



**Trinity NC City Council Meeting  
Minutes  
6/15/10**

**Members Present:** Mayor Boyles, Barry Lambeth, Karen Bridges, Tommy Johnson, Linda Gantt, Kelly Grooms, Kristen Varner, Robbie Sikes and Tyler Earnst

**Members Absent:** NONE

**Others Present:** City Manager Ann Bailie, City Attorney Bob Wilhoit, Planning Administrator Adam Stumb, Stormwater Administrator Rich Baker, City Clerk/Finance Officer Debbie Hinson, Assistant City Clerk Lori Hunt, Members of the media and other interested parties.

**Call to Order**

▪ **Pledge of Allegiance**

Mayor Boyles led the Pledge of Allegiance

▪ **Invocation**

Council member Lambeth gave the invocation.

▪ **Welcome Guests and Visitors**

Mayor Boyles welcomed those present and called the meeting to order.

▪ **Review and Approve Agenda**

*Motion to approve agenda by Council member Sikes, seconded by Council member Grooms, approved unanimously by all Council members present.*

**Public Comments**

None

**Recognition**

1. **May Yard of the Month as recognized by Friends of Trinity: Randy and Annette Smith at 4529 Colonial Circle** *(Mayor Carlton Boyles)*  
Mayor Boyles recognized Randy and Annette Smith for their beautiful yard which was chosen as Yard of the Month for May, 2010.
  
2. **June Yard of the Month as recognized by Friends of Trinity: Willie and Norma Bare at 4223 Oak Haven Drive.** *(Mayor Boyles)*  
Mayor Boyles recognized Willie and Norma Bare for their beautiful yard which was chosen as Yard of the Month for June, 2010.

## Reports

### 3. **Infrastructure projects update** (*Randy McNeill, Davis-Martin-Powell & Assoc.*) Mr. McNeill gave the following updates:

- Phase 3 project is nearing completion – Terry’s Plumbing is still working along Finch Farm Rd. and Page and Associates has completed the area around Jerry St. and are working on a punch list.
- Construction going on in the Wood Acres neighborhood is part of Phase 4A
- Pike St. Project is complete except for installing a few services and will close out in the next 30 days.
- The feasibility study is underway for a treatment plant on the Uwharrie River south of Trinity and Archdale. Area exhibits have been completed and the pipe sizes to serve the area have been evaluated. Also evaluated was the long term capacity for the Trinity area 50 years from now v/s continuing to transfer flows to Thomasville.
- Other projects that are in the permitting process and waiting on Rural Development to establish the new loans include: Old Town along Hwy. 62 and 2009 extensions which is an area south of Hwy. 62 between Hwy. 62 and the Interstate.
- Trinity Furniture design has been completed and the easement maps are being finalized and will be turned over to the attorney in a week or two.

In response to a question from Council member Earnst, Mr. McNeill stated that Trinity Furniture would be served by a 1,000 ft. gravity line on their property and an approximate 2 mile pressure line.

Mayor Boyles asked if the punch list for phase 3 would impede the completion of phase 3. Manager Bailie stated that there are 2 contracts in phase 3. The contract that is being done by Page and Associates should be complete and on line within a month. The contract that is being done by Terry’s Plumbing will not be complete for a while.

## Public Hearings\*

### 4. (*Recessed from May 18, 2010*) Ordinance Regulating the Siting of Wireless Telecommunications Towers and Facilities and text amendments to Zoning Ordinance Article VIII Special Uses, Section 8-8 Regulations for Special Use Permits regarding Telecommunications Towers (*Adam Stumb, Planning & Zoning Administrator; Rusty Monroe and Jackie Hicks, Center for Municipal Solutions*)

Mr. Stumb gave an introduction to the ordinance. He stated that one of the major portions of the ordinance is the Proof of Need for the new facility. Some of the particulars about the application process for new towers are ; giving the public, staff and Council an idea of what the tower will look like and photo simulation will show what the facility will look like, the height maximum is 120 ft. and the

applicant must prove that the height they are requesting is needed, visibility is an issue, and setbacks require that the lot where the tower is located must have enough room for the fall zone which requires the buffer of the height of the tower plus an additional 10%.

Mr. Stumb advised that the Planning Board met and were satisfied with the ordinance but were concerned about the responsibility of removing the tower in the event that the tower is no longer used or needed. A bond is required with the application to cover any costs of the removal of the tower.

In response to a question by Mayor Boyles, Mr. Stumb confirmed that the height of the tower included the base.

Mr. Rusty Monroe of the Center For Municipal Solutions advised that this model ordinance or versions of it are in place in 650 client communities in 36 states including 20 – 25 counties and cities in North Carolina. He stated that in 15 years the ordinance had never successfully been challenged in whole or in part. The ordinance is intended to create win – win scenarios. This would allow the applicant to get whatever it could prove the technical need for. Mr. Monroe stated there are 2 companies involved, the tower company and the carriers who have the technical need. Under the 1996 Telecommunications Act, tower companies are given no standing. North Carolina legislature chose to give tower companies standing as an applicant. This would allow them to apply for a tower without a carrier who needs that tower. The tower company can apply for a tower providing they comply with the laws and regulations, however they are not given a building permit until they can come forth with a carrier who can prove they need a tower as opposed to any other alternative. The carrier applicant can have anything they can prove the technical need for. The ordinance does require the least visibly intrusive means reasonably possible to meet the technical needs.

