



**City Council
Pre Agenda/Regular Meeting Agenda
Monday
April 11, 2016 @ 6:00 pm
Trinity City Hall Annex**

Members Present: Mayor, Jesse Hill; Council members: Gene Byerly, Jack Carico and Don Payne. Council member Johnson was sworn in at 6:02.

Others Present: City Manager, Debbie Hinson; City Attorney, Nick Herman; Planning Director, Marc Allred; Assistant Finance Officer, Lisa Beam; Assistant City Clerk, Annette De Ruyter; Randolph County Deputy, Eric Wilson; and other interested parties.

- **Call to Order; Welcome Guests and Visitors**

Mayor Hill called the Meeting to order at 6:01pm

- **Pledge of Allegiance and Invocation**

Mayor Hill led the Pledge of Allegiance and Council member Payne gave the Invocation.

- A. **Organizational Business**

Administration of Oath of Office to elected At- Large Council Member Tommy Johnson

Mayor Hill administered the Oath of Office to Tommy Johnson.

- B. **New Business**

Closed Session pursuant to NCGS 143.318.11 (a) (4)

Manager Hinson asked Council to remove the Closed Session from the Agenda.

Motion made by Council member Carico to remove the Closed Session from the Agenda. The motion was seconded by Council member Johnson and approved unanimously with a vote of 5 ayes and 0 nays.

C. Regular Business

- **Review Proposed Regular Meeting Agenda.**
Amend Proposed Meeting Agenda to add

Item 11: 3 Party Easement Agreement (Rick Austin, Abbotts Creek Engineering)

Manager Hinson asked Council to consider adding Item 11 under New Business, the 3 Party Easement Agreements.

Motion by Council member Payne to add Item 11 to the Agenda. The motion was seconded by Council member Byerly and approved with a vote of 5 ayes and 0 nays.

Regular Meeting Begins Here:

I. Council Action to Accept or Amend the Regular Meeting Agenda

Motion made by Council member Payne to add Item 11 to the Agenda and approve Agenda. The motion was seconded by Council member Byerly and approved with a vote of 5 ayes and 0 nays.

Mayor Hill opened the Standing Report for briefing.

II. Standing Report

A. Ennis Flint Sewer Extension

Mr. Scott Wesson (Davis Martin Powell) gave the update on the Ennis Flint Project.

Mr. Wesson reported that all pipes and manholes lines have been installed and tested. The lines have been videoed and flow meter installed.

Within three to four weeks, Duke Energy will install power to the control panel, and the flow meter calibrated. Once that is completed we will connect Ennis Flint to the system.

B. Steelegate Stormwater Project

Mr. Rick Austin updated the project on Belmont and Canter Drive. Miller Grading has completed laying the pipe and they hope to set a pre-cast lid and complete project this week.

C. Dollar General Driveway Entrance Repair

Mr. Austin informed Council that Hanes Construction completed the work on the driveway at this location. Twelve tons of asphalt was applied. Additional asphalt to the drive would have interfered with the drainage.

Mr. Austin gave an update on Powell Bill Projects. Staff has met with Waugh Paving and the contracts have been executed and have been signed. Waugh Paving has hired a surveyor to locate the property to assure that we stay on City Right-Of-Way. Waugh Paving is planning on mobilizing a grading crew and a pipe crew next week. The estimated time of completion for Contract A should be 6 to 7 weeks. This will include Kimberly and Circle Drive.

Mayor Hill opened the Public Comment period at this time.

III. Public Comment Period

Mary Byerly- 5892 Howard Circle, Mrs. Byerly thanked the City and staff for the driveway repair at the Dollar General entrance. She reiterated how pleased Dollar General was with the repair and how prompt the response was.

Ed Lohr- 5366 Meadowbrook, Mr. Lohr congratulated Council member Johnson for his victory.

Mr. Lohr discussed his 4 year tenure on Trinity City Council and his involvement to get the Baptist Hospital Dialysis Center located in the City of Trinity, his objections to conversations held concerning Code Enforcement that he felt affected growth in the City of Trinity reaching back to 2014 and his effort to prevent repeated complaints regarding the same issue and on the same person. It was his opinion that he succeeded since he was able to convince other Council members to require the complainant must provide their name when making the complaint. This caused a decrease in the number of complaints received.

