



**City Council
Pre Agenda/Regular Meeting Agenda
Monday
May 09, 2016 @ 6:00 pm
Trinity City Hall Annex**

Members Present: Mayor, Jesse Hill; Council members: Gene Byerly, Jack Carico, Steve Lawing, Don Payne and Tommy Johnson.

Others Present: City Manager, Debbie Hinson; City Attorney, Nick Herman; Public Works Director/Stormwater Administrator, Rich Baker; 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 6:08 pm.

- **Pledge of Allegiance and Invocation**

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

- **Review, amend if needed, and approve Proposed Regular Meeting Agenda**

Mayor Hill opened this Item and called for any amendments to the proposed agenda.

Manager Hinson asked Council to amend the Agenda to add Item 10 (A) Closed Session pursuant to NCGS 143.318.11 (a) (4). She then asked to change the order of the Proposed Agenda as follows:

Move Item 8 Business from Mayor and Council to Item II, and change Public Comment Period to Item III.

Motion made by Council member Byerly to accept and approve the amendments to the Agenda as discussed by Manager Hinson. The motion was seconded by Council member Johnson and approved unanimously with a vote of 5 ayes and 0 nays.

Regular Meeting Begins Here:

Mayor Hill opened the Standing Report for briefing.

I. Standing Report

A. Ennis Flint Sewer Extension

Public Works Director/ Stormwater Administrator, Rich Baker briefed Council on the update for Ennis Flint Sewer Extension stating that all the lines are in the ground, and tested. The flow meter is installed and hooked to the sewer service.

B. Powell Bill Updates

Mr. Baker began briefing on this item providing the following summary:

- Construction has begun on Circle and Kimberly
- The construction of the erosion control is currently being installed.
- The City should have no issues meeting the required expenditures of Powell Bill Funds so that the city may receive the entire allotment due for the next physical year.

C. Update on Turnpike Industrial

Mr. Baker reviewed the following points regarding this item:

- Randy McNeill and I have met with the property owner from Elite Designs and he has verbally committed to the project for \$25,000 per building he owns if this project moves forward. We are in process of contacting Powder works and other property owners in the park.
- We are also working to pursue some grants for this project. Grants do normally slow down progress on a project. We are not certain at this time that we can get commitments from companies to hire new employees.
- Mr. Baker is in hopes of getting this project started during the summer instead of dealing with the cooler time of the year.

D. Walker Body Shop

Mr. Baker updated Council on Walker Body Shop.

As of today Mr. Walker has been directed to contact City of Archdale to be able to connect to sewer and be served by the City of Archdale. He would love to be able to hook up to the abandoned line once used by Trinity High School.

Mr. Baker felt that if sewer service could not be supplied by Archdale, Trinity may have another alternative to be able to supply sewer service to Walker Body Shop.

Council member Carico asked if Trinity served Walker Body Shop would we also be able to add the two churches as well.

Mr. Baker relied, “that’s my plan”. We would be plugging off the line near Mr. Walkers, install a mega plug and reroute this back to our line on Mendenhall.

Council member Payne asked if the City would take Joan Drive also. Mr. Baker responded that Joan Drive would need to go to the back side and no we would not include Joan Drive on this hook up for that reason.

II. Public Comment Period

Mayor Hill opened the Public Comment period at this time.

Lois Bonsack- Ms. Bonsack is seeking a seat in the House of Representative for District 70 in the November election.

Jonathan Collins- 2444 Heritage View Lane, Mr. Collins discussed property he owned located in Dogwood Heights a portion Trinity Heights on Dogwood Heights. He expressed his concern about sewer being available to his property. He discussed a letter he had received stating that sewer would be available to his property. He then received another letter that informed him that sewer was not going to be available to him. He did receive funds for an easement but his easement was not used.

He wanted to know what the City could do to allow (provide) sewer service to Dogwood Heights.

Manager Hinson responded to Mr. Collins that Mr. McNeill would be discussing the Phase 5 sewer project later in the meeting that would explain the changes as well as the decisions that were made regarding Phase 5 and how they affected his area.

Brittany Pierce- Ms. Pierce conveyed to the Board that she was here tonight to discuss bullying, something she felt very strongly about.

When I was younger I was bullied in school, called ugly almost every day, people laughed at me and I nearly took my own life because of this. She wanted to hold a Town Hall meeting to find out what was going on in this community regarding bullying and use the information received to become a voice against bullying. I want to make a difference in the lives of children in schools. My goal is to try to restructure how schools address bullying and be a voice for them.

