



**Trinity NC City Council
February 19, 2013
Regular Meeting Minutes**

NCGS § 143-318.17 Disruption of official meetings

**A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.
(1919, c. 655, s 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. s. 14 (c).)**

Action may be taken on agenda items and other issues discussed during the meeting

Members Present: Mayor Carlton Boyles; Council members, Tommy Johnson, Linda Gantt, Chester Ayers, Karen Bridges, Debbie Frazier, Kristen Varner and Barry Lambeth.

Members Absent: Ed Lohr

Others Present: City Manager, Debbie Hinson; Public Works and Utilities Director, Rich Baker; Chris Watford, (Substitute for Attorney Wilhoit); Assistant Finance Officer, Lisa Beam; Assistant City Clerk, Annette deRuyter, Members of the Media, and other interested parties.

Call to Order (*Mayor Carlton Boyles*)

Mayor Boyles called the meeting to order at 7:07 p.m. He gave those in the audience wishing to speak during the Public Comment period extra time to sign up to speak at the Public Comments section. Mayor Boyles stressed the importance to register to speak on the signup sheet prior to the start of the meeting. Only those persons signing will be allowed to speak.

- **Pledge of Allegiance**

Mayor Boyles led the Pledge of Allegiance

- **Invocation**

Council Member Lambeth led the Invocation

- **Welcome guests and Visitors**

Mayor Boyles welcomed those present to the meeting.

A. Review, Amend, and Approve Agenda

Mayor Boyles opened this item to Council to review, amend, and approve the February 19, 2013 Meeting Agenda.

Motion by Council member Johnson to approve the February 19, 2013 Agenda, seconded by council member Frazier, and approved unanimously by all council members present, with council member Lohr being absent.

Manager Hinson advised those present that Council member Lohr had asked that she extend apologies on his behalf for not being able to attend the meeting tonight. He had some conflicts to arise in his schedule that prevented his attendance at this meeting.

Public Comments

Citizens are invited to address the City Council on issues that are not listed on the agenda. Residents may speak on agenda items at the time the issue is discussed by the Council. Speakers should not discuss issues that concern the candidacy of any person seeking public office. Please sign up to speak prior to the meeting; when the Mayor calls your name, please step to the lectern and state your name and address for the record; remarks are limited to 3 minutes/speaker; speakers are encouraged to select a spokesperson if several people plan to make similar points. (Policy adopted 2/17/04; amended 10/14/08; amended 01/15/13)

At this time Mayor Boyles opened the Public Comment period.

Wayne Taylor, 4691 Kennedy Road, Thomasville; Mr. Taylor advised council he was here to ask them to consider rezoning two lots he owned from R -40 to R-12 in Lakewood Forest on Lakewood Circle. He advised Council he had a buyer for the property if he could get it rezoned. He would like to start building in April 2013.

It would help boost the tax base. Currently taxes are around \$200.00 for the two (2) lots but would increase to somewhere around \$5,000.00 in combined taxes for the County and the City if this rezoning is approved.

Kenneth Carico, 4123 Forest Manor, Trinity; Mr. Carico spoke on the first amendment and limiting the time to speak. He stated he was here aiming for the truth and hopes to go forward. He felt that another nail had been put in the coffin and the constitution the last time Council voted to limit speech. Any limitation on speech whether a politician or not, is still against the Constitution.

He expressed his concern about letting the residents know about the meetings and the disappearance of signs that referred to the meetings, his feelings concerning what he felt was attacks on the First Amendment of the Constitution and what other Amendments might fall into those attacks in the future. It was his opinion that government was no longer for the people.

He expressed to the council and residents present that he felt like we have forgotten the Constitution.

Melvin Hughart, Jr., 1021 Sagewood Lane, Archdale; We are here so we can talk about our plans for property on Highway 62 next to Trinity Grill where the white two story house is and the brick house beside of it. We are in the process of purchasing the property with the intent to build a church on that property. We just wanted to make council aware of our intentions. Mr. Hughart thanked Council for their time and allowing him to make them aware of their intentions.

I. Standing Report

Mayor Boyles opened this item for briefing to Council on the items listed.

1. Infrastructure Projects Update (*Rich Baker, Utilities & Public Works, Director/Randy McNeill, Davis-Martin-Powell & Assoc.*)

A. Phase 4-B Contracts 1 & 2 (Braxton Craven)

Phase 4-B Contract 2

Mr. Baker advised Council the original Contract 2 is completed. We are in the process of getting a Change Order for this project and will be presenting that item to Council tonight for your consideration and final approval under new business.

