



City of Trinity
CITY COUNCIL MEETING

October 10, 2023 at 6:00 PM

Trinity City Hall Annex

MINUTES

1. PRESENT

Mayor Pro Tem Bob Hicks
Councilman Tommy Johnson
Councilman Robbie Walker
Councilman Ed Lohr
Councilman Jack Carico

ABSENT

Mayor Richard McNabb

OTHERS PRESENT

City Manager Stevie Cox
City Clerk Darien Comer
Finance Director Crystal Postell
Planning Director Jill Wood
Public Services Director Rodney Johnson
Planning Jay Dale
City Attorney Bob Wilhoit
Sgt. D'Angelo

2. Pledge of Allegiance and Invocation

Mayor Pro Tem Hicks led the Pledge of Allegiance and gave the Invocation.

3. Review, amend if needed, and approve Proposed Regular Agenda

Councilman Johnson made a motion to amend the Agenda to remove Consent Item E to the Action Agenda Item 7 a. The motion was seconded by Councilman Walker.

4. Public Comment Period

Billy Brown from Trinity addressed the Council about his dissatisfaction with the streetlights on Welborn Road. He would like to know who is responsible.

Neil Green from Trinity addressed the Council about his dissatisfaction about the streetlight on Welborn Road.

5. Consent Agenda Items

Councilman Johnson made a motion to amend the Consent Agenda to move section E to the Action Agenda. The motion was seconded by Councilman Walker with a unanimous vote of 5 ayes and 0 nays.

Councilman Johnson made a motion to approve the Consent Agenda as amended. The motion was seconded by Councilman Walker with a vote of 5 ayes and 0 nays.

- a. Approval of Regular Meeting Minutes of September 11, 2023
- b. Approval of Special Called Meeting Minutes of September 21, 2023
- c. Approval of Closed Session Meeting Minutes of September 21, 2023
- d. Finance Director's City of Trinity Financial Statements (Finance Director Crystal Postell)
- e. Approval of Generator Bid
- f. Annual Budget Amendment
- g. Review of City Council Salary

6. Public Hearing

- a. Request for an Appeal and Request for a Variance - Lots PIN #7717099160 Lake Darr Road and PIN #7718005511 Libby Road (*Interim Planner Jay Dale*)

Planning Director Jay Dale presented to the Council the request for an Appeal. Lots PIN #7717099160 Lake Darr Road and PIN #7718005511 Libby Road. The first matter before the Board is that Mr. Long is appealing the decision of the Zoning Official, myself, concerning my interpretation of Article IX section 9-2 of the zoning Ordinance of the City of Trinity. Section 9-2 states: *When a lot has an area which does not conform to the dimensional requirements of the district where they are located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be built upon if compliance is achieved with regard to setback dimensions, width, and pother requirements of the Ordinance may seek a variance from the Board of Adjustment.*

At this time, Planning Director Jay Dale, H. Chad Long, Al Shaw were sworn in.

Interim Jay Dale continued with the presentation. "The lots in the Lake Darr Road are smaller and well below what we require now for even a site-built home, so they are non-conforming lots of record. It was my determination that if you currently wish to place a duplex on an R40 Zone lot under the current zoning, you have to have 50,000 square feet. This is 10,000 square feet more than you would need for a single-family residential structure. I'm sure this is done for driveway purposes and some other things, but it also seemed to me that this was also supposed to serve as an extra lot and would be something of a buffer to set duplexes apart from single family residential. So, I made the determination that the extra square footage would constitute a buffer. Our ordinance states that if you are unable to meet these requirements you need to go before the Board of

Adjustments and ask for a Variance if you wish to place a duplex on the land. This doesn't say that you cannot have a duplex, we are just saying that there is that extra step that you would have to ask for that Variance just as if you couldn't meet your side setbacks, rear setbacks or anything else of that matter. If I am wrong then what you know when something doesn't make sense, you have to look towards the intent at the time. It is literally as it is written and I'm incorrect and that extra square footage does not constitute a buffer then what that means is basically any substandard lot in the City of Trinity that is zoned R40 you can drop a duplex on it right now and I will have to issue your permits. That did not seem to make sense to me so I made the determination that the extra 10,000 square foot would be a buffer area and that you should have to ask for a variance before you could place a duplex on a piece of property that is a non-conforming lot of record. Obviously, Mr. Long disagrees with me and so for the requirements of the ordinance we are here tonight to ask for the Board to make a decision on the appeal to my determination."

