



City of Trinity
CITY COUNCIL MEETING

November 13, 2023 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 Regular Meeting Minutes of October 10, 2023
 - [b.](#) Approval of Closed Session Meeting Minutes of October 10, 2023
 - [c.](#) City of Trinity- Monthly Financial Position Review
 - [d.](#) GPS Tracker for City Vehicles
 - [e.](#) Trinity Parks and Recreation Master Plan Strategic Planning Funding Request
 - [f.](#) Authorizing the City of Trinity to Engage in Electronic Payments
- 6. Recognitions and Presentations**
 - [a.](#) Universal Children's Day Proclamation

[b.](#) National Pearl Harbor Day Remembrance Proclamation

7. Public Hearing

[a.](#) Appeal and Variance Requests (*Planner, Jay Dale*)

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

8. Action Agenda

[a.](#) Thomasville Sewer System Evaluation (*City Manager Stevie Cox*)

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

[c.](#) Accept and Record Randolph County Strategic Planning Grant and Project Ordinance (City Manager, Stevie Cox)

[d.](#) Approval to Send 30 Day Notice Letters to Property Owners (City Manager, Stevie Cox)

9. Mayor, Council and City Manager Updates

10. Adjournment



City of Trinity
CITY COUNCIL MEETING

October 10, 2023 at 6:00 PM

Trinity City Hall Annex

MINUTES

1. PRESENT

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

ABSENT

Mayor Richard McNabb

OTHERS PRESENT

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

2. Pledge of Allegiance and Invocation

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

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

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

4. Public Comment Period

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

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

5. Consent Agenda Items

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

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

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

6. Public Hearing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Pro Tem Hicks opened the Public Hearing

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

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

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

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

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

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

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

Mayor Pro Tem Hicks closed the Public Hearing.

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

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

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

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

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

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

Mayor Pro Tem Hicks opened the Public Hearing.

Speaking For:

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

Speaking Against:

None

Mayor Pro Tem Hicks closed the Public Hearing.

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

7. Action Agenda

Approval of Generator Bid

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

BECO Inc: \$62,300.00

BC Ingram Electric: \$56,000.00

Central Carolina Electric: No Bid

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

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

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

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

9. Mayor, Council and City Manager Updates

10. Adjournment

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

Attest:

Mayor Richard McNabb

Darien P. Comer, City Clerk



MEMORANDUM

TO: Richard McNabb and City Council
FROM: Crystal Postell, Finance Director
CC: Stevie Cox, City Manager
DATE: 11/07/2023
SUBJECT: City of Trinity- Monthly Financial Position Review

Summary:

The Finance Department would like to present the City's monthly financial position for October 2023.

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 recommends that the City Council approve the presentation of the City's current financial position for both the General and Sewer Fund.

Attachment:

Budget verses Actual Statements for both the General and Sewer Fund
Portfolio Reporting Summary
NCCMT Review
Cash Flow Analysis



TRINITY

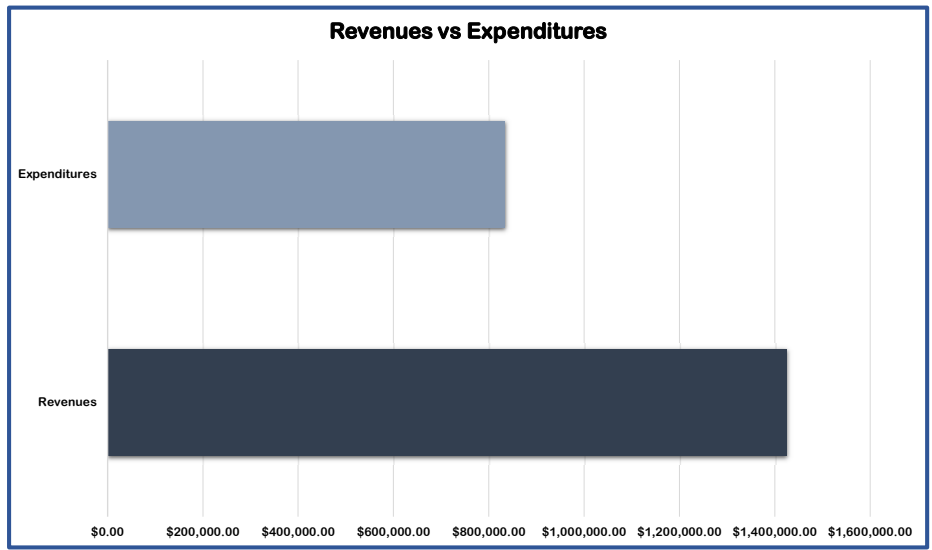
NORTH CAROLINA

Section 5c.

General Fund Budget vs Actual Statement Ending on October 31, 2023

	<u>Budget</u>	<u>Actual</u>
REVENUES		
Powell Bill	\$ 175,600.00	\$ 85,934.17
Ad Valorem/ Vehicle Tax	\$ 1,019,300.00	\$ 659,621.99
Sales and Use Tax	\$ 1,888,802.00	\$ 473,201.38
Solid Waste	\$ 487,200.00	\$ 164,108.95
Other Taxes	\$ 320,700.00	\$ -
Investment Earnings	\$ 19,000.00	\$ 24,037.44
Other Revenues	\$ 351,253.00	\$ 16,906.87
	<u>\$ 4,261,855.00</u>	<u>\$ 1,423,810.80</u>
EXPENDITURES		
Governing Board	\$ 58,900.00	\$ 14,282.46
Administration	\$ 485,600.00	\$ 157,105.20
Finance	\$ 279,220.00	\$ 78,077.95
Planning/Zoning	\$ 431,900.00	\$ 109,901.55
Public Buildings	\$ 239,400.00	\$ 102,709.28
Animal Control	\$ 29,200.00	\$ 14,298.44
Public Safety	\$ 469,662.00	\$ 118,275.59
Powell Bill	\$ 120,300.00	\$ 520.00
Street	\$ 148,500.00	\$ 35,175.56
Stormwater	\$ 272,450.00	\$ 60,834.25
Sanitation	\$ 527,200.00	\$ 124,133.82
Economic Development	\$ 10,600.00	\$ 6,679.00
General Fund Transfers-Sale Tax W/S	\$ 1,115,544.00	\$ -
General Fund Transfers-City Hall Reserve		\$ -
Special Appropriation/Allocations	\$ 73,379.00	\$ 12,000.00
	<u>\$ 4,261,855.00</u>	<u>\$ 833,993.10</u>
Surplus / (Deficit)		<u>\$ 589,817.70</u>

Note: The City of Trinity has collected about 33% of it's projected budgeted revenues. However, the City operational departments have only expensed about 20% of their total projected annual budgets.

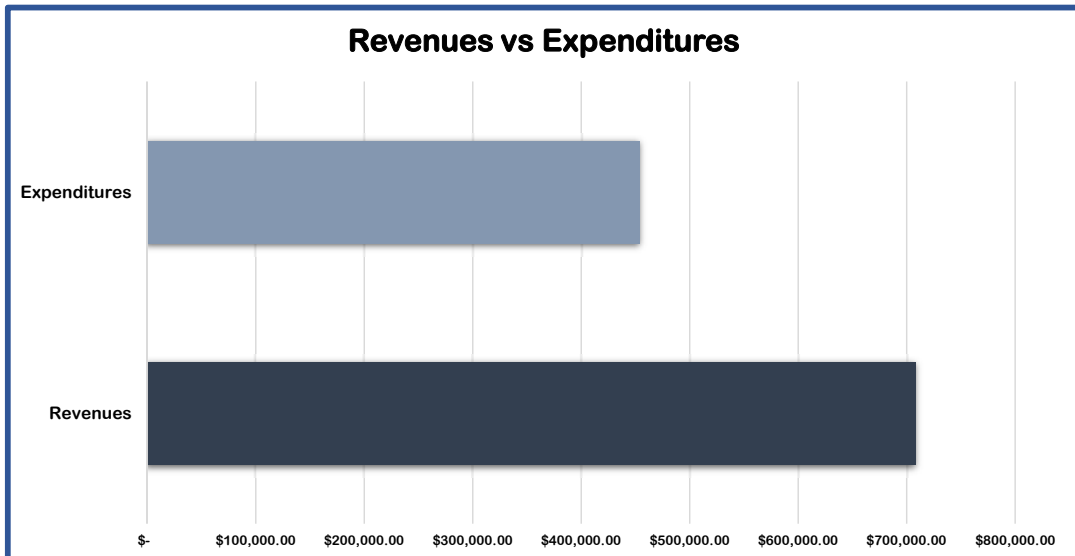




**Sewer Fund
Budget vs Actual Statement
Ending on October 31, 2023**

REVENUES		<u>Budget</u>	<u>Actual</u>
	Sewer Billing	\$ 1,267,875.00	\$ 393,976.73
	Sewer Tap Fees	\$ 44,000.00	\$ 29,000.00
	Investment Earnings	\$ 3,750.00	\$ 8,634.24
	Sales Tax Transfer In	\$ 1,115,544.00	\$ 1,613.00
	Other Revenues	\$ 375,000.00	\$ 274,873.00
		<u>\$ 2,806,169.00</u>	<u>\$ 708,096.97</u>
 EXPENDITURES			
	Sewer	\$ 2,806,169.00	\$ 453,856.71
		<u>\$ 2,806,169.00</u>	<u>\$ 453,856.71</u>
	 Surplus / (Deficit)		<u>\$ 254,240.26</u>

Note: The City of Trinity has collected about 25% of it's projected budgeted revenues. However, the City operational departments have only expensed about 16% of their total projected annual budgets.



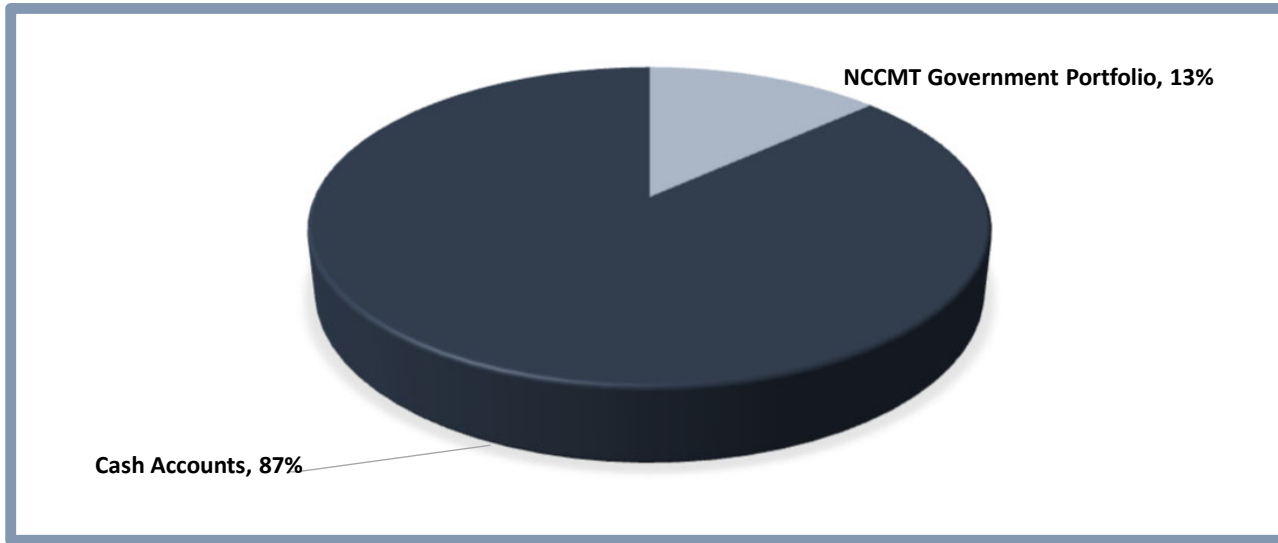


TRINITY

NORTH CAROLINA

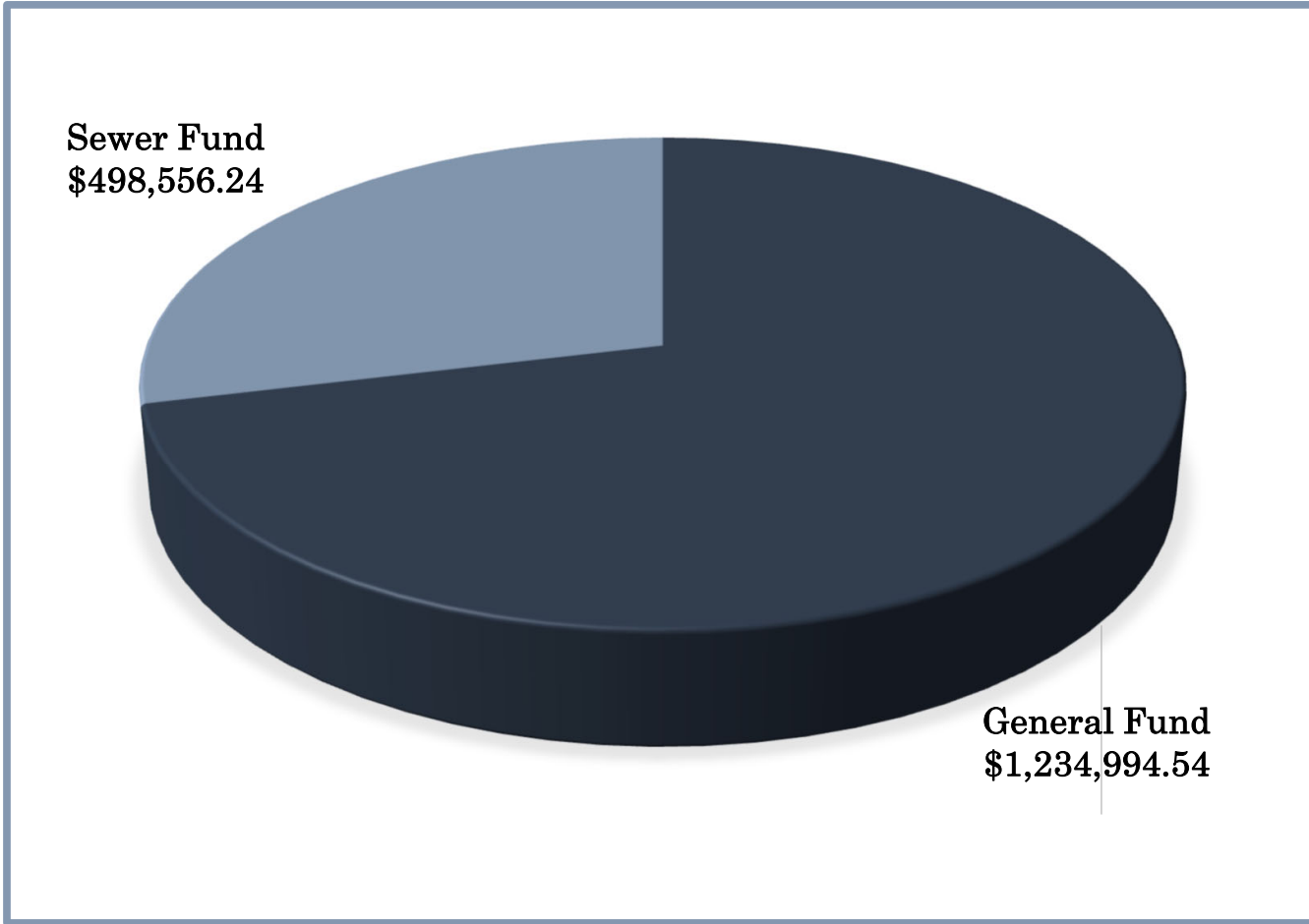
Portfolio Reporting Summary By Type Tuesday, October 31, 2023

Security Type	Number of Accounts	Par Value	Market Value	Percentage of Portfolio	Average YTM	Average Days to Maturity
NCCMT Government Portfolio	2	\$ 1,733,550.78	\$ 1,733,550.78	13%	5.25%	1
Cash Accounts	11	\$ 11,292,088.48	\$ 11,292,088.48	87%	0.05%	1



Note: Average YTM which is known as "Yield to Maturity" refers to the total return anticipated on a security type, if the security type is held until it matures. There is only (4) four cash accPoounts that are interest bearing. Those cash accounts total \$8,723,227.98, which is about 77.25% of total cash accounts.

NCCMT Investment Portfolio Market Value as of October 31, 2023



Sewer Fund	
Principal Balance	\$ 463,342.68
Investment Earnings	\$ 2,213.56
Grand Total	<u>\$ 465,556.24</u>

General Fund	
Principal Balance	\$ 1,229,511.24
Investment Earnings	\$ 5,483.30
Grand Total	<u>\$ 1,234,994.54</u>





General Fund Cash Flow Analysis

	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	Apr-24	Apr-24	Total
Revenues:													
Ad Valorem taxes	1,365	54,245	515,225	54,022									624,857
Other taxes and licenses	8,793	8,952	9,455	7,878									35,079
Unrestricted Intergovernmental	-	-	246,381	226,820									473,201
Restricted intergovernmental	30	30	85,840	34									85,934
Permits and fees	1,450	3,375	3,600	1,475									9,900
Sales and Services	37,122	41,446	42,831	42,711									164,109
Investment Earnings	6,275	6,486	5,279	5,683									23,723
Appropriated Fund Balance	-	-	-	-									-
Misc.	7,006	1	-	-									7,006
Total revenues	62,041	114,536	908,611	338,623	-	-	-	-	-	-	-	-	1,423,810
Expenditures:													
General Government	103,963	89,426	79,750	188,937									462,076
Public Safety	17,269	-	-	115,305									132,574
Transportation	-	460	-	60									520
Public Services	28,377	61,364	60,548	69,854									220,144
Economic and Physical Devel.	6,600	-	79	-									6,679
Special Appropriations	12,000	-	-	-									12,000
Transfer to other Funds	-	-	-	-									-
Capital Outlay/Other	(125)	(125)	(125)	375									-
Total expenditures	168,085	151,125	140,252	374,531	-	-	-	-	-	-	-	-	633,993
Revenues over (under) expenditures	(106,044)	(36,589)	768,359	(35,908)	-	-	-	-	-	-	-	-	589,817

Note: There must be a level of understanding as how the City of Trinity's revenues are divided bas on type. Ad Valorem is known as property tax while vehicle tax is listed under "Other Taxes and Licenses". Unrestricted Intergovernmental revenues would be the Sales and Use Tax, Beer and Wine Tax, Telecommunication Tax, Utility Franchise Tax, and Vedio Transchise Tax. The Restricted Intergovernmental revenues would be the City's Powell Bill Allocation, Grants, and Solid Waste Tax.

The City's expenditures are grouped based on "function". The "General Government" consist of ther Governing Board, Administration, Finance, Public Buildings and Planning and Zoning. The "Public Safety" function would be the City's law enforcement, fire inspection, and animal control. The "Public Services" function would include Streets, Stormwater, and Sanitation. The "Special Appropriations" function would cover the City's grants to other agencies such as the Archdale Library, Archdale/Trinity Chamber and the Randolph County Seniors.



Sewer Fund Cash Flow Analysis

	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-23	Jun-23	Total
Revenues:													
Charges for Services	87,393	89,275	100,442	116,867									393,977
Tap Fees	-	16,400	12,600	-									29,000
Interest	2,103	2,187	2,131	2,214									8,634
Other Operating Revenues	276,486	-	-	-									276,486
Total revenues	365,982	107,862	115,173	119,081	-	-	-	-	-	-	-	-	708,097
Expenditures:													
Operating Expenses	60,494	99,782	76,566	98,566									335,409
Dept Service:													-
Principal	14,112	14,206	14,254	-									42,572
Interest and other charges	16,429	16,335	43,112	-									75,876
Capital Outlay	-	-	-	-									-
Total expenditures	91,036	130,323	133,932	98,566	-	-	-	-	-	-	-	-	453,857
Revenues over (under) expenditures	274,946	(22,461)	(18,759)	20,516	-	-	-	-	-	-	-	-	254,240

Note: "Other Opearting Revenues" includes sale of capital/property, transfer from Sewer Capacity Reserve, and Sales and Use Tax Transfer from the General Fund.



MEMORANDUM

TO: Mayor and City Council

FROM: Rodney Johnson, Public Services Director

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

DATE: November 13th , 2023

SUBJECT: GPS Tracker for City Vehicles

Summary: Mayor Pro Tem Hicks gave out information on a GPS tracking system at the September meeting. For four units, the cost is \$59.95 per unit for a total of \$239.80. The monthly cost is \$17.08 per unit for a total of \$819.80 per year. Total cost of one year is \$1,059.60.

Background: Council members have been asking about GPS trackers for City vehicles.

