



**City Council
Pre-Agenda Meeting Minutes
Trinity, NC
August 13, 2013 @ 4:00 p.m.
Trinity City Hall Annex**

Members Present: Council members: Chester Ayers, Karen Bridges, Debbie Frazier, Linda Gantt, Tommy Johnson, and Barry Lambeth.

Members Absent: Mayor Carlton Boyles, Council members: Ed Lohr, and Kristen Varner.

Others Present: City Manager, Debbie Hinson; Public Works and Utilities Director, Rich Baker; Attorney Bob Wilhoit; Assistant Finance Officer, Lisa Beam; Assistant City Clerk, Annette de Ruyter; Planning/ Zoning Director, Julie Maybee; and other interested parties.

I. Welcome (*Mayor Carlton Boyles*)

Mayor Pro Temporal Linda Gantt called the August 13, 2013 Pre-Agenda meeting to order at 4:07 pm and asked Manager Hinson for an update on Mayor Boyles.

Manager Hinson advised Council members and others present that the Mayor was released from the hospital yesterday and was doing well. He has been advised by his physician to refrain from venturing outside during this heat. He has asked that Mayor Pro Tem officiate the meeting tonight in his absence.

II. Invocation

Council member Barry Lambeth gave the invocation.

III. Public Hearings scheduled for August 13, 2013

A. Community Development Block Grant to receive citizen input concerning the City of Trinity's intent to submit application to the North Carolina Department of Commerce.

(No action is required from Council after this hearing.)

Mayor Pro Tem Gantt opened this item and called on Ms. Renfro, Randolph County Economic Development President, or Ms Alicia Broadway, Grant Representative for Benchmark, for briefing to those present prior to opening the Public Hearing for comments.

Ms. Bonnie Renfro thanked Council for allowing her to speak today. She advised Council members that this is the first Public Hearing on this item and is done to solicit input from the

citizens of Trinity and here comments about Council's consideration for applying for a Community Development Block Grant.

This is a federally funded program under the Federal Housing and Urban Development Department. Each year federal funds are block granted to each of the fifty (50) states. A substantial of these funds are to be used for low income housing, but a portion of these funds are set aside in North Carolina to be used for Economic Development. This can be used to fund construction of publically owned infrastructure. The grants are funded on behalf of a private company that commits to creating new jobs. Only a unit of local government can be an applicant on behalf of that job creating company. Sixty(60%) percent of the jobs must go to persons of low or moderate incomes and those incomes guidelines are federally guided and are based on last year's stats in our area. We are in the Greensboro, High Point area and would use those guidelines.

The types of private companies that are eligible include manufacturing and this grant is contemplated on behalf of a manufacturing company that will commit to create new jobs. The company must pay no less that the average weekly wage for our county which is currently \$602.00 weekly; provide health insurance that pays 50% of premium cost for full time employees.

There will be an application if you agree to move forward with this grant. The application will be prepared and the city would have many steps along the way to consider the submittal of that application. Today is the first step in that process.

This is something that the City has done before and is a process that you are familiar with. The City will hold another Public Hearing at which time more information about the project itself will be shared.

Ms. Renfro called for any questions from Council.

Hearing no questions, Mayor Pro -Tem Gantt opened the Public Hearing to anyone who wished to speak in favor of the request. Hearing none, Mayor Pro-Tem Gantt opened the Public Hearing to anyone who wished to speak against the request. Hearing none, Mayor Pro-Tem Gantt closed the Public Hearing.

Since no Council action was required on this item at this meeting, Mayor Pro-Tem Gantt continued the meeting to the next item.

IV. Agenda Items for August 20, 2013 Regular City Council Meeting:

No vote is necessary to put the following item(s) on the agenda, although items may be discussed and staff may present information as necessary or requested.

Standing Report

- 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)** (*Baker & McNeill*)
 - B. Phase 5 Sewer Extensions** (*Baker & McNeill*)
 - C. Ennis-Flint Sewer Extension** (*Baker & McNeill*)

Mayor Pro-Tem Gantt opened this item to any discussion or questions to Council. Hearing none, she continued to the next Agenda Item.

V. Consent Agenda

- 2. Approve minutes of the May 14, 2013 City Council Pre-Agenda Meeting**
(*Annette de Ruyter, Assistant City Clerk*)
- 3. Approve minutes of the May 21, 2013 City Council Regular Meeting**
(*Annette de Ruyter, Assistant City Clerk*)
- 4. Approve minutes of the June 11, 2013 City Council Pre-Agenda Meeting**
(*Annette de Ruyter, Assistant City Clerk*)
- 5. Approve minutes of the June 18, 2013 City Council Regular Meeting**
(*Annette de Ruyter, Assistant City Clerk*)
- 6. Approve minutes of the July 16, 2013 City Council Regular Meeting**
(*Annette de Ruyter, Assistant City Clerk*)

Mayor Pro-Tem Gantt opened this item to Council for discussion and/or action to add to the August 20, 2013 Regular Meeting Agenda.

