



Trinity NC City Council Meeting Minutes 4/20/10

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

Members Absent: None

Others Present: City Manager Ann Bailie, City Attorney Bob Wilhoit, Planning Administrator Adam Stumb, Code Enforcement Officer Joe Rainey, 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. He discussed the respect that those present should show toward each other.

- **Review and Approve Agenda**

A new Item #12.5 Benchmark Contract was added to the Consent Agenda.

Motion to approve the agenda with addition of Item #12.5 on the Consent agenda by Council member Lambeth, seconded by Council member Sikes, approved unanimously by all Council members present.

Public Comments

None

Proclamation

1. **Proclamation Declaring the Week of May 2 – 8, 2010 as Municipal Clerks Week** (Mayor Carlton Boyles)

Mayor Boyles read the proclamation.

2. Trinity Pride Roadside & Property Cleanup (*Mayor Boyles*)

Mayor Boyles talked about cleaning up the neighborhoods and roadsides. Mayor Boyles stated that residents could create pride in Trinity by cleaning up the roadsides and their property. He read the proclamation.

Reports & Funding Requests

3. Report and funding request for Randolph County Senior Adults Assoc., Inc.
(*Candie Rudzinski, Executive Director*)

Ms. Rudzinski stated that for next year the Randolph County Senior Adults Association, Inc. is requesting \$12,000. This amount is a 16% increase over last year's allocation of \$9,975. Ms. Rudzinski advised that last year the Senior Adults Association provided over 13,000 home delivered meals, over 8,800 congregate meals and over 6,800 one way trips out of the Archdale Senior Center.

Ms. Rudzinski stated that the total cost of operating the Senior Center for the last fiscal year was almost \$180,000. That pays for the staff, overhead, lights, meals, trips, gas, and insurance. Ms. Rudzinski stated that 50% of those funds come from federal and state grants to operate the Archdale Senior Center, 27% of funds come from United Way of greater High Point, 11% came from the City of Archdale, 5% came from the Senior Center operations grant, 5% came from the City of Trinity, and 2% came from other sources.

Ms. Rudzinski advised that funds that are received from the City of Trinity have been and will continue to be used to pay for the cost of meals for Trinity residents. For the past three years the meal cost has been \$2.96 per meal but does not include the overhead. With the overhead considered the actual cost becomes \$5.77 for congregate meals and the actual cost of a home delivered meal is \$4.33. The request is for only the cost of the meals (\$2.96). Every three years the cost of the meals must go out for bids. The cost of the meals is locked in for three years at \$2.96 per meal. Last year the monies received from Trinity provided for home delivered meals for an average of 14 residents for one year. Ms. Rudzinski stated that their records indicate that last year there was 159 unduplicated individuals that received meals through the Archdale Senior Center. The total cost of purchasing those meals at \$2.96 was almost \$61,000. Staff at the Archdale Senior Center have identified 14 residents that are currently receiving home delivered meals and 14 residents who currently go to the Archdale Senior Center for congregate meals and there is one resident who is on the waiting list for frozen meals. The cost of meals for those 29 individuals is approximately \$21,000. Last year budget cuts totaled over \$60,000. The Senior Center got some money from the American Recovery and Reinvestment Act. Ms. Rudzinski stated that if approved the \$12,000 would cover the cost of providing the meals to almost 17 residents of the City of Trinity.

Ms. Rudzinski said that the Senior Center is a non profit organization. Ms. Rudzinski advised that the Senior Center is required to have a certified audit by a CPA firm each year. In the past ten years there have not been any significant findings in any of the audits.

Motion to approve \$12,000 funding for the Senior Center by Council member Grooms, seconded by Council member Johnson, approved unanimously by all Council members present.

4. Annual report and funding request for Archdale Public Library (*George Taylor, Branch Manager*)

Mr. Taylor stated that with the economy the way it is the resources are stretched a little thin. The library added 2,500 borrowers last year which is a 14% increase.

