



# AGENDA

## INFRASTRUCTURE/PARKS AND RECREATION BOARD MEETING

**Trinity City Hall Annex  
6703 NC Highway 62  
Tuesday, April 01, 2014  
7:00 pm**

**Board members present:** Chair Deborah George- Thompson; Board members, James Michael Kirkman, Jack Carico, Jerry Daniels, Paula Peace, Andrew Davis and James Michael Harrison.

**Council Liaison:** Debbie Frazier

**Board members absent:** Larry C. Lister

**Others present:** City Manager, Debbie Hinson; Public Works Director, Stormwater Administrator, Rich Baker; Assistant City Clerk, Annette de Ruyter; Rick Austin; Abbott's Creek Engineering, City Attorney, Mr. Bob Wilhoit; Council member Jesse Hill, and Mayor Fran Andrews.

### 1. Call to Order

Chair Deborah George Thompson called the meeting to order at 7:00 pm.

### 2. Pledge of Allegiance

Chair Deborah George Thompson led the Pledge of Allegiance.

### 3. Invocation

Council member Hill gave the Invocation.

### 4. Oath of Office

- Andrew Davis – Ward 4

Assistant City Clerk, Annette de Ruyter, administered the Oath of Office to Andrew Davis.

## 5. Election of Chair and Vice-Chair

Chair Deborah-George Thompson opened this item to members for nominations.

*Board member Daniels made a motion to appoint Michael Harrison as Chair. The motion was seconded by Board member Kirkman, and approved unanimously with a vote of 7 ayes and 0 nays with Board member Lister absent.*

*Board member Kirkman made a motion to appoint Jerry Daniels as Vice- Chair. The motion was seconded by Board member Deborah George-Thompson, and approved unanimously with a vote of 7 ayes and 0 nays with Board member Lister absent.*

## 6. Review, Amend if needed, and Approve Agenda.

Chairman Harrison opened this item and called for a motion to amend or approve the April 01, 2014 Meeting Agenda.

*Board member Davis made a motion to approve the Agenda as written. The motion was seconded by Board member Carico, and approved unanimously with a vote of 7 ayes and 0 nays with Board member Lister absent.*

## New Business

### 7. Approve Minutes of the February 04, 2014 Infrastructure Minutes

Chairman Harrison opened this item and called for motion to approve the minutes as written or with changes if needed.

*Board Member Kirkman made a motion to approve the February 04, 2014 minutes. The motion was seconded by Board member Deborah George-Thompson, and approved unanimously with a vote of 7 ayes and 0 nays with Board member Lister absent.*

## Old Business

### 8. Continued Review of Orphaned Streets within the City Limits.

Chairman Harrison opened this item and the floor for discussion concerning this item.

Board member Kirkman asked for a point of order and referenced the minutes from the February 04, 2014 meeting. At that meeting, Board member Daniels made a motion *to table any discussion on Orphaned Roads until all members have an opportunity to go and look at them.* Based on this motion we can't take any action. At this time, Board member Kirkman *made a motion to rescind that motion (from February 04, 2014 minutes).* *The motion was seconded by Board member Daniels and approved unanimously with a vote of 7 ayes and 0 nays with Board member Lister absent.*

Mr. Rick Austin (Abbott's Creek Engineering) reviewed the Powell Bill Program with Board members. He began by providing a Copy of the Powell Bill Expenditure Guidance Handout that stipulates how Powell Bill funds may be used by a municipality. (Exhibit # 1)

He began review referencing the letter received dated March 13, 2014 (Exhibit # 2). Points highlighted during the discussion and review between Board members and Mr. Austin as a result of the letter included:

- Board members and Mr. Austin agreed no monies already distributed to the City would be taken.
- Any future revenues could be affected as stated in the letter (Exhibit 2). "Any municipality having accumulated an amount greater than the sum of the past 10 allocations made, shall have an amount equal to such excess deducted from the next allocation after receipt of the report required by this section. Such deductions shall be carried over and added to the amount to be allocated to municipalities for the following year."
- The amount reflected by the funding agency computer records indicates that the municipality's current ending balance exceeds the sum of the last ten allocations by **\$394,379.43**.
- The language in this letter references to the current year allocation and the report covering the same period.

