



## **City Council Regular Meeting Agenda 3/17/09**

**Members Present:** Mayor Fran Andrews, Council members; Tyler Earnst, Barry Lambeth, Robbie Sikes, Karen Bridges, Barbara Ewings, Edith Reddick and Linda Gantt.

**Members Absent:** Kelly Grooms

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

### **Call to Order**

- Pledge of Allegiance  
Mayor Andrews led the Pledge of Allegiance.
- Invocation  
Council member Lambeth gave the invocation.
- Welcome Guests and Visitors  
Mayor Andrews welcomed those present and called the meeting to order.

### **Public Concerns and Commendations**

None

### **Recognition**

1. **Proclamation designating April 18 – 25, as The Week of the Young Child**  
(*Mayor Fran Andrews*)  
Andie Edelson accepted the proclamation for Randolph County Partnership for Children.

### **Reports & Requests**

2. **Annual report and funding request for Archdale Public Library** (*George Taylor, Branch Manager*)  
Mr. Taylor could not be present, so there was no report given.
3. **Request from Friends of Trinity to use parking lot for farmers market** (*Curtis Connor, President*)  
Mr. Connor requested the use of the parking lot for the farmer's market and stated that the Friends of Trinity will monitor the use and see that the lot is left clean.

Attorney Wilhoit stated that Trinity should make guidelines and keep them consistent for all vendors involved. He also suggested that the City of Trinity be added to the Friends of Trinity's insurance policy as an additional insured.

Manager Bailie advised those present that City staff is working on guidelines. Mayor Andrews stated that when the Friends of Trinity held a Farmer's Market in the past they have allowed only local products to be sold and no commercial items may be sold.

***Motion to approve the request to use the City parking lot for a Farmer's Market conditioned upon the guidelines reviewed and approved by the City Attorney and with the City of Trinity added as an additional insured on the Friends of Trinity's insurance policy by Council member Sikes, seconded by Council member Ewings, approved unanimously by all Council members present.***

### **Public Hearing\***

#### **4. Amendment to Zoning Ordinance pertaining to mining operations (Adam Stumb, Planning & Zoning Administrator)**

Mr. Stumb stated that the proposed text amendment would allow fill and sandrock mining as a special use in the RA, M1 and M2 Zoning districts (Residential Agricultural, Heavy Manufacturing, and Light Manufacturing, respectively). Currently mining is not allowed in the City.

Mayor Andrews opened the Public Hearing.

#### **Speaking For:**

None

#### **Speaking Against:**

##### **Kenneth Orr -5037 Meyers**

Mr. Orr stated that he did not see mining as a benefit to the City. He voiced concerns over how to control mining if allowed. Mr. Orr advised that he was against allowing any mining.

##### **Guy Marino - 5036 Meyers St**

Mr. Marino advised that his main concern was safety and the fact that this mining operation was started without proper permits. He stated that as many as 100 trucks were going in and out in a single day. The vibration of the vehicles rattled things in the house and he is concerned that his grandchildren may get hurt or that his foundation may crack. Mr. Marino is worried that no one will take liability.

There was discussion concerning mining within the City limits.

***No motion was made so no action was taken on the proposed amendment.***

#### **5. Amendments to development ordinances pertaining to mail notification, public hearings, final plat review and technical review committee (Stumb)**

Mr. Stumb discussed possible ways to streamline the development review process and cut some of the costs involved. Some changes that will streamline the process are:

- change public hearing to public meeting at the Planning and Zoning Board meeting  
This would allow for public comment and would eliminate the need to advertise in the newspaper.
- Reduce the mailings from everyone within 600ft. to adjoining properties

This would eliminate some of the costs associated with mailings. Mr. Stumb advised that staff recommends changing the scope of the mailings to adjoining properties for the development review process as well as for the Special Use Permits.

In the Subdivision process there are two types of plats that can be approved by the City. The preliminary plat is the first technical plat that the City will look at and is the last opportunity to change the plat. The final plat is the last step before a subdivision is recorded.

The staff and the Planning Board are recommending that the preliminary plat would be reviewed by the Technical Review Committee (TRC). The committee is comprised of the following people: Adam Stumb, Rich Baker, NC DOT, Fire Departments, and other personnel as appropriate. The request would then go to the Planning Board and the Planning Board would make a recommendation and then Council would review for possible approval.