Motion by Council member Frazier to add items 2, 3, 4, 5& 6 to Agenda for August 20, 2013, seconded by Council member Johnson, and approved unanimously by all Council members present with Council members Lohr and Varner absent.

VI. Public Hearing

- 7. Community Development Block Grant to receive citizen input concerning the City of Trinity's intent to submit application to the North Carolina Commerce Finance Center requesting \$168,000 for construction of 2215 feet of sewer line in support of Flint Trading Inc.**

Mayor Pro-Tem Gantt opened this item to Council for discussion and/or action to add to the August 20, 2013 Regular Meeting Agenda.

Motion by Council member Lambeth to add item #7 to the Agenda for August 20, 2013, seconded by Council member Johnson, and approved unanimously by all Council members present with Council members Lohr and Varner absent.

8. **Special Use Permit #SUP- 17.1.13 by William and Amy Beusse for property located at 3773 Steeplegate Drive, Trinity NC, further identified by Randolph County Parcel Identification #7708831346.**
(Julie Maybee, Planning Director)

Mayor Pro-Tem Gantt opened this item to Council for discussion and/or action to add to the August 20, 2013 Regular Meeting Agenda.

Motion by Council member Lambeth to add item #8 to the Agenda for August 20, 2013, seconded by Council member Frazier, and approved unanimously by all Council members present with Council members Lohr and Varner absent.

9. **Rezoning Request # RZ-07.1.13 to rezone property located at 7374 NC Highway 62, Trinity further identified by Randolph county Parcel Identification # 7708831346 from R-40 Residential Zoning to Residential Mixed-Urban. This property is also in the Old Town Overlay and is owned by Juanita S. Loflin.** *(Julie Maybee, Planning Director)*

Mayor Pro-Tem Gantt opened this item to Council for discussion and/or action to add to the August 20, 2013 Regular Meeting Agenda.

Motion by Council member Frazier to add item #9 to the Agenda for August 20, 2013, seconded by Council member Lambeth, and approved unanimously by all Council members present with Council members Lohr and Varner absent.

After the vote there was discussion between Council member Ayers, Manager Hinson, and Ms. Maybee concerning the zoning listed on the Agenda and whether the property was currently zoned RA (residential agriculture) or R-40 as shown on the Agenda. Ms. Maybee confirmed that the property was currently zoned R-40 as stated on the Agenda.

10. **Zoning Ordinance Text Amendment Request # TA-07.1.13 on behalf of Juanita S. Loflin to amend the City's Zoning Ordinance, Article VII, Section 7-8, and Section 7-15 to allow pet grooming as a "permitted use" in a Residential Mixed-Urban Zoning District.** *(Julie Maybee, Planning Director)*

Mayor Pro-Tem Gantt opened this item to Council for discussion and/or action to add to the August 20, 2013 Regular Meeting Agenda.

Council member Frazier stated that she had a question concerning the information discussed at the Planning Board Meeting that she attended concerning kennels. She referred to the section included that contained the statement "at this time they will not be requesting kennels."

Ms. Maybee stated that was correct. The Planning Board directed me to come back with a definition for what would be considered boarding and to clarify that in the Ordinance. Right now this is just to allow pet grooming only, no boarding.

Council member Frazier asked again what did “at this time” mean? There won’t be any time in the future will there because outdoor kennels will be impossible when you have that much mixture of residential use in this area.

Ms. Maybee stated that was the Planning Board’s thought as well. This needed to be clarified and looked at and that she will be going back to the Board to discuss this issue.

Council member Frazier stated that the reason she wanted to bring this up was because the lady that was going to do the pet grooming said in her statement before the board that she would like to address that issue at this time for future reference.

Ms. Maybee stated that was correct, but the Planning Board asked me to come back with some clarification with a definition of boarding. There are so many different variables especially with this business located in the Old Town Overlay.

Council member Frazier thanked Ms. Maybee for her assistance concerning this item.

Mayor Pro-Tem Gantt asked Ms. Maybee if she would have this information available at the August 20, Regular Meeting.

Ms. Maybee advised Council members that she would not have the definition at the meeting. I will only have the text amendment for pet grooming only.