The last issue Mr. Lohr discussed was the request made by his daughter a few months earlier to place a home on vacant property that he owned. She was advised that sewer was not available to this property. Mr. Lohr discussed prior actions that he felt was issued to staff regarding easement acquisition in June 2014. Mr. Lohr continued his discussion concerning the three homes that were adjacent to his property that did not have sewer. He discussed the house immediately adjoining his lot and the sale of this property under the assumption that sewer was available and that this property was being served since the previous owner was charged for sewer. The new owner was under the assumption that this property had sewer service when in fact it does not. It was his feeling that the City could have followed the same procedure (installation of the sewer from the back of the properties) as was followed to get sewer to his property and because this was not done he felt that his property was worthless.

With no other comments, Mayor Hill closed the Public Hearing at 6:18 pm.

IV. Consideration of Consent Agenda: These items are considered routine, non-controversial and are considered and approved by motion, second, and vote.

1. Approval of the Minutes for the March 14, 2016 Meeting Minutes

Mayor Hill opened this item and called for a motion to approve the March 14, 2016 Pre-Agenda and Regular Agenda minutes.

Council member Payne made a motion to approve the minutes as written.

Manager Hinson asked Council member Payne to amend his motion to include approval of the minutes with a change to Item # 7 reflecting that the vote for this item read a tie vote of 2 ayes and 2 nays.

Council member Payne agreed to the amendment. The motion to approve the minutes is as follows:

Approve the minutes with a correction to the vote regarding Item # 7 to reflect a tie vote of 2 ayes and 2 nays. The amended motion was seconded by Council member Johnson and approved with a vote of 5 ayes and 0 nays.

V. Reports

Mayor Hill opened this item and asked for presentation from the representative of each agency.

2. Annual Report and Briefing from Randolph County Animal Control to Include Contractual Charges for Animal Control for 2016-2017 Budget Consideration.

Ms. Susan Hayes Health Director for Randolph County Health Department introduced Wesley Maynard who is the animal control officer for Randolph County. She discussed the services provided to the City of Trinity and asked Mr. Maynard to discuss the aspect of the services performed for the City during the year.

Mr. Maynard provided information to the Council concerning the hours of service. We provide 24 hour 7 days a week for emergency services. Last year we had over 300 animal bites and answered 123 calls from January-March of this year.

3. Annual Briefing from Guil-Rand Fire Department to Include Annual Contractual Charges for 2016-2017 Fire Inspections for Budget Consideration

Mr. Brian Cox discussed with Council the Annual Contract for Fire Protection for the City of Trinity.

Fire services are mandated by the State of North Carolina. The City of Trinity meets this mandate by contracting each year for fire inspections with the Guil- Rand Fire Department.

He stated there are 127 buildings that have been inspected within the city limits and there are approximately 72 buildings left to complete before June 30, 2016.

There will be no increase in fees to the City of Trinity for fiscal year 2016-2017.

VI. Public Hearings

4. Annual Report and Funding Request for Randolph County Senior Adults Association, Inc.

Ms. Candy Rudzinski, Interim Director for Randolph County Senior Adults shared with Council the Senior Adult Association is requesting an amount of 12,700.80 for year 2016-2017. This is an increase over last year's request of \$1,659.00.

The increase is due to two additional residents on Trinity's list and an increase in meal costs. These funds will cover the cost of purchasing home delivered and frozen meals at \$3.24 per meal for 17 residents. The City of Trinity currently provides meals for 15 city residents.

This program is an asset to the community and is beneficial in assuring quality of life to those who benefit from this program.

5. Addition of R-10 as a Zoning District.

Planning Director Allred addressed Council on the addition of R-10 as a Zoning District. This would be a Text Amendment in our Zoning Ordinance. R-10 zoning designation means one house per 10,000 square feet or four houses per acre. An example would be Colonial Village (located in Trinity not the Thomasville side).

The R-10 Residential District is established for a high density residential area where sewer and public water is available and allows a more dense development. It will aid in growth needed for the City’s sewer system to become self-sufficient.

The other pages that will be changed for this item if this is approved is the Permitted Uses Table (Chapter 8) where R-12 is located it will become R-10.