Mayor Andrews opened the Public Hearing and hearing no comments, closed the Public Hearing.

*Motion to approve Amendments to development ordinances pertaining to mail notification, public hearings, final plat review and technical review committee by Council member Earnst, seconded by Council member Sikes, approved by a majority vote with Council members Bridges and Gantt being opposed and Council member Grooms was absent.*

**6. Amendment to Zoning Ordinance pertaining to site plan submittals (Stumb)**  
Mr. Stumb stated that this amendment brings a consistency between zoning for subdivisions and stormwater ordinance and sets a specific standard for scale on plans.

Mayor Andrews opened the Public Hearing and hearing no comments, closed the Public Hearing.

*Motion to approve amendment to zoning ordinance pertaining to site plan submittals by Council member Bridges, seconded by Council member Earnst, approved unanimously by all Council members present.*

### **Consent Agenda**

- 7. Approve minutes: Feb. 10, 2009 City Council Pre-agenda Meeting (Lori Hunt, Assistant City Clerk)**
- 8. Approve minutes: Feb. 17, 2009 Regular City Council Meeting (Hunt)**
- 9. Approve Budget Amendments for Turnpike Industrial Park (Debbie Hinson, Finance Officer)**

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

**New Business**

**10. Consider Final Plat Approval of Colonial Village – Phase V (Stumb/Rich Baker, Stormwater Administrator)**

Mr. Stumb stated that there is an issue with flooding on the Huffman’s property on County Line Rd. The development at Colonial Village would make the flooding worse. The developer has made corrections in the design of Phase V Colonial Village.

Mr. Baker advised that the developer is proposing to dig a ditch on the Colonial Village property. Then the developer will install some check dams. Those check dams will slow the flow of the water. Mr. Baker stated that the developer will remove and replace a pipe on the Huffman’s property. This pipe is larger in diameter and will handle the flow better. These measures will make the flooding decrease on the Huffman’s property.

*Motion to approve final plat of Colonial Village Phase V, contingent on check dams and larger pipe being installed, by Council member Earnst, seconded by Council member Ewings, approved unanimously by all Council members present.*

**11. Consider Amendments to Fee Schedule pertaining to plan review and inspections (Stumb/Baker)**

Mr. Stumb advised that some changes are proposed to the fee schedule. The proposal incorporates a stormwater fee that includes inspections and creates different price range for different size projects. Mr. Stumb recommends the following fee schedule :

**SCHEDULE OF FEES**

**Planning & Zoning Fees**

Rezoning	\$ 300
Special Use Permit	\$ 300
Text Amendment	\$ 300
Board of Adjustment	\$ 300

**Subdivisions**

Minor Subdivision	\$ 50/lot
Major Subdivision Stormwater	\$400+\$25/lot \$400/device
Lot Revisions <sup>1</sup>	\$2.50/lot
Return and Re-Submit <sup>1</sup>	\$100

**Major Commercial Development**

Site Plan Review Stormwater	\$250 \$250/device
Resubmission <sup>1</sup>	\$100

**Major Residential Development (+500 sq/ft)**

Site Plan Review Stormwater	\$50 \$50
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<sup>1</sup> After one revision – using checklist

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**Minor Residential Development (144-500 sq/ft)**

Site Plan Review	\$25
Stormwater	\$25

**Other Permits**

Mobile Home Permit	\$ 50
Small Construction Permit Initial Development Review	\$ 0
Sign Permit	\$ 10

**Annexation Fees**

Administrative	\$ 300
Tax Value	Current Tax Value x .006 <sup>2</sup>

**Publication Fees**

Development Ordinance (Zoning, Subdivision, Watershed, Flood Control Ordinance & 11' x 17' zoning map)	\$ 20
Zoning Ordinance	\$ 10
Subdivision Ordinance	\$ 10
Watershed Ordinance	\$ 10
Photocopies	\$ .15/copy
Audio Recording of Meetings	\$ 2.50
Map-Color 8.5 " x 11 "	\$ 1.00
Map-Color 11 " x 17 "	\$ 3.00
Map-Color 24 " x 24/36 "	\$ 5.00

**Inspection Fees**

<b>Roadway<sup>3</sup></b>	
City Inspection	\$ 0.78/linear foot

<sup>2</sup> Calculation excludes farm deferred and other exempt value. \$.06/100 valuation is the projected effective tax rate per year for City of Trinity from 1997 – 2007. Calculated amount represents 10-year ad valorem payments at effective tax rate.

