



City of Trinity
CITY COUNCIL MEETING

February 10, 2025 at 6:30 PM

Trinity City Hall Annex

AGENDA

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**
2. **Pledge of Allegiance and Invocation**
3. **Review, amend if needed, and approve Proposed Regular Agenda**
4. **Public Comment Period**
5. **Consent Agenda Items**
 - a. **Approval of Special Called Minutes from January 2, 2025**
 - b. **Approval of Closed Session Minutes from January 2, 2025**
 - c. **Approval of Regular Meeting Minutes from January 13, 2025**
 - d. **Approval of Closed Session Minutes from January 13, 2025**
 - e. **Approval of Special Called Meeting Minutes from January 22, 2025**
 - f. **Finance Director's City of Trinity Financial Statements (*Finance Director Crystal Postell*)**
 - g. **Welborn Rd. Streetlight (*Rodney Johnson, Public Service Director*)**
6. **Public Hearing**

- a. Request for Property Rezoning - Automotive Recovery Services, Inc. PIN #6798383496 - 6737 Auction Rd (Planner Jay Dale)**
- b. Request for Property Rezoning - Bilal Khan - 12416 Trinity Rd. Pin #7718102919 (Planner Jay Dale)**
- c. Request for Property Rezoning - Naimel Parra 0 Mendenhall Rd. PIN #6798742704 (Planner Jay Dale)**
- d. Request for a Variance Jackie Investments, LLC - Grey Oaks Rd PIN #7718006840 (Planner Jay Dale)**

7. Action Agenda

- a. Ethics Policy (Stevie Cox, City Manager)**
- b. Personnel Policy - Update (Crystal Postell, Finance Director)**
- c. Appointment of Planning and Zoning Board Liaison**

8. Mayor, Council and City Manager Updates

9. Adjournment



City of Trinity
SPECIAL CALLED CITY COUNCIL MEETING

January 2, 2025
Trinity City Hall Annex

MINUTES

PRESENT

Mayor Richard McNabb
Mayor Pro Tem Robbie Walker
Councilmember Debby Jacky
Councilmember Ed Lohr
Councilmember Paul Welborn
Councilmember Barry Allison

OTHERS PRESENT

City Manager Stevie Cox
City Clerk Darien Comer
Finance Director Crystal Postell
Public Works Director Rodney Johnson
Attorney Bob Wilhoit
Sgt. Clarkston Cox

Mayor McNabb called the meeting to order at 4:30 PM.

Closed Session Personnel Pursuant to §NCGS 142-318(a)(6)

Councilmember Allison made a motion to go into Closed Session. The motion was seconded by Councilmember Welborn and passed unanimously.

Mayor Pro Tem Walker made a motion to return to the Open Session. The motion was seconded by Councilmember Allison and passed unanimously.

Councilmember Lohr made a motion to fire the City Manager. The motion died on the floor.

Mayor Pro Tem Walker made a motion to adjourn. The motion was seconded by Councilmember Allison and passed unanimously.

Attest:

Richard McNabb, Mayor

Darien P. Comer CMC, City Clerk

DRAFT



City of Trinity
CITY COUNCIL MEETING

January 13, 2025
Trinity City Hall Annex

MINUTES

PRESENT

Mayor Richard McNabb
Mayor Pro Tem Robbie Walker
Councilmember Ed Lohr
Councilmember Debbie Jacky
Councilmember Paul Welborn
Councilmember Barry Allison

OTHERS PRESENT

City Manager Stevie Cox
City Clerk Darien Comer
Finance Director Crystal Postell
Public Works Director Rodney Johnson
Planning Jay Dale
Attorney Bob Wilhoit
Randolph County Sheriff Sgt. Clarkston Cox

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

Mayor McNabb led the Pledge Allegiance and Councilmember Paul Welborn gave the invocation.

Review, amend if needed, and approve Proposed Regular Agenda

Mayor Pro Tem Walker made a motion to amend the agenda and remove Item 8-c from the action agenda and add item 8-h to the action agenda. The motion was seconded by Councilmember Welborn and passed unanimously.

Public Comment Period

Neil Green at 5840 Welborn Rd, expressed concerns about the streetlight on Welborn that he has asked to be removed. He would like to know what has been decided.

Brin Knox at 3752 Old Glenola Road, informed the Council of a potential concrete batch plant on Old Glenola Road, that has been turned down by the Archdale City Council twice. She expressed concerns about this plant and the dangers it could possibly cause.

Consent Agenda Items

- a. Approval of Regular Meeting Minutes of December 9, 2024**
- b. Finance Director's City of Trinity Financial Statements**
- c. Personnel Policy - Update**

Councilmember Jacky made a motion to approve the consent agenda. The motion was seconded by Mayor Pro Tem Walker and passed unanimously.

Recognitions and Presentations

Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting

City Manager Stevie Cox stated on September 17, 2024, the Finance Department was notified by the Government Finance Officers Association (GFOA) that upon the City's first submissions, the City of Trinity has been awarded the Certificate of Achievement for Excellence in Financial Reporting. The GFOA Certificate of Achievement for Excellence in Financial Reporting is the highest form of recognition in governmental accounting and financial reporting.

Financial Audit Review

Monty Pendry with Gibson & Company, P.A. presented to the Council the results of the City's annual audit review along with its Annual Comprehensive Financial Report. The audit of the financial statements for the City of Trinity for the year ending June 30th, 2024 has been completed. It has been submitted to the local government commission and they have approved it.

Public Hearing

Request for a Variance Jackie Investments LLC Grey Oaks Rd. PIN #7718006840

It is reflected that this Hearing is a Quasi Judicial Hearing before the Board of Adjustments.

Planner Jay Dale presented to the Council the request by Jackie Investments LLC for a variance from the requirement of Article IX Section 9-2 (Nonconforming Lots of Record). The lot in question only has a width of 75 ft. This is 25 ft. short of the 100-foot lot width requirement laid out in Section 12-4 Yard area and height requirements of the City of Trinity Zoning Ordinance.

Planner Jay Dale was sworn in by the 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.*

There was no one present to speak for Jackie Investments

Request to Amend the Conditional Zoning District Unilin North America LLC (Mohawk) NC Hwy 62 PIN #6787912252

Planner Jay Dale, presented a request to amend the conditional zoning district at NC Hwy 62, Unilin North America LLC (Mohawk) PIN# 6787912252, is requesting that 29.1 acres, have the conditions of its current M2-CZ zoning amended to allow the addition of a 266-space employee parking lot as per the site plan. On November 25, 2024, the Trinity Planning Board voted to recommend approval for the amendment to the existing conditions as per the site plan.

Attorney Ashley Terrazas represents Unilin (Mohawk), presented a power point to the Council.

Speaking Against:

None

Speaking For:

None

Action Agenda

Request for a Variance Jackie Investments LLC at Grey Oaks Rd. PIN #7718006840

Councilmember Jacky made a motion to recess the public hearing until the next City Council meeting. The motion was seconded by Mayor Pro Tem Walker and passed unanimously.

Request to Amend the Conditional Zoning District Unilin North America LLC (Mohawk) NC Hwy 62 PIN #6787912252 (Planner Jay Dale)

Councilmember Allison made a motion to approve with conditions:

- *Proposed parking area and existing driveways be paved or concreted.*
- *An additional row of evergreen trees to be added to the existing buffer.*
- *NCDOT approval of the driveway permit.*

The motion was seconded by Councilmember Jacky and passed unanimously.

Budget Ordinance to Execute the Trinity Minimum Housing Program

Finance Director Crystal Postell presented to the Council a Budget Ordinance to execute the City's Minimum Housing Program. The City must appropriate the General Fund Balance to cover the cost of the demolition of (2) two houses. The houses facing demolition will be the following:

- 5464 Braxton Craven Blvd.
- 5515 Rockford Dr.

Councilmember Jacky made a motion to approve the Budget Ordinance as presented. The motion was seconded by Mayor Pro Tem Walker and passed unanimously.

Adoption of Ordinance to Order Code Enforcement Officer to Proceed to Effectuate the Purpose of the Trinity Minimum Housing Code and N.C.G.S. 160D-1203

Eric Clem, SCEI Minimum Housing and Non-Residential Specialist. On October 15, 2024, the City Council was asked to adopt three separate Ordinances ordering the City of Trinity's contracted code enforcement officer to proceed to effectuate the purpose of the Trinity Minimum Housing code and G.S. 160D-1203. These ordinances are to abate the Minimum Housing Code for, 5464 Braxton Craven and 5515 Rockford Drive. The City Council voted to re-hear the case at the January 13, 2025 meeting.

Adlois Shoffner at 3225 Egelwood Dr, Greensboro was present representing the heirs. She explained to the Council that she is working with a lawyers office to find out the names of the 40 heirs. She would like to request more time in contacting the heirs and fixing it up.

Councilmember Welborn made a motion to Table to the April meeting. The motion was seconded by Councilmember Jacky and passed unanimously.

Eric Clem reported that 5515 Rockford Drive had an extension from the October 15, 2024 meeting to January 13, 2025 Council meeting. There was no one representing the family present. There was another inspection done on the 2nd of January, the only thing that was found was that the roof had been replaced with a metal roof.

Mayor Pro Tem Walker made a motion to table until the March Council meeting. The motion was seconded by Councilmember Allison and passed unanimously.

Approval of the Steering Committee for the Parks and Recreation Master Plan

Planner Jay Dale, stated that this is a request for approval of the Steering Committee Members for the Parks and Recreation Master Plan. On December 9, 2024, the Trinity City Council voted to rehear the request in January 2025, so the Councilmembers would have the opportunity to appoint members to the steering committee. The members selected are as follows:

Mary Joan Pugh (NC Trails)
 Dwayne Allen (Trinity High School Tack Coach)
 Eugenia Bynam
 Tony Tyson (DR Horton Homes)
 Robbie Smith (YMCA Archdale)
 Pattie Housand
 Webb Grubb
 Caleb Friendenbach
 Bradley Phillips
 Eddie Eaton

Councilmember Allison made a motion to approve. The motion was seconded by Mayor Pro Tem Walker and passed unanimously.

Appointment of Planning and Zoning Board Member Alternate and Liaison

City Manager Stevie Cox, stated that the City Council needs to appoint a Planning and Zoning Board Member Alternate and Liaison.

Councilmember Jacky made a motion to appoint Bradley Phillips as the Planning and Zoning Alternate. The motion was seconded by Councilmember Welborn and passed unanimously.

Councilmember Welborn made a motion to table the appointment of the Liaison to the Planning and Zoning Board until next month's meeting. The motion was seconded by Councilmember Jacky and passed unanimously.

Councilmember Lohr requested to have the Pre-agenda the week before. He would like to have a separate meeting for the Pre-agenda and the Regular Meeting a week a part.

Councilmember Welborn made a motion for a Closed Session for Personnel. The motion was seconded by Councilmember Jacky and passed unanimously.

Councilmember Allison made a motion to return to the Open Session. The motion was seconded by Mayor Pro Tem Walker and passed unanimously.

Mayor, Council and City Manager Updates

Councilmember Lohr expressed his concern about the Signs.

City Manager Stevie Cox asked that the newly elected Councilmembers consider going to the Newly Elected Municipal Officials Training in Kannapolis.

Adjournment

Mayor Pro Tem Walker made a motion to adjourn. The motion was seconded by Councilmember Welborn and passed unanimously.

Attest:

Richard McNabb, Mayor

Darien P. Comer, CMC City Clerk



City of Trinity
SPECIAL CALLED CITY COUNCIL MEETING

January 22, 2025
Trinity City Hall Annex

MINUTES

PRESENT

Mayor Richard McNabb
Mayor Pro Tem Robbie Walker
Councilmember Debby Jacky
Councilmember Ed Lohr
Councilmember Paul Welborn
Councilmember Barry Allison

OTHERS PRESENT

City Manager Stevie Cox
City Clerk Darien Comer
Attorney Bob Wilhoit
Sgt. Clarkston Cox

Mayor McNabb called the meeting to order at 5:00 PM.

Action Agenda

Resolution to exempt the City of Trinity from Senate Bill 382

Attorney Bob Wilhoit shared with Council how Senate Bill 382 came about. He explained that the General Assembly would be voting on this bill at the end of the month. Mr. Cox said that he and Carrie Spencer from MSI were trying to schedule a meeting with the LGC to try and get further clarification on what possible repercussions could come from this bill.

Councilmember Jacky made a motion to approve the Resolution to Exempt the City of Trinity from Senate Bill 382 and send it to the General Assembly. The motion was seconded by Councilmember Allison and passed unanimously.

Councilmember Lohr spoke about R-10 zoning within the City and would like it placed as an agenda topic for the February meeting.

Adjournment

Mayor Pro Tem Walker made a motion to adjourn. The motion was seconded by Councilmember Welborn and passed unanimously.

Attest:

Richard McNabb, Mayor

Darien P. Comer, CMC City Clerk

DRAFT



Memorandum

TO: Mayor and City Council Members

FROM: Crystal Postell, Finance Director

CC: Stevie Cox, City Manager

DATE: January 25, 2025

REF: City of Trinity- Monthly Financial Position Review

Summary:

The Finance Department presents the City’s Monthly Financial Position for January 2025.

Background:

The Finance Department will ensure the fiscal integrity of the City by exercising due diligence and control over the City's assets and resources while providing timely and accurate reporting under the guidelines of the Generally Accepted Accounting Principles (GAAP) and City regulations.

Recommendation:

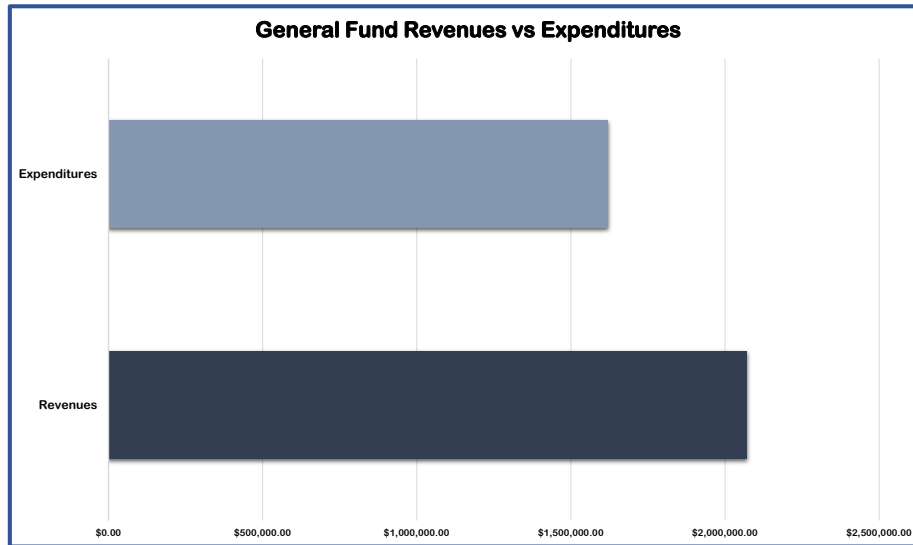
Staff recommend that the City Council approve the presentation of the City’s current financial position for both the General and Sewer Fund.

Attachment:

Budget versus Actual Statements for both General and Sewer Fund
Investment Portfolio Position

**General Fund
Budget vs Actual Statement
Ending on January 31, 2025**

	<u>Budget</u>	<u>Actual</u>
REVENUES		
Powell Bill	\$ 195,360.00	\$ 210,992.39
Ad Valorem/ Vehicle Tax	\$ 1,066,100.00	\$ 762,149.32
Sales and Use Tax	\$ 1,675,084.00	\$ 714,659.24
Solid Waste	\$ 490,000.00	\$ 301,316.53
Other Taxes	\$ 288,200.00	\$ -
Investment Earnings	\$ 52,500.00	\$ 100,495.85
Other Revenues	\$ 874,771.00	\$ (17,739.12)
	\$ 4,642,015.00	\$ 2,071,874.21
EXPENDITURES		
Governing Board	\$ 67,900.00	\$ 34,619.82
Administration	\$ 471,656.00	\$ 246,241.05
Finance	\$ 319,543.00	\$ 182,492.94
Planning/Zoning	\$ 427,774.00	\$ 242,792.28
Public Buildings	\$ 285,415.00	\$ 23,466.77
Animal Control	\$ 31,000.00	\$ 22,805.86
Public Safety	\$ 827,840.00	\$ 291,858.47
Powell Bill	\$ 120,400.00	\$ 24,530.02
Street	\$ 192,200.00	\$ 111,457.27
Stormwater	\$ 401,562.00	\$ 126,334.09
Sanitation	\$ 582,700.00	\$ 261,518.78
Economic Development	\$ 26,200.00	\$ 13,175.00
General Fund Transfers-Sale Tax W/S	\$ 821,775.00	\$ -
General Fund Transfers-City Hall Reserve		\$ -
Special Appropriation/Allocations	\$ 66,050.00	\$ 33,050.00
	\$ 4,642,015.00	\$ 1,619,978.10
		\$ 451,896.11

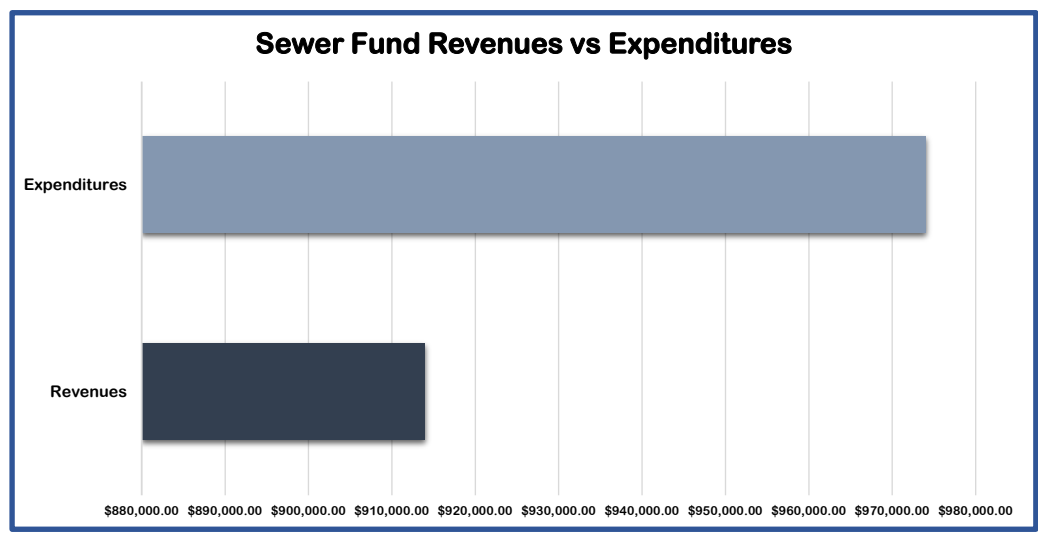


Note: The City of Trinity has collected about 45% of it's projected budgeted revenues. However, the City operational departments have expensed about 35% of our total projected annual budgets. Currently, the City of Trinity has an estimated surplus of \$451,896.11



**Sewer Fund
Budget vs Actual Statement
Ending on January 31, 2025**

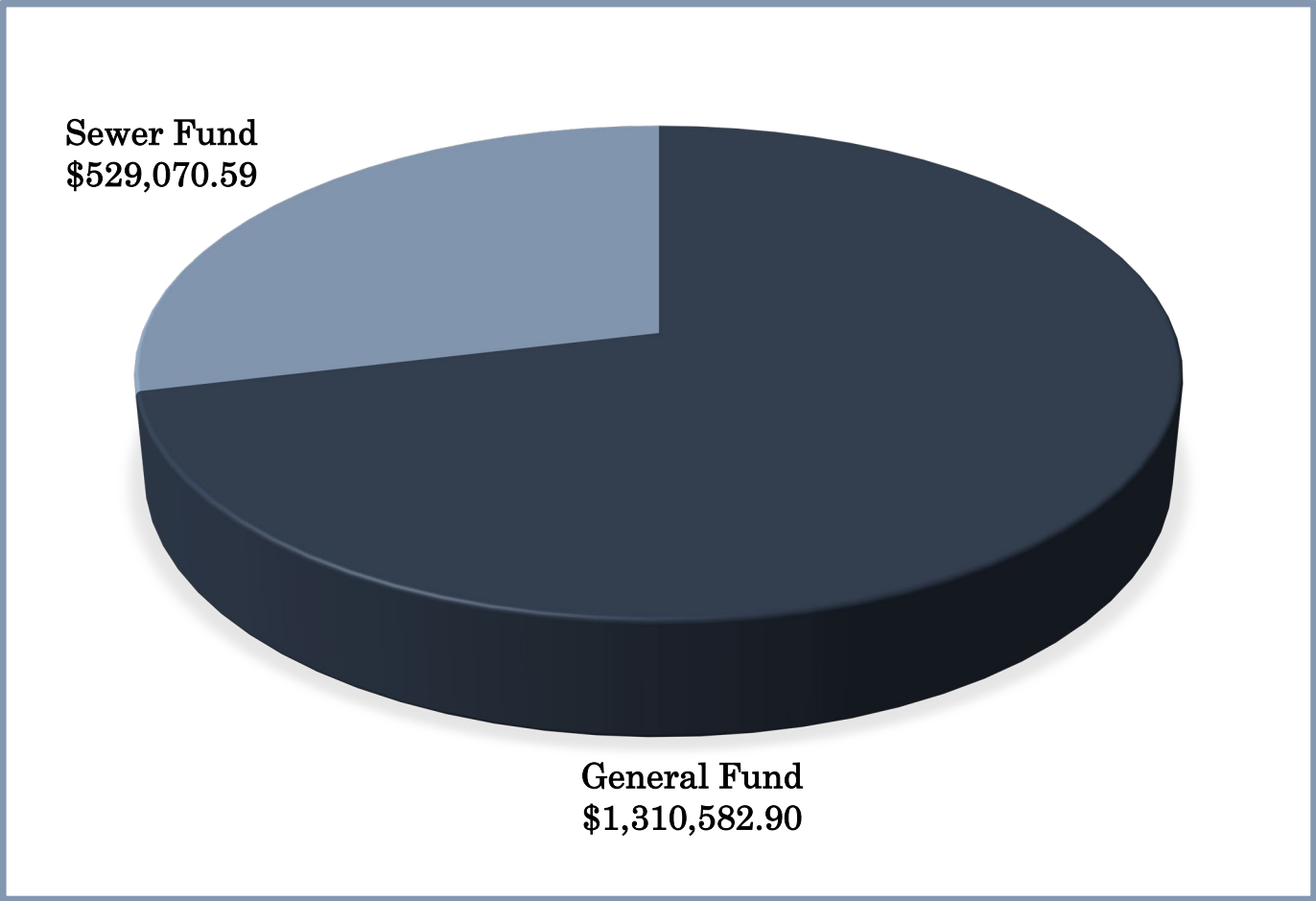
	<u>Budget</u>	<u>Actual</u>
REVENUES		
Sewer Billing	\$ 1,880,280.00	\$ 910,234.58
Sewer Tap Fees	\$ 37,500.00	\$ 350.00
Investment Earnings	\$ 21,600.00	\$ 14,786.04
Transfer In- Sewer Capacity	\$ 75,000.00	\$ -
Transfer In- General Fund	\$ 88,760.00	\$ -
G.O. Bonds Debt Service Transfer In	\$ 733,015.00	\$ -
Other Revenues	\$ 156,196.00	\$ (11,459.47)
	<u>\$ 2,992,351.00</u>	<u>\$ 913,911.15</u>
 EXPENDITURES		
Sewer	\$ 2,992,351.00	\$ 974,063.58
	<u>\$ 2,992,351.00</u>	<u>\$ 974,063.58</u>
 Surplus / (Deficit)		<u>\$ (60,152.43)</u>



Note: The City of Trinity has collected about 31% of it's projected budgeted revenues. However, the City operational departments have only expensed about 33% of their total projected annual budgets. Currently, the City of Trinity has an estimated deficit of \$60,152.43 within the Sewer Fund. However, the City has not utilized the revenues from our Transfers In for our General Obligations Bonds or other fund transfers in budgeted in this fiscal year.

NCCMT Investment Portfolio Market Value

as of
December 31, 2024



Sewer Fund	
Principal Balance	\$ 522,972.64
Investment Earnings	\$ 6,097.95
Grand Total	<u>\$ 529,070.59</u>

General Fund	
Principal Balance	\$ 1,295,477.40
Investment Earnings	\$ 15,105.50
Grand Total	<u>\$ 1,310,582.90</u>





Memorandum

TO: Mayor and City Council

FROM: Rodney Johnson, Public Works Director

CC: Stevie Cox, City Manager
Robert Wilhoit, City Attorney

DATE: February 10, 2025

REF: Welborn Rd Street Light

Summary:

On January 27th, 2025, I sent an email to Seth Gibson with Duke Energy to place a work order to install a light shield on the pole beside the residence at 5865 Welborn Road. This was due to the complaints from the resident at 5840 Welborn Road and after a consensus that City Council was willing to have the shield installed. This work order was placed with the understanding that no more work will be done on the streetlights along Welborn Road.

Background:

Neil Green, the resident of 5840 Welborn Road, has been filing complaints with the City Staff as well as City Council since late 2023 due to the installation of streetlights along Welborn Road. I placed a work order with Duke Energy mid-2024 to have several of the streetlights listed in the complaints lowered in wattage from 150W to 50W. Mr. Green was unsatisfied with this change and continued to file complaints on these lights. During the Fall of 2024, I placed a work order for a light shield to be placed on one of the lights listed in the complaints. Mr. Green stated that there was a difference but not enough to satisfy the complaints. After speaking with the neighbors, he withdrew his complaint on that particular light but insists that something be done with the light in question. Mr. Green spoke during public comment at the January City Council meeting and asked Council to consider options to address his issue with the street lighting.

Attachments:

None



Memorandum

TO: Mayor and City Council

FROM: Jay Dale, Planner

CC: Stevie Cox, City Manager
Robert Wilhoit, City Attorney

DATE: January 29, 2025

REF: Request for Property Rezoning – 6737 Auction Rd

Summary:

AUTOMOTIVE RECOVERY SERVICES INC., Westchester, Illinois, is requesting 10.93 acres located at 6737 Auction Road, PIN# 6798383496, be rezoned from RA to M2-CZ (Light Industrial/Conditional Zoning). It is the desire of the property owner to expand the adjoining existing business, formerly known as Mendenhall Auction, as per the site plan.