Mr. Monroe advised that a large part of the ordinance is devoted to safety because safety has become a tremendous issue in this industry. OSHA has deemed the tower industry the most dangerous industry in the nation. For this reason the fall zones are 110% of the tower height and in some instances more than that.

Mr. Monroe stated that the job of the Center for Municipal Solutions is to administer whatever policy has been established. He stated that there is no cost to the City or tax payers for the services.

There was discussion concerning the timelines for an application. Mr. Monroe stated that the ordinance states that the City shall comply with the FCC's regulations regarding the maximum permitted time to act on an application. Council member Bridges was concerned about the cost of removing a tower should the need arise to do so. Mr. Monroe replied that historically the tower owner has been responsible for any costs that exceed the bond amount for that

purpose. There are specific time frames for removing a tower that is no longer used.

Mr. Monroe stated the one issue behind the setbacks is that towers do not collapse on themselves. When a tower falls it is a catastrophic failure and the tower will fall in its' entirety.

Mayor Boyles requested to know if Section 18 subsection B would become a paragraph since subsection A was blocked out. Mr. Stumb stated that there is one sentence that remains in subsection A that refers to the additional 1500 ft. required for property owners notification of public hearing for special use permit.

***Motion to open the recessed public hearing by Council member Earnst, seconded by Council member Lambeth, approved unanimously by all Council members present.***

Mayor Boyles opened the public hearing and hearing no comment, closed the hearing.

A. Consider adopting Ordinance Regulating Siting of Wireless Telecommunications Towers and Facilities

***Motion to adopt the Ordinance Regulating Siting of Wireless Telecommunications Towers and Facilities by Council member Earnst, seconded by Council member Johnson, approved unanimously by all Council members present.***

B. Consider text amendments to Zoning Ordinance Article VIII Special Uses, Section 8-8 Regulations for Special Use Permits regarding Telecommunications Towers

***Motion to approve text amendments to Zoning Ordinance Article VIII Special Uses, Section 8-8 Regulations for Special Use permits regarding Telecommunications Towers by Council member Sikes, seconded by Council member Earnst, approved unanimously by all Council members present.***

**5. Annual Budget for Fiscal Year 2010 – 2011** (*Ann Bailie, City Manager*)  
Manager Bailie gave a brief overview of the budget. She presented the following highlights:

- No tax increase for the 4<sup>th</sup> consecutive year
- No new fees are proposed
- There is a 2.5% sewer rate increase that is proposed – this means for sewer customers an average of \$.84 increase. This increase is necessary because Archdale and Thomasville have raised their rates to treat our sewer. The increase will be effective with September, 2010 billing.
- The proposed budget overall is \$4,461,675.
- The proposed budget is 28% increase over the current budget primarily due to a one time \$450,000 fund balance appropriation for matching a parks and recreation

trust fund grant and the other is \$100,000 in street assessment receipts expected to receive due to completion of Turnpike Industrial Park.

- For the 6<sup>th</sup> consecutive year 75% of sales tax revenue is designated for sewer expansion costs. This was decided in 2004 when the City had the 15 million dollar sewer bond referendum. This is how the City can pay the debt service on the 15 million dollars.
- There is one capital expenditure for the purchase of a new truck for the public works and planning and zoning departments.
- Personnel is proposed to remain at 7 full time positions.
- Included in the budget is a 3.8% average performance based salary increase and salary adjustments.

Ms. Bailie stated that Trinity has the lowest tax rate in Randolph County.

Council member Bridges wanted to know where the Christmas bonuses were in the current proposed budget. Manager Bailie replied that all increases were rolled into one increase labeled merit dollars.

Mayor opened the public hearing and hearing no comments closed the hearing.

***Motion to adopt the proposed budget as presented by Council member Sikes, seconded by Council member Earnst, approved by a majority vote with Council members Gantt and Bridges being opposed.***

### **Consent Agenda**

- 6. Approve minutes: May 11, 2010 City Council Pre-agenda Meeting (Lori Hunt, Assistant City Clerk)**
- 7. Approve minutes: May 18, 2010 Regular City Council Meeting (Hunt)**
- 8. Approve minutes: June 2, 2010 Special City Council Meeting (Hunt)**
- 9. Accept resignation of Gwyn Riddick from Planning & Zoning Board (Ward 4) (Bailie)**
- 10. Approve 2.5% sewer rate increase (Bailie)**

***Motion to approve the Consent Agenda by Council member Bridges, seconded by Council member Sikes, approved unanimously by all Council members present.***

### **Unfinished Business**

None

### **New Business**

- 11. Budget amendments (Debbie Hinson, Finance Officer)**

Ms. Hinson stated that budget amendments 8, 10 & 11 are made to reflect only changes on the individual line items for proper accounting on the expenditures. However budget

amendment #9 will change the original amount budgeted for the sewer fund. The increased revenue will not come from reserves but represents actual revenue collections.