**<sup>3</sup> Roadway:**

1. Contractor or Developer shall provide geotechnical firm to do compaction testing, proof roll (with City inspector), asphalt inspection and test cylinders for curb & gutter, with copies of all reports to City's Engineer.
2. Contractor to advise City's Engineer minimum of 24 hours in advance of performing any work.

<b>Sanitary Sewer<sup>4</sup></b>		
	City Inspection	\$ 1.74/linear foot
<b>Storm Sewer<sup>5</sup> (includes Detention Pond)</b>		
	City Inspection	\$1.26/linear foot
<b>Miscellaneous</b>		
	Cancellation by contractor after inspector is present	\$160

## **EXPECTATIONS OF DEVELOPER**

### **<sup>1</sup> Roadway:**

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2. Contractor to advise City's Engineer minimum of 24 hours in advance of performing any work.

### **<sup>1</sup> Sanitary Sewer:**

1. Developer responsible for As -Builts and NCDENR Final Certification.
2. Contractor to advise City's Engineer – minimum of 24 hours in advance of performing any work.
3. Contractor or Developer to provide compaction testing of any areas questionable to City's Engineer in lieu of replacement of material. If tests fail, contractor or developer shall excavate and replace backfill.

### **<sup>1</sup> Storm Sewer:**

1. Contractor shall advise City's Engineer – minimum of 24 hours in advance of performing any work.

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### **<sup>4</sup> Sanitary Sewer:**

1. Developer responsible for As -Builts and NCDENR Final Certification.
2. Contractor to advise City's Engineer – minimum of 24 hours in advance of performing any work.
3. Contractor or Developer to provide compaction testing of any areas questionable to City's Engineer in lieu of replacement of material. If tests fail, contractor or developer shall excavate and replace backfill.

### **<sup>5</sup> Storm Sewer:**

1. Contractor shall advise City's Engineer – minimum of 24 hours in advance of performing any work.
2. Contractor or Developer shall provide compaction testing of any areas questionable to City's Engineer in lieu of replacement of material. If tests fail, contractor or developer shall excavate and replace backfill.
3. Developer to provide Engineer's inspection certification of compaction, volumes, elevations, sizes, slopes and final completion.

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3. Developer to provide Engineer's inspection certification of compaction, volumes, elevations, sizes, slopes and final completion.

***Motion to adopt the fee schedule as proposed by Council member Earnst, seconded by Council member Bridges, approved unanimously by all Council members present.***

**12. Infrastructure Projects update** *(Randy McNeill, Davis-Martin-Powell & Assoc.)*

Mr. McNeill gave the following updates:

- Phase 3 is still moving forward
- Phase 4A stimulus project is moving forward. Draft application has been prepared. Last week the state announced the rules expected for the process. The application is due April 3, 2009.
- Turnpike Industrial Park contract has been awarded. The initial construction will be to clear the shoulders of the road so that Davidson Water can install water lines.

**13. Consider Amendment No. 2 to Preliminary Engineering Report for sewer phases 3, 4, 5** *(McNeill)*

Mr. McNeill stated that the document gave out at Pre Agenda meeting is basically an amendment to the previous engineering report identifying the Wood Acres area (Phase 4A Contract 1) as a potential stimulus project. It separates the cost of that project from the remainder of Phase 4A and verifies the need for the project and also documents the need based on septic tank failures. The information contained in the document is the information presented in the application for stimulus.

***Motion to approve Amendment No. 2 to Preliminary Engineering report for sewer phases 3, 4, & 5 by Council member Earnst, seconded by Council member Sikes, approved unanimously by all Council members present.***

**14. Consider resolution authorizing Mayor to apply for funding through American Recovery and Reinvestment Act of 2009 and to comply with provisions of financing** *(McNeill)*

Mr. McNeill stated that this resolution was required to apply for a 3 million dollar loan. The financial assistance would be in the form of a loan with principle forgiveness and zero interest.

***Motion to authorize the Mayor to apply for funding through American Recovery and Reinvestment Act of 2009 and to comply with provisions of financing by Council member Bridges, seconded by Council member Ewings, approved unanimously by all Council members present.***

**15. Consider resolution requesting release of six streets from NCDOT street system** *(McNeill/Ann Bailie, City Manager)*

Mr. McNeill stated that most of the streets that the City would take over will be for the purpose of sewer installation. Those streets are; Brook Circle ext., Younts St., Sabine St., Payne St. and Morgan St. Rolling Road would be taken over to help a family get water to

their property. The street lengths total approximately 1.33 miles. Powell bill funds the City might expect to receive by taking over these streets would be about \$2,250 per year.

Council member Bridges expressed concerned about the costs involved with long-term maintenance of the roads.

***Motion to approve resolution requesting release of six streets from NCDOT street system by Council member Sikes, seconded by Council member Lambeth, approved by a majority vote with Council member Bridges being opposed.***

**16. Appointments to Center City Steering Committee (Bailie)**

Manager Bailie advised that the nominating committee consists of Kelly Grooms, Karen Bridges, Adam Stumb, Joe Rainey, Mayor Andrews and herself. Per the Lawrence Group, the consulting firm, the committee should consist of 10 to 14 people to provide general guidance. The committee should represent key property owners, City officials and community leaders who are focused on implementing change in the target area. The nominating committee will not set policy or establish new ordinances. The nominating committee recommends the following people for appointment to the steering committee: Center City area residents: Willard Gannaway, Reid Harris, Dwight Meredith and Kristen Varner; Real estate and development: Gary Loflin; Schools: Andrew Isreal; Business: George Lagueruela, Linda Roney; City advisory boards: Jeff Taylor, Michael Stafford; Elected officials: Karen Bridges, Kelly Grooms. Mayor Andrews and Ms. Bailie are recommended to be appointed to the steering committee as non voting members.

***Motion to approve appointments to the Center City Steering Committee by Council member Ewings, seconded by Council member Earnst, approved unanimously by all Council members present.***

Manager Bailie read a letter addressed to the Council concerning her evaluation. She respectfully requested that in view of the economic times that any compensation adjustment be delayed until a later date.

**17. Closed Session pursuant to NCGS §143-318.11(6) - Performance Evaluation of City Manager (Barry Lambeth, Personnel Committee Chairman)**

***Motion to go into closed session for the purpose of personnel issues by Council member Lambeth, seconded by Council member Sikes, approved unanimously by all Council members present***

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

Council member Lambeth announced that no action was taken during the Closed Session.

**Business from City Manager**

Ms. Bailie gave out invitations for an appreciation luncheon at Guil Rand Fire Department in May, and for an event in High Point. Those interested should let Manager Bailie now so she can RSVP.

Manager Bailie announced there will be a public meeting to discuss trash collection on March 31, 2009 at 7:00 pm.

Mr. Stumb advised that he received a phone call from a property owner in the Rolling Rd. area. She wanted to know if the City was interested in taking this property at no cost to the City. She stated that the property will not perk and that she has been trying to give the property away.

Attorney Wilhoit stated that the property should be looked at to ensure that there are no environmental or other problems with the property.

*Motion to accept the property contingent on property being investigated for environmental issues by Council member Lambeth, seconded by Council member Sikes. No vote was taken.*

*After further discussion with attorney Both Council members Lambeth and Sikes rescinded their motions.*

*Motion for Attorney Wilhoit to do a title search and for staff to check out environmental, stormwater and other issues and contingent upon those issues being OK to accept the property by Council member Lambeth, seconded by Council member Sikes, approved unanimously by all Council members present.*

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

Council member Sikes commended Manager Bailie on the letter in which she requested Council to delay her compensation adjustment based on her evaluation.

Mayor Andrews announced that there will be a spaghetti supper at the Methodist Church on Friday night from 5:00 to 7:00. The price of the meal is \$7.00

#### **Adjournment**

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

**These minutes were approved as written at the April 21, 2009 Regular City Council meeting with a motion by Council member Ewings, seconded by Council member Earnst, approved unanimously by all Council members present.**