Background:

On January 27, 2025, the Trinity Planning Board consider the following request and recommended APPROVAL as consistent with the Trinity Land Use Plan. The motion passed with a vote of 5-0.

Attachments:

- Rezoning Request Summary
- Application for Rezoning
- Site Plan
- Property Map



City of Trinity Rezoning Request Application

The undersigned does hereby respectfully make application and request to the City of Trinity to amend the Zoning Ordinance and change the Official Zoning Map of the city as hereinafter requested, and in support of this application the following facts are shown:

Zoning: Current Zoning RA Requested Zoning M-2 CZ

Conditional Zoning: M-2 CZ requested

Property Owner Information:

Property Owner: Clyde P. Peters, Sr. and Rhonda R. Peters

Address: 224 Rockspring Drive

City: Thomasville State: NC Zip: 27360

Phone: (home/work) c/o Colin R. McGrath, 919-783-2951 (cell) (same)

Applicant Information *(note: must show proof as to legally representing property owner):*

Applicant: Automotive Recovery Services, Inc., d/b/a Insurance Auto Auctions

Address: Two Westbrook Corporate Center, Suite 500

City: Westchester State: IL Zip: 60154

Phone: (home/work) c/o Colin R. McGrath, 919-783-2951 (cell) (same)

Site Information:

PIN # 6798383496

Property Address: 6737 Auction Road, Archdale, NC 27263

Deed Book: 2839 Page: 1069

Area: approx. 10.93 acres

Are there any structures currently on the property to be rezoned? yes no

List structures: Single-family residential with accessory structure(s)

What is the current land use on the property to be rezoned (i.e. commercial, residential, farming, vacant etc.)? Residential

What current land uses and zoning are adjacent to the property to be rezoned?

North: Zoning Hwy 29/County LI-CD Land Use Light Industrial

South: Zoning M-2 CZ Land Use Light Industrial (auto sales/auto auction)

East: Zoning M-2; M-2 CZ Land Use Light Industrial (auto sales/auto auction)

West: Zoning RM Land Use Residential

Conditions if requesting Conditional Zoning:

Setbacks and landscaping to be provided as shown on the attached site plan

Four horizontal lines for providing additional conditions.

If the property is rezoned, it is understood by all, that development must conform to the minimum requirements of the City of Trinity Zoning Ordinance and all other development ordinances of the City and of Randolph County.

Deadline for rezoning applications is the first Monday of each month. Incomplete applications will be scheduled for hearing the following month. Fee: \$600.00

Staff Notes:

Four horizontal lines for staff notes.

Automotive Recovery Services, Inc. d/b/a
Insurance Auto Auctions
By: Andy Renton, Senior Director, Real Estate
(name of applicant)

Signed by: Andy Renton 12/10/2024
8B87769F0B14460
(signature of applicant)

(signature of Zoning Administrator)

(date)

<u>Office Use</u>	
Date Received:	_____
Fees Paid:	_____
Staff Review:	_____ <input type="checkbox"/>
Planning Board Review:	_____
City Council Review:	_____

REZONING REQUEST SUMMARY

AUTOMOTIVE RECOVERY SERVICES INC., Westchester, Illinois, is requesting 10.93 acres located at 6737 Auction Road, PIN# 6798383496, be rezoned from RA to M2-CZ (Light Industrial/Conditional Zoning). It is the desire of the property owner to expand the adjoining existing business, formerly known as Mendenhall Auction, as per the site plan.

Application/Site plan issues to consider:

- This is a request for Conditional Zoning. If approved, the Conditional Zoning would include the site plan as submitted. The Board can also place additional Conditions on the property as long as the property owner agrees to them in writing.
- Outside storage would be required to meet the fencing/buffering requirements of the Zoning Ordinance.
- The adjoining existing business, *formerly known as Mendenhall Auction*, predates the incorporation of the City of Trinity.

Adjoining Zoning:

This site is located at 6695 Auction Rd. The property to the north and south is zoned (M2), the property to the east is zoned (M2 and RA), and the property to the west is zoned by (RA).

Transportation:

Auction Rd is maintained by NCDOT and located in close proximity to US Hwy 29.

Future Land Use Category: MUNICIPAL GROWTH AREA

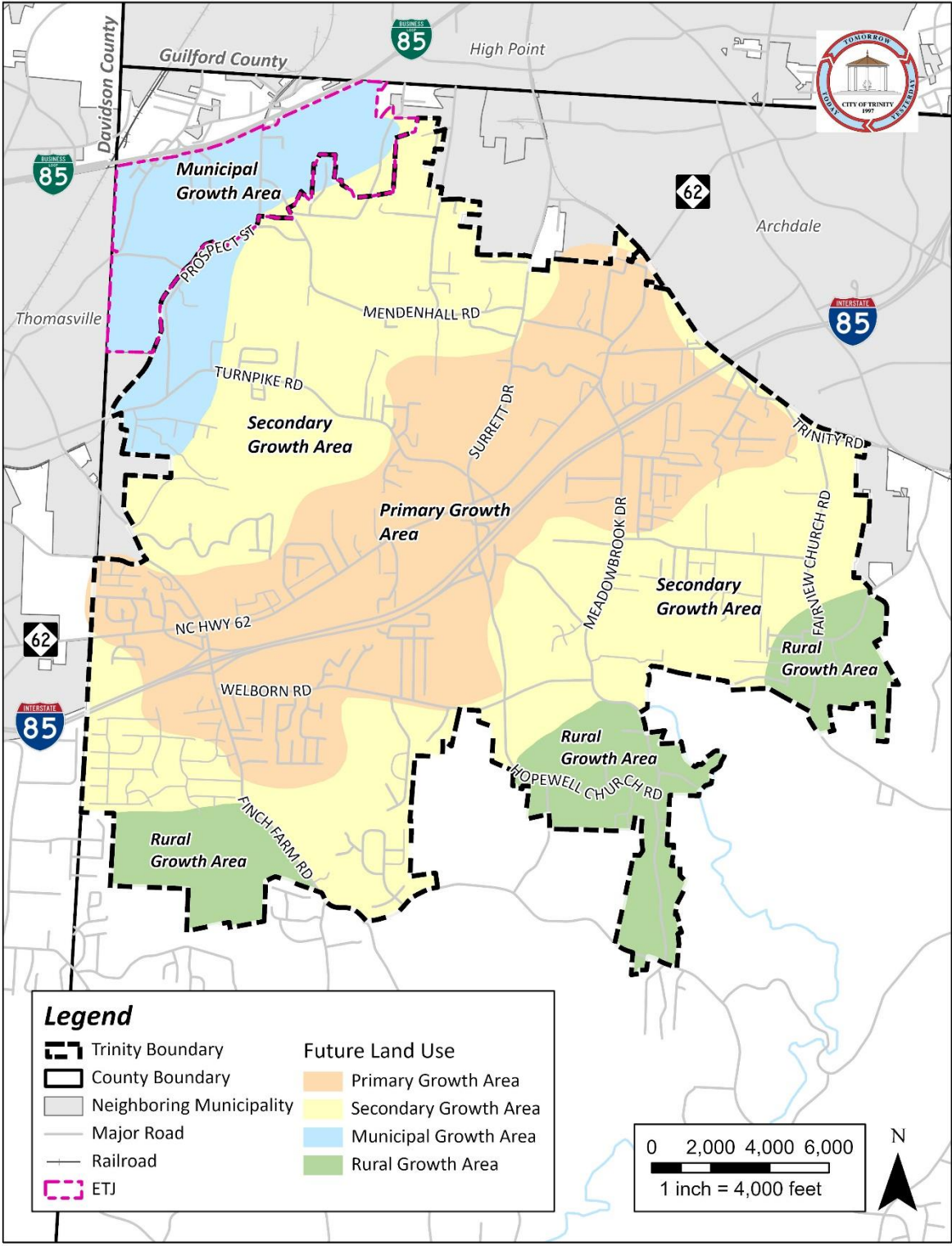
This growth area is located on the northwest border of the City and includes the extraterritorial planning & zoning jurisdiction area. Transitional residential development is anticipated in this planning area. Coordinated intergovernmental planning between the City, Randolph County, and neighboring municipalities for land use, transportation, sewer infrastructure, scenic heritage asset preservation, and economic development is expected.

MUNICIPAL GROWTH AREA CHARACTERISTICS:

- Transitional residential development with higher density.

- Includes land within the City and extraterritorial planning & zoning jurisdiction area

VISION TRINITY – FUTURE LAND USE MAP



REZONING CRITERIA

Article XVII, Amendments and Changes of the Zoning Ordinance states:

Section 17-1 Motion to Amend.

(1) Council Authority to Amend - The City Council may, on its own motion or upon the recommendation of the Planning Board, staff or upon petition by any person within the zoning jurisdiction, after public notice and hearing, amend, or repeal the regulations or the maps which are a part of this ordinance. No regulation or maps shall be amended, supplemented, changed, modified, or repealed until after a public hearing in relation thereto, at which all parties in interest and citizens shall have an opportunity to be heard. Third-party down-zonings shall be prohibited.

(2) Notice and Public hearing on Amendment Planning and Zoning Board Review

- a. Posting of Property – When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.
- b. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor (NCGS 160D-602).

City Council Public Hearing

- c. Hearing with Published Notice. - Before adopting, amending, or repealing any ordinance or development regulation authorized by 160D-601(a), the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- d. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days.

(3) Information and Fee Required from Applicant and Processing of Information - Applicants must present the following information:

1. a completed rezoning application.
2. an accurate survey of the property to be rezoned,
3. a deed or legal description which establishes ownership, and.
4. if the proposed zoning boundary splits an existing parcel, a metes and bounds description shall be required in addition to the survey.

A rezoning fee established by the City Council shall be required. Processing of zoning amendment applications shall begin within ninety (90) days from submission to the City Clerk. However, this requirement is not intended to prevent the Planning Board or City Council from delaying action after review by either body. If more than one tract or parcel is being sought for rezoning at the same time by a single applicant, each parcel having a different zone shall constitute a separate rezoning request.

(4) Planning Board Review – Subsequent to initial adoption of a zoning ordinance, all proposed

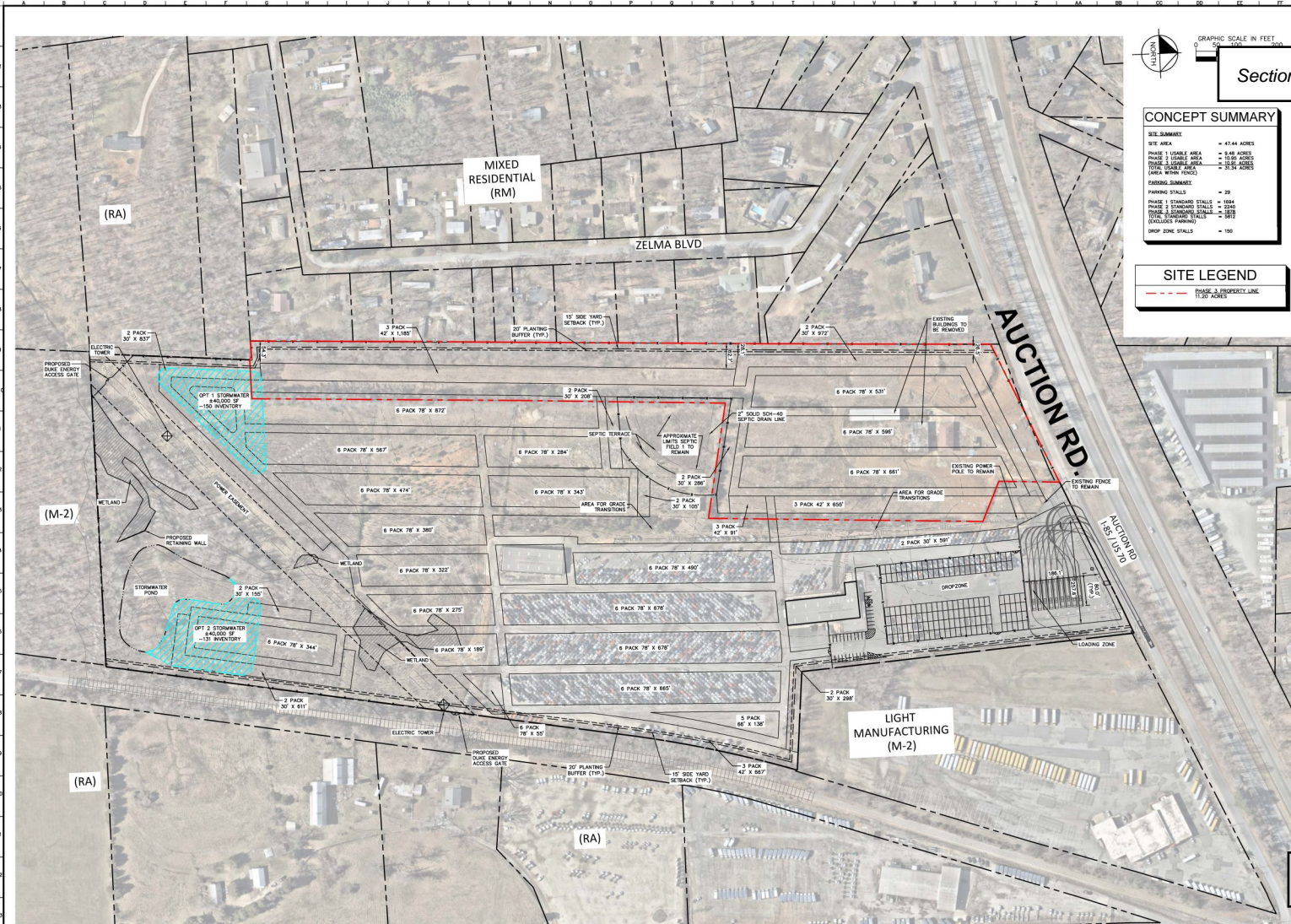
amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comments. Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to 160D-604 may be referred to the planning board for review and comment. If no written report is received from the Planning and Zoning Board within thirty (30) days of referral of the amendments to the Board, the City Council may proceed in its consideration of the amendment without the Planning Board report. The Council is not bound by the recommendation, if any, of the Board.

- (5) Plan Consistency - The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.

The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

- (6) Council Statement – Prior to adopting or rejecting any zoning amendment, City Council must adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Council considers the action taken to be reasonable and in the public interest. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board (NCGS 160D-605).
- (7) Withdrawal of Request - Any applicant for rezoning may withdraw his/her petition any time prior to consideration by the Planning Board. If the applicant should choose to withdraw his/her petition after being reviewed by the Planning Board but before it is to be considered by the City Council, he/she must do so in writing no later than 5 p.m. on the first Friday following the last Planning Board meeting where the item was dispensed. Failure to withdraw the rezoning petition by that time, shall cause it to advance automatically to the City Council for consideration at their next regular session, provided however that City Council may in its discretion, allow the withdrawal of a rezoning petition at any time for cause upon request by an applicant.
- (8) Resubmission of Application - Should a petition for the amendment of these regulations and/or maps be denied by action of the City Council, the applicant may resubmit an application for rezoning for the same tract or parcel within the same calendar year so long as the request for rezoning is dissimilar to the original request denied by the City Council. Should the second request be denied by the City Council, the applicant must withhold all petitions for rezoning said tract or parcel for a period of twelve (12) months from the date of the second denial by the City Council.

This drawing is the property of Kimley-Horn and Associates, Inc. and shall remain the property of Kimley-Horn and Associates, Inc. without being assigned to the client. No part of this drawing shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Kimley-Horn and Associates, Inc.



GRAPHIC SCALE IN FEET
 0 50 100 200
 NORTH
Section 6a.

CONCEPT SUMMARY

SITE SUMMARY	
SITE AREA	= 47.64 ACRES
PHASE 1 LEASABLE AREA	= 8.96 ACRES
PHASE 2 LEASABLE AREA	= 10.86 ACRES
TOTAL LEASABLE AREA (AREA WITHIN FENCE)	= 20.82 ACRES
TOTAL LEASABLE AREA (AREA WITHIN FENCE)	= 31.34 ACRES
EXISTING SUMMARY	
PARKING STALLS	= 39
PHASE 1 STANDARD STALLS	= 1894
PHASE 2 STANDARD STALLS	= 2048
TOTAL STANDARD STALLS	= 3942
PHASE 3 STANDARD STALLS	= 972
GROUP ZONE STALLS	= 150

SITE LEGEND

- - - - - PHASE 3 PROPERTY LINE
 1/32 ACRES

SCALE: AS SHOWN
 DRAWN BY: **KAH**
 CHECKED BY: **KAH**
 DATE: **11/15/2023**
 PROJECT NO.: **25**
 SHEET NO.: **1**
 SHEET TOTAL: **1**

Kimley-Horn
 1000 W. HARRIS STREET, SUITE 100
 WARRINGTON, VA 22090
 WWW.KIMLEY-HORN.COM

AA HIGHPOINT
 HIGHPOINT, NORTH CAROLINA 27283

ISSUE:
 PROJECT NO.:
 SHEET NO.:
 SHEET TOTAL:

Randolph County, NC



REID	5955	OWNER ADDRESS2	
PIN	6798383496	OWNER CITY	THOMASVILLE
TAXED ACREAGE	10.91	OWNER STATE	NC
PROPERTY DESCRIPTION	HWY 29/70;S	OWNER ZIP	27360
DEED BOOK & PAGE	002839/01069	LOCATION ADDRESS	6737 AUCTION RD
PLAT BOOK & PAGE		LOCATION ZIP	ARCHDALE,27263
OWNER	PETERS, CLYDE P SR (PETERS, RHONDA R)	DATA REFRESHED	1/19/2025
OWNER ADDRESS	224 ROCKSPRING DR		



Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.

Map Scale
 1 inch = 376 feet
 1/21/2025



Memorandum

TO: Mayor and City Council

FROM: Jay Dale, Planner

CC: Stevie Cox, City Manager
Robert Wilhoit, City Attorney

DATE: January 29, 2025

REF: Request for Property Rezoning – 12416 Trinity Rd.

Summary:

BILAL KHAN, Trinity, North Carolina, is requesting that 0.6 acres located at 12416 Trinity Rd, PIN#7718102919, be rezoned from HC to HC-CZ. It is the desire of the property owner to operate a used car sales lot with conditions as per site plan.

Background:

On January 27, 2025, the Trinity Planning Board considered the following request and recommended APPROVAL as consistent with the Trinity Land Use Plan. The motion passed with a vote of 5-0.

Attachments:

- Application for Rezoning
- Rezoning Request Summary.
- Site Plan
- Property Map (County GIS)
- Site Photographs
- Table of Permitted Uses



City of Trinity Rezoning Request Application

The undersigned does hereby respectfully make application and request to the City of Trinity to amend the Zoning Ordinance and change the Official Zoning Map of the city as hereinafter requested, and in support of this application the following facts are shown:

Zoning: Current Zoning HC Requested Zoning HC-CZ

Conditional Zoning: _____

Property Owner Information:

Property Owner: FAKHIR IQBAL

Address: 4144 Valley Ridge Drive

City: Trinity State: N.C Zip: 27370

Phone: (home/work) _____ (cell) 336-2893866

Applicant Information (note: must show proof as to legally representing property owner):

Applicant: BILAL KHAN

Address: 4194 Old Glenola Road

City: Trinity State: N.C Zip: 27370

Phone: (home/work) _____ (cell) 336-5884438

Site Information:

PIN # 7718102919

Property Address: 12416 Trinity Road Trinity.

Deed Book: 1648 Page: 922

Area: Trinity

Are there any structures currently on the property to be rezoned? yes yes _____ no

List structures: 12416 Building for office use.

What is the current land use on the property to be rezoned (i.e. commercial, residential, farming, vacant etc.)? _____

What current land uses and zoning are adjacent to the property to be rezoned?

North: Zoning _____ Land Use _____

South: Zoning _____ Land Use _____

East: Zoning _____ Land Use _____

West: Zoning _____ Land Use _____

Conditions if requesting Conditional Zoning:

Used Cars Sale Lot

If the property is rezoned, it is understood by all, that development must conform to the minimum requirements of the City of Trinity Zoning Ordinance and all other development ordinances of the City and of Randolph County.

Deadline for rezoning applications is the first Monday of each month. Incomplete applications will be scheduled for hearing the following month. Fee: \$600.00

Staff Notes:

BILAL KHAN

(name of applicant)



(signature of applicant)

(signature of Zoning Administrator)

(date)

Office Use

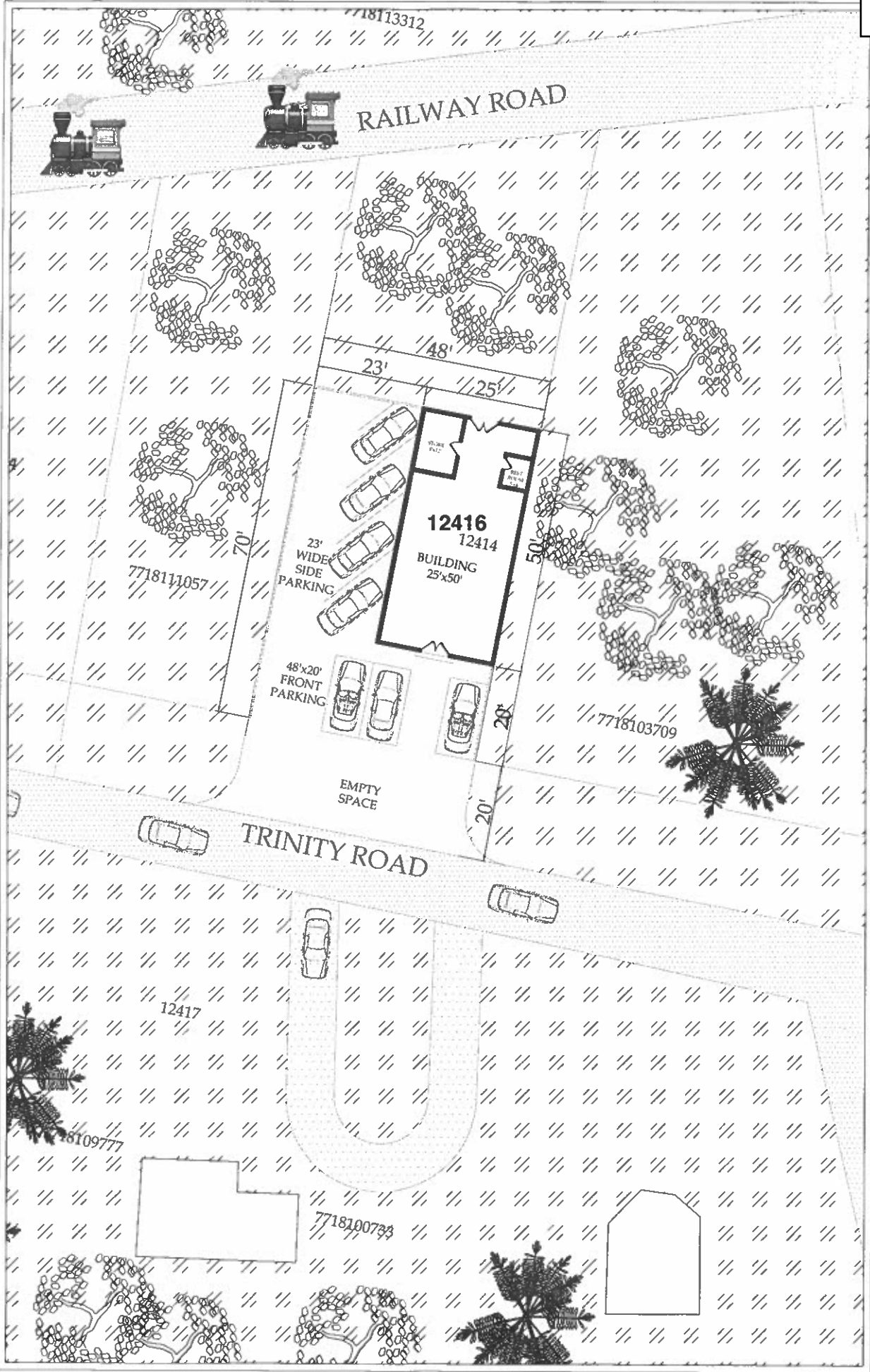
Date Received: _____

Fees Paid: _____

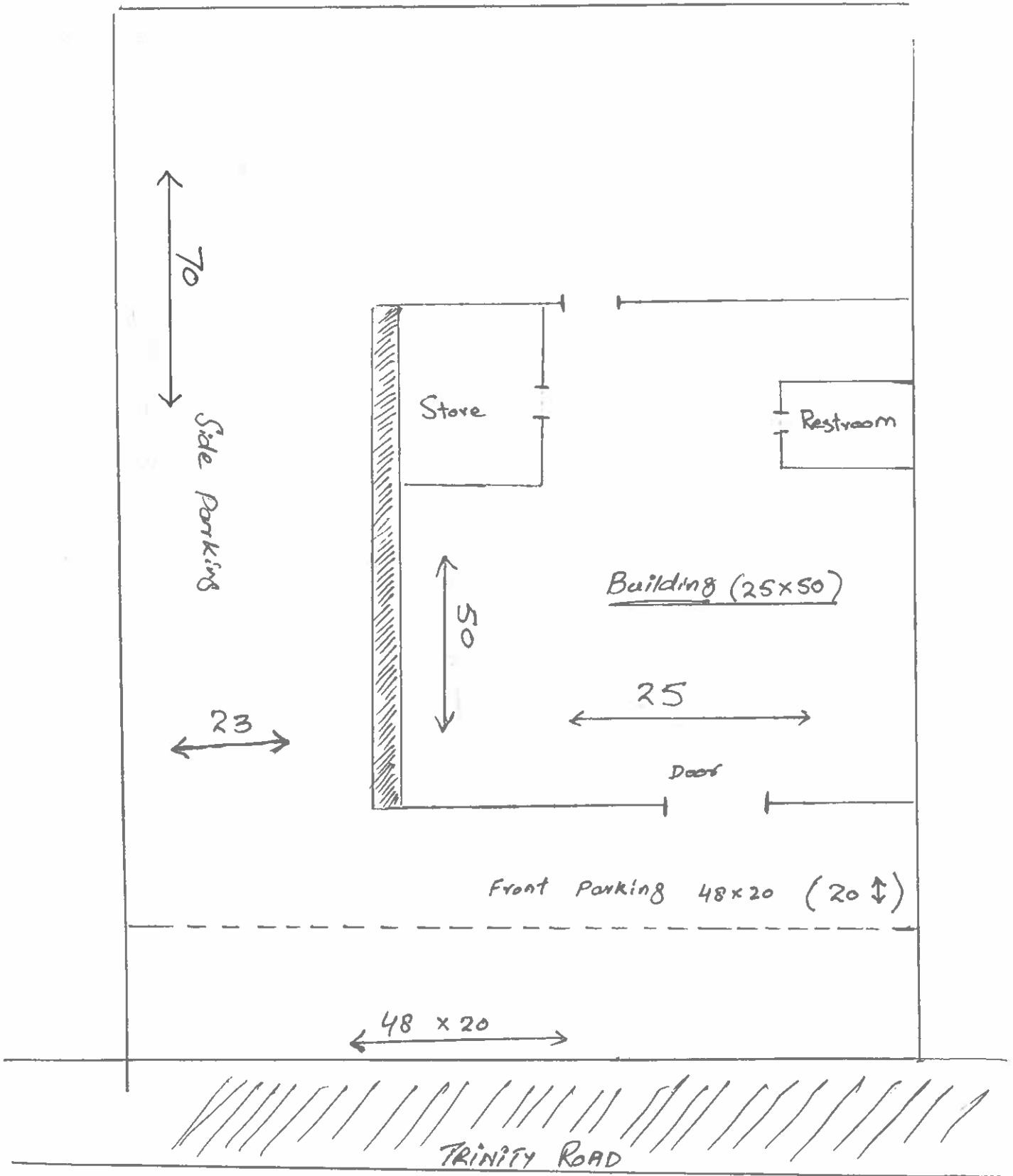
Staff Review: _____

Planning Board Review: _____

City Council Review: _____



12416 Trinity Road, Trinity, NC 27370



REZONING REQUEST SUMMARY

BILAL KHAN, Trinity NC, is requesting 0.6 acres located at 12416 Trinity Rd, PIN# 7718102919, be rezoned from HC (Highway Commercial) to HC-CZ (Highway Commercial/Conditional Zoning). It is the desire of the property owner to operate a used car sales lot as per the site plan.

