



**City Council
Regular Meeting Minutes
Trinity, NC
August 17, 2015 @ 6:00 p.m.
Trinity City Hall Annex**

Members Present: *Mayor*, Jesse Hill; Council members: Chester Ayers, Jack Carico, Jerry Daniels, Linda Gantt, Ed Lohr and Don Payne.

Members Absent: Gene Byerly and Debbie Frazier

Others Present: City Manager, Debbie Hinson; City Attorney, Nick Herman; Public Works Director/Stormwater Administrator, Rich Baker; Assistant Finance Officer, Lisa Beam; Assistant City Clerk, Annette De Ruyter; Randolph County Deputy, Eric Wilson; and other interested parties.

I. Welcome

Mayor Hill called the meeting to order at 6:00 pm and welcomed everyone.

II. Pledge of Allegiance and Invocation

Mayor Hill led the Pledge of Allegiance.

Council member Payne gave the Invocation.

III. Approve and/or Amend Agenda

Prior to calling for approval or amendment of the Agenda, Mayor Hill read NCGS 143-318.17 which addressed Disruption of a Public Meeting. He discussed the Code of Ethics that also applied to the Public Meetings and asked that everyone take this into consideration when speaking.

Mayor Hill called for a motion to amend and or approve the Agenda.

Amendment to Agenda

Manager Hinson asked to amend the Agenda to make New Business Item # VII and move Update and award Bid for Ennis Flint Project Subject to Funding Agency Approval from Item # 5 to Item # 3 and the Street Light Policy would become Item # 4.

Public Hearings would become #VIII and Text amendments for Proposed Changes to Setbacks, Open Space, and sidewalks in the Zoning Ordinance will become Item # 5.

Council member Payne made a motion to approve the amended Agenda for the August 17, 2015 Meeting Agenda. The motion was seconded by Council member Daniels and approved unanimously with a vote of 6-0 with Council members Byerly and Frazier absent.

IV. Action Item Report from July 13, 2015 Meeting (City Manager)

Mayor Hill opened Action Item Report.

Manager Hinson shared the items on the Action Item report. (See Attachment A)

V. Public Comment

Mayor Hill read the Public Comment Policy prior to opening the Public Comment Period. After reading the Public Comment Policy, Mayor Hill opened the Public Comment Section of the meeting and called on Marcia Riddick.

Marcia Riddick -7125 Turnpike Rd: Ms. Riddick stated that she had lived at this address since 1980. She was here tonight to talk about House Bill 263.

I have been talking to Linda Gantt over the last several months, and she told me that not one person has attended a Council meeting to speak for or against the bill. Tonight I'm speaking against it despite the fact that numerous newspaper editorials were published against it, many people e-mailed or called or wrote Pat Hurley and their state representatives telling them not to vote for it, it didn't work and of course now it is law. We will be picking the person for the at large seat in November.

I and others are against this new law because we consider it to be unconstitutional per the 14th Amendment because we still need two persons per Ward and terms need to be longer than 2 years. We could end up with a completely new Mayor and City Council with no experience and that is not a wise condition. For a certain amount of stability we need to overlap the terms. A fewer number of Council members can create problems when a quorum is needed when someone is unable to attend for various reasons. People who are running will have to spend time and money every 2 years instead of 4 which is a complete waste of time in a small community like Trinity.

City Council has voted not to spend tax payer money on the bill and chose to not have Attorney Anita Earls come and talk on the bill. I would like to know why they chose not to have her come speak to the Council or the citizens. There would not have been any cost for that. She provided a great deal of information to me when we talked on the phone. I would also ask our City Attorney to explain tonight how a City Council can take action to reverse the new law.

Anita Earls explained to me that there is a way that this can be done. She also advised that there is a way that the citizens can overturn the new law. We can petition and obtain 10% of registered voter's signatures. This would be 471 signatures and easy to obtain. A petition would allow Trinity voters to do what should have happened in the first place and that is to allow them to vote for or against the proposed changes which is our constitutional right.