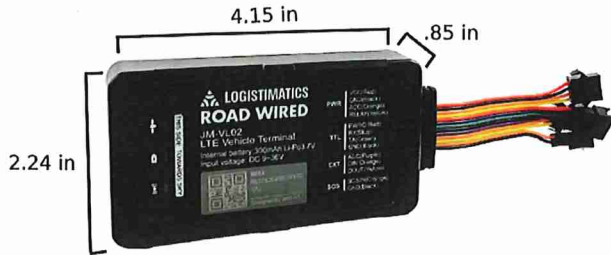
Recommendation: None

Attachment:

Tracking system information.



We track everything™



Road Wired | 4G Hardwired GPS Tracker with Nearly-Universal Coverage

30 DAYS FREE SUBSCRIPTION In stock

Total: \$59.95

-  Free Ground Shipping
On all orders
-  30 Day Warranty
And no hassle returns
-  Fantastic Support
From people who care

- Ideal for tracking vehicles, equipment, or assets.
- Easy 2-wire installation. Simply connect black and red wires and the tracker will start reporting.
- Uses T-Mobile + AT&T networks so it will work almost everywhere.
- Real-time tracking with updates every 400 meters.
- Easy to use tracking from any iOS or Android phone or web browser.
- Trackable throughout the US and internationally where there is 4G LTE-M or 2G cellular coverage.

A RELIABLE 4G HARDWIRED TRACKER

The Road Wired can be used to track vehicles and equipment with accuracy. It is a reliable, cost-effective solution for tracking vehicles and assets. Easily track employees, cars or assets with our cloud-based apps. The Road Wired can be tracked from a web browser or any iOS or Android device. Get real-time alerts when the tracker leaves a geographic area (a geofence).

SERVICE GPS TRACKING

GPS tracking service gets your tracker connected to the network and gives you powerful tracking tools in an easy-to-use app.

Getting started with tracking service is easy. Track from your computer or on any iOS or Android device. Instantly locate vehicles, equipment, assets, and people.

Flexible GPS tracking service plans give you security and peace of mind at a low cost. Choose the right service option for you and start tracking the things that matter the most.

Monthly
Billed each month
\$24.95/month

30-day money back guarantee. 100% satisfaction or your money back.

Billed in advance

12 Months Prepaid

Billed in advance at checkout, \$204.95 for 12 months. Save 30% over monthly billing!

- ✓ 30 second location updates (for applicable devices)
Track on any iOS, Android device or web browser
- ✓ Instant location alerts.
Get instant location via SMS or app notification
- ✓ Start tracking immediately.
It works right out of the box

\$17.08/month



Tracking service as low as \$14.95/mo

Choose monthly service and cancel anytime, or save a bundle when you purchase service in advance.



Tracking service includes Live Audio

For supported devices only. Additional audio hours can be purchased through the website



30-day money back guarantee

We're sure you're going to love our service and there's a 30-day money back guarantee!

1

BEFORE YOU INSTALL

Consider the optimal location to wire the tracker into your vehicle or equipment. You must have access to a power source. Typical vehicle placement is underneath the dashboard, under a seat, or in the glove box. Avoid under the hood or in the trunk.



2

CONNECT YOUR TRACKER

Wire the PWR interface by connecting the black wire to ground, and the red wire to power. For ignition detection (optional), wire the orange wire to the RUN position of the vehicle's ignition switch. The TTL, EXT, and SOS interfaces are not supported/needed for general use.



3

DOWNLOAD THE TRACKING APP

Download the mobile app from the App Store or Play Store by searching for 'logistimatics'.



4

LOGIN & ACTIVATE

Log into the app with your email address and the password you set up when you purchased your tracker. Next, you will find your tracker in the menu, choose a subscription plan, and activate.



Add Users

To create additional users for your account, you must do so in the web version of the tracking app: gps.logistimatics.com. In the web app, navigate to Account > Manage Users.



Setting Up Alerts

To be notified if your tracker enters or exits an area, first create a geofence. In the mobile app, click Geofences > New Geofence. Give your new geofence a name, address and size.



Save Reports

Reports allow you to preserve tracking history in your app. Log into the app and select Reports from the menu. Select a tracker and date range to create a report.



Troubleshooting

If the tracker does not report location after installation, confirm that the power wire from your vehicle/equipment has power by using a voltmeter.

Additional Information

1 Reporting Frequency

The Road Wired GPS tracker will report it's location every 400 meters when moving by default. There is also an option in the commands section of the app to have the tracker report every 30 seconds when moving.

2 Engine Runtime OPTIONAL

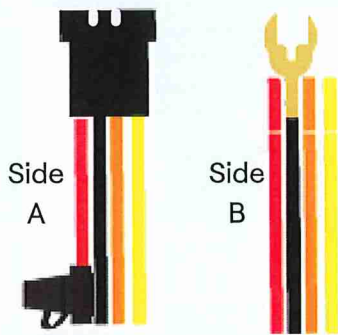
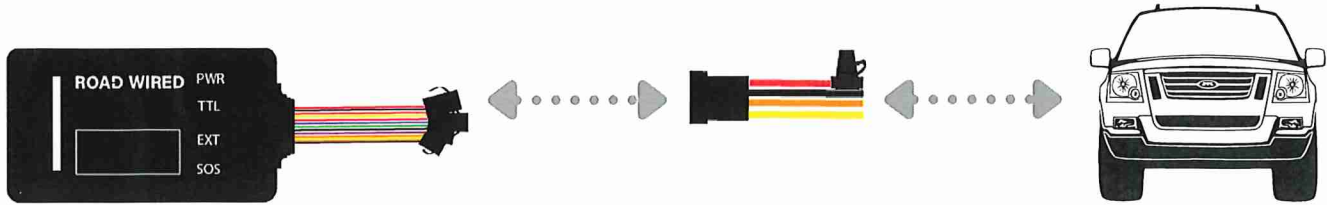
To receive data based on ignition and engine runtime, connect the ORANGE wire to the RUN position of the vehicle's ignition switch. Avoid wiring the red and orange wires together for proper functionality of this feature.

3 4G Connectivity

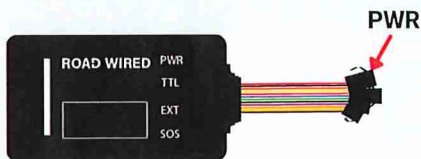
The Road Wired GPS tracker works on 4G cellular networks. Once the device is wired in, it will report location in most parts of the US. The tracker will lose signal if surrounded completely by metal, or inside of a parking garage.

4 Historic Locations

You can view the Road Wired's historic locations within the tracking app. In the mobile app, select the CLOCK icon on your tracker's map. For easier viewing, use the web app found at Logistimatics.com to look back at historic tracking.



Wiring harness



Road Wired

POWER

GROUND

IGNITION RUN

(NOT USED)

PWR interface wires

- 1** Locate the wiring harness and prepare the **red wire** for installation by cutting/stripping away the outer coating of the wire around 1-inch from the end of **side B**.
- 2** **Optional:** Repeat step 1 with the **orange wire** on side B of the wiring harness if you plan to utilize ignition on/off alerts and engine runtime data. Wiring the orange wire is not necessary for general tracking use.
- 3** Locate the **red power wire** coming from your equipment/vehicle that is designated for constant power. Prepare the wire by cutting and stripping 1-inch off from the end of the wire. If you are also wiring the optional **orange wire**, locate the equipment/vehicle's **ignition RUN wire** and strip the end of the wire the same way as the red constant power wire before.
- 4** Connect the prepared **red** (and optional **orange**) wires on the power harness to the prepared power and ignition RUN wires of your equipment/vehicle respectively. Wrap the wire connections with electrical tape to cover and secure. Attach the **black wire** of the wiring harness to a metal ground using the metal clamp end.
- 5** Connect the Road Wired tracker to the wire harness by connecting the attached **black connectors** on each end of the wire sets. Use the top connector on the Road Wired labeled PWR. (*TTL, EXT, and SOS are not used*).





MEMORANDUM

TO: Richard McNabb, Mayor
City Council

FROM: Stevie Cox, City Manager

VIA:

CC: Bob Wilhoit, City Attorney
Crystal Postell, Finance Director

DATE: November 7, 2023

REF: Trinity Parks and Recreation Master Plan Strategic Planning Funding Request

Summary:

The City of Trinity has been awarded an \$80,000 Strategic Planning Grant from Randolph County to cover the cost for a Parks and Recreation Master Plan for the construction of a multi-purpose park and recreation complex.

Background:

In 2001, the City of Trinity acquired a 31.38-acres site that was going to be used for the construction of a new city hall and a park. At this same time, the City had a parks and recreation master plan conducted that gave several options for the development of the parks and a phase construction approach. Furthermore, it included a plan for the development of greenways and trail system.

Recently, the City has approved the ten residential development subdivisions that will create over 1,400 homes over the next five years. Trinity population will grow from 7,100 to almost 10,000 people over this period. There will be an increase in demand for recreational opportunities for families and adults that is located inside the Trinity City Limits.

In 2022, the City Council established as a goal for the construction of a new park that would benefit our residents. This was included in the City Capital Improvement Plan for Fiscal Year 2022 – 2023 and Fiscal Year 2023 – 2024. In 2023, the City Council approved and adopted the new Vision Trinity Comprehensive Land Use Plan. The

Comprehensive Plan stated that “The City is experiencing growth in residential and non-residential development. Trinity residents highlight the need for more recreation space, greenways, and recreational activities for all ages, especially the youth. Residential throughout the public participation in creating this comprehensive plan, wanted more recreation spaces in planned parks”.

The Randolph County Strategic Plan Grant would allow the City of Trinity to move forward with securing a firm to develop a Master Plan for this site. This would include the construction of a new park and the development of greenways and trails. Once the Master Plan has been completed, the City would be able to leverage the results of this study to secure a Parks and Recreation Trust Fund Grant. In addition, we would seek additional funding to complete each phase of this park. The park would allow for the City to have dedicated public space for community events and a festival. Furthermore, it is a goal for this park to serve as a veteran’s park to remember those who have served and given their lives on behalf of our Country.

On November 6, 2023, the Randolph County Commissioners received a presentation from Trinity City Manager and Councilman Robbie Walker about how the City would use this grant. Mr. Walker stated that the funds would be used to cover the cost of the Parks and Recreation Master Plan. Mr. Cox stated that the City would also leverage those funds and the study to secure additional grant funding to construct and develop the park. After some additional discussion, the Randolph County Commissioners approved and awarded the City of Trinity an \$80,000 Strategic Planning Grant.

Recommendation:

Staff recommends that the City Council approved to accept the Randolph County Strategic Planning Grant for \$80,000 Strategic Planning Grant that will be used to cover the cost of the Parks and Recreation Master Plan. Furthermore, Staff request that the City Council approve to allow staff to move forward with releasing a request for proposals for the Parks and Recreation Master Plan.



MEMORANDUM

TO: Richard McNabb and City Council
FROM: Crystal Postell, Finance Director
CC: Stevie Cox, City Manager
DATE: 10/31/2023
SUBJECT: Resolution 24 – 02: Authorizing the City of Trinity to Engage in Electronic Payments

Summary:

On March 12, 2018, the North Carolina Department of State Treasurer released Memorandum #2018 – 05 for changes to pre-audit certification requirements for electronic obligations and payment under Administrative Code – 20NCAC 03.0409 and 20 NCAC 03.0410.

Background:

Currently, the City of Trinity has a Purchasing Card Program Policy which was adopted on September 16, 2003, for the use of credit card transactions for employees to purchase operating goods. This policy is actively under review for compliance according to state and federal purchasing laws. The new policy will be presented at the Trinity City Council next meeting. Resolution 24 – 02 is being presented to Trinity City Council because the resolution resulting in this change was not implemented after March 12, 2018.

Recommendation:

Staff recommends that the City Council adopt and approve Resolution 24 – 02 authorizing the City of Trinity to engage in electronic payments as defined by General Statutes 159 – 28 and 115C – 441.

Attachment:

North Carolina Department of State Treasurer Memorandum # 2018 – 05

Resolution 24 – 02

N.C.G.S. 159 – 28

N.C.G.S. 115C – 441



Dale R. Folwell, CPA

STATE AND LOCAL GOVERNMENT FINANCE DIVISION
AND THE LOCAL GOVERNMENT COMMISSION

GREGORY C. GASKINS
DEPUTY TREASURER

Memorandum # 2018-05

To: Finance Officers of Local Governments and LEAs

From: Sharon Edmundson, Director, Fiscal Management Section

Subject: Changes to Pre-audit Certification Requirements for Electronic Obligations and Payments; Administrative Code - 20NCAC 03 .0409 and 20 NCAC 03 .0410

Date: March 12, 2018

The 2015 legislature modified GS 159-28 (d2) (local governments) and 115C-441(d2) (local school administrative units) to allow the Local Government Commission (LGC) to adopt rules to address the execution of the pre-audit and disbursement process related to electronic transactions for local government and local school administrative units. The new pre-audit and disbursement rules were effective as of November 1, 2017, and exist as part of the North Carolina Administrative Code (20 NCAC 03.0409 and 20 NCAC 03.0410).

Units of government can now be exempt from the pre-audit certificate and disbursement certificate requirements on electronic transactions ***if they follow the requirements as detailed in the new administrative code rules.*** The purpose of this memorandum is to briefly outline the requirements that will allow local governments to take advantage of these changes for electronic transactions utilizing the following:

- (1) charge cards;
- (2) credit cards;
- (3) debit cards;
- (4) gas cards;
- (5) procurement cards; or
- (6) electronic funds transfers

It is important to note that ***none of these rule changes exempt a unit of government from going through the pre-audit process;*** the rules only exempt a unit from affixing the certificate of pre-audit on electronic transactions IF the unit abides by the rules set forth in the administrative code.

Requirements to Take Advantage of Pre-Audit Certificate Exemption on Electronic Obligations

There are multiple steps a unit of government must take in order to take advantage of the rule change for electronic **obligations**. These steps are:

1. The unit's governing board shall adopt a resolution authorizing the unit to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441 (see Addendum A for a sample resolution).
2. The unit's board must adopt policies and procedures for electronic obligations or delegate the authority and responsibility for writing those policies and procedures to the finance officer.
3. The written policy must outline the basic procedures for pre-auditing obligations incurred by electronic transactions. The written policy and any procedures developed by the finance officer must provide sufficient internal controls over the obligation process, which must include the following:
 - a. Ensure that there is an appropriate budget ordinance or project/grant ordinance appropriation authorizing the obligation;
 - b. ensure that sufficient monies remain within the appropriation to cover the amount that is expected to be paid out during the current fiscal year if accounted for in the budget ordinance, or to cover the entire amount if accounted for in a project or grant ordinance.
 - c. Record the amount of the transaction in the unit's encumbrance system.
4. The unit must provide training to all personnel about the written policy and the procedures that must be followed before undertaking an electronic transaction.
5. If a governmental unit is not already doing so, the unit of government must present to its governing board at least quarterly a budget to actual statement by fund that includes budgeted accounts, actual payments made, amounts encumbered (including electronic obligations) and the amount of the budget that is unobligated.
6. The unit's written policy and procedures must include a method to track obligations, commonly called an encumbrance system. The system can be manual or maintained as part of the unit's accounting system or any combination thereof.

Requirements to Take Advantage of Disbursement Certificate Exemption on Electronic Payments

Likewise there are multiple steps a unit of government must take in order to take advantage of the rule change for electronic **payments**. These steps are:

1. The unit's governing board shall adopt a resolution authorizing the unit to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441 (see Addendum A for a sample resolution).

2. The unit's board must adopt policies and procedures for electronic payments or delegate the authority and responsibility for writing those policies and procedures to the finance officer.
3. The unit must adopt a written policy outlining basic procedures for disbursing public funds electronically. The written policy must provide sufficient internal controls to ensure the following:
 - a. ensure that the amount claimed is payable;
 - b. ensure that there is an appropriate budget ordinance or project/grant ordinance appropriation authorizing the expenditure;
 - c. ensure that sufficient monies remain within the appropriation to cover the amount that is due to be paid out during the current fiscal year if accounted for in the budget ordinance, or to cover the entire amount if accounted for in a project/grant ordinance; and
 - d. ensure that the unit has sufficient cash to cover the payment.

Some of the questions we have received about this new process, along with our responses, are noted below.

Q *Does the board's delegation of authority to the finance officer to develop the policies and procedures need to be in writing?*

A. Yes.

Q *My unit already publishes monthly budget-to-actual financial reports on its website – will these suffice for the requirement to provide these reports to the board?*

A. We believe so if they meet all the other requirements listed.

While these changes do not address all the business challenges that local governments face in operating in an increasingly electronic environment, they should provide a way for entities to more easily operate within the requirements of the General Statutes in this particular area.

If you have any questions or concerns about this publication, please contact us at (919) 814-4299 or via email at Sharon.edmundson@nctreasurer.com

§ 115C-441. Budgetary accounting for appropriations.

(a) Incurring Obligations. – Except as set forth below, no obligation may be incurred by a local school administrative unit unless the budget resolution includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year. Nothing in this section shall require a contract to be reduced to writing.

(a1) Preaudit Requirement. – If an obligation is reduced to a written contract or written agreement requiring the payment of money, or is evidenced by a purchase order for supplies and materials, the written contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been preaudited to assure compliance with subsection (a) of this section. The certificate, which shall be signed by the finance officer, shall take substantially the following form:

"This instrument has been preaudited in the manner required by the School Budget and Fiscal Control Act.

(Date)

(Signature of finance officer)"

(a2) Failure to Preaudit. – An obligation incurred in violation of subsection (a) or (a1) of this section is invalid and may not be enforced. The finance officer shall establish procedures to assure compliance with this section, in accordance with any rules adopted by the Local Government Commission.

(b) When a bill, invoice, or other claim against a local school administrative unit is presented, the finance officer shall either approve or disapprove the necessary disbursement. The finance officer may approve the claim only if all of the following apply:

- (1) The amount claimed is determined to be payable.
- (2) The budget resolution includes an appropriation authorizing the expenditure.
- (3) Either (i) an encumbrance has been previously created for the transaction or (ii) an unencumbered balance remains in the appropriation sufficient to pay the amount to be disbursed.

A bill, invoice, or other claim may not be paid unless it has been approved by the finance officer or, under subsection (c) of this section, by the board of education. The finance officer shall establish procedures to assure compliance with this subsection, in accordance with any rules adopted by the Local Government Commission.

(c) Board of Education Approval of Bills, Invoices, or Claims. – The board of education may, as permitted by this subsection, approve a bill, invoice, or other claim against the local school administrative unit that has been disapproved by the finance officer. The board of education may not approve a claim for which no appropriation appears in the budget resolution, or for which the appropriation contains no encumbrance and the unencumbered balance is less than the amount to be paid. The board of education shall approve payment by formal resolution stating the board's reasons for allowing the bill, invoice, or other claim. The resolution shall be entered in the minutes together with the names of those voting in the affirmative. The chairman of the board, or some other member designated for this purpose, shall sign the certificate on the check or draft given in payment of the bill, invoice, or other claim. If payment results in a violation of law, each member of the board voting to allow payment is jointly and severally liable for the full amount of the check or draft given in payment.

(c1) Continuing Contracts for Capital Outlay. – A local school administrative unit may enter into a contract for capital outlay expenditures, some portion or all of which is to be

performed or paid in ensuing fiscal years, without the budget resolution including an appropriation for the entire obligation, provided all of the following apply:

- a. The budget resolution includes an appropriation authorizing the current fiscal year's portion of the obligation.
- b. An unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year.
- c. Contracts for capital outlay expenditures are approved by a resolution adopted by the board of county commissioners, which resolution when adopted shall bind the board of county commissioners to appropriate sufficient funds in ensuing fiscal years to meet the amounts to be paid under the contract in those years.

(d) Payment. – A local school administrative unit may not pay a bill, invoice, salary, or other claim except by any of the following methods:

- (1) Check or draft on an official depository.
- (2) Bank wire transfer from an official depository.
- (3) Electronic payment or an electronic funds transfer originated by the local school administrative unit through an official depository.
- (4) Cash, if the local school administrative unit has adopted a policy authorizing the use of cash, and specifying the limits of the use of cash.
- (5) Warrant on the State Treasurer.

(d1) Except as provided in subsection (d) of this section, each check or draft on an official depository shall bear on its face a certificate signed by the finance officer or signed by the chairman or some other member of the board pursuant to subsection (c) of this section. The certificate shall take substantially the following form:

"This disbursement has been approved as required by the School Budget and Fiscal Control Act.

(Signature of finance officer)"

No certificate is required on payroll checks or drafts or on State warrants.

(d2) An electronic payment or electronic funds transfer shall be subject to the preaudit process in accordance with this section and any rules adopted by the Local Government Commission. The rules so adopted shall address execution of electronic payment or electronic funds transfer and how to indicate that the finance officer has performed the preaudit process in accordance with this section. A finance officer shall be presumed in compliance with this section if the finance officer complies with the rules adopted by the Local Government Commission.