Councilman Carico asked Mr. Dale to go back and read the part about the intent. He asked if it says intent in the ordinance or is that just your interpretation? Mr. Dale stated "that is my interpretation. I have to make a guess of what the board meant and it just seemed that to me that the board could not have meant that just any non-conforming lot would have to meet less regulations than if you were trying to do it the right way, well " don't mean to say the right way that he is doing anything wrong but under our current guidelines you have to have a bigger area for a duplex. There's that extra hurdle you have to clear, and it is my opinion that we can't do that. Then we should ask for a variance just as if we were unable to meet side setbacks, rear setbacks, etc. You are correct there is absolutely nothing in here that says intent." Councilman Carico reiterated that this was just Mr. Dale's interpretation. Mr. Dale, "my interpretation, yes sir." Councilman Carico, "this has been going on for probably three years?" Mr. Dale, "I don't know, I think he first made contact with Mrs. Wood, I don't really know when this process started." Councilman Carico, "it started when Marc was here, I know that because I remember Marc calling. Well Mr. Long called me and asked me about those lots down there. I called Marc and I said cause I think Mr. Long had called him and he never called back. It was when we had the first Christmas at that City Hall. I said Marc did you and this was two weeks later, I said Marc, after Mr. Long had talked with me. I said Marc, "did you call Mr. Long, he said no, I forgot that. I said, "well, you need to call him and finally he went and called him. That's the last I have heard of it. I know it started when Marc was here. Y'all know as well as I do and Jill you know that Marc has done some things that were not exactly on the up and up. So. I'm just telling you what I know about it, and I don't know if Mr. Long has talked to anybody else up here or not. That's all I know about this. On this non-conforming lot is this just one lot?" Mr. Dale stated that he believed he had eight total lots and Mr. Long concurred and added that he believed he had two single family lots as well. Councilman Carico asked if Mr. Dale had issued any permits for any of the lots for duplexes? Mr. Dale stated that he had issued one permit for Mr. Long.

Councilman Carico inquired about the size of the lot that had a permit issued on it and Mr. Dale stated that he did not recall the exact size of the lot but that it must have been one that met the 25,000 square foot requirement. He stated that he had looked at this lot with Ms. Wood and Mr. Johnson and they made the determination that the duplex would work on that lot. Councilman Carico then asked Mr. Dale if Mr. Long met all the setbacks on the remaining "non-conforming lots." Mr. Dale stated that Mr. Long has requested a couple of variances for setbacks if the appeal goes through. He believed the other lots could meet setback requirements. Councilman Carico brought up the setbacks that were mentioned in the agenda packet, specifically, two lots needing variances for eight inches and one needing less than eight inches. Mr. Dale stated that the variances needed were contingent on the ruling of the board regarding Mr. Long's appeal. Mayor Pro-Temp

Hicks stated that the variances were not the bigger question for the night but instead, the appeal was the big question. Mr. Dale agreed and stated that is why we were before the board.

Councilman Carico stated that his issue continued to be the "intent" part of Mr. Dale's earlier statement. Mr. Dale reiterated that when things aren't clear, you have to start to think about "what did they mean?" His belief is that if duplexes aren't allowed in R40 and there was an extra hurdle in there preventing it, so it occurred to him that the council who approved current ordinances did not intend to allow for duplexes to be put on the lots Mr. Long is trying to put them on.