Ms. Reddick continued and stated that she was informed that when Ms. Hurley was asked if she wanted the residents to vote on the bill she replied absolutely not.

At this time, Ms. Reddick's time expired. She asked for an extension and was granted additional time *upon motion by Council member Ayers, seconded by Council member Gantt and approved unanimously by all Council members present.*

I have also been advised that approximately 20 people were responsible for influencing Ms. Hurley to sponsor the bill. If that is correct, that is less than ½ of 1 percent of the registered voters and does not represent a majority.

I agree that Trinity needs to grow its real estate tax base back and increase its sales tax revenue but it needs to do it with respect to our rural resources. Other cities have been incorporated much longer than we have and have more residents and businesses which have been able to contribute their own personal resources for the benefit of their resident's.

Actually Trinity has accomplished quite a bit in the short time it has been incorporated but it takes time to get it to the place where some want it to be now. If a contractor is unwilling to provide a required drawing laying out the details the community wants developed, how can City Council members respond. They have to know what the city will be getting with approval or denial. It is their responsibility as caretakers of our community.

I will be willing to spearhead a citizen's petition. Attorney Earls has advised that she can assist on how to conduct the petition process. With the support of a successful citizen's petition in the near future, the City Council may feel more comfortable to take another direction if they so choose or voters can decide for themselves what the structure of the City should be like.

Tony Collins-5119 Libby Rd.: I am in support of the Street Light Policy as it points to our area. I moved back to this area to my grandfather's home and have lived in the community for 7 yrs. During this time I have become acquainted with some of the neighbors. One of the issues here is this needs to be a lighted area. Some of the areas have a history of certain activities. We have gotten with Law Enforcement to clean up some of the things that are going on. Since we have this push going on to make a better neighborhood, having light would enhance the quality of life and allow residents in the community to walk around and feel safe. This is one of the ways that we can accomplish that. We are doing some really wonderful things in our community but it does take time to turn things around.

Mr. Collins discussed the location of the Darr Road Subdivision that includes Darr Road, Grey Oaks, and Libby Road. He asked that Council consider combining this project with the Trinity Road Streetlight Project since these 2 projects were in the same location and combining them seemed to be the most efficient manner of street light installation in these areas.

Martha Stunda- Meadowbrook Rd.: Ms. Stunda thanked the present City Council and expressed her appreciation to them for serving the community. She said that she had come to most of the meetings since they have been here, know each one of them personally, worked with them, and had learned a lot of things.

Ms. Stunda talked about the current Council's position concerning sewer projects. She commented that she knew they had tried to keep the city budget in line and tried to pay down the sewer. While she agreed the City needed other things, it was her opinion that the City was formed for the sewer.

Ms. Stunda discussed rumors concerning the Council and the City not getting along, and addressed other comments that she had heard concerning the City's involvement with the bank closing and restaurant closing. It was her opinion that the City had nothing to do with the closing of either of these businesses and felt this was all rumors with no truth.

Ms. Stunda expressed her views concerning Representative Hurley's actions in regards to HB 263. She made a request to the City Council that Ms. Hurley along with whoever else was responsible for this bill, be personally invited to a Council meeting and asked to give reasons why she did this.

It was Ms. Stunda's opinion that the problems in Trinity are a result of 2 factions working against each other. We have to work together. It takes time and it does not happen overnight. If the City does not have the money to do something we do not do it. We have to be conservative.

Thank you City Council for what you have done.

Lucy Rush- 5372 Grey Oak Rd: Ms. Rush commented that she would like to speak on two items. The first item she discussed was the street light project for Trinity Road.

Ms. Rush discussed the length of time that her family had been in Trinity and the accomplishments that she and her father had in the community and the City of Trinity.

Ms. Rush felt that her neighborhood needed some consideration. We need some street lights in that area. Like my friend Mr. Collins said, since Duke Energy is on Trinity Road they could bring them down on Darr, Lake, Grey Oak, and Libby Road. I wish you would consider this for the safety of our residents and the school buses that travel in these areas.

