



Trinity City Council  
Pre-Agenda Meeting Minutes  
January 08, 2013  
Trinity City Hall Annex  
Trinity, NC

**Members Present:** Mayor Carlton Boyles, Council Members: Karen Bridges, Linda Gantt, Ed Lohr, Tommy Johnson, Debbie Frazier, and Chester Ayers.

**Members Absent:** Council members: Barry Lambeth, and Kristen Varner

**Others Present:** City Manager, Debbie Hinson, City Attorney Bob Wilhoit, Public Works Director, Stormwater Administrator & Interim Planning and Zoning Administrator Rich Baker, Assistant Finance Officer Lisa Beam, Assistant City Clerk Annette de Ruyter, members of the media, and members of the audience.

## **I. Welcome**

Mayor Boyles called the meeting to order at 4:06 p.m. After calling the meeting to order Mayor Boyles expressed his concerns and thoughts about Randy McNeil's wife, who is now in the care of Hospice.

## **II. Invocation**

Mayor Boyles gave the invocation.

After the invocation, Mayor Boyles advised Council that Manager Hinson had asked that a Closed Session pursuant to NCGS 143-318.11 (a) (4) to discuss matters relating to Economic Development be added to the Agenda as Item 1-A to follow directly after the Invocation.

***Motion by Council member Johnson to add Item 1-A Closed Session pursuant to NCGS 143-318.11 (a) (4) to discuss matters relating to Economic Development, seconded by Council member Gantt and approved unanimously by all Council members present.***

Manager Hinson discussed other amendments that needed to be made prior to beginning. Council member Lohr came to participate in the appointments and will need to leave early. It was her belief that Council wanted to make this the first item and to change the agenda to reflect this. She stated that she would let Council make that request.

***Council member Frazier made a motion to amend the Agenda to do the Board Nominations as the first item. The motion was approved unanimously by all Council members present with Council members Lambeth and Varner absent.***

**IV. Unfinished Business (This item was discussed out of Agenda Order per Council amendment)**

The following items at the December 18, 2012 meeting were tabled to the *next appropriate meeting to allow more time to review applications.*

**2. Appointments to Planning & Zoning / BOA (City Manager)** This item was discussed first as per motion by Council member Frazier.

- A. Ward 1 ( 3 year term that expired Dec. 31, 2012) ( Board member is not eligible for reappointment)

Manager Hinson stated that this ward had a vacancy since the current member was not eligible for reappointment and opened the floor for nominations.

***As the Ward 1 representative Council member Frazier made the nomination for James Jimmy Peace for Planning and Zoning, nomination was seconded by Council member Lohr, and approved unanimously by all Council members present 5 to 0 with Council members Lambeth and Varner absent.***

- B. Ward 2 ( 3 year term that expired Dec.31 , 2012) ( Board member seeks reappointment)

Manager Hinson stated that Mr. Ivey the current Ward 2 representative was seeking reappointment.

***Council member Lohr nominated Rick Ivey to the Planning/Zoning Board for Ward 2; nomination was seconded by Council member Frazier and approved 5 to 1 with Council member Johnson voting Nay with Council members Lambeth and Varner absent.***

- C. Ward 4 (3 year term that expired December 31,2012) Board member is not seeking reappointment)

***Council member Gantt nominated Don Payne for the Ward 4 representative; nomination was seconded by Council member Frazier and approved unanimously by all Council members present with Council members Lambeth and Varner absent.***

D. E T J (3 year term/ county appointed representative) No member has been appointed by the county at this time. E T J is still vacant.

Mayor Boyles talked with Council members concerning a discussion that took place between himself and Darrell Frye (Randolph County Commissioner). This position is to be filled by the county commissioners. Mr. Frye asked me during our discussion if I knew anyone in that area to recommend. I personally did not and it will be difficult because there are not many residential home sites in the ETJ. It is up to the Randolph County Commissioners to make this appointment. If we have someone to recommend to them I will be glad to contact the Commissioners and let them know that recommended name.

Council member Frazier discussed with Council members present a resident that she knew that could be approached that lives in the ETJ. Council member Frazier discussed Helen Mendenhall and advised Council Ms. Mendenhall might consider this position.

After discussion concerning where Ms. Mendenhall lived and whether or not this location was in the ETJ, and if Ms. Mendenhall would be interested in filling this position, Council member Frazier advised those present that she would check the map to verify Ms. Mendenhall's property was in the ETJ and would contact her in regards to this position to find out if she would be interested in filling this position.