Manager Hinson asked Ms. Maybee if it was correct to state the text amendment would be for pet grooming only, and no boarding would be included in the text amendment.

Ms. Maybee stated that was correct.

Motion by Council member Frazier to add item #10 to the August 20, 2013 Regular Meeting Agenda, seconded by Council member Lambeth, and approved unanimously by all Council members present with Council members Lohr and Varner absent.

VII. New Business

11. Adopt a Project Budget Ordinance on behalf of the Trinity Economic Development Project. (Alicia Broadway, Benchmark)

Mayor Pro-Tem Gantt opened this item to Council for discussion and/or action to add to the August 20, 2013 Regular Meeting Agenda.

Manager Hinson addressed items # 11 and # 12 advising Council that these two (2) items will be a part of the CDBG (Community Development Block Grant) if Council approves that proposal and moves forward with it.

Council will need to adopt a Project Ordinance and the Assessment Policy to move the project forward if Council chooses to move forward after the Public Hearing is held on this item.

12. Adopt Assessment Policy for Trinity Economic Development Project. (Alicia Broadway, Benchmark)

Motion by Council member Lambeth to add #11 & 12 to the Agenda for August 20, 2013, seconded by Council member Johnson and approved unanimously by all Council members present with Lohr and Varner absent.

13. Review and Approve 2013-2014 Powell Bill Street Plan (Rich Baker and Rick Austin)

Mayor Pro-Tem Gantt opened this item to Council for discussion and/or action to add to the August 20, 2013 Regular Meeting Agenda.

Manager Hinson advised Council that Mr. Baker could discuss or answer questions concerning this item with them tonight or at the meeting.

Council member Gantt asked if all the streets on the list were in Steeplegate.

Mr. Baker responded that all of streets listed in the first phase of the plan will be in Steeplegate. We are planning to do repairs on Rolling Road in the spring.

Council member Frazier asked if there was only one (1) street in the second Phase.

Mr. Baker stated that he believed that was what was included in this proposed plan.

Manager Hinson stated that Rolling Road will require replacement of a pipe under the road which will be quite extensive as well as expensive. That is the reason for only the one (1) street in Phase 2.

Council member Lambeth asked if Powell Bill funds could be used for the replacement of the pipe. Manager Hinson and Mr. Baker confirmed to Council members that Powell Bill money would be used for this repair.

Council member Frazier asked about the other streets that were provided in the list.

Manager Hinson discussed with Council the process used in developing this proposal. She asked Mr. Baker to confirm that he and Mr. Rick Austin went out and evaluated each street on the list, and if there were any other streets in the City that needs repair other than what we have listed.

Mr. Baker stated that the Steeplegate Roads were the oldest in the City owned system. The city acquires roads through the development of subdivisions. Colonial Village just had resurfacing completed on their roads; we have Steeplegate, and various roads that the City has assumed ownership of due to sewer. Once the sewer goes in we always overlay the road so they are new roads with the exception of Carriage House and that road is actually in pretty good shape. This is what we determined were the most needed roads for repairs. We do perform an assessment on every road the City owns each year.

Mr. Baker advised Council that he would have more information for Council at the August 20, 2013 Regular Meeting concerning Rolling Road and that he planned to do a presentation on what the repairs for this road would entail.

There will be an approximate six (6) foot pipe under the road, some headwall to pour at this location, as well as re-asphalting. We didn't feel that we could complete these repairs in time due to the extensive amount of work that will have to be completed in order to be able to asphalt these streets prior to a temperature change.

Council member Frazier advised Mr. Baker that her reasons for asking this question was due to a discussion held at a prior meeting concerning patching that needed to be done on other streets.

Mr. Baker stated that the patching was completed in Stone's Throw with the last plan. We were able to complete the patching in that area sooner because the bids came in low.

Motion by Council member Lambeth to add this to the August 20, 2013 Regular Meeting Agenda, seconded by Council member Johnson, and approved unanimously by all Council members present with Council members Lohr and Varner absent.

14. ETJ Vacancy on Planning Board (*Julie Maybee*)

Mayor Pro-Tem Gantt opened this item to Council for discussion and/or action to add to the August 20, 2013 Regular Meeting Agenda.

Manager Hinson stated that Ms. Maybee asked that this item be included on the Agenda. Council has discussed this at various times. It is at Council's discretion when this be done. We have included in your packet a suggestion that if Council members have someone in mind that they would like to have fill this position that you provide that name to staff. We will in turn provide those names to Randolph County which will give them a list of names to choose from.