Phase 4-B Contract 1

This contract is progressing forward nicely. The weather has held up this project a little but we do anticipate this project finishing slightly ahead of schedule.

Braxton Craven Project

Mr. Baker reported that most of the easements have been sent to Jimmy Peele (Right of Way Agent). He is in the process of acquiring these easements. We are hoping to be able to proceed with this project within the next few weeks.

B. Phase 5 Sewer Extensions

We have proceeded with forwarding the Preliminary Engineering Contract Draft to Rural Development for their review and approval. They did have a couple of changes they wanted done and Mr. McNeill, engineer, Davis-Martin-Powell is in the process of taking care of this.

Prior to continuing with the next Agenda Item, Mayor Boyles asked Council to entertain a motion to change the order of the Agenda and to allow discussion for Item 3, Archdale Trinity Annual Report before Item 2, Closed Session.

Motion by Council member Johnson to switch the order of Items 2 and 3, seconded by council member Gantt, and approved unanimously by all Council members present with council member Lohr being absent.

II. Closed Session

2. Closed Session pursuant to NCGS 143-318.11 (a) (4) to discuss matters relating to Economic Development.

A motion was made by Council member Frazier, seconded by council member Lambeth to go into Closed Session. All members present voted unanimously in favor with council member Lohr being absent.

A motion was made by Council member Johnson to return to the Agenda, seconded by council member Gantt. All members present voted unanimously in favor with council member Lohr being absent.

A motion by Council member Varner to hold a public hearing on March 19, 2013 in reference to the incentive for Nova Melt, seconded by Council member Frazier. The motion was approved 6 to 1 as follows:

*Council members Johnson, Lambeth, Bridges, Gantt, Varner, Frazier: Aye
Council member Ayers: Nay*

II. Reports

3. Archdale/Trinity Chamber Annual Report (Beverly Nelson, President)

Mayor Boyles opened this item and called on Ms. Nelson to present her annual report to Council.

Ms. Nelson thanked Mayor Boyles, Council, and the City Manager for allowing her to share with the city the resources the Chamber provides. She also recognized some board members present: Mayor Boyles, city representative on the chamber board, Randy McNeill (division chair of economic development), Bill Foster (Randolph County Farm Bureau), and Andrew Cumby (Board Chair). Mr. Cumby would like to address Council at this time.

Mr. Andrew Cumby thanked Council for allowing him to speak to them tonight.

He began by discussing the many years that the City and Chamber had been close allies in promoting a strong and sustained economical environment where our members survive. The City's support has been an invaluable resource in assisting the Chamber to accomplish this mission. We hope that this relationship can continue in 2013.

Throughout history in good times and bad, Chambers of Commerce has been a resource in their respected communities. Ms. Nelson will speak to you shortly about activities in our community, the events that we have held, decisions that we have made, directions that we are going and basically give you an overall snapshot of where our chamber stands today.

All of the things that she will talk about are important and are worthy of discussion. There is one question that stands above all of the rest. That is, "what does the chamber mean to our members and the people of this community?" This question is a magnifying glass with which we and all chambers must examine themselves. The answer to this question is not found in

income statements or board meetings. It reveals itself in the people and businesses of Trinity. Although our business is not in Trinity, I am one of those people and I can tell you the chamber is an amazing resource for our business. In troubling times it is great to have a friend and the Archdale-Trinity Chamber is that friend to so many in an uncertain economy.

I believe that with your continued partnership we can remain that way for many years to come. Trinity is a special place to all of us. By working together I believe the future is bright.

At this time Ms. Nelson began her annual report and advised Council she had two (2) purposes tonight. To thank the City for their support in 2012, and to tell you what the Chamber did for the City of Trinity, and to tell you our plans for 2013.

Businesses and organizations such as the City of Trinity join our Chamber for several reasons such as promotions, networking, or a combination of these things. Some businesses and organizations benefit from all of the things that we do. We hope that these combinations of activities have benefited the City of Trinity and their residents.

Ms. Nelson discussed with Council the things that the Chamber did in these areas as well as what the Chamber did specifically for the City of Trinity in promotion, networking, political impact, and community support.