Mayor Pro-Tem Hicks mentioned there was a lot that was only 25,000 square feet and that the ordinance would suggest there be 50,000 square feet. Mr. Dale said there was a 25,000 square foot lot that the City did allow a duplex on. Mr. Dale stated there was one that Mr. Long pointed out and that early in the process, there may have been one or two that got by him and since he goofed them up, he would honor them. Councilman Carico brought up that Ms. Wood had also honored things that were done before her that might have been goofed up as well. He stated that he doesn't know what Mr. Long had been told in the past or the period of time that has passed since possibly being told something by past staff but that he would bet it had been three years. Councilman Carico stated his next problem is that if this has been three years, why did it take three years? Mr. Dale stated that he was unaware of the time frame and was apologetic that Mr. Long was having the issues that he is having but that he could not speak to why this had been a three-year process. Councilman Carico asked if Mr. Long had been informed earlier in the process that he could have asked for a variance and save time or if it had just been looked at and got lost in phone call after phone call. Mr. Dale stated that his notes did not include what the City's previous planning staff may or may not have told Mr. Long. Councilman Carico stated that things could have been done different or done better.

Mr. Dale stated that he had sent a letter to Mr. Long in August and Mr. Long responded with a request for appeal soon after. Mr. Dale stated that he had to put Mr. Long off for an extra month due to an already loaded docket for the next council meeting. Mr. Dale said he had become involved in this process with Mr. Long around May or June.

Mayor Pro-Tem Hicks said he had looked at the PINs for the lots and he didn't see any lots that met size requirements. Mr. Dale stated that this was an older neighborhood and that in the past, they used twenty-five-foot chains to determine how much of a lot a perspective buyer would be interested in purchasing. Because of this, there are numerous twenty-five foot "leftover" lots in the City. Mr. Dale also brought up the extra hurdle of watershed regulations in the City of Trinity and that he does not have any authority to grant any sort of variance for. Councilman Carico asked if Mr. Long had met watershed requirements. Mr. Dale stated on the permits that have been issued, Mr. Long had met those requirements. He also stated that future permits from Mr. Long would require site plans showing those regulations could be met. Mr. Dale stated that he has not received individual site plans for all of Mr. Long's lots.

Mayor Pro-Tem inquired if this was the only zone that the City would allow duplexes. Ms. Wood informed the Council that R40, RA and RM with a special use. Mayor Pro-Tem Hicks and Mr. Dale noted that the ordinance does seem to note duplexes are geared towards larger lots.

Hearing no other questions from the board for Mr. Dale, Mayor Pro-Tem Hicks invited Mr. Long up.

Mr. Long started by thanking the board for their patience while he prepared. He provided the Board with a picture of a lot with a house that will be replaced and a picture of a vacant lot. Mr. Long

stated that he first reached out to Marc Allred (former Planning Director) on September 2nd, 2020 about maximizing use of his lots in the Darr Rd. area. About a year and a half ago, he reached out to Ms. Wood about building on those lots and stated that he was met with "no" due to watershed laws. He then appealed to Mr. Wilhoit and then Mr. Dale. Finally, he appealed to the City Manager. He stated that he has worked the most with Mr. Dale trying to resolve his issues. He stated that he is before the board tonight to appeal based on legal precedence on several lots, eight to be exact. He states that several lots were deemed incorrect applications of city ordinance by City staff related to non-conforming duplex lots. In addition, he is appealing incorrect application of three lots regarding lot requirement and ask for a variance of combining adjoining non-conforming lots.

Mr. Long then approached the board and passed out a color-coded parcel sheet with surveys. He stated this would be helpful for the Council to follow along as he went through his questions and concerns. Mr. Long then stated that he had questions for Mr. Dale and asked the proper way to handle those questions. Mayor-Pro-Tem Hicks told him he could ask in the microphone and Mr. Dale could answer.

Mr. Long asked if in his opinion, would his project improve the neighborhood. Mr. Dale stated that his opinion is that it would improve the neighborhood.

Mr. Long asked if there were currently any duplexes within the neighborhood. Mr. Dale stated that he believes there is one.