(e) Penalties. – If an officer or employee of a local school administrative unit incurs an obligation or pays out or causes to be paid out any funds in violation of this section, that officer or employee, and the sureties on any official bond for that officer or employee, are liable for any sums so committed or disbursed. If the finance officer gives a false certificate to any contract, agreement, purchase order, check, draft, or other document, the finance officer and the sureties on any official bond are liable for any sums illegally committed or disbursed thereby.

(f) The certifications required by subsections (a1) and (d1) of this section shall not apply to any of the following:

- (1) An obligation or a document related to the obligation has been approved by the Local Government Commission.
- (2) Payroll expenditures, including all benefits for employees of the local government.

- (3) Electronic payments, as specified in rules adopted by the Local Government Commission.
- (g) As used in this section, the following terms shall have the following meanings:
 - (1) Electronic funds transfer. – A transfer of funds initiated by using an electronic terminal, a telephone, a computer, or magnetic tape to instruct or authorize a financial institution or its agent to credit or debit an account.
 - (2) Electronic payment. – Payment by charge card, credit card, debit card, gas card, procurement card, or electronic funds transfer. (1975, c. 437, s. 1; 1981, c. 423, s. 1; 1985, c. 783, ss. 1, 2; 1997-456, s. 27; 2015-246, s. 6(b).)

§ 159-28. Budgetary accounting for appropriations.

(a) Incurring Obligations. – No obligation may be incurred in a program, function, or activity accounted for in a fund included in the budget ordinance unless the budget ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year. No obligation may be incurred for a capital project or a grant project authorized by a project ordinance unless that project ordinance includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay the sums obligated by the transaction. Nothing in this section shall require a contract to be reduced to writing.

(a1) Preaudit Requirement. – If an obligation is reduced to a written contract or written agreement requiring the payment of money, or is evidenced by a written purchase order for supplies and materials, the written contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been preaudited to assure compliance with subsection (a) of this section. The certificate, which shall be signed by the finance officer, or any deputy finance officer approved for this purpose by the governing board, shall take substantially the following form:

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

(Signature of finance officer)."

(a2) Failure to Preaudit. – An obligation incurred in violation of subsection (a) or (a1) of this section is invalid and may not be enforced. The finance officer shall establish procedures to assure compliance with this section, in accordance with any rules adopted by the Local Government Commission.

(a3) Use of Automated System for Preaudit. – An automated financial computer system may be used to meet the requirements of subsection (a1) of this section if an annual certification is filed with the Secretary of the Commission pursuant to subsection (a4) of this section. The provisions of this subsection do not apply to transactions exempted by statute from the preaudit requirement. The automated computer system must have all of the following:

- (1) Embedded functionality that determines that there is an appropriation to the department, function code, or project in which the transaction appropriately falls.
- (2) Functionality ensuring that unencumbered funds remain in the appropriation to pay out any amounts that are expected to come due during the budgeted period.
- (3) Real-time visibility to budget compliance, alert threshold notifications, and rules-based compliance measures and enforcement.

(a4) Annual Certification of Automated Preaudit System. – When an automated financial computer system is used to meet the requirements of subsection (a1) of this section, the finance officer shall certify to the Secretary of the Commission no later than 30 days after the start of the unit's or public authority's fiscal year that the automated financial computer system meets all the requirements of subsection (a3) of this section. The Secretary may reject or revoke the finance officer's certification if the annual audit for the unit's or public authority's immediately preceding fiscal year includes a finding of budgetary noncompliance or if the Secretary determines that the automated financial computer system fails to meet the requirements of subsection (a3) of this section.

(b) Disbursements. – When a bill, invoice, or other claim against a local government or public authority is presented, the finance officer shall either approve or disapprove the necessary disbursement. If the claim involves a program, function, or activity accounted for in a fund

included in the budget ordinance or a capital project or a grant project authorized by a project ordinance, the finance officer may approve the claim only if both of the following apply:

- (1) The finance officer determines the amount to be payable.
- (2) The budget ordinance or a project ordinance includes an appropriation authorizing the expenditure and either (i) an encumbrance has been previously created for the transaction or (ii) an unencumbered balance remains in the appropriation sufficient to pay the amount to be disbursed.

The finance officer may approve a bill, invoice, or other claim requiring disbursement from an intragovernmental service fund or trust or custodial fund not included in the budget ordinance, only if the amount claimed is determined to be payable. A bill, invoice, or other claim may not be paid unless it has been approved by the finance officer or, under subsection (c) of this section, by the governing board. The finance officer shall establish procedures to assure compliance with this subsection, in accordance with any rules adopted by the Local Government Commission.

(c) **Governing Board Approval of Bills, Invoices, or Claims.** – The governing board may, as permitted by this subsection, approve a bill, invoice, or other claim against the local government or public authority that has been disapproved by the finance officer. The governing board may not approve a claim for which no appropriation appears in the budget ordinance or in a project ordinance, or for which the appropriation contains no encumbrance and the unencumbered balance is less than the amount to be paid. The governing board shall approve payment by formal resolution stating the board's reasons for allowing the bill, invoice, or other claim. The resolution shall be entered in the minutes together with the names of those voting in the affirmative. The chairman of the board, or some other member designated for this purpose, shall sign the certificate on the check or draft given in payment of the bill, invoice, or other claim. If payment results in a violation of law, each member of the board voting to allow payment is jointly and severally liable for the full amount of the check or draft given in payment.

(d) **Payment.** – A local government or public authority may not pay a bill, invoice, salary, or other claim except by any of the following methods:

- (1) Check or draft on an official depository.
- (2) Bank wire transfer from an official depository.
- (3) Electronic payment or an electronic funds transfer originated by the local government or public authority through an official depository.
- (4) Cash, if the local government has adopted an ordinance authorizing the use of cash, and specifying the limits of the use of cash.

(d1) Except as provided in this section, each check or draft on an official depository shall bear on its face a certificate signed by the finance officer or a deputy finance officer approved for this purpose by the governing board (or signed by the chairman or some other member of the board pursuant to subsection (c) of this section). The certificate shall take substantially the following form:

"This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act.

(Signature of finance officer)."

(d2) An electronic payment or electronic funds transfer shall be subject to the preaudit process in accordance with this section and any rules adopted by the Local Government Commission. The rules so adopted shall address execution of electronic payment or electronic funds transfer and how to indicate that the finance officer or duly appointed deputy finance officer has performed the preaudit process in accordance with this section. A finance officer or duly appointed deputy finance officer shall be presumed in compliance with this section if the finance officer or duly appointed deputy finance officer complies with the rules adopted by the Local Government Commission.

(e) Penalties. – If an officer or employee of a local government or public authority incurs an obligation or pays out or causes to be paid out any funds in violation of this section, that officer or employee, and the sureties on any official bond for that officer or employee, are liable for any sums so committed or disbursed. If the finance officer or any duly appointed deputy finance officer gives a false certificate to any contract, agreement, purchase order, check, draft, or other document, the finance officer or duly appointed deputy finance officer, and the sureties on any official bond, are liable for any sums illegally committed or disbursed thereby. The governing board shall determine, by resolution, if payment from the official bond shall be sought and if the governing body will seek a judgment from the finance officer or duly appointed deputy finance officer for any deficiencies in the amount.

(e1) Inclusion of the contract term in accordance with G.S. 143-133.3(b) shall be deemed in compliance with G.S. 143-133.3(a).

(f) The certifications required by subsections (a1) and (d1) of this section shall not apply to any of the following:

- (1) An obligation or a document related to the obligation has been approved by the Local Government Commission.
 - (2) Payroll expenditures, including all benefits for employees of the local government.
 - (3) Electronic payments, as specified in rules adopted by the Local Government Commission.
- (g) As used in this section, the following terms shall have the following meanings:
- (1) Electronic funds transfer. – A transfer of funds initiated by using an electronic terminal, a telephone, a computer, or magnetic tape to instruct or authorize a financial institution or its agent to credit or debit an account.
 - (2) Electronic payment. – Payment by charge card, credit card, debit card, gas card, procurement card, or electronic funds transfer. (1971, c. 780, s. 1; 1973, c. 474, ss. 22, 23; 1975, c. 514, s. 12; 1979, c. 402, ss. 7, 8; 2010-99, s. 1; 2012-156, s. 1; 2015-246, s. 6(a); 2015-294, s. 2; 2021-58, s. 3; 2021-60, s. 3.5.)



RESOLUTION AUTHORIZING CITY OF TRINITY TO ENGAGE IN ELECTRONIC PAYMENTS AS DEFINED BY G.S. 159-28 OR G.S. 115C-441

RESOLUTION 24-02

WHEREAS, it is the desire of the City Council that the City of Trinity is authorized to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441

WHEREAS, it is the responsibility of the Finance Director, who is appointed by and serves at the pleasure of the City Council, to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03 .0409;

WHEREAS, it is the responsibility of the Finance Director, who is appointed by and serves at the pleasure of the City Council to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03 .0410;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Trinity

Section 1. Authorizes the City of Trinity to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441;

Section 2. Authorizes the Finance Director to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03 .0409;

Section 3. Authorizes the Finance Director to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03 .0410;

Adopted this 13th day of November, 2023.

SEAL

Richard McNabb, Mayor

Darien Comer, City Clerk



MEMORANDUM

TO: Richard McNabb, Mayor
City Council Members

FROM: Stevie Cox, City Manager

VIA: Darien Comer, City Clerk

CC: Robert Wilhoit, City Attorney

DATE: October 30, 2023

REF: Universal Children’s Day Proclamation

Summary:

This proclamation is in recognition of the Universal Children’s Day that will be held on November 20, 2023.

Background:

World Children’s Day was first established in 1954 as Universal Children's Day and is celebrated on November 20th each year to promote international togetherness, awareness among children worldwide, and improving children's welfare.

November 20th is an important date as it is the date in 1959 when the UN General Assembly adopted the Declaration of the Rights of the Child. It is also the date in 1989 when the UN General Assembly adopted the Convention on the Rights of the Child.

Since 1990, World Children's Day marks the anniversary of the date that the UN General Assembly adopted both the Declaration and the Convention on children's rights. Mothers and fathers, teachers, nurses and doctors, government leaders and civil society activists, religious and community elders, corporate moguls and media professionals, as well as young people and children themselves, can play an important part in making World Children's Day relevant for their societies, communities and nations.

World Children's Day offers each of us an inspirational entry-point to advocate, promote and celebrate children's rights, translating into dialogues and actions that will build a better world for children.

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

Recommendation:

Staff recommends that the City Council approve the Universal Children’s Day Proclamation on November 20, 2023.



City of Trinity

2023 Universal Children's Day

Proclamation

WHEREAS, The City of Trinity joins the World Organization for Early Childhood Education(OMEP-USA) and other organizations as they celebrate Universal Children's Day; and

WHEREAS, Universal Children's Day was created by the United Nations General Assembly Resolution on December 14, 1954. It is observed as a day of worldwide fraternity and understanding between and among children, and is devoted to promoting the ideas and objectives of the welfare of the children of the world; and

WHEREAS, These objectives are outlined in the Millenium Development Goals (MDGs), which was created in 2000 by world leaders. The MDGs includes providing children everywhere, boys and girls alike with universal primary education; and

WHEREAS, We were all children once, and we should all share the desire for the well-being of our children, which has always been and will continue to be the most universally cherish aspiration of humankind; and

WHEREAS, The City of Trinity is proud to support Universal Children's Day and will continue its efforts to ensure that the children of the City of Trinity, Randolph County and the World are given the tools that they need to succeed now and have a better future for tomorrow.

NOW, THEREFORE, I, **Richard McNabb**, as Mayor of the City of Trinity do hereby proclaim **November 20, 2023**, as "**Universal Children's Day**" in the City of Trinity and urge all citizens to recognize and support the needs of young children in our community.

PROCLAIMED THIS 20th day of November 2023.

Richard McNabb, Mayor
City of Trinity, North Carolina



MEMORANDUM

TO: Richard McNabb, Mayor
City Council Members

FROM: Stevie Cox, City Manager

VIA: Darien Comer, City Clerk

CC: Robert Wilhoit, City Attorney

DATE: October 30, 2023

REF: National Pearl Harbor Day Remembrance Proclamation

Summary:

This proclamation is in remembrance of 1941 bombing of Pearl Harbor and the entrance of the United States into World War II.

Background:

Each year on December 7th, Pearl Harbor survivors, veterans, and visitors from all over the world come together to honor and remember the 2,403 service members and civilians who were killed during the Japanese attack on December 7, 1941. Another 1,178 people were injured. Eight Navy battleships were among the 18 Naval ships either damaged or sunk. On Oahu military bases, 178 aircraft were destroyed.

December 7, 1941 was a catalyst that led to a changed world. The 82nd Commemoration will tell the story of the multi-pronged attack across the Pacific and in particular the attack on Pearl Harbor. The goal of the commemoration is to ensure that future generations will understand the valor and legacy of those who perished and those who fought throughout the war. The commemoration also highlights the importance of the peace that brought reconciliation, a reconciliation that continues to move forward today in creating a better future for all.

Recommendation:

Staff recommends that the City Council approve the 81st National Pearl Harbor Day Remembrance Proclamation and rest that all flags be flown at half-staff on December 7, 2023.

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

National Pearl Harbor Day Remembrance Proclamation

On December 7, 1941, Japanese fighter planes attacked the United States Naval Base at Pearl Harbor, destroying much of our Pacific Fleet and killing more than 2,400 Americans.

The following day, President Franklin D. Roosevelt called on the Congress to declare war and "make it very certain that this form of treachery shall never again endanger us." In that spirit, Americans came together to pay tribute to the victims, support the survivors, and shed the comforts of civilian life to serve in our military and fight for our Union. Each year on National Pearl Harbor Remembrance Day, we honor those whose lives were forever changed that December morning and resolve to uphold the legacy of all who stepped forward in our time of need.

From the docks of Pearl Harbor to the beaches of Normandy and far around the world, brave patriots served their country and defended the values that have sustained our Nation since its founding. They went to war for liberty and sacrificed more than most of us will ever know; they chased victory and defeated fascism, turning adversaries into allies, and writing a new chapter in our history. Through their service and unparalleled devotion, they inspired a generation with their refusal to give in despite overwhelming odds. And as we reflect on the profound debt of gratitude, we owe them for the freedoms we cherish, we are reminded of the everlasting responsibilities we have to one another and to our country.

In memory of all who lost their lives on December 7, 1941—and those who responded by leaving their homes for the battlefields—we must ensure the sacrifices they made in the name of liberty and democracy were not made in vain. On this solemn anniversary, there can be no higher tribute to these American patriots than forging a united commitment to honor our troops and veterans, give them the support and care they deserve, and carry on their work of keeping our country strong and free.

The Congress, by Public Law 103-308, as amended, has designated December 7 of each year as “National Pearl Harbor Remembrance Day.”

NOW, THEREFORE, I, RICHARD MCNABB, Mayor of Trinity, North Carolina, do hereby proclaim December 7, 2023, as National Pearl Harbor Remembrance Day. I encourage all City of Trinity Residents to observe this solemn day of remembrance and to honor our military, past and present, with appropriate ceremonies and activities. I urge all City facilities and interested organizations, groups, and individuals to fly the flag of the United States at half-staff this December 7 in honor of those American patriots who died as a result of their service at Pearl Harbor.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of December, in the year of our Lord two thousand twenty-three, and of the Independence of the United States of America the two hundred and forty-six.

PROCLAIMED THIS 7th day of December 2023.

Mayor, Richard McNabb
Trinity, North Carolina



Memorandum

TO: Richard McNabb, Mayor
City Council Members

FROM: Jay Dale, Planner

CC: Stevie Cox, City Manager

DATE: 11/07/2023

REF: Appeal and Variance Requests.

Summary:

APPEAL

Chad Long (Long Properties LLC) of Archdale, North Carolina wishes to place a duplex on a number of lots he owns in the Lake Darr community. Mr. Long is appealing the determination of the Zoning Administrator in the interpretation of the City of Trinity Zoning Ordinance **Article IX Section 9-2** (Nonconforming Lots of Record) which states:

When a lot has an area which does not conform to he 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.

Article IX Section 9-1 clarifies the intent of the ordinance and states:

*If , within the districts established by this ordinance, or by amendments that may later be adopted, there exists lots, structures and uses of land and structures which were lawful before this ordinance was passed or amended, but which would prohibit 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.

The Zoning Administrator determined that the larger lot size of 50,000 square feet required for a Two-Family home (duplex) in RA (Residential Agricultural) zoned property versus 40,000 square feet for Single-Family laid out in **Section 12-4** of the City of Trinity Zoning Ordinance is a buffer and therefore a variance would be necessary to place a duplex on Mr. Long's lots. The lots in question are PIN 7717088465, 7717194038, 77178005511, 7717088835, 7717197008, 7717197058, 7718006409, and 7717085855.

The Appeal was heard was closed and the decision tabled by the Board of Adjustment on October 10, 2023 so that City of Trinity Staff would have the opportunity to review evidence submitted by Mr. Chad Long.

VARIANCE

Should the City Council reverse the decision of the Zoning Official, Mr. Long is requesting a variance from the minimum side yard setback regulations for R-40 (Residential Agricultural) laid out in **Section 12-4** of the City of Trinity Zoning Ordinance for lots PIN 7717099160 and 7717088835.

Recommendation:

N/A

Attachments:

APPEAL

- Request for appeal letter from Mr. Long
- Letter explain the zoning determination to Mr. Long
- Maps of properties owned by Mr. Long
- Article IX
- Section 12-4

VARIANCE

- Copy of Variance Applications.
- Map of lot PIN 7717099160
- Map of lot PIN 7717088835



TRINITY

NORTH CAROLINA

Section 7a.

August 17, 2023

Mr. Chad Long
Long Properties LLC
401 Belgian Drive
Archdale NC 27263

Mr. Long:

Per your request I am providing you with a written explanation of the decision not to allow the construction of duplex apartments on your lots in the Darr Rd. Area. The current zoning of your properties is R-40 and does allow duplex apartments but there are further requirements that have been adopted. For duplex construction you are required to have a 50,000 square foot lot. Please refer to table 12-4 in Section 12-4 of the City of Trinity Zoning Ordinance. I think this is important to note as it shows an intent on the part of the City of Trinity to be more restrictive on duplex development in residential neighborhoods and explains why we have felt we were on more solid footing on single family residential development versus duplex.

We have no record the lots in question were ever approved building lots. I think I need to clarify this point. Early in subdivision development, surveyors would lay out 25-foot-wide strips of land when dividing property. These are still seen on the GIS system today as dotted lines. It was then up to the consumer to decide what he wanted and combine them into a building lot be it a 100 foot wide lot, 125 foot wide lot etc. This often created odd lots out of the leftover strips of land. This did not make them legal building lots once zoning was adopted. I can assure you had Trinity never incorporated the position of Randolph County was the same. Provided setbacks could be met, the septic and repair areas could be accommodated, and the intent of the ordinance honored Randolph County would at times "grandfather" lots but they were not allowed by right. If that were the case there would

have been 25 ft wide lots recorded as building lots. The position of the City of Trinity is the same.

Finally it should be noted if any lot is unable to meet state federal watershed regulations it is not a developable lot and we would not issue a zoning permit. There is a process by which you can ask for a variance but for that information you would need to reach out to the North Carolina Department of Environmental Quality (DEQ). The regional office for our district is in Winston Salem and can be reached at 336-776-9800.