I would like to speak to the previous comments made by the two ladies that spoke before me concerning Mrs. Hurley. Please Council, let her come and speak to us and explain why and how she came to that decision. We need to know.

Ms. Rush discussed earlier comments concerning 2 year terms and felt that if terms are for 2 years we have to start over again working with a new Council. She also felt that there were a lot of people in Trinity and more than one representative was needed.

VI. Consent Agenda

Mayor Hill opened this item and called for a motion to approve the Consent Agenda.

- 1. Approve minutes of the June 26, 2015 Budget Review Meeting**
- 2. Approve minutes of the July13, 2015 City Council Pre-Agenda Meeting.**

Council member Ayers made a motion to approve the Minutes of June 26, 2015 and July 13, 2015. The motion was seconded by Council member Daniels and approved unanimously with a vote of 6 ayes and 0 nays with Council members Byerly and Frazier absent.

VII. New Business (as amended – see Item #3)

- 3. Update and award Bid for Ennis Flint Project Subject to Funding Agency Approval.**
(Randy McNeill DMP)

Mr. McNeill thanked Council for allowing the Agenda to be amended for the presentation of the Update and Bid Award for the Ennis Flint Project.

Mr. McNeill discussed the bid opening for the project. The bids came in 24% higher than expected and tonight we would like for you to consider a tentative award for this project, subject to the Funding Agency approval and that we successfully finalize the budget with Ennis Flint.

Mr. McNeill discussed the reasons that the bids have increased compared to the estimates. The economy has improved and the costs of materials and labor have increased. We have new roads that are built strong and we are asking the contractor go under them so we do not disturb them so the cost of extending services across those roads are twice what we had estimated.

When NCDENR reviewed the project the sewer line parallel to the creek for approximately 600-800 feet, they have required that rip rap to be installed along the bank. This costs an extra \$40,000 dollars.

We are in the process of contacting a representative from Ennis Flint to discuss the increase in the costs and discuss their increased cost in paying for the sewer service and help find a solution. They have already invested money and they do need the sewer for this project.

Mr. McNeill discussed the street improvements that were completed when the street repairs were done in the industrial park at a cost of \$200,000.00 +. The lines that were placed under the road are dry and do not serve anyone at this time. The park can grow and thrive with the availability to provide sewer. This project will serve Ennis Flint as well as eight other businesses in this area along Turnpike Court.

There was discussion concerning whether Ennis Flint may decide not to move forward with the project due to the increased costs. Mr. Baker explained that part of the requirements for them to obtain a pump and haul permit currently being used at this location is that they must be actively pursuing sewer installation to this building.

Mr. Baker confirmed Mr. McNeill's earlier comments concerning this request. We are asking for a tentative award of this bid that will allow us to set up a meeting with Ennis Flint representatives to discuss the increased costs and to contact the Funding Agencies involved with the project concerning this change. We will need to reach an agreement. At that time Council will be briefed on the outcome of the meetings if all parties agree. If they do not agree, this item will come back to Council.

Council member Ayers made a motion to approve the tentative award of the bid as discussed. The motion was seconded by Council member Carico and approved unanimous with a vote of 6 ayes and 0 nays with Council members Byerly and Frazier absent.

4. Street Light Policy Recommendation from Infrastructure Board

Mr. Baker shared with Council that the Infrastructure Committee did approve lifting the moratorium on the Streetlight Policy and to move forward with the approved projects. They did not make any changes to the Policy itself.

He presented the current order of the projects and asked if Council would like to make any changes to the policy or the order of the planned projects as listed below.

- Trinity Road
- Ronniedale Road
- Merle/ Collins
- Lakewood Area
- Darr Lake

There was discussion among Council members concerning the following topics.

- Should the existing projects be scrapped and started from the beginning due to the amount of time that had elapsed and possibility of change in resident's status since the petitions were presented.
- The Darr Lake Project was in the connecting area of the Trinity Road Project and by combining these projects it would allow the City the opportunity to serve this community as a whole.