### **3. Appointments to Infrastructure / Parks & Recreation Committee**

Mayor Boyles opened this item for discussion and nomination.

A. Ward 1 ( 3 year term that expired on December 31,2012) Board member seeks reappointment)

Manager Hinson advised Council that the current member Fran Andrews was seeking reappointment. Council was also provided with other applicants that applied.

***Motion for nomination for Paula Peace for Ward 1 for appointment to Infrastructure, Parks and Recreation by Council member Frazier, seconded by Council member Lohr***

***Mayor Boyles called for discussion. Hearing none he called for the vote.***

***The motion and second was approved unanimously, 6 to 0 with Council members Lambeth and Varner being absent***

B. Ward 3 (3 year term that expired December 31, 2012) (Board member seeks reappointment.)

Manager Hinson stated this position was currently filled by Larry Cale Lister who has applied for reappointment. There were other applicants that have applied for this position as well.

***As representative of Ward 3, Council member Ayers nominated Cale Lister for Parks and Infrastructure. The nomination was seconded by Council member Frazier and approved unanimously by all Council members present 6 to 0 with Council members Lambeth and Varner absent.***

C. Ward 4 ( 3 year term that expired on December 31, 2012) ( Board member seeks reappointment)

Manager Hinson stated that this seat is currently held by Charles T. Barber and he has applied for reappointment. Included in you packet was also others that applied for this position.

***A motion was made by Council member Johnson for the reappointment of Charles Barber.***

Council member Frazier asked for a discussion.

Mayor Boyles stated there was no second and asked what she would like to discuss.

Council member Frazier said she had approached Charles (Tuck) Barber about the possibility of serving on the Christmas In Trinity Committee that Barry and she had been talking about and he has said that he would serve on that committee. I guess this is in lieu of Parks and Infrastructure since he can't serve on two (2) committees at one time.

Mayor Boyles stated that Committee was not formed. The nomination stands.

Council member Frazier stated she just wanted to make it known that Tuck had said that he would be willing to serve on that committee.

Mayor Boyles commented on what he felt one of the things Council really needed to do and that is think about the value that people have already given to this City and what their potential is.

He discussed the Christmas event that took place in the City. It was his opinion that he had never seen a more genuine looking Santa Clause than Mr. Barber. He felt that Mr. Barber was not a person that does things for accolades, slaps on the back, or recognition. He used the example of what Mr. Barber and Ms. did with the children at the Christmas event. They had a passion to make that night special for the children. He felt that is the way Mr. Barber has been for the City of Trinity. He personally felt that Council member Johnson made a good choice by making that nomination and that Council needed to think about the continuation of all Mr. Barber has done for the City of Trinity.

There was a brief discussion concerning a second nomination between Council members. Attorney Wilhoit advised Council that a second nomination could not be required, but they could do it however they wanted to.

Mayor Boyles reviewed the language in the Ordinance that stated that the member of the Ward makes a nomination. Usually the other member seconds the nomination but is not required. If no one seconds the nomination it dies just like a motion would.

Mayor Boyles stated that is the reason he made his earlier comment. I think Council needs to think about what is best for us individually and what is best for us and the future of our city as we make these choices. The Mayor called for a second to the motion.

Since no second was made, Manager Hinson stated the motion for nomination died for a lack of a second and opened the floor for other nominations.

***Council member Gantt nominated James “Butch” Kirkman.*** She advised members and those present that Mr. Kirkman had lived in Trinity all his life and that she knew him personally. It was her opinion that he would be an asset to the City. He has recently retired and he wants to get involved with the City.

***Council member Ayers seconded the motion to nominate Butch Kirkman. The nomination and second was approved 5 to 1 with Council member Johnson voting Nay and Council members Lambeth and Varner being absent.***

At this time Council member Lohr asked to be excused from the meeting since he had to travel out of town.

***The Council by a show of hands excused Council member Lohr from the meeting at that time (4:25).***

**Item 1-A      Closed Session pursuant to NCGS 143-318.11 (a) (4) to discuss matters relating to Economic Development.**

***A motion was made by Council member Frazier and seconded by council member Ayers to go into closed session.***

After returning to the meeting room, Mayor Boyles called for a motion to return to Open Session.