Mr. Austin continued the review by conveying that distribution of these funds had been made once (1 time) annually. Municipalities were allowed to hold 10 payments or in this case 10 years in reserves. The distribution method was changed 2 years ago to semi-annual distributions. The amount of payments that can be held remains at 10, however since the payments were changed to semi-annually this equates to 5 years of Powell Bill funds that may be held in reserve instead of 10 years.

Board member Kirkman talked about the implication that if the City did not spend the funds they would be lost and asked why the funds had not been expended to date if there was a 10 year limit.

Mr. Austin explained to members that over the past 5 years, every street except Brook Circle Extension listed as city streets have been patched, resurfaced, and a seal coat installed.

A total of \$400,000.00 was expended last year. If the same amount is not expended next year the City will receive the same letter concerning contribution disbursement of these funds to the City. The City receives approximately \$200,000.00 annually in Powell Bill funds, interest, and assessment receipts. The approximate time before major expenditures will be needed on their streets will be approximately 10 to 12 years.

Board members talked about the need to consider the possibility of the elimination of funding from this program and the additional cost burden that would be passed on to the City for maintenance on any streets that may be added to their system.

Manager Hinson reviewed the process used by the State to determine the cap for the City of Trinity stating that the state adds the allocation for the year to that total. The state will remove the oldest payment amount from the allocation that is allowed to be kept in reserve. This means the City would need to spend the amount of money that is removed each year in order to receive funding for the following year.

Mr. Austin and Board members talked about the funding from the Powell Bill and the formula that is used to calculate distribution. Distribution is based on the population and street mileage. Increases in either of these causes the City to receive a higher percentage of the gas tax collected.

Board member Carico asked if the City does take over private streets and the gas tax does not meet infrastructure demand; will we be able to keep up the streets in the future?

He discussed the Powell Bill funding pros and cons and how both affected the city. Mr. Austin discussed the options that were offered to help meet the expenditure guidelines set by the state that included the possibility of taking over some state streets, private streets, and sidewalks. He discussed the option of adding another one inch of asphalt to all existing city streets. This could be done through a maintenance contract using a contractor and pre paying a set amount annually. This would mean that they would be responsible for all future maintenance to your city streets. This option would need to be researched with Powell Bill program representatives prior to implementation.

Board member Kirkman asked, "what is our goal? To spend the money or meet the needs of our constituents?"

Manager Hinson conveyed the goal was for this board is to review the list, determine whether this is a project that should be pursued by the city, and make a recommendation to the Council based on your determination. You may set criteria and include that as well if it is your recommendation to proceed with this project. Your decision will then be forwarded to Council for a final decision.

There was further discussion between Board Member Daniels and Mr. Austin concerning an excerpt from information provided in the packets regarding the streets listed (Exhibit 3). Mr. Austin clarified that he felt only 10 of the streets from the list were eligible for consideration. The list of private roads is a list from the Powell Bill map. Adoption of state streets has been discussed previously and this is just another option that can be pursued.

Board member Thompson and Manager Hinson reviewed the projected costs for the Rolling Road Project that was presented to the Board at an earlier meeting. The manager informed members the pipe repair was underway and the resurfacing will be completed once the pipe is replaced. The costs for this entire project will be funded by Powell Bill dollars.

Board member Kirkman asked what would happen if we do not take any action.

Mr. Austin relayed information provided at a meeting attended by Mr. Boyles, former Mayor, and Mr. Baker. When this topic was discussed during that meeting it was their understanding that if a city stopped receiving Powell Bill money and then asked to receive funding, the State would cut back on the funds. The Powell Bill is calculated from an equation from population and mileage at about the equal weights.