Mr. Taylor gave the following highlights:

- There are almost 22,000 borrowers at present time.
- Last year the library had 119,000 visitors.
- There were over 31,481 computer users.
- 5,000 children attended programs.
- With the funds received last year from Trinity there were over 440 different books
- Archdale Trinity Middle School students installed a rain garden at the bottom of the parking lot this past week
- The library offers monthly job hunting workshops
- The library also offers monthly writer's group

Mr. Taylor requested \$5,000 for the book budget which makes up 1/3 of the total book budget received from Archdale and Randolph County.

Motion to approve \$5,000 funding for the Archdale Public Library by Council member Sikes, seconded by Council member Earnst, approved unanimously by all Council members present.

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

Mr. McNeill advised that construction is going on between Hwy 62 and Surrett Dr. and is the beginning of a sewer line that will extend up and cross Surrett Dr. to pick up the neighborhood along Turnpike Court. That project is being funded by the American Recovery and Reinvestment Act and for this project it means a \$1.2 million grant and a \$1.2 million no-interest loan to help Trinity get sewer to those homes.

Phase 3 is near completion and the last sewer line is being installed off of Finch Farm Rd.. Last week a large pump station was started on Morgan Rd. Other projects are moving forward.

Consent Agenda

- 6. Approve minutes: March 9, 2010 City Council Pre-agenda Meeting** (*Lori Hunt, Assistant City Clerk*)
- 7. Approve minutes: March 16, 2010 Regular City Council Meeting** (*Hunt*)
- 8. Approve minutes: March 25, 2010 Special Called meeting** (*Hunt*)
- 9. Approve amendments to minutes of Feb. 16, 2010 Regular Council Meeting** (*Council member Linda Gantt; Hunt*)
- 10. Accept City Clerk Certification of Mailing Notices of Preparation of Preliminary Assessment Roll and Public Hearing to Property Owners** (*Debbie Hinson, City Clerk*)
- 11. Adopt Policies and Procedures Resolutions and Budget Ordinance required for 2009 Sewer Hook-up CDBG Project 09-C-2031** (*Ann Bailie, City Manager*)
- 12. Accept Quarterly Status Report on Pike Street Sewer Project (07-C-1725)** (*Benchmark CMR, Inc.*)
- 12.5 Adopt amendment to Benchmark contract for Grant Administration for Pike St. Sewer project** (*Hinson*)

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

Public Hearings*

13. Amendments to Zoning Ordinance as pertains to tractor-trailer parking (Adam Stumb, Planning & Zoning Administrator)

- A. Consider adoption of Amendments to Zoning Ordinance Article XIII Section 13-12 Parking and Transportation

- B. Consider repeal of previously adopted amendments to Zoning Ordinance Article XIII Section 13-10 as pertains to tractor-trailer parking and nullification of enforcement actions

Mr. Stumb gave the definition of truck and trailer as anything with 3 axles or more. The trailer limitations are 80 inches wide and 20 feet in length and intended to transport freight. Mr. Stumb advised that the ordinance would prohibit parking of trucks and trailers in the future with some exceptions; loading and unloading in neighborhoods, emergency services vehicle and lawn care or home service vehicles. Those who applied for a permit between February 16th, 2010 and March 18th, 2010 and who met all the requirements would be eligible to receive a permit to park. To park a truck on residential zoned property the driver of said truck must be a property owner, spouse of the property owner or child of the property owner and reside at the property. The driver of the truck must have a North Carolina Commercial Driver's License.

Mr. Stumb stated that previous conditions must be met, if there was a permit fee, which Council has not discussed at this time, that would have to be met and truck driver/owner could not have any outstanding code enforcement issues with either Randolph County or the City of Trinity. The tractor trailer must be properly licensed and operational.. Permits shall not be issued for more than one tractor or trailer. There will be a renewal period once the initial permit is issued so that if conditions change the permit will not continue. Permits will not be transferable from one person to another but drivers/ owners may purchase a new truck and transfer the permit.

Mayor Boyles opened the Public Hearing. Speaking were:

Kathy Creech -6826 Country Meadows Ln.

Ms. Creech stated that she has lived in her house since 1994. She advised that her husband, James Creech, is a truck driver. Ms. Creech apologized for all the trouble that this ordinance has brought to Trinity. She said that what should have been a simple fix with honesty and neighbors working together has evolved into an ugly monster.

