



**Special Called  
City Council Meeting  
Trinity NC  
3/25/10  
4:00 PM  
Trinity City Hall Annex**

**Members Present:** Mayor, Carlton Boyles; Council members, Karen Bridges, Linda Gantt, Kelly Grooms, Tommy Johnson, Barry Lambeth, Robbie Sikes, and Kristen Varner

**Members Absent:** Tyler Earnst

**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; members of the media, and other interested parties.

**Call to Order**

Mayor Boyles called the March 25, 2010 Special Called Meeting to order at 4:00 pm.

**Pledge of Allegiance**

Mayor Boyles led the Pledge of Allegiance.

**Invocation**

The invocation was led by Council member Barry Lambeth.

After the invocation, Mayor Boyles thanked Council members for their attendance to the Special Called Meeting. He discussed his opinion on the following items prior to opening the meeting for discussion.

**Issue # 1:** Two neighborhood complaints of parking rigs in the road in the Greenacres Subdivision and parking a cab on the driveway in property zoned R-40 in the Country Meadows Subdivision.

**Issue # 2:** Council decided that no parking would be allowed on the streets within the City of Trinity or in the rights of way.

**Issue # 3:** Council agreed last February that all zoned residential properties except for properties that are issued permits would be protected from tractors and or trailers from February 16, 2010 forward.

**Issue # 4:** The person being the owner of the property must apply for a permit.

The 5 basic issues discussed by Council at the February 2010 meeting are as follows:

1. **The property and owner had to be documented prior to February 16, 2010 in order to get the permit.**
2. **Permits were to be issued for the owner and property that applies for the permit through February 16, 2010.**
3. **Permits for current use of property.**
4. **Annual review required with no fees charged.**
5. **Site visit documentation with pictures being taken of what was currently located on the property.**

In conclusion, Mayor Boyles advised Council he felt it was important to focus on the issues and problems. At this time Mayor Boyles turned the discussion over to Attorney Wilhoit for his comments to Council.

Attorney Wilhoit shared a summary of the Land Use Laws in North Carolina written by David Owens and discussed the following sections from that book.

- Nonconformance /non-conformity: defined as a use, structure, lots, or other items that are existence that will be changed as Council amends the Ordinances.

There are 3 choices for a Council to address non-conformities and are as follows:

1. *Immediate Termination- this can cause a harsh impact but there are no absolute legal rights to continuation of non-conformity.*
2. *Grandfather- To allow a non-conforming use to continue, however, there are generally restrictions that limit expansion of that use. This will eventually phase out the non-conformity over a period of time.*
3. *Amortization- the owner is required to come into compliance with the new standards but the owner is granted a grace period to do so in order to avoid financial loss and allows the owner to try to recoup some of their investment.*

Attorney Wilhoit advised Council that the City Manager had provided to Council the summary of their decision with some questions that needed to be answered prior to drafting the Ordinance changes.

There was discussion between Council members and Attorney Wilhoit concerning what affect changes would have on the current zoning ordinance as well as prior discussion concerning whether trucks and or trailers were classified as non-conforming. Attorney Wilhoit advised Council members that restrictions or additions could be added to the Ordinance to reach one of the three (3) options shown above. Mayor Boyles shared with Council a letter provided by Council member Earnst who could not be present at today's meeting. He asked that his thoughts identified in the letter be made a part of the record.

**Ann Bailie**

**From:** Tyler Earnst [tylerearnst@gmail.com]  
**Sent:** Wednesday, March 24, 2010 11:58 AM  
**To:** Ann Bailie  
**Subject:** special meeting

Dear Ann,

I am sorry I will not be able to make this special meeting. Here are a few thoughts for the record.

First of all, the staff put together a good proposal for the trucking ordinance. It was clear and more consistent than issuing permits.