***Motion by Council member Johnson to return to Open Session, seconded by Council member Ayers, and approved unanimously by all Council members present with Council members Lambeth and Varner absent and Council member Lohr absent who was excused earlier.***

### **III. Agenda Items for January 08, 2013 Regular City Council Meeting:**

No vote is necessary to put the following items on the agenda, although items may be discussed and staff may be present information as necessary or requested.

## **Standing Report**

- 1. Infrastructure Projects Update** (Rich Baker, Utilities & Public Works Director)
  - A. Phase 4-B Contracts 1** (Baker)
  - B. Phase 5 Sewer Extensions** (Baker)
  - C. Update on Braxton Craven Road Project** ( Baker)

Mayor Boyles opened this item and called for questions. Hearing none, *motion by Council member Frazier to add this to the January 15, 2013 Regular Meeting Agenda, seconded by Council member Ayers and approved unanimously by all Council members present with Council members Lambeth and Varner absent and Council member Lohr absent who was excused earlier.*

## **V. New Business**

### **Consent Agenda**

- 4. Approve minutes of the November 13,2012 City Council Pre-Agenda meeting**  
(City Manager, Debbie Hinson)
- 5. Approve minutes of the November 20, 2012 Regular City council meeting**  
(City Manager, Debbie Hinson)
- 6. Approve minutes of the December 11, 2012 City Council Pre-Agenda meeting**  
(City Manager, Debbie Hinson)
- 7. Approve minutes of the December 18, 2012 Regular City Council meeting**  
(Assistant City Clerk Annette de Ruyter)

Manager Hinson asked Council to add this item to the Agenda tentatively. She informed Council that she and Annette were working on these minutes and hoped to be able to put in the Council packet that would go out on Friday. If we are unable to do so we will ask that these items be removed from the Agenda at the Regular Meeting on January 15, 2013.

*Motion by Council member Bridges to add these 4 sets of minutes to the January 15, 2013 Regular Meeting, seconded by Council member Johnson, and approved unanimously 5 to 0 by all Council members present with Council members Lambeth and Varner absent and Council member Lohr absent who was excused earlier.*

## **VI. Reports**

- 8. Annual Report: Randolph County Economic Development Corporation** ( Bonnie Renfro, President)

*Motion by Council member Johnson to add line item # 8 to the January 15, 2013 Regular Meeting Agenda, seconded by Council member Gantt and approved unanimously by all Council members present 5 to 0 with Council members Lambeth and Varner absent and Council member Lohr who was excused earlier.*

## **VII. Funding Request**

### **9. Consideration for a donation of \$50.00 for the Student Life Program. (Eric Wilson, Randolph County Sheriff Department)**

Mayor Boyles discussed this item briefly advising Council members that there are currently two (2) students in this program. One (1) is from Wheatmore High School and one (1) is from Trinity Senior High.

Manager Hinson followed Mayor Boyles and gave Council a brief update on deputy Wilson's involvement in the program. She advised members that Deputy Wilson had approached her with the information about this program and asked to add this to this agenda for their consideration. She informed Council members that this money could be taken from the Parks and Recreation regular account if Council decided in favor of this request in the amount of \$50.00.

Deputy Wilson did not have anything to fill out for the Grant Packet but did furnish the information for his request. This is the first time that the Randolph County Sheriff's Department has paired with this group in an effort to raise money for the L.I.F.T. (Leadership Information for Tomorrow) Program. Anything that Deputy Wilson receives in addition of the \$50.00 will go into the fund. The first \$50.00 dollars will be used for the sponsorship fee. She advised Council that she had agreed to pay Deputy Wilson's \$50.00 sponsorship fee. She advised Council members that Deputy Wilson planned to attend the Regular Meeting to discuss this program if Council decided to add this item to the Agenda.

There was conversation between Mayor Boyles and Council members concerning what this money would be used to sponsor. Mayor Boyles stated the donations or monies collected would be used for sponsoring the students involved in the program.

***Motion by Council member Frazier to add this item to the January 15, 2013 Regular Meeting Agenda, seconded by Council member Ayers, and approved unanimously by all Council members present 5 to 0 with Council members Lambeth and Varner absent and Council member Lohr absent who was excused earlier.***

### **10. Consideration for Funding in the amount of \$1000.00 for the Piedmont Wind Ensemble ( Karen Allred)**

Manager Hinson discussed the request for this item and advised Council that should they decide to consider this request funding could also be taken from the Parks and Recreation account. She discussed the Grant Funding Packet requested by Council and advised them it was included in their Agenda packet.