Prior to a decision by Council regarding the order of the projects, Mr. Baker shared with Council that Hidden Valley had been overlooked and asked Council to direct him in the order they would like the streetlights to be installed.

Council member Gantt would like to make a motion to move Darr Lake area under Trinity Road. No second was made to the motion and discussion continued.

Council member Ayers discussed the total cost for the lights per year. Mr. Baker informed members that he did have the cost available and he could provide this information to Council. Council member Gantt reiterated that the moratorium was put on the streetlights because of the Franchise Tax possibly being taken away from the City.

Council member Payne made a motion to move Darr Lake Subdivision under Trinity Road (combining these 2 projects). The motion was seconded by Council member Gantt and approved with a vote of Sayes and Inay with Council member Ayers opposed. Council members Byerly and Frazier were absent.

After the vote there was further discussion concerning the order of the remaining projects. After discussion consideration of the recommendation from the Infrastructure Committee to move Ronniedale Road up in the order, *Council member Payne made a motion to revert the list to the previous order leaving Ronniedale Road in the order it was received. The motion was seconded by Council member Daniels and approved with a vote of Sayes and Inay with Council member Ayers opposed. Council members Byerly and Frazier were absent.*

The motion made will result in the following order for the Streetlight Projects that have already been approved by Council for installation.

The new order for Streetlight Projects effective August 17, 2015 is as follows:

1. Trinity Road / Darr Lake Area
2. Merle/ Collins
3. Lakewood
4. Ronniedale Road
5. Hidden Valley

VIII. Public Hearings (as amended – see Item #3)

Text Amendments for Proposed Changes to Setbacks, Open Space, and Sidewalks in the Zoning Ordinance.

Mayor Hill opened the Public Hearing and turned discussion over to Marc Allred, Interim Planning Director.

The first item discussed was setbacks including areas, yards and height requirements.

Setbacks

The amendment for this section is to change side setbacks in RMU from 6 feet to 10 feet.

Open Space Requirement

Originally from the Special Meeting that was held in June for changes to the Zoning Ordinance we had originally decided to remove R-12 and R-20 from the Open Space Requirements.

What happened in our Special Meeting for the Subdivision Ordinance the direction was given to remove the entire Open Space Section.

It is in everyone's best interest for the 2 Ordinances to be the same. I am asking for an amendment from the information received in the Pre-Agenda to remove the Open Space altogether. What was included in your packet only indicated removal of Open Space from the R-12 and R-20 zoning districts.

The amendment as presented tonight calls for the removal of Open Space completely.

Sidewalks

The amendment in this section *still allows the developer the right or option to install a sidewalk if they want but they are no longer required on R-12 or RM zoning to have sidewalks in developments over 25 lots.*

The last amendment is the total removal of the Payment (Fee in Lieu) dedication for sidewalks.

Parking

The last amendment is reflected under the Parking restrictions for Parking.

Section E has been removed that requires a Permit to Park to be renewed annually for tractor trailer parking.

At the conclusion of this presentation, Mr. Allred called for questions.

Council member Ayres asked about the guidelines that would be followed should the developer decide to install them, if installation of sidewalks would require curb and guttering and is this explained somewhere so the builder will know what is required.

Mr. Allred stated that the guideline was for a 5 foot sidewalk that allows two (2) people that are walking together. Where the sidewalk is placed will determine if curb and gutter is needed. If the sidewalk is placed directly along the street without a grass path between the street and sidewalk then curb and gutter would be required. If there is a grass path between the street and sidewalk no curb and gutter would be required.

Mr. Allred commented that he could add a text amendment in the sidewalk section that describes these requirements for developers.

*Sidewalks built along the side of the street will require curb and gutter
Sidewalks not built along the side of the street do not require curb and gutter.*

Council member Ayers asked if the text amendment change concerning renewal of the annual truck parking permit changed the Truck Ordinance.

Mr. Allred answered no. Since the City has not been sending out annual renewals requests for this there is no point in keeping this requirement in the Ordinance but it does not change the Truck Ordinance from that standpoint. It just means that owners do not have to come back annually and register with the city.