**Issues I have with permits:**

- Trucking is an industrial activity. I'm worried that zoning efforts are starting to become meaningless. People do as they please and then we change our zoning to make them compliant after the fact. This has become a pattern and makes Council appear disorganized and easily swayed.
- The City of Trinity and this Council should define **trucking terminal** and also define **neighborhood**. Trinity will be somewhere in between those two. Having multiple trucks should be considered a trucking terminal.
- These permits don't expire.
- We are now discriminating against new residents unless we issue permits to them. This will come up in the future. If we do that, then we don't even need to have permits in the first place.
- Trailers will become a problem. Hazardous or sensitive material will be parked where people live and without their knowledge (i.e. an Industrial activity). The staff proposal for designating areas based on road category was never adopted. Will that now be used to permit trailers?

Which ever way you go on these issues, let's move forward. Our handling of trucking has not been our finest hour. This has exposed many of our weaknesses as a governing body. I feel we are being seen as inconsistent and at times not logical. The last few meetings have been the low point of my time on City Council. I'm not talking about agenda items but I'm talking about the circus like atmosphere. Simple order is not being maintained. Meetings are growing long and inefficient and making us work poorly together. We can do so much better.

Thanks for sharing my comments with Council.  
Regards,  
Tyler Earnst

At this time, Mayor Boyles instructed Council to state their comments were “**for the record**” for wanted verbatim transcription and not generalized comments as provided by our Clerk and turned the meeting over to Manager Bailie for her comments prior to Council discussion.

Manager Bailie discussed the 2 documents that she provided to Council. She advised Council that the single page document represented her understanding as to what Council members have generally agreed upon.

- We are making no distinction between rural residential property and neighborhood residential property and all residential zoned property is treated the same, whether “rural” or “neighborhood”.
- It was clarified at the Pre-Agenda Meeting in March that Council member Grooms motion was to allow tractors only, and that no trailers would be permitted. In saying this I know that there is sentiment among some Council members to expand this to tractors and trailers.
- Council has agreed that truckers with CDLs that currently park their tractor at their property may continue to park one (1) tractor at the property until the trucker no longer owns the property or until at the time of the permit renewal (1 year intervals) a tractor is no longer parked at the property or the trucker receives 2 parking violations from whatever Ordinance is adopted.

If this represents what Council would like incorporate into the Ordinance, there are some questions that will need to be answered in order to write an Ordinance. She also discussed the distinction between neighborhoods and rural area and advised Council she had prepared a variation of what was presented at the February meeting that classifies property based on the road or roads that abut properties and provides options for property owners to request a reclassification of their property.

There was a brief discussion between Council members and Manager Bailie concerning Proposal # 2. Council members asked if this proposal allowed parking of trucks and trailers in the farm- agriculture designated areas, and asked if permitting was required in this proposal. Manager Bailie advised Council members this proposal allowed by right, the parking of tractors and trailers on certain properties and no permitting is required. Based on the road classification system (option # 2) all properties in the City are in 1 of the 4 classifications as illustrated.

Manager Bailie referred to page 3 of Proposal # 2 and reviewed how the process worked if the owner wished to file for a reclassification of their property.

1. Property owner would file a petition or request for reclassification.
2. The staff would investigate the property and make sure there is no existing code violation for something else, prepare a report and recommendations.
3. Adjoining property owners would be notified and set a hearing with the Planning and Zoning Board. The Planning and Zoning Board would make the decision based on the staff recommendation, the character of the neighborhood, and on the property. The decision would stop here unless it was appealed.
4. If the decision was appealed I feel it would need to come to the Council.

With this proposal if none of the neighbors complain then there should not be a problem for truck owners.

Council members discussed the Ordinance that was adopted previously on this issue. Manager Bailie advised Council that parking was not allowed in any residential areas of the City per that Ordinance.

It was the consensus of Council to review proposal number 2 as shown below. Comments are listed under the items discussed as the proposal was reviewed and are indicated in bold and italicized.