Mayor Boyles discussed his conversation with Council member Johnson concerning the information contained in the Grant Application. The application indicates that they have income generated with 50% from the City of Archdale of \$1,000.00 and 50% from the City of Trinity of \$1,000.00. On another page they discuss the amount of revenue that they have in the amount of \$1,000.00. This causes some confusion. It was Council member Frazier's personal opinion

that in this economy, this money is coming out of the tax payers' pockets and she thought it would be well spent somewhere else

Mayor Boyles stated there was no motion yet and Council could discuss this among the members if they wished.

Council member Johnson stated that disregarding the fact that they have accounting issues in the Grant we have supported them before. It is a good organization and they usually play at the car show and chili cook-off. They didn't year before last because they had a prior engagement. They did play this year at the opening ceremonies.

Council member Bridges felt that the City had given this organization a lot over the years and didn't feel that the City needed to continue to do this.

*Motion by Council member Frazier that this not be included on the January 15, 2013 meeting agenda, seconded by Council member Ayers, and approved 4 to 1 with Council member Johnson voting nay, and Council members Lambeth and Johnson absent, and Council member Lohr absent who was excused earlier.*

#### **VIII. Staff Reports**

##### **11. Zoning and Code Enforcement Report (Baker)**

Manager Hinson and Mr. Baker advised Council members that this report was not completed and asked that it be added and given at the January 15, 2013 Regular Meeting Agenda.

*Motion by Council member Frazier to add this item to the January 15, 2013 Regular Meeting Agenda, seconded by Council member Ayers, and approved unanimously 5 to 0 with Council member Lambeth and Varner Absent, and Council member Lohr absent who was excused earlier.*

#### **IX. Business from the City Manager and Staff**

Mayor Boyles opened this item and turned discussion over to Manager Hinson and staff.

Manager Hinson asked council to get their retreat items for discussion to her so she can begin the list of topic items for the retreat. She stated she would like to review the items at the February Pre-Agenda and formulate retreat topics.

#### **X. Business from Mayor and Council**

Mayor Boyles opened this item and called on Business from Mayor and Council.

(a) Council member Johnson reported just for information to Council and members of the audience that Friends of Trinity can no longer display their flags on the poles as they had done

the past 10 years. We are currently removing all brackets and no flag displays are planned as of now until we have our meeting and review our possibilities.

He and Manager Hinson discussed the meeting that they had with Sam Andrews from Duke Energy. Mr. Andrews informed us that it was illegal to display anything on their poles as well as North State poles. If you use their poles you must have a written agreement with Duke Energy and North State and you will be held responsible if anything happens. Also, the brackets for the flags need to be installed 11-18 feet on the poles. Even if the flags are placed 11 -18 feet on the poles if they encroach in the air on the NCDOT rights of way you must have an encroachment agreement with NCDOT.

Council member Frazier asked what space did the City of Trinity and the Friends of Trinity have to place the flags. Manager Hinson stated that there was no space unless we were able to work out an encroachment agreement with NCDOT. We would then have to come up with some way to display the flags without using the poles.

Council member Johnson stated that his organization had some ideas for display and the representative from Duke Energy gave us some ideas as well for display. We will be reviewing this at our next meeting. He was not sure his organization would be financially capable of handling the expense of what needed to be done. Our volunteers are willing to do the work but we may need financial support.

Council member Ayers discussed articles that were included in the utilities magazines regarding items placed on utility poles and the fact that they were not allowed. He asked who was responsible for the signs placed on utility poles.

Manager Hinson stated that would be addressed by the utility companies and the City was not responsible. The person who places an item on the pole will be responsible.

(b) Council member Bridges stated that she was not at the last Pre-Agenda Meeting because she was out sick. She discussed the action taken to place the Adoptive Rules of Procedure for Public Comments as a retreat topic for discussion as well as the amount of public comment concerning this item last month.

***She informed Mayor Boyles and Council members that since there was a short agenda for this meeting she would like for this item to be added to the agenda for the January 15, 2013 Regular Meeting. Council member Frazier seconded. Mayor Boyles called for a vote. All members voted unanimously to add this item to the January 15, 2013 Regular Meeting Agenda.***

(c) Council member Gantt discussed the committee changes that she had previously discussed with Mayor Boyles that were made at the December 18, 2012 meeting by the mayor. Council member Gantt was not sure about other committees, but the committee that she was working on, Personnel, had started working on the Personnel manual and felt the committee would probably have had this finished except for her mother's sickness. It was her desires to have the committees revert to the way it was prior to the changes. She felt the committees hadn't really

been changed in the past every year and was not aware of any problems with any of the other committees.

