

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

**TOWN COUNCIL AGENDA BRIEFING MEETING MINUTES**

**August 08, 2022 – 4:00 P.M. – Troutman Town Hall**

Presiding: Mayor Pro Tempore W. Paul Henkel;

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

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

Staff Present: Ronald Wyatt, Town Manager; Kimberly Davis, Town Clerk; Lynne Hair, Planning Director; Adam Lippard, Public Works Director; Gary Thomas, Town Attorney; Josh Watson, Police Chief; Michael Barker, IT

Press Present: Debbie Page, Iredell Free News

Others: See attached Sign-In sheet

**I. MAYOR PRO TEMPORE HENKEL CALLED THE AUGUST 08, 2022 AGENDA BRIEFING MEETING TO ORDER**

Mayor Pro Tem Henkel commented he is filling in for Mayor Young due to his absence as he is attending to arrangements in the death of his father. He expressed condolences to Mayor Young and the family.

**• Adjustment(s) to the Agenda Briefing Agenda**

\*Addition to Item III adding Closed Session Pursuant to General Statutes 143-318.11(a)(3) to Consult with Attorney regarding two (2) separate legal matters..

\*Town Attorney asked for an addition to Thursday nights Consent Agenda as Item 5 titled: "Approval of Joint Economic Development Agreement between the Town of Troutman and C.R. Onsrud, Inc.

**• Adoption of the Agenda Briefing Agenda**

\*Upon motion by Councilmember Eddie Nau, seconded by Councilmember George Harris, and unanimously carried, approved the August 08, 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)**

#### **1. Mayor and Council Comments/Discussions**

##### **Councilmember Eddie Nau**

- Commented that he has a successful meeting with Town Manager Wyatt, Planning Director Lynne Hair, Associate Planner Andrew Ventresca, and Code Enforcement Officer John Ganus regarding code issues stating that he now understands that the enforcement process takes an extended amount of time that it is not a quick fix. He thanked them all for their time.

##### **Councilmember George Harris**

- Expressed concerns regarding truck traffic on Rumple Street commenting that they are tearing up Town streets that the Town has to pay for. He stated that there are “no truck” signs at both ends of Rumple Street; commenting that the Town needs to enforce.
- Commented that last month the Mayor mentioned the shootings at the parade in Highland Park, on Friday members of the CRTPO received a death threat over toll roads, and with the 2 recent shootings in Town it is really hitting home. He stated that Police Chief Watson is doing right by holding events such as the Sandlot ball games and National Night Out (NNO) in efforts of bringing the Town together and making it stronger.

##### **Councilmember Felina Harris**

- Shared a concern from a resident in Inglewood of trucks cutting through Inglewood and not stopping at stop signs. She has asked about speed humps being installed.
- Commented that she attended National Night Out (NNO) stating it was a great event with a great turnout. She expressed thanks to all involved in putting on the event.

##### **Councilmember Jerry Oxsher**

- Thanked Councilmember George Harris, Planning Director Lynne Hair and all staff and citizens that have taken part in the Strategic Land Use Plan process commenting that he is very happy with the good progress that is being made.
- Commended Chief Police Watson and everyone serving under him for all they have done. Also for the press releases and keeping everyone in the know.
- Expressed thanks for all who assisted with National Night Out (NNO) commenting that it was a great event and success; had a blast with his family.

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

- Thanked all Council members for their comments.

**B. Staff Items:** (At this time Mayor Young provides an opportunity for staff to make reports, comments and/or ask questions)

**1. Staff Comments**

**Town Manager Ron Wyatt**

- Expressed thanks and appreciation to Chief Watson, his officers and all that helped with National Night Out (NNO) commenting that it was an extraordinary event. Over 600 hot dogs and over 1000 ice creams cones were served. A lot of hours went into making it a success. He expressed appreciation for the support from the community.
- Stated that Emily Watson is back with the Town full time in the Parks and Rec. role and Brent Bustle is working part-time in the Parks and Rec. Department. There will be a couple of others joining staff soon.
- Informed Council that he has met with someone regarding the design of the Parks & Rec. facility/house. He is still waiting on the county for permits for the planning and zoning house; once received we should be able to move forward with other projects.
- Stated that there are still holds in staffing; hoping to fill those voids soon. The 2<sup>nd</sup> interview was held with a Code Enforcement applicant. He has an impressive background, but we are waiting on results from the background check. He commented that he anticipates he will be joining staff soon. The plan is to have John Ganus help train along with Planning Director Lynne Hair and Associate Planner Andrew Ventresca.