Mr. Long asked if the first denial of duplexes was based on watershed. Mr. Dale stated that he did not remember.

Mr. Long then presented the Council with another handout of watershed state ordinances. He then asked Mr. Dale, if to the best of his knowledge, did the handout look like an excerpt from subchapter 02b-Surface Water and Wetland Standards of the State of North Carolina. Mr. Dale stated that he did not have his copy in front of him but would assume that Mr. Long was correct. Mr. Dale stated that he had not come prepared tonight to argue watershed regulations and was here to discuss the determination on non-conforming lots.

Mr. Long stated that he was arguing three different arguments is because he has been denied for three different reasons and a fourth if you count buffering tonight. He stated the reason it has taken three years to get to this point is because every time he proved staff incorrect, they've come up with a new reason to deny him. He then asked Mr. Dale to turn to page three.

Mr. Long then asked if we were in a watershed three-balance of watershed. Mr. Dale stated that we were in the Lake Reece Watershed. Mr. Long stated that based off of the handout, the requirement was not two acres like previously stated, it was one dwelling unit per half acre or twenty thousand square feet lot OR twenty-four percent built-upon area. He stated this was for single family residence.

Mr. Long asked if a duplex would be considered "other" residential structure. Mr. Dale stated that it was a residential structure. Mr. Long stated that if you looked on the handout, it states "non-residential and all other residential structures." Mr. Long stated that all proposed duplexes were under the twenty-four percent threshold. Councilman Carico asked what the percentage was, and Mr. Long stated that it was 11.56 percent.

Mr. Long asked, "based on twenty-four percent built upon area, have we so far in any plans that we've submitted, met twenty-four percent built upon area." Mr. Dale said that if he applied for a

permit and it was issued, the requirement had been met. Mr. Dale stated that he had not received site plans for all the proposed lots and is unable to address those.

Mr. Long stated in the second argument that he was turned down for having lots that weren't legal building lots. Mr. Long asked Mr. Dale if the letter he was holding was one that he sent on August 17th. Mr. Dale stated that it was. Mr. Long asked if Mr. Dale denied him building duplexes at that time because the lots were not legal lots. Mr. Dale stated that he did because they were non-conforming lots. Mr. Long asked were they "non-conforming" or "not legal" lots. Mr. Dale stated they were non-conforming and did not meet the definition of a legal building lot in the City of Trinity. Mr. Long asked if it was known when these lots became lots of records. Mr. Dale stated that he assumed they became so with the incorporation of the City in 1997 and with Randolph County in 1987. Mr. Long stated that with was actually 1961. Mr. Dale stated the County was actually 1979. Mr. Long then asked what evidence Mr. Dale had that these lots were not legal building lots in Trinity. Mr. Dale informed Mr. Long that they weren't legal due to not being at least forty thousand square foot lots which is what Trinity's ordinance requires.

Mr. Long then submitted another handout to Council showing the lots in question became lots of record in 1961 and predated 1970s regulations. Mr. Long asked Mr. Dale if that looked like the plat map recorded in Randolph County. Mr. Dale stated that he had never seen the map before but that he would take Mr. Long's word for it and reiterated that is why they're called "preexisting non-conforming lots of record."

Mr. Long asked what made the map illegal. Mr. Dale stated the lots became "non-standard" when the county incorporated. He explained that not meeting the ordinance made them non-standard.

Mr. Long then asked to turn to the document on the back of the map where it is argued section 9.2, stating that Mr. Long did not meet both lot area and lot width. He stated section 5-3 said that if a lot has an area or width that doesn't conform to the dimensional requirements of the district where they are located but such lot was of record at the time of adoption of this ordinance, such lot could be built upon if compliance is achieved with regarding setback dimensions and other requirements except lot area or width. He then states that one part of the ordinance argues against another part of the ordinance. Mr. Long questions how the staff can ascertain that the ordinance made his lots illegal while other sections of the ordinance make his lots legal. He asked Mr. Dale to clarify that position. Mr. Dale said the ordinance does make provisions for non-conforming lots of records. His argument is that for duplexes, the City does require extra area on the lot that he interpreted to be a buffer. The ordinances also state that if you cannot meet this buffer requirement, you would need a variance. Mr. Dale stated that this is not an outright denial of duplexes, but that through his interpretation, Mr. Long would need the variance.