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*This proposal does not require permitting. It allows Tractor/Trailer parking by right in rural areas, prohibits new truck parking in neighborhoods, and provides a means for most (but not necessarily all) current truckers to continue parking on their property.*

City of Trinity  
Zoning Ordinance

#### Article XIII Parking and Transportation

##### Section 13-12 General Parking Requirements

1. Definition: Tractor shall be defined as a truck with three or more axles or any truck intended for use as an over-the-road commercial freight hauler. Trailer shall be defined as being more than 80 inches wide and more than 25 feet in length and intended to be used to transport freight when powered by a tractor.
2. It shall be unlawful to park Tractors and/or Trailers on public streets and rights-of-way in all zoning districts.
3. Exceptions: Temporary parking of Tractors and/or Trailers may be permitted in all zoning districts under certain conditions which include:
  - a. Loading and unloading of vehicles
  - b. Emergency service vehicles in response to an urgent situation
  - c. Lawn care and other home service vehicles while providing contract services to a nearby home or property.
4. It shall be unlawful to park Tractors and/or Trailers on any property that is zoned residential unless eligible for an exception as provided by this ordinance.

**TRACTOR and TRAILER PARKING CLASSIFICATIONS  
for RESIDENTIAL ZONING DISTRICTS**

|          | <u>Residential Zoning Districts</u>                        | <u>Abutting Streets</u>            | <u>Tractor and Trailer Parking Regulations</u>   |
|----------|--|------------------------------------|--|
| <b>A</b> | R-40<br>R-20<br>R-12<br>RM<br>RA (less than 2.5 acres)     | Local                              | No Tractors<br><br>No Trailers<br><br>unless housed in an accessory structure permitted prior to March. 18, 2010 and existing as of the effective date of this ordinance |
| <b>B</b> | R-40<br>R-20<br>R-12<br>RM<br><br>RA (less than 2.5 acres) | Major/Minor                        | Parking one tractor is allowed (must be screened from view of public ROWs)<br><br>No trailers  |
| <b>C</b> | R-40<br>R-20<br>R-12RM<br><br>RA (less than 2.5 acres)     | Corner lot abutting a local street | No Tractors<br><br>No Trailers<br><br>unless housed in an accessory structure permitted prior to March. 18, 2010 and existing as of the effective date of this ordinance |
| <b>D</b> | RA (greater than 2.5 acres)                                | Local/Major/Minor                  | Parking one tractor and one trailer is allowed (must be screened from view or 200 feet from centerline of public ROWs)   |

5. Exceptions

- a. One Tractor and/or one Trailer may be parked on property zoned RA when the lot consists of more than 2.5 acres.

*(allows Tractor/Trailer parking by right for both current and future property owners on RA property larger than 2.5 acres) Classification D*

- i. The Tractor and/or Trailer must be screened from view or 200 feet from the centerline of public Rights of Way.

*(P&Z Dept. would work with property owner on compliance)*

*Council members discussed the need for screening if trucks and or trailers could not currently be seen where they were parked. Manager Bailie advised Council members that this type of situation would need to be worked out with Planning and Zoning. The 200 feet designation is something that is open to Council to change if they would like to. After further discussion it was the consensus of Council to change the wording of this item to read "The tractor and/or Trailer must be either screened from view or 200 feet from the centerline of the public rights of way."*

- b. One Tractor may be parked on property zoned residential when the lot abuts Major or Minor Streets and does not abut a Local Street as defined by the Trinity Road Classification Map.