Mr. Allred discussed the changes to the R-12 Residential District shown on page 35 of the Agenda Packet that will help make it easier to read for developers. (Attachment 1).

The difference between R-12 and R-10 is the setbacks and lot widths as shown on page 36 of Agenda Packet. (Attachment 2.)

The setbacks are the same and the lot width changes from 75 feet on R-12 to 60 feet on R-10. The other part that will change on the Zoning District is the Mixed Residential. Mixed Residential allows for the highest density for development. These changes are represented on pages 37 – 38. (Attachment 3)

Page 39 illustrates the changes in reference to the Area, Yard, & Height Requirements Chart. Mr. Allred discussed the difference between lots R-10 and R-12 as shown below. (Attachment 4)

	<u>R-10</u>	<u>R-12</u>
Lot Size	10,000 sq. feet	12,000 sq. feet
Lot Width	60 sq. feet	75 sq. feet
Where these lots Are allowed	Regional Center (located around the interchanges	Allowed in Center City

Council member Lawing asked for confirmation that this change would represent a decrease in lot width from 75 feet to 60 feet, and how will the increase in lots affect the increase in the sewer system to aid in making the sewer system become self- sustained as stated earlier in the presentation, and how the City will serve additional lots when we can’t supply sewer to some of our existing residents.

Planning Director Allred confirmed that lot size would decrease from 75 to 60 feet where R-10 zoning was allowed and that the increase in the number of lots developed with homes provides more revenue to be used for the sewer system. Currently the cost to operate the sewer system is not being paid by revenues generated from sewer customers. This will allow for more of the sewer costs to be paid for by the sewer customers.

There was further discussion between Council member Lawing, Planning Director Allred, Manager Hinson, Mr. Rick Austin, and other Council members concerning the reasons that change in the lot size would in fact increase sewer revenues. The city currently has sewer infrastructure available where vacant lots or infill lots are located and no additional costs or infrastructure will need to be provided by the city. Sewer is the largest development factor in the city.

Council member Payne discussed the areas illustrated earlier where the sewer infrastructure is currently located. The cost to provide sewer to 40 homes compared to the cost to provide sewer to 400 homes as well as the difference in revenue generated by two comparisons is what determines the location of sewer infrastructure. The money generated from the 400 homes can be used to expand sewer to other locations.

As discussed earlier by the manager, the city needs to utilize the pump stations that are currently used to serve the areas where the main sewer infrastructure is located. The ultimate goal for the city is to provide sewer to as many residents as possible for the least amount of money.

In conclusion to this discussion, Mr. Austin explained installation of a sewer system for a city. The city installs the sewer skeleton at their cost to encourage development. The developers add the muscle to the skeleton at their cost.

Mayor Hill opened the Public Hearing at this time.

Andy Aikens-6752 Fairview Church Road. Mr. Aikens shared his point of view as a developer with Council concerning the addition of R-10. This designation would meet the needs to more people due to the price of the home in comparison to the average income of \$40,000 per couple per year. This would make homes more affordable for people to purchase.

With no one else to speak for or against Mayor Hill closed the Public Hearing at 7:02 pm.

Motion was made by Council member Payne to add R-10 to the existing Ordinance. The motion was seconded by Council member Johnson and approved with a vote of 4 ayes and 1 nay with Council member Lawing opposed.

Consistency Statement as per Summary Sheet and reviewed by Planning Director Allred

(This will help the City increase its density to help preserve tax rates and provide enough housing stock for the future which is in the best interest of the City's citizens. The new rezoning is compliant with the Land Use Plan)

6. Remove Conditions from PIN # 6797757381 & 6797665604 & 6797654662 Zoned RM-CZ.

Mayor Hill opened this item and asked Planning Director Allred to brief Council.

Mr. Allred discussed the current Zoning voted on by the Council in 2006. At this time all three parcels were owned by one owner. In September of 2014, City of Trinity removed Planned Unit Development when all Cluster Development was removed from the City of Trinity's Zoning Ordinance. This makes this property useless as the only permitted use is a use that is no longer allowed. This zoning is compliant with the Land Use Plan.

With no comments for or against, Mayor Hill closed the Public Hearing.