Martha Stunda- 5661 Meadowbrook Road, I have a concern about the Planning and Zoning Board situation about appointing members. The Ordinance reads membership of all boards shall consists of five voting members, 1 from each ward of whom shall be residents appointed from each of the city’s wards and 1 of whom can come from anywhere inside the city limits, except in the case of special provisions that may be applicable for individual boards as denoted within this chapter, or may be required by North Carolina General Statue. (Ord. No. 31.02, passed 2-8-2016).

Ms. Stunda stated she was on the original Planning and Zoning Board when this city formed. I know when people wanted to apply for a board, City Council would appoint to the particular board.

I was informed by three different people that Ward 2 had two representatives and I am in Ward 2 myself. I was told that I or the other representative would be removed because our new at large Council member appointed someone from Ward 2 instead of appointing someone from his Ward. It is my understanding that we are to be replaced at the end of the year. Why could we not wait until the end of the year for the change?

I am very disturbed that no one informed me about what was going to take place. Do not expect one person to inform someone of their removal from a board.

As of now, I am resigning from the Planning and Zoning Board tonight.

Mayor Hill closed the Public Hearing at 6:32 pm.

III. 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 April 11, 2016 Meeting Minutes

Mayor Hill opened this item and called for a motion to approve the April 11, 2016 Pre-Agenda and Regular Agenda minutes.

Motion was made by Council member Johnson to approve the April 11, 2016 minutes as written. The motion was seconded by Council member Payne and approved unanimously with a vote of 5 ayes and 0 nays.

Mayor Hill opened the Public Hearing at 6:33 pm and then turned it over to Marc Allred, Planning and Zoning Director.

IV. Public Hearings

2. Amend Conditions from PIN # 6797109121, east of Little Uwharrie River, Zoned RM-CZ (First Reading)

Planning director Allred began his discussion by advising Council that this request is for removal of conditions from PIN # 6797109121 which is currently zoned RM- CZ (Residential Mixed with conditions) and a change to the conditions to the property.

Current zoning east of the Little Uwharrie River was voted on by City Council on October 13, 2006. The application at that time was made by K Hovnanian Homes to rezone the entire parcel. K Hovnanian Homes would eventually leave the property as is without building on it.

The property west of the Little Uwharrie River (also known as North Steeplegate) was voted on by the City Council on September 18, 2007.

In May of 2012, the property owner attempted to rezone the property to R-12, but was denied. So the zoning fell back to the October 13, 2006 decision.

In December, 2012, in a case of High Rock Lake Partners LLC vs NCDOT, the North Carolina Supreme Court ruled that NCDOT cannot authorize improvements away from the applicant's property. It similarly fails to empower DOT to require an applicant to obtain another property owner's approval, giving that property owner veto power over the applicant's project as happened here at this location.

The City of Trinity has no authority over providing driveway permits on State Maintained Roads such as Finch Farm Road.

The Land Use Plan to this parcel is mixed. To the North is Commercial, South and East are residential, and west of the site is residential and vacant. The rezoning would be in compliance with the City of Trinity Land Use Plan.

The main condition is the City cannot give veto power to the property owner.

The proposed zoning conditions eliminate current conditions, but add conditions:

- 1) Any new development cannot connect to Steeplegate Subdivision and extension thereof
- 2) No apartments.

The parcel size is 42.2 acres. There is a pond located on the parcel and the Little Uwharrie River Flood Plain. The parcel is buildable on most of the eastern side of the Little Uwharrie River once you get out of the flood plain area.

The property has water and sewer. Finch Farm Road is in the Transportation Improvement Program to be widened to a multi-lane road with sidewalks. Construction should be starting in 2020.

Planning Board Recommendation: The Planning and Zoning Board recommended removal of the conditions and the addition of the two conditions as stated earlier.

- 1) Any new development cannot connect to Steeplegate Subdivision and extension thereof
- 2) No apartments.

Staff Recommendation: Removal of conditions from property PIN # 6797109121 and recommends adding conditions to PIN #6797109121 east of Little Uwharrie River that states:

- 1) Any new development cannot connect to Steeplegate Subdivision and extension thereof
- 2) No apartments.

At this time, Mayor Hill opened the Public hearing at 6:40 pm to anyone who wished to speak for or against the request.

Hearing none, he closed the Public Hearing at 6:41 pm.