**a. Discuss Amending Speed Hump Policy (Policy 33)**

Town Manager Wyatt stated that the Town has had several complaints regarding speeding and request for speed humps. He stated the Town now has a radar trailer that can be utilized in areas to confirm a speeding problem. Chief Watson commented on a situation in a neighborhood where the radar trailer was set stating that over a 4-5 day period the count was 1400 cars. The data showed only 8 cars was over the speed limit clocking the highest speed at 29 mph. In this case there is no speeding problem. Town Manager Wyatt stated that after he, Chief Watson, and Planning Director Hair reviewed the Town's existing policy, no changes were suggested. He stated that the Town will handle complaints as we are made aware. Speed control devices could be a safety issue as it could interfere with the timeliness of an emergency vehicle. Staff may do an article in the newsletter that addresses these type of issues as well as articles in the media and visibility of the radar trailer will help. Councilmember George Harris commented that citizens need to understand that speed control devices could cause issues and/or damages in regards to street cleaning and snow removal. Chief Watson stated that there are a lot of other options before the installation of speed humps. The radar trailer is a good tool for studies in residential areas.

Councilmember Eddie Nau commented that the current policy is perfect and opposed any changes being made. Mayor Pro Tem Henkel stated that the policy may need tweaking to make clear the "what if's" and "who pays" requesting that staff research criteria and bring back to Council next month. Councilmember Jerry Oxsher agreed stating that the policy seems a little too subjective and would like to see it strengthened.

(Copied in full, Policy 33 is filed on CD titled: "Town Council Supporting Documents" dated August 8<sup>th</sup> and 11<sup>th</sup>, 2022 in CD Book #1 titled: "Town Council Supporting Documents")

**b. Discuss Amending the Code of Ordinances Regarding the Town's Noise Ordinance**

Town Manager Wyatt stated that he has received several noise complaints from citizens in reference to music being played at a business. He stated that under the Town's current ordinance and in referencing General Statutes, amplified noise is a police issue, not Code Enforcement. A draft, revising Sec 10-19 of the Town Code of Ordinances defining what constitutes a noise violation. Councilmember George Harris stated that the Town needs to purchase a decibel meter to measure noise levels. Chief Watson stated that he thinks enforcement should be complaint driven. Town Manager Wyatt suggested that Council take the time to review the proposed draft, possible form a subcommittee to bring back recommendations. Mayor Pro Tem asked Councilmembers Felina Harris and Eddie Nau to serve on a subcommittee with the Police Chief and Town Manager to present recommendations back to Council in October or November. Both Councilmembers agreed to serve.

(Copied in full, draft of revised noise ordinance language is filed on CD titled: "Town Council Supporting Documents" dated August 8<sup>th</sup> and 11<sup>th</sup>, 2022 in CD Book #1 titled: "Town Council Supporting Documents")

