending in person the Essentials of Municipal Government in Asheville that it has been postponed until the Spring. Councilmembers Felina Harris and Jerry Oxsher is registered for the online conference at the end of February. A link will be sent to access the conference. She advised that they will need to sign-in individually in order to receive their Ethic's certificate. Mr. Henkel has requested to take only the required Ethic's portion which is not offered until sometime in the Spring.

5. Discuss De-Criminalization of Town Ordinances, (Wyatt)

Planning Director Lynne Hair stated she is working on de-criminalization within the Unified Development Ordinance which will go before the Planning and Zoning Board this month for a recommendation. Town Attorney Gary Thomas stated that under the new statutes, there is really only three things that has to be de-criminalized: peddler/transients/merchants, driveway construction, and the ones Ms. Hair is working on in the UDO. He thought that the Town may want to look at de-criminalizing other things/ordinances such as livestock make it a civil crime. Councilmember Paul Henkel asked for more details regarding other ordinances. Council was in agreement to consider all ordinance at once, with a review of all ordinances in February, aiming for Councils consideration in March.

6. Overview of Town Council's Upcoming Regular January 13, 2022 Meeting Agenda Items Scheduled to be Presented, (Wyatt)

Consent Items 1-3 – Minutes to be approved.

Consent Item 4 – Retirement and Sale of Police K9 Jackpot

This item is to consider retirement and sale of K9 Jackpot (JP) to his current handler as a pet. Chief Watson advised that he is not considering to replace JP at this time. Although he is very fond of the K-9 program, the department does not currently have a true need for a K-9 nor the manpower. There would need for a commitment by the handler/officer and to make sure it is trained correctly and to maintain that training. Cost for a well-trained K-9 is approximately \$20,000. Mayor Young questioned the maintenance items for JP. Chief Watson stated that his kennel is on Town property and other maintenance items such as his food and harnesses went with the K-9. Town Manager stated that the kennel is not usable and will be disposed of.

Consent Item 5 – Trade/Surplus Firearms to Lawmen's Police Supply

Chief Watson stated that there is a need is to replace 3 rifles and purchase 1 extra. The rifles were rusted as a result of not being managed well. He stated he there were 13 backup pistols of which 6 have been sitting in a safe since purchased. Therefore, with the sale of the 13 pistols and of 4 shotguns the department will get around \$4,000 (+). Discussion was held regarding lack of maintenance of firearms in the past that has resulted in Chief Watson establishing a maintenance and replacement schedule.

Consent Item 6 – Acceptance of Donated Right-of-Way Property Located on the East Side of North Main Street Fronting Iredell County Fairgrounds Property by John D. Goforth, Property Owner

Town Manager Wyatt stated that he has spoken with West Consultants regarding a survey for the proposed property once Council accepts the donation. Councilmember Jerry Oxsher asked if the business signage on the strip of land will need to change. Town Manager Wyatt stated they would be grandfathered.

Consent Item 7 – Approval of Policy #60 Titled: “Town of Troutman Street Maintenance Acceptance Policy”

Town Manager Wyatt stated that the proposed policy was created by Planning Director Hair describing the process of turning over streets to the Town.

Consent Item 10 – Approval of Resolution 04-22 Titled: “A Request Of Support For The Town Of Troutman To Match 50% Of Funding Up To \$100,000 For Construction Of Sidewalk On The East Side Of Wagner Street”

Town Manager Wyatt stated that the proposed Resolution is in support of a 50% match up to \$100,000 for sidewalk construction on Wagner Street. He has been working with Senator Sawyer and House member’s McNeely and Grey who think there are NCDOT funding available. Councilmembers expressed concerns of how citizens would react if a sidewalk on Wagner Street was to be constructed before the Talley Street sidewalk project. Town Manager Wyatt stated that the process in receiving funds is two different processes; the Wagner Street project would be state funding whereas the 1.2 million Talley Street project involves federal funding which is a slower process which is moving forward.