Council member Bridges asked who was on the Personnel Committee. Council member Gantt stated Ed and Debra.

Mayor Boyles addressed the way he made his decisions. He stated “I think about things very deeply and I always make a decision that I feel that’s not only best for us individually but collectively as a City.

Council member Bridges stated that Council never voted on this.

Council member Gantt discussed the \$4,300.00 spent a few years ago to revise the Personnel document that was never carried through. She stated she was not on Personnel then but she did have the document and was planning on talking with the Manager about it but due to some bad luck had not been able to do so.

Manager Hinson agreed that they had both experienced bad luck.

***At this time, Council member Frazier made a motion to amend the authority to appoint Council committees back to the Trinity City Council, that the terms be for two (2) years, changing in election years and the committees revert back to what they were as of before December 18<sup>th</sup> when the Mayor made the changes. The motion was seconded by Council member Ayers.***

There was discussion between Mayor Boyles and Council members concerning the problem of Council overriding an Ordinance in the City. Council member Frazier contended that this was an amendment not overriding the Ordinance.

***Council member Frazier stated that she made a motion and had a second and called the question.***

Council member Bridges asked that Council member Frazier read her motion again.

***Council member Frazier” amend the authority to appoint committees of Council back to the City Council, terms be for two (2) years, changing in election years and that the committees are restored to the status that they were before the Mayor made the changes at the December 18, 2012 meeting. This restores the committees.***

There was detailed discussion between Mayor Boyles and Council members concerning when the authority was granted to the Mayor to appoint committees and what was contained in the language granting that authority in the 2000 Annual Retreat Minutes, and who established that authority.

There was discussion between Council member Johnson, Bridges, and Gantt concerning their feelings relating to this change. During this conversation Council member Johnson stated he was

opposed to making this change and did not feel this was the right thing to do. He thought the current procedure being used and the way the Ordinance was currently established is the way this should remain since it had worked for 12 years.

Council member Bridges did not agree with this opinion if people are being changed every year on these committees.

Council member Gantt stated it had not been changed every year.

Manager Hinson asked if Council would consider waiting until all members of Council were present to vote on this. She discussed the absence of Council member Lohr, Lambeth, and Varner and felt it may be better to wait to vote until all Council members were present.

Attorney Wilhoit discussed with Council their options if it was their desire to reconsider the motion until all members were present and advised members that the motion could be withdrawn and placed on the Agenda.

Further discussion continued on this item that included the Mayor's feelings and opinion concerning the refusal of Council to act as a unified Council, and making decisions not in the best interest of the City. He also felt that because this was an Ordinance, a public hearing should be held. Council members Ayers, Bridges, and Frazier thought this item was a policy and discussed the language contained in the minutes concerning consultation with members of Council by the Mayor prior to appointments and did not recall having that consultation.

Attorney Wilhoit advised Council members that if this was an Ordinance an amendment can be made but felt it would be better to allow he and staff time to do some research to see if this was done by Resolution or Ordinance.

After a brief review of the Ordinance book Attorney Wilhoit advised Council members that this item was an Ordinance.

Mayor Boyles offered a suggestion to members of Council. He asked that they take the motion off the floor and make a motion to table this discussion to a date when this issue can be researched to their satisfaction.

***Motion by Council member Frazier to withdraw the original motion and make another motion to place this item on the Agenda for the January 15, 2013 Regular Meeting. Council member Ayers removed his second to the original motion and seconded the new motion. The vote to approve the motions was approved unanimously 5 to 0 with Council members Lambeth and Varner absent, and Council member Lohr absent who was excused earlier.***

## **XI. Adjournment**

Mayor Boyles called for a motion to adjourn. ***Motion by Council member Johnson to adjourn the January 08, 2013 Pre-Agenda meeting, seconded by Council member Ayers and approved unanimously by all Council members present 5 to 0 with Council members Lambeth and Varner absent and Council member Lohr who was excused early.***

**These minutes were approved with corrections by the Trinity City Council on February 19, 2013 at their Regular Meeting upon motion by Council member Frazier. The motion was seconded by Council member Bridges and approved unanimously by all Council members present. Council member Ed Lohr was absent.**

**All corrections are included in these minutes.**

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**Carlton Boyles, Mayor**

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**Debbie Hinson, City Clerk/City Manager**