*(allows Tractor-only parking by right on major/minor roads for both current and future property owners as long as the property is not a corner lot abutting a local street. (A minimum acreage size may be set, if desired.)*

*Manager Bailie advised Council that no minimum acreage size was given but Council could change this and set a minimum size. She discussed a situation that had occurred prior to this meeting regarding parking of a rig in a driveway located on Finch Farm Road. The way this proposal is written this use would be allowed. If Council wished to change this it could be done by setting a minimum lot size.*

*Council member Grooms discussed his views that he felt would take place regarding development in this area over a 10 year period. It was his feelings that NCDOT would widen this road and in doing so it should take care of these types of problems in this area.*

*Council member Bridges asked if this Ordinance allowed parking for current and future property owners and not just for the current residents who are in these areas and if the phasing out of this use was now no longer a part of this Ordinance. Manager Bailie advised Council members that this particular version of the Ordinance did away with the permitting process all together. The use would still be allowed by rights under all of the criteria listed unless Council changed the way this is written.*

- i. The Tractor must be screened from view or 200 feet from the centerline of public Rights of Way.

*(P&Z Dept. would work with property owner on compliance)*

*Council members, Manager Bailie, and staff discussed the width of major and minor thoroughfares. Manager Bailie advised Council members that the screening listed above would be measured as 30 feet*

*from the centerline of the road and then an additional 170 feet would be added to meet the 200 feet requirement. After discussion, Manager Bailie felt the 200 feet would be more applicable to RA property.*

- ii. This does not apply to property zoned RA and consisting of more than 2.5 acres.
  
- c. One tractor and/or trailer may be parked on property zoned residential when the lot abuts a Local Street as defined by the Trinity Road Classification Map if the tractor and/or trailer are housed in an accessory structure permitted prior to March. 18, 2010 and existing as of the effective date of this ordinance.

*(allows Tractor/Trailer parking on all residential property as long as the Tractor/Trailer is parked in an existing accessory structure.)*

***Council member Gantt discussed the wording in this section to verify that if a person did not already have a building to house this equipment that no requirement would be made for owners to do so. Manager Bailie advised Council members that the way this was currently written it did not require owners to build and in fact did not allow owners to build such a building.***

*(any property owner may file for a temporary reclassification, but this does not guarantee that all existing truck parking will be allowed to continue.)*

***Due to the transitional nature of land use in Trinity from rural to suburban and urban, an owner of property may petition the Trinity City Council to allow temporary reclassification of their property per the chart of Tractor and Trailer Parking Classifications for Residential Zoning Districts.***

**It shall be understood that the intent of this ordinance is to protect and preserve quality of life in residential neighborhoods.**

- d. The process for filing a Request for Reclassification shall be as follows:
  - i. The Request shall be filed with the zoning enforcement officer on a form provided by the Planning & Zoning Department.
  - ii. Fees shall be paid in full in accordance with the City's adopted Fee Schedule.  
*(staff has recommended a \$50 fee, but you can set it at whatever rate you prefer or not require a fee at all.)*
  - iii. The request shall be heard and decided by the Planning & Zoning Board.  
*(or it can be made by staff with appeal to either the P&Z Board, Board of Adjustment or City Council)*
  - iv. Adjoining property owners shall be sent notice of the Request for Reclassification no less than 10 days prior to the meeting date.
  - v. Staff shall conduct an inspection of the property and present a report and recommendation on the reclassification request to the Planning & Zoning Board.
  - vi. No hearing shall be set for property at which there exists code violations unrelated to the request for reclassification.

e. The decision on a Request for Reclassification by the Planning & Zoning Board shall take into consideration the following:

i. The report and recommendation by staff.

**Staff Report includes ii and iii below**

ii. Whether the physical nature of the property and surrounding environs are rural or commercial in nature and not part of a developed neighborhood.

iii. Whether the property is of sufficient size to allow parking a tractor, trailer, or tractor-trailer in accordance with the requirements of this ordinance.

iv. Comments made by neighbors at the hearing.