Application/Site plan issues to consider:

- This is a request for Conditional Zoning. If approved, the Conditional Zoning would include the site plan as submitted. The Board can also place additional Conditions on the property as long as the property owner agrees to them in writing.
- Outside storage would be required to meet the fencing/buffering requirements of the Zoning Ordinance.
- The property is already zoned for Highway Commercial.

Adjoining Zoning:

This site is located at 12416 Trinity Rd. The property to the north is zoned (M1, Archdale), the property to the south is zoned (RA) the property to the east is zoned (RA), and the property to the west is zoned (RA).

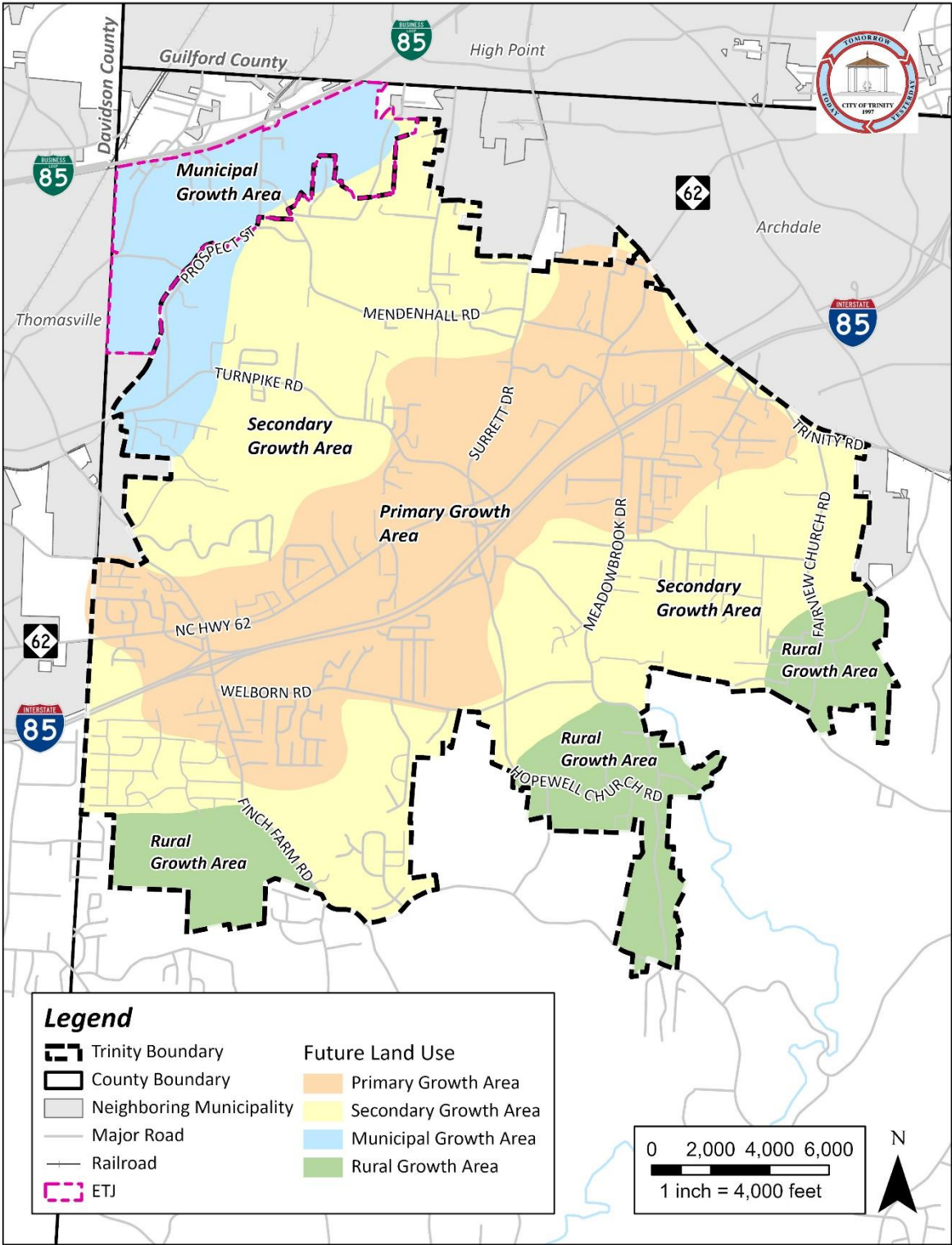
Transportation:

Trinity Rd. is maintained by NCDOT.

Future Land Use Category: SECONDARY GROWTH AREA

This growth area is located on the northeast area of the City. Transitional residential development is anticipated in this planning area with subdivisions scattered between agricultural and commercial land use patterns. Public sewer infrastructure access is not prioritized in this area.

VISION TRINITY – FUTURE LAND USE MAP



REZONING CRITERIA

Article XVII, Amendments and Changes of the Zoning Ordinance states:

Section 17-1 Motion to Amend.

- (1) Council Authority to Amend - The City Council may, on its own motion or upon the recommendation of the Planning Board, staff or upon petition by any person within the zoning jurisdiction, after public notice and hearing, amend, or repeal the regulations or the maps which are a part of this ordinance. No regulation or maps shall be amended, supplemented, changed, modified, or repealed until after a public hearing in relation thereto, at which all parties in interest and citizens shall have an opportunity to be heard. Third-party down-zonings shall be prohibited.
- (2) Notice and Public hearing on Amendment Planning and Zoning Board Review
- a. Posting of Property – When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.
 - b. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor (NCGS 160D-602).
- City Council Public Hearing
- c. Hearing with Published Notice. - Before adopting, amending, or repealing any ordinance or development regulation authorized by 160D-601(a), the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
 - d. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days.
- (3) Information and Fee Required from Applicant and Processing of Information - Applicants must present the following information:
1. a completed rezoning application.
 2. an accurate survey of the property to be rezoned,
 3. a deed or legal description which establishes ownership, and.
 4. if the proposed zoning boundary splits an existing parcel, a metes and bounds description shall be required in addition to the survey.

A rezoning fee established by the City Council shall be required. Processing of zoning amendment applications shall begin within ninety (90) days from submission to the City Clerk. However, this requirement is not intended to prevent the Planning Board or City Council from delaying action after review by either body. If more than one tract or parcel is being sought for rezoning at the same time by a single applicant, each parcel having a different zone shall constitute a separate rezoning request.

- (4) Planning Board Review – Subsequent to initial adoption of a zoning ordinance, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comments. Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to 160D-604 may be referred to the planning board for review and comment. If no written report is received from the Planning and Zoning Board within thirty (30) days of referral of the amendments to the Board, the City Council may proceed in its consideration of the amendment without the Planning Board report. The Council is not bound by the recommendation, if any, of the Board.
- (5) Plan Consistency - The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.
- The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.
- (6) Council Statement – Prior to adopting or rejecting any zoning amendment, City Council must adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Council considers the action taken to be reasonable and in the public interest. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board (NCGS 160D-605).
- (7) Withdrawal of Request - Any applicant for rezoning may withdraw his/her petition any time prior to consideration by the Planning Board. If the applicant should choose to withdraw his/her petition after being reviewed by the Planning Board but before it is to be considered by the City Council, he/she must do so in writing no later than 5 p.m. on the first Friday following the last Planning Board meeting where the item was dispensed. Failure to withdraw the rezoning petition by that time, shall cause it to advance automatically to the City Council for consideration at their next regular session, provided however that City Council may in its discretion, allow the withdrawal of a rezoning petition at any time for cause upon request by an applicant.
- (8) Resubmission of Application - Should a petition for the amendment of these regulations and/or maps be denied by action of the City Council, the applicant may resubmit an application for rezoning for the same tract or parcel within the same calendar year so long as the request for rezoning is dissimilar to the original request denied by the City Council. Should the second request be denied by the City Council, the applicant must withhold all petitions for rezoning said tract or parcel for a period of twelve (12) months from the date of the second denial by the City Council.



REID	25425	OWNER ADDRESS2	
PIN	7718102919	OWNER CITY	TRINITY
TAXED ACREAGE	0.6	OWNER STATE	NC
PROPERTY DESCRIPTION	R1004;E	OWNER ZIP	27370
DEED BOOK & PAGE	002064/01614	LOCATION ADDRESS	12414 TRINITY RD - Additional Addresses
PLAT BOOK & PAGE		LOCATION ZIP	TRINITY,27370
OWNER	IQBAL, FAKHIR	DATA REFRESHED	11/17/2024
OWNER ADDRESS	4144 VALLEY RIDGE DR		



Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.

Map Scale
1 inch = 35 feet
 11/19/2024



Table of Permitted Uses:	RA	R-40	R-20	R-12	R-10	RM	RM-U	O-1	HC	M-1	M-2
Automobile parts sales, (no open storage)									X	X	X
Automobile parking lots, (stand alone public/private)								X	S	X	X
Automobile repair service, See Note 3									S	X	X
Automobile sales, and rental (new & used)									C	C	C
Banks & Savings & Loans								X	X	X	X
Barber & Beauty Shops/Salons							S OT	X	X	X	X
Bed Breakfast/Tourist Home	S	S	S				X	X	X		
Boats, Recreational Vehicles (sales & service)									S	S	S
Bottling Plants										X	X
Cabinet Making										X	X
Cemeteries, Mausoleum	S	S					S				
Chemical Manufacturing										X	
Churches, religious congregations & their customary accessory uses	S	S	S	S	S		S	S			
Clinics, medical, dental, professional							OT	X	X		X
Clubs & lodges, (see "Athletic Fields")	S	S					S		S		X
Community centers, public/private non-profit, for assembly & recreation	S	S	S	S	S	S	S				S
Concrete & asphalt products plant										X	
Condominiums						C	C				
Convenience Store with gas pump									S	X	X
Day care facility, adult	S	S				S	S				
Day care facility, child and pre-School	S	S				S	S	S	S		
Day care, in-home 5 or fewer	X	X	X	X	X		X				
Dairy products, wholesale & processing										X	X



Memorandum

TO: Mayor and City Council

FROM: Jay Dale, Planner

CC: Stevie Cox, City Manager
Robert Wilhoit, City Attorney

DATE: January 29, 2025

REF: Request for Property Rezoning – 0 Mendenhall Rd.

Summary:

NAIMEL PARRA, High Point, North Carolina, is requesting that 4.64 acres located Old Mendenhall Rd, PIN#6798742704, be rezoned from RA to M1-CZ. It is the desire of the property owner to operate a semi-truck repair business with conditions as per the site plan.

Background:

On January 27, 2025, the Trinity Planning Board considered the following request and recommended DENIAL as inconsistent with the Trinity Land Use Plan. The motion to deny was passed with a vote of 5-0.

Attachments:

- Application for Rezoning
- Rezoning Request Summary.
- Site Plan
- Property Map (County GIS)
- Notice of Violation
- Site Photographs



City of Trinity Rezoning Request Application

The undersigned does hereby respectfully make application and request to the City of Trinity to amend the Zoning Ordinance and change the Official Zoning Map of the city as hereinafter requested, and in support of this application the following facts are shown:

Zoning: Current Zoning RA Requested Zoning M1-C2
Conditional Zoning: _____

Property Owner Information:

Property Owner: Naimel Rodriguez Parra
Address: 7102 Chanterelle dr
City: High Point State: NC Zip: 27263
Phone: (home/work) _____ (cell) 336-847-9195

Applicant Information (note: must show proof as to legally representing property owner):

Applicant: Naimel Rodriguez Parra
Address: 7102 Chanterelle dr
City: High Point State: NC Zip: 27263
Phone: (home/work) _____ (cell) 336-847-9195

Site Information:

PIN # 6798742704
Property Address: O mendenhall rd
Deed Book: 002964 Page: 01548
Area: 14.119 Acres

Are there any structures currently on the property to be rezoned? yes no

List structures: a shed for storage

What is the current land use on the property to be rezoned (i.e. commercial, residential, farming, vacant etc.)? Parking

What current land uses and zoning are adjacent to the property to be rezoned?

North: Zoning M1 Land Use truck parking/shop
South: Zoning RA Land Use House
East: Zoning RA Land Use ~~Mechanic shop~~ forrest
West: Zoning RA Land Use House / Parking trailers

Conditions if requesting Conditional Zoning:


Screened fencing as required by Ordinance
Mon - Sat 8-5pm
Repair of semi trucks, storage while being worked

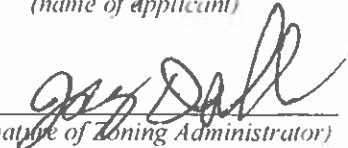
If the property is rezoned, it is understood by all, that development must conform to the minimum requirements of the City of Trinity Zoning Ordinance and all other development ordinances of the City and of Randolph County.

Deadline for rezoning applications is the first Monday of each month. Incomplete applications will be scheduled for hearing the following month. Fee: \$600.00

Staff Notes:

Naimel Rodriguez Parra
(name of applicant)


(signature of applicant)


(signature of Zoning Administrator)

(date)

Office Use

Date Received: _____

Fees Paid: _____

Staff Review: _____

Planning Board Review: _____

City Council Review: _____

REZONING REQUEST SUMMARY

NAIMEL PARRA, High Point NC, is requesting 4.64 acres located on Mendenhall Rd, PIN# 6798742704, be rezoned from RA to M1-CZ (Heavy Industrial/Conditional Zoning). It is the desire of the property owner to operate a semi-truck repair business as per the site plan.

Application/Site plan issues to consider:

- This is a request for Conditional Zoning. If approved, the Conditional Zoning would include the site plan as submitted. The Board can also place additional Conditions on the property as long as the property owner agrees to them in writing.
- Outside storage would be required to meet the fencing/buffering requirements of the Zoning Ordinance.
- The adjoining existing business at 6686 Mendenhall Rd. is zoned M2.

Adjoining Zoning:

This site is located at 0 Mendenhall Rd. The property to the north is zoned (M2), the property to the south is zoned (RA) the property to the east is zoned (RA), and the property to the west is zoned (M2 and RA).

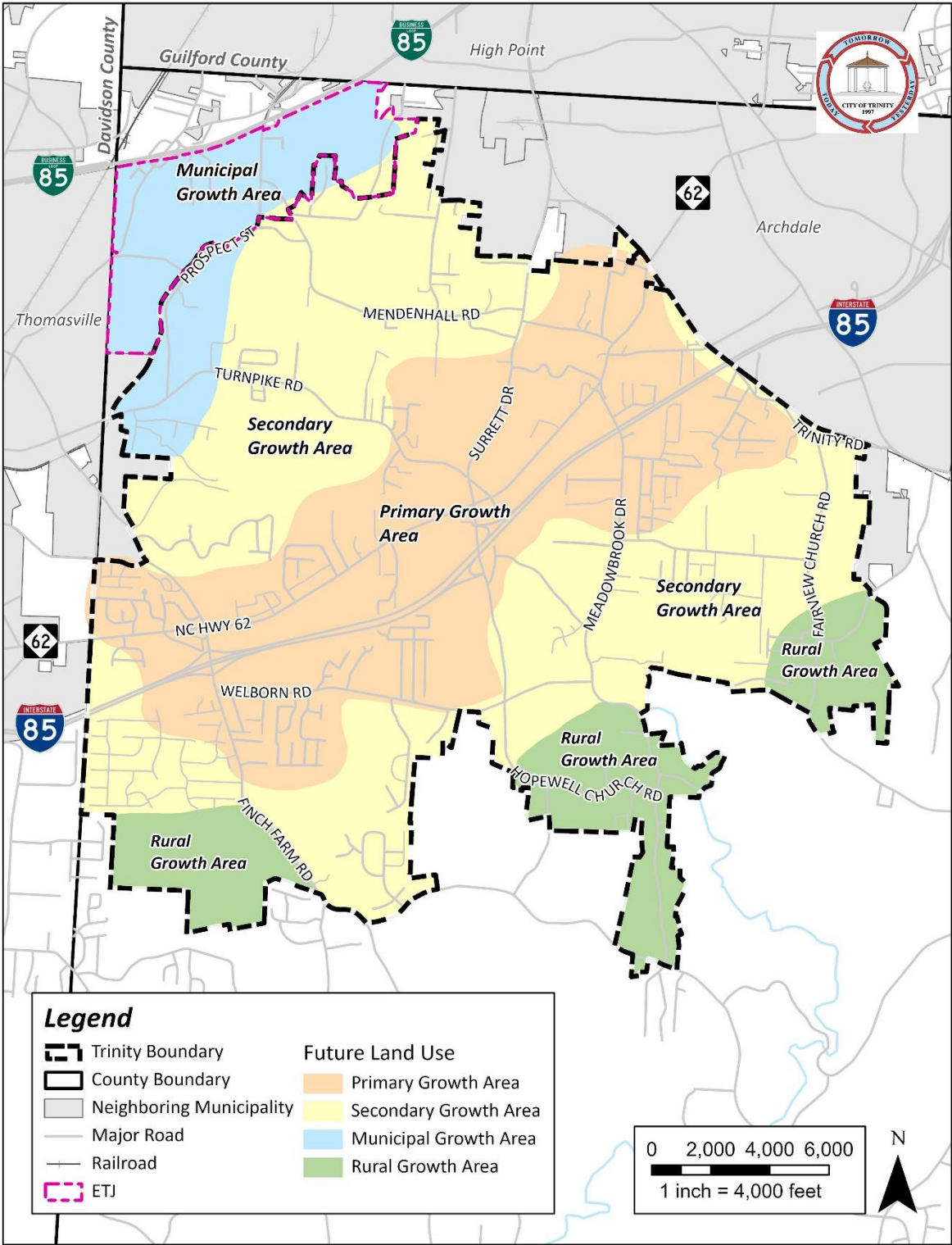
Transportation:

Mendenhall Rd. is maintained by NCDOT and located in close proximity to US Hwy 29.

Future Land Use Category: SECONDARY GROWTH AREA

This growth area is located on the northwest area of the City. Transitional residential development is anticipated in this planning area with subdivisions scattered between agricultural and commercial land use patterns. Public sewer infrastructure access is not prioritized in this area.

VISION TRINITY – FUTURE LAND USE MAP



REZONING CRITERIA

Article XVII, Amendments and Changes of the Zoning Ordinance states:

Section 17-1 Motion to Amend.

- (1) Council Authority to Amend - The City Council may, on its own motion or upon the recommendation of the Planning Board, staff or upon petition by any person within the zoning jurisdiction, after public notice and hearing, amend, or repeal the regulations or the maps which are a part of this ordinance. No regulation or maps shall be amended, supplemented, changed, modified, or repealed until after a public hearing in relation thereto, at which all parties in interest and citizens shall have an opportunity to be heard. Third-party down-zonings shall be prohibited.
- (2) Notice and Public hearing on Amendment Planning and Zoning Board Review
- a. Posting of Property – When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.
 - b. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor (NCGS 160D-602).
- City Council Public Hearing
- c. Hearing with Published Notice. - Before adopting, amending, or repealing any ordinance or development regulation authorized by 160D-601(a), the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
 - d. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days.
- (3) Information and Fee Required from Applicant and Processing of Information - Applicants must present the following information:
1. a completed rezoning application.
 2. an accurate survey of the property to be rezoned,
 3. a deed or legal description which establishes ownership, and.
 4. if the proposed zoning boundary splits an existing parcel, a metes and bounds description shall be required in addition to the survey.

A rezoning fee established by the City Council shall be required. Processing of zoning amendment applications shall begin within ninety (90) days from submission to the City Clerk. However, this requirement is not intended to prevent the Planning Board or City Council from delaying action after review by either body. If more than one tract or parcel is being sought for rezoning at the same time by a single applicant, each parcel having a different zone shall constitute a separate rezoning request.

- (4) Planning Board Review – Subsequent to initial adoption of a zoning ordinance, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comments. Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to 160D-604 may be referred to the planning board for review and comment. If no written report is received from the Planning and Zoning Board within thirty (30) days of referral of the amendments to the Board, the City Council may proceed in its consideration of the amendment without the Planning Board report. The Council is not bound by the recommendation, if any, of the Board.
- (5) Plan Consistency - The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.
- The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.
- (6) Council Statement – Prior to adopting or rejecting any zoning amendment, City Council must adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Council considers the action taken to be reasonable and in the public interest. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board (NCGS 160D-605).
- (7) Withdrawal of Request - Any applicant for rezoning may withdraw his/her petition any time prior to consideration by the Planning Board. If the applicant should choose to withdraw his/her petition after being reviewed by the Planning Board but before it is to be considered by the City Council, he/she must do so in writing no later than 5 p.m. on the first Friday following the last Planning Board meeting where the item was dispensed. Failure to withdraw the rezoning petition by that time, shall cause it to advance automatically to the City Council for consideration at their next regular session, provided however that City Council may in its discretion, allow the withdrawal of a rezoning petition at any time for cause upon request by an applicant.
- (8) Resubmission of Application - Should a petition for the amendment of these regulations and/or maps be denied by action of the City Council, the applicant may resubmit an application for rezoning for the same tract or parcel within the same calendar year so long as the request for rezoning is dissimilar to the original request denied by the City Council. Should the second request be denied by the City Council, the applicant must withhold all petitions for rezoning said tract or parcel for a period of twelve (12) months from the date of the second denial by the City Council.



City of Trinity, North Carolina

Notice of Violation

Date of Issuance: September 27, 2024

Naimel Parra
7102 Chantrelle Dr.
High Point NC 27265

Re: Property Address: 0 Mendenhall Rd
 Property ID Number: 6798742704

In response to area complaints, an inspection of your property at 0 Mendenhall Rd. was made by this department on September 26, 2024. The complaints concerned the operation of an automotive repair business, specifically for semi-trucks, on your property for which you are not properly zoned. This letter is to inform you the property is zoned RA for residential and agricultural use. You are in violation of Trinity Zoning as you would need to be zoned M-1 or M-2 (Industrial) or HC (Highway Commercial) with a Special Use Permit. To bring yourself into compliance you will need to cease operation of your business and remove any trucks or other business related vehicles within 10 days of this letter. If you wish to operate a business on your property you may make application for the appropriate zoning also within 10 days of the receipt of this letter.

If the correction or application is not made by **October 7, 2024**, the City of Trinity will begin the process of abating the violation by turning the matter over to the City Attorney's Office and seeking a court order to abate the violation.

You may appeal this Notice of Violation within 10 days from the date of the letter to the Board of Adjustment if you feel that an error has been made in the application of this ordinance or factual situation as it relates to the application of the ordinance or both. *The Board of Adjustment shall have power only in the manner of administrative review where it is alleged that the enforcement official has made an error in the application of the ordinance, in the factual situation as it relates of an ordinance or both.*

Please call (336) 431-2841 or e-mail: Planning2@trinity-nc.gov if you have questions, and/or if you do not own the property; and/or the violations have been corrected. Your continued cooperation in resolving matters at this address is greatly appreciated.

Sincerely,

Jay Dale
Code Enforcement Officer





Memorandum

TO: Richard McNabb, Mayor
City Council Members

FROM: Jay Dale, Planner

CC: Stevie Cox, City Manager

DATE: 02/10/2025

REF: Request for a Variance Grey Oaks Rd. PIN 7718006840

Summary:

JACKIE INVESTMENTS LLC is On January 13, 2025 Jackie Investments LLC requested a variance from the requirements of **Article IX Section 9-2** (Nonconforming Lots of Record) of the City of Trinity Zoning Ordinance which 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, regardless of lot area. Lots that cannot meet the setback, width, and/or buffering requirements of the Ordinance may seek a variance from the Board of Adjustment.

The lot in question only has a width of 75 ft. This is 25 feet short of the 100-foot lot width requirement laid out in **Section 12-4 Yard Area and Height Requirements** of the City of Trinity Zoning Ordinance. After a review of an identical situation with lots owned by Mr. Chad Long on Grove St. by Attorney Sam Slater, it was determined that as the current Zoning Ordinance contradicts itself in **Article V Section 5-3** Lots of Record and **Article IX Section 9-2** concerning lot width requirements. For that reason we can not hold the property owner to the width requirement if the lot existed prior to the establishment of Trinity zoning. In light of the determination by Sam Slater the request for a Variance is being withdrawn as the property in in compliance.