Motion was made by Council member Johnson to remove all conditions except the addition of no apartments. This will allow the owner and the City of Trinity to use property as best for both. The motion was seconded by Council Payne and approved unanimously with a vote of 5 ayes and 0 nays.

7. Rezoning of PIN # 6798909075, 6798908065, & 6798907056 from R-40 to R-20.

Mayor Hill opened this item and directed Marc Allred, Planner to brief Council.

Planning Director Allred shared with Council that the owner wants to rezone these properties to R-20 that will allow one single family house to be built on each parcel. These parcels are currently R-40; however sewer is available to these properties.

The land use for this parcel is residential. The rezoning would be in compliance with the City of Trinity Land Use Plan.

The existing Zoning is R-40, this district is established for low density residential with some limited public, semi-public and recreational uses permitted when they are compatible to low density residential developments.

The proposed zoning would be R-20; this district is established for low density residential uses, some public, semi-public and recreational activities that are compatible with residential development. Public water and sewer are a pre-requisite to development in this district.

The total size of parcel is 1.62 acres.

Staff recommends rezoning and this request is consistent with City of Trinity Land Use Plan and has parcels around it of similar size.

Mayor Hill opened the Public Hearing at 7:21 pm.

Speaking In Favor

Curtis Austin- Austin Builders- We would like to build three homes on these parcels. The original lots were 100 x 200 and were not able to perk when developed. Sewer is now available at these parcels and we could build on 100 x 200 without needing a septic tank.

We are proposing to build three homes that are approximately 1300-1400 square feet. These homes will have three bedrooms and 2 baths.

Andy Aikens – Mr. Aikens is for the re-zoning for the tax base and growth for the City of Trinity.

Keith Aikens – I am also for the rezoning since sewer is available and we need to utilize the resources when we have them available.

Wanda Aikens- She felt this would be a great place to build homes on and utilize the sewer system. The properties are on ½ acre tracts.

Speaking Against

Boyce Queen-6176 Brook Circle Ext., I request the Council not re-zone this property because the current residents do not want it. They ask that the Council will allow no changes to the current zoning.

Ruby Welch- 5168 Brook Circle, Ms. Welch reiterated to Council that she has resided at this address for 32 years. She enjoys the rural setting in the neighborhood. She agreed that one house would be ok but three homes, she is against. She feels the children need areas to play. She feels it would allow more traffic so she asked Council to leave as is.

Kenny Hooker- 6233 Brook Street- He has lived in this neighborhood for approximately 27 years. He moved here because it was so spread out. He was not worried about people speeding down the road. Now you want to build three houses on a sharp curve on a dead end. He felt this will increase traffic and would degrade property values and home values. He felt this is a senior community.

With no other comments, Mayor Hill closed the Public Hearing at 7:33 pm.

Council member Payne asked for staff recommendation.

Staff Recommendation

Mr. Allred informed Council that staff recommends approval of this request; however the Planning and Zoning board did not recommend approval of the request.

Motion was made by Council member Payne to approve the re-zoning the three parcels from R-40 to R-20. The motion was seconded by Council member Lawing and approved unanimously with a vote of 5 ayes and 0 nays.

8. Rezoning of PIN # 7707398460 from RA to R-20.

Mayor Hill opened this Item and directed Marc Allred to address Council.

Mr. Allred discussed the re-zoning on Payne Street. Owner (Jerry Dills) wants to rezone these properties to R-20 to allow two single family homes to be put on the parcel. The surrounding parcels are on ½ lots. If property is zoned RA it usually indicates it was that way before the City was incorporated. The surrounding land use is residential to the north and south, a church is located east of the property and located to the west is a vacant lot.

The Land Use for this parcel is located in Center City and the rezoning would be in compliance with the City’s Land Use Plan.

The existing zoning is RA (residential agriculture). The proposed zoning is R-20. The total lot size is 1.04 acre, no flood plain is located on the property and the Payne St. side is level.

The properties have sewer lines along the northern boundary. The main access will be Payne Street.

Staff Recommendation

The Planning and Zoning Board recommends this rezoning based on staff comments. The staff also recommends rezoning based on consistency with the Land Use Plan and it matches the surrounding community.