The Chamber and the City of Trinity are close partners in promoting the growth in our area. She shared the history of events that the Chamber was involved in to promote our city. Several of the events included the Miss Archdale- Trinity and the Miss Archdale Trinity Outstanding Teen Pageant, both of which were preliminaries to the Miss North Carolina Pageant. We hosted a Professional A-tier disc golf tournament which brought professionals to this sport to stay in our community, eat in our restaurants, buy gas, and make other purchases which we hope benefited the local economy as well as bring in regional attention to the names of our cities. We assisted the Randolph County Tourism Development Authority with the production of a program called Summer Fun, hosted by MaKay Beeler that highlighted some businesses and tourism attractions in Trinity. We also produced a membership directory in 2012 which has been provided to you. These are placed in visitor's centers on US 220 and I73-74. We hope that as people are planning their trips north as they turn on to I74 and hopefully down I85 they can see what Trinity has to offer in terms of shopping, dining, and tourism assets. Another area we work in is Economic Development to try and help local businesses to start and grow, and when possible aid in recruiting some larger retail clients to the area. Ms. Nelson discussed her participation in 2012 to providing business counseling to several clients. Many needed financing or organizational structural device. Of the five (5) she counseled this year, two (2) were specifically interested in Trinity locations.

The chamber has a committee devoted entirely to Economic Development that is chaired by Randy McNeill. This committee monitored local retail trends and maintained current demographic data on the Chamber website. Demographic data is a much requested service that we provide to developers and others considering placing a business in our community.

Another way the Chamber promoted the City of Trinity in 2012 was publicizing your events and programs. We advertised City Haul, festivals and events, such as the Chili Cook –off, Car Show, and the Civil War Reenactment. We do this through our e-mail and other communication systems. Through these same channels we also let your citizens know about the

things going on in the community.

Another area that the Chamber works in is the political arena. In 2012 we hosted a general candidate's forum for county, state, and regional election. She thanked Council for allowing that forum to take place at the Trinity City Hall Annex. We participate in the development of the legislative triad agenda which Council has in front of you. Last spring we hosted a lunch with lawmakers and invited Senator Tillman and Representative Hurley. This gave you and your citizens an opportunity to discuss issues face to face with legislatures. We disseminated information about local, state, and federal issues that impacted your businesses and citizens through our e-mail.

IV. Consent Agenda

- 4. Approve minutes of the November 13, 2012 City Council Pre-Agenda Meeting**
(Debbie Hinson, CM/CC)
- 5. Approve minutes of the November 20, 2012 City Council Regular Meeting**
(Debbie Hinson, CM/CC)
- 6. Approve minutes of the December 11, 2012 City Council Pre-Agenda Meeting**
(Debbie Hinson, CM/CC)
- 7. Approve minutes of the December 18, 2012 City Council Regular Meeting**
(Debbie Hinson, CM/CC)
- 8. Approve minutes of the January 08, 2013 City Council Pre-Agenda Meeting**
(Debbie Hinson, CM/CC)
- 9. Approve minutes of the January 15, 2013 City Council Regular Meeting**
(Debbie Hinson, CM/CC)

Mayor Boyles opened this for discussion and/or action.

A motion by Council member Frazier, seconded by Council member Bridges to approve the Consent Agenda Items 4-9 after some grammatical corrections and approved by all members present with Council member Lohr being absent.

V. New Business

- 10. Approval of Change Order # 1- 4-B Contract 2 (Braxton Craven Road)**
(Rich Baker, Utilities & Public Works, Director/Randy McNeill, Davis-Martin-Powell & Assoc.)

Mayor Boyles opened this item to Council for discussion or action.

Mr. Baker stated this item had been discussed several times. This request is to approve Change Order 1 for 4B Contract 2 to extend the sewer for the Braxton Craven Road project.

Mayor Boyles called for questions or discussion regarding this Change Order.

With no further discussion, *motion by Council member Lambeth to approve Change Order 1, seconded by Council member Frazier and approved by all Council members present, with Council member Lohr being absent.*

11. Review and Set Topics for City of Trinity 2013 Annual Retreat, March 09, 2013 (City Manager)

Mayor Boyles opened this item and shared information with residents concerning how their property was tied to the 15 million dollar bond as collateral for that should the city default on payment.

He felt one of the important things that council should think about was how we can increase our revenues coming into the city. Council has a challenge before them to discuss in depth things that is going to impact us individually and collectively as a city.