Attachments:

Variance Application
Article IX Section 9-1
Article V Section 5-3



City of Trinity Variance Application

Date: 10/8/2024

Property Owner Information:

Property Owner: Jackie Investments, INC.
Address: 4916 Tigers Den Road
City: Randleman State: NC Zip: 27317
Phone: (home/work) (336) 953-3941 (cell) ---
E-mail: Daniela@Novapowerandlight.com

Applicant Information (note: must show proof as to legally representing property owner):

Applicant: Daniela Sandoval
Address: 4916 Tigers Den Road
City: Randleman State: NC Zip: 27317
Phone: (home/work) (336) 953-3941 (cell) ---
E-mail: Daniela@Novapowerandlight.com

Site Information:

PIN # 7718006840
Property Address: No physical address (Grey Oaks Road)
Zoning District: RA

Are there any structures currently on the property? yes no

List structures: _____

What is the current land use on the property (i.e., commercial, residential, farming, vacant etc.)?

vacant

Reason for Variance:

Describe situation which prompted the need for a variance, and, if applicable, how much of a variance is needed for from minimum dimensional requirements:

lot size is too small for impervious area req. / pre-existing non conforming lot

ORDINANCE PROVISIONS FOR GRANTING A VARIANCE:

The Board of Adjustment (City Council) does not have unlimited discretion in deciding when to grant a variance. Article XIV, Section 16-8 of the City's Zoning Ordinance states:

"When practical difficulties or unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the Board of Adjustments shall have the power to vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. No change in permitted uses may be authorized by variance. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed on any approval issued by the Board.

These regulations may provide that the Board of Adjustments may determine and vary their application in harmony with the general purpose and intent and in accordance with general or specific rules therein contained; provided no change is permitted uses may be authorized by variance.

- (1) Determination that Variance Will Not Violate Other Ordinance Provisions. In considering all proposed variances to this ordinance, the Board shall, before making any finding in a specific case, first determine that the proposed variance will not allow the establishment of a use not otherwise permitted in a district by this ordinance; extend in area or expand a non-conforming use of land; change the district boundaries shown on the zoning map; impair any adequate supply of light and air to adjacent property; materially increase the public danger of fire; materially diminish or impair established property values within the surrounding area; or in any other respect impair the public health, safety, morals, and general welfare.
- (2) Findings. A variance may be granted in an individual case of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist:
 - (a). There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
 - (b). Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located.
 - (c). A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

- (d). The requested variance will be in harmony with purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e). The special circumstances are not the result of the applicant.
- (f). The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- (g). The variance is not a request to permit a use of land, building or structure which is not permitted by right or by conditional use in the district involved.

(3) Conditions. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance punishable under Section 18-3 of this ordinance."

In the space provided below (or on attached sheet), provided a statement(s) addressing each of the required findings of fact. This information and along with your site plan, will be presented to the Board to help support your request for a variance:

(1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

This would become an unusable lot

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

Location Size

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.

Existing non conforming lot size

(4) 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.

Consistent with the neighborhood

Submittal Requirements:

- Complete Variance Application
- If seeking a variance from a minimum dimensional requirement, a site plan, prepared by a NC Licensed Engineer, Architect or Surveyor. See Exhibit A
- \$400 Application Fee

The below authorize: (1) Submission of the variance application to the City of Trinity's City Council for consideration; and (2) the Zoning Administrator or designee to entry upon the property to verify application/site plan submittal information.

Daniel Sandall *[Signature]* 10/15/24
 Applicant Name (PRINTED) Signature of Applicant Date

Property Owner Name (PRINTED) Signature of Property Owner Date

Zoning Administrator Signature Date Complete Application Received

Office Use	
Date Received:	_____
Fees Paid:	_____
BOA Hearing Date:	_____
Result of BOA Hearing:	_____

ARTICLE IX
NONCONFORMITIES

Section 9-1 Purpose and Intent

If, within the districts established by this ordinance, or by amendments that may later be adopted, there exist lots, structures and use of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance, it is the intent of this ordinance to permit these nonconformities to continue until they are removed but not to encourage their continuance. Such nonconformities are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located.

It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 9-2 Nonconforming Lots of Record

Single Lots of Record

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 other requirements, regardless of lot area. Lots that cannot meet the setback, width, and/or buffering requirements of this Ordinance may seek a variance from the Board of Adjustments.

Section 9-3 Nonconforming Uses of Land

- 1) Extensions of Use. Nonconforming uses of land shall not be enlarged or extended in any way unless otherwise stated in this section.
- 2) Change of Use. When a non-conforming use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- 3) Nonconforming Residential Uses of Land - In the case of a residence that is a nonconforming use of land in a commercial or industrial zone, such residence may be repaired, rebuilt or added to as long as the dimensional requirements of the district are met. Minor variances in setbacks due to lot size may be presented to the Board of Adjustment for consideration. This policy is adopted in the interest of maintaining an adequate stock of housing in Trinity.
- 4) Manufactured Homes as Nonconforming Residential Uses - Manufactured homes on individual zoning lots, are a nonconforming use in Trinity. However, in the interest of maintaining an adequate housing stock in the community, existing manufactured homes are allowed to continue and in certain instances may be replaced.
 - (a) Continuation of a Manufactured Home on An Individual Lot – A manufactured home on an individual lot may be continued, provided that within six months from the date of adoption of this Ordinance it shall be tied down to resist overturning in the event of high winds. All tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes.

ARTICLE V

APPLICATION OF REGULATIONS

Section 5-1. Zoning Affects Every Building and Use.

No building or land shall hereafter be used, or its use changed, and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

Section 5-2. Reduction of Lot and Yard Areas Prohibited.

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 5-3 Lot of Record

Single Lots of Record:

When a lot has an area or width 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 and other requirements, except lot area or width. Lots that cannot meet the setback and buffering requirements of this Ordinance may seek a variance from the Board of Adjustments.

Lots with Contiguous Frontage in One Ownership:

When two (2) or more adjoining lots with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where located, but such lots were of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lots nonconforming, for the purpose of development such lots must be combined to form a parcel of no less than 20,000 square feet. All lots must comply with the setbacks established for the zoning district in which they are located. Lots that cannot meet the setback and buffering requirements of this Ordinance may seek a variance from the Board of Adjustments.

Section 5-4. Relationship of Building to Lot.

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, church, commercial, governmental services or industrial buildings in an appropriate zoning district, i.e., school campus, shopping center, industrial park, and so forth, as permitted by this ordinance.

Section 5-5. Required Open Space Not Used for Other Building

No part of any yard, other open space, or off-street parking or loading space required for any building, structure or other use shall be considered to be a part of a required yard, open space, off street parking or loading space for any other buildings, structures or use unless explicitly provided to the contrary in this



MEMORANDUM

TO: Richard McNabb, Mayor
City Council Members

FROM: Stevie Cox, City Manager

VIA: Paul Wellborn, Council Member
Robert Wilhoit, City Attorney
Carrie Spencer, Current Code

DATE: February 3, 2025

REF: Trinity City Council Code of Ethics

Summary:

This is a request for the City Council to approve and adopt a City Council Code of Ethics Policy.

Background:

At the January 2025 Meeting, it was requested that I work with Council Member Paul Wellborn to draft a City Council Code of Ethics Policy. Mr. Wellborn requested that I share with him some other code of ethics policies from other local governments. I provided Mr. Wellborn with the Code of Ethics Policies from the following local governments:

- City of Clinton, North Carolina
- Town of Harrisburg, North Carolina
- Randolph County Board of Commissioners

In addition, we had Carrie Spencer with Current Code who is working on the updates to the Code of Ordinances to review the draft policy as well. Attached is the initial policy with the suggested changes. Furthermore, I have attached a clean copy without corrections.

Recommendation:

Staff request that the City Council approve and adopt the proposed City Council Code of Ethics.

Attachment:

- Draft Code of Ethics with Corrections
- Code of Ethics without Corrections

Office of the City Manager
City of Trinity, 5978 NC Highway 62, P.O. Box 50, Trinity, North Carolina 27370
Phone – (336) 431-2841 Fax – (336) 431-5079



Code of Ethics for Trinity City Council

Preamble Resolution?

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty”; and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s State Motto, *Esse Quam Videri*, “To be rather than to seem”; and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards adopt a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of that governing board ; and

WHEREAS, as public officials we are charged with upholding the trust of the citizens and residents of Randolph County and with obeying the law; and

WHEREAS, as public officials of the City of Trinity, we believe our citizens are entitled to the most open and ethical government possible under the law.

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens and residents of Randolph County, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Mayor and The City Council of the City of Trinity do hereby adopt the following General Principles and Code of Ethics to guide the City Council in their lawful decision-making.

FURTHER, the Trinity City Council directs all advisory boards and committees that currently serve, or which may in the future be created to serve the City of Trinity, to respect and abide by these same General Principles and Code of Ethics in the performance of their lawful duties inasmuch as they may apply to the performance thereof.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government, and upon the responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policies must be made and implemented through proper channels and processes of the governmental structure.
- Council members must act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent.
- Council members must always remain aware that at various times they play different roles:
 - As advocates who strive to advance the legitimate needs of their citizens and residents,
 - As legislators who balance public interest and private rights in considering and enacting ordinances, orders, and resolutions, and
 - As fair and impartial decision-makers when making legislative, quasi-judicial and administrative decisions.

Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

- Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her conscience the touchstone to determine and choose appropriate conduct.

CODE OF ETHICS

Purpose. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Mayor and City Council and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or a Council member's ethical judgment.

Section 1. The need to obey all applicable laws regarding official actions taken as the Mayor and all Council members.

- The Mayor and all Council members should obey all laws that apply to their official actions as members of the Council. Council members should be guided by the spirit and the letter of the law in whatever they do. At the same time, Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow Council

members or citizens. To assert that a Council member is behaving unethically since one has a disagreement with that Council member based on a question of policy (and not on the Council member's ethical behavior) is unfair, dishonest, irresponsible, and is itself unethical.

- The Mayor and all Council members should endeavor to keep themselves up-to-date, through the Council's attorney and other sources, on 1) the pertinent constitutional, statutory, and other legal requirements with which they must be familiar, and 2) new or ongoing legal and ethical issues that they may face in the official positions.
- The Mayor and all Council members shall comply with General Statute §160A-87 (Ethics law) and participate in the periodic ethics education mandated by said statute.

Section 2. The Mayor and all Council members should act with integrity and independence from improper influence as they exercise the duties of their office. Characteristics and behaviors consistent with this standard include, but are not limited to, the following:

- Adhering firmly to the City's established Vision and Mission and shared code of sound values;
- Behaving consistently and with respect toward everyone with whom they interact;
- Exhibiting trustworthiness;
- Living as if they are on duty as elected officials at all times regardless of where they are or what they are doing;
- Using their best independent judgment to pursue the common good as they see it and presenting their opinions to all in a reasonable, forthright, consistent manner;
- Remaining incorruptible, self-governing, and unaffected by improper influence while simultaneously maintaining the ability to consider the opinions and ideas of others;
- Declaring publicly conflicts of interest such as a financial or familial relationship;;
- Exercising the individual responsibility and duty to vote while remaining neutrality in elections related to Mayor and Trinity City Council members;
- Treating the Mayor, other City Council members, City staff, and the public with respect and honoring the opinions of others even when Council members disagree with those opinions;
- Reaching conclusions on issues only after all sides have been heard;
- Showing respect for their office and avoiding behavior that could reflect badly on those in office or the City of Trinity;

- Meeting citizen expectations for local officials to act in the best interest of the public and not to use their office for their personal benefit;
- Working with the Mayor, Council and City staff to promote behavior that encourages residents' confidence in City government;
- Recognizing that they are part of a larger group and acting accordingly;
- Recognizing that individual Council members are not generally allowed to act on behalf of the Council unless the Council specifically authorizes it, and that the Council must take official action as a body; and
- Respecting statutory requirements for public records and safeguarding confidentiality of sensitive matters while answering citizen requests in a timely manner.

Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow Council members or citizens. An assertion that a Council member is behaving unethically solely because of a disagreement with other Council member(s) rather than an unethical principle as put forth in this document is unfair, dishonest, irresponsible, and is itself unethical.

Section 3. The need to avoid impropriety in the exercise of the Mayor and Council member's official duties.

- The Mayor and all Council members should avoid impropriety in the exercise of their official duties and should take action which is above reproach. All circumstances and information available to the Council member at the time of the Council member's action should be taken into consideration when reviewing a Council member's actions as improper.
- If the Mayor or a Council member concludes that his or her actions, while legal and ethical, may be misunderstood, he or she may seek the advice of the Council's attorney. He or she may also state on the record the information and facts of the situation and the steps taken to resolve it.
- In the event of alleged impropriety by the Mayor or any Council member, the Mayor or Council member shall be afforded the opportunity to explain the situation and all relevant facts.

Section 4. The need to faithfully perform the duties of the office.

- The Mayor and all Council members should be faithful in the performance of the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

- The Mayor and all Council members should faithfully prepare for and attend meetings. They should carefully analyze all credible information that is properly submitted to them. They should not engage in communications associated with quasi-judicial matters outside meetings.. The Mayor and all Council members should require full accountability from those over whom the Council has authority.
- The Mayor and all Council members should be willing to bear their fair share of the Council's workload. To the extent appropriate, they should be willing to put the Council's interests ahead of their own.

Section 5. The Mayor and all Council members should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community consistent with, but not limited to, the following:

- Keep in mind that trust and respect must continually be earned;
- The Mayor and all Council members should faithfully attend and prepare for meetings;
- Make sure all Council members have the same information with which to make decisions.
- They should carefully analyze all credible information properly submitted to them;
- Submit questions about Council agenda items ahead of the meeting;
- Demand full accountability from those over whom the Council has authority. Council members should be willing to bear their fair share of the Council's workload;
- To the extent appropriate, be willing to put the Council's interests ahead of their own;
- Work as a team to jointly develop and hold itself accountable to a common code of conduct. Demonstrate teamwork by making clear to the public that decision-making power rests with the majority, not with individual Mayor or Council members;
- Conduct the affairs of the Council in an open and public manner, making clear that an environment of transparency and candor is to be maintained at all times in the governmental unit;
- Comply with all applicable laws governing open meetings and public records, recognizing that doing so is paramount to the worthiness of the public's trust;
- Disclose conflicts of interest, including but not limited to financial and familial relationships;
- In order to ensure compliance with laws governing open meetings , the Mayor and all Council members should limit/restrict cell phone use and messaging during public

meetings and should not deliberate outside the meeting whenever a majority is present;
and

- Take deliberate steps to make certain that any closed sessions held by the Mayor and Council are lawfully conducted, that such sessions do not stray from the purposes for which they are called, and should safeguard the content of closed session meetings from any discussion outside a closed session.
- When violations of this Code of Ethics occur, the Mayor and City Council will promptly consult with the City Attorney, North Carolina League of Municipalities, and/or the University of North Carolina at Chapel Hill School of Government to rectify the violation.

Mayor Richard McNabb

Barry Allison

Ed Lohr

Deborah Jacky

Paul Welborn

Robbie Walker



Code of Ethics for Trinity City Council Resolution

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WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s State Motto, *Esse Quam Videri*, “To be rather than to seem”; and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of that governing board; and

WHEREAS, as public officials we are charged with upholding the trust of the citizens and residents of Randolph County and with obeying the law; and

WHEREAS, as public officials of the City of Trinity, we believe our citizens are entitled to the most open and ethical government possible under the law.

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FURTHER, the Trinity City Council directs all advisory boards and committees that currently serve, or which may in the future be created to serve the City of Trinity, to respect and abide by these same General Principles and Code of Ethics in the performance of their lawful duties inasmuch as they may apply to the performance thereof.

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- Council members must act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent.
- Council members must always remain aware that at various times they play different roles:
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the Council member's ethical behavior) is unfair, dishonest, irresponsible, and is itself unethical.

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- The Mayor and all Council members shall comply with General Statute §160A-87 (Ethics law) and participate in the periodic ethics education mandated by said statute.

Section 2. The Mayor and all Council members should act with integrity and independence from improper influence as they exercise the duties of their office. Characteristics and behaviors consistent with this standard include, but are not limited to, the following:

- Adhering firmly to the City's established Vision and Mission and shared code of sound values;
- Behaving consistently and with respect toward everyone with whom they interact;
- Exhibiting trustworthiness;
- Living as if they are on duty as elected officials at all times regardless of where they are or what they are doing;
- Using their best independent judgment to pursue the common good as they see it and presenting their opinions to all in a reasonable, forthright, consistent manner;
- Remaining incorruptible, self-governing, and unaffected by improper influence while simultaneously maintaining the ability to consider the opinions and ideas of others;
- Declaring publicly conflicts of interest such as a financial or familial relationship;
- Exercising the individual responsibility and duty to vote while remaining neutral in elections related to Mayor and Trinity City Council members;
- Treating the Mayor, other City Council members, City staff, and the public with respect and honoring the opinions of others even when Council members disagree with those opinions;
- Reaching conclusions on issues only after all sides have been heard;
- Showing respect for their office and avoiding behavior that could reflect badly on those in the office or the City of Trinity;

- Meeting citizen expectations for local officials to act in the best interest of the public and not to use their office for their personal benefit;
- Working with the Mayor, Council and City staff to promote behavior that encourages residents' confidence in City government;
- Recognizing that they are part of a larger group and acting accordingly;
- Recognizing that individual Council members are not generally allowed to act on behalf of the Council unless the Council specifically authorizes it, and that the Council must take official action as a body; and
- Respecting statutory requirements for public records and safeguarding confidentiality of sensitive matters while answering citizen requests in a timely manner.

Council members should feel free to assert policy positions and opinions without fear of reprisal from fellow Council members or citizens. An assertion that a Council member is behaving unethically solely because of a disagreement with other Council member(s) rather than an unethical principle as put forth in this document is unfair, dishonest, irresponsible, and is itself unethical.

Section 3. The need to avoid impropriety in the exercise of the Mayor and Council member's official duties.

- The Mayor and all Council members should avoid impropriety in the exercise of their official duties and should take action which is above reproach. All circumstances and information available to the Council member at the time of the Council member's action should be taken into consideration when reviewing a Council member's actions as improper.
- If the Mayor or a Council member concludes that his or her actions, while legal and ethical, may be misunderstood, he or she may seek the advice of the Council's attorney. He or she may also state on the record the information and facts of the situation and the steps taken to resolve it.
- In the event of alleged impropriety by the Mayor or any Council member, the Mayor or Council member shall be afforded the opportunity to explain the situation and all relevant facts.

Section 4. The need to faithfully perform the duties of the office.

- The Mayor and all Council members should be faithful in the performance of the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

- The Mayor and all Council members should faithfully prepare for and attend meetings. They should carefully analyze all credible information that is properly submitted to them. They should not engage in communications associated with quasi-judicial matters outside meetings. The Mayor and all Council members should require full accountability from those over whom the Council has authority.
- The Mayor and all Council members should be willing to bear their fair share of the Council's workload. To the extent appropriate, they should be willing to put the Council's interests ahead of their own.

Section 5. The Mayor and all Council members should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community consistent with, but not limited to, the following:

- Keep in mind that trust and respect must continually be earned;
- The Mayor and all Council members should faithfully attend and prepare for meetings;
- Make sure all Council members have the same information with which to make decisions.
- They should carefully analyze all credible information properly submitted to them;
- Submit questions about Council agenda items ahead of the meeting;
- Demand full accountability from those over whom the Council has authority. Council members should be willing to bear their fair share of the Council's workload;
- To the extent appropriate, be willing to put the Council's interests ahead of their own;
- Work as a team to jointly develop and hold itself accountable to a common code of conduct. Demonstrate teamwork by making clear to the public that decision-making power rests with the majority, not with individual Mayor or Council members;
- Conduct the affairs of the Council in an open and public manner, making clear that an environment of transparency and candor is to be maintained at all times in the governmental unit;
- Comply with all applicable laws governing open meetings and public records, recognizing that doing so is paramount to the worthiness of the public's trust;
- Disclose conflicts of interest, including but not limited to financial and familial relationships.
- In order to ensure compliance with laws governing open meetings, the Mayor and all Council members should limit/restrict cell phone use and messaging during public

meetings and should not deliberate outside the meeting whenever a majority is present; and

- Take deliberate steps to make certain that any closed sessions held by the Mayor and Council are lawfully conducted, that such sessions do not stray from the purposes for which they are called and should safeguard the content of closed meetings from any discussion outside a closed session.
- When violations of this Code of Ethics occur, the Mayor and City Council will promptly consult with the City Attorney, North Carolina League of Municipalities, and/or the University of North Carolina at Chapel Hill School of Government to rectify the violation.

Mayor Richard McNabb

Barry Allison

Ed Lohr

Deborah Jacky

Paul Welborn

Robbie Walker

This City Council Code of Ethics Resolution was approved and adopted on the 10th day of February 2025.

Darien Comer, City Clerk



Memorandum

TO: Mayor Richard McNabb and City Council

FROM: Crystal Postell, Finance Director

CC: Stevie Cox, City Manager
Robert Wilhoit, City Attorney

DATE: 01/29/2025

REF: Personnel Policy- Update

Summary:

The City of Trinity’s personnel policy has been updated to reflect the City’s current and future guidelines.

Background:

Currently, the City of Trinity has an outdated Personnel Policy which was adopted on January 20, 2015. The City of Trinity is evolving, and it is important to have a Personnel Policy in place for those changes. The City is growing and could involve changes within the City of Trinity’s daily operations. It is important for City staff to be prepared for unforeseen changes and events as we increase in size. Furthermore, there are several State and Federal Personnel Laws that have changed, and this update will make it consistent with those changes.

Recommendation:

Staff recommends that the City Council **approves and adopts** the City of Trinity updated Personnel Policy.

Attachments:

Personnel Policy (updated)

City of Trinity



Personnel Policy

Adopted on January 20, 2015

Revised on _____.

The purpose of this Personnel Policy is to provide officials and employees of the City of Trinity (hereinafter referred to as the City) with a concise document which contains all the policies governing City personnel. This policy replaces and supersedes all previously issued manuals, policies, memoranda, and directives. This Personnel Policy represents the "official" Personnel Policy of the City and should be used to conduct employee orientation and resolve disputed matters. Each employee of the City shall receive a copy of this manual and shall be responsible for maintaining it as policies are revised. The issuance of this personnel policy does not constitute a contractual relationship with employees. The City has the right to change or suspend any provisions of this manual.

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Article I

Organization of the Personnel System

Purpose

The purpose of this policy is to establish a personnel system which will recruit, select, develop and maintain an effective and responsible work force for the City of Trinity (the City). The policy is established under the authority of Chapter 160A-164 of the General Statutes of the State of North Carolina. This policy shall cover all regular, temporary, part-time and probationary employees except as specifically exempted. Members of the City Council and any other task force, advisory board or commission are exempted from these policies unless specifically stated.

Merit Principle

All appointments, promotions, and other personnel transactions shall be made solely on the basis of merit and fitness. All positions requiring performance of substantially similar and equal responsibilities will be assigned to similar levels of compensation.

Responsibility of City Manager

The City Manager shall be responsible to the City Council for the administration and direction of the personnel program and shall exercise the powers and duties prescribed in G.S. 160A-148(1). The City Manager shall be responsible for interpreting policies when necessary and recommended to the City Council policy changes, new policies, and changes in the position classification and pay plan. Other responsibilities could include but are not limited to setting salaries and adjusting employees' salary according to council guidance and the annual budget ordinance for executive management.

Responsibility of Finance and Human Resources Director

The Finance and Human Resource Director or designee is responsible for maintaining all official personnel files which include but are not limited to the following: employment applications, conditions of employment, reference checks, periodic documentation of performance evaluation, attendance records, disciplinary actions taken, commendations received, and documentation of all other personnel actions as deemed pertinent.

1. Assist the City Manager in the preparation and maintenance of the employee classification and pay plan;
2. Establish and maintain a complete centralized system of personnel files and records.
3. Foster and develop programs for the improvement of employee effectiveness.
4. Investigate from time-to-time the operation and effect of policies made herein and report findings and recommendations to the City Manager.

Responsibility of City Council

The City Council shall establish personnel policies and rules, including the classification and salary plan. The City Council shall adopt or provide for rules and regulations, resolutions, or ordinances concerning personnel policies and other measures that promote the hiring and retention of capable, diligent, and honest employees under the authority of Chapter 160A-164 of the North Carolina General Statutes to be administered by the City Manager. The City Council is the appointing authority of the City Manager and his/her salary and salary increase. The City Council could be the point of final disposition for all grievances and appeals.

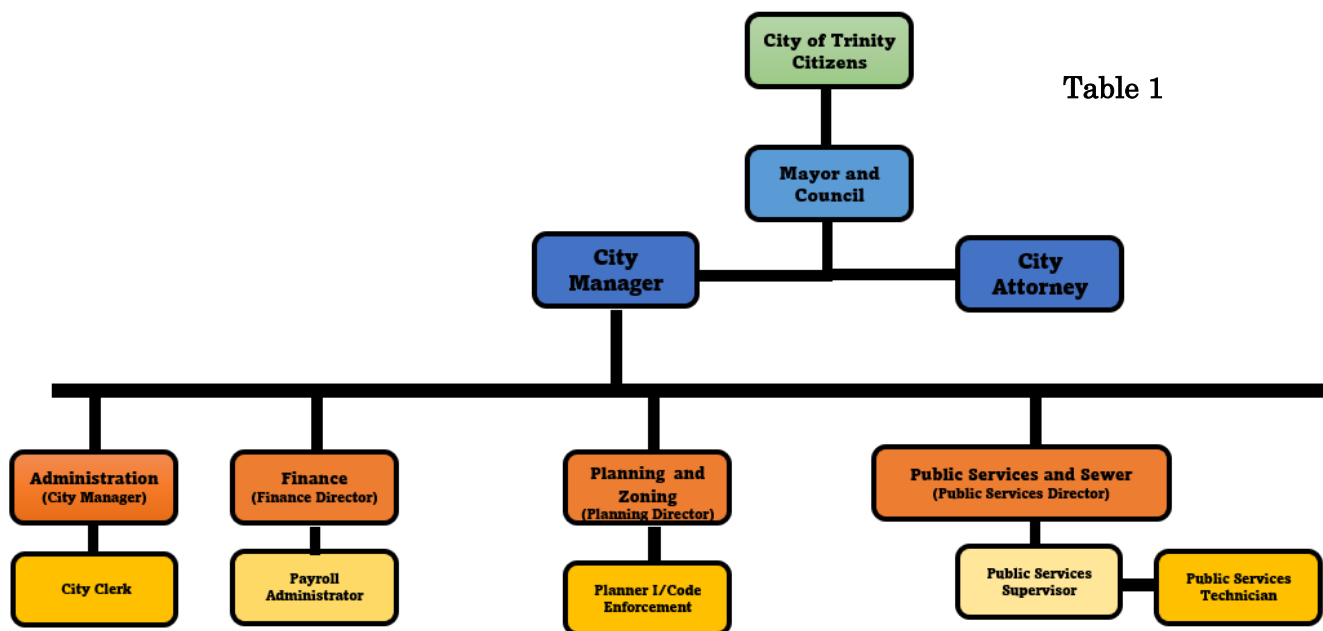
Chain of Command.

