



City of Trinity
CITY COUNCIL MEETING

February 12, 2024 at 6:30 PM

Trinity City Hall Annex

MINUTES

PRESENT

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

OTHERS PRESENT

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

Call to Order, Welcome Guests and Visitors

Mayor McNabb called the meeting to order at 6:30 PM.

Pledge of Allegiance and Invocation

Mayor McNabb led the Pledge of Allegiance and gave the Invocation.

Review, amend if needed, and approve Proposed Regular Agenda

Mayor Pro Tem Hicks made a motion to amend the agenda to add between 8 b and 8 c to discuss the Skills Games Business at 3410 Meadowbrook Drive. The motion was seconded by Councilman Johnson with a unanimous vote of 5 ayes and 0 nays.

Councilman Johnson made a motion to approve the agenda as amended. The motion was seconded by Mayor Pro Tem Hicks with a unanimous vote of 5 ayes and 0 nays.

Public Comment Period

No Public Comments

Consent Agenda Items

- a. Approval of Regular Meeting Minutes of January 8, 2024
- b. Approval of Closed Session Meeting Minutes of January 8, 2024
- c. Approval of Recessed Meeting Minutes of January 11, 2024
- d. Special Called Closed Session Meeting Minutes of January 11, 2024
- e. Finance Director's City of Trinity Financial Statements (*Finance Director Crystal Postell*)
- f. Budget Ordinance 24 - 05: Planning Department (*Finance Director Crystal Postell*)
- g. Planning Board Appointments (*Planning Director Jill Wood*)
- h. 2024 Meeting Schedule Date Change

Mayor Pro Tem Hicks made a motion to approve the Consent Agenda Items. The motion was seconded by Councilman Walker with a unanimous vote of 5 ayes and 0 nays.

Presentations and Awards

- a. **Briefing on Randolph Community College Strategic Planning Process** (*Linda Brown, Strategic Planning and Development Officer*)

Linda Brown, Strategic Planning and Development Officer at Randolph Community College presented a brief update on growth development in the Randolph County area and at the Community College. They are asking for input from the City of Trinity. Several dates have been scheduled with more information.

- b. **Financial Audit Review** (*Finance Director Crystal Postell*)

Monty Pendry, Gibson & Company, P.A. presented the results of the City's annual audit review along with it's Annual Comprehensive Financial Report for Fiscal Year 2022 - 2023.

Public Hearing

Mayor McNabb opened the Public Hearing.

- a. **Request for a Special Use Permit - 5996 Welborn Road** (*Planning Jay Dale*)

Planner Jay Dale, Tracy Mahan and Sandy McMorro were sworn in by City Clerk Darien Comer. The oath that was administered: *Do you solemnly affirm that the testimony you shall give tonight is the truth, the whole truth, and nothing but the truth, so help you God.*

Planner Jay Dale presented to the Council a summary for a request for a Special Use Permit. Tracy Mahan, Thomasville, North Carolina would like to develop and operate a childcare facility as per site plan. The property is located at 5839 Surrett Drive, 1.42 acres, Pin #7707301325, Zoning District OI.

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 so as 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.

Mr. Dale stated that the applicant is purchasing the property contingent upon approval of the special use permit, obviously without the special use permit he couldn't do it anyway. I'm sure he has looked into what the state would require. However, at this point there has not been anything acquired from the state, permit wise to operate a daycare. He is not zoned or does not have the special use permit yet.

Mayor Pro Tem Hicks asked Mr. Dale, from your perspective there aren't any constraints on the property that would cause this to not be used for this purpose. Mr. Dale answered, no sir it is a 1.42 acre lot. The applicant submitted site plans that showed that the fencing would go as the state requires. The state will have a number of requirements for the child care facility that they will have to meet as well before he could even open.

Mayor McNabb asked if there were houses on both sides and across the street. Mr. Dale answered yes, there are houses around it and it is already currently zoned office institutional.

Tracy Mahan from Thomasville, North Carolina was present and available for questions.

Speaking For:

None

Speaking Against:

None

Councilman Johnson made a motion to approve the Special Use Permit at 5996 Welborn Road. The motion was seconded by Mayor Pro Tem Hicks with a unanimous vote of 5 ayes and 0 nays.

Mayor Pro Tem Hicks made a motion to close the Board of Adjustment. The motion was seconded by Councilman Walker with a unanimous vote of 5 ayes and 0 nays.