Mr. Long reiterated that his current argument is that the ordinance argues against itself. Mayor Pro-Tem Hicks interrupted and asked Mr. Long if his ultimate argument was that he did not actually need a variance. Mr. Long said that if he was going to be in front of the board, he was going to ask for the variance anyway. He stated that when asking for a variance, it came down to what's in the best interest of the public. He stated three main points; providing affordable housing, improving the neighborhood and invest 3.5 million dollars that will increase the tax base of the City. He stated you also have to meet the requirement that you did not create the problem. The lots became lots of records in 1961. The subdivision ordinance did not begin to exist until the 1970s.

Mr. Long stated in closing "these are legal lots that meet all local and state ordinances, and we are entitled to build on them. It is ambiguous as to the conflict of section 5.2 versus 9.2 in regard to

lot width. In addition, City of Trinity's own ordinance section 18.1 of the City ordinance conflict resolution. If you read it, it only sends a resolution back to section 18.1 with no clear resolve. The free use of property is favored in our state. Zoning ordinances are in degradation of the right of private property and where exemptions appear in favor of the property owner, they must be liberally construed in favor of such owner. Where there is ambiguity in a zoning regulation, there is a special rule of construction requiring the ambiguous language to be construed in favor of the free use of real property."

Mr. Long then submitted "Visable Properties LLC v. Clemmons." Also, "Frazier v. Town of Blowing Rock"

Mr. Long stated that his ask is simple. Approve all lots that he has asked to build duplexes on. Grant all variances on lots that he can meet setbacks on. He contends that he can meet setbacks on all lots where width may not be met. He stated that he was not trying to do anything that he didn't feel like he couldn't do based on the City's ordinances. He claims that all he wants to do is improve the neighborhood and bring in some affordable housing. Mayor Pro-Tem pointed out that the properties in question are under different ownership. Mr. Long stated that both names are owned by him and that if he had fourteen properties, he would have fourteen LLCs. Councilman Carico stated the reason for different LLCs was in case the owner was sued; they wouldn't be able to get all of the owner. Mr. Long agreed that Councilman Carico was correct.

Hearing no more questions from the board to Mr. Long, Mayor Pro-Tem invited him to step down. He then invited Al Shaw up to speak.

Mr. Shaw stated he lives in High Point, but he and his wife have property on Lake Darr Rd. He stated that he received a letter from the City regarding the hearing. He stated that he wanted to put some money into the property he owns but did not want to do so if the Council approved Mr. Long's request. He believes the area will become too congested and overcrowded and he is worried that it will take away the country feel that the area currently has. He does believe that single family homes would be fine for the properties in question. He worries that duplexes will drop property values in the area.

Mayor Pro-Tem Hicks asked if there were any remaining speakers who wished to be heard. Doris Thompson stood up and was sworn in. Mrs. Thompson stated she was a property owner in Trinity. She stated that she takes exception to the comments made by Mr. Long that he could improve her neighborhood. She stated that "affordable housing" is an interpretation. She believes that affordable housing in that neighborhood would look completely different than an adjacent neighborhood. She believes that duplexes would crowd the area and make the area more congested. She believes it's too many people in a small area and requests that Council deny the request for variance.

Mayor Pro-Tem Hicks offered one more chance for speakers to be heard. Tyrone Harley stood and was sworn in. Mr. Harley stated he is a resident of Libby Rd in Trinity. He reviewed the documents submitted and agrees with Mr. Dale and his finding. He states he has not heard anything this evening that has changed his mind. He requests that the Council table the discussion for the evening and submit more documentation with plans for the community. He would like the opportunity to review documents submitted at tonight's meeting.