The chain of command assists supervisors at all levels to achieve the primary function of accomplishing the City’s mission, while managing personnel and property in their charge. A direct chain of command allows the transmittal of direction while decreasing the chance of misinterpretation or error.

Department heads are responsible for everything their department does or fails to do. All duties are delegated by department heads to other supervisors and employees. All employees must be accountable for actions undertaken.

The chain of command system is vital to the overall operational effectiveness of the City of Trinity. Especially in times of crisis, personnel must know who to report to, so information flows without restraint. Proper function and effective communication should be instilled in all employees so that the entire City functions together. In the City of Trinity, the command structure is summarily identified by executive management team to non-executive management team: City Manager, Department Head, Supervisor, Technician, etc.

Table 1



Responsibility of Employees

It is the responsibility of all City employees to comply with the content of this Personnel Policy. Other responsibilities are, but not limited to, the following:

1. Maintaining a neat, well-groomed and appropriate business appearance while on duty for the City;
2. Reporting to work on time and notifying the Supervisor as soon as possible when late arrival is necessary;
3. Reporting to work physically, mentally and emotionally prepared to do his/her job in a professional manner;
4. Conducting themselves in a professional, business-like manner, avoiding loud or disruptive behavior or discussing personal problems within the hearing range of visitors;
5. Handling their personal issues in private and not permitting personal obligations to extend to the business premises;
6. Behaving in a manner that engenders mutual respect and treating each other and the public with courtesy and civility regardless of position or status. This is true even in situations of high pressure and urgency;
7. Following safety and health practices in the performance of their duties and responsibilities, and adhering to operational requirements and training as provided;
8. Striving to perform duties and responsibilities more effectively every day, learning more about the work and how to improve by asking questions and reading related materials, and submitting ideas for suggested improvements to the Supervisor and/or Department Head;
9. Accessing confidential information for work purposes only and protecting any confidential information received.
10. Presenting a positive public image for the City and its services by serving the public in a professional way that projects courtesy and a helpful attitude;
11. Conducting themselves as law abiding, ethical citizens;
12. Resolving problems and conflicts by going to the person responsible, ensuring that departmental problems remain within the Department and not become gossip;
13. Reporting to the Department Head or Human Resources Director inappropriate, illegal, or unethical behaviors such as safety violations, discriminatory actions, unlawful workplace harassment, etc. Employees making such reports shall be afforded protection (see Whistleblower Policy).

Article II

Recruitment and Selection Standards

Equal Employment Opportunity Statement

It is the policy of the City to foster, maintain, and promote equal employment opportunity. The City shall select employees based on applicants' qualifications and without regard to age, sexual orientation, gender, race, marital status, color, creed, religion, national origin, or disability.

Recruitment Sources

All recruitment sources shall be advised of the City's equal employment opportunity policy. The City shall include among its recruitment sources, organizations, and news media which are utilized by and are available to minority group applicants. Recruitment shall be from a geographic area as wide as is necessary to ensure that well qualified applicants are obtained. There will be certain situations where all recruitment sources will not be used such as urgent situations, where speed is of the essence in filling the vacancy.

Posting of Vacancies

When job vacancies occur within the City, the Human Resource Director or designee shall be responsible for adequately publicizing such vacancies. It is the City's policy to create career opportunities for its employees wherever possible. Therefore, current City Employees shall be given priority consideration in filling the vacancy, provided they are qualified and suited for the position. Vacancy notices shall be posted on the City's website and other conspicuous places where notices of City activities are customarily posted.

Job Advertisement

When job advertisements are used, they shall contain assurance of equal employment opportunity and provide basic information about the position being advertised. The information shall include salary range, hiring rate, employment qualifications, and a brief description of the duties of the position.

Applications for Employment

Individuals applying for employment with the City are required to complete an official City of Trinity employment application. All information provided on the application must be true and correct. Providing false information is grounds for elimination from consideration and/or dismissal from City employment. Additionally, criminal charges may be made by the Town as provided in G.S. 14-3 (G.S. 14-122.1).

Testing and Interview Session

Applicants for certain positions are required to take various tests which measure ability, aptitude, or skill. All tests given to applicants shall be administered and evaluated by qualified individuals such as Department Heads. If a Department Head is being evaluated then the City Manager and Human Resources Director are responsible to measure the ability, aptitude, or skill set of that individual. All tests administered will conform to all applicable legal requirements. All test criteria will be job related and consistent with business necessity and in full compliance with the Americans with Disabilities Act (ADA).

Medical and/or Psychological Examination

Applicants for certain specific classifications, prior to being employed by the City may be required to undergo a physical and/or psychological examination for the purpose of determining fitness for the position. If an applicant is required to undergo a physical examination, or if the examination is a condition of employment, the examination shall be at the expense of the City.

Substance Abuse Policy

The City of Trinity will not tolerate any alcohol or drug use or abuse which is or may be detrimental to job performance(s) or the reputation of the City of Trinity. Drug abuse as defined for this purpose, as the misuse or illegal use of any natural or synthetic substance, including prescription drugs which alters mood, perception or consciousness, and impairs performance. Additionally, the illegal distribution or sale of drugs will result in immediate discharge.

Identification

If a position requires it, personnel employed by the City must present a valid North Carolina driver's license at the time of employment.

All new appointments to the City shall present proof of identification and employment eligibility before they are placed on the City payroll. New appointments are required to present acceptable documentation in accordance with the Immigration Reform and Control Act of 1986. The City Manager, or designee, shall be responsible for obtaining adequate identification for satisfying the requirements of the Act. Documentation will be maintained on file in accordance with the Act.

Selective Service Compliance.

All new appointments to the City, who are U.S. male citizens, born after December 31, 1959, 18 to 25 years of age, must certify they have registered for Selective Service. This applies to all positions, whether full-time, part-time, or seasonal.

Applicants not in compliance are ineligible for employment. After notification of ineligibility, the applicant has 30 days to provide the City with information that he is now in compliance with the federal law. The applicant may secure an advisory opinion by sending a description of circumstances to the Selective Service System, Office of General Counsel, Washington, DC.

If it is determined that failure was not knowing and willful, he may be considered for employment by the City.

Hiring Process

It is the policy of the City to employ according to merit and suitability. The City shall use all available means to attract qualified candidates, and the Human Resources Director shall investigate and examinations as are deemed appropriate to assess fairly the aptitude, education, experience, knowledge, skills, character, physical fitness ability, and other qualities required for positions in the service of the City.

After all interviews and investigations of the qualifications and experience of the applicants, the Department Head or designee shall have the authority to make the final selection including the salary to be paid within the guidelines of the City's Employee Classification and Pay Plan and the authority to determine any conditions of employment.

Transfer of Leave Accrued Under Previous Employment

The City will accept and credit to an employee's accrued leave balances the number of sick leave days/hours accrued under a previous employer's leave plan under (4) four conditions.

1. The previous employer and position held was eligible for benefits under the Local Government Employees' Retirement System.
2. The previous employer had a sick leave accrual not greater than the method used by the City of Trinity's, to be determined by the Human Resources Director.
3. The leave accrual must be verified by the previous employer in writing.
4. A maximum of 90 days (720) sick leave accrual will be accepted.

Addition: (Employee may request consideration for exemption to the Human Resource Director.)

Transferred sick leave, when available for use, is treated as sick leave earned with the City of Trinity and subject to use as such. Subject to the confirmation of the Human Resources Director additional consideration may be given to the purchasing/accepting other forms of previously accrued leave.

Article III

Employee Classification and Pay Plan

Adoption

The "City of Trinity Classification and Pay Plan", as from time to time approved and adopted by City Council and shall be the classification plan of the City.

Allocation of positions

The City Manager shall allocate each position covered by the classification plan to its appropriate class in the plan.

Administration

The Human Resources Director/Finance Director shall be responsible for the administration and maintenance of the employee classification and pay plan so that it will accurately reflect the duties performed by employees in the grade to which their positions are allocated. Department Heads shall be responsible for bringing to the attention of the City Manager the need for new positions and material changes in duties, responsibilities, or working conditions affecting the classification of a position.

New positions shall be established upon recommendation of the Department Head to the City Manager with the approval of the City Council. The City Manager may allocate the new position to the appropriate class within the existing classification and pay plan. The City Manager shall recommend that the City Council amend the position classification plan to establish a new grade to which the new position may be allocated.

When the City Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the existing grade specification shall be revised at any time. The City Manager shall recommend amendments to the classification and pay plan that would change the salary range of the existing grade of positions. The City Manager shall reallocate a position to the appropriate grade within the existing classification and pay plan. The City Manager shall establish a new class to which the position may be allocated.

Amendment of the position classification plan

The City Council shall approve a change in salary range for all positions. They may reallocate positions, add, change, and delete from the existing position classification plan based on the recommendations presented by the City Manager.

Classification and Pay Grades

Table 2

Grade	Minimum	Mid-Point	Maxium
10	\$28,831	\$43,246	\$50,454
11	\$30,268	\$45,401	\$52,968
12	\$31,782	\$47,673	\$55,618
13	\$33,374	\$50,061	\$58,404
14	\$35,044	\$52,565	\$61,326
15	\$36,791	\$55,186	\$64,384
16	\$38,635	\$57,953	\$67,612
17	\$40,577	\$60,865	\$71,009
18	\$42,615	\$63,923	\$74,577
19	\$44,751	\$67,126	\$78,314
20	\$46,984	\$70,475	\$82,221
21	\$49,333	\$73,999	\$86,332
22	\$51,798	\$77,698	\$90,647
23	\$54,381	\$81,571	\$95,166
24	\$57,099	\$85,648	\$99,923
25	\$59,953	\$89,929	\$104,917
26	\$62,942	\$94,414	\$110,149
27	\$66,088	\$99,132	\$115,653
28	\$69,388	\$104,082	\$121,429
29	\$72,863	\$109,295	\$127,511
30	\$76,513	\$114,770	\$133,898
31	\$91,980	\$120,519	\$137,981
32	\$94,600	\$125,630	\$147,649
33	\$96,580	\$128,888	\$155,045
34	\$99,463	\$139,553	\$162,812
35	\$113,475	\$146,544	\$170,968

Note: Please keep in mind that Classification and Pay Grades are subject to change.

Transition to New Salary Plan

The following principles shall govern the transition to a new salary plan:

No employee shall receive a salary reduction as a result of the transition to a new salary plan.

All employees being paid at a rate lower than the beginning rate established for their respective classes shall have their salaries raised to the new beginning rate for their classes. The only exception will be those employees currently being paid at a trainee rate, or in a "work against" status. These employees will remain in their same relative pay status in the new salary grade assigned.

All employees being paid at a rate above the beginning rate and below the maximum rate are considered as being paid at a competitive rate for the job class and may

receive any approved salary plan implementation increases as authorized by the City Council.

Administration of the Salary Pay Plan

The administration of the Classification Salary Pay Plan will be administered by the City Manager with the recommendations from the Finance Department regarding budgetary requirements. The grades within the Salary Pay Plan are established within the position market rate which will be evaluated every three (3) years for market rate changes.

The employee salaries could increase without a merit or Career Ladder Plan change by the cost-of-living assessment (COLA) results presented by the United States Department of Administration and represented by the North Carolina Department of Social Security. The Finance Department will review the North Carolina Department of Social Security’s COLA increase and will administer the same or close to percentage change in employees’ salaries. If a COLA is awarded, then employees may not receive an additional increase for merit or performance excluding Career Ladder Plan increases.

If an employee receives annual wages at the maximum of the position pay grade, then said employee may receive a “Bonus” at the rate of the employee’s annual evaluation. The Bonus payment will be issued once the fiscal year on said employee’s anniversary date and after the completion of said employee’s annual evaluation. Per North Carolina Total Retirement Plans, the Finance Department will be administering retirement deductions on said employees’ Bonus checks, and all taxes apply. For an example:

Pay Grade	Max Salary	Performance %	Bonus Check
23	\$95,166.00	3%	\$2,854.98

Note: Bonus checks will not replace longevity pay benefit, only as an addition if approved by the Trinity City Council during the Budget Process.

Article IV

Employment Standards

Hiring Rate and Starting Salary

Employees, other than trainees, shall be employed at the minimum of their assigned salary grade or higher based upon qualifications. If a Department Head hires an individual above the minimum salary for that position pay grade, then the salary must be approved by the Finance Director.

Probationary period

An employee appointed to a regular position shall serve a probationary period of six (6) months. The probationary period may be extended up to an additional six (6) months if performance is deemed unsatisfactory after the initial probationary period. An employee serving a probationary period may be dismissed by their direct supervisor at any time it is determined the employee is not satisfactorily performing the assigned duties and performance is not likely to improve. A probationary employee dismissed may appeal such action in accordance with the grievance procedure outlined in Article XII.

An employee serving a probationary period may not accrue or earn any benefits except insurance, vacation, and sick leave in accordance with these policies except, employees serving a probationary period following initial appointment shall not be permitted to take vacation leave during the probationary period only with the approval of the City Manager.

If a probationary employee is terminated, they will not be paid for accumulated vacation leave. Employees serving a probationary period following the initial appointment will not be allowed to take paid military leave. An employee's anniversary date will be determined as follows: The merit review date of any employee shall be the date of employment or last promotional date.

Extension of Time to Complete

An employee's absence from work due to sick leave, leave without pay, Worker's Compensation, or any other authorized leave is cause for the Department Head to request an extension for the annual performance evaluation review, so as to allow adequate time for the evaluation of performance and this extension could alter the employee's review date.

Extension of Probationary Period

Department Heads may extend an employee's original probationary period for a period not to exceed 90 days with the approval of Human Resources Director and City Manager. The Department Head must develop a work plan for the employee that must be achieved. If the

employee's performance is still deficient after 90-day extension, the probationary employee may be dismissed for poor work performance.

Merit Principle

Department heads must receive prior approval for merit increases from both the City Manager and Finance Director before granting or discussing merit increases with employees.

All appointments, promotions, and other personnel transactions shall be made solely based on merit and fitness. All positions requiring performance of substantially similar and equal responsibilities will be assigned to similar levels of compensation. Merit Increases are not automatic but may be awarded for the following reasons:

1. Exceptional work achievement
2. Excellence in work performance
3. Special contribution to productivity of the employee career ladder plan

Employee merit increases must be recommended by the Department Head, approved by the Finance Director for budgetary conditions, and approved by the City Manager. Even though all permanent employees will be considered for merit increases, only those employees who exceed the standard and/or expected performance will be eligible to receive a merit increase.

Employees completing certifications, degrees or other skill and competency training, to help them execute their jobs more efficiently, may receive compensation increases ranging from 1 to 5 percent. Employees who have achieved the top of their pay grade may receive a one-time bonus equal to the merit increase awarded at evaluation.

Pay Rates in Promotion, Demotion, Transfer, or Reclassification

When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position shall be established as follows:

1. When a promotion occurs, if the employee's salary is below the new minimum, it shall be increased to at least the minimum rate of the salary range assigned to the pay grade of the new position. If an employee's current salary is already above the new minimum salary rate, their salary may be adjusted upward or left unchanged at the discretion of the City Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.
2. If an employee is demoted because of a reclassification, and the employee's current salary falls above the maximum of the range for the lower pay grade, the employee's salary will remain the same. If an employee is demoted for cause, the employee's salary will be reduced to any rate in the lower pay grade if the reduced salary does not fall below the minimum salary rate of that range.
3. If transfer occurs from a position in the same grade to a position in another grade assigned to the same pay range, the employee shall continue to receive the same salary. If a transfer occurs from a position in one grade to a position in another grade assigned to a higher pay range, the employee shall receive the minimum salary in the new pay grade.

4. If an employee's position is reclassified to a grade having a higher salary range, the employee's salary shall be increased to the minimum of the new pay range. If the employee's current salary is already above the minimum salary rate, their salary may be adjusted upward or left unchanged at the discretion of the Human Resources Director, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

Article V

Conditions of Employment

Work Schedule

The standard workweek is forty (40) hours. The normal daily schedule for City Hall is between 8:00 a.m. and 5:00 p.m. Because of the nature of the various City activities, some departments do not operate on the normal City Hall work schedule. Adjustments may be made to schedules only with the approval of the Department Head and the final approval of the City Manager.

City Property

Use of City-owned property is intended for official City business only. City-owned property including computers, supplies, tools, materials equipment and vehicles are not for personal use and should not be removed from City property except in the conduct of official City business. City owned property shall be cared for in a responsible way. Such properties are to be used exclusively for City business, except in special circumstances the City Manager may authorize an employee to take home property and equipment if it is in the best interest of the City to do so. De minimis (very small or trifling matters) use of City property such as making a phone call to schedule a doctor's appointment will be allowed at the discretion of the City Manager.

Use of Personal Car for Business

When it is necessary to use a personal car for City business, with prior approval of the Department Head or Human Resources Director, the City will reimburse the employee at the prevailing rate allowed by the Internal Revenue Service for business mileage. A travel expense form must be completed by the individual and submitted to the Department Head to follow the chain of approval process. Travel expenses will be paid after proof of scheduled travel and expenses. If there is a financial hardship, travel expenses could be given prior to scheduled travel with the approval of the City Manager.

The Internal Revenue Service for business mileage rate is calculated to include costs of consumption of fuel, maintenance and repair, depreciation, and liability coverage. Therefore, the city expects employees to keep their personal car properly maintained, licensed, inspected and insured.

Employment of Relatives

Two (2) members of the same family shall not be employed by the City at the same time within the same Department function. (See definition of Immediate Family page 3-Article 1, Section 3.) No member of the immediate family of an elected city official shall be employed by the City.

Political Activity

The City encourages an employee to exercise his/her civic responsibility in supporting good government by voting for the issues and candidates of his/her choice.

An employee may join or affiliate with political organizations, may attend political meetings and may advocated and support political principles and policies in accordance with the Constitution and laws of the State of North Carolina and the United States of America. However, an employee shall not do the following:

- Engage in political activity while on duty;
- Be required to contribute funds or support for political or partisan purposes as a condition of employment, pay raise, or promotion;
- Solicit or act as custodian of funds for political or partisan purposes;
- Use City owned supplies, equipment or facilities to display or produce political slogans, posters or stickers, or for any other political purpose;
- Be a candidate for or hold political office of the City of Trinity or be appointed to any other Council or committees.
- Openly support a candidate or openly participate in any way, in the campaign of a candidate running for the position of City Council or Mayor;
- Use any promise of reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate, or party.

Secondary Employment

Full-time employment with the City shall take precedence over all other employment opportunities of employees. Any employment, including self-employment if it is income producing, other than employment with the City is considered secondary.

(No employee, spouse, or immediate family (as defined on page 3 of this policy), shall hold a second full time or part time position and/or contract with the city.)

In order to participate in secondary employment, an employee shall have the prior written approval of the City Manager. The purpose of the approval procedure is to determine the effect of the employment with the City and to ensure a conflict of interest will not exist. There shall be periodic reviews during the time of secondary employment to determine if there have been any adverse effects on City employment.

Secondary employment shall not be permitted in the following situations:

1. It creates, either directly or indirectly, a conflict of interest with the primary employment.
2. It impairs the employee's ability to perform all expected duties, to make decisions, and to carry out, in an objective fashion, the responsibilities of the employee's position.

Gifts and Favors

No employee of the City shall accept any gift, whether in the form of a service, a loan, a thing, or a promise from any person, firm, or corporation that, in the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the City. Items of minimal monetary value may be received, such as pens and notepads at conferences.

No employee shall accept any gift, favor, or thing of value that may tend to influence that employee in the discharge of duties.

No employee shall grant any improper favor, service, or thing of value in the discharge of duties.

Gratuities shall be refused by all City employees.

Uniform Dress Code and Personal Appearance

The image of the City is directly related to the employees of the City and the way in which they conduct and present themselves. All employees are expected to dress at all times in acceptable and professional manner which is consistent with good business practice and the provisions of the safety policy. In departments where uniforms are required, supervisors shall be responsible for making sure employees wear the designated uniform in a clean and neat manner and the City shall provide the uniforms. Altering a uniform without prior approval is a violation of the dress code. The City Manager is responsible for determining what acceptable attire is for City employees.

Employee Ethics

- City employees are expected to discharge their duties conscientiously and to conduct themselves in a manner, on and off the job, which will reflect favorably upon the City. Additionally, employees shall do the following:
- Avoid any use of their position which is motivated by the desire for private gain for themselves or other persons. They must conduct themselves in such a manner that there is no suggestion of obtaining any private advantage from City employment.
- Exercise care in their personal financial activities to avoid any liabilities which would reflect unfavorably upon the City.
- Not use their positions, in any way, to coerce, or give the appearance of coercing, another person to provide any improper financial benefit to the employee or to other employees.
- Avoid any action which might result in preferential treatment to any organization or person;
- Maintain independence and/or impartiality of action.
- Avoid any action or statement affecting adversely the confidence of the public in the integrity of the City.
- Report unlawful on the job actions to their immediate supervisor.

Breaks

It is the policy of the City to provide its employees with (2) two (15) fifteen minute breaks (one in the morning and one in the afternoon). These breaks are not required by law and consequently should be considered as a privilege and limited to the time indicated.

Breaks should not interfere with the employee's work and should not be taken unless work circumstances warrant. Generally, breaks should be taken at the work site, in the break room or employee's office, if applicable. Supervisors have the authority to alter the break policy for their employees when it is in the City's best interest.

Office personnel and other employees responsible for answering the telephone and serving walk-in visitors shall arrange to have their duties handled by another employee while they are on break. Under no circumstance are the City office to be left unattended without authorization from the City Manager.

Breaks shall be used only as rest periods and under no circumstances may they be carried over into another time period, saved for another day, combined with other types of leave, or added together to make one long break. There is no alternative compensation in lieu of receiving breaks.

Sexual Harassment

No employee of the City shall engage in conduct that can be defined as sexual harassment. No personnel decisions shall be made on the basis of granting or denial of sexual favors. All employees are guaranteed the right to work in an environment free from sexual harassment.

Sexual harassment is defined as any deliberate, unsolicited, and unwelcome verbal and/or physical conduct of a sexual nature or with sexual implications by a supervisor or co-worker which; (1) has or may have direct employment consequences resulting from the acceptance or rejection of such conduct; (2) creates an intimidating, hostile or offensive working environment; or (3) interferes with an individual's work performance.

Employees who feel that they have been sexually harassed in violation of this policy may file grievances through the City's grievance procedures. Prior to filing a formal grievance, any applicant for City employment or any current or past employee who feels they may have been sexually harassed, may request a meeting the City Manager or Human Resources Director. Filing a sexual harassment case are as follows:

1. Tell the perpetrator(s) to stop the harassment.
2. Document and record the sexual harassment.
3. Submit a complaint to your supervisor or Human Resource Director.
4. Human Resource Director shall investigate claim by conducting interviews, pulling workplace security videos, etc.
5. Action will be taken within 10 business days of claim such as termination or suspension.

Age Limitations

The minimum age for employment with the City of Trinity is (18) eighteen year of age for all positions. The City does not have a mandatory retirement age.

Solicitation

Employees are prohibited from participating in any type of solicitation during work time or while in the uniform of the City, or in any manner which would convey the implicit sponsorship or support of the City to such solicitation. Solicitation may occur during breaks, lunch, and before and after work if done on a strictly volunteer basis. Solicitation must be conducted in such a way that no employee feels pressure to participate. Solicitation includes selling items for fund raising or for personal profit.

Safety

Personal safety is the responsibility of all concerned. The City Manager, department heads and supervisors share responsibility for the following:

1. Providing safe work procedures and environments.
2. Implementing safety policies and programs.
3. Informing and training employees in safe work habits.
4. Detecting and correcting unsafe practices and conditions.
5. Investigating accidents and preparing accident reports.
6. Encouraging employees to report unsafe conditions and to submit practical safety suggestions.

Each City employee is responsible for the following:

1. Developing and maintaining safe work habits.
2. Promptly reporting all accidents and injuries.
3. Pointing out dangerous practices and working conditions.
4. Assisting with investigations of accidents.
5. Taking proper care of safety equipment.
6. Wearing proper clothing and avoiding loose sleeves, cuffs, rings, bracelets and long hair around moving machinery.
7. Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

Personal Conduct

All candidates for employment with the City are subject to thorough background checks including criminal history. The criminal background checks will be conducted in accordance with procedures established through the North Carolina Attorney General's Office. City will abide by Fair Credit Reporting Act guidelines.

The City also reserves the right to take disciplinary action including dismissal if an employee is determined by City Management to have violated any City Policy, Ordinance, or law.

If their position requires it, personnel employed by the City must present a valid state issued driver's license at the time of employment. Employees are required to keep the City informed as to any changes in the validity of their driver license. The City may periodically request employees make available a copy of their driving record or permit the City to obtain their driving records. The City may assist employees in completing the appropriate disclosure and release forms and paying the associated fees.

Reporting Convictions

If an employee is convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, the employee must notify his or her department head of the conviction within 5-days after such occurrence. This is a requirement of the Drug-Free Workplace Act. Failure to comply with this requirement will result in termination.

If an employee is arrested off the job for Driving While Impaired (DWI) or Driving Under the Influence (DUI) or for the use, sale, or possession of a controlled substance, he or she shall notify his/her department head within forty-eight (48) hours of the incident. The department head shall investigate the incident and if it is found to have a direct relationship to the employee's job duties and responsibilities, disciplinary action may be taken.