I hope this helps clarify matters and I wish you a good day

Sincerely,

Jay Dale, Planner

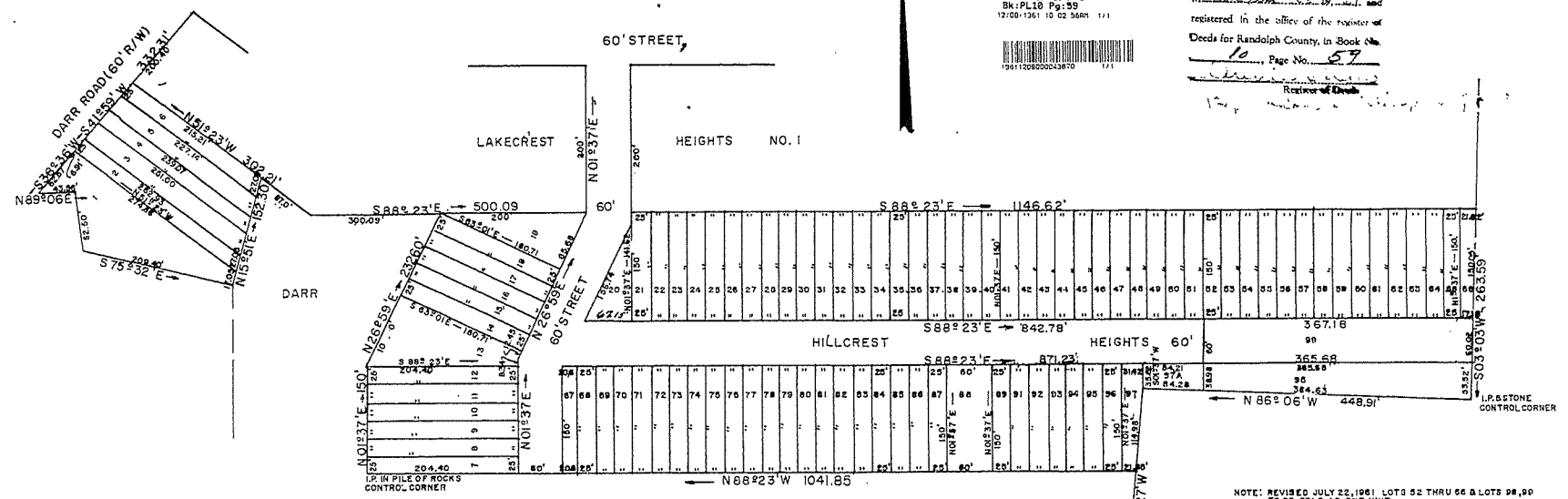
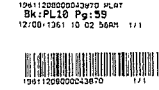
NORTH CAROLINA
DAVIDSON COUNTY
EDWARD M. TEER, BEING SWORN, SAYS THAT THE PLAT OR MAP HEREON
IS IN ALL RESPECTS CORRECT AND WAS PREPARED FROM ACTUAL SURVEY.
MADE BY HIM JUNE 30, 1961

Edward M. Teer
REGISTERED LAND SURVEYOR
SUBSCRIBED AND SWORN TO BEFORE ME THIS 1 DAY June, 1961
MY COMMISSION EXPIRES June 30, 1962
NOTARY PUBLIC

NORTH CAROLINA
RANDOLPH CO.
THE FOREGOING OF *Kathleen W. Skelton* NOTARY PUBLIC OF
DAVIDSON CO. IS IN DUE FORM AND CORRECT, LET THE MAP OR PLAT AND
THE CERTIFICATES BE RECORDED.
THIS THE 2 DAY OF August, 1961.

Marjorie W. Skelton
DEPUTY CLERK SUPERIOR COURT

Filed for registration at 2:00 o'clock P.
M. 1961 and
registered in the office of the register of
Deeds for Randolph County, in Book No. 10, Page No. 57
Edward M. Teer
Register of Deeds



NOTE: REVISED JULY 22, 1961, LOTS 52 THRU 56 & LOTS 98, 99 TO BE SOLD AS ONE UNIT.
REVISED JULY 31, 1961
DEED DESCRIPTION BOOK 378 PAGE 575
ERROR OF CLOSURE CALCULATED BY LATITUDE AND DEPARTURE IS 1'-8711
NO HORIZONTAL CONTROL WITHIN 2000 FEET.
THIS MAP WAS PREPARED IN ACCORDANCE SS 47-30 CONC. MON. OMITTED BY AGREEMENT.

DIVISION NO. 2
LAKECREST HEIGHTS

E.S. DARR, OWNER
TRINITY TWP. RANDOLPH CO.

SCALE 1" = 100' JUNE, 1961
E.M. TEER, R.L.S. NO. L969



284 N.C.App. 743
Court of Appeals of North Carolina.

VISIBLE PROPERTIES, LLC, Petitioner,
v.
The **VILLAGE OF CLEMMONS**, Respondent.

No. COA21-398
|
Filed August 2, 2022

Synopsis

Background: Outdoor advertising sign company petitioned for writ of certiorari after city zoning board of adjustment rejected company's application for zoning permit to construct billboard with digital technology on property bordering city highway. The Superior Court, Forsyth County, [Eric Morgan, J.](#), granted petition and affirmed board's decision. Company appealed.

Holdings: The Court of Appeals, [Dietz, J.](#), held that:

[1] city zoning ordinances allowed construction of company's proposed sign;

[2] company's proposed sign, which periodically changed static digital images, was not "moving and flashing sign" prohibited by city zoning ordinances; and

[3] company's proposed sign was not "electronic message board" prohibited by city zoning ordinances.

Reversed and remanded.

West Headnotes (13)

[1] **Zoning and Planning** ↔ **De novo review in general**

In administrative review, challenging the interpretation of zoning ordinances, the trial court sits as an appellate court and reviews this legal question de novo.

[2] **Zoning and Planning** ↔ **De novo review**

On appeal from trial court's review of decision from zoning board of adjustment, Court of Appeals applies a de novo standard of review and examines whether the trial court committed an error of law in interpreting and applying the municipal ordinance.

[3] **Zoning and Planning** ↔ **Intention and purpose of enacting body**

Zoning ordinances are interpreted to ascertain and effectuate the intent of the legislative body.

[4] **Municipal Corporations** ↔ **Applicability of statutory construction rules**

Zoning and Planning ↔ **Free or unrestricted use of property**

The rules applicable to the construction of statutes are equally applicable to the construction of municipal ordinances; however, when there is ambiguity in a zoning regulation, there is a special rule of construction requiring the ambiguous language to be construed in favor of the free use of real property.

1 Case that cites this headnote

[5] **Zoning and Planning** ↔ **Ordinance as a whole, and intrinsic aids**

If there is a **conflict** among different provisions of a **zoning** ordinance, courts must apply rule of construction set forth in ordinances that favors the most restrictive provision.

[6] **Statutes** ↔ **Similar or Related Statutes**
Zoning and Planning ↔ **Ordinance as a whole, and intrinsic aids**

When interpreting provisions of a law that are all part of the same regulatory scheme, such as **zoning** ordinances, a court should strive to find a reasonable interpretation so as to harmonize

provisions rather than interpreting them to create irreconcilable **conflict**.

1 Case that cites this headnote

[7] **Zoning and Planning** ↔ **Ordinance as a whole, and intrinsic aids**

Zoning and Planning ↔ **Presumptions**

Even in presence of the conflicting provisions criteria in the **zoning** ordinances, which would resolve a **conflict** in favor of the more restrictive provision, a court will first seek a reasonable interpretation of the provisions that has no internal **conflicts** because a court must presume that drafters would not intend to create regulations that are internally inconsistent and conflicting.

[8] **Zoning and Planning** ↔ **Free or unrestricted use of property**

When interpreting zoning regulations, which are in derogation of common law rights, and faced with more than one reasonable interpretation of the regulations, courts should choose the reasonable interpretation that favors the free use of property.

2 Cases that cite this headnote

[9] **Zoning and Planning** ↔ **Signs and billboards**
Zoning and Planning ↔ **Signs and billboards**

Provisions for off-premises signs contained in sign regulations portion of city zoning ordinances, which allowed off-premises signs on property near city highway, superseded two other more general ordinances governing property, which did not allow off-premises signs, and thus city zoning ordinances allowed outdoor advertising sign company to construct proposed billboard with digital technology on property; sign-specific rules directly applied to use at issue, and sign-specific rules stated that other zoning restrictions did not apply if proposed use was regulated by specific regulations of that section.

[10] **Zoning and Planning** ↔ **Meaning of Language**

Where terms in city zoning ordinance are not given special definitions in the ordinance, Court of Appeals assumes that the drafters intended to give them their ordinary meaning determined according to the context in which those words are ordinarily used.

[11] **Zoning and Planning** ↔ **Signs and billboards**

Outdoor advertising sign company's proposed digital billboard, which periodically changed static images, was not "moving and flashing sign" within meaning of city zoning ordinance prohibiting moving and flashing signs near city highway; ordinary usage of ambiguous terms "moving" and "flashing" did not squarely describe digital billboard, which was not capable of movement and had no sudden or transient display of lights, excluding billboards that changed static images did not render superfluous ordinance's exclusion of electronic time, temperature, and message signs, and specific examples of prohibited signs, including pennants, banners, and spotlights, were capable of either physically moving or shining light in sudden or intermittent manner.

[12] **Statutes** ↔ **What constitutes ambiguity; how determined**

When there are two or more reasonable interpretations of a law, the law is ambiguous.

1 Case that cites this headnote

[13] **Zoning and Planning** ↔ **Signs and billboards**

Outdoor advertising sign company's proposed digital billboard, which periodically changed static images, was not "electronic message board" within meaning of city zoning ordinance prohibiting electronic message boards near city highway; reading ordinances to prohibit any electronic sign displaying any form of message would render "electronic message board" term superfluous, ordinary meaning of ambiguous

term electronic message board referred to narrower category of sign, such as mobile electronic signs seen near road construction, or digital message boards often affixed beneath business's name or logo and listing business hours or product offerings, which would not be described as billboards like company's proposed sign.

of a conflict among different provisions, the most restrictive provision prevails.

****806** Appeal by petitioner from order entered 23 December 2020 by Judge [Eric Morgan](#) in Forsyth County Superior Court. Heard in the Court of Appeals 23 February 2022. Forsyth County, No. 20 CVS 805

¶ 4 Similarly, the zoning ordinances prohibit “moving and flashing signs” and “electronic message boards.” But, in light of the examples of “moving and flashing signs” in the ordinance, and the descriptions of billboards in other portions of the ordinance as either “signs” or “billboards” (not “message boards”), there are reasonable interpretations of these provisions that both cover the type of digital billboard proposed by Visible, and that do not.

Attorneys and Law Firms

****807** ¶ 5 In the end, we are guided by two overarching principles governing construction of **zoning** ordinances—first, that we should strive to harmonize provisions and avoid **conflicts** whenever possible; and second, that we should construe ambiguous provisions in favor of the free use of property. Applying those principles here, we hold that the sign-specific regulation controls the permissible locations of signs and permits Visible's proposed billboard on the property. We further hold that the prohibitions on “moving and flashing signs” and “electronic message boards” are open to multiple reasonable interpretations, are therefore ambiguous, and must be construed in favor of Visible's proposed use of the property. We therefore reverse the trial court's order and remand for entry of an order reversing the Board of Adjustment's decision.

Van Winkle, Buck, Wall, Starnes and Davis, P.A., Asheville, by [Craig D. Justus](#), [Jonathan H. Dunlap](#), and [Brian D. Gulden](#), for petitioner-appellant.

Blanco Tackabery & Matamoros, P.A., by [Elliot A. Fus](#), Winston-Salem, and [Chad A. Archer](#), Greensboro, for respondent-appellee.

Opinion

[DIETZ](#), Judge.

Facts and Procedural History

***743** ¶ 1 Visible Properties, LLC wants to erect a digital billboard on property bordering a highway in Clemmons. The zoning board of adjustment ***744** denied Visible's request on the ground that the zoning ordinances did not permit digital billboards. The trial court, on certiorari review, affirmed.

¶ 6 Visible Properties, LLC is a North Carolina company that owns and operates outdoor advertising signs and billboards throughout the state.

¶ 2 Our task on appeal is to determine if the zoning board and the trial court properly interpreted the language of the ordinances.

¶ 7 In June 2019, Visible applied to the Village of Clemmons for a zoning permit to construct a billboard with digital technology at 2558 Lewisville-Clemmons Road. The permit requested construction of a “10' x 30' Outdoor Advertising Structure with Digital changeable copy” ***745** that would be categorized as a “Ground (off premises freestanding)” sign. The proposed digital billboard would not contain any moving or scrolling text or images, nor any flashing lights or images, but would change the static image displayed on the billboard every six to eight seconds using digital technology.

¶ 3 This is not as easy as it sounds. Determining which zoning provisions apply requires so much cross-referencing it is almost dizzying. There is a general provision that permits off-premises signs such as billboards on the property at issue; a separate overlay district regulation that, by omission, does not permit off-premises signs on the property; and a sign-specific ordinance that permits off-premises signs on the property and states that it supersedes other regulations concerning signs. Then, there is a separate provision stating that, in the event

¶ 8 Officials with the Village of Clemmons denied the permit on the grounds that “the structure is a ‘Sign, Ground (Off-Premises),’ which is not listed as a permitted use in the

South Overlay District in which the Property is located” and that the structure is prohibited by the sign regulations regarding “moving and flashing signs” and “electronic message boards.”

¶ 9 Visible appealed to the Clemmons Zoning Board of Adjustment. The Board met in December 2019 and conducted an evidentiary hearing where it considered the application materials, testimony, and evidence presented. In January 2020, the Board entered a written decision affirming the staff decision to reject Visible's permit application. Visible petitioned for a writ of certiorari, which the trial court granted. In December 2020, the trial court affirmed the Board of Adjustment's decision. Visible timely appealed.

Analysis

[1] [2] ¶ 10 Visible challenges the trial court's legal determination that the proposed digital billboard was prohibited by various provisions of the zoning ordinances. In this type of administrative review, challenging the interpretation of zoning ordinances, the trial court sits as an appellate court and reviews this legal question *de novo*. *Fort v. Cty. of Cumberland*, 235 N.C. App. 541, 548, 761 S.E.2d 744, 749 (2014). On appeal, this Court also applies a *de novo* standard of review and examines whether the trial court committed an “error of law in interpreting and applying the municipal ordinance.” *Four Seasons Mgmt. Servs., Inc. v. Town of Wrightsville Beach*, 205 N.C. App. 65, 76, 695 S.E.2d 456, 463 (2010).

[3] [4] ¶ 11 Zoning ordinances are interpreted “to ascertain and effectuate the intent of the legislative body.” *Capricorn Equity Corp. v. Town of Chapel Hill*, 334 N.C. 132, 138, 431 S.E.2d 183, 187 (1993). “The rules applicable to the construction of statutes are equally applicable to the construction of municipal ordinances.” *Four Seasons Mgmt. Servs.*, 205 N.C. App. at 76, 695 S.E.2d at 463. But, as discussed in more detail below, when there is ambiguity in a zoning regulation, there is a special rule of construction requiring the ambiguous language to be “construed in favor of the free use of real property.” *Morris Commc'ns Corp. v. City of Bessemer*, 365 N.C. 152, 157, 712 S.E.2d 868, 871 (2011).

*746 I. Permitted uses at the property location

¶ 12 Visible first challenges the trial court's determination that the zoning ordinances prohibited the use of off-premises signs

on the property at issue in this case. Specifically, the trial court determined that a **808 provision creating the “Lewisville Clemmons Road (South Overlay District)”—an overlay district in which this property is located—did not permit off-premises signs. Moreover, the trial court determined that, to the extent other provisions in the ordinances permitted off-premises signs on the property, the “Conflicting Provisions” section of the ordinances required the court to apply “the more restrictive limitation or requirements,” which in this case is the overlay district provision.

¶ 13 To address this argument, we must examine the series of use restrictions, corresponding tables, and numerous cross-references that address the use of off-premises signs on property within the Village of Clemmons.

¶ 14 We begin with the general provision of the ordinances governing permissible uses of property. This general provision is found in Section B.2-4 and is titled “Permitted Uses.” The first section of this general provision is entitled “Table B.2.6” and explains that the corresponding table “displays the principal uses allowed in each zoning district and references use conditions.” Village of Clemmons, N.C., Unified Development Ordinances, § B.2-4.1 (UDO).

¶ 15 Table B.2.6 is included in the ordinances following this section. In a grid format, the table lists particular uses of property and then indicates whether that use is permitted in each zoning district.

¶ 16 Under the heading “Business and Personal Services” in Table B.2.6, there is an entry for “Signs, Off-Premises.” UDO, Table B.2.6. This entry indicates that off-premises signs generally are permissible in the zoning district in which this property is located. This entry in the table also references a separate use condition located in Section B.2-5.67. That subsection, titled “Signs, Off-Premises,” then cross-references another section, discussed below, stating that “All signs must comply with the provisions of Section B.3-2.” UDO, § B.2-5.67.

¶ 17 A later subsection of the ordinances states that these general provisions in Table B.2.6 may be subject to additional restrictions in other subsections, including two that are relevant to our analysis—a section governing overlay districts and the section, referenced above, governing signs:

*747 2-4.5 OTHER DEVELOPMENT REQUIREMENTS OF THE ZONING ORDINANCE

(A) Additional Development Requirements. In addition to the regulation of uses pursuant to Section B.2-4 and the use conditions of Section B.2-5, the following additional development requirements of this Ordinance may apply to specific properties and situations.

...

(2) Section B.2-1.6 Regulations for Overlay and Special Purpose Districts

...

(6) Section B.3-2 Sign Regulations
Id. § B.2-4.5.

¶ 18 We begin with the first of these two additional development requirements, concerning overlay and special purpose districts. This provision creates a special district referred to as “Lewisville Clemmons Road (South Overlay District).” *Id.* § B.2-1.6(E). This overlay district includes the property at issue in this case.

¶ 19 In an introductory section titled “Vision,” this overlay district provision explains that it is intended “to promote the redevelopment of the area into a mixed use commercial/office/residential.” *Id.* § B.2-1.6(E)(A). This provision further explains that it is “intended to foster development that improves traffic/safety, intensifies land use and economic value, to promote a mix of uses, to enhance the livability of the area, to enhance pedestrian connections, parking conditions, and to foster high-quality buildings and public spaces that help create and sustain long-term economic vitality.” *Id.*

¶ 20 Another provision in the Lewisville Clemmons Road (South Overlay District) section states that its “standards apply to sites (including principal and accessory buildings) that are within the Lewisville-Clemmons Road Corridor Overlay district unless otherwise specified herein, and apply to all permitted uses allowed within the district.” *Id.* § B.2-1.6(E)(C).

¶ 21 Finally, for purposes of this appeal, the operative provision of the Lewisville **809 Clemmons Road (South Overlay District) section lists the permissible uses of property in the overlay district. *Id.* § B.2-1.6(E)(D). In a section titled “Permitted Uses,” the ordinance states that the “overlay *748 district provisions apply to any base zoning district set forth in this chapter that exists within the defined overlay area.” *Id.*

¶ 22 The provision then includes a list of use categories corresponding to some (but not all) of the use categories listed in Table B.2.6, discussed above. Within those use categories, this provision again lists some, but not all, of the particular uses listed under those categories in Table B.2.6. Relevant to this case, the “Permitted Uses” provision includes the “Business and Personal Services” category. This is the use category from Table B.2.6 (the general use provision) that addressed the use of off-premises signs. In this more specific overlay provision, the Business and Personal Services category lists *some* uses contained in Table B.2.6 under that category heading, but does not list “Signs, Off-Premises” as a permitted use:

The overlay district provisions apply to any base zoning district set forth in this chapter that exists within the defined overlay area. The following permitted uses are allowed for this proposed geographic area by use category:

...

3. Business and Personal Services. Banking and Financial Services, Bed and Breakfast, Building Contractors General, Car Wash, Funeral Home, Health Services Misc., Hotel/Motel, Kennel, Medical Lab, Medical Offices, Motor Vehicle, Leasing/Rental, Repair/Maintenance, Body/Paint Shop, Office Misc., Professional Office, Service Personal, Services, Business A/B, Veterinary Services
Id. § B.2-1.6(E)(D)(3).

¶ 23 Finally, we address the last, and most specific, of the relevant provisions—the additional development requirements contained in Section B.3-2 that govern signs. This provision contains lengthy rules specific to various forms of signs and lists their permitted uses and locations:

3-2 SIGN REGULATIONS

(B) Permitted Signs

...

(2) Application of Table of Permitted Districts for Signs. *The following signs shall be permitted *749 in the zoning districts as indicated in Table B.3.6, and shall comply with all regulations of the applicable district unless otherwise regulated by specific regulations of this section.*

...

(C) Off-Premises Ground Signs

(1) **Zoning Districts.** *Ground signs (off-premises) are permitted only in the districts as shown in Table B.3.6 and only along designated roads which are not identified as view corridors listed in Section B.3-2.1(C)(2).*

(2) **View Corridors.** *No off-premises sign shall be permitted in any view corridor as described below [Table B.3.7 titled “View Corridors”] and shown on the View Corridor Map located in the office of the Planning Board. Id. § B.3-2.1(B)(2), (C) (emphasis added).*

¶ 24 Importantly, this sign provision operates differently from other portions of the ordinances governing uses of property. Specifically, as the emphasized language above indicates, this sign provision contains its own, more specific restrictions for where signs may be located and states that these more specific restrictions, where applicable, supersede other portions of the ordinances.

¶ 25 These more specific restrictions take two forms relevant to this case. First, Table B.3.6, which accompanies and is referenced by this “Sign Regulations” ordinance, includes a category for “Off-Premises Signs” and indicates that off-premises signs are permitted only in specific zoning districts. The property at issue in this case is located in a zoning district where off-premises signs are permitted under this table.

¶ 26 Second, Table B.3.7, which also accompanies and is referenced by this “Sign Regulations” ordinance, contains a list of the “view corridors” mentioned in this subsection of the ordinance. These view corridors are specific areas of various streets and highways where off-premises signs are prohibited despite otherwise being permitted in the ***810** more general table, Table B.3.6. Importantly, there are portions of Lewisville-Clemmons Road, on which this property is located, that are in these view corridors. But this particular property is not in a view corridor and thus off-premises signs are permitted on the property under both Table B.3.6 and Table B.3.7.