Ms. Creech advised that she supports her husband and the other drivers. She stated that she thought it is very unfair for people who own their own land to be told they can't park on it. Ms. Creech requested that the 13-10 ordinance be rescinded and that if the City Council proposes a new ordinance it would allow truckers to park on their own property. She stated that she and her husband believe that there should be some accountability for truckers who park in subdivisions such as times to come and go and not to idle the truck for long periods of time. She also said that she would like the new ordinance to allow

truckers to take their trucks home. Ms. Creech advised that she would like to see the citizens of Trinity vote on the truck parking issue.

Carol Creech – 6826 Country Meadows Ln.

Ms. Creech stated that she hopes that the truckers will be allowed to park their trucks on their own property.

Wayne Hill – 4697 Roselee Dr.

Mr. Hill advised that the ordinance would not work for a lot of drivers. He said that truckers do not have other places to park their trucks. Mr. Hill stated that he does not own his truck but leases it and he does not wish to buy it. He owns his property but stated that the ordinance would not work for him as he has no other place to park his truck. He advised that he has to work and he makes his living driving a truck.

Ed Lohr – 5366 Meadowbrook Drive

Mr. Lohr advised that a lot of truck drivers who could not attend the meeting asked him to speak for them. He stated that the best thing the City could do is to dump the ordinance. Mr. Lohr said he believed that the truck issue started with a few neighbors. Mr. Lohr said that there should be a simple registration process so that truckers could park on their own land. Mr. Lohr said over 700 people signed the petition in favor of truck parking.

Jim Barker – 6846 Country Meadows Ln.

Mr. Barker advised that he feels that trucks do not belong in a residential area. He stated that if the City has an ordinance that they should limit the times a truck can go in and out of the neighborhood and should limit the idling time.

Jerry Sturgis – 6808 Country Meadows Ln.

Mr. Sturgis said when he bought his home in 1999 there was not a truck next to him and that if there was a truck next to the house, he would not have bought that house. He stated that when there is a truck next to your property that it depreciates the value of your home.

Mayor Boyles closed the Public Hearing.

Council member Gantt stated that she did not realize that a lot of people leased their trucks. Council members Sikes and Lambeth said they had no problem with adding leased or owned trucks to the ordinance.

Council member Bridges said that since the ordinance states that the property owner, spouse and children, if they own the property, own the truck and have a CDL, can park their trucks on their property, there could be truck terminals if the whole family had trucks.

Manager Bailie stated that the ordinance contains language to the effect that despite what other ordinances are in place if truckers meet the eligibility requirements they can park their trucks on their property. Council member Grooms asked the City Attorney if that would be OK. Mr. Wilhoit, the City Attorney, replied that the city could limit the truck parking to only immediate family members.

Council member Varner stated that because Trinity is so rural that she believes that truck parking should be allowed in RA districts where there is more than 2 ½ acres.

Council member Johnson stated that he thought the goal was to not prohibit something that was a use of a property before the ordinance, even though it was a non conforming use - that Council would allow those things to happen.

Motion to approve Amendments to Zoning Ordinance Article XIII Section 13 – 12 with allowing the lease /owner option by Council member Grooms, seconded by Council member Sikes, approved by a majority vote with Council members Bridges and Earnst being opposed.

Mayor Boyles stated that he wanted to bring to Council's attention as a result of passing 13 – 12 Council has an opportunity to repeal 13 – 10 that was adopted August 18, 2009 that Council may want to consider abolishing warnings , citations and penalties issued pursuant to enforcement of that previous parking ordinance.

Motion to repeal Article XIII Section 13 – 10 and to abolish warnings, citations and penalties issued pursuant to enforcement of that previous parking ordinance by Council member Grooms, seconded by Council member Sikes, approved unanimously by all Council members present.

