



City of Trinity
CITY COUNCIL MEETING

November 13, 2023 at 6:30 PM

Trinity City Hall Annex

MINUTES

NCGS § 143-318.17 Disruption of official meetings

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.

(1919, c. 655, s 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. s. 14 (c).)

Action may be taken on agenda items and other issues discussed during the meeting

1. Call to Order; Welcome Guests and Visitors

PRESENT

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

ALSO PRESENT

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

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

2. Pledge of Allegiance and Invocation

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

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

Mayor Pro Tem Hicks Amended the Agenda to add a Closed Session Pursuant to N.C.G.S. 143.318.11(a)(3) Legal. The motion was seconded by Councilman Johnson with a unanimous vote of 5 ayes and 0 nays.

Mayor Pro Tem Hicks Amended the Agenda to remove Item 8 a from the Agenda and to add 8 e Holiday and Meeting Schedules to the Agenda. Councilman Walker seconded the motion with a unanimous vote of 5 ayes and 0 nays.

Councilman Carico made a motion to approve the Agenda as amended. Mayor Pro Tem Hicks seconded the motion with a unanimous vote of 5 ayes and 0 nays.

4. Public Comment Period

Preston Khan at Welborn Road, expressed his dissatisfaction with the street lighting on Welborn Road.

Jeff Sloan at 5767 Joan Drive asked the Council to be able to park his tractor trailer truck at his residence. He requested a temporary permit for parking.

Tony Griffin from Trinity expressed his concerns about his neighborhood and the Chad Long Development.

Renee Coleman at 4970 Lake Darr Road had a problem with a fire that was on the property beside her property that was being cleared by Chad Long.

5. Consent Agenda Items

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

- a. Approval of Regular Meeting Minutes of October 10, 2023
- b. Approval of Closed Session Meeting Minutes of October 10, 2023
- c. City of Trinity- Monthly Financial Position Review
- d. GPS Tracker for City Vehicles
- e. Trinity Parks and Recreation Master Plan Strategic Planning Funding Request
- f. Authorizing the City of Trinity to Engage in Electronic Payments

6. Recognitions and Presentations

- a. Universal Children's Day Proclamation

- b. National Pearl Harbor Day Remembrance Proclamation

7. Public Hearing

- a. Appeal and Variance Requests (*Planner, Jay Dale*)

Mayor McNabb excused himself and Mayor Pro Tem Hicks resumed the Appeal Hearing.

Deliberation of an Appeal by Mr. Chad Long of denial of the request to obtain permits to build duplexes on Lot PIN # 7717099160 Lake Darr Road and PIN #7718005511 Libby Road. The Public Hearing was held on October 11, 2023, and the Board tabled the decision to the November regular meeting.

Mayor McNabb was absent the last Board meeting when the Public Hearing was held. In his absence Mayor Pro Tem Bob Hicks presided at the Appeal by Mr. Long to the Trinity Board of Adjustment (“BOA”). There was no more Public Hearing before the Board.

City Attorney Robert Wilhoit noted that the City Board was voting on the Appeal of Zoning Administrator Jay Dale denial of permits to build duplexes on the respective PIN Nos listed based upon City Ordinances.

Robbie Walker asked Mr. Wilhoit, “You being the City Attorney, did he interpret the Ordinance correctly?”

Robert Wilhoit responded we can’t inject anymore evidence in this matter. The zoning letter was his (Mr. Dale) interpretation of the City Ordinance. Mr. Long objected to the zoning administrator’s determination and filed his appeal.

Mr. Wilhoit further told the Board “You may want to take a moment to read the letter from Mr. Jay Dale, Zoning Administrator and the Mr. Long’s rebuttal and Appeal.

Councilman Ed Lohr commented that he campaigned to do away with R-10 zoning and was voted down. He further stated when you don’t have elections, this is what you get.

Councilman Carico asked if this letter was not in their packet? It was explained that it was in the October Packet P. 26&27 last month.

The Board requested the Clerk to locate Mr. Long’s written Appeal letter that was in the October 2023 Regular Meeting Board Packet. [Board at ease pending the Clerk locating on her computer the October Board Packet on the Long Appeal to the BOA. Clerk does locate the Appeal letter]

Presiding Mayor Pro Tem Bob Hicks states that he will entertain a motion.

Mr. Chad Long speaks from the audience that he requests the Right to do a Summary. Mr. Long also questioned why the case Visible Properties was in the November Packet as new evidence.

Councilman Carico questioned whether the November Packet p.46 to 50 something was in the old October Packet. After review, it was determined by Mr. Dale that Mr. Chad Long presented the Visible case along with other materials at the last month’s hearing.

The Board was reminded by the Chair Hicks that this was the Appeal by Mr. Long of Jay Dale Zoning Administrator's decision to deny permits [to build duplexes]. If we reverse, the permits will be granted; and if we agree with Jay Dale's decision, the permits denied.

Mr. Wilhoit researched the procedure for the request by Mr. Long to present a summary to the Board tonight. He determined that if the hearing had just been concluded, a request to reopen would be proper. When the Hearing occurred, if all affected Parties had opportunity to be heard, then the Council could reopen the Hearing at the same meeting. However, if the request to reopen the Hearing occurred at a subsequent meeting, the Board must readvertise to provide reasonable Notice to all.

Presiding Office Mayor Pro Tem Bob Hicks responded with the question that if it won't taint the decision, then the City can reopen the Hearing?