Mayor Pro-Tem Hicks again offered a last call for speakers. Hearing none, Mayor Pro-Tem Hicks closed the public hearing.

Mayor Pro Tem Hicks asked for discussion among the Board. Councilman Walker asked Mr. Long to explain what a duplex is, how many people and footage. Mr. Long stated the square footage is going to be 3,200 square feet, that will be two sides, both are going to be three bedrooms, two baths and the structure itself is 80 feet wide by 29.10 feet deep. All brick. Driveways and everything on each side is 1,200 square feet with concrete driveways. Councilman Walker asked Mr. Long how many of these lots that you showed us right now have those, what I would call condemned homes on them? Mr. Long stated that we physically own just one the rest are vacant wooded lots Councilman Walker asked how many duplexes are in the area right now? Mr. Long answered that right now there is one at the beginning of the neighborhood on Darr Road and then after you pass Lake Darr Road on the right the road name is Reavis. There are three duplexes currently in the neighborhood. Duplexes being built would be a total of nine. The total door count would be 22. Six of those would be single family homes. An audience member asked if they could ask a couple of questions of Mr. Long. Mr. Long stated he would be happy to answer them.

The question asked, has Mr. Long applied for Section 8 Housing. He replied that he has not applied for Section 8 Housing. Another audience member asked, if he was going to apply and he answered Yes.

Mr. Dale called for Point of Order, he reiterated, that the appeal before the Board was about whether or not his determination that duplexes required more area, or a buffer, is correct. All other discussion is moot until this discussion comes to a conclusion.

Councilman Carico inquired about watershed to Mr. Long. He asked him if he had gotten that cleared through the City or State or however, he needed to talk to. Mr. Long answered Yes. Mrs. Wood and Paul Clark, who is in charge of the watershed rules for the area had had email communication and according to him I can build whatever I want as long as I stay under 24 percent. Mayor Pro Tem Hicks reminded the Board that we are not discussing Watershed tonight.

City Attorney Wilhoit made a recommendation to the Board to table this matter to allow us to review the evidence presented tonight because with my discussions with his Counsel that would be done later this week or next. We need to review what his point of contentions are. When you have a variance there are basically four things you have to do. You have to show unnecessary hardship for a result from strict application of the regulation, then that the hardship for the results from conditions peculiar to the property such as location size to topography. Hardship didn't result from the actions taken by the applicant or the property owner and that the requested variance is consistent with the spirit purpose and intent of the regulation such that public safety is secured and substantial justice is achieved. There are four dynamics working there. I think he presented, (He thanked Mr. Long for his presentation), a lot of documents before us and I really think we need to go through those for staff to digest and walk through it so that the Board can make the correct decisions.

Mayor Pro Tem Hicks stated that's what Mr. Hartley was suggesting, and I've got this giant question mark over my head too. I don't feel like I'm in a good place to make a decision.

Councilman Carico, you say table this or defer. Attorney Wilhoit asked Mr. Long is his attorney still representing him in this matter. Mr. Long answered not tonight but tomorrow morning he will be. Councilman Carico, when you review all these documents with the staff, and you come to a conclusion. Then Mr. Long will want his attorney to meet with you and see where all this is headed. Attorney Wilhoit, to review these points that you brought up tonight. Mayor Pro Tem Hicks, to be clear that we want to clarify some things and figure all this out. Isn't an indication that we want to

deny it. We just want to make sure we do the right thing. Mr. Long, if you are going to table it, there are really two separate issues. There is the duplex question and then there are the two single families that doesn't have 100 feet. They are 75 feet or 74 feet. Mayor Pro Tem Hicks, those are for single families.

Councilman Walker made a motion to Table until next month. The motion was seconded by Councilman Johnson with a unanimous vote of 5 ayes and 0 nays.