***Motion to approve the budget amendments #8 - #11 by Council member Earnst, seconded by Council member Bridges, approved unanimously by all Council members present.***

Ms. Hinson advised Council that the Capital Project amendments represent changes needed to move expenditures originally budgeted in Phase 4-A to the proper Capital project. This will not be the final amendments to these projects; however it reflects changes per estimates from Davis, Martin, Powell and Associates.

***Motion to approve the budget amendments for the Capital Projects by Council member Bridges, seconded by Council member Earnst, approved unanimously by all Council members present.***

**12. Consider scheduling special meeting on July 13 or July 20 to consider rezoning request (if necessary) (Bailie).**

Manager Bailie stated that the rezoning was tabled at the last Planning and Zoning Board meeting. Mr. Baker stated that Mr. Allred, the applicant, has to get approval by a certain date to secure the interest rate quoted to him. The Planning and Zoning Board will consider this request at their meeting next week and present a recommendation to Council at a Special Scheduled meeting in July.

***Motion to hold a special meeting for July 13<sup>th</sup>, 2010 at 6:00 p.m. in the City Hall Annex building for the purpose of considering a rezoning request by Council member Grooms, seconded by Council member Johnson, approved unanimously by all Council members present.***

**Closed Session**

- 13. Closed Session pursuant to NCGS §143-318.11 (a) (3) to consult with attorney retained by the public body in order to preserve the attorney-client privilege (Attorney Bob Wilhoit) and NCGS §143-318.11 (a) (6) - Personnel (Bailie)**

**For the record the Mayor read the general statute as follows:**

**NCGS §143-318.11 (a) (6)**

**To consider qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment or removal of a member of the public body or another body and may not consider or fill a vacancy among its' own membership except in an open meeting. Final action making an**

appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

*Motion to go into Closed Session pursuant to NCGS §143-318.11(a)(3) to consult with attorney retained by the public body in order to preserve the attorney-client privilege & NCGS §143-318.11 (a) (6)for Personnel issues by Council member Sikes, seconded by Council member Grooms, approved unanimously by all Council members present.*

*Motion to return to open session by Council member Lambeth, seconded by Council member Sikes, approved unanimously by all Council members present.*

**Business from City Manager**

Manager Bailie proposed a new organizational chart to Council.

*Motion to approve the organizational chart by Council member Earnst, seconded by Council member Lambeth, approved unanimously by all Council members present.*

Mr. Baker gave the following updates:

- Mr. Baker stated that Duke Power should have an encroachment agreement this week. This would allow them to proceed with getting streetlights on Fairview Church Rd.
- Mr. Baker advised that the City may acquire a jet truck for cleaning sewer lines. This truck was offered at no cost to the City of Trinity from the Town of Jamestown.
- The Darr Lake area has had problems with infiltration. Page & Associates is replacing the entire manhole and Davis, Martin, Powell & Associates is paying for the replacement.
- Pike St. Ext. is complete and there are people on line at this time.
- Phase 3 contract 2 is expected to be completed this week.
- Finch Farm roundabouts are going forward. The City will be notified when the road will need to be blocked off for utility work. Mr. Baker assured those present that he will monitor that situation closely and that he anticipates the road being blocked off next week.
- The speed study for Fairview Church Rd. was completed by NC DOT with the determination that the speed limit is adequate for that road.

Mr. Stumb stated that the bridge replacement on Meadowbrook Rd. is a future project and may not be completed this year.

Manager Bailie reminded those present that Town Hall Day in Raleigh is tomorrow beginning at 8:30a.m.

### **Business from Mayor and Council**

Council member Grooms asked if the Council could consider the mobile home issue at their next regularly scheduled meeting in August. Manager Bailie stated that some more in-depth study needed to be complete but the Council could consider the text amendments.

### **Closing Comments from Mayor and Council**

Mayor Boyles stated that he has been picking up litter and to date he has picked up 44 bags of litter. He said he was appreciative that the State has been gathering up the bags of litter. Mayor Boyles would like for the North Carolina DOT to place No Littering signs on the side of Trinity roads.

Council member Gantt wanted to recognize Trinity's Deputy for the way he helped when recently a school had to be locked down. She stated that he was quick to respond to the situation.

Council member Johnson reminded everyone that the Friends of Trinity are holding a BBQ supper on Saturday June 19, 2010 at the Trinity Memorial United Methodist Church located on Hwy 62 in Trinity.

### **Adjournment**

*Motion to adjourn by Council member Lambeth, seconded by Council member Sikes, approved unanimously by all Council members present.*

**These minutes were approved at the July 13, 2010 Special Called Meeting with a motion by Council member Earnst, seconded by Council member Sikes, approved unanimously by all Council members present.**