Substance Abuse and Drug Free Workplace

The City of Trinity is concerned about the detrimental effects which illegal drugs and alcohol abuse have upon the health and safety of its employees. We recognize that alcoholism and the illegal use of drugs lead to increased accidents and medical claims, and often destroy an employee's health and family life. Simply stated, employees who abuse drugs and alcohol are a danger to themselves, their fellow employees and their families. In addition, employees with drug or alcohol problems have much higher medical costs than other employees and their decreased productivity because of absenteeism and turnover adversely affects our ability to compete effectively.

In light of these concerns and in compliance with applicable state and federal laws and regulations, the City of Trinity intends to maintain a workplace free of the problems associated with the illegal use of drugs and the abuse of alcohol. Our policy is to help employees with problems associated with the abuse of drugs and alcohol and to encourage their rehabilitation. However, no part of this Substance Abuse and Drug Free Workplace Policy (the "Policy") nor any of its procedures is intended to affect the City of Trinity's right to manage its workplace or to discipline its employees. Nor is it a guarantee of employment, continued employment, or except as specifically provided in the Policy, of terms or conditions of employment. The Policy is intended to help provide a better and safer work environment for all employees.

Substance abuse is defined as: (1) reporting to work or working with illegal drugs present in the body or while affected by alcohol, (2) chemical dependency on alcohol or other drugs where job performance or employee safety is adversely affected, or (3) the use of illegal drugs. The term "illegal drugs" as used in this Policy includes, but is not limited to, marijuana, cocaine, phencyclidine (PCP), opiates, amphetamines and similar drugs whose possession and use are prohibited under state or federal law in this country, as well as prescription drugs unless validly prescribed by the employee's physician and used in the prescribed manner. So-called "Designer drugs", "look alike", synthetic drugs and similar substances are also considered illegal drugs for purposes of this Policy, even if they are not specifically prohibited by state or federal law. This Policy is also designed to cover other substances which may be abused, whether available legally "over the counter" (such as cough syrup or drugs obtained with a valid prescription), or substances which are not intended for human consumption (such as glue). The term alcohol refers to the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

FOR ALL EMPLOYEES

- a. Except as provided in paragraph above, the possession, use, distribution, transfer, manufacture or sale of alcohol, illegal drugs, or legal drugs without a valid prescription on city property, in a city vehicle, or on city time is specifically prohibited. An employee who violates this prohibition is subject to disciplinary action up to and including termination of employment. Any circumstances that indicate the violation of state, federal or local laws may be reported to appropriate law enforcement officials, and the City of Trinity will cooperate in any criminal prosecutions.
- b. Reporting for duty or working with drugs present in the body or while affected by drugs or alcohol is prohibited and will be handled under disciplinary procedures or referral for counseling and/or rehabilitation, as the City Manager determines. This prohibition includes prescription drugs, unless the employee has a current legal prescription, a valid medical reason for using such prescription drug and is using such drug in the prescribed manner. No employee shall report for duty, remain on duty or perform a safety-sensitive function, if the employee tests positive for alcohol or controlled substances
 - i. Four (4) hours before performing safety - sensitive functions.
 - ii. Reporting for duty or remaining on duty to perform safety-sensitive functions with a blood alcohol concentration of 0.02 PPM or greater. Employees who have a blood alcohol concentration of 0.02 PPM or more are not permitted to perform safety-sensitive functions for at least 24 hours after such a blood alcohol level is detected.
 - iii. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over the counter), unless the packaging seal is unbroken.
 - iv. Use during the 8 hours following an accident, or until he/she first undergoes a blood alcohol post-accident test, and
 - v. Refusing to submit to a required test in that the employee either fails to provide adequate breath for testing without a valid medical

explanation after the employee has received notice of the requirement for testing or the employee engages in conduct which clearly obstructs the testing process.

- c. Employees are not permitted to consume alcohol in City-business settings. Employees are strongly discouraged from operating motor vehicles after consuming even a moderate amount of alcohol. Employees who violate the provisions of this paragraph are subject to disciplinary action depending upon considerations such as the nature of the offense, their present job assignments, their records with the City of Trinity and the possible adverse consequences upon the City of Trinity from their violations.
- d. To ensure that employees can safely perform their jobs, the City of Trinity is also concerned with prescription or over-the-counter drugs which might have an impact on job performance. All employees in safety-sensitive functions or otherwise subject to drug testing taking prescribed medications that could impair their ability to safely operate a commercial motor vehicle or related activities associated with loading, unloading, inspection and maintenance or other activity that is classified as "on duty time" under 49 CFR 395.2 must report such use to their immediate Supervisor or Human Resource Director as directed by this Policy.
- e. Testing positive for drugs.
- f. Refusing to submit to a required test in that the employee fails to provide adequate specimens for controlled substances testing without a valid medical explanation after the employee has received notice of the requirement for urine testing or the employee engages in conduct which clearly obstructs the testing process.

Circumstances for Drug Testing

The City of Trinity will consider an employee for a drug and or alcohol testing under the following circumstances:

- 1. **Employee Requests and Voluntary Referral for Counseling and/or Rehabilitation.** The City of Trinity may test an employee who specifically asks to take a test. The City of Trinity should consider the employee's motivation for requesting a test as well as the test's potential impact on other employees.

The City of Trinity recognizes and accepts that early treatment is the key to rehabilitation for substance abusers. Therefore, employees are encouraged to voluntarily request help. No employee will have job security jeopardized by such a good-faith request.

- a. **Posting** - The City of Trinity shall post the name and telephone number of the City of Trinity's recommended rehabilitation and counseling service at a location where it may be seen by all employees.
- b. **Procedure For Volunteering for Assistance** - An employee may volunteer for assistance either by requesting help from the Designated City Official or a supervisor, or by contacting the City's recommended rehabilitation and counseling service. If an employee contacts a supervisor concerning a substance abuse problem, the supervisor shall assist the employee in setting up an appointment with the Designated City Official or recommended

counseling or rehabilitation service but should not attempt to diagnose the problem or counsel the employee.

- c. **Testing After Referral for Assistance** - An employee with a positive drug screening test who has been referred by the City of Trinity for counseling and/or rehabilitation under this Policy may be tested without cause and at any time for a period of two years after referral. Employees who volunteer to have a drug abuse problem and seek counseling and/or rehabilitation under this Policy may also be tested without cause and at any time for a period of two years after referral or self-referral. However, should the employee leave the employment of the City of Trinity, the city will not be obligated to provide assistance beyond the last day of employment.

2. Federal or State Mandated Substance Abuse Testing and Safety Sensitive Positions (Random Testing).

If any City of Trinity employees are subject to federal or state mandated substance abuse testing, including but not limited to Department of Transportation ("DOT") regulations, such employees will be tested pursuant to such testing requirements notwithstanding this Substance Abuse Policy.

All individuals being considered for safety-sensitive positions as defined by Title 49 of the Code of Federal Regulations, including applicants and transfers, and all employees currently performing safety-sensitive duties are subject to this testing, including every person who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce, and is subject to the commercial driver's license requirements of 49 CFR Part 383 are subject to Random Testing.

Employees subject to testing because of Federal or State Mandated Substance Abuse Testing and/or their classification in a Safety Sensitive Positions may be tested in the following manner:

All employees of the City of Trinity in safety-sensitive positions will be subject to random testing for alcohol and controlled substances. For compliance purposes two groups of employees for random selection will be maintained, DOT covered employees and safety sensitive non-DOT employees. Random testing will be conducted on a percentage basis in a fair manner as provided by DOT regulations and will be conducted by the third party contractor.

3. Evidence of Substance Abuse or Reasonable Suspicion

The City of Trinity will require employees to submit to an alcohol and/or controlled substances test where there is reasonable suspicion to believe the employee has violated the provisions of this policy, except for the provision regarding possession of alcohol.

The observation concerning and decision as to whether reasonable suspicion exists to test will be made by a trained City of Trinity supervisor or official. Alcohol testing under this Policy is only authorized if the observations showing reasonable suspicion are made during, just before, or just after the employee performs safety-sensitive functions.

Before employees are asked to submit to a drug or alcohol screening test for reasonable suspicion testing, the concurrence of the Designated City Official or designee shall be obtained. The employee should be confronted in private with at least two members of management present. The employee shall be told that in accordance with the City of Trinity's Substance Abuse Policy, he or she is being requested to submit to an alcohol or drug screening test. Care should be taken to ensure that management states no conclusions as to whether the employee is a substance abuser. In the event an employee is injured, unconscious, or otherwise unable to sign a consent form, the Designated City Official or designee shall be consulted on the proper course of action.

Reasonable suspicion may be based on any of the following conditions:

- a. Direct observation of the physical symptoms of being under the influence of a drug, such as impairment of motor functions or speech.
- b. A pattern of abnormal conduct or erratic behavior.
- c. Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or distribution.
- d. Information that is provided by reliable and credible sources or that can be independently corroborated.
- e. Newly discovered evidence that the employee tampered with a previous drug test.
- f. And other factors supervisors enforcing this policy have been trained to recognize as the signs of drug and alcohol use.

4. Accident or Incident

If any employee is involved in an accident or incident where.

- a. Personal injury requiring immediate medical treatment is needed or
- b. Property damage is estimated in excess of \$2,000.00, or
- c. The employee is issued a citation under state or local law for a moving traffic violation.
 - a. The employee will be required to submit to an alcohol test and a controlled substance test.
 - b. Testing will be administered as soon as medically and legally possible.
It is the employee's responsibility to notify the city immediately to

insure actions are taken to meet the testing requirements. The driver must refrain from using alcohol for 8 hours following the accident or until he/she submits to an alcohol test whichever comes first.

- c. The driver must remain available for testing or the City of Trinity will consider the driver to have refused to submit to testing.

Note: Nothing in this requirement should be construed as to require the delay of necessary medical attention for injured people following an accident.

5. Follow-up and Return-to-duty Testing

Any employee who, based on City of Trinity approval is allowed to return to duty following referral, evaluation and treatment as a positive alcohol or controlled substance test will be required to submit to a return-to-duty alcohol and/or controlled substance test. An alcohol concentration of less than 0.02 and/or a negative controlled substance test will be required before a return-to-duty decision is made. In the event an employee is allowed to return to duty following referral, evaluation, and treatment, unannounced alcohol and/or controlled substance tests will be required during the next 12 months of employment. Follow-up testing may continue for up to 60 months following return to duty at the City of Trinity's discretion, based on recommendations from the substance abuse professional.

For random, reasonable suspicion and follow-up alcohol testing, an employee shall only be tested while the employee is performing safety-sensitive functions, immediately prior to performing, or immediately after performing safety-sensitive functions.

For controlled substance testing, an employee may be tested at any time the employee is at work for the City of Trinity. Appropriate procedural forms will be provided by the third-party contractor.

6. Applicants for Employment

All applicants must undergo a pre-employment drug screening test (if appropriate, as part of their routine pre-employment physical examination}. Failure to cooperate in such a test (or examination) will be considered a withdrawal of the City of Trinity's offer of employment.

Any offer or acceptance of employment is contingent upon the applicant successfully completing his or her drug screening test. No applicant shall be required to submit to a drug test until after the applicant has been offered a job. Employment will be denied when the test results are positive for illegal drugs or for the presence of prescription drugs (such as barbiturates, amphetamines, opiates, etc.) unless the applicant has a current prescription, a valid medical reason for using such drugs, and is using such

drugs in the prescribed manner. No one shall be permitted to begin work until the results of the test have been obtained.

All applicants shall report to the nearest drug testing collection site within 24 hours of a conditional offer of employment. Failure to report to a testing site within 24 hours shall be considered a withdrawal of the City of Trinity's offer of employment.

The City of Trinity's third-party contractor will provide appropriate pre-employment release forms. Failure to sign the form or cooperate in the test procedure as requested will be deemed a withdrawal of the individual's application for employment.

Discipline and Consequences

Employee compliance with the City of Trinity's Substance Abuse Policy is mandatory. Failure or refusal of any employee to fully cooperate and participate in the program, sign any required document or submit to a drug or alcohol screening test will be grounds for termination of employment, unless a compelling, satisfactory reason is provided. Employees who continue employment while undergoing counseling or rehabilitation will be required to meet all established standards of conduct and job performance. Employees who have been referred for counseling or rehabilitation under this Policy shall be required to fully cooperate and participate in their rehabilitation and the recommendations of the program administrators. This may include the requirement for regular attendance at therapy sessions. Employees who have been referred to counseling or rehabilitation may be required to undergo drug screening tests at any time for a period of up to two years. If the City of Trinity determines that an employee has failed to cooperate under the terms of this Substance Abuse Policy, the employee may be suspended without pay and be subject to further disciplinary action, up to and including termination.

An applicant for a part-time or a full-time position or a transfer from non-safety-sensitive to a safety-sensitive position with a verified positive controlled substance test result will be denied employment or be subject to discipline, up to and including termination.

Any employee of the City of Trinity subject to the terms of this policy, as a result of reasonable cause testing, post-accident, random, and/or return to work testing with a verified positive controlled substance test result and/or an alcohol breath test with a confirmed test result of 0.02 PPM or greater will be subject to discipline, up to and including termination.

In all cases with a verified positive controlled substance test result and/or a confirmed alcohol breath test result the employee will be referred to a Substance Abuse Professional (SAP) for evaluation, referral, and treatment. The referral to SAP applies even if the employee is terminated.

After an employee has been referred for counseling or rehabilitation under this Substance Abuse Policy, the employee must promise to remain drug free. A subsequent positive drug test may result in termination of employment.

Testing Methodology

City of Trinity will contract with a third party for the purposes of alcohol, drug and other substance abuse testing including random selection, chain of custody / collection, screening/testing, confirmation of testing, medical review officer services, communication of testing results, EAP referrals and other administrative and program support. The third-party contractor will ensure compliance with NCAC §20.0300 et al and specifically to § 20.0304 "Procedures". The third-party contractor will establish procedures compliant with the U.S. Department of Transportation testing procedures for selected positions effected by those regulations.

Transportation of Impaired Employees

If the City of Trinity believes that an employee may be impaired by drugs or alcohol and appears to be unable to drive safely, the City of Trinity shall provide or arrange for transportation. If the employee refuses to accept such transportation, and insists upon driving, he or she should be strongly discouraged from doing so but not forcibly restrained. If appropriate, the City of Trinity may take disciplinary action, up to and including termination of employment against an employee who still insists upon operating a motor vehicle. Finally, the employee should be advised that the City of Trinity will notify local law enforcement authorities if he or she still attempts to drive. If the employee does attempt to drive the proper law enforcement agencies shall be notified. All actions taken to persuade the employee not to drive shall be documented.

Time Off for Counseling/Rehabilitation and Return to Work

Work time lost will be paid according to applicable benefit plans of the City of Trinity (such as vacation, sick leave or personal day policies) to the extent available to the employee. Beyond such benefits, work time lost for counseling and rehabilitation will be without pay. An employee may return to work only after he or she has been certified by the treatment facility as being free of substance abuse and fit to return to duty; and he or she has produced a clean sample specimen which generates a negative test result.

Medical Benefits for Counseling and/or Rehabilitation

Benefits are available as provided in the City of Trinity's medical insurance plan, depending on the medical diagnosis by the employee's physician in conjunction with the City of Trinity's benefit plans.

Confidentiality

All information involving drug or alcohol tests, medical examinations, counseling, rehabilitation or treatment of an individual employee or applicant shall be treated as confidential. All such information will be accessible only to those City of Trinity officials and designated medical or professional persons as have been approved on a valid need-to-know basis. It will not be provided to any other party without the employee's written consent, except pursuant to administrative or legal procedure or process. Any employee who willfully discloses such information in violation of City of Trinity policy will be subject to disciplinary

action up to and including termination. Such information is not a public record under § GS 160A-168.

Severability and Effect

If any part of this Policy is determined to be void or unenforceable under state or federal law, the remainder of the Policy will remain in full force and effect to the extent possible.

Reservations

No part of this Policy, nor any of its procedures, is intended to affect the City of Trinity's right to manage its workplace or to discipline its employees. Nor is it a guarantee of employment, continued employment, or of any terms or conditions of employment except as specifically provided herein. This Policy does not create an express or implied contract between the City of Trinity and any employee. Because it is impossible to anticipate every situation which may arise under this Policy, the Designated City Official should be contacted to resolve any situation not addressed herein. This contact should be made before action is initiated, if at all practicable. The Designated City Official is responsible for the overall implementation of this Policy.

The City of Trinity reserves the rights to interpret, change, modify, amend, or rescind this Policy in whole or in part. Exceptions to this Policy may be granted in unusual or extenuating circumstances, but only with the concurrence of the Designated City Official.

Article VI

Hours of Work and Overtime

Overtime and Compensation

The City will compensate employees for overtime work with compensatory time for hours worked in excess of the standard work week at a rate of one and one-half times the overtime hours worked. Work Schedule for standard workweek. Compensatory time is time off from work that is to be taken within 90 days of accrual. Compensatory time may be accrued to the maximum limit allowed, which is 240 accrued hours for regular employees. Compensatory time could be paid out annually for hours over 240 hours with the approval of both the City Manager and Finance Director for budgetary compliance.

Hours in excess of the accrual limit will be paid according to the Fair Labor Standards Act for overtime pay. The Human Resources Director reserves the right to periodically pay down or pay out compensatory time balances with overtime pay at any time of its choosing. All compensatory time taken must be properly documented on the employee's attendance record and must receive the approval of the supervisor before accrual and before use.

Executive, administrative, professional, and other employees exempt from the FLSA and from overtime compensation are expected to perform the duties required in their jobs, regardless of the amount of time involved. However, the City wishes to treat all of its employees fairly, and also recognizes the physical and psychological health implications created by excessive overtime. Therefore, exempt employees shall be allowed to accumulate compensatory time on an hour for hour basis and may be allowed to take compensatory time in the same manner as vacation leave but with minimum increments of one hour; with the prior approval of the employee's supervisor.

All compensatory time earned and taken shall be properly documented on the employee's attendance record.

See Article X for additional policies regarding payroll and salary deductions.

For questions concerning overtime provisions related to the FLSA, 29 CFR, Part 553,

Exemptions

The exempt or non-exempt status of any particular employee must be determined on the basis of the nature of work performed, the duties, responsibilities assigned, and the terms or conditions of employment. The Human Resources Director is responsible for determining exempt positions.

Hourly Rate of Pay

The hourly rate of pay maintained by the Finance Director is obtained by dividing the annual salary by 2080 hours. Holiday pay, which is paid at less than time and one-half, must be included in determining the regular hourly rate of pay. On-Call pay will be based on a set (8) eight hours multiplied by said on-call employee's regular pay rate per week. If, in a single workweek, an employee works at two or more different types of work for which different straight time rates have been established, the employee's regular rate for that week is the weighted average of such rates; that is, the earnings from all such rates are added together and this total is then divided by the total number of hours worked at all jobs.

All employees must be paid at least the State's minimum wage at \$7.25 per hour.

Pay Rates in Salary Range Revisions

If the city council approves a change in salary range for a pay grade of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

1. When a pay grade of positions is assigned to a higher pay range, employees in that grade will receive a pay increase to the minimum of the new range or may receive a percentage increase commensurate with their years of service and/or the percentage adjustment of the class in order to avoid salary compression.
2. When a pay of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum established for the new class, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.

Effective date of salary adjustments

Salary adjustments shall become effective on the date of the actual adjustment.

Payroll deductions

Federal and state income taxes, social security tax, and retirement contributions shall be deducted as authorized by law. Additional deductions, benefits, or salary reductions may be allowed, as law permits. Payroll errors will be corrected on the next scheduled payroll after

discovery of the error. Inaccuracies, whenever found, are required to be reported to the finance department. Employees will receive, in writing, corrections to payroll errors.

Payroll Procedure

All employees shall be paid on Tuesdays, on a biweekly basis. Direct deposit is the required method of payment. Sick or vacation time is not allowed to be advanced to employees with deficit leave balances. All time sheets must be signed by employee, direct supervisor or designated, and City Manager (*exempt employees only*). While the City Manager must have their time sheet signed by the Mayor or Finance Director.

Overtime

Overtime is pay for work over forty (40) hours per week paid at 1 ½ times as per Fair Labor Standards Act Law. The City abides by all applicable sections of the Fair Labor Standards Act and the Fair Labor Standards Amendments of 1986. The City will properly record all applicable overtime accrued for each covered employee. This overtime section is applicable only to employees of the City of Trinity who are nonexempt under the Fair Labor Standards Act (FLSA).

Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work during breaks or at any time that they are not scheduled to work, unless they receive approval from their immediate supervisor, or in cases of emergency. However, employees who work excess hours due to an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work. If overtime is necessary, the direct supervisor must give prior approval to the employee to work beyond the regular scheduled hours.

Based upon the provisions of the Fair Labor Standards Act, non-exempt employee work that has not been requested by management but is endured or permitted is considered work time. Therefore, when an employee voluntarily works prior to or after his regularly scheduled work day, and it is endured or permitted, it is considered overtime hours when in excess of forty (40) hours in the work-week, although the work had not been specifically authorized.

Department heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for overtime pay in accordance with the provisions of the Fair Labor Standards Act and established record keeping forms and instructions.

Computation for overtime will include actual work hours over and above the standard work hours for a seven (7) day work period for non-law enforcement employees. Calculation of compensatory time is equal to one and one half time the overtime hours worked.

Only actual hours worked are used for computing overtime.

All overtime compensation (compensatory time or monetary) will be determined by the Human Resources Director.

Exempt employees, while not eligible for compensatory time, may flex-time off at an equal amount for each hour of overtime worked. No compensatory time balance will be paid to exempt employees at termination of employment or otherwise.

Employees wishing to use accrued compensatory time must make a written request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the City. Department Heads will be responsible for administering their compensatory policies by allowing employees to take accrued compensatory time in a timely manner so that compensatory time will not accrue to excessive levels.

Non-exempt employees who are called back to work outside regularly scheduled working hours will be paid at least one and half hour wages. Workers called in on holidays, out of normal working hours for urgent situations, will be paid a premium, up to one and half hours per actual worked hours.

When employees are required to work long and continuous hours, the City Manager may approve compensation at double the time for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions. In declared emergencies, exempt employees will be compensated for overtime up to double time.

Reporting Schedule

Prior approval to work overtime or compensatory (comp) time must be obtained from the non-exempt employee's direct supervisor.

Hours worked by an employee without his/her supervisor's prior permission or contrary to his/her instructions may or may not be considered as hours worked. Unrecorded hours worked during a workweek by an employee at the job site or at his/her home must be counted as hours worked if the supervisor is aware or has reason to know of such practice. The City must enforce the no-work rule and may not unjustly benefit from work performed without prior knowledge.

In determining the number of hours worked by an employee within a workweek or established pay period, time spent on vacation, sick leave, jury leave, and military leave will not be counted as time worked. Such time off must be included in straight time pay, but it is not included in computing hours of work for overtime pay.

A meal period (lunch) is a span of at least 1 hour during which an employee is completely relieved of duty and free to use the time for his/ her purposes. It is not counted as hours worked or paid time. Any meal period of less than 1 hour and not taken away from an employee's designated work area must be paid as hours worked.

Employee's attendance at training sessions, workshops, other meetings and travel time, whether before, during or after the employee's work schedule is work time. Attendance is voluntary only if the employee is not led to believe that his working conditions or continued employment would be adversely affected by non-attendance.

Recordkeeping of Hours

Records of hours worked, and wages paid are required to be kept for each employee subject to this policy. Records must be preserved permanently. Payroll records must be kept and maintained by the Finance Department.

1. Name
2. Home Address
3. Date of birth
4. Sex and position classification in which employed (sex may be indicated by use of prefixes (Mr. Mrs., or Ms.)
5. Time and date of week the workweek begins
6. Total wages paid each pay period
7. Date of payment and pay period covered
8. Basis on which wages are paid (such as "\$7.25 hr.", "\$290.00 wk.", or "\$1,256.67 mo.")
9. Regular hourly rate of pay for any week in which overtime is worked
10. Amount and nature of each payment excluded from regular rate
11. Hours worked each workday and total hours worked each workweek
12. Total daily or weekly straight-time earnings or wages
13. Total overtime earnings for the workweek
14. Total additions to or deductions from wages paid each pay period plus the dates, amounts and nature of the times which make up the total additions and deduction.

Article VII

Employee Benefits

The City of Trinity may, at its sole discretion, alter, amend or cancel any benefit, plan or condition of employment, unless otherwise prohibited by applicable law, and any such changes may be applied to any employee or retiree already receiving or subject to any such benefit, plan or condition of employment.

Insurance benefits.

1. The City shall provide individual health, dental, vision and life insurance to all permanent full-time employees in accordance with the provisions of the group plan. Employees shall be enrolled in the program in accordance with the provisions of the group plan.
2. In order to be eligible to participate in the City’s group health insurance plan an employee must be eligible for membership in the North Carolina Local Government Retirement system and be scheduled to work a minimum of 40 hours per work week.
3. Payroll deductions shall be allowable, at the option of the employee, to provide health, dental and life coverage for dependents in accordance with the provisions of the group plan.
4. A Medicare Part B and a Supplement Plan may be provided to all permanent full-time employees who are or become eligible for Medicare benefits (*65 years and older*). This benefit will begin upon enrollment in Medicare parts A & B. The procedure will follow in accordance with Medicare Law.
5. The City of Trinity shall provide health insurance to retired permanent full-time employees. However, the City of Trinity shall provide full coverage, or a percentage of the retired employee’s health insurance based on the employee’s years of service with the City of Trinity. The City of Trinity’s financial responsibility will be as follows:

15 Years	50%
20 Years	75%
25 Years	100%

This benefit will be available to the retiree until he/she is eligible for Medicare Health Insurance (*65 years and older*) benefits.

Unemployment compensation.

Employees who are laid off or dismissed from the City may apply for unemployment compensation through the local office of the Employment Security Commission. Eligibility for unemployment compensation will be determined by the Employment Security Commission.

Retirement benefits

Each employee in a budgeted position, working a minimum of 1,000 hours per year, will be enrolled in the North Carolina Local Governmental Employees' Retirement System. Employees contribute, through payroll deduction, (6) six percent of their gross salary each month to the system. The City contributes an actuarially determined percentage of the gross payroll each month to the system.

The City shall make available to all regular, full-time employees group insurance plans for medical insurance coverage, life insurance, and other insurance plans as necessary and efficacious for City operations and as required by law. Such coverage may be subject to further stipulations of the contract with the vendor providing coverage and/or services.