***750** ¶ 27 After walking through this dizzying sequence of provisions, tables, and internal cross-references, we are left with this: A general provision that permits off-premises signs on this property; a more specific overlay provision that supersedes the general (or “base zoning district”) regulations and, by omission, does not permit off-premises signs on this property; and an even more specific sign provision that permits off-premises signs on this property and further states that, where something is “regulated by specific regulations

of this section” those specific regulations supersede other regulations of the applicable district.

¶ 28 In defending the Board of Adjustment's ruling, the Village of Clemmons contends that the overlay district provision should control because, at best, these three provisions are conflicting. The Village points to a separate section of the zoning ordinances establishing a rule of construction for conflicting provisions. It provides that where “a conflict exists between any limitations or requirements in this Ordinance, the more restrictive limitation or requirements shall prevail.” *Id.* § B.1-7.1. Thus, the Village argues, the **conflict** between these provisions must be resolved by applying the most restrictive **zoning** requirements within the conflicting provisions, which is the overlay district provision that prohibits off-premises signs on the property.

[5] ¶ 29 We agree that our State's case law approves of this sort of rule-of-construction language and that, if we determined there is a conflict among different provisions of the ordinance, we must apply this rule of construction in favor of the most restrictive provision. *See Westminster Homes Inc. v. Town of Cary*, 354 N.C. 298, 305–06, 554 S.E.2d 634, 639 (2001).

[6] [7] ¶ 30 But we cannot reach that step unless we first determine that there is a conflict. And, in examining that question, we are guided by two common law principles governing interpretation of zoning ordinances. First, when interpreting provisions of a law that are all part of the same regulatory scheme, we should strive to find a reasonable interpretation “so as to harmonize them” rather than interpreting them to create an irreconcilable conflict. *McIntyre v. McIntyre*, 341 N.C. 629, 634, 461 S.E.2d 745, 749 (1995). In other words, even in the presence of this conflicting provisions criteria in the ordinances, we will first seek a reasonable interpretation that has no internal conflicts because we must presume that the drafters would not intend to create regulations that are internally inconsistent and conflicting. *See Taylor v. Robinson*, 131 N.C. App. 337, 338–39, 508 S.E.2d 289, 291 (1998).

[8] ¶ 31 Second, when interpreting zoning regulations, which are “in derogation of common law rights,” and faced with more than one reasonable ***751** interpretation of the regulations, we should choose the reasonable interpretation that favors “the free use of property.” *Cumulus Broad, LLC v. Hoke Cty. Bd. of Comm'rs*, 180 N.C. App. 424, 427, 638 S.E.2d 12, 15 (2006).

[9] ¶ 32 With these common law principles in mind, we hold that there is a reasonable interpretation of these provisions that harmonizes them to avoid conflicts. We adopt that interpretation, consistent with the principle that laws should not be construed to be conflicting when there is a reasonable interpretation that contains no internal conflicts. *McIntyre*, 341 N.C. at 634, 461 S.E.2d at 749. Under that interpretation, the specific, express limitation on off-premises signs contained in the Sign Regulations portion of the ordinance supersedes the other two ordinances and controls the use of off-premises signs on this property. UDO § B.3-2.1. This is so both because these sign-specific rules directly apply to the use at issue and because these sign-specific rules state that other zoning restrictions do not apply if the use is “regulated by specific regulations of this section.” *Id.*

**811 ¶ 33 Under these sign-specific regulations, off-premises signs are permitted at the property on which Visible desires to install its digital billboard. We therefore reject the Village of Clemmons's argument and hold that the trial court erred by affirming the Board of Adjustment's determination that the off-premises sign was precluded by the zoning regulations in the Lewisville Clemmons Road (South Overlay District) provision.

II. Prohibited signs regulation

¶ 34 We next turn to the alternative ground on which the Board of Adjustment relied, concerning the permissible types of off-premises signs.

¶ 35 Visible applied for approval of a digital billboard described as an “outdoor advertising structure with digital changeable copy.” The digital billboard would display a static image like a traditional billboard, without any moving or scrolling images, video, blinking or flashing lights, or other animation. But, unlike a traditional billboard, the static image displayed on the billboard would change every six to eight seconds to a different image. Thus, the digital billboard would be capable of rotating through a series of different images over time.

¶ 36 The Village of Clemmons contends that this type of digital billboard is prohibited by two provisions of the Sign Regulations section of the ordinance, one addressing “Moving and Flashing Signs” and the other addressing “Electronic message boards.” These two prohibitions are found in Section B.3-2.1(A)(3) of the Village's zoning ordinances:

*752 3-2.1 SIGN REGULATIONS

(A) General Requirements

...

(3) **Prohibited Signs.** The following signs or use of signs is prohibited.

(a) **Flashing Lights.** Signs displaying intermittent or flashing lights similar to those used in governmental traffic signals or used by police, fire, ambulance, or other emergency vehicles.

(b) **Use of Warning Words or Symbology.** Signs using the words stop, danger, or any other word, phrase, symbol, or character similar to terms used in a public safety warning or traffic signs.

(c) **Temporary, Nonpermanent Signs.** Temporary, nonpermanent signs, including over-head streamers, are not permitted in any zoning district, unless otherwise specified in these regulations.

(d) *Moving and Flashing Signs (excludes electronic time, temperature, and electronic fuel pricing). Moving and flashing signs, excluding electronic time, temperature, and message signs, are not permitted in any zoning district. This includes pennants, streamers, banners, spinners, propellers, discs, any other moving objects; strings of lights outlining sales areas, architectural features, or property lines; beacons, spots, searchlights, or reflectors visible from adjacent property or rights-of-way.*

(e) Exterior exposed neon signs are prohibited.

(f) *Electronic message boards are prohibited.*

UDO, § B.3-2.1(A)(3) (emphasis added).

[10] ¶ 37 As noted above, when interpreting these provisions, we apply the same principles of construction used to interpret statutes. *Morris Commc'ns Corp.*, 365 N.C. at 157, 712 S.E.2d at 872. The terms “Moving and Flashing Signs” and “Electronic message boards” are not given special definitions in the ordinance and we therefore assume that the *753 drafters “intended to give them their ordinary meaning determined according to the context in which those words are ordinarily used.” *Id.*

[11] ¶ 38 We begin with the provision addressing “Moving and Flashing Signs.” The parties present two fully

contradictory interpretations of this provision, both based on what (in that party's view) is the plain and ordinary meaning of the words used in the provision. The Village of Clemmons contends that Visible's digital billboard unquestionably is a "Moving and Flashing Sign" because the static image would change frequently and thus, by its nature, "moves" in the sense that the image displayed on the sign changes to something else.

****812** ¶ 39 The Village also argues that this is the only logical interpretation of the provision, in light of the exclusion of electronic time, temperature, and message boards contained in the provision, because if "moving and flashing" only referred to "scrolling text, animation or blinking like 'Rudolph's nose'" and not "a sign that electronically changes its content on a periodic basis," then there would be no need to separately exclude electronic time, temperature, and message signs—signs that, like digital billboards, typically do not move or flash, but instead change their image over time to reflect the updated information.

¶ 40 There are a number of problems with the Village's argument. First, in ordinary English usage, moving means "marked by or capable of movement" and flashing means "to give off light suddenly or in transient bursts." *Merriam-Webster's Collegiate Dictionary* (11th ed. 2003). Neither of these adjectives squarely describe Visible's proposed digital billboard, which is not capable of movement and has no sudden or transient display of lights.

¶ 41 Second, the exclusion of "electronic time, temperature, and message signs" does not compel an interpretation that includes digital billboards within the definition of moving and flashing signs. Likewise, a contrary interpretation does not render this exclusion superfluous. After all, there could be categories of electronic time, temperature, and message signs that have images in motion (a ticking clock) or are flashing (an electronic sign flashing the phrase "slow down") that the drafters reasonably intended to exempt from this prohibition.

¶ 42 Indeed, another provision in the sign ordinances permits "electronic digital fuel pricing" signs at convenience stores but states that "electronic prices shall not be allowed to flash, blink or move at any time." UDO, § B.3-2.1(G)(3). Notably, this provision recognizes that the terms "moving" and "changing" are different, because the provision then explains that the "digital technology shall solely be used to display the ***754** numerical price of fuel and shall only be *changed* when the price of fuel is modified." *Id.* (emphasis

added). This demonstrates that the drafters understood some electronic signs can contain moving or flashing features and that "moving" or "flashing" in this context is not the same as the information on the sign changing over time.

¶ 43 Finally, there are specific examples listed after the general term "Moving and Flashing Signs" and all of these examples—things such as pennants, banners, spinners, beacons, spotlights, and searchlights—are capable of either physically moving or shining light in a sudden or intermittent way. This reinforces the notion that the words "moving" and "flashing" are used in their ordinary meaning. See *Jeffries v. City of Harnett*, 259 N.C. App. 473, 493, 817 S.E.2d 36, 49 (2018).

¶ 44 To be sure, we are not suggesting that it is *unreasonable* to interpret the prohibition on "Moving and Flashing Signs" as applying to a digital billboard like the one proposed by Visible. But that interpretation is not the *only* reasonable one. Visible also asserts an alternative, reasonable interpretation of this provision—one in which a digital billboard capable of changing its static image is not considered a moving or flashing sign and instead, in ordinary English usage, would be described as something else, such as a digital sign or electronic sign, or perhaps, more specifically, a digital or electronic sign capable of changing the information displayed over time.

[12] ¶ 45 When there are two or more reasonable interpretations of a law, the law is ambiguous. *JVC Enters., LLC v. City of Concord*, 376 N.C. 782, 2021-NCSC-14, ¶ 10, 855 S.E.2d 158. And, as discussed above, when that ambiguous law is a zoning regulation, we should adopt the reasonable interpretation that favors "the free use of property." *Cumulus Broad.*, 180 N.C. App. at 427, 638 S.E.2d at 15. Accordingly, we reject the Village of Clemmons's argument and hold that the trial court erred by affirming the Board of Adjustment's determination that the proposed digital billboard was prohibited because it unambiguously fell within the definition of a "Moving and Flashing Sign" under the zoning ordinances.

[13] ¶ 46 We next turn to the provision prohibiting "Electronic message boards." ****813** Again, the phrase "Electronic message board" is not defined in the ordinance. And unlike the prohibition on "Moving and Flashing Signs," this provision contains no explanatory context. The Village of Clemmons correctly contends that Visible's proposed digital billboard is "electronic." The Village also correctly asserts

that the ordinary meaning of a “message board” is a “a board or sign on which messages or notices are displayed.” *Merriam-Webster's Collegiate Dictionary* (11th *755 ed. 2003). Combining these two definitions, the Village asserts that any electronic sign displaying any form of message—including any form of electronic billboard—unambiguously fits the definition of an “Electronic message board.”

¶ 47 There are several problems with this argument. First, the ordinance contains a definition of the word “sign.” That definition is essentially the same as this broad definition of message board advanced by the Village:

SIGN. Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, or other pictorial matter designed to convey such information ...

UDO, § A.1-3.

¶ 48 Throughout the zoning ordinances, a board on which a message is displayed is consistently referred to as a “sign” or a “billboard.” *See generally*, UDO, § A.1-3 (defining “sign”); UDO, § B.2-5.70 (prohibiting “signs” and “billboards” on transmission towers); UDO, § B.3-2.1 (providing use criteria for “off-premises signs”). Thus, if the intent of this provision was to prohibit all digital signs and billboards, one would expect the drafters to use the term “sign” or “billboard,” not a separate term—“message board”—that is undefined and appears nowhere else in the ordinance.

¶ 49 Moreover, in ordinary English usage, one would not look at a looming roadside billboard and describe it as a “message board.” It is a sign or a billboard. Similarly, in ordinary usage, there is a narrower category of signs that could be described as “electronic message boards”—things such as the mobile electronic signs seen near road construction, or the digital message boards often affixed beneath a business's name or logo and listing business hours or product offerings. Visible included an example of this type of electronic message board in the record. In ordinary English usage, one would not describe these types of electronic message boards as “billboards.”

¶ 50 Simply put, this provision, too, has more than one reasonable interpretation. It is ambiguous. As with the “Moving and Flashing Signs” provision, we must resolve this ambiguity in favor of the reasonable interpretation

that permits the free use of property. *Cumulus Broad.*, 180 N.C. App. at 427, 638 S.E.2d at 15. Accordingly, we again reject the Village *756 of Clemmons's argument and hold that the trial court erred by affirming the Board of Adjustment's determination that the proposed digital billboard was prohibited because it unambiguously fell within the definition of an “Electronic message board” under the zoning ordinances.

¶ 51 We conclude by noting that our holding today does not impact the authority of municipalities, through zoning ordinances, to restrict or prohibit digital billboards like the one proposed by Visible. But the drafters of zoning ordinances that restrict property rights have a responsibility to provide clear rules on which property owners can rely. This is so because zoning regulations are not intended to be a system of murky, ambiguous rules where the permitted uses of property ultimately depend on the interpretive discretion of government bureaucrats.

¶ 52 Here, for example, the zoning ordinances could include a prohibition on “digital billboards” or “electronic billboards,” terms that are widely used and readily understood, or more specifically prohibit digital or electronic billboards that change the displayed information over time. Similarly, the ordinances could include within the overlay district regulations a statement that those rules supersede any other regulations otherwise applicable within the overlay district, including the sign regulations.

**814 ¶ 53 The convoluted, conflicting, ambiguous provisions at issue in this case did not do so and instead yielded competing reasonable interpretations. When that occurs, we will resolve this interpretive competition in favor of the free use of property.

Conclusion

¶ 54 We reverse the trial court's order and remand this matter for entry of an order reversing the Board of Adjustment's decision.

REVERSED AND REMANDED.

Judges **DILLON** and **GRIFFIN** concur.

All Citations

284 N.C.App. 743, 876 S.E.2d 804, 2022-NCCOA-529

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Government Works.

Randolph Co PIN #	Lot Area	Lot Width	24% Compliance	Requesting To Build	Approved By City	Adjoining Lots	Fees Paid
7717180485	7,494	50'	23.11%	SFH	Yes		\$4,150.00
7717180676	29,977	150.11'	10.16%	Duplex	No		
7717088465 & 7717089445	21,901	146.14'	13.91%	Duplex	No		
7717084835	34,035	103.25'	5.00%	SFH	Yes	7717085855	\$4,150.00
7718007416	25,009	125.10'	12.18%	Duplex	No	7717084835	
7717088835	15,022	75.27'	11.52%	SFH	No		
7717190244	20,801	147.15'	20.97%	SFH	Yes	7717099160	\$6,450.00
7717099160	14,819	73.41'	11.68%	SFH	No	7717190244	
7717194038	20,473	100.28'	14.88%	Duplex	No		
7717197008 & 7717197058	20,472	99.99'	14.88%	Duplex	No		
7717097087	26,350	150.11'	11.56%	Duplex	Yes		\$8,200.00
7717098226	17,955	74.15'	9.65%	SFH	Yes		\$6,450.00
7718005511	19,535	100.77'	15.60%	Duplex	No		
7718006409	20,001	100'	15.23%	Duplex	No		
7717085855	20,037	100'	15.24%	Duplex	No		

Duplex Surface Area = 3,048 Sq Feet
 SFH = 1,792 Sq Feet

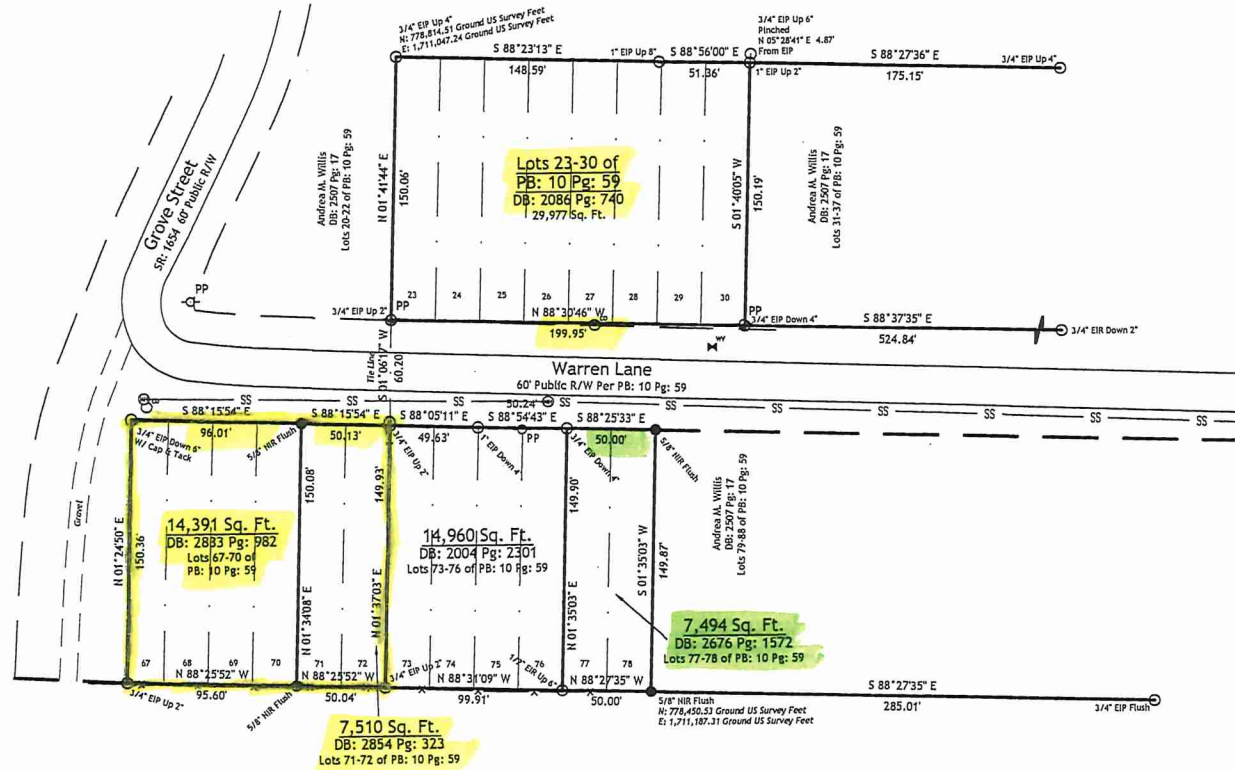
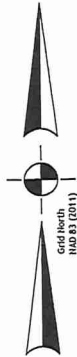
- Approved Duplex
- Approved SFH
- Duplex Variance
- Lot Width Variance

- Notes:**
- This project is not located within a special flood hazard area per NCFRIS. Map #: 3710771700J Effective Date: 1/2/2008
 - Area calculated by coordinate geometry.
 - All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
 - No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 - Tax PIN: 7717088465, 7717089445, 7717180562, 7717181512, 7717180485

STATE OF NORTH CAROLINA

I, _____ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____



Location Map (Not to Scale)

- | | |
|--|--|
| <ul style="list-style-type: none"> Hardwood Tree Evergreen Tree Stone R/W - Right of Way Monument R/S - Railroad Spike NIR - New Iron Road NIP - New Iron Pipe NGCS Monument EH - Existing Man ER - Existing Iron Road EIP - Existing Iron Pipe Existing Concrete Monument Bench Mark Computed Point / Point Not Set Well Property Line Computed Property Line Right of Way Line Easement Line Tie Lines Setback Lines Gas Line Sanitary Sewer Line Storm Sewer Line Water Line Fence Overhead Utility Line Overhead Power Line Underground Electric Line Underground Comm. Line 100-Year Flood Hazard Line Floodway C/L Railroad | <ul style="list-style-type: none"> Catch Basin Yard Inlet Storm Sewer Manhole Junction Box Drop Inlet Irrigation Control Valve Back Flow Preventer Water Valve Water Manhole Water Meter Fire Meter Fire Dept. Connection Fire Hydrant Utility Pole Telephone Pedestal Telephone Pole Transformer Communications Manhole Sanitary Sewer SS Manhole SS Cleanout UG Power Box Power Pole Light Pole Guy Pole Gas Valve Guy Wire Gas Manhole Gas Meter Electric Meter Electric Manhole X 25.00 Spot Elevation |
|--|--|

Owners:
 Long Properties, LLC
 401 Belgian Drive
 Archdale, NC 27263

GMPCC RP, LLC
 2285-103 Trindale Road
 Archdale, NC 27263

Jimmy Lee Traynham
 Berta T. Brannon
 4106 Abbots Creek
 Church Road
 Kernersville, NC 27284

Survey For:
Chad Long

City of Trinity
 Trinity Township
 North Carolina
 Randolph County
 July 5, 2023

Deed Book:2086 Pg:740
 Deed Book:2833 Pg:982
 Deed Book:2854 Pg:323
 Deed Book:2004 Pg:2301
 Plat Book:10 Pg:59

Scale: 1" = 60 US Survey Feet
 Bar Scale:



SURVEY CAROLINA, PLLC
 154 S. Fayetteville St, Suite B, Asheboro, NC 27203
 Phone Number: 336 625-8000
 Email: mail@surveycarolina.com

Firm #: P-1110
 Dan W Tanner II L-4787
 © 2023 Survey Carolina, PLLC

Job #: 15022_1

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11c.1. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 2086 , page 740 ; Book 2833 , page 982 ;
 Book 2854 , page 323 ; Book 2004 , page 2301 ;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 5th day of July, A.D., 2023.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

L-4787



Charles C. Williams, Jr.
 Sandra W. Williams
 DB: 2219 Pg: 712

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- Class of survey: Class A
- Positional accuracy: $\pm 0.10'$
- Type of GNSS field procedures: Real-Time Kinematic Networks
- Dates of survey: June 14, 2023
- Datum/Epoch: NAD83(2011) / 2010.00
- Published/Fixed-control use: North Carolina Real Time Network
- Geoid model: Geoid 12A
- Combined grid factor(s): 0.99989942
- GPS/GNSS Scale Point:
- N:778,643.91 E:1,711,200.95 Z:829.12
- (10) Units: US Survey Feet

- Notes:**
- This project is not located within a special flood hazard area per NCFRIS. Map #: 27107717003 Effective Date: 1/2/2008
 - Area calculated by coordinate geometry.
 - All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
 - No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 - Tax PIN: 7717088835

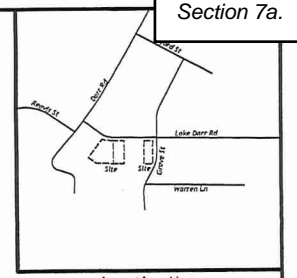
STATE OF NORTH CAROLINA

I, _____ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

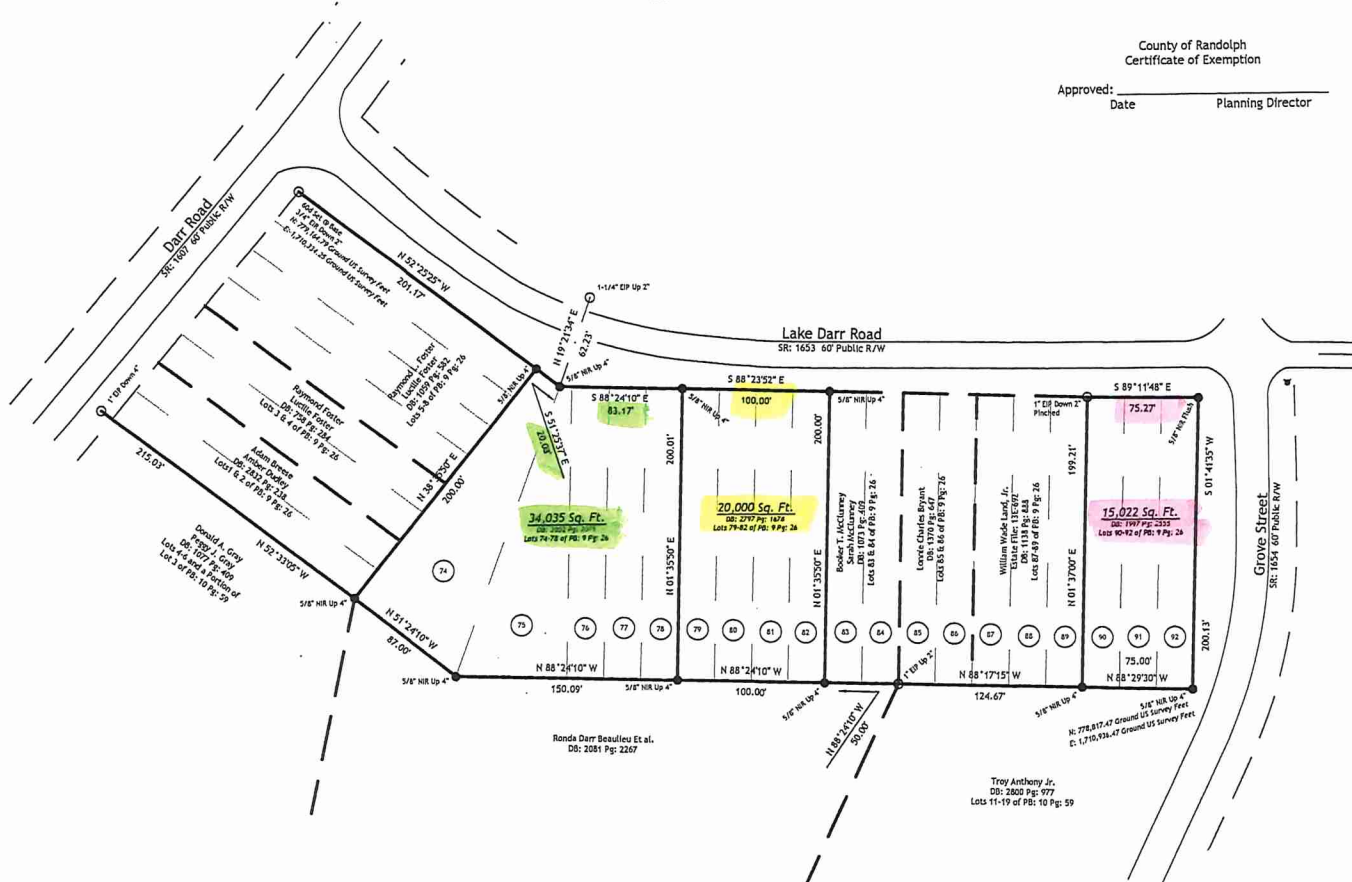
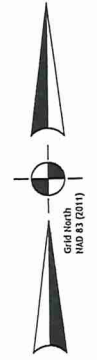
County of Randolph
Certificate of Exemption

Approved: _____
Date _____ Planning Director _____



Location Map
(Not to Scale)

- | | |
|---|---|
| <ul style="list-style-type: none"> Hardwood Tree Evergreen Tree Stone R/W - Right of Way Monument RIS - Railroad Spike NIR - New Iron Rod NIP - New Iron Pipe CG - Existing Nail EIR - Existing Iron Rod EIP - Existing Iron Pipe Existing Concrete Monument Bench Mark Computed Point / Point Not Set Well | <ul style="list-style-type: none"> Catch Basin Yard Inlet Storm Sewer Manhole Junction Box Drop Inlet Irrigation Control Valve Back Flow Preventer Water Valve Water Manhole Water Meter Fire Dept. Connection Fire Hydrant Utility Pole Telephone Pedestal Telephone Pole Transformer Communications Manhole SS - Sanitary Sewer SS Manhole SS Cleanout L/G Power Box PP Power Pole Light Pole Gas Pole Gas Valve Gas Meter Electric Meter Electric Manhole 2x.00 Spot Elevation |
|---|---|



I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11c.1. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 2002 , page 2075 ; Book 2797 , page 1678 ;
Book 1997 , page 2555 ;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 3rd day of July, A.D., 2023.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor L-4787

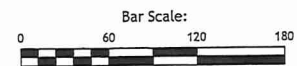


I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: Class A
- (2) Positional accuracy: $\pm 0.10'$
- (3) Type of GNSS field procedure: Real-Time Kinematic Networks
- (4) Dates of survey: June 14, 2023
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Fixed-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A
- (8) Combined grid factor(s): 0.99989942
- (9) GPS/GNSS Scale Point: N:778,643.91 E:1,711,200.95 Z:829.12
- (10) Units: US Survey Feet

Owners:
Long Properties, LLC
401 Belgian Drive
Archdale, NC 27263

Survey For:
Chad Long
City of Trinity
Trinity Township
North Carolina
Deed Book:2002 Pg:2075
Deed Book:2797 Pg:1678
Deed Book:1997 Pg:2555
Plat Book:9 Pg:26
Scale: 1" = 60 US Survey Feet



SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2023 Survey Carolina, PLLC

- Notes:**
- This project is not located within a special flood hazard area per NCFRIS. Map #: 37107717001 Effective Date: 1/2/2008
 - Area calculated by coordinate geometry.
 - All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
 - No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 - Tax PIN: 7717190244, 7717099160, 7717194038, 7717197008, 7717197058

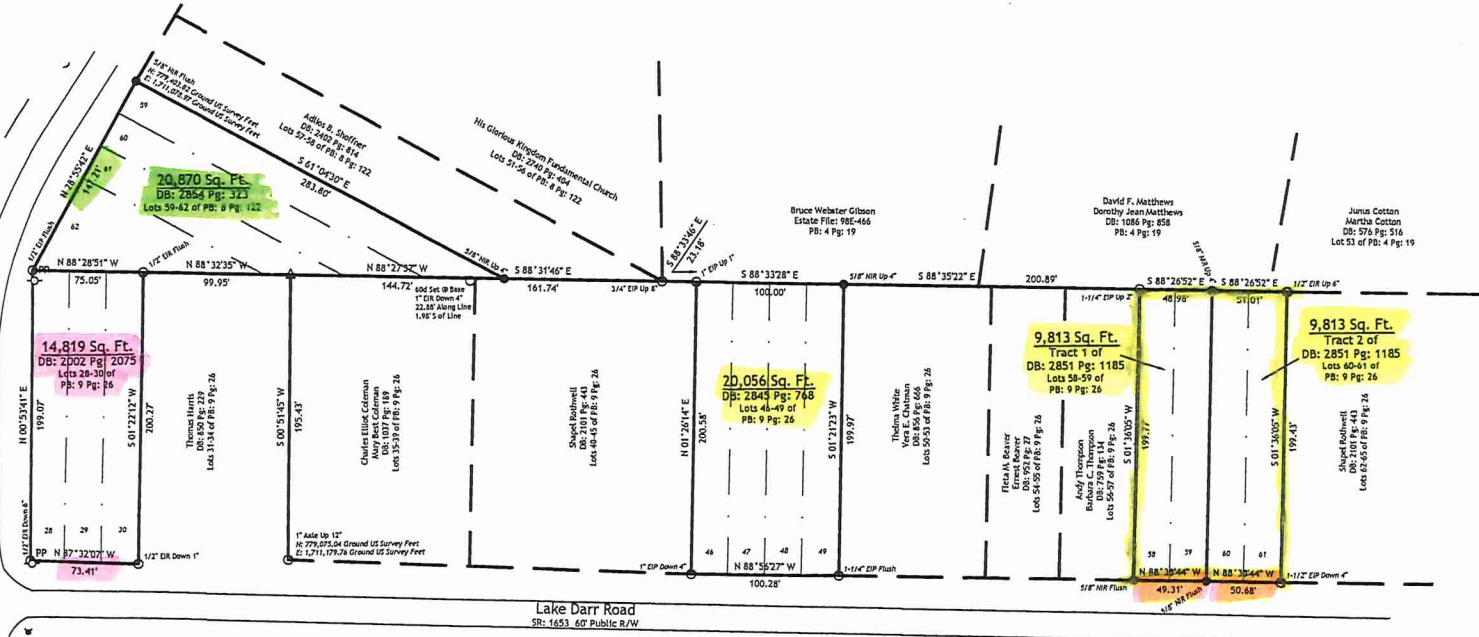
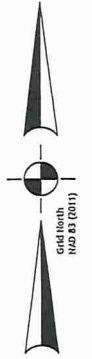
STATE OF NORTH CAROLINA

I, _____ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____



Location Map (Not to Scale)



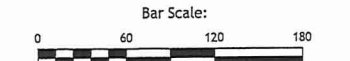
Owners:
Long Properties, LLC
3501 Longview Drive
Archdale, NC 27263

GMPC RP, LLC
2285-103 Trindale Road
Archdale, NC 27263

Survey For:
Chad Long

City of Trinity
Trinity Township
North Carolina
Deed Book:2002 Pg:2075
Deed Book:2854 Pg:323
Deed Book:2851 Pg:1185
Deed Book:2845 Pg:768
Plat Book:8 Pg:122
Plat Book:9 Pg:26
Scale: 1" = 60 US Survey Feet

Randolph County
July 5, 2023



SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2023 Survey Carolina, PLLC

Job #: 15022_1

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11c.1. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 2002 , page 2075 ; Book 2854 , page 323 ;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000 ; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 5th day of July, A.D., 2023.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor L-4787



I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- Class of survey: Class A
- Positional accuracy: $0.10''$
- Type of GNSS field procedure: Real-Time Kinematic Networks
- Dates of survey: June 14, 2023
- Datum/Epoch: NAD83(2011) / 2010.00
- Published/Fixed-control use: North Carolina Real Time Network
- Geoid model: Geoid 12A
- Combined grid factor(s): 0.99989942
- GPS/GNSS Scale Point(s): N:778,643.91 E:1,711,200.95 Z:829.12
- Units: US Survey Feet

- Hardwood Tree
- Evergreen Tree
- Stone
- R/W - Right of Way Monument
- RRS - Railroad Spike
- NIR - New Iron Rod
- NIP - New Iron Pipe
- NCSG Monument
- EN - Existing Nail
- ER - Existing Iron Rod
- EP - Existing Iron Pipe
- Existing Concrete Monument
- Bench Mark
- Computed Point / Point Not Set
- Well
- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Setback Lines
- Gas Line
- Sanitary Sewer Line
- Storm Sewer Line
- Water Line
- Fence
- Overhead Utility Line
- Underground Electric Line
- Underground Comm. Line
- 100-Year Flood Hazard Line
- Roadway
- C/L Railroad
- Catch Basin
- Yard Inlet
- Storm Sewer Manhole
- Junction Box
- Drop Inlet
- Irrigation Control Valve
- Back Flow Preventer
- Water Valve
- Water Manhole
- Water Meter
- Fire Dept. Connection
- Fire Hydrant
- Utility Pole
- Telephone Pedestal
- Telephone Pole
- Transformer
- Communications Manhole
- SS - Sanitary Sewer
- SS Manhole
- SS Cleanout
- UG Power Box
- PP
- Power Pole
- Light Pole
- Guy Pole
- Gas Valve
- Guy Wire
- Gas Manhole
- Gas Meter
- Electric Meter
- Electric Manhole
- 2.00 Spot Elevation

Section 7a.

STATE OF NORTH CAROLINA

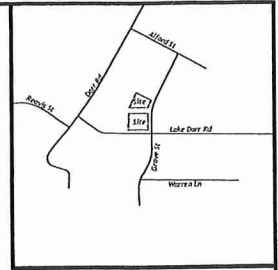
I, _____ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer

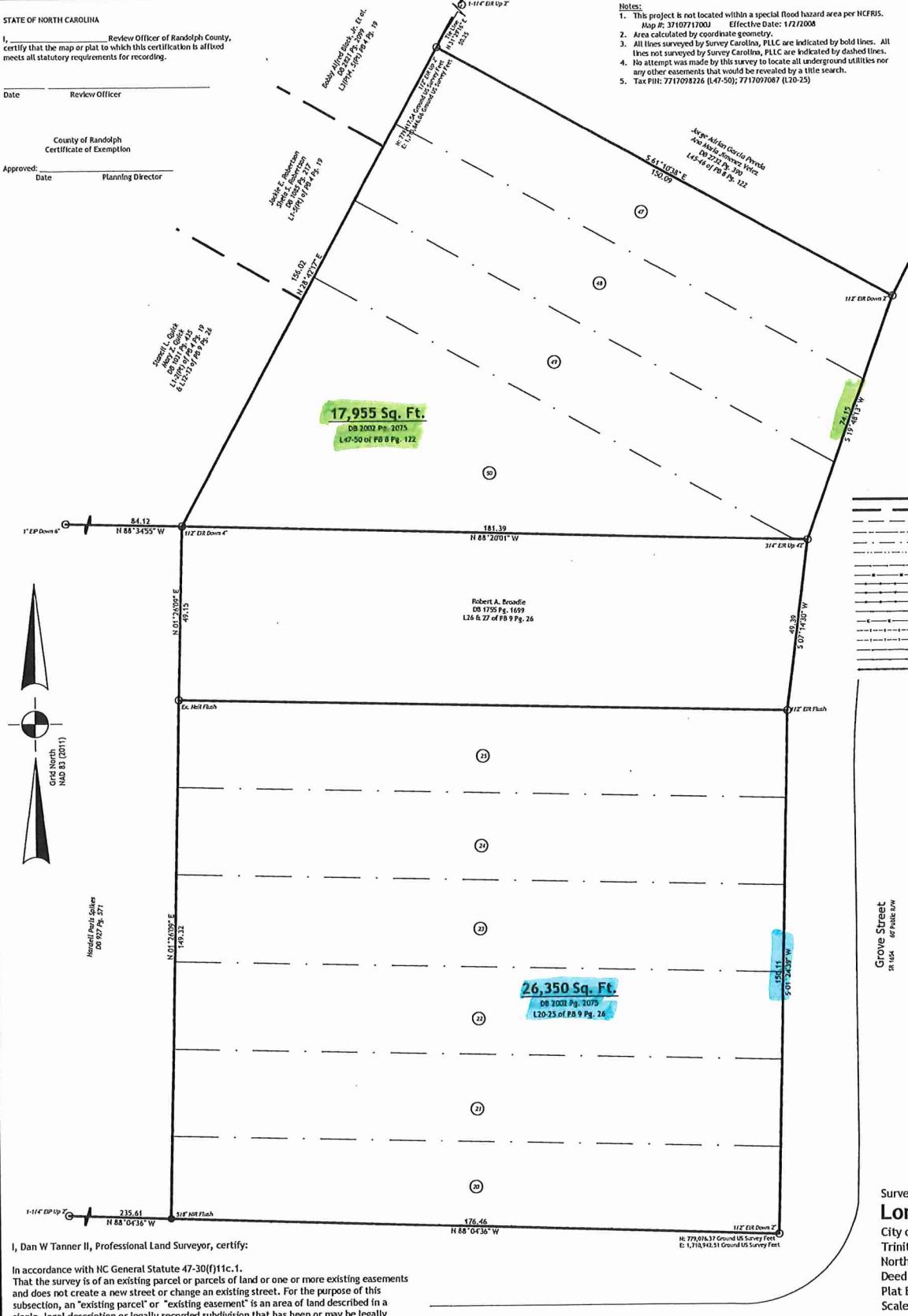
County of Randolph
Certificate of Exemption

Approved: _____ Planning Director
Date _____

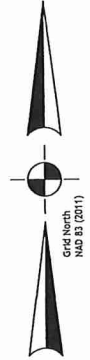
- Notes:
1. This project is not located within a special flood hazard area per NCFRHS. Map #: 37107717001 Effective Date: 1/2/2008
 2. Area calculated by coordinate geometry.
 3. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
 4. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 5. Tax PHS: 7717098226 (L47-50); 7717097087 (L70-25)



Location Map (Not to Scale)



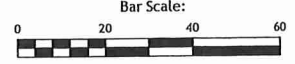
- | | |
|--------------------------------|--------------------------|
| Hardwood Tree | Catch Basin |
| Evergreen Tree | Storm Sewer Manhole |
| Stone | Junction Box |
| R/W - Right of Way Monument | Drop Inlet |
| R/S - Railroad Spike | Irrigation Control Valve |
| NIR - New Iron Rod | Back Flow Preventer |
| HIP - New Iron Pipe | Water Valve |
| HCGS Monument | Water Manhole |
| EII - Existing Inlet | Water Meter |
| EIR - Existing Iron Rod | Fire Dept. Connection |
| EIP - Existing Iron Pipe | EIre Hydrant |
| Existing Concrete Monument | Utility Pole |
| Benchmark | Telephone Pedestal |
| Computed Point / Point Not Set | Telephone Pole |
| Well | Transformer |
| Property Line | Communications Manhole |
| Computed Property Line | SS - Sanitary Sewer |
| Right of Way Line | SS Manhole |
| Easement Line | SS Cleanout |
| Tie Lines | UG Power Box |
| Setback Lines | PG |
| Gas Line | Power Pole |
| Sanitary Sewer Line | Light Pole |
| Storm Sewer Line | Gas Valve |
| Water Line | Guy Wire |
| Fence | Guy Wire |
| Overhead Utility Line | Gas Manhole |
| Overhead Power Line | Gas Meter |
| Underground Electric Line | Electric Meter |
| Underground Comm. Line | Electric Manhole |
| 100-Year Flood Hazard Line | Electric Manhole |
| Flooding | 2.00 Spot Elevation |
| CAL Railroad | |



Grove Street
28 US
of Public R/W

Owners:
Long Properties, LLC
401 Belgian Dr.
Archdale, NC 27263

Survey For:
Long Properties, LLC
City of Trinity
Trinity Township
North Carolina
Deed Book:2004 Pg:448
Plat Book:8 Pg:116
Scale: 1" = 20 US Survey Feet



SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2023 Survey Carolina, PLLC

Job #: 15022

I, Dan W Tanner II, Professional Land Surveyor, certify:
In accordance with NC General Statute 47-30(f)11c.1. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.
I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:
Book 2004 , page 448 ;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10000+, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 26th day of June, A.D., 2023.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES
Professional Land Surveyor L-4787



- I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:
- (1) Class of survey: Class A
 - (2) Positional accuracy: $\pm 0.10'$
 - (3) Type of GNSS field procedure: Real-Time Kinematic Networks
 - (4) Dates of survey: July 14, 2023
 - (5) Datum/EPOCH: NAD83(2011) / 2010.00
 - (6) Published/Fixed control use: North Carolina Real Time Network
 - (7) Geoid model: Geoid 12A
 - (8) Combined grid factor(s): 0.99987799
 - (9) GPS/GNSS Scale Point: N469,739.17 E:1,729,331.05 Z:803.45
 - (10) Units: US Survey Feet

- Notes:**
- This project is not located within a special flood hazard area per NCFRIS.
 - Map #: 3710771800J Effective Date: 1/2/2008
 - Area calculated by coordinate geometry.
 - All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
 - No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 - Tax PIN: 7718007416, 7718006409, 7718005511

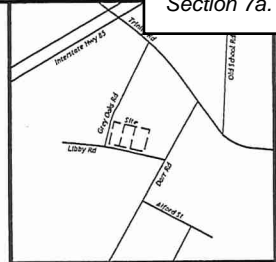
STATE OF NORTH CAROLINA

I, _____ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

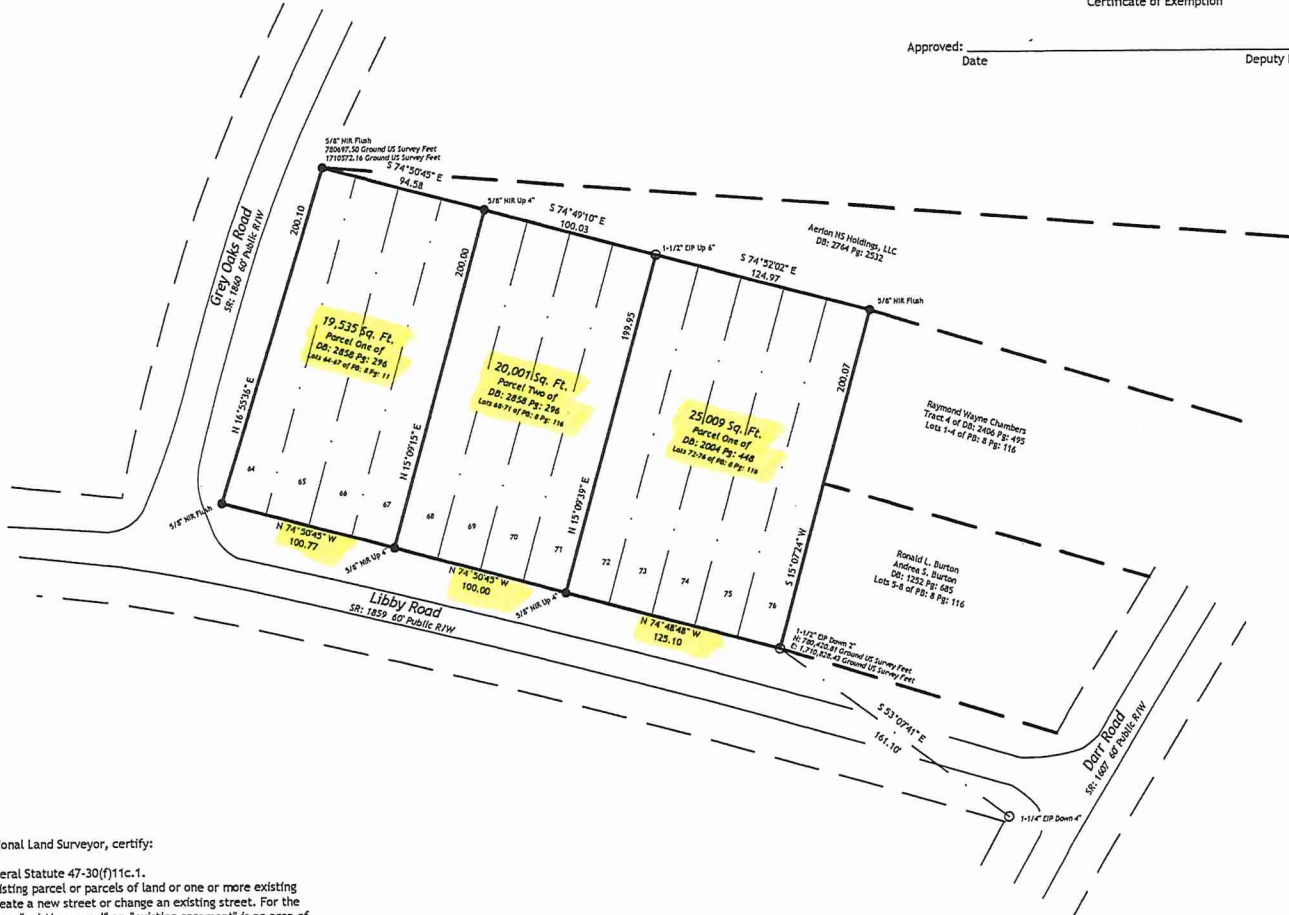
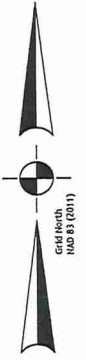
Date _____ Review Officer _____

County of Randolph
Certificate of Exemption

Approved: _____
Date _____ Deputy Planning Director _____



Location Map
(Not to Scale)



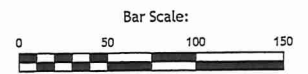
- | | |
|--|--|
| <ul style="list-style-type: none"> Hardwood Tree Evergreen Tree Stone R/W - Right of Way Monument R/S - Railroad Spike NIR - New Iron Road NIP - New Iron Pipe NGCS Monument DI - Existing Nail IR - Existing Iron Rod EIP - Existing Iron Pipe Existing Concrete Monument Bench Mark Computed Point / Point Not Set Well | <ul style="list-style-type: none"> Catch Basin Yard Inlet Storm Sewer Manhole Junction Box Drop Inlet Irrigation Control Valve Back Flow Preventer Water Valve Water Manhole Water Meter Fire Dept. Connection Fire Hydrant Utility Pole Telephone Pedestal Telephone Pole Transformer Communications Manhole SS - Sanitary Sewer SS Manhole SS Cleanout U/G Power Box PP Power Pole Light Pole Guy Pole Gas Valve Guy Wire Gas Manhole Gas Meter Electric Meter Electric Manhole 20.00 Spot Elevation |
|--|--|

Owners:
Long Properties, LLC
3501 Longview Drive
Archdale, NC 27263

Survey For:
Chad Long

City of Trinity
Trinity Township
North Carolina
Randolph County
July 5, 2023

Deed Book:2858 Pg:296
Deed Book:2004 Pg:448
Plat Book:8 Pg:116
Scale: 1" = 50 US Survey Feet



SURVEY CAROLINA, PLLC

154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2023 Survey Carolina, PLLC

Job #: 15022_3

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11c.1. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in:

Book 2858, page 296; Book 2004, page 448;

that the boundaries not surveyed are clearly indicated as drawn from information found in Book See, page Notes; that the ratio of precision or positional accuracy as calculated is 1:10000+, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 5th day of July, A.D., 2023.



I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: Class A
- (2) Positional accuracy: <0.10'
- (3) Type of GNSS field procedure: Real-Time Kinematic Networks
- (4) Dates of survey: June 14, 2023
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Free-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A.
- (8) Combined grid factor(s): 0.99989942
- (9) GPS/GNSS Scale Point:
N:778,643.91 E:1,711,200.95 Z:829.12
- (10) Units: US Survey Feet

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

L-4787



MEMORANDUM

TO: Richard McNabb, Mayor
City Council Members

FROM: Stevie Cox, City Manager

VIA: Clark Maness, WithersRavenel

CC: Rodney Johnson, Public Works Director
Crystal Postell, Finance Director
Robert Wilhoit, City Attorney

DATE: November 7, 2023

REF: Thomasville Sewer System Evaluation

Summary:

This is a request to obtain a valuation of the sewer allocation with the City of Thomasville.

Background:

In 2004, an agreement was reached with the City of Thomasville to provide sewer services to the City of Trinity. The contract provided for the City to have 1.1 million gallons of sewer per day. This includes an annual contribution to all improvements and upgrades to Thomasville Wastewater Treatment Plant.

Over the last eighteen months, the City has received inquires about the acquisition of all or a portion of our sewer allocation from the City of Thomasville. Currently, the City does not have an actual valuation of sewer allocation and what it would cost to replace this allocation amount in the future. The valuation would provide an actual valuation of the City’s sewer allocation and the improvements that have been made over the last 20 years. Furthermore, it would allow the City to know how much it would cost to replace this allocation amount and what the City would need as we continue to grow.

Recommendation:

Staff recommends that the City Council approve the award of the Thomasville Wastewater Treatment Plant Valuation Study to the WithersRavenel in the amount of \$65,000 and the budget amendment to cover the cost of this study.

Attachment:

WithersRavenel Sewer System Valuation Study Contract.

August 29, 2023

Stevie Cox, City Manager
City of Trinity
5978 NC Hwy 62
Trinity, NC 27370

**RE: Proposal for Task Order 2
Thomasville WWTP Valuation Study
Trinity, North Carolina
WR Project No. 06201114.02**

Dear Mr. Cox,

WithersRavenel is pleased to provide this Proposal Task Order 2 for the City of Trinity On-Call. We look forward to working with you on this project. If you have any questions or concerns about this proposal, please do not hesitate to call me at the number listed below.

Sincerely,

WithersRavenel

J. Clark Maness, PE
Project Manager

Attachment:
Proposal for Task Order 2

DRAFT

City of Trinity Task Order No. 2 Thomasville WWTP Valuation Study

A. Preliminary Matters

This Task Order is hereby included as an addition to and incorporated as part of the Agreement Between Owner and Engineer for Engineer Services, Task Order Edition signed February 17, 2021 between the City of Trinity (“City”) and WithersRavenel, Inc. (“Engineer”).

B. Project Description

The City does not own a wastewater treatment plant (WWTP) and currently sends the majority of their wastewater to the City of Thomasville for treatment. The City has recently entered into an agreement with the City of High Point, under which the majority of their wastewater will soon be conveyed to and treated at the City of High Point’s Westside WWTP instead. Davidson County has approached the City to inquire if they may purchase the City’s allocation at the Thomasville WWTP. The City has engaged the Engineer for assistance on providing an opinion of the valuation of their allocation at the Thomasville WWTP. As such, the Engineer has provided this proposal to complete a valuation of the Thomasville WWTP and the City’s allocation at the subject WWTP.

C. Timeline for Services

Engineer will begin work upon receipt of executed Agreement and written notice to proceed from the City. Estimated timeframe(s) for the basis of the services described in the Scope of Services are shown below.

Milestone	Time Frame
Project Kickoff Meeting & Initial Site Visit	Within 2 weeks of Notice to Proceed (NTP)
Data Gap Analysis (DGA) report to City	4 weeks after NTP
Valuation	10 weeks after NTP
Final Report	12 weeks after NTP

1. From the milestone time frames and factoring in variability in the approval process, Engineer estimates the total project timeframe for the Scope of Services to be 3 months.
2. The estimated timeframe(s) may be impacted by, among other things:
 - a. Timeliness and accuracy of information provided by the City and City consultants and the City of Thomasville.
3. If available, opportunities to adjust these estimated timeframes can be discussed. Implementation of agreed-upon adjustments may result in adjustments to Engineer fees.
4. Certain tasks, such as reviews and approvals, are performed by third parties, including governmental agencies, over which neither the City nor Engineer have control or responsibility. As such, neither party is responsible for delays or the resulting cost impacts caused by third parties.

D. Scope of Services

Engineer shall provide the services identified under each task below as its Basic Services under the Task Order.

Task 1 - Project Management

- A. Engineer will conduct project management and coordination activities throughout the life of the Project. Scope of work includes:
- ▶ Engineer will conduct one (1) in-person project kickoff meeting with the City and attend one (1) site visit the same day at Thomasville WWTP.
 - ▶ Engineer will keep City advised on progress of project activities through virtual conferencing, teleconferencing, and electronic mail as requested by the City.
 - ▶ Engineer will perform all standard quality assurance and quality control under this task.

Task 2 - Data Gap Analysis

- A. Scope of work includes:
- ▶ Engineer will review all available data that will be utilized to develop the valuation. This includes Thomasville WWTP record drawings, master plans, past bid results, past construction documents, cost estimates, and WWTP influent and effluent data. It is the City's responsibility to obtain all necessary data and records from the City of Thomasville for the valuation.
 - ▶ Engineer will compose one (1) Data Gap Analysis summary detailing what information/data is required to complete the valuation. The Data Gap Analysis summary will also detail what will be assumed if not all information and data can be provided by the City. The Data Gap Analysis summary will be sent electronically to the City for review, comment, and response.
- B. Scope of work does not include:
- ▶ Additional site visits.
 - ▶ Obtaining data and records from Thomasville.

Deliverables

- ▶ Data Gap Analysis Report

Task 3 - Valuation Study

- A. Scope of work includes:
- ▶ Engineer will provide an opinion of the true replacement value of the Thomasville WWTP by reviewing the existing WWTP records and data and separating the components into take-off quantities from the records supplied by the City of Thomasville. This will then be used to provide a valuation of the City's allocation at the City of Thomasville WWTP. The valuation study results will be summarized in a final report to be completed under Task 4.
 - ▶ Engineer will retain services of licensed general contractor that is experienced with WWTP construction to review valuation and provide updates as needed to reflect true replacement value of Thomasville WWTP.
- B. Scope of work does not include:

- ▶ Additional site visits.
- ▶ Determining salvage value of existing Thomasville WWTP.
- ▶ Additional valuations.

Task 4 - Final Report & Presentation

A. Scope of work includes:

- ▶ Engineer will prepare and provide a final report summarizing the valuation study which will include:
 - ▶ Executive summary, project background, valuation methodology, valuation results, and recommendations/conclusions.
- ▶ The final report shall be delivered to the City electronically.
- ▶ Engineer will prepare and provide one final presentation to the City in-person in Trinity, NC. The final presentation will summarize the project background, valuation methodology, valuation results, and recommendations/conclusions.

Deliverables

- ▶ Final Report
- ▶ Final Presentation

E. Additional Services

Services that are not included in the Scope of Services or are specifically excluded from this Proposal (see below) shall be considered Additional Services if those services can be performed by Engineer and its agents if requested in writing by the City and accepted by Engineer. Additional services shall be paid by the City in accordance with the Fee & Expense Schedule outlined in Exhibit I. The exclusions are described below but are not limited to the following:

General

- All plan submittal, review, or permitting fees;
- Any work previously provided in other proposals;
- Any other services not specifically listed within the Scope of Services.

Geomatics Services

- Annexation Plats
- Boundary/Topographic Surveys;
- Tree survey/cover report by Registered Forester;
- Subsurface Utility Engineering (SUE);
- Surveys for off-site improvements;
- Platting services;
- Plot Plans;
- ALTA Surveys;
- GIS mapping services;
- Construction staking
- Building staking;
- As-built (record drawing) surveys;
- Easements, Easement/ROW Plats;

Environmental Services

- Historic Resources Survey;
- Endangered Species' Habitat survey;

- Wetland Delineations;
- Wetland/Buffer Determinations;
- Phase I & II ESA's;

Offsite/Specialty

- Development agreements;
- Homeowner association documents;
- Utility allocation agreements;
- Preparation of electronic file suitable for GPS machine control;
- Expert witnesses;

Planning/Studies

- Entitlement services;
- Variance and Quasi-Judicial processes;
- Off-site Sewer Analysis.
- Traffic Impact Analysis;
- Signalization Studies;
- Hydrant flow determination and hydraulic analyses;
- Existing sewer hydraulic analyses;
- Town or regulatory approvals;
- Special & Conditional Use Permits;

Services During Construction

- Engineer's Opinion of Costs;

- Bidding/negotiation services;
- Pay application reviews;
- Change order reviews;
- Shop Drawing review;
- RFI's during bidding;
- Construction administration;
- Construction management;
- Dry utility coordination/design;
- NPDES monitoring/reporting;
- Loan draw certifications;
- Bonds and Bond Estimates;
- Record drawings/as-builts;
- Engineer Certifications;
- O&M/SWMP Manuals;

Stormwater Services

- Stormwater Management Plan;
- Stormwater Pollution Prevention Plan (SPPP) update or revision;
- Secondary containment designs;
- SCM design;
- Culvert design;
- Dam inspection, engineering, or analysis;
- Dam breach analysis;
- Flood studies, floodplain permitting or coordination with FEMA (such as for a LOMR-F, CLOMR/LOMR, etc.);
- Soil investigations (such as Seasonal high-water table determinations);
- Soil Media Mix Testing and Gradation Certification;
- Downstream impact analysis;
- Nutrient calculations;
- Peak flow analysis;
- SCM conversion;
- Permitting Services
- Building permits and associated work;
- Erosion Control permits;
- Water/Sewer permits;
- 401/404 permitting;
- Floodplain Development permit;
- NCDOT permitting;
- Sign permitting;

Landscape Architecture Services

- Landscape layout and design;
- Irrigation design;
- Hardscape design;
- Enhanced landscape design beyond minimum requirements;
- Entrance/signage feature design;
- Water feature and/or pool design;
- Renderings;
- Park improvements;
- Public art design or commissioning

Services by Others

- Geotechnical services;
- Architectural and MEP services;
- Structural Services;

- Arborist/Registered Forester Services;

Documents/Drawings

- Schematic Drawings as typically defined in the architectural industry;
- Conceptual Drawings;
- Sketch Plans;
- Site Plans;
- Construction Drawings;
- Technical specifications;
- Contract documents;
- Record (As-Built) Plans;
- Lot Matrix;

Design Services

- Detailed Builder focused lot fit matrix;
- Detailed lot grading;
- Off-site improvements;
- Offsite utility or road improvements;
- Pump Station design and permitting;
- Forcemain design and permitting;
- Reclaim waterline design;
- LEED certification coordination;
- Pavement design;
- Structural/foundation design;
- Greenway bridge design & permitting;
- Boardwalk design & permitting;
- Signal design;
- Dumpster enclosure details;
- Grease trap design;
- On-site water/sewer design;
- Equipment Selections/Design;
- Design associated with Amenity Site;
- Site Lighting is limited to fixture selection; electrical engineering not included;

Project Management

- Additional Meetings/Site Visits;
- Adjacent property owner discussions;
- Neighborhood meetings;
- Attendance at formal regulatory meetings unless noted above;



The above list is not all inclusive, and the Scope of Services defines the services to be provided by Engineer for this project.

Both parties agree that certain tasks, e.g. reviews and approvals, are performed by governmental agencies and that all parties have limited influence on these agencies to meet the prescribed deadlines and that neither party is responsible for delays caused by governmental agencies.

F. City Responsibilities

The following are responsibilities of the City and Engineer will rely upon the accuracy and completeness of this information:

1. General:

- a. Provide representative for communications and decisions;
- b. Coordination and designation of a primary contact for Architect, Contractor, and other Consultants engaged by the City.
- c. Preferred media platforms for communications with the City.
- d. Provide in writing, any information as to City's requirements for the study.
- e. Provide any information needed to complete the Project not specifically addressed in the Scope of Services.
- f. Provide all available information pertinent to the Project, including any GIS information, reports, maps, drawings, and any other data relative to the Project.
- g. Examine all proposals, reports, sketches, estimates and other documents presented by the Engineer and render in writing decisions pertaining thereto within a reasonable period so as not to delay the services of the Engineer.
- h. Give prompt written notice to the Engineer whenever the City observes or otherwise becomes aware of any defect in the Project.
- i. Attend City meetings as required/needed.
- j. Access to property for Engineer and subconsultants.
- k. Discussions/negotiations with adjacent landowners.
- l. City shall be responsible for acquisition of all off-site utility and/or construction easements required for this project.
- m. Manage and coordinate the work of subconsultants/subcontractors that are not directly subcontracted through the Engineer.
- n. All submittal, review, or permitting fees associated with the project.
- o. Any legal representation requiring an attorney at law.

2. Project Specific:

- a. Arrange site visit at Thomasville WWTP on the same day as the kick-off meeting.
- b. Obtain all WWTP documents and data from Thomasville and provide to Engineer within two weeks after the kick-off meeting.
- c. Review and give comments on Data Gap Analysis Report within one week of receiving the report.
- d. Provide a responsible City representative that will communicate with the Engineer and City of Thomasville in a timely manner throughout the project.

Any changes to the alternatives or Project requirements after Engineer have begun work may require additional fees.