14. Turnpike Industrial Park Preliminary Assessment Roll (Debbie Hinson, City Clerk & Finance Officer)

A. Consider changes to the Assessment Roll

Manager Bailie stated the Turnpike Industrial Park Street improvement project began in December of 2005 when a petition was submitted to the City of Trinity asking that something be done about the roads in the park. The roads were private roads and there is a process whereby the City will take over roads if the property owners submit a valid petition and agree to pay ½ of the cost of the road improvements. Those costs may be paid in installments over a ten year period. Last month the Council adopted a resolution declaring the cost, ordering preparation of the preliminary assessment roll and setting a public hearing for tonight. Ms. Bailie advised Ms. Hinson, City Clerk and Finance Officer, has determined that the total cost of the project was \$581,146 and that is less than ½ of the original projected cost. Ms. Hinson prepared a preliminary assessment roll, issued notice of the public hearing and sent notices of the preparation of the assessment roll and the public hearing to all property owners affected by the project. There are 4 steps left in this process they are as follows: 1. to hold a public hearing 2. Confirm the assessments 3. select the due date for the annual payments 4. to adopt a resolution confirming the assessment roll and levying the assessments.

Mayor Boyles opened the public hearing. Speaking were:

Jim Wall - 7222 Tanner Ct.

Mr. Wall advised that his stepdaughter is an owner of some property affected by the assessment. He stated that his father-in-law owned some property on one side of Turnpike Industrial Park. Mr. Wall said that at the time the property adjacent to his father-in-law was developed and the roads were put in that at a later date the roads were brought up to city standards. He advised that all of the property is zoned commercial except for 4 lots that face one of the roads. Mr. Wall stated that his father-in-law gave the grandchildren the 4 lots that are not commercial. He said he would like to see the assessment roll changed to eliminate the 4 lots from being assessed. Mr. Wall would like to see the 4 lots not be assessed until such time the

properties are sold. Council member Grooms stated that it would be difficult to determine what would be gained and assess the property at that time. Council member Sikes reminded Mr. Wall that the 4 lots are in an industrial park.

Farrell Tippett - 2611 Kivet Dr. Greensboro, NC

Mr. Tippett advised that he owns some property in Turnpike Industrial Park. He stated that he was under the assumption that when the improvements were done that there would be sewer included. Mr. Tippett said the assessment was steep in his opinion and was almost ½ again of what he paid for the property. He would like to see the assessment paid if the property was sold. Mr. Tippett stated that he had his property for sale for 15 years. He said that with the cost of the property to break even and the cost of the assessment that it would be hard to give the property away. Mr. Tippett stated that his lot was lot# 32.

There was discussion with Council concerning the cost of the project and the assessment costs.

Mr. McNeill, of Davis, Martin, Powell & Associates, explained that basically it was cost prohibitive for the City to finance the sewer outright. The cost of the street was ½ million dollars plus. The cost of the sewer would be 1 ½ million dollars. The sewer lines were stubbed in so as not to destroy the street. Mr. McNeill advised that at the present time Trinity is trying to pursue grants and low interest loans to help put sewer in the area. When the economy turns around and if enough jobs are created, those jobs can help the City acquire grant money to help put sewer in. The cost of the sewer is 3 times what the road improvements cost. More than 50% of the owners wanted the improvements to the streets.

Brandon Boaz – 595 Coleen Dr. Thomasville, NC 27360

Mr. Boaz stated that he was in attendance on behalf of Silvermist Farms, Inc. which owns two properties in the Industrial Park, Lots 24 & 33. He said that when the properties were purchased in 1997 from Wayne McDonald they were under the impression that Mr. McDonald would keep up the roads. Mr. Boaz stated that Silvermist had never had any problems with their road. He stated that Silvermist never signed any petition. Mr. Boaz requested that Council reconsider the assessment and stated that one of the lots owned by Silvermist was a vacant lot.

Shelly Sink -7050 Sink Farm Rd.

Ms. Sink advised that the lot she owned was lot # 29 and it was given to her and her husband as a wedding gift. She stated that she and her husband had owned the lot for 12 years. There is .9 acres and an older single wide mobile home. The land is not used for commercial purposes. Ms. Sink advised that the property taxes are almost \$400 per year because of the location of the property. She said she recently received a letter telling her she and her husband owed \$4,481.73 for a road she does not use. Ms. Sink stated that she and her husband have no way to get their money back. She stated that she and her husband did not have money put back to pay the assessment.