***Manager Bailie discussed the section regarding the request to reclass property. If not contested by neighbors the reclassification would be issued. For those situations where the neighbors do not like truck/trailer parking they would come and speak at the hearing as well. The Planning and Zoning Board would make a decision based on the recommendation of staff and comments. If the decision were to be appealed it would then come to Council.***

f. Upon approval by the Planning & Zoning Board, a Permit for Reclassification shall be issued for a three year period after which it must be renewed following the same procedures.

g. Permits for Reclassification are not transferable to future owners of the property or to other properties.

h. While a Request for Reclassification is under consideration, code enforcement action specific to the Request shall be suspended.

i. No new Permits for Reclassification shall be issued after Jan. 1, 2011. This does not affect Requests for Renewals of previously issued Reclassification Permits.  
*(this date will help ensure that all property owners are notified of the deadline, but a different deadline may be set.)*

j. Appeal of the decision of the Planning & Zoning Board shall be to the City Council.

6. Effective Date: This ordinance shall be effective April 20, 2010.

7. Enforcement: This ordinance shall be enforced through the general penalties section of Trinity's Code of Ordinances.

After Manager Bailie's review, Mayor Boyles discussed his feelings on the items that had been resolved as well as what needed to be resolved and the manner in which Council should approach a solution to the problem which now existed in the City. At this time Mayor Boyles turned discussion over to Council.

**Council discussion as shown on this item:**

Council members discussed Proposal # 2 extensively after the review.

There was discussion concerning the number of permits that the City currently had on hand and how many of those permits were located in the residential zoning districts for neighborhoods. Staff advised members the City had received 46 permit applications that included numerous requests for permits in established neighborhoods, as well as few located along NC Highway 62 located in RA Zoning district that qualify for the permit . Staff was not able to give an exact number for permit applications received that were from established neighborhoods.

There was considerable discussion between Council members concerning their likes and dislikes of Proposal # 2. Some Council members did not believe the classification system that was reviewed would grandfather the items being discussed in the way that Council wanted to do in February. While they agreed that Proposal # 2 would be o.k. for the future, some felt the people who have been doing this previously should be allowed to continue. Council members also discussed (Section 9.1) Purpose and Intent of the Ordinance. The time limit that needed to be used was also discussed in the grandfathering issue. Manager Bailie stated that the grandfathering would apply to any that filed an application by the March 18, 2010 deadline.

Council member Gantt asked if a stipulation could be added to set a date (in years) for the permit to expire and after that expiration date no more permits would be issued. It was also her desire to allow owners that had property over 2.5 acres to be allowed to park their trailer as well as the truck on their property.

There was discussion between Manager Bailie, Council members, and Attorney Wilhoit concerning the addition of a set date in years or amortization. Attorney Wilhoit advised Council members that by instituting amortization it would eventually end all truck parking at the expiration date set.

Council member Grooms discussed the intent of his original motion and asked what was contained in that motion that other Council members did not like and may want to change. The intent of the motion was the applicant had to own the property, own the truck, have a CDL license, and apply for the permit within 30 days from the date of the motion.

Manager Bailie asked Council if they would like to review the questions at this time. It was the consensus of Council to review the following questions.

**1. Do you want to allow tractor-trailer rigs that are currently parking in residential zoning districts to continue to do so (one per property)?**

*There was a brief discussion between manager Bailie and Council members concerning what areas this applied to. Manager Bailie advised Council that in this question there is no distinction between neighborhoods and rural areas for anything zoned residential R-12 through RA. If it is there now do you want to allow it to continue?*

There was agreement among Council members to cast a consensus straw vote on these issues in order to give the Manager direction. (this voting does not indicate any official action taken by Council members and Manager Bailie said Council member Earnst's vote should be considered the same as Council member Bridges' vote)

**Council Members voting yes: Lambeth, Gantt, Sikes, Johnson, Varner, and Grooms**  
**Council members voting no: Earnst, Bridges**

After the vote, Manager Bailie advised Council that according to the straw vote that an existing tractor and trailer will be allowed to continue.