Action Agenda

a. Skills Games Business - 3410 Meadowbrook Drive (*Planner Jay Dale*)

Planner Jay Dale presented to the Council a summary of Mr. Muhammad Fayyad's property at 3410 Meadowbrook Drive. In response to are complaints, an inspection was conducted by the City of Trinity on January 5, 2024. The complaints concerned the operation of a Skills Gaming Operation in business at his property known as the Tiki Cove Arcade. Mr. Fayyad was sent a Notice of Violation of January 5, 2024 informing him that his property was currently zoned HC-CZ (Highway Commercial - Conditional Zoning) and that the correct zoning for an Electronic Gaming Operation is either M-1 CZ (Heavy Manufacturing District Conditional Zoning) or M-2 CZ (light Manufacturing District Conditional Zoning). The Notice of Violation further explained that to bring his property into compliance, Mr. Fayyad would either have to make application for the correct zoning, cease the Electronic Gaming Operation immediately or make an appeal to the Board of Adjustment. A reinspection was carried out January 17, 2024 and the Electronic Gaming Operation was still in business. On January 22, 2024, Mr. Fayyad came to the City Hall and met with the Zoning Enforcement Officer. Mr. Fayyad provided a copy of the lease agreement and explained that he was trying to close the business. It should be noted that this property would require a conditional zoning and as one of the conditions states you may not have an Electronic Gaming Operation within 500 feet of a residentially zoned lot, it does not appear it could be zoned for such a use had Mr. Fayyad wanted to apply for rezoning.

Mayor Pro Tem Hicks made a motion for the City Attorney to send a letter to Mr. Fayyad, stating that he is out of compliance and the City will be pursuing legal action. The motion was seconded by Councilman Walker with a unanimous vote of 5 ayes and 0 nays.

b. Approval of the Order of the Board of Adjustment in the case of Chad Long (*Planning Jay Dale*)

Planner Jay Dale presented a summary to the Council. On January 8, 2024, the Trinity's Board of Adjustment heard a request for a variance from Mr. Chad Long for his pre-existing, non-conforming lot of record on Lake Darr Road (PIN #7717088835). The variance was to grant relief from the requirements of **Article IX, Section 9-2 and Article XII, Section 12-4** of the City of Trinity's Zoning Ordinance. The Ordinance requires that Mr. Long seek a variance if he is unable to meet the dimensional requirements for his lot. His lot is zoned R-40 and requires 100 ft. at the building line. Mr. Long's lot is 75 ft. wide. The Board of Adjustment recessed the public hearing until January 11, 2024. At which time, they voted unanimously to approve the variance request for a single family residence.

Findings of Fact:

The City of Trinity Board of Adjustment finds that the following conditions exist:

1. Unnecessary hardship would result from the strict application of the regulation.
2. The hardship results from conditions of location and topography that are peculiar to the property.
3. The hardship did not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured and substantial justice is achieved.

Mayor Pro Tem Hicks made a motion to approve the Order of the Board of Adjustment in the case of Chad Long granting the variance. The motion was seconded by Councilman Johnson with a unanimous vote of 5 ayes and 0 nays.

c. Resurfacing Projects Presentation (*Rick Austin, Abbotts Creek Engineering*)

Rick Austin with Abbotts Creek Engineering has been assisting the City of Trinity with the inspections and recommendations on City owned streets. Mr. Austin is proposing the resurfacing of Carriage House Circle (1500 lf) and Stones Throw Subdivision (2671 lf) for this calendar year paving. The estimated cost of these two projects is approximately \$205,000 which is very close to the amount received annually in the Powell Bill Fund.

Councilman Johnson made a motion to approve the resurfacing request as presented. The motion was seconded by Councilman Walker with a unanimous vote of 5 ayes and 0 nays.

Rick Austin with Abbotts Creek Engineering was given the task of resurfacing the two City owned parking lots. Mr. Austin's request is that the Finance Director do an Ordinance to protect the money for the project to be completed at a later date.

Mayor Pro Tem Hicks made a motion to hold the funds over to the next physical year. The motion was seconded by Councilman Walker with a unanimous vote of 5 ayes and 0 nays.

d. City Council Members Reimbursement (*Finance Director Crystal Postell*)

Finance Director Crystal Postell presented the request that was made by Mayor Pro Tem Hicks to provide reimbursement for travel and training expenses for the Mayor and City Council.

Mayor Pro Tem Hicks made a motion to approve the changes to the travel and transportation policy for the Mayor and City Council Members Reimbursement. The motion was seconded by Councilman Johnson with a unanimous vote of 5 ayes and 0 nays.

Closed Session for Legal Pursuant to NCGS 143-318.11(a)(3)

Mayor Pro Tem Hicks made a motion to go into Closed Session Pursuant to NCGS 143-318.11(a)(3). The motion was seconded by Councilman Johnson with a unanimous vote of 5 ayes and 0 nays.

Mayor Pro Tem Hicks made a motion to close the Closed Session. The motion was seconded by Councilman Carico 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 Mayor Pro Tem Hicks with a unanimous vote of 5 ayes and 0 nays.

Mayor, Council and City Manager Updates

None

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:

Richard McNabb, Mayor

Darien P. Comer, City Clerk