Career development

If a permanent full-time employees enter into a career ladder plan with the prior approval of the department head, Human Resources Director and the City Manager, the City of Trinity is responsible for the cost of books, training, exams, etc. However, the employee entering into the Career Development Plan must commit to the City of Trinity for (3) three years after receiving a certificate, degree, or high-level license. If an employee departs from the City of Trinity rather voluntarily or involuntary before their (3) three-year commitment, the employee could be liable for the repayment of books and exams. This repayment or non-repayment of books and exams will be determined by the Human Resources Director. To be eligible for this benefit the employee must meet these requirements:

1. Permanent full-time employees
2. Meets the job description minimum education and professional requirements.
3. There is a department "need" for the career development enhancement.

Approved Courses.

The determination by the Department Head, Finance Director, and City Manager on whether to provide reimbursement shall be based on the employee being enrolled in an educational program that will either improve the employee's ability to perform the present job or help prepare the employee for a job with the City which will demand a higher level of responsibility and/or skill.

The percentage of the career ladder plan is based on the allocated time of completion for approved courses or certification. However, this percentage pay plan excludes all continuing education courses and training to maintain a current certification.

Percentage for Hours Completed

If an employee chooses to enhance or advance their career upon the Department Head and Human Resource Director approval, the hours of completion for the course(s) have a percentage average. The percentage for hours approach will only be for new certifications, degrees, certificates, and licenses. This excludes all continuing education coursework, seminars, etc. for maintaining the employee’s status. All North Carolina mandatory licenses for compliance to conduct daily operations will automatically earn a 5% increase. North Carolina mandatory license for compliance must be earned within (2) two years of employment but it is preferred for an employee to have said license before employment. Percentage for hours completed are as follows:

Table 3

Course/Training Hours Completed	Percentage Earned
30 hours – 29 hours	3%
40 hours – 49 hours	4%
50 hours – 59 hours	5%
60 hours – 69 hours	6%
70 hours – 79 hours	7%
80 hours – 89 hours	8%
90+ hours	10%

For example: An employee completes an Associate’s Degree which is normally around 60 hours, this would convey an increase of 6%. However, if the employee goes back to school and obtain a Bachelor’s Degree than it conveys an 10% increase but that increase would be in “total”. Let’s break it down:

Employee Completed Associate’s Degree: June 2002

Increase Received: 6%

Employee Completed Bachelor’s Degree: June 2008

Increase Remaining: 4%

Total Received: 10%

If an employee completes their Bachelor’s Degree all at once, the employee will received a 10% increase. This is due the fact that the employee has not chosen to complete their degree in “phases”.

Longevity Pay

Based on an employee’s years of service to the City of Trinity, the City of Trinity shall grant an annual Christmas Bonus. The Christmas Bonus will be provided as an annual longevity payment. The Christmas Bonus shall be issued to all permanent full-time employees, as financial situations warrant, and will be based upon the number of years of service with the City. All Christmas Bonuses will be paid to the City’s employees through payroll to reflect payroll taxes. All such pay is subject to applicable taxes and retirement deductions. Service years will be determined by the Human Resources Director and shall be issued on or before November 15th and are as follows:

Table 4

Years of Services	Percentage
1 – 3 Years	1%
4 – 7 Years	2%
8 – 10 Years	3%
11+ Years	4%

Leave and Holiday Pay

In determining the number of hours worked by an employee within a workweek or established pay period, time spent on vacation, sick leave, jury leave, and military leave will not be counted as time worked. Such time off must be included in straight time pay, but it is not included in computing hours of work for overtime pay. Only permanent full-time employees earn vacation, sick, and holiday leave. The monthly leave accruals are as follows:

Table 5

Years of Service	Vacation Hours Earned (<i>monthly</i>)
0 – 5 years	6.67 (2 weeks)
5 – 15 years	10.00 (3 weeks)
15+ Years	13.34 (4 weeks)
Years of Services	Sick Hours Earned (<i>monthly</i>)
0 – 10 years	8.00 (1 day)
10 – 15 years	12.00 (1.50 days)
15+ Years	16.00 (2 days)

Vacation Leave - Use and Reporting

Vacation leave may be taken as earned by the employee, subject to the approval of the Department Head, except in the case of a new employee.

New employees may earn but may not take vacation leave during their six-month (6) probationary period. If a new employee has accrued vacation leave, h/she may be allowed to take it in extenuating circumstances with the approval of the City Manager.

All requests for vacation leave must be approved in advance by written notice by the direct Supervisor except otherwise approved by the City Manager. An employee will not be permitted to work for the City at the same time that they are on vacation leave.

Under no circumstances shall an employee be paid for accumulated or unused vacation leave while still in the employment of the City.

Vacation Leave - Advancement

Under extenuating circumstances, an employee may be given advanced vacation leave. Such an advancement of leave will be made only with the approval of both the City Manager and Finance Director for budgetary compliance.

Vacation Leave Payment of Leave upon Termination of Employment

Upon termination of employment with the City for whatever reason, an employee must have worked through the 15th of the month of termination to earn vacation leave for that month.

At the time of an employee's separation, any advanced vacation leave owed the City shall be deducted from the employee's final compensation.

Upon submission of a resignation an employee shall be eligible to be paid for vacation leave accumulated to the date of separation not to exceed the maximum 30 days or 240 hours.

An employee who is involuntarily separated without failure in performance of duties or personal conduct, as outlined in Article VI, shall be paid for vacation leave accumulated to the date of separation, but not to exceed 30 days 240 hours.

For involuntary separation due to failure in performance of duties or personal conduct accumulated vacation leave may be withheld given the circumstances of each employee's case, at the discretion of the City Manager.

Vacation Leave Payment of Vacation Leave upon Death

The estate of an employee who dies while employed by the City shall be entitled to payment of all of the accumulated vacation leave credited to the employee's account not to exceed 30 days or 240 hours.

Sick Leave Policy

Sick leave with pay is a privilege granted by the City for the benefit of an employee when sick or injured or when tending to an immediate family member. Sick leave may also be used for medical appointments, death in the immediate family, and exposure to a contagious disease when continuing to work could jeopardize the health of others.

An employee may take up to three (3) days of sick leave for a death in the immediate family. For purpose of this section immediate family shall be deemed to include parents, children, siblings and a spouse, and grandparents. Additional sick leave may be granted with the approval of City Manager.

Sick Leave - Accumulation

Each permanent full-time regular and probationary employee shall earn sick leave based on the employee's years of service to the City of Trinity each month. *Refer to Table 5- Leave and Holiday Pay*

Employees hired on or before the fifteenth of the month earn sick leave for that month, and those hired after the fifteenth of the month begin earning sick leave on the first of the following month.

Time taken off by employees using approved leave, or time off under worker's compensation shall be counted as time worked for the purpose of sick leave accumulation.

There is no maximum accumulation for sick leave. Unused sick leave may be applied toward retirement credit, at the rate of one month's credit for every 20 days of unused sick leave under the rules of the North Carolina Governmental Employees Retirement System.

Sick Leave - Use and Reporting

Sick leave must be charged as used. All employees shall be eligible to use sick leave as soon as it is earned.

Employees are required to notify their direct supervisor as soon as possible at the beginning of the regular workday, if they are unable to be at work because of illness.

Sick Leave - Physician's Certification

For all absences due to illness extending beyond three (3) days, a physician's certificate providing proof that the employee was unable to work due to illness, injury, or illness in the employee's family, may be required to ensure there is no abuse of the sick leave privilege. A physician's certification regarding an employee's ability to return to work after an illness or injury may be required. The City Manager has the authority to request the certification. The City Manager may require a doctor's statement for any sick leave taken if circumstances warrant.

Failure of an employee to provide physician's certification shall constitute a reason for nonpayment of the days taken. Such action may also be construed as grounds for further disciplinary action.

Sick Leave - Payment upon Separation

Employees will not be paid for any portion of unused sick leave when they leave the employment of the City for any reason.

Leave without Pay – Policy

A regular employee may be granted a leave of absence without pay for up to six (6) calendar months by the City Manager. The granting of such leave is at the discretion of the City Manager and does not have to be granted. Leave without pay status may be granted for reasons of personal or family disability or special work that will permit the City to benefit from the experience gained or the work performed. The employee must use accrued compensatory leave before going on leave without pay status. Such leave may be extended by the City Manager for up to six (6) calendar months at the convenience of the City.

An employee will not be allowed to use leave without pay privileges for vacation purposes while maintaining his accumulated vacation leave. The employee must use accrued vacation leave before requesting leave without pay.

Leave without pay may be used by the City as a form of disciplinary action against employees in the following situations:

1. employee takes vacation leave without authorization; or
2. employee does not notify his supervisor of the need to take sick leave.

The employee shall apply in writing to his supervisor and then to the City Manager for leave without pay. The employee is obligated to return for duty within or at the end of the time determined appropriate by the City Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held of the time leave was granted or to one of like classification, seniority and pay. However, the employee's anniversary date will be changed to reflect the amount of time out of work.

If the employee decides not to return to work, the City Manager should be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and granted, shall be considered a resignation.

Leave without Pay – Retention and Continuation of Benefits

An employee shall retain all unused vacation and sick leave while on leave without pay, except in cases where leave without pay is requested for vacation purposes then all accrued vacation leave must be used first. An employee ceases to earn leave credits on the date leave without pay begins. However, the City of Trinity will continue to pay employee health, dental, etc.

The employee may continue to be eligible for benefits under the City's group insurance plans, subject to any regulation adopted by the City Council, the regulations of the respective insurance companies and the US and NC.

Worker's Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Worker's Compensation Act may receive Worker's Compensation benefits.

Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Worker's Compensation.

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Worker's Compensation Act.

Military Leave

Employees entering active military duty shall have their job status protected in full compliance with federal and state requirements.

Permanent full-time employees not serving an initial probationary period who are members of the National Guard or Armed Forces Reserve will be allowed up to 80 working hours per fiscal year military training leave with pay for extended training, often called summer guard duty. If such military duty is required beyond this period, the employee shall be allowed to take accumulated vacation leave or be placed in a leave without pay status. Increases where two (2) annual training sessions may be required in one (1) fiscal year the employee shall be allowed to take an additional 80 hours of military leave; however, it shall be without pay.

While taking the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the City during this period.

Employees serving a probationary period and all temporary employees must take leave without pay to serve any required duty. Employees serving military duty will be allowed to keep pay received from such duty. Regular employees who are members of the guard and reservists have all job rights specified in the Veterans Readjustment Assistance Act.

Civil Leave

Employees may be granted time off with pay for a reasonable amount of time to be established by the City Manager at the beginning or end of their regular workday so that they may vote in national, state and local elections. This leave is only available to employees whose normal work hours would not otherwise allow them an opportunity to vote.

Civil leave may be granted when an employee is called for jury duty or is subpoenaed as a witness in any civil or criminal legal proceeding, provided that neither the employee nor the

City is a party to the lawsuit and the employee is not being compensated for testimony in an expert capacity. An employee who is a party to private litigation shall not be entitled to civil leave but may take vacation or leave without pay for necessary court appearances with the approval of the City Manager. This policy is not intended to apply to employees testifying in court as a part of their normal and official City employment duties. The employee shall receive leave with pay for such duty during the required absence without charge for accumulated vacation.

An employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation.

When an employee's obligation for jury or witness duty ends before the end of that employee's normal workday, the employee is expected to return to work for the remainder of the workday. While on civil leave, benefits and leave shall accrue as though on regular duty.

Administrative Leave

Leave with pay may be authorized by the City Manager for purposes considered to be in the public interest, in cases of civil disturbances or in such other circumstances as good judgment and common practice would dictate.

Paternity and Maternity Leave

In accordance with the City 's policy on Employment Opportunity, female employees shall not be penalized in their employment because they require time away from work caused by or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery. Disabilities resulting from pregnancy shall, for sick leave purposes, be treated the same as any other temporary disability suffered by an employee. Accumulated sick leave may be used for the period of actual disability. Since there is no certainty as to when disability actually begins and ends, a doctor's certificate shall be required verifying the employee's period of temporary disability.

In addition to the time of actual disability, an employee is entitled to take additional paternity/maternity leave up to a maximum of 12 weeks total leave time may not exceed of 12 weeks which is to include paid and unpaid leave. An employee may use any combination of sick leave, vacation leave, compensatory time, and unpaid maternity leave to make up the total of 12 weeks. Non-disability maternity/ paternity leave may be used by employees seeking to become parents through adoption.

Shared Leave

Shared Leave provides an opportunity for employees to assist another employee affected by a serious health condition of the employee or the employee's immediate family member. The permanent full-time employee with a minimum of 80 hours in his/her combined sick and vacation leave accrual banks at the beginning of the event for which shared leave is requested may request to become a recipient of leave transferred from another Trinity employee's vacation leave account, subject to the limitations and conditions listed below.

1. The individual will complete a "Request for Shared Leave" form, which will be given to the Department Head for initial approval and then be forwarded to the Human Resources Director and the City Manager for final approval. The individual must attach a doctor's 81 statement for verification. The medical condition will be held confidential and only a general statement "that a verified medical condition exists" will be issued when a request for leave donation is made.
2. The requester must exhaust **all** of his own compensatory, vacation, sick and personal leave before shared/donated leave shall begin to be transferred.
3. No individual will be granted more than 1040 hours (*6 months*) of donated leave for a continuous medical problem or for an intermittent or recurring medical problem in any two (2) year period from the onset of the first shared hour.
4. Any unused donated leave will be credited back to the donor(s) on a prorated basis. Fractions of hours will not be returned.

Donation of vacation leave will be accomplished by completing a "Donation of Vacation Leave Authorization" form, which will be forwarded to the Human Resources Director. Vacation leave may be donated in increments of (8) eight hours. No individual may donate leave that will reduce his/her accumulated vacation leave balance to below (40) forty hours. The establishment of a leave "bank" for use by unnamed employees is strictly forbidden. Leave must be donated on a one-to-one basis. Any employee who voluntarily donates vacation leave cannot and shall not receive any pay, benefits, or other compensation/enumerations for the donated hours. No employee shall earn or accrue vacation or sick leave while receiving donated vacation leave. Forms must be submitted in a timely manner and will be processed according to the cut-off dates established for processing payroll.

Once the shared leave request is approved, the Department Head will send out the solicitation to their department's employees. Employees should not use City email to solicit shared leave on their own behalf. Nothing prohibits a Department Head from communicating the shared leave request with other Department Heads, who may share it with their employees at their discretion.

Adverse Weather Conditions

All City employees are to presume that all City offices and departments will be open at the regularly scheduled time, regardless of conditions or circumstances. As such, employees shall be expected to make every reasonable effort to report to work.

City offices and Departments shall be closed at the discretion of the City Manager by 6:00am the day of the office closing. Closing shall be posted on the City's website at www.trinity-nc.gov.

Employees in "critical" positions are required to report to work regardless of conditions or circumstances. Employees in "non-critical" positions who, for reasons of inclement weather, are unable to report to work, given safety conditions and road and weather conditions, shall be required to use accumulated comp time, vacation or leave without pay. Employees who cannot report to work because of inclement weather are required to notify their supervisor of their intended absence from work as soon as possible or no later than one hour after the scheduled start of the workday. It is the responsibility of the supervisor to make sure that his/her department is adequately staffed given the weather conditions and workload of the department.

It is the responsibility of each Supervisor to prepare and submit to the City Manager a current roster containing the name classification of each employee and whether the employee's classification is designated as "critical" or "non-critical." Examples of "critical" classifications include those classifications involved in public safety, street maintenance, or the provision of other critical or essential City services.

Examples of "non-critical" personnel include office and non-office personnel who do not provide public safety critical or essential services. All employees will be given notice as to whether their position is considered "critical" or "non-critical" as it relates to this section upon employment in a new position.

School Leave

Employees who are parents, guardians, or persons standing in loco parentis (in place of a parent) of a school-age child are entitled to four (4) hours of unpaid leave per year so that the employee may attend or be involved with the child's school activities.

"School" means public, private, church, pre-school, and child day care facilities.

The leave shall be at a mutually agreed upon time between the employer and the employee. The employee must provide a written request for the leave at least 48 hours before the time desired for the leave. The employee may be required to provide written verification from the child's school.

Family and Medical Leave

The City is a covered employer in accordance with the Family and Medical Leave Act (FMLA) but until such time as the City employs more than fifty (50) employees no employees will meet the eligibility requirements for FMLA.

Holidays Observed

The following days and such other days as the City Council may designate are holidays with pay for regular full-time employees. Pro-rata paid holidays are also granted to permanent full-time employees.

- New Year's Day (1 day)
- Martin Luther King, Jr. Day (1 day)
- Good Friday (1 day)
- Memorial Day (1 day)
- Juneteenth (1 day)
- Independence Day (1 day)
- Labor Day (1 day)
- Veterans Day (1 day)
- Thanksgiving (2.5 days)
- Christmas (3 days)

When a holiday, other than Christmas Day falls on a Saturday or a Sunday, Monday shall be observed as a holiday unless otherwise directed by the City Manager.

Holiday pay for permanent full-time employees shall be paid for (8) eight hours at an employee's regular rate of pay. In case of any emergency, said essential employees shall receive (8) eight hours at 1 ½ time regular rate.

Worker's Compensation

Employees are covered by the North Carolina Worker's Compensation Act and are required to report all injuries arising out of employment to their immediate supervisors at the time of the injury so that appropriate action can be taken at once.

An employee absent from duty because of sickness or disability covered by the North Carolina Workers Compensation Act may receive Worker's Compensation Benefits. Vacation or sick leave may be charged during the first week during which an employee is absent due to an event covered by Worker's Compensation.

Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Worker's Compensation.

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Worker's Compensation.

Infection with smallpox, or an adverse medical reaction resulting from an employee receiving in employment vaccination against smallpox, in accordance with section 304 of the homeland

security act is considered an occupational disease that is governed by Workers Compensation NCGS § 97-53.

Deferred Compensation

Regular full-time employees working at least 32 hours per week may participate and enroll in the deferred compensation program(s) offered through the City.

Teleworking Option

The City of Trinity wants to offer innovative workplace flexibilities to designate employees to work at alternate work locations for all or part of the business day to promote general work efficiencies, enhance competitive recruitment and retention advantages compared with other employers, improve utilization of City facilities, and meet environmental challenges.

- Teleworking programs must be designed so that a reasoned determination can be made as to the benefits of teleworking within the City of Trinity government. A public employer has a special obligation to ensure that employees and work resources are being used efficiently and productively.
- Eligible Employees
- Full-Time employee whose work is deemed by the City as suitable for teleworking.
- Teleworking is not a universal employee benefit or entitlement. The decision would be made at the discretion of the Human Resources Director and the City Manager. The Human Resources Director may exercise discretion to determine that employees are ineligible to participate in a teleworking agreement under the following conditions:
 - If employees' position requires regular onsite work activities that cannot be conducted in an alternative work location
 - Employees' work location does not meet the requirements of the City
 - Employee violates the terms of their teleworking agreement
 - Employee received a annual evaluation of "does not meet expectations" on any of their goals
 - Employee has demonstrated the ability not to complete tasks
 - Employee receives a disciplinary action
 - New employee requires a period of onsite work for training and mentoring by Department Head

If an employee is interested in teleworking, both the Department Head and Human Resources Director must agree on the terms and conditions of the employee's telework contract.

- Effective management practices such as clear communication, goal setting, and regular contact with employees engaged in teleworking.
- Ensure the overall functions of the organization are not compromised by the telework.
- Provide training to support employees and managers in teleworking.

If an employee has the option to telework, the employee's office phone shall be forwarded to their personal phone for connectivity. The employees must be available and working between the hours of 8:00 am and 5:00 pm. The employees still receive a (1) one-hour lunch and (2) two 15-minute breaks as if they were onsite working.

Employees who are allowed to engage in teleworking in compliance with this policy must have a completed and signed telework contract which has the following agreements:

- Responsibility of both the employee and the City of Trinity
- Review annually by the employee, Department Head and Human Resources Director
- Agreement must be signed by the employee, Department Head and Human Resources Director with final approval by the City Manager.

If an employee transfers to another position or changes reporting relationships, any telework agreement between the previous Department Head and employee will not carry forward. The employee is not guaranteed eligibility for telework in the new position or when a reporting relationship changes. Each employee must sign a teleworking agreement that contains the terms of the teleworking arrangement. The signed teleworking agreement will be maintained within the employee's personnel file. At a minimum, the teleworking agreement shall define the parameters of the teleworking arrangement and shall comply with the policy provisions below:

1. Compensation and Benefits: An employee's compensation and benefits will not change when teleworking.
 - a. Safety of Alternate Work Location: Must establish safety procedures and the City of Trinity, at a minimum, obtain an annually signed safety attestation from each Teleworker.
 - b. The alternate work location utilizes furniture, equipment, and other materials supplied by the employee, agency or university that is in compliance with established safety requirements, is free from hazards, and is ergonomically appropriate.
 - c. The employee shall provide written notice to the Human Resources Director prior to any change in location or condition of the alternate work location.
 - d. The employee utilizes the same safety rules and practices applicable to the City of Trinity's worksite whenever at the alternate work location.
 - e. The employee shall follow usual City of Trinity procedures for immediate reporting of work-related illness or injury occurring at the alternate work location.
2. General Liability: The City of Trinity assumes no responsibility for damages to an employee's personal or real property during the performance of official duties while teleworking or while using the City's equipment in the employee's alternate work location. Any costs and/or losses incurred in teleworking are the responsibility of the employee.
3. Restricted-Access Materials: The security, confidentiality and integrity of City of Trinity's records and information must be protected at all times in teleworking arrangements and must comply with all information security requirements that would apply at the duty station.

Teleworkers must receive written authorization from Department Heads before working on restricted-access information or materials at alternate work locations. It is the responsibility of the Teleworker to protect and manage original documents, records and other sensitive and confidential information authorized to the Teleworker to carry to the alternate work location. Teleworkers shall agree to follow City of Trinity’s approved security procedures to ensure confidentiality and security of data.

4. Use of Leave: Request to use sick, vacation, and other leave during a designated telework day is subject to the same practice, approvals and policies of employees onsite.
5. Performance Management: Performance standards for Teleworkers must be the same as performance standards for non-teleworking employees.
6. Reasonable Accommodation under the ADA: Any employee’s request to telework as a reasonable accommodation under the Americans with Disability Act (ADA) will be administered consistent with the statewide Reasonable Accommodation Policy. Allowing an employee to work at an alternate work location may be a viable outcome of the interactive accommodations process under the ADA if the employee’s qualifying disability prevents them from performing the essential functions of their job at their designated duty station unless the request creates an undue hardship on the City of Trinity.
7. Temporary Teleworking Agreements: Temporary teleworking agreements or modifications to teleworking agreements established under the teleworking program responds to hazardous weather, pandemics, physical attacks, or other events that may require the temporary closure of the City of Trinity.
8. Recruitment and Retention: The City of Trinity may use telework as a tool to help attract, recruit, and retain the best workforce possible, including as an incentive for eligible hard-to-fill positions. Teleworking may attract applicants interested in reduced commuting time and cost, and increased work-life balance.

This policy is issued under any and all of the following sources of law: • N.C.G.S. § 126-4(5) authorizes the State Human Resources Commission to create policies governing “[h]ours and days of work ... and other matters pertaining to the conditions of employment.”

This policy is consistent with N.C. Session Law 1999-328 § 4.8, which required the Office of State Personnel (now OSHR) to “implement a policy that promotes telework/telecommuting for State employees,” and the Administrative Code rules on teleworking programs, 25 NCAC 01C .0801 to .0813

Article VIII

Compensation and Payroll

Pay Philosophy

The pay of City employees shall be administered in a fair and systematic manner in accordance with work performed. The City shall pay employees in a manner that is externally competitive, that maintains proper internal relationships among all positions based on the relative level of duties and responsibility, and that recognizes performance levels as the basis for pay increases. The positions authorized descriptions of regular work to be performed, and assignment of salary shall be approved by the City Council. This approval may be a component of the annual budget review.

Preparation of Payroll

All payrolls shall be prepared by the Payroll Administrator or his/her designee from time sheets approved by the appropriate supervisors. All employees and elected officials will be paid by direct deposit. Direct deposits shall be made monthly to Council members on the last payroll generated at the end of the month. Direct deposits for employees shall be made bi-weekly. Direct deposits shall be made by the Payroll Administrator, or his /her designee or other appropriate administrative personnel approved by the Finance Director.

Direct Deposit Account Requirement

All employees on payroll are required to maintain an account with a financial institution that is to be used for direct deposit of their paycheck proceeds.

Payroll Deductions (Safe Harbor Policy)

The Payroll Administrator, or his/her designee, is authorized to make established deductions from an employee's gross pay to cover federal and state income taxes, contributions for retirement systems, and for employee group premiums. With the authorization of the employee, the Payroll Administrator, or his/her designee, may make payroll deductions for United Way, credit union payments, and other

deductions for qualified programs. Individual deductions requested by the employee, for other than qualified programs, shall be made only with the approval of the Finance Director.

It is the policy of the City of Trinity to only make pay deductions that are authorized and proper. The employer will make no deduction in violation of the Fair Labor Standards Act. Pay deductions will be made according to established policy.

Additionally, when calculating the amount of a deduction from pay allowed, the City of Trinity may use the hourly or daily equivalent of the employee's full weekly salary or any other amount proportional to the time actually missed by the employee. A deduction from pay as a penalty for violations of major safety rules may be made in any amount.

If an employee believes that improper deduction(s) have been withheld from their pay they should contact the Human Resources department immediately. The employee will be instructed to file a written complaint of an improper pay deduction. The complaint will be reviewed by the Finance Director, to determine the validity of the deduction(s). The Finance Director or his designee will respond in writing to the complaining employee no later than the subsequent pay disbursement. If an error has been made or an inadvertent deduction taken, the employer will reimburse the employee for the improper deduction.

Termination Pay

Upon termination of employment, an employee is entitled to payment in the regular scheduled pay period for regular pay and for unused accrual leave up to a maximum of 30 days, less any deductions for debts outstanding against the City. Such payment shall be made at the regular pay termination of employment. The Finance Director shall deduct and withhold from the final paycheck for any amount owed the City for group insurance premiums or advanced leave. The final payment for unused vacation leave will be combined with the last paycheck.

Classification and Pay Plan

The Human Resources Director shall be responsible for the administration and maintenance of the Position Classification Plan. The Position Classification and Job descriptions shall be changed only by approval of the City Council. Classification of positions shall be added or deleted from the Position Classification Plan only upon approval of the City Council.