Board member Carico and Mr. Austin discussed the current maintenance procedures used for streets located within the City. Streets from new development become city streets once the city accepts them, state streets or roads remain the property of the state and will be maintained by the state unless the City requests that the state release the street to the City. Once the state completes the release procedure, maintenance of the street or streets released becomes the city's responsibility.

**Board member Chairman Harrison** asked if Kimberly Lane would have sewer service extended during the current sewer phase.

Mr. Baker conveyed the gravel part of this street (private section) will not have sewer provided because the city was not able to acquire the needed easements. Sewer can be provided to the portion located on the section of Kimberly that is paved.

Board members Daniels relayed that members have reviewed the roads on the street listing (**see Exhibit 3**) this week. It was his feelings that he couldn't quite call them as roads. Some of these streets consist of a single lane, and some appeared to be driveways. It was his opinion that some would not meet NCDOT standards, and that the repair costs would be too excessive to meet NCDOT standards.

Members reviewed the streets that were highlighted on the list of streets (Exhibit C). During review Mr. Austin advised members that Ellen Avenue had been repaired. He felt that Grove and Warren were built to meet the state standards for gravel roads.

**Board member Harris Chairman Harrison** stated the 3 roads located off of Darr Road consist of Grove, Reavis, and Warren.

Mr. Austin explained he may have thought since this area was a platted subdivision with stub outs on a platted right of way this was consistent with state standards.

Board member Daniels shared his knowledge of the situation that existed in this area. When the land owner subdivided this area he agreed to pave the road. This person passed away and the road did not get paved. The resident in this area now wants the City to pave this. Only 2 homes are located on this road.

There was discussion between Mr. Austin and Attorney Wilhoit concerning the responsibility of the agency that recorded the plat and created the lots to the persons who purchased the lots in these areas. Attorney Wilhoit stated that technically and legally the developer is on the hook for the roads until all of the lots are sold. There is usually something located in the covenants or homeowners association rules addressing these issues unless the city assumes maintenance pursuant to the Subdivision Ordinance. Attorney Wilhoit stated that the developer must come to the city or the county for review of any kind of subdivision and approval. The city will not just take over a substandard road. The City's Subdivision Ordinance requires all streets must be built to meet state specification prior to approval of the plat by the City.

There was further discussion between Board members concerning criteria used by the state to set standards for acceptance of a street or road. Members provided their draft list of criterion (**Exhibit 4**) should members move forward with this project.

Board members and the manager reviewed the criteria used for petitions requesting city assistance for streets and the procedure for assessments used for these projects. Board members felt this process set criteria and allowed the residents as well as the city to share in the costs for improvements.

After further discussion concerning procedures used by other cities, any other items that Powell Bill funds could be used for, review of the current condition of city owned streets, and review of direction requested by Council, **Board member Carico made a motion not to take over any private streets and only perform maintenance on the current streets in the city system. The**

*motion was seconded by Board member Daniels and approved unanimously with a vote of 7 ayes and 0 nays with Board member Lister absent.*

### **Closing Comments**

#### **9. Comments from the Board**

~~Board Chair~~ Chairman Harrison stated that he would like to shorten the name of this board. He asked that Parks and Recreation be removed from the name and this board be called the Infrastructure Board.

*Board member Daniels made a motion to change the name of this Board to Infrastructure Board as requested. The motion was seconded by Board member Thompson and approved unanimously with a vote of 7 ayes and 0 nays with Board member Lister absent.*

Manager Hinson relayed to members that she would present their request to the City Council for consideration.

#### **10. Comments from Staff**

None

#### **11. Adjournment**

With no other business to discuss, *Board member Daniels made a motion to adjourn the April 01, 2014 Meeting at 8:08. The motion was seconded by Board member Kirkman, and approved unanimously with a vote of 7 ayes and 0 nays.*