Donna Lewis -1316 Robinhood Rd. High Point, NC

Ms. Lewis stated that her family owns lot # 8 at 4695 Turnpike Court. She advised that her family purchased the lot in 1990. Ms. Lewis said that she too was under the impression that when the roads were brought up to state standards they would be taken care of. She advised that she has had no problems on her end of street.

Ms. Lewis asked Council to reconsider the assessment roll because she is currently laid off from work. Council member Grooms asked Ms. Lewis what kind of business she had. She replied a furniture business with only 3 employees.

Gail Lewis – 1316 Robinhood Rd. High Point, NC

Ms. Lewis wanted to know if any consideration was given to the idea of postponing the assessment until people could get back to work. She said there was a better time than right now to do the assessments.

Steve Wycoff - 4638 Turnpike

Mr. Wycoff stated that his lot is #23. He said when he bought that property he was told that the road met state standards. Mr. Wycoff purchased the property from Wayne McDonald. He stated that he would not have purchased the property if he had thought it was not already to state standards. Mr. Wycoff advised that he never signed any petition or agreed to have the road fixed.

Manager Bailie advised Mr. Wycoff that the statute states that a valid petition must be signed by a majority of owners whose property represents a majority of lineal feet along the roads to be improved.

Mr. Wycoff said that if the City wanted to proceed with the road improvements that the City should find some way to pay for it.

Mayor Boyles closed the Public Hearing.

There was discussion concerning the assessment process and the fact that the City must act on a petition from the majority of the land owners. The Mayor advised those present that the same formula was used on every assessment.

In response to an audience member saying that they were never asked about signing a petition, the City Attorney Bob Wilhoit advised that the petition did not have to be signed by all the property owners, only a majority of them. He stated that the land would be more valuable with the road improvements.

Mayor Boyles stated that he compared the lots and the method used to calculate assessments was very accurate. He also said he would visit those in the park that were considering leaving the City.

- B. Determine annual installment payments due date:
 - Same date that property taxes are due (on or about Jan. 5) *OR*
 - 60 days after the date the assessment roll is confirmed (June 21, 2010)

- C. Consider Resolution Confirming Assessment Roll and Levying Assessments

Motion to confirm the assessment roll and establish an annual installment date on the same date that property taxes are due and that Council approve the resolution confirming the assessment roll and levying assessments by Council member Bridges, seconded by Council member Earnst, approved unanimously by all Council members present.

Council member Lambeth reiterated the fact that monthly installments could also be made.

15. Repeal Watershed Ordinance (superseded by Stormwater Ordinance) and text amendments to Zoning Ordinance (*Rich Baker, Stormwater Administrator; Stumb*)

Mr. Baker stated that the Council had adopted a new Stormwater Ordinance that would replace the old Watershed Ordinance. He requested that the old ordinance be repealed.

Mr. Stumb said that there were also minor text amendments to the zoning ordinance which involved replacing any reference to the Watershed Ordinance with reference to the Stormwater Ordinance. There's one text amendment that deals with telecommunications towers. There's a conflict between the permitted uses chart and language in the special uses section. Cell towers used to be allowed in R40 with a special use permit, but that was removed back in 2006 – 2007 so the telecommunications towers should only be allowed in RA district.

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

Motion to repeal the Watershed Ordinance and adopt the text amendments as presented by Council member Earnst, seconded by Council member Johnson, approved unanimously by all Council members present.

Unfinished Business

None

New Business

None

Business from City Manager

None

Business and Closing Comments from Mayor and Council

Mayor Boyles read the upcoming meeting schedules.

Mayor Boyles acknowledged the Friends of Trinity for the work they do throughout the City. He also acknowledged a boy scout for the swing he constructed that was placed at the park.

Council member Bridges advised that she was giving out the evaluation form for the manager. She requested that Council fill out the form and return to her as soon as possible.

Adjournment

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

These minutes were approved at the May 18, 2010 regular Council meeting with a motion by Council member Earnst, seconded by Council member Johnson, approved unanimously by all Council members present.