As I stated earlier, this item is at Council's discretion. You may act on this item at this time or at a later date.

Motion by Council member Frazier to table this item until after the election, seconded by Council member Bridges, and approved unanimously by all Council members present with Council members Lohr and Varner absent.

VIII. Old Business

15. Sweepstakes Moratorium (*Manager and Attorney Wilhoit*)

Mayor Pro-Tem Gantt opened this item to Council for discussion and/or action.

Attorney Wilhoit discussed the decision made by the North Carolina Supreme Court in December 2012 that struck down the video operator's objections that declaring a ban on sweepstakes violated their freedom of speech so the ban became effective. This past spring the Supreme Court held that the tax in the amount of \$5,000.00 per location and \$2,500.00 per machine charged by the City of Lumberton, NC was too high and unreasonable and struck those fees down.

The interesting part of this entire picture is that the video operators filed lawsuits against the State of North Carolina. This resulted in a large number of sweepstakes owners have been shut down. There are some that are still operating under a different formula than before that have not

been ruled on by the Supreme Court. This means we have some pending law suits that are still pending.

Currently the North Carolina Attorney General's Office declined to offer an advisory opinion as to what types of video sweepstakes can be operated under the ban. The Sheriff's were waiting for the Attorney General's Office to issue an opinion which was declined by the Attorney General's Office. This left the choice up to the individual 100 counties and their sheriff's to act accordingly on their own.

Most of these businesses in Randolph County shut down voluntarily, some were shut down by the sheriff, but there are a few that continue to operate because they changed their entire system so that it would not be considered gambling.

Council member Frazier asked Attorney Wilhoit if Council has the option to extend the existing Moratorium on Sweepstakes.

It was Attorney Wilhoit's opinion that Council could extend the current Moratorium until the end of the year. Hopefully we will get some guidance from Raleigh by this time in regards to a decision.

Motion by Council member Frazier to extend the Moratorium at least to the end of this year (2013), seconded by Council member Lambeth, and approved unanimously by all Council members present with Council members Lohr and Varner absent.

After the vote, Manager Hinson stated this item would not be placed on the August 20, 2013 Regular Meeting Agenda since Council took action in regards to this item tonight and this item was listed under Old Business.

IX. Code Enforcement Report
(Julie Maybee, Planning Director)

Mayor Pro-Tem Gantt opened this item and asked Ms. Maybee if she would like to give her report tonight.

Ms. Maybee advised Council that she would be glad to answer any questions that they might have. She advised Council that we had received a lot of complaints in reference to various violations.

She explained the spreadsheet and how she is handling the violations and her intent to further separate the complaints that have been completed from pending cases. The items that are highlighted in red reminded her to look and go back and check in different places. She hoped to begin a list with repeat offenders which will help us to start seeing a pattern. The Legislators changed the statutes on repeat offenders so I will be bringing a text amendment to our City Code to reflect that change.

She reported that she had a great deal of cooperation from the property owners in abating the violations and they were responding to the request to come into compliance with our Ordinances. There are some of them that are repeat offenders that I will need to discuss with the Attorney. Ms. Maybee completed her review by discussing various property violations, the status of those violations, and current status of these properties. She also advised Council that she would have a

separate summary that would include how many permits have been issued along with other types of inquiries that we have been receiving.

- X. Closed Session pursuant to NCGS 143-318.11. (a) 3 to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.**

(Closed Session will be held in the Administration Building)

Mayor Pro-Tem Gantt opened this item and called for a motion to go into Closed Session.

Motion by Council member Lambeth to go into Closed Session, seconded by Council member Johnson, and approved unanimously by all Council members present with Council members Lohr and Varner absent.

Motion by Council member Lambeth to go back into Open Session, seconded by Council member Johnson, and approved unanimously by all Council members present with Council members Lohr and Varner being absent.

- XI. Business from City Manager and Staff**

None

- XII. Business from Mayor and Council**

None

- XIII. Adjournment**

Motion by Council member Barry Lambeth to adjourn the August 13, 2013 Pre-Agenda meeting at 5:00 pm, seconded by Council member Johnson, and approved unanimously by all Council members present with Council members Lohr and Varner absent.

These minutes were approved by the Trinity City Council on September 17, 2013 at their Regular Meeting upon motion by Council member Varner to approve these minutes as listed on the Consent Agenda. The motion was seconded by Council member Frazier and approved unanimously by all Council members present with a 7 to 0 vote. Council member Gantt was absent at the September 17, 2013 meeting.

Carlton Boyles, Mayor

Date

Annette deRuyter, Assistant City Clerk

Date