Salary Administration

The City Manager is responsible for requesting salary adjustment according to the adopted annual budget and compensation policies. Adjustments for merit, promotion, demotion, educational incentives and other changes of employment status are to be authorized and appropriately documented by the City Manager or his/her designee.

Article IX

Travel and Transportation

It is the policy of the City to reimburse its employees, Council members and Mayor, volunteers, and appointed officials for out-of-City travel and transportation expenses directly related to official business of the City. All travel costs will be paid directly to the individual incurring the expense or through a pre-approved City credit card and may not be billed to the City.

This policy is intended to address out-of-pocket expenses for employees, council members, volunteers, and appointed officials on official City business. It is not intended to replace travel allowances given to employees as a condition of employment that are required to provide a vehicle in their work. The Finance Director is responsible for determining if additional reimbursement of travel expenses is appropriate.

This policy applies to all City employees and anyone else who seeks reimbursement of travel on the behalf of the City.

Prior Approval for Travel

The City recognizes the need for flexibility in obtaining approval for travel. It is the Finance Director's responsibility to determine if travel is necessary, reasonable and to set standards for approval. All travel out-of-state and travel requiring an overnight stay shall be approved in advance by the City Manager. If the City Manager is traveling out-of-state and requires an overnight night stay then travel must be approved in advance by the majority of the City Council. It is always the responsibility of the Finance Director to ensure that sufficient appropriations are available to cover all travel expenses.

Eligible Transportation Expense

Transportation expenses that are ordinary and necessary while conducting official business for the City are eligible. Eligible transportation expenses include the cost of travel by air, rail, bus, taxi, and personal auto. All transportation by commercial carrier must be economy class unless such rates are not available and no other travel options are available.

Reimbursement for use of an employee's personal auto is allowable at the prevailing rate allowed by the Internal Revenue Service for business mileage. Generally, the use of an employee's private auto is limited to travel incurred in the general area or within the state.

An employee may take his personal auto for travel with the approval of the Finance Director. In those cases, reimbursement will be limited to the mileage rate or an equivalent air fare, whichever is less.

The following are some examples of transportation expenses that are allowable:

1. Ground transportation such as taxi fares, public transportation, car rental or other costs of transportation between the airport or station, and employee's hotel or from one place of business to another. Ground transportation charges are also allowable between the hotel and temporary work assignment.
2. Baggage charges.
3. Tips that are incidental to any of the above transportation expenses.

Eligible Subsistence/Miscellaneous Expense

Expenses for lodging, subsistence and miscellaneous other expenses other than for alcoholic beverages incurred while traveling away from home and/or related to official duties, are eligible for reimbursement and will be paid. Employees attending functions where certain meals are provided, at no charge to the employee, shall not be reimbursed for those meals purchased elsewhere.

The reimbursement per meal will be based on the state and city location according to the United States General Services Administration rate. <https://www.gsa.gov/travel/plan-book/per-diem-rates>.

Pre-approval from the City Manager is sought to cover extra-ordinary travel circumstances. The City Manager may approve a travel advance based on the subsistence reimbursement rate. Receipts are not required for travel advancements. However, they may be requested upon return.

Other actual cost reimbursement as supported by receipts submitted includes:

1. Lodging - employees are encouraged to obtain governmental rates whenever possible.
2. Communication expenses that are related to official business if supported by receipts
3. Tips associated with the costs listed above as noted on memoranda of actual expenditures.
4. Expenses incurred for personal entertainment are not allowable.

Employees who require an overnight stay due to training, courses, conferences, etc. may occur an overnight stay for the following reasons:

1. If the session is more than (1) one hour away and session starts at or before 9:00am and there is another session the following day
2. If there is another session the following day and the current session ends on or after 3:00pm

An overnight stay is not required if the training, courses, conferences, etc. if the following occur:

1. If the session is less than (2) two hours away and the session ends on or before 2:00pm and there is only (1) one session.

2. If there is a series of sessions and the last session ends on or before 3:00pm and the session is less than (2) two hours away.

Note: If there is a health reason for an employee to not be able to drive during nightfall, that employee shall occur another night for health reasons. However, the additional night must be approved both by the City Manager and Finance Director (*expenditure appropriations*).

Reporting Expenses for Reimbursement

All employees authorized to travel should keep all receipts and memoranda of actual expenditures from which they can prepare on the official Reimbursement Request and Expense Report form. The employee must provide a copy of the following attached with their Reimbursement Request and Expense Report form.

1. Training, course, conference, etc. Schedule
2. Google Maps Directions
3. Hotel receipt (if applicable)
4. Proof of requested Per Diem (US General Services Administration)

Claims for mileage reimbursement should indicate the point of departure and destination and shall be computed in a manner that is most reasonable and favorable to the City. The business purpose of each trip for which reimbursement is claimed must be clearly stated.

Travel Advances

If a travel advance is necessary to conduct official City business, the request for such advance must be previously approved by both the City Manager and Finance Director submitted no later than (3) three business days prior to the time that travel is anticipated. Travel advances may not exceed the estimated cost of travel and must be accounted for on the Reimbursement Request and Expense Report form.

Travel from work to home is not eligible for reimbursement.

Lodging

Travelers are expected to use good judgment and fiscal prudence when making reservations. Employees should seek reasonably priced hotel accommodation. If an employee is attending a conference given in a hotel or resort, then the employee is allowed to seek accommodation at the same hotel/resort even though lower priced accommodation may be available.

If an employee chooses not to stay at the conference hotel, the employee will only be reimbursed up to the conference rate and should choose comparably priced hotels. Exceptions to this will be allowed only if it is demonstrated that the conference hotel was full, and no other more reasonable locations were available.

Employees are expected to shop for the best price for transportation/accommodation and all other travel arrangements when possible.

Governmental and/or early-bird rates should be sought whenever possible.

When two or more City employees share a room, all room expenses shall be on one employee's Reimbursement Request and Expense Request form. The Reimbursement Request and Expense Request form for the other employee should clearly state that lodging was shared and reference the employee with the receipt(s).

Room service charges for food, including tips, and phone calls are not allowable. These expenses are considered to be covered by the per diem allowance. Baggage handling tips are to be paid by the employee using personal funds. The City will reimburse the employee according to the established per diem allowance limits after an accounting of trip expenses has been authorized by the Department Head, City Manager, and Finance Director.

Employees will not be reimbursed for in-room movie rentals, laundry fees, valet charges, in-room bar charges, fitness room fees, hotel room upgrades, or other voluntary, unspecified hotel amenity charges.

Reimbursement for internet is only permitted if a specific business requirement is properly identified and approved.

Cancellations

In the event of cancelled travel, all efforts must be made to eliminate related expenses. It is the employee's responsibility to cancel the lodging reservation, registration, and any other travel plans.

The employee should request and record the cancellation confirmation number for lodging in case of billing disputes. The employee may be held personally responsible for no show fees if they fail to take appropriate action to cancel travel plans. In the event of accidents, serious illness, or death within the traveler's immediate family, or other critical circumstances beyond the control of the employee, the City may elect to pay the penalties and charges. The employee will not be penalized if travel is cancelled by and for the convenience of the City.

Article X

Personnel Records

Personnel Records Maintenance

The Human Resources Director shall be responsible for maintaining personnel records that are necessary for the proper administration of the personnel system. The following information shall be kept on each City employee:

1. Name
2. Age
3. Date of original employment
4. Current position title
5. Current salary
6. Date and amount of most recent change in salary
7. Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification
8. Department or office to which the employee is currently assigned.

Access to Personnel Records

As required by North Carolina General Statute §160A-168 the following listed persons may have access to the information listed in items 1 through 8 in the above section for the purpose of inspection, examination, and copying, during the regular business hours, subject to such rules for the safekeeping of public records as the City Council may adopt. Access to such information shall be governed by the following provisions:

1. All disclosure of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: name of employee, information disclosed, date information was requested, and, if available, the name and address of the person to whom the disclosure is made, purpose for which information is requested.
2. A licensed physician designated in writing by the employee may examine the employee's medical records, if any.
3. A City employee having supervisory authority over the employee may examine all material in the employee's personnel file.
4. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
5. Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.

6. A record shall be made of each disclosure and placed in the employee's file (except disclosures to the employee and the supervisor).
7. The employee will be notified about the records requests.

City employees may see their own records, except for the following:

1. Letters of reference solicited prior to employment and;
2. Information concerning a medical disability, mental or physical that a prudent physician would not divulge to his patient.

Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees.

Remedies of Employees Objecting to Material in File

An employee who objects to material in his file may place in his file a statement relating to the material he considers to be inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.

Penalty for Permitting Access to Confidential File by Unauthorized Person

G.S. §160A-168 provides that any public official or employee who knowingly and willfully permits any person to have access to, remove or copy any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a class 3 misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars (\$500.00).

Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5, without the consent of the North Carolina Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept or whoever alters, defaces, mutilates or destroys it will be guilty of a Class 3 misdemeanor and upon conviction will be fined not less than ten (\$10.00) dollars nor more than five hundred (\$500.00) dollars as provided by G.S. 132-3.

Article XI

Separation and Disciplinary Action

Types of Separation

All separations of employees from positions in the service of the City shall be designated as "separation and/or termination of service" however one of the following types shall be accomplished in the manner indicated: resignation, reduction in force, retirement, dismissal, or death.

Resignation

An employee who desires to terminate his employment with the City must give written notice to his immediate supervisor and City Manager two (2) weeks prior to his last intended day of employment. An employee who does not provide the required notification shall have recorded on his service record that he resigned without giving proper notice. An employee who is absent from work two (2) consecutive days without reporting to his supervisor the reason for his absence can be considered to have terminated his employment without notice, and notation to this effect shall be recorded on the employee's service record. A resignation accepted by the City may not be withdrawn by the employee. The City Manager may waive the requirement to work the notice if that is in the best interest of the City's operations.

Reduction in Force

The City Manager, with the approval of the City Council, has the authority to call for a reduction in force. In the event a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, the need for the employee's service, and seniority in determining those employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two (2) weeks' notice of the anticipated lay-off and will be given first opportunity to return to work, shall become available commensurate with his/her skills. No regular employee shall be separated while there are temporary employees serving in the same class in the department unless the regular employee is not willing to transfer to the position held by the temporary employee. Under the provisions of the reduction in force, the City Manager has the option to make changes in work time and/or workload to accomplish the reduction.

Retirement

City employees participate in and are eligible to retire under the North Carolina Local Governmental Employees Retirement System. Any employee who is planning to retire must submit a written request to the Finance Director within 30 days prior to the planned effective retirement date. (Note: The Local Government Employees Retirement System may require more or less time than the City to process retirement benefits.) Those employees retiring from City service shall be paid for all annual vacation leave not used within the maximum accrual limits. Employees may apply unused sick leave to retirement credit.

Death

All compensation due to an employee who dies while employed by the City will be paid to the estate of the deceased employee. The date of death shall be recorded as the separation date for computing compensation due such as regular time worked (payroll), vacation time, and up to 240 sick time.

Disciplinary Actions

Disciplinary actions may be enforced if an employee's work performance or personal conduct is unsatisfactory. Depending upon the circumstances, one or more of the following kinds of disciplinary actions may be taken: counseling, oral reprimand, official written reprimand, withholding of merit pay increase, suspension, demotion, transfer or dismissal. The City Manager has the primary responsibility to conduct and administer initial disciplinary actions including withholding of merit pay increase, suspension, demotion, transfer or dismissal.

An employee whose work performance is unsatisfactory should receive three (3) warnings, the second and third must be in writing before disciplinary action resulting in dismissal is taken.

Because of substantial differences between failure in performance of duties and failure in personal conduct, the disciplinary actions for each may be carried out differently. In all cases the employee shall receive written warnings and written summary of charges and actions taken, a copy of which shall go into the employee's personnel file.

Disciplinary Actions for Failure in Performance of Duties

An employee whose work is unsatisfactory over (12) twelve months shall be notified in writing by the employee's immediate supervisor in what way the employee's work is deficient and what must be done if the work is to be satisfactory. Unsatisfactory work performance includes aspects of the employee's job which do not meet the standards set by the supervisor and the City Manager.

Progressive Steps of Discipline

The progressive steps of discipline outlined below should normally be taken with an employee whose performance is unsatisfactory.

1. Oral Warning(s) - The Department Head and/or Human Resources Director shall talk privately with the employee and discuss the following:
 - a. Inform the employee that the discussion is a warning and not some other non-disciplinary process such as counseling;
 - b. Inform the employee how he has not met the performance requirements of the job and why his performance has been unsatisfactory;
 - c. Tell the employee specific actions he needs to take, and the time frame for taking such actions, to improve performance to a satisfactory level.
 - d. Tell the employee of the consequences of failing to make the required improvements;
 - e. The person conducting the meeting should record the date of the meeting, and other necessary information for any future use and place a copy of the notes in the employee's personnel file.
 - f. The supervisor shall allow the employee to respond to the specific reasons why performance has been unsatisfactory. In some cases this may affect the supervisor's decision on whether to discipline an employee.
 - g. Supervisor's notes of the oral warning will remain in effect and active in an employee's file for 18 months unless otherwise noted.
2. Initial Written Warning - If the oral warning(s) have not caused an improvement in the employee's performance, the supervisor, or City Manager shall prepare a written summary of the performance problem(s) as outlined below. The supervisor, or City Manager, shall present the written warning to the employee and discuss its contents, which should include the following:
 - a. Date(s) and points covered in previous warning(s)
 - b. A description of specific performance problem(s)
 - c. Specific actions the employee needs to take to improve performance to a satisfactory level;
 - d. A general time frame allowed for improvement.
 - e. A notice that continuation of the performance problem(s) will result in more severe disciplinary action up to and including dismissal.
 - f. The warning will remain in effect for 18 months, and even if the employee's performance improves, unless otherwise noted. Any violation of the Personnel policy within this period will result in a final written warning.
 - g. The written warning should be signed by the employee with a copy being placed in the employee's personnel file. The employee's failure to sign the written warning does not affect the validity of the warning. The supervisor, or City Manager, should indicate on the warning that the employee refused to sign it.
3. Final Written Warning - If previous warnings have not been effective, the employee should be given a final warning before being dismissed or demoted. Before issuing

the final written warning, the Department Head should review the contents of the previous warnings and take the following steps:

- a. Prepare a final written warning outlining the points covered in the previous warnings.
- b. Conduct a disciplinary conference with the employee and discuss the specific reasons for the action, the necessary improvements and the time allowed to make improvements.
- c. Present the final written warning to the employee and indicate that failure to correct the unsatisfactory performance may result in dismissal.

If all efforts have failed to improve the performance of the employee, the following steps should be taken to dismiss an employee:

1. A written summary of the case shall be prepared by the Department Head along with a decision for the action to be taken;
2. A pre-dismissal conference shall be held between the Department Head, Human Resources Director, City Manager, and the employee for the purpose of presenting the employee with the specific reason(s) for the dismissal. The employee shall have the right to respond to the reasons(s) for the dismissal at the pre-dismissal conference.
3. At the dismissal conference the City Manager will notify the employee of the action taken and will provide the employee with a written copy of the decision. Such written notice shall include an indication of the employee's right to appeal. A copy of the action shall be placed in the employee's personnel file.

Disciplinary Actions for Failure in Personal Conduct

An employee may be suspended or dismissed for cause relating to personal conduct detrimental to service with the City in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons.

Immediate Disciplinary Suspension and/or Dismissal

An employee may be suspended or dismissed by the Department Head or City Manager without warning for reasons relating to personal conduct detrimental to the City, gross dereliction of duties or job performance. In less serious or disruptive situations, or if there is doubt as to whether there are grounds for immediate suspension or dismissal, the progressive steps of discipline should be followed.

When an employee is suspended immediately, the following steps shall be taken by the Department Head or City Manager.

1. The Department Head or City Manager will tell the employee to leave the worksite at once and either report back the next day or remain away until further notice if suspended. The City Manager may request that all City property and equipment issued to the employee be collected upon suspension)
2. Upon dismissal the Department Head or City Manager will collect all City property and equipment issued to the employee. The Department Head or City Manager will escort the employee to the employee's work area to allow employee to collect their personal belongings. The City Manager or Designee will then escort the employee to their car.
3. The City Manager should determine if the suspension is with or without pay.
4. The City Manager and Department Head if applicable shall clearly document all facts leading to the suspension. A written summary should be prepared giving the circumstances and facts which led to the decision to suspension and include a final decision whether the employee should be dismissed or retained. A final decision shall be made within 45 days of the initial suspension. A copy of the written action shall be filed in the employee's folder and a copy furnished to the employee.

Right of Appeal

An employee may appeal disciplinary action taken against him through the City of Trinity grievance procedure.

Non-Disciplinary Suspension

During the investigation, hearing or trial of an employee on any criminal charge or during the course of civil action involving an employee, the City Manager may suspend the employee without pay for the duration of the proceeding as a non-disciplinary action. However, the investigation, hearing, trial, or civil action must involve matters that may form the basis for disciplinary suspension, demotion or dismissal in order for the non-disciplinary suspension to be allowed.

Reinstatement

An employee who resigns while in good standing or who is separated because of reduction in force may be reinstated within one (1) year of the date of separation. An employee who is reinstated shall be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with this policy. The salary paid a reinstated employee shall be as close as reasonably possible, given the circumstances of each employee's previous class of work, plus any across the board pay increases.

Article XII

Grievance Procedure

The prompt settlement of misunderstandings or problems on an informal basis at the work level is desirable in the interest of sound employee-employer relations. The purpose of this regulation is to assure that employees are able to receive prompt, fair and considerate review of problems and complaints. It is expected that the procedures set forth will encourage employees to discuss with their Supervisors' matters pertaining to conditions of municipal employment. Grievances must be considered objectively and in an atmosphere of mutual assistance.

A "grievance" is a complaint, view or feeling that insufficient consideration or unfair treatment has been given to an individual pertaining to employment conditions, to relationships between an employee and his/her supervisor or to relationships between an employee and other employees.

Coverage

This grievance procedure applies to all departments and all employees of the City of Trinity. The City Manager has the authority to hire, supervise, discipline, and dismiss employees.

Policy

It is the policy of the City to provide a procedure for the presentation and mutual adjustment of points of disagreement which arise between employees and their supervisors. Administrative and supervisory personnel are expected to act promptly and objectively within the framework of this policy.

Procedure

The City Manager shall inform the employee and the department head, in writing, of the final decision. The final decision will be furnished within ten (10) days of receipt of the grievance.

1. An employee must file a grievance, either orally or in writing, with the immediate supervisor within twenty (20) days of the date of the incident giving rise to the grievance. If the employee alleges unlawful harassment by the immediate supervisor, the employee may file a complaint with the City Manager. If the grievance concerns

an appeal of dismissal, it shall be filed directly with the City Manager at Step Three. The immediate supervisor shall meet with the employee within five (5) days of receipt of the grievance and attempt to resolve the grievance informally. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance not later than five (5) days following the meeting.

2. If the employee is dissatisfied with the response at Step One, the employee may file the grievance in writing with the department head within (5) five days of receipt of the immediate supervisor's written decision. The grievance shall state concisely the basis for the complaint and, if based on alleged discrimination, indicate whether the alleged discrimination was base on race, color, religion, sex, national origin, political affiliation, non-disqualifying handicap, or age. The Department Head shall meet with the employee within five (5) days of receipt of the Step Two grievance, shall review the decision at Step One, and shall make an independent determination on the merits of the grievance. Within ten (10) days of the meeting with the employee, the department head shall issue a written decision.
3. If the employee is dissatisfied with the response at Step Two, the employee may forward the written grievance to the City Manager within five (5) days of receipt of the Step Two Decision. The city manager will render a written decision within ten (10) days of receipt of the grievance.

The City Manager may extend days needed for resolution of a grievance depending on its topic by written notice. The City Manager shall inform the employee, Department Head and Human Resources Director, in writing, of the final decision.

Grievance Procedure Against City Manager

Any employee who would like to file a grievance against the City Manager should present the grievance in writing to all members of the City Council as soon as possible after its occurrence and always within a reasonable time period, not to exceed (5) five business days.

Trinity City Council shall consult with the City's Attorney, and any employee necessary to reach a correct, impartial, and equitable determination of the matter.

Maintenance of Records.

All documentation, records, and reports will be retained permanently. These records will be subject to review by the grievant, the employee's Department Head, Human Resources Director, and the City Manager.

Other remedies preserved.

The existence of the grievance procedure does not preclude any individual from pursuing any other remedies available under law.

Article XIII

Code of Ethics

Standards of conduct for public officials and employees

1. It is the obligation of every public official and employee to support the Constitution of the United States and the Constitution of the State of North Carolina.
2. The laws of the nation, state and municipality shall be impartially administered. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen except by due process of law.
3. Every citizen shall receive a fair and impartial hearing on any matter before Trinity City Council, its appointed agencies or any employee of the City. No employee shall make any promise or pledge to any person concerning any matter except upon fair, impartial and final hearing thereof.
4. The conduct of public business shall be free of any hidden personal or financial interest of any employee. No employee shall advocate in any public meeting or private discussion any matter in which they have a personal or financial interest except upon full and timely disclosure of the interest.
5. The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the obligation of every employee to refuse personal gifts, favors or special privileges in every instance where such employee reasonably believes such gift, favor or special privilege would not have been extended but for the position of such employee, or where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the employee, or where the gift is or may reasonably be considered to be designed to influence the actions of the employee. No employee shall seek personal or financial advantage by means of their employment.
6. The use of public trust for private gain is inimical to good government. No employee shall violate the provisions of North Carolina General Statutes section 14-234. No employee shall use confidential or advance information obtained by virtue of public employment for personal or financial advantage.
7. It is the obligation of every employee to carry out the lawful orders and policies of the city council. No employee shall knowingly take any action inconsistent with the lawful orders or policies established by the city council. No employee shall knowingly take any action which would be detrimental to the best interests of the City.

Whistle Blower Section

This Personnel Policy requires employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the City of Trinity employees must practice honesty and integrity in fulfilling their responsibilities and complying with all applicable laws and regulations.

It is the responsibility of all employees to comply with the Personnel Policy and to report violations or suspected violations in accordance with this Whistleblower section.

1. No employee who in good faith reports a violation of the Personnel Policy shall suffer harassment, retaliation, or adverse action. An employee who retaliates against any person who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower section is intended to encourage and enable employees to raise serious concerns within the workplace prior to seeking resolution outside the City's authority.
2. The City promotes an open-door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's Department Head is in the best position to address an area of concern. However, if you are not comfortable speaking with your Department Head or you are not satisfied with your Department Head's response, you are encouraged to speak with the City Manager. Department Heads are required to report suspected violations of the Personnel Policy to the City Manager, who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when you are not satisfied or uncomfortable with following the City's open-door policy, individuals should follow the procedure as outlined in the Grievance Procedures.
3. The City Manager is responsible for investigating and resolving all reported complaints and allegations concerning violations of the Personnel Policy and, at his/her discretion, shall advise the City Council.
4. The Finance Director shall address all reported concerns or complaints regarding City accounting practices, internal controls or auditing. The Finance Director shall immediately notify the City Manager of any such complaint and work with the City Manager until the matter is resolved.
5. Anyone filing a complaint concerning a violation or suspected violation of the Personnel Policy must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Personnel Policy. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

6. Violations or suspected violations may be submitted to the City Manager on a confidential basis. Reports of violations or suspected violations will be kept confidential to the extent possible consistent with applicable law and the need to conduct an adequate investigation.
7. The City Manager will notify the sender and acknowledge receipt of the reported violation or suspected violation within (5) five business days. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

Article XIV

Implementation of Policy

Conflicting Policies Repealed

All policies, ordinances or resolutions that conflict with the provisions of this policy is hereby repealed.

Separability

If any provision of this policy is held invalid, the remainder of this policy and the application of such remaining provisions of this policy, other than those held invalid, will not be affected.

Violations of Policy Provision

An employee violating any of the provisions of this policy shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation.

Amendments

Amendments to this Personnel Policy shall be recommended by the City Manager and approved by Trinity City Council.



Glossary of Terms

Glossary of Terms

Anniversary Date - shall indicate the most recent of the following personnel actions; date of hire, date of probationary period completion, date of most recent promotion, demotion, transfer, classification, or other employment status change.

Classification or Grade - A set of work functions so similar and related as to be able to group together, categorize and label with a common title so that all incumbent employees within the class may be treated generally the same regarding salary and compensation.

Designee - An employee who has been designated to make decisions or conduct business on behalf of another employee.

Exempt Employee - An employee who is not subject to the provisions of the Fair Labor Standards Act. An employee who is not eligible for overtime and how are salaried employees

Full-time Employee - An employee; either regular, trainee, probationary or temporary, who is regularly scheduled to work the standard number of work hours per week.

Immediate Family -This shall include the employee's spouse, children, mother, father, sister, brother, grandparent, grandchildren, plus the various combinations of half, step, in-law, adopted, and custodial guardianship relationships that can be derived from those named. The immediate family is further defined in the policies which involve the immediate family.

Non-Exempt Employee- An employee who is subject to the provisions of the Fair Labor Standards Act and must be paid at least minimum wage (\$7.25). An employee who is eligible for overtime and who are hourly employees.

Part-time Employee - An employee, either regular or temporary, who is regularly scheduled to work less than the standard number of work hours per week.

Personnel File – All documents of any media collected or made in the course of the City's business regarding any employee. Such documents may but need not be kept in one place or file.

Position - A budget allotment to support the employment of person(s) to fulfill the classified specifications.

Employee Classification and Pay Plan- A plan approved by the City Council that assigns classifications to grades.

Regular Employee - A person appointed to serve in a position for an indefinite duration and who has successfully served a probationary period.

Reserve Position - A budget allotment to support the employment and training of a temporary, part-time employee to serve in support, back-up or auxiliary capacity to a skilled and specifically trained and/or certified regular employee position.

Salary Grade / Salary Range - These terms are considered interchangeable and refer to the varying and progressive rates of pay between minimum and maximum values.

Temporary Employee - An employee regularly scheduled to work the standard number of hours per week but for a definite period. Generally, temporary employees are not entitled to employee benefits, grievance coverage, or any type of leave, unless specifically indicated.

Temporary Position - A budget allotment to support the employment for a temporary employee.