Mr. Wilhoit noted that the Board closed the Public Hearing last month. At the time Mayor Pro Tem asked if there were any other comments? None were offered, and he closed the Public Hearing.

Councilman Carico commented that the Board could have recessed this matter. Attorney Wilhoit reminded the Board that the Board closed the Public Hearing. It was time for deliberation and would be a problematic procedure trying to undo the previous closed Public Hearing and now reopening arguments.

Matter was now before the Board for deliberation.

Councilman Lohr questions the Board schedule as related to a Pre-Agenda and Regular Board meetings.

Councilman Tommy Johnson said the Zoning Administrator decision was based on our Ordinances and his knowledge.

Attorney Wilhoit noted that the Appeal by Mr. Long was to the City Board of Adjustment. The Planning Administrator made a ruling. There is an Appeal to the BOA by Mr. Long. We had a Public Hearing and Mr. Long presented a large amount of material. That Public Hearing was over. No new evidence presented. Mr. Long's counsel was not present at the Hearing. Mr. Wilhoit continued stating that we open ourselves to procedural errors if the Board reopens the Hearing tonight. The Council did call for a Motion at last month's meeting and proceeded to the voting stage. Mr. Wilhoit added that it was a slippery slope without readvertising another Public Hearing if the Board proceeds tonight to reopen the Hearing. Responding to Council Members Hicks and Carrico, Mr. Wilhoit stated the choices are:

Mr. Wilhoit also later noted that the BOA could modify the decision.

Mr. Chad Long spoke out in the audience and said the neighbor had no standing in his appeal. Simple legal question. Asked to reopen the Public Hearing tonight.

Councilman Carico stated that the citizens are here and Chad wants to speak, the best solution is to readvertise.

Mayor Pro Tem Bob Hicks said that he will take a Motion

Councilman Robbie Walker made the Motion based upon the evidence of the City Planner that we deny the Appeal and accept the decision of the Zoning Administrator. The motion was seconded by Councilman Johnson. There was more discussion by the Board concerning the Motion and clarification by Mayor Pro Tem Hicks that the Motion is to deny the Appeal of the Zoning Administrator's decision by Vote 5-0 to deny Appeal. A written decision will be prepared. Mayor McNabb returned to seat on the Board to proceed with the remainder of the meeting.

- b. Request for a Variance - Lots Pin #7717099160 Lake Darr Road and PIN # 7718005511 Libby Road (*Planner, Jay Dale*)

Councilman Johnson made a motion to Table the Variance Requested by Chad Long for two properties. The motion was seconded by Councilman Walker with a unanimous vote of 5 ayes and 0 nays.

8. Action Agenda

- a. Thomasville Sewer System Evaluation (*City Manager Stevie Cox*)

Removed from the Agenda.

- b. Accept and Record Current Operations Appropriations Act of 2023 (S.L. 2023-134) of the General Assembly of North Carolina (*City Manager, Stevie Cox*)

City Manager Stevie Cox presented to the Council a request to accept this Local Funding Allocation from the North Carolina General Assembly for water and sewer improvements. On September 22, 2023, the City of Trinity was awarded a grant in the sum of \$4,500,000 for wastewater system improvements. The funding award letter did not specify exactly how those funds were to be used. The State has stated that the City must decide on how those funds are to be used. The only stipulation is that those funds must be used to address either water or sewer infrastructure improvements.

Mayor Pro Tem Hicks made a motion to reserve the entire amount to cover the GAP funding in the interlocal sewer connection until the time we realize we don't need the full amount. The motion was seconded by Councilman Johnson with a unanimous vote of 5 ayes and 0 nays.

- c. Accept and Record Randolph County Strategic Planning Grant and Project Ordinance (*City Manager, Stevie Cox*)

City Manager Stevie Cox presented the Council with a Resolution to accept and record the Randolph County Strategic Planning Grant in the sum of \$80,000 and establish a Parks and Recreation Master Plan Project Ordinance.

Councilman Johnson made a motion to adopt Resolution 24 - 04 for the Master Park Plan. The motion was seconded by Councilman Walker with 4 ayes and Councilman Lohr opposed.

- d. Approval to Send 30 Day Notice Letters to Property Owners (*City Manager, Stevie Cox*)

Mayor Pro Tem Hicks made a motion to have the Attorney Wilhoit send out 30 day Notice Letters. Notifying property owners of intent to condemn property. The motion was seconded by Councilman Johnson with a vote of 4 ayes and opposed by Councilman Lohr.

e. Holiday, Meeting and Jacob Carroll Schedule

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

9. Mayor, Council and City Manager Updates

City Manager Stevie Cox gave updates on the City Hall Closures for the Thanksgiving Holiday. He informed everyone of the Christmas In Trinity on December 7, 2023. There will be a December meeting unless there is a lack of business. The office will be closed for Christmas, December 25, 26, and 27th and New Years day, January 1, 2024.

Closed Session was added to the Agenda Pursuant to Legal N.C.G.S. 143-318.11(a)(3)

Mayor Pro Tem Hicks made a motion to go into Closed Session N.C.G.S. 143-318.11(a)(3) for consultation with the Attorney. The motion was seconded by Councilman Carico with a unanimous vote of 5 ayes and 0 nays.

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

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:

Richard McNabb, Mayor

Darien P. Comer, City Clerk