G. Compensation for Services

A. Lump Sum Fee

Engineer proposes to provide the Scope of Services previously outlined on a lump sum fee basis as described in the following table. Compensation shall not exceed the total estimated compensation amount unless approved in writing by City.

Task No.	Task Name	Fee
1	Project Management	\$7,000
2	Data Gap Analysis	\$8,000
3	Valuation Study	\$35,000
4	Final Report	\$15,000
TOTAL		\$65,000

1. Engineer may alter the distribution of compensation between individual phases noted herein to be consistent with services rendered but shall not exceed the total Lump Sum amount unless approved in writing by the City.
2. The Lump Sum includes compensation for Engineer's services. Appropriate amounts have been incorporated in the Lump Sum to account for labor costs, overhead, profit, expenses, and Engineer charges.
3. The portion of the Lump Sum amount billed for Engineer's services will be based upon Engineer's estimate of the percentage of the total services completed during the billing period.



H. Acceptance

This Task Order is valid 60 days from the date it is transmitted to the City. Receipt of an executed copy of this Task Order will serve as the written Agreement between WithersRavenel and the City. All Exhibits identified after the signature blocks below, including the Fee & Expense Schedule (Exhibit I), are incorporated herein and are integral parts of the Task Order.

OFFERED BY:

WithersRavenel

ACCEPTED BY:

CITY OF TRINITY

Signature Date

Name

Title

Signature Date

Name

Title

Signature Date

Name

Title

PREAUDIT STATEMENT: This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act (NC G.S. 159-28(a)).

Signature of Finance Officer:

Printed Name:

Date:

Attachments:

Exhibit I - Fee & Expense Schedule



MEMORANDUM

TO: Richard McNabb, Mayor
City Council Members

FROM: Stevie Cox, City Manager

VIA: Clark Maness, WithersRavenel

CC: Rodney Johnson, Public Works Director
Crystal Postell, Finance Director
Robert Wilhoit, City Attorney

DATE: November 7, 2023

REF: Local Funding Allocation

Summary:

This request is to accept this Local Funding Allocation from the North Carolina General Assembly for water and sewer improvements.

Background:

In March 2023, the City Manager submitted to State House Representative Brain Briggs a letter which included special appropriation requests for the City of Trinity. This funding request included the following projects and budget amounts:

Proposed Projects for State Funding

Project	Funding Amount
A New Park	\$1,550,000
Construction of a New Community Center	\$3 - \$4 million
Development of a Greenway and Walking Trail	\$450,000
Sewer Line Extension for Economic Development	\$1,500,000

Replacing Sewer Pump Station for Pike Street and Darr Road Area	\$1,500,000
Gap Funding for the Interlocal Sewer Connection	\$1,500,000
Total Funding Requested	\$10,500,000

The proposed projects came from the approved Capital Improvement Plan that the City Council approved and adopted. Furthermore, the City Manager sent an email to the City Council seeking their input on the proposed funding request.

On September 22, 2023, the City of Trinity was awarded a grant in the sum of \$4,500,000 for wastewater system improvements. The funding award letter did not specify exactly how those funds were to be used. The State has stated that the City must decide on how those funds are to be used. The only stipulation is that those funds must be used to address either water or sewer infrastructure improvements.

The City Council has three options to consider in using these funds. First, the City Council could use the funds to address the three infrastructure improvement projects that are listed in the chart above. It is projected that this will not be enough funds to cover all three projects. The City would need to add additional funds from the Sewer Fund Balance to cover the cost of all three projects.

The second option is to divide the funding between two projects. Staff would recommend that the City divide those funds to address the sewer pump station for the Pike Street and Darr Road Area and the Gap Funding for the Interlocal Sewer Connection project. Staff would recommend that approximately \$3 million be used for the Gap Funding and \$1.5 million for the sewer pump replacement for the Pike Street and Darr Road Area.

The third option is to use the entire funding allocation to cover the gap funding for the Interlocal Sewer Connection. By doing so, the City would greatly reduce the likelihood of needing to take on a loan or use funds from the Sewer Fund Balance to cover any additional expenses related to this project. The City will not know the actual cost for this project until it is awarded to a contractor.

Recommendation:

Staff recommends that the City Council select one of the three options. Furthermore, the City Council should approve a Budget Ordinance that specifies how the funds shall be allocated.

Attachment:

Funding Request to Rep. Brian Biggs - March 20, 2023
 Press Release – September 21, 2023
 State Local Funding Allocation Notice
 Proposed Budget Ordinance and Resolution 24-03

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

Request for Funding Form and Instructions for Recipients of Water and Wastewater Direct Projects in Section 12.2.(e) of the Current Operations Appropriations Act of 2023 (S.L. 2023-134) of the General Assembly of North Carolina

(Version 1: October 16, 2023)

The following instructions are for local government units with allocations in the North Carolina General Assembly's Session Law (S.L.) 2023-134, Section 12.2.(e) for water and wastewater projects through the North Carolina Department of Environmental Quality (DEQ). The NC DEQ Division of Water Infrastructure (Division) will be administering the funds.

Appendix A provides the list of local government units and appropriated funds as specified in Section 12.2.(e) of S.L. 2023-134. All local government units on the list must use this Request for Funding form to specify the project(s) for which the funds will be used. The Division disburses these grant funds to the local government unit (the Recipient) after relevant costs are incurred by the local government and invoices are submitted. Up to 15% of the funds available for projects may be disbursed after costs are incurred during the pre-construction stage to cover design and planning costs. The remainder will be disbursed as invoices for incurred pre-construction and construction costs are submitted by the Recipient during construction. Only costs eligible under NC G.S. 159G may be covered by these funds. Projects must be administered in accordance with all applicable federal law and guidance, as well as North Carolina statutes.

Once a completed Request for Funding form has been received describing a project that is eligible under NC G.S. 159G, the Division will issue a "Letter of Intent to Fund" which will provide a project number and Division project manager contact information. The Letter of Intent to Fund will establish milestone dates for:

- Application for all necessary permits
- Bid and Design package submittal (i.e., plans and specifications and associated documents)
- Recipient advertises the project, receives bids, submits bid information, and receives Authority to Award from the Division
- Recipient executes construction contract(s).

A funding offer, listing the funding amount for the project and required conditions and assurances, will then be prepared for the Recipient. The governing board of the Recipient must pass a resolution accepting the funding offer and conditions prior to disbursement of funds.

Projects Eligible for the Appropriated Funds

State statute limits the types of projects and costs that are eligible for the appropriated funds. Drinking Water Reserve and the Wastewater Reserve projects must be eligible per NC G.S. 159G-32 through NC G.S. 159G-34. Eligible projects are limited to the construction costs of a public water system, wastewater collection system, wastewater treatment works project, and/or stormwater quality projects. S.L. 2023-134 also includes additional eligibility requirements for specific projects or Recipients (see Appendix A).

Construction costs are defined in NC G.S. 159G-20(1c) as the following:

- (1c) Construction costs. - The costs of planning, designing, and constructing a project for which a loan or grant is available under this Chapter. The term includes the following:

- a. Excess or reserve capacity costs attributable to no more than 20-year projected domestic growth plus ten percent (10%) unspecified industrial growth.
- b. Legal, fiscal, administrative, and contingency costs.
- c. *[Does not apply for the S.L. 2023-134 Directed Projects]*.
- d. A fee payable to the Department for a permit to implement a project for which a loan or grant is obtained.
- e. The cost to acquire real property or an interest in real property.

Additional Information

- If project funding is co-mingled with other federal or state funds, all requirements for the other funding program(s) will apply. For example, if S.L. 2023-134 funding is added to a project that is funded through the Division of Water Infrastructure using American Rescue Plan Act (ARPA) grants, all ARPA requirements (except the expenditure deadline) will apply to the S.L. 2023-134 funds, such as compliance with the Uniform Guidance.
- Per Section 12.2.(k), three (3) percent of the appropriated amount of each directed project will be used for departmental administrative costs in lieu of a grant fee charged to projects.
- The statutory limit of \$3 million in grant funding from the Drinking Water Reserve and Wastewater Reserve in three consecutive fiscal years under G.S. 159G-36(c)(3) will not apply to the direct appropriations listed in Appendix A per S.L. 2023-134, Section 12.2.(b).
- Please consider utilizing DEQ permit scoping services to ensure your project has the appropriate environmental permits by accessing the following webpage: <https://www.deq.nc.gov/regional-office-scoping-meeting-flyer-deacs/download?attachment>

Instructions on Completing the Attached Request for Funding Form

Section 1 – General Information

This section contains information the Division will need to process your appropriation. Complete each blank as directed below.

- **Recipient Name** – Provide the official name of your local government unit (e.g., Town of Anytown, Dogwood County).
- **County** – List the county in which your local government unit resides.
- **UEI Number** – Use www.sam.gov to find your UEI number.
- **Federal Tax ID #** – Needed for grant disbursement purposes.
- **Section 12.2.(e) Line #** - Enter the S.L. 2023-134, Section 12.2.(e) Line # that applies to this Request for Funding form. See Appendix A for the line numbers that apply to your local government unit. Note that some local governments have multiple appropriations with different line numbers and different pre-specified purposes.
- **PWSID #** – Needed for all drinking water projects.

- **Collections System or NPDES Discharge Permit #** – Needed for wastewater collections and/or treatment projects, respectively.
- **Project Name** – Enter a project name that is short yet captures the nature of your project (limit to 40 characters).
- **Funding Amount Requested** – Enter the amount of funding you are requesting. Must be no more than “Funds Available to Recipient for Projects” as shown in Appendix A.
- **Total Project Cost** – Please enter the cost of the entire project. Note: This cost may be greater than the funding amount requested.
- **Project Type** – Check the box that applies. If you have multiple projects, submit separate Requests for Funding for drinking water, wastewater, or stormwater quality projects. It is recommended that you contact the Division prior to completing the Request for Funding if you have multiple projects supported by the funds appropriated in S.L. 2023-134 Section 12.2(e).
- **Other Funding Sources** – If the Total Project Cost exceeds the Funding Amount Requested, please specify the sources of other funding. Recipients may choose to add some or all of their S.L. 2023-134 appropriation to currently funded projects to supplement those project funds.
- **Funding Requirements** – Please read and check each box.

Sections 2, 3, and 4 – Recipient, Form Preparer, and Engineer Contact Information

Complete this section with all pertinent information.

- **Authorized Representative Name** – The Authorized Representative should be Mayor, Manager, Public Utilities Director, Finance Director, or someone in the local government with a similar position.
- **Physical Address** – the location of the drinking water/wastewater/local government administrative building.
- **Form Preparer Contact Information** – Information on the person who completed this form.
- **Engineer Contact Information** – If your Request for Funding Form Preparer is the same as the Engineer Contact, check the “No” box. Section 4 may then be left blank. If the answer is “Yes”, provide the appropriate information.

Note: in addition, the Authorized Representative’s mailing address will be requested in the electronic submittal form.

Section 5 – Project Description

In this section, provide a brief description of the proposed project at a broad level of detail. Include the project purpose and what the project entails (e.g., rehabilitation of 2,000 l.f. of sewer, construction of a new well, etc.). Project description must demonstrate that the project is eligible for funding per General Statutes as described above, funding source limitations, and budget limitations.

If S.L. 2023-134 specifies what the appropriation should be used for, please limit the project description and scope to the requirement specified in the Session Law (see Appendix A).

Include information such as types of equipment to be included, capacity of equipment, and estimates of line length. Major line items in the project budget (Section 6) must be shown in the project description. For

example, if 2,000 l.f. of 4-inch pipe is listed in the project budget, it must be listed in the project description. Include the number of new connections if applicable.

If this project supplements or is an extension of an existing project funded by the Division of Water Infrastructure, please provide the existing Project Number, project name, and information on how the additional funding will be used with the project.

Section 6 – Project Budget

Complete the project budget by addressing the categories provided in the table (insert rows as needed). Total the cost amount for each line and provide the total cost amount. Please note the following related to this section:

- Budget should consider potential increases in material and construction costs.
- Budgets in this form do not need to be signed or sealed by a licensed professional engineer.

Certification by Authorized Representative

The Authorized Representative must read and initial in the space beside each question.

Completeness Checklist

To better ensure that the project information is sufficient to provide the Recipient with a Letter of Intent to Fund, ensure that all the information listed in the completeness checklist is provided in the Request for Funding and initial each item on the checklist. If the Request for Funding does not request the entire funding amount available to the Recipient, please use the space provided to inform the Division of your plans to request the remaining funds.

The Authorized Representative must sign the Request for Funding form.

The Division recommends that the local government staff present to their governing board the proposed project(s) prior to submitting the Request for Funding form(s) to NC DEQ. A governing board resolution in support of the Request for Funding is optional and is not required. The local government unit might also wish to inform their elected representatives of their project plans.

Submittal Information

- We recommend that Requests for Funding be submitted to the Division as soon as possible.
- All recipients should utilize the electronic submittal form located on our website at <https://edocs.deq.nc.gov/Forms/2023DirectedProjects>
- If you are unable or have trouble uploading the Request for Funding form, please reach out to one of the contacts below.

Questions?

- For drinking water Requests for Funding: please contact Austin Pegues, Operations Unit, at 980-447-1136 or e-mail at austin.pegues@deq.nc.gov.
- For wastewater and stormwater Requests for Funding: please contact Mikal Willmer, Operations Unit, at 828-296-4686 or e-mail at mikal.willmer@deq.nc.gov.

Table of Drinking Water and Wastewater Reserve Direct Appropriations S.L. 2023-134, Section 12.2.(e)

Per Section 12.2.(k), three (3) percent of the appropriated amount of each directed project will be used by NC DEQ for administrative costs in lieu of a grant fee charged to projects. When completing the Request for Funding form, please ensure that the Funding Amount Requested is not more than the “Funds Available to Recipient for Projects” shown in the bolded column below.

A few local governments have multiple direct appropriations listed below. Please identify the “Section 12.2.(e) Line #”, shown in table below, on page 1 of the Request for Funding form.

Section 12.2.(e) Line #	Recipient	Funds Appropriated in S.L. 2023-134	Funds Available to Recipient for Projects (after administrative costs)	Directed Project Specified in S.L. 2023-134
1	Alamance, Village of	\$200,000	\$194,000	
2	Albemarle, City of	\$17,300,000	\$16,781,000	
3a	Alexander County	\$2,622,586	\$2,543,909	For the Bethlehem water tank.
3b	Alexander County	\$2,500,000	\$2,425,000	For water line extensions.
4	Andrews, Town of	\$787,000	\$763,390	
5	Angier, Town of	\$9,000,000	\$8,730,000	
6	Anson County	\$6,000,000	\$5,820,000	For a regional water or wastewater project.
7	Archdale, City of	\$7,000,000	\$6,790,000	
8	Asheboro, City of	\$4,170,500	\$4,045,385	
9.1	Autryville, Town of	\$2,000,000	\$1,940,000	
9.2	Autryville, Town of	\$900,000	\$873,000	For stormwater improvements.
10	Ayden, Town of	\$3,000,000	\$2,910,000	
11	Bald Head Island, Village of	\$965,000	\$936,050	
12	Beech Mountain, Town of	\$14,000,000	\$13,580,000	
13	Belmont, City of	\$10,000,000	\$9,700,000	
14	Benson, Town of	\$16,000,000	\$15,520,000	
15	Bermuda Run, Town of	\$2,250,000	\$2,182,500	
16.1	Bladen County	\$10,000,000	\$9,700,000	
16.2	Bladen County	\$5,000,000	\$4,850,000	For water or wastewater projects related to the Live, Work, Play Project.

Section 12.2.(e) Line #	Recipient	Funds Appropriated in S.L. 2023-134	Funds Available to Recipient for Projects (after administrative costs)	Directed Project Specified in S.L. 2023-134
166	Shelby, City of	\$12,461,500	\$12,087,655	
167.1	Siler City, Town of	\$72,750,000	\$70,567,500	Must follow project directives listed in S.L. 2023-134, Section 12.2.(g).
167.2	Siler City, Town of	\$2,500,000	\$2,425,000	For construction of an elevated water tank associated with an economic development project.
168	Smithfield, Town of	\$6,250,000	\$6,062,500	
169	Snow Hill, Town of	\$4,222,500	\$4,095,825	
170	South Granville Water and Sewer Authority	\$5,000,000	\$4,850,000	
171	Spring Hope, Town of	\$3,000,000	\$2,910,000	
172	Spring Lake, Town of	\$300,000	\$291,000	
173	Spruce Pine, Town of	\$2,500,000	\$2,425,000	
174	St. Pauls, Town of	\$2,500,000	\$2,425,000	
175	Stanley, Town of	\$1,000,000	\$970,000	
176	Stanly County	\$2,000,000	\$1,940,000	For water and wastewater projects for Juneberry Ridge.
177	Stantonsburg , Town of	\$2,600,000	\$2,522,000	For a well water project and water line replacement.
178	Star, Town of	\$10,000,000	\$9,700,000	
179	Statesville, City of	\$3,000,000	\$2,910,000	For water and wastewater projects pertaining to economic development.
180	Stokes County Water and Sewer Authority	\$15,000,000	\$14,550,000	
181a	Stoneville, Town of	\$2,000,000	\$1,940,000	For water and wastewater lines along U.S. 220 West.
181b	Stoneville, Town of	\$2,700,000	\$2,619,000	For water system improvements.
182	Surf City, Town of	\$20,000,000	\$19,400,000	
183	Thomasville, City of	\$4,000,000	\$3,880,000	
184	Transylvania County	\$10,000,000	\$9,700,000	
185	Trinity, City of	\$4,500,000	\$4,365,000	
186.1	Troutman, Town of	\$10,000,000	\$9,700,000	

Appendix A: Table of S.L. 2023-134 Water/Sewer Directed Projects, Page 9 of 10



TRINITY

NORTH CAROLINA

Section 8b.

March 20, 2023

State Representative Brian Biggs
North Carolina General Assembly
300 N. Salisbury Street, Rm. 533
Raleigh, NC 27603-5925

Reference: City of Trinity Special Appropriation Requests

Dear Representative Biggs:

Per our conversation, the City of Trinity is requesting financial assistance or an allocation to assist with projects that will help the City residents. Below is a description of those projects with a cost estimate for each.

- Funding for a New Park:** Over the next three years, the City's population will increase from 7,000 to over 10,000. The City Council is aware that they will need to provide specific services like baseball, softball, and soccer fields. Furthermore, we will need to be able to provide other support program via an Aquatic and Fitness Center. Currently, the City is seeking funds to construct the first phase and funding for a parks and recreation master plan. This could be done in partnership with Archdale – Trinity YMCA. The estimated cost for this project is \$1,550,000.
- Funding for the Construction of a new Community Center:** The project will consist of the acquisition of a new land parcel for the construction of a new Community Center. This would include a City Hall Chamber and space for the additional services that the City will need to provide as it grows. Those services would include programs for the youths, adults and senior citizens and community meetings. The estimated project cost is \$3 – \$4 million.
- Funding to develop a Greenway and Walking Trail:** The City has conducted a preliminary study for the construction of Greenways and Trailways. This project would be for creation of a greenway system that would be centered around the utility easements, creeks and streams that exist in this area. This would include the construction of bridges and walkways over several creeks and streams. This project would be developed to promote healthy living and exercise opportunities for our residents. This project is estimated to cost \$450,000.

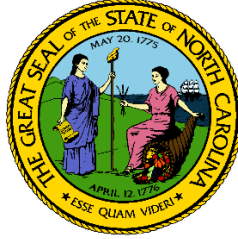
4. **Sewer Line Extension for Economic Development.** The City of Trinity does not have a grocery store. Currently, City Residents must travel to Thomasville, High Point or Greensboro to shop for basic meal staples. The City is working with two developers to bring a grocery store and a shopping center to the Finch Farm and Highway 62 area. To make this project become a reality, it will be necessary to extend sewer to this site. The sewer line extension will not only support the proposed shopping center, but it will provide greater opportunities for future development in this area. This will require approval from the North Carolina Department of Transportation to bore under Interstate 85. The estimated cost for this project will is \$1.5 million.
5. **Replacing a Sewer Pump Station for the Pike Street and Darr Road Area.** This new pump station will benefit several low to moderate income households and will open this area for additional new home construction. The estimated cost for this project will be \$1.5 million.
6. **Gap Funding for the Interlocal Sewer Connection.** The City is currently working on starting construction on an interlocal sewer connection with the City of High Point. The City is seeking additional gap funding to cover expected overrun on this project. The estimated cost for this project is \$1.5 million.

These are the six most important projects for the City of Trinity and are outlined in our Capital Improvement Plan. On behalf of Mayor Richard McNabb, the City Council and Staff, I submit these projects for your consideration for funding allocation from the State of North Carolina.

If you should have additional questions, please feel free to give me a call at: (336) 431-2841.

Sincerely,

Stevie Cox
City Manager



PRESS RELEASE

REPRESENTATIVE Brian Biggs

70th House District

Phