



**Trinity NC City Council  
Regular Meeting  
Minutes  
8/18/09**

**Members Present:** Mayor Fran Andrews, Karen Bridges, Kelly Grooms, Barry Lambeth, Robbie Sikes, Linda Gantt and Tyler Earnst

**Members Absent:** Edith Reddick

**Others Present:** City Manager Ann Bailie, City Attorney Bob Wilhoit, City Clerk/Finance Officer Debbie Hinson, Code Enforcement Officer Joe Rainey, Stormwater Administrator Rich Baker, City Engineer Rick Austin, Assistant City Clerk Lori Hunt, members 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.

▪ **Approve Agenda**

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

▪ **Rain Garden Dedication on Fox 8**

Mr. Rainey showed the video of the dedication of the rain garden. Students from Archdale-Trinity Middle School's Environmental Club put in a lot of work and did a project that would help with stormwater runoff and help keep the water supply clean.

Mr. Baker stated the purpose of the rain garden is to get rid of the pollutants before they get into the drinking water supply. The rain garden is designed to filter the water through the soil. Plants absorb a lot of the pollutants. The parking lot has several kinds of pollutants that are being filtered here at the City Hall Rain Garden.

**Public Concerns and Commendations**

**Clay Poole - 5243 NC Hwy 62.**

Mr. Poole is concerned about the speed limit on Hwy. 62 in the area where it is 55 miles per hour. Also he is concerned that the area needs to be a no passing zone. Mayor Andrews informed those present that the Council voted to try to get the speed limit reduced on that stretch of highway.

**Mike Robertson 4161 Oak Haven Dr.**

Mr. Robertson is upset that people are not stopping at the stop sign turning off of Finch Farm Rd. at Sheetz convenience store. He is also concerned that there is no stop sign at the corner of Regalwood and Regalwood. Mr. Robertson requested that Council discuss these stop sign issues with DOT.

*Motion to add the stop sign issues to DOT request on speed limit change by Council member Lambeth, seconded by Council member Grooms, approved unanimously by all Council members present.*

**Brenda Treadaway - 4739 Oakwood Dr.**

Ms. Treadaway voiced concerns over the appearance of the yard next to her property. There is tall grass and a dilapidated trailer on the property. Ms. Treadaway wanted to know what the City could do about the property. Mr. Rainey replied that the owners have moved some of the junk and have cut the grass when asked to do so. There is no minimum housing ordinance in Trinity and the dilapidated trailer would have to be taken care of at the county level. Mr. Rainey stated that the county has been contacted to look into this matter.

**William Sturgis – 6808 Country Meadows Ln.**

Mr. Sturgis stated that he is upset and concerned about the condition of the yard beside the BP station (convenience store). He stated that the property looks like a junk yard. Mr. Sturgis wanted to know what is being done about this matter.

Manager Bailie advised that when asked to clean up the junk, the residents comply and then the junk starts to be a problem again. Council member Lambeth reminded those present that if the vehicles were tagged and licensed that the City could not do anything about them being on the property.

**Proclamation**

- 1. Proclaim Sept. 13, 2009 as Business Women’s Day** (*Fran Andrews, Mayor*)  
Phyllis Tuttle of The American Business Women’s Association was present to accept the proclamation.

**Public Hearings**

- 2. Receive citizen input on the needs of low- and moderate-income residents** (*Ann Bailie, City Manager*)

Manager Bailie advised that Community Development Block Grant (CDBG) funds are available to local governments. These funds will assist with economic and community development serving low and moderate income residents. Types of programs funded include housing rehabilitation, multi family housing development, infrastructure, economic development and community revitalization programs. The purpose of the public hearing is to hear from residents who feel like the City should apply for grants to serve a certain section or community in Trinity.

Mayor Andrews opened the public hearing for comments in favor of and opposed to the CDBG, hearing no comments, the Mayor closed the public hearing.

**3. Close-out Community Development Block Grant (CDBG) project #08-C-1846 (Sewer Infrastructure Hook-up Project) (Bailie)**

Manager Bailie stated that this public hearing is required because the City was successful in obtaining a Community Development Block Grant in the amount of \$75,000 to connect the properties of 26 low and moderate income residents to the sewer system. This public hearing is to give residents an opportunity to discuss the project and voice any comments they might want to make.

Mayor Andrews opened the public hearing for comments in favor of and opposed to the CDBG closeout. Hearing no comments, the Mayor closed the hearing.

**4. Parking and Transportation – Zoning Text Amendment (Joe Rainey, Planning & Zoning Assistant)**

Mr. Rainey gave some background on the proposed text amendment. He stated that the proposed text amendment was brought about because planning and zoning had received several complaints from a few different neighborhoods about truck parking. Some of the complaints are the loud noise of the tractor-trailers, safety issues when trucks are parked in the street and the appearance of the neighborhoods.

Mr. Rainey advised that the proposed ordinance would prohibit the parking of truck and freight trailers with a combined length of 30 feet and/or a width of 80 inches in all residential zoning districts except the Residential Agriculture zoning district. A truck of this nature in the RA zoning district must be parked behind the front plane of the building or 1000 feet from the center line of the road. In addition, the ordinance would prohibit tractor –trailer parking on all public streets. There are a few exceptions to the text amendment. Trucks loading and unloading, emergency vehicles and lawn care vehicles are exempt from this text amendment.

Attorney Wilhoit advised that the City could not regulate parking on private streets, however the issue of parking is taken care of by not allowing large truck parking at all in residential zoning districts.

Mr. Rick Austin said that an advantage of the language “public streets” would make the ordinance become a traffic ordinance and would be enforceable by law enforcement.

Mayor Andrews opened the public hearing to those wishing to speak in favor of the zoning text amendment.

**For –  
Chester Ayers - 3498 Circle Court**

Mr. Ayers stated that he believes that the ordinance will be good for neighborhoods. He thanked the Council and staff for their hard work on this ordinance.

**Jim Barker - 6846 Country Meadows Ln.**

Mr. Barker advised that he had a tractor parked next door to him. He was concerned that with just the tractor, could the truck parking be enforced. After discussion, general consensus is that yes the truck parking could be enforced by the width of the tractor.

**William Sturgis – 6808 Country Meadows Ln.**

Mr. Sturgis stated that the truck parking in his neighborhood is a nuisance. He said the trucks are started at all times of the day or night.

**Brenda Campbell - 3440 Circle Court**

Ms. Campbell advised that as a taxpayer and a citizen that she would like to see the ordinance passed that would prohibit tractor-trailer on street parking in a residential district. She stated that trucks are a nuisance, loud and pose a safety hazard. Sometimes the trucks are left running and unattended. Ms. Campbell believes that having these large trucks parking in a residential area could bring down the value of property.

**Marsha Riddick -7125 Turnpike Rd.**

Ms. Riddick informed those present that she was basically in support of the ordinance but is concerned about those people who make their living by driving a truck. According to the 2000 census in the City of Trinity there were 216 people employed in a motor vehicle occupation. Ms. Riddick asked that the City take into consideration those who are employed as truck drivers.

**Against** – none

Hearing no further comments, Mayor Andrews closed the public hearing.

*Motion to approve Parking and transportation zoning text amendment by Council member Earnst, seconded by Council member Bridges, approved unanimously by all Council members present.*

**5. Land Clearing and Inert Debris Landfill (LCID) – Zoning Text Amendment (Rainey)**

Mr. Rainey stated that the applicant was unable to attend the meeting because of an ill family member. Mr. Rainey advised that there are 2 kinds of LCIDs. One type is a minor which is 2 acres or less and another is the major which is more than 2 acres. In the text amendment the staff proposes that the LCID be allowed with issuance of a special use permit in the RA zoning district. The maximum duration that the minor landfill can remain open is 3 years from the date of the issuance of the permit. The City will be able to grant one 3-year renewal for a maximum of six years. Buffering must be in place at least 100 feet from property line and 300 feet from any residence not on the same tract. The landfills must be controlled with gates, ditches, fences or etc. to prevent illegal dumping. There is no maximum time for a major landfill to remain open. Some acceptable materials for the landfills are; natural wood with no paint on it, brick, concrete, asphalt, uncontaminated soil, rock gravel, stumps, brush and limbs. The state regulates these landfills as well as the City.

The staff proposes that the City allow the major landfills with a special use permit under M1 and M2 zoning districts.

Mayor Andrews opened the public hearing for comments.

**For -**

**Mike Robertson - 4161 Oak Haven**

Mr. Robertson wanted to know if the owners would be allowed to recycle mulch, etc. He stated that it would be nice to have some recycling like that in Trinity.

Mr. Rainey replied that it would depend upon what Council allowed under the special use permit.

**Against – None**

Hearing no further comments, Mayor Andrews closed the public hearing.

Council member Bridges did not believe it was a good idea to allow LCIDs on 2 acres or less even if the land is in RA district.

Council member Grooms stated that he would like to table to give the applicant an opportunity to be present and understand what would be expected of him.

***Motion to table until October regular City Council meeting by Council member Grooms, seconded by Council member Bridges, approved unanimously by all Council members present.***

**6. Portable Storage Containers – Zoning Text Amendment (Rainey)**

Mr. Rainey advised that the Planning and Zoning department had received several complaints about the use of portable storage units being put on property and being left for long periods of time.

Mr. Rainey noted that in the text amendment under household and personal, item A should read: 15 days with possible 15 day extension.

One thing that the staff wanted to change is to allow homeowners to store personal items and furniture while remodeling. The temporary use permit would not expire until the contractors were through with the job.

Mayor Andrews opened the public hearing for those wishing to comment.

**For-** none

**Against** – none

Hearing no comments, Mayor Andrews closed the public hearing.