- 2. Do you want to allow permits to be issued if the driver's spouse owns the property, but the driver is not listed on the deed? What about a child of the owner or other people that may live at the residence?**

After conversation *it was the consensus of Council to allow permits to be issued if the driver's spouse owned the property, but the driver was not listed on the deed.*

*There was discussion between staff, manager, and Council members concerning issues that had arisen concerning the section about a child of the owner or other people that may live at the residence requesting a permit and whether Council wished to allow this.*

After discussion *it was the consensus of Council that if the child had the permit as of March 18, 2010 and lived with the parents the use would be permitted.*

- 3. Do you want to allow multiple tractors (or multiple tractor-trailers) that are currently parking in residential zoning districts to continue to do so with the number of permits issued based on the number of people residing on the property who possess CDL's? Is it OK if they live there, but don't own the property? *(If so, this is a truck terminal and is already in violation of our ordinance)***

*After considerable discussion on this item Manager Bailie asked Council if there were more than 1 truck and or trailer before March 18, 2010 was it the Council's desire to allow more than one. If so, Manager Bailie asked Attorney Wilhoit for legal advice on how to complete the process to allow multiples. After a brief conversation between Manager Bailie and Attorney Wilhoit, Manager Bailie asked for a straw vote from Council to allow multiples if Attorney Wilhoit could work out the legalities.*

*The Council cast a consensus straw vote on these issues in order to give the Manager direction.*

**Council Members voting yes: Sikes, Johnson, Grooms, Lambeth, Varner**  
**Council members voting no: Bridges, Earnst, and Gantt**

*After further discussion it was the unanimous consensus that the truck must be owned and not a leased truck. The owner must own the property and the truck.*

*Attorney Wilhoit will investigate this issue and provide information to the City Manager.*

*Manager Bailie stated that after the consensus straw vote it was her understanding that Council wanted to allow multiples if they existed as of March 18, 2010.*

*There was further discussion between Council members concerning which option would better suit the City at this time. Manager Bailie asked if Council wanted to make a distinction between parking in residential neighborhoods verses parking on large acreage tracts.*

*There was discussion concerning this issue with some Council members agreeing and some Council members who did not think this should apply to any permit that was grandfathered.*

Manager Bailie discussed the differences between the 2 page proposal and the 1 page proposal as follows:

The 2 page document does not involve any permits, it allows tractor/trailer parking by right on large acre lots that would be considered residential further defined by what street they are located on, it allows a process for a property owner who has a truck and is parking said truck in a residential area to come before the Planning and Zoning Board and ask for a reclassification to be allowed to continue. Whether or not the request is granted will depend upon the nature of his community and probably most extensively what his neighbors have to say. If it is the consensus of Council to accept these stipulations then the 2 page document could be incorporated into an Ordinance.

Other discussion concerning the pros and cons of the 2 page document included the fact that this would not eliminate the use in areas defined and did not have an ending date, if maintenance on the vehicle should be allowed on the property, and the action that was taken at the February council meeting with a 6 to 2 vote to handle this issue by a permitting system.

After further discussion concerning how Council would like to proceed, Manager Bailie asked if Council wanted to have a definite end of this use for all residential properties or make exceptions for larger acreage properties. This is something that could be delayed until later no matter which option Council chooses.

**The major question for Council is does Council want to “grandfather” existing tractor parking in existing tract homes (subdivisions)?**

**The following is the consensus straw vote taken on this question.**

**Yes**

**With Sunset (5 years)**

Gantt

**Yes**

Varner

Johnson

Grooms

Lambeth

Sikes

**No**

Earnst (per letter)

Bridges

Manager Bailie asked for Council members that voted yes if they wanted to implement an amortization schedule or leave until the property is sold, or the property owner no longer has a CDL. Manager Bailie advised Council that with no amortization schedule the process will require permitting with an annual renewal as discussed earlier.

**Manager Bailie stated for the record:**

**Action discussed above is not considered legally grandfathering but allowing a use to continue through a system of permitting.**

Manager Bailie advised Council members that Attorney Wilhoit would explore if the parking more than one tractor or tractor-trailer on the property can be done legally and incorporated into the ordinance since it was the consensus of Council to explore this avenue.