Council member Lohr discussed his desire to purchase property located within the City to park his trucks on. He stated that the trucks would not be seen from the road. It was his desire to have the public come and vote on this proposal.

Mr. Allred advised Council member Lohr that the way the Ordinance reads at this time that scenario would not be allowed if the property was currently zoned residential. The question regarding allowing a vote from the public such as a referendum was out of his realm of expertise and a question to be discussed by Council.

With no other questions, Mayor Hill opened the Public Hearing for anyone wishing to speak for or against the request regarding the proposed Text Amendments. Hearing none, Mayor Hill closed the Public Hearing and opened this item to Council for further discussion. Hearing none, Mayor Hill called for a motion regarding the Proposed Text Amendments as presented by Mr. Allred to include the additions discussed tonight.

Council member Payne made a motion to approve the amendments as presented. The motion was seconded by Council member Carico and approved unanimously by a vote of 6 ayes and 0 nays with Council members Byerly and Frazier absent.

X. Review Code Enforcement Report and Permits Report

Mayor Hill opened this item and turned the discussion over to Mr. Allred for briefing.

Code Enforcement

Mr. Allred reviewed the Code Enforcement topic stating that 8 new cases were added and 11 cases were closed this month.

Mr. Allred called for any questions in general or for specific cases. Hearing none he continued with the Permit Report.

Permit Report

The Permit report reflects that we had permits for three new houses, one septic tank, and two accessories.

At the conclusion of the reports, Council member Ayers asked what the status of the Mendenhall violation was.

Mr. Allred discussed a meeting that took place between Mr. Adcock's Attorney, Mr. Baker, Mayor Hill, Manager Hinson, Attorney Herman, and me regarding this situation. At that meeting options were discussed for a resolution to this violation. Approximately one (1) week ago they asked me to provide applications for proposed text amendments to the Zoning Ordinance. I provided those but have not heard any response as of today.

If proposed Text Amendments are requested they will go through the Planning Board and then to Council.

Council member Ayers asked how the continuing violations will be handled.

Mr. Allred commented that at the moment the decisions that Council makes assuming there are text amendments proposed to the Ordinance will determine whether or not we proceed toward a legal matter. Currently the fines regarding the Civil Citation are on hold until the legislation part of this case is decided.

There has been some progress made at this location. There has been some cleanup of this property. However there is one sticking point that the owner wants to change. It is not up to me but the Council to make a decision on the proposed amendments if the owner follows through.

Council member Ayres asked about the resident on Finch Farm Road.

Mr. Allred answered that the red vehicle on this property runs. By state law the owner may sell up to 3 vehicles annually without being an automobile dealership. The owner is allowed to sell a vehicle from his yard but cannot sell more than three (3).

The owner has moved and covered the two (2) vehicles that did not run and did not have current tags and that by definition were junk vehicles.

X. Business from City Manager and Staff

Manager Hinson updated the Jacob Carroll pick up that was rescheduled from August 21, 2015 to September 11, 2015. She asked for volunteers for the event and commented that breakfast would be served at 8:30 am with pickup beginning at 9:00 am. Gloves, vests, and pickup bags will be provided.

She reviewed the meeting schedules included on the Meeting Agenda.

XI. Business from Mayor and Council

There was a brief discussion between Mayor Hill, Council members and staff concerning the upcoming City Haul.

Council member Gantt commented on Ms. Reddick's earlier request regarding a request to Representative Hurley to attend a meeting and discuss her decision concerning HB263. She asked Mayor Hill if he had not previously asked Ms. Hurley to come and speak to the public.

Mayor Hill stated that he had spoken to Representative Hurley in the past and received no answer from her regarding this issue.

XII. Adjournment

With no other business to discuss, *Council member Payne made a motion to adjourn the August 17, 2015 meeting at 7:06 pm. The motion was seconded by Council member Daniels and approved unanimously with a vote of 6-0 with Council members Byerly and Frazier absent.*