- b. Request for Special Use Permit - 5839 Surrett Drive (*Planning Director Jill Wood*)

Mayor Pro Tem Hicks opened the Public Hearing

Planning Director Jill Wood presented to the Council the Request from BC Ingram Investments LLC, for a Special Use Permit to develop and operate a mini-warehouse storage facility with outside storage of boats, RVs, and vehicles (no junk vehicles) as per site plan. Property Location: 5839 Surrett Dr. 8.60 acres, PIN #7708331973, Zoning District HC.

The City Council decision shall be done by applying the land-use impact facts of the proposed special use to the following standards:

That the use or development is located, designed, and proposed to be operated to maintain or promote public health, safety, and general welfare.

That the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations.

That the use or development is located, designed, and proposed to be operated so as not to substantially injure the value adjoining or abutting property, or that the use or development is a public necessity; and

That the use or development will be in harmony with the area in which it is to be located and conforms with the general plans for the land use and development of the City of Trinity and its environment.

Brad Ingram the owner of the property was present for any questions. There was no one present in opposition to this request.

Mayor Pro Tem Hicks closed the Public Hearing.

Councilman Johnson made a motion to approve as it meets the four test and is consistent with the Land Use Plan. The motion was seconded by Councilman Walker with a unanimous vote of 5 ayes and 0 nays.

- c. Request for a Rezoning - Meadowbrook Drive Pin #7707760032 (*Planning Director Jill Wood*)

Councilman Carico made a motion for Councilman Lohr to recuse himself. The Motion was seconded by Councilman Johnson with a unanimous vote of 4 ayes and 0 nays.

Ryan and Cale Lohr of Trinity, North Carolina, are requesting that 1.56 acres located on Meadowbrook Drive PIN#7707760032 be rezoned from R-40 to M2-CZ. The conditional Zoning District would be strictly limited to an auto repair business within the existing building with a 36'

X 36' addition for strage with a 200 ft. setback from the street. It would also require the property owner to maintain the existing foliage within a setback of 100' from the road and a privacy fence along the rear property line for 30'.

On September 25, 2023, the Trinity Planning Board considered the above referenced request. Debbie Jacky made the motion, seconded by Keith Aikens, and the motion passed unanimously to recommend the request be approved as consistent with the 2021 Trinity Land Development Plan.

Mayor Pro Tem Hicks opened the Public Hearing.

Speaking For:

Ryan Lohr at 5202 Roy Farlow, was present for any questions by the Council.

Speaking Against:

None

Mayor Pro Tem Hicks closed the Public Hearing.

Councilman Carico made a motion to approve Pin# 7707760032 rezoning to light industrial 1.56 acres to be rezoned from R40 to M2-CZ with conditions as placed on the application by the property owner and that it is consistent with the Land Use Plan. The Motion was seconded by Councilman Walker with a unanimous vote of 4 ayes and 0 nays.

7. Action Agenda

Approval of Generator Bid

Public Services Director Rodney Johnson presented to the Council the quotes that were for a new generator at City Hall. Three contractors were submitted quotes.

BECO Inc: \$62,300.00

BC Ingram Electric: \$56,000.00

Central Carolina Electric: No Bid

Councilman Johnson made a motion to accept the bid for BC Ingram. The motion was seconded by Councilman Walker with a vote of 4 ayes and opposed by Councilman Lohr.

8. Closed Session: Legal G.S. 143-318.311(a)(3)

Councilman Johnson made a motion to go into Closed Session Legal Pursuant to G.S. 143-318.311(a)(3) The motion was seconded by Councilman Walker with a unanimous vote of 5 ayes and 0 nays.

Councilman Johnson made a motion to return to Open Session. The motion was seconded by Councilman Walker with a unanimous vote of 5 ayes and 0 nays.

9. Mayor, Council and City Manager Updates

10. Adjournment

Councilman Walker made a motion to adjourn. The motion was seconded by Councilman Johnson with a unanimous vote of 5 ayes and 0 nays.

Attest:

Mayor Richard McNabb

Darien P. Comer, City Clerk