Town Clerk Davis stated that upon request of Mayor Young, a Resolution in recognition of Martin Luther King is to be added for approval under Consent Agenda as Item 11, and presented under Item III - Introductions/Recognitions/Presentations

OTHER:

- Town Manager Wyatt made Council aware that the Town is going to change indoor lighting of all town facilities to LED lighting in participation of the Duke Energy Small Business Energy Saver Program. He advised that the cost to the Town is approximately \$1,291 of the \$4,459 cost of the project saving the Town \$1,520 in the first year. Manager Wyatt advised that the lighting comes with a three year warranty. In efforts to save additional cost, Manager Wyatt is to also inquire about replacing the lights on the greenway with LED lighting.
- Councilmember Paul Henkel requested that the AD Hoc Committee established to review the Charter continue with the Town Attorney, Councilmember George Harris, and his nomination of Councilmember Felina Harris taking Sally Williams place, in reviewing and refining guidelines of advisory committees over the next several months to address and bring back order, timeliness and respect to those meetings.
- Attorney Thomas mentioned to Council that a Public Hearing is not required for approval of the Charter. It was upon his recommendation to hold a Public Hearing because it may be a question that the General Assembly would ask explaining that the General Assembly has to have the final approval of the Charter. In explaining that the changes are merely updating the Charter to align with adopted ordinances over the years. Councilmember Jerry Oxsher questioned the proposed changes stating that he feels he is in the dark. Attorney Thomas explained that there was not a word document to make redline changes to, he added the changes as he re-typed the Charter. He offered to meet to share his notes regarding the changes with Councilmember Oxsher stating that 85% to 90% of the Charter has not changed.

III. HOLD CLOSED SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTES (NCGS) 143-318.11(a)(3) TO CONSULT WITH ATTORNEY AND **PURSUANT TO NCGS 143-318.11(a)(5) TO DISCUSS A REAL ESTATE MATTER

Mayor Young called for a Closed Session pursuant to North Carolina General Statutes (NCGS) 143-318.11(a)(3) to consult with attorney and pursuant to NCGS 143-318.11(a)(5) to discuss a real estate matter.

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

*Upon motion by Councilmember Paul Henkel, seconded by Councilmember George Harris, and unanimously carried, approved to hold a Closed Session pursuant to NCGS 143-318.11(a)(3) to consult with attorney and pursuant to NCGS 143-318.11(a)(5) to discuss a real estate matter.

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 Paul Henkel, seconded by Councilmember George Harris, and unanimously carried, approved to reconvene open session.

Action taken as a result of the Closed Session: None

OTHER DISCUSSION HELD:

Councilmember Henkel clarified Charter changes in regards to:

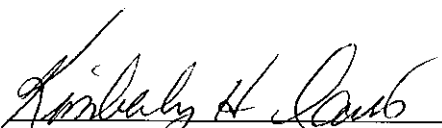
- Town Manager verses Administrator in the hiring and firing of certain employees.
- When passing an ordinances on 1st reading there has be a 2/3 affirmative vote – change Charter to keep in line with General Statutes. Attorney Thomas to add a line/provision in the Charter “subject to NCGS 160A-75” and that the Police Chief is appointed by the Town Manager.

Attorney Thomas updated Council on the appeal regarding Wagner Street Townhome rezoning stating that they has filed their complaint, he has filed his answer and he is now working on “the Record” which is primarily the minutes, maps and other documents that will go before the court and the court will then set a court. He explained they are asking that the court overturn Council’s decision and that Council have another hearing and vote. Attorney Thomas stated that he applicant alleges that no statement of consistency was made but the statutes no longer require a statement of consistency as long as the minutes show that two things are discussed: 1) Planning Boards recommendation, and 2) what the comprehensive

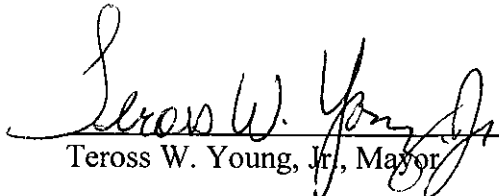
land use plan shows and in reading the minutes and all the materials those two things were mentioned approximately 10 times.

IV. ADJOURNMENT

*Upon motion by Councilmember Paul Henkel, seconded by Councilmember George Harris, and unanimously carried, approved to adjourn the Agenda Briefing of January 10, 2022. Time of adjournment: 7:03 p.m.



Kimberly H. Davis, Town Clerk



Teross W. Young, Jr., Mayor

(*) Motion(s)

(**) Addition(s)