4. Do you want to prohibit parking of trailers containing hazardous materials?

***Consensus of Council to prohibit parking of trailers containing hazardous materials.***

5. Do you want to prohibit truck maintenance on residentially zoned property because of environmental concerns (dumped oil, spilled gas and anti-freeze)?

There was discussion between Manager Bailie, Mayor Boyles, and Council members concerning the economical cost effects this item would pose on some, and if there were Ordinances that already covered items of this nature. Mr. Baker, Stormwater Administrator advised Council that the City did have an Ordinance concerning illicit discharge.

After further discussion, *it was the consensus of Council to insert the Illicit Discharges section of the Ordinance in this section and to duplicate the same on the permit.*

6. Do you want to set a date when permit renewals will no longer be issued for truck parking on residential property abutting local streets unless the truck is housed in an accessory structure permitted and constructed prior to March 18, 2010? *(What this does is not allow truck parking to continue indefinitely in residential neighborhoods (neighborhoods of tract homes).*

*Allow to renew until property changes, CDL's, or other violations of the ordinance occurs.*

At the conclusion of the questions, Manager Bailie advised Council that the Public Hearing would be scheduled for April. Prior to the Public Hearing and at the April Pre –Agenda Meeting, Attorney Wilhoit will investigate the legal issues of owning and parking multiple tractors/trailers. We will also present a Draft Ordinance to Council at the April Pre-Agenda Meeting.

After further discussion concerning the intent of the change and ownership of the property and the rig, Manager Bailie reaffirmed that it was her understanding that Council would require both the property and the truck to be owned by the same person. She asked about ownership of the trailer. After discussion, it was decided that most owner operators only owned the tractor and did not own the trailer.

**ITEM 2. Authorization for City Attorney and Manager to meet with municipal telecommunications consultants**

Mayor Boyles discussed the request for authorization on this item as detailed in an earlier e-mail.

Attorney Wilhoit advised Council that he had spoken with the City Attorney for Wake Forest who had consulted with the Assistant City Manager concerning this group. He recommended that we talk to this group.

There was discussion between Council member Varner, Manager Bailie, and Attorney Wilhoit concerning an unanswered e-mail to Council member Varner from this group. After discussion, Attorney Wilhoit instructed Council member Varner that any questions would need to be forwarded to the Manager as well as replies since this was a Special Use Permit and will be handled in a Quasi-Judicial manner.

*Motion by Council member Lambeth authorizing the City Attorney and Manager to meet with municipal telecommunications consultants, seconded by Council member Grooms and approved unanimously by all Council members present with a vote of 7 ayes and 0 nays. Council member Earnst was absent.*

### **ITEM 3. Amendment to Fee Schedule**

Mayor Boyles advised Council the additions were other permits, telecommunications permit review. The fee schedule that has been established is \$5,000.00.

After discussion concerning the reasons why the fee was established at \$5,000.00, and how the fee could be amended if needed, ***motion by Council member Bridges to set the fee at \$5,000.00, seconded by Council member Sikes and approved unanimously by all Council members present with a vote of 7 ayes and 0 nays. Council member Earnst was absent.***

### **Closing Comments**

Mayor Boyles opened the floor to any closing comments.

### **Comments City Manager**

Manager Bailie advised Council that the newsletter has been posted to the City website and should be mailed out next Tuesday.

### **Comments City Council**

Council member Grooms invited everyone to attend a supper with smoked chicken being done by his church. He would be cooking and advised members the price was \$10.00 per plate.

### **Adjournment**

With no other business to discuss ***motion to adjourn the March 25, 2010 Special Called Meeting at 5:49 pm, by Council member Sikes, seconded by Council member Lambeth, and approved unanimously by all Council members present with a vote of 7 ayes and 0 nays. Council member Earnst was absent.***

***These minutes were approved at the April 20, 2010 regular Council meeting with a motion by Council member Earnst, seconded by Council member Bridges, approved unanimously by all Council members present.***