With no comments for or against the rezoning, *Council member Carico made a motion to approve the rezoning for parcel 7707398460 from RA to R-20 based on consistency with the Land Use Plan and it matches the surrounding community. The motion was seconded by Council member Lawing and approved with a vote of 5 ayes and 0 nays.*

9. Change to Advisory Board Section 31.07 (B) listed in the Code of Ordinances.

Mr. Allred, Planning Director, discussed with Council the change to the Code of Ordinances to remove the 2 term consecutive limit for advisory board members. This change is needed due to the changes implemented earlier concerning term limits.

Motion was made by Council member Carico to approve the change in the Code of Ordinance. The motion was seconded by Council member Johnson and approved unanimously with a vote of 5 ayes and 0 nays.

VII. New Business

10. Appointment for At- Large Member to Planning & Zoning Board.

Motion was made by Council member Johnson to appoint Keith Aikens to the Planning and Zoning Board to fill the at-large seat for one year to begin May 2016. The motion was seconded by Council member Carico and approved unanimously with a vote of 5 ayes and 0 nays.

11. 3 Party Easement Agreement (Rick Austin, Abbott's Creek Engineering)

Mayor Hill opened this item for discussion.

Rick Austin, Abbotts Creek Engineering spoke with Council concerning this item. Mr. Austin stated that he was here tonight to ask Council to authorize and execute a 3 Party Encroachment Easement Agreement between the City, NCDOT and Mr. Robert Apple located at 5542 NC Highway 62. Mr. Apple has had recurring septic tank issues. Because we are not sure how long it will take for NCDOT to approve this agreement we are trying to establish a time line for Mr. Apple to make arrangements to begin the connection process.

Council member Carico asked about the ownership and connection of the lines.

Mr. Austin explained that Mr. Apple would connect to a tap and extend the line 500 feet to another manhole. This line and connection to the manholes will have to be owned and maintained by the City. The state does not allow individual owners to own anything on their Right of Way. It must be owned and maintained by a municipality.

Manager Hinson asked Mr. Austin for clarification concerning where the City's responsibility began and ended concerning this process.

Mr. Austin explained that the City was assuming maintenance from the cleanout to the manhole which includes the 500 feet of line. Anything located on the owners property behind the cleanout is the owner's responsibility.

Council member Lawing asked if this was a permanent easement pertinent with the property.

Mr. Austin explained that this was not an easement but an Encroachment Agreement on file with the North Carolina Department of Transportation. There will not be a legal survey associated with this agreement.

After further discussion concerning City liability during construction of this project, Manager Hinson replied that the contractor completing this project for Mr. Apple should be bonded and insured during the construction of this proposed project. If Council wished she would provide a copy of the Encroachment Easement to the City Attorney for review prior to signatures accepting the agreement.

Mr. Austin explained that NCDOT set the rules for this agreement since this is their Right of Way and was not a negotiable agreement.

Attorney Herman suggested that Council could approve this agreement subject to the Manager and City Attorney review of the instrument that will be signed is consistent with the terms that are being reflected.

Council member Payne made a motion to approve the agreement based on Attorney Herman's recommendation (subject to the Manager and City Attorney review of the instrument that will be signed is consistent with the terms that are being reflected). The motion was seconded by Council member Lawing and approved unanimously with a vote of 5 ayes and 0 nays.

VIII. Code Enforcement Report and Permits Report

Mayor Hill opened this item for briefing.

Planning Director Allred discussed with Council that during the month of March 17 new cases were opened and 15 cases closed.

The number of cases will increase during the summer months due to grass season and people being outside more.

Mr. Allred reported that he had issued 10 new permits.

He also informed Council that only one lot was left in Colonial Village on Texas Blvd.

IX. Business from City Manager and Staff

Manager Hinson reminded those present that the dates for City "Haul" will be April 28, 29 and 30th. We will need volunteers to assist staff for this event.

Annette deRuyter informed those present about the "Paper Shred" event to be held on Friday April 29, 2016 from 1pm - 4pm here at City Hall during the City Haul event.

X. Business from Mayor and Council

None

XI. Adjournment

With no other business to discuss, ***Council member Payne made a motion to adjourn the April 11, 2016 meeting at 8:01 pm. The motion was seconded by Council member Johnson and approved with a vote of 5 ayes and 0 nays.***