**c. Discuss Amending the Remote Participation Policy for Meetings of the Town Council (Policy 56)**

Town Manager Wyatt stated that the Town's current policy allows Council members to participate but not vote remotely. He stated that the county's policy prior to COVID allowed remote voting except in closed session and only allowed a member to miss 2 meetings without a public vote to allow that member to miss more than the 2 meetings; there are several other towns and counties that follow suit. Different legal opinions existed behind the rationale of not allowing voting in remote participation was that you could not determine who was or was not present, but no one ever legally challenged the Governor's order during COVID that allowed remote voting in open and closed meetings. Manager Wyatt continued by stating that the policy that is still in effect for Iredell County allows remote participation by any member as long as a quorum is physically present. Attorney Gary Thomas advised that the School of Government (SOG) says there cannot be remote voting even with a quorum present but can participate in discussion. Town Manager Wyatt disagreed stating that SOG says that there can be remote participating and voting with a physical quorum present, but it may be challenged (only have only 30 days to challenge.) He stated that an in person vote could be taken at the next meeting. Mayor Pro Tem asked if that person is still participating remotely the next meeting, how their previous vote would be ratified. Town Manager Wyatt replied that he did not ask that question but the safest answer would probably be that the person should sustain from the vote. Manager Wyatt stated that he would follow up on the question. Councilmember George Harris asked if the vote could be challenged, why have them vote in the first place. Manager Wyatt commented that the likelihood of someone challenging a vote is minuscule. Mayor Pro Tem Henkel stated that he has a problem with the Town's policy that allows participation in a closed session because if they are on a call, he does not know who, if anyone is in that room with them. Town Manager Wyatt stated that for the last 1½ years, it has been allowed and no one has ever questioned it just because the Governor said it was OK. Attorney Thomas stated that it was also a statute that was passed (GS 166A) that says "if there is a state of emergency, there can be remote participation with remote voting" and advised that the state of emergency will no longer be in effect as of next Monday. Following a discussion of how many times a Councilmember can remote in, Mayor Pro Tem Henkel asked if the policy can be sent to Frieda Blumenstein with the School of Government (SOG) for review. Gary Thomas stated that he has an article from Ms. Blumenstein that lists what Towns can and cannot do after the state of emergency ends. He continued by stating what the Town can do after the state of emergency is: continue to stream meetings; continue to ask for in person comments and also ask for comments in writing. Things the Town cannot do is: ban the public from attending meetings when the

Council is meeting in person; cannot have remote participation, quoting from the article (listed in bold letters) that “when city and county state of emergency expire, city and county governing boards will no longer have clear authority to participate in remote meetings at all.” He offered to provide Council with a copy of the article. In summary, Attorney Thomas stated that what he thinks the Town Manager is saying is that if Council wants to do something different you can but you are running the risk of when you approved something, and someone wants to challenge it they can and you have to be prepared for that lawsuit. Town Manager stated it is not a lawsuit, that if the vote is challenged, it can be voted upon at the next meeting. He stated that he does agree that Council should not vote on planning and zoning matters; he was speaking of normal business matters. With COVID plus the flu going around and with normal life events happening, this Council has had very few meetings lately with a full slate of Council members in attendance. He asked Council if they want to handcuff themselves to say everyone has to be in attendance to participate and vote. Mayor Pro Tem Paul Henkel stated that he certainly wants everyone participating as much as they legally can and for the right reasons; but his concerns are as he expressed with closed sessions, public hearings and the number of meeting that can be missed. Mayor Pro Tem Henkel asked for direction from council. Councilmember George Harris stated that he likes the idea that the policy be sent to the SOG for review and if it is ok then he is good with it. Mayor Pro Tem Henkel asked to hold a month giving the Town Attorney and Town Manager an opportunity to address issues/questions within the policy. Council was in agreement.

(Copied in full, Policy 56 and email from Attorney Thomas is filed on CD titled: “Town Council Supporting Documents” dated August 8<sup>th</sup> and 11<sup>th</sup>, 2022 in CD Book #1 titled: “Town Council Supporting Documents”)

## **2. Overview of Town Council’s Upcoming Regular August 11, 2022 Meeting Agenda Items Scheduled to be Presented, (Wyatt)**

### **Consent Agenda Items:**

Items 1-3. Minutes to be approved.

Item 4. Setting the Public Hearing Date for AX-22-06 - Barium Springs Home for Children for 768.506 acres.

Councilmember Jerry Oxsher questioned the acreage requested to be annexed stating that he thought the acreage was 800(+). Planning Director Hair stated some of the 800 acres Barium Springs is not annexing at this time.

\*Newly Added Item 5 under Consent Agenda - Approval of Joint Economic Development Agreement between the Town of Troutman and C.R. Onsrud, Inc.