Motion by Council member Payne to remove conditions and add two conditions 1) any development to this property cannot connect to Steeplegate Subdivision extension thereof. 2) No apartments. This will allow the property to be used as its best suited by the owner and blend in to the surrounding area. The property is compatible with the Land Use Plan. The motion was seconded by Council member Carico and approved unanimously with a vote of 5 ayes and 0 nays.

V. New Business

3. Review of Phase 5 Sewer Installation

Mayor Hill opened this item and called on Randy McNeill for discussion with Council.

Randy McNeill discussed with Council the reasons for elimination of properties that were previously included in Phase 5 Sewer project.

After plans were completed, some property owners in various areas were not receptive to granting easements for all the Phase 5 sewer lines. During a closed session meeting, Council directed that the sewer line along Ronniedale and Meadowbrook be removed from the project and that a short extension to Meadowbrook be added to serve some of the residents.

We felt it would be of interest to Council to inform them what previous Council had done in reference to the sewer. Mr. McNeill referenced a map (Attachment 1) that shows the areas previous Council removed from the Phase 5 project.

The issue was obtaining easements from residents to allow sewer to expand. This did save money for the city, but it eliminated sewer service to 23 homes that were in the original plan for Phase 5. Since this time some of the 23 residents have questioned why did they not get sewer service. It is because you or some of your neighbors did not want to grant easements. This resurfaced in October 2014 and we looked closer at possibly extending a sewer line along Meadowbrook and Ronniedale that could serve 13 more homes. At that time the extension would require 12 easements with a cost of 320,000.00. This would need to be reevaluated if this is what Council would like to pursue.

Council member Payne discussed Mr. Collins situation about not having sewer and asked Mr. Baker to check on cost to possibly get sewer to his property.

4. Set date for Budget Review Meeting – Friday- May 13 or Friday May 20

Mayor Hill opened this Item and asked Council to set a date for the Budget Review.

After discussion between Council members, Friday May 13, 2016 at 10:00 am was set for the Budget Draft Review Meeting.

VI. Code Enforcement Report and Permits Report

Mayor Hill opened this item for briefing.

Planning Director Allred discussed this item with Council. During the month of April 21 new cases were opened and 19 cases closed. The number of cases will increase during the summer months due to grass season and people being outside more.

There were 6 new permits issued. This includes 2 for new homes, and 1 for a replacement home.

There was discussion between Council member Payne and Planning director Allred about the Sign Ordinance. Council member Payne felt that Special Called Meetings on this matter would work better to evaluate the changes in the Sign Ordinance that would be needed and asked Planning Director Allred to set some meeting dates.

VII. Business from City Manager and Staff

Mayor Hill opened this Item for discussion.

Manager Hinson discussed issues with the foundation at the City Hall Building. These issues included the following:

- Mold in the basement and she is getting estimates for repair.

- An estimate to enclose the front porch on the house that will be discussed during the Budget Draft Meeting.

In conclusion, Manager Hinson asked if Council would allow Brittney Pierce to use the Annex building to hold a Town Hall Meeting about bullying.

Council asked Ms. Pierce how she would advertise this meeting.

Ms. Pierce replied that she will contact media, schools and social media to reach out to residents to come hear the information.

After discussion, it was the consensus of Council to allow Ms. Pierce to use the Annex building.

Ms. Pierce discussed holding the Town Hall on Thursday May 26, 2016 from 6:00-7:00pm.

VIII. Business from Mayor and Council

Mayor Hill opened this item to Council for business or discussion from members.

Council member Payne made a motion under Resolution 160(a).102 Ordinance to amend our charter to change to four year stagger terms.

City Attorney, Nick Herman discussed the motion made by *Council member Payne who made a resolution of intent by the Council to amend the charter for staggered terms. This would be a four year staggered term. And also, with your motion, a public hearing to be held on this proposed motion next month.*

Council member Payne confirmed that Attorney Herman was correct.

The motion was seconded by Council member Carico and approved unanimously with a vote of 5 ayes and 0 nays.

X- A. Closed Session pursuant to NCGS 143.318.11 (a) (4).

Motion was made by Council member Johnson to go to Closed Session. The motion was seconded by Council member Payne and approved unanimously with a vote of 5 ayes and 0 nays at 7:06 pm.

IX. Adjournment

With no other business to discuss, *Council member Carico made a motion to adjourn the May 09, 2016 meeting at 7:28 pm. The motion was seconded by Council member Payne and approved unanimously with a vote of 5 ayes and 0 nays.*