***Motion to approve Portable Storage Containers Zoning Text Amendment by Council member Earnst, seconded by Council member Grooms, approved by majority vote with Council member Sikes being opposed and Council member Reddick absent.***

**Consent Agenda**

7. **Approve minutes: June 9, 2009 City Council Pre-agenda Meeting (Lori Hunt, Assistant City Clerk)**
8. **Approve minutes: June 16, 2009 Regular City Council Meeting (Hunt)**
9. **Approve Budget Amendments (Debbie Hinson, Finance Officer)**
10. **Sewer Phase 4-B Old Town (Bailie)**
  - A. **Approve Amendment to Capital Project Budget Ordinance**

- B. Approve Resolution Affirming Sewer Rates**  
**11. Adopt Amended Greenway Map (Bailie)**

*Motion to approve the consent agenda by Council member Bridges, seconded by Council member Earnst, approved unanimously by all Council members present.*

**Unfinished Business**

- 12. Zoning Text Amendment pertaining to development standards for recycling processing facilities. (Rainey)**

Manager Bailie advised that this recycling processing facility came to the attention of the City through a code violation. It then evolved into a non-conformance with the zoning approval that was granted in 2005.

Ms. Bailie spoke with Dave Neill who is the attorney for Mr. Pendlebury, the applicant and owner of Harmony Industries. The attorney requested that this text amendment be tabled on behalf of Harmony Industries with the understanding that a request will be forthcoming for a conditional use rezoning and probably a text amendment.

Some issues that have arisen are; storage in trailers, number of trailers on the lot, placement of trailers on the lot, landscaping, fencing and general upkeep of the property. Ms. Bailie asked the Council to advise of other concerns other than those mentioned.

*Motion to table zoning text amendment pertaining to development standards for recycling processing facilities by Council member Grooms, seconded by Council member Lambeth, approved unanimously by all Council members present.*

**New Business**

- 13. Consider Expanding scope of Phase 3 Contract 2 (McNeill/Bailie)**

Manager Bailie stated that she and Mr. McNeill had met and discussed some other options for Phase 3 Contract 2. The property owner is requesting the expansion to serve his property.

Ms. Bailie requested this item be tabled to allow time to meet with the property owner.

*Motion to table consideration of expanding the scope of Phase 3 Contract 2 by Council member Grooms, seconded by Council member Sikes, approved unanimously by all Council members present.*

- 14. Infrastructure projects update (Randy McNeill, Davis-Martin-Powell & Assoc.)**

Mr. McNeill advised that the construction on Hwy. 62 is the ending point of Phase 3 Contract 2 project. There are 3 crews working in the Hopewell Church Rd. area. The crews laying pipe under Hwy. 62 but have hit a large amount of rock. Page and Associates crews will be finished with this project soon.

Terry's Plumbing is working in the Lakewood area and since the addition of a second crew, their production should pick up some.

The Pike Street project will serve about 20 homes. All the easements have been acquired for this project. Bid date for this project will be September 10, 2009.

Turnpike Industrial Park should have all the sewer stub outs complete within a week.

Council member Earnst wanted to know if the pavement will be repaired when the sewer work is complete on Finch Farm Rd. Mr. McNeill replied that this work is part of the Wheatmore School project and that the roads will be repaired to the satisfaction of the DOT.

**15. Consider Amendment to Sewer Use Ordinance regarding construction specifications** (*Rick Austin, Abbotts Creek Engineering/Rich Baker, Stormwater Administrator*)

Mr. Austin stated that the first week in June, a smoke test of the entire sewer system was complete. About 20% of the cleanout caps were damaged or missing. To try to prevent the damage to cleanout caps in the future the City will use a recessed brass cap. The brass caps could be found better in the future using a metal detector to locate them.

*Motion to approve amendment to sewer use ordinance regarding construction specifications by Council member Earnst, seconded by Council member Lambeth, approved unanimously by all Council members present.*

**16. Consider Resolution adopting standards and specifications for construction of sewer service connections** (*Austin/Baker*)

*Motion to approve resolution adopting standards and specifications for construction of sewer service connections by Council member Lambeth, seconded by Council member Earnst, approved unanimously by all Council members present.*

Upon a recommendation by Attorney Wilhoit, the Council accepted Barbara Ewings' written resignation from the City Council.

*Motion to accept Barbara Ewings' resignation by Council member Grooms, seconded by Council member Earnst, approved unanimously by all Council members present.*

**17. Closed Session pursuant to § 143-318.11 (5) – Acquisition of real property** (*Bailie*)

*Motion to go into closed session pursuant to § 143-318.11 (5) – Acquisition of real property 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 Lambeth, seconded by Council member Sikes, approved unanimously by all Council members present.*

**Business from City Manager**

Manager Bailie advised that the draft plan for Center City will be presented at a meeting on September 8<sup>th</sup>, 2009 at 7:00 p.m. On September 22<sup>nd</sup>, 2009 at 7:00 p.m. the plan will be presented to the Planning and Zoning Board and a public hearing will be held. The plan may go before Council to be considered for adoption in October, 2009.

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

Council member Sikes requested to have two speakers added facing the Council so they could hear better.

Council member Bridges stated that she has had a request for City Haul and wanted to know if it would be held this fall. Manager Bailie replied that the City will have City Haul in the fall.

Council member Bridges mentioned that Mayor Andrews had written a history book about the Trinity area and stated how interesting it is.

**Adjournment**

*Motion to adjourn by Council member Grooms, seconded by Council member Earnst, approved unanimously by all Council members present.*