Mayor Boyles discussed training materials that were given to him and three (3) other members while attending class at Chapel Hill. He passed out copies to the other five (5) members of Council who did not attend this meeting so that all members would have this information. He stated there were 8 expectations listed on this material for effective Manager-Council relations, 8 expectations for effective City Councils, and 8 expectations for effective Mayors. It was his hope that Council would study the sheets that he passed out prior to the Retreat in an effort to function better.

At this time, Manager Hinson reviewed the topics that each Council member sent to her and the process that she used to compile this list, and assign percentages to each of the topics.

After review of the topics and percentages, it was the consensus of Council that the topics be arranged from 100 percent to lower percentages.

Manager Hinson confirmed the date and time set for the Annual Retreat with Council members.

After discussion, confirmation for March 9, 2013 start time 8:30 to 4:30 or until recessed or adjourned to be held at the Annex Building with lunch to be planned by staff.

VI. Business from City Manager and Staff

Mr. Baker briefly discussed the request made concerning the property located in the Village Center where churches are not currently allowed. The applicant has asked if the process could be expedited by Council.

The Ordinance allows the Council to have a Public Hearing for a text amendment only, without first going to the Planning Board. This would allow Council to hear this request and make a decision whether or not you will consider text amendment to allow this use in the Village Center where it is currently not allowed. If Council approves the amendment to allow the change to include this use in the Village Center, the applicant will have to make a request to the Planning Board for a Special Use Permit.

We cannot hold a Special Use Hearing because this use is not allowed in the Villager Center.

There was discussion concerning why this item needed to be expedited. Mr. Baker explained the process and time that would be needed should this request be processed through the normal steps. It will delay this project by a full month.

Mayor Boyles asked Council if they would like to make a motion to consider this text amendment request.

Interim Attorney Watford discussed with Council the legalities of considering this matter since it was not listed on the Agenda for discussion. He advised Council the order in which they needed to proceed should they desire to move forward, was to first make a motion to add this item to the Agenda for deliberation to make sure the public has been safeguarded and the board has properly considered this at its called meeting. At that point you would need a super majority because your text amendment would be amending your ordinance. This must pass with a two thirds vote of the Council to act on this request in the event Council decided to hear this tonight. I would suggest that before Council goes any further that you entertain a motion as to whether or not you will discuss this out of turn and out of Agenda. If so, the motion to actually amend the ordinance will then need to be by the super majority vote.

Mr. Baker stated he was not sure about the legal process for this item and that he was not actually looking for a motion but a consensus from Council whether or not you would like to consider a possible text amendment so that he can advertise a Public Hearing which would be the first step.

At this time, Attorney Watford advised Council that he was confused about the original request as he thought Council was being asked to amend your text so Mr. Baker could publish for a Special Use Permit. At this time several persons stated no that was not the request.

Attorney Watford stated that if Council chooses not to add this to their agenda for deliberation there in no informal method to get your consensus before you do something. The board has to act and vote. That is the Council of Trinity giving Mr. Baker direction. If you choose not to consider an amendment to the text tonight then no motion is required. You agenda stays as received.

VII. Business from Mayor

Mayor Boyles thanked everyone that attended the meeting and invited everyone to attend the retreat on March 09, 2013.

VIII. Business from Council

Council Member Ayers asked about the retention pond (sediment trap) at Smokey T's on Hwy 62 and how long had this been at this location.

Mr. Baker advised Council members that the owner has been give a letter informing him he has until May 5, 2013 to correct the problem. The sediment trap has been there for a little over a year.

Council member Ayers asked for the record “What is the purpose of a retention pond?”

Mr. Baker advised members a pond was used to clean up stormwater runoff.

Council member Ayers stated this was an important thing. Mr., Baker agreed.

Council member Gantt stated the hole had been there longer than a year.

Mr. Baker stated that this area did not actually act as a sediment trap until construction actually started. Once it is finished it remains a sediment trap until it is converted into a stormwater water quality control device.

IX. Adjournment

With no other business to discuss, motion by Council member Bridges to adjourn the February 19, 2013 meeting at 9:08 p.m., seconded by Council member Frazier and approved unanimously by all Council members present with Council member Lohr being absent.

These minutes were approved by the Trinity City Council on March 19, 2013 at their Regular Meeting upon motion by Council member Frazier to approve the minutes as listed on the Consent Agenda. The motion was seconded by Council member Gantt and approved unanimously 7 to 0 by all Council members present. Council member Bridges was absent at the March 19, 2013 meeting.

Carlton Boyles, Mayor

Date

Annette deRuyter, Assistant City Clerk

Date