Town Attorney Gary Thomas commented on the Onsrud incentive agreement stating that Council has already had a public hearing last year on the \$17 million building project anticipated to be two buildings with \$334,000 in incentives. It is now a 1 building project still at \$17 million and still \$334,000 in incentives.

### **New Business:**

Item 5. Zoning Case: CZ-HI-22-06 Murdock Road Commercial (Alaina Dillard); Requesting conditional zoning of the property located at 303 Murdock Road, Iredell County PIN 4742-01-8897.

The request is to conditionally zone from RS (Suburban Residential) to CZ-HI (Conditional Zoning-Heavy Industrial) for the purpose of commercial/warehousing uses.

Item 6. Text Amendment (TA-22-03) to the Unified Development Ordinance; Applicant: BBC, Barium, LLC. Regarding Addition of Language Providing for a Mixed-Use Zoning Category

Town Manager Wyatt stated although the applicant is BBC Barium, Council would not be passing the amendment for just one project, it is changing the UDO for future development. Planning Director Hair explained that this amendment will allow for commercial, residential, and different densities. It is really a zoning tool that allows staff and Town Council to look at projects and give developers the ability to be a little more creative and come to the Town with things that are not necessarily black and white in the ordinance. It gives Council the ability to condition it, setting specifics that is really going to help going forward. Mayor Pro Tem Henkel sated that this will allow the staff/town to be proactive and take care of things as they come.

Item 7. Text Amendment (TA-22-04) to the Unified Development Ordinance; Regarding Addition of Language Authorizing the Town to Enter into Development Agreements and Establishing Procedures for the Process in Accordance with N.C.G.S 160D-1001.

Town Manager Wyatt stated this amendment is basically to clean up language that was left out in error bringing the Town into compliance with General Statutes. 160D.

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**III. CALL FOR CLOSED SESSION PURSUANT TO GENERAL STATUTES 143-318.11(A)(6) TO DISCUSS PERSONNEL; AND \*CLOSED SESSION PURSUANT TO GENERAL STATUTES 143-318.11(A)(3) TO CONSULT WITH ATTORNEY.**

**Mayor Young called for a Closed Session pursuant to NCGS 143-318.11(a)(6) to Discuss a Personnel Matter; and \*Closed Session Pursuant to General Statutes 143-318.11(a)(3) to Consult with Attorney.**

Along with Mayor Young and Town Council, Ronald Wyatt, Town Manager; Kimberly Davis, Town Clerk; Josh Watson, Police Chief; and Gary Thomas, Town Attorney; joined the Closed Session to consult with attorney. Ms. Davis, Attorney Thomas, Chief Watson was excused for the personnel portion.

\*Upon motion by Councilmember George Harris, seconded by Councilmember Felina Harris, and unanimously carried, approved to hold a Closed Session pursuant to NCGS 143-318.11(a)(6) to discuss a personnel 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 George Harris, seconded by Councilmember Felina Harris, and unanimously carried, approved to reconvene open session.


Action taken as a result of the Closed Session:

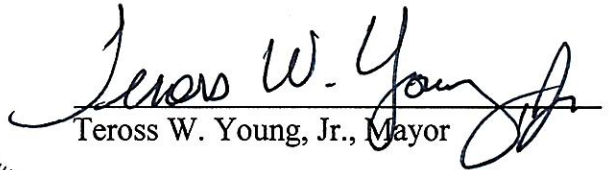
\*Upon motion by George Harris, seconded by Felina Harris, and unanimously carried, approved authorization of Attorney Thomas to review legal ramification regarding Jet-Vac contract followed by authorization of staff to enter into contract with Vacall for a jetter in the amount of \$395,000.

**IV. ADJOURNMENT**

\*Upon motion by Councilmember Eddie Nau, by Councilmember Felina Harris, and unanimously carried, approved to adjourn the Agenda Briefing of August 8, 2022.

Time of adjournment: 7:00 p.m.

  
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Kimberly H. Davis, Town Clerk

  
Teross W. Young, Jr., Mayor



(\*) Motion(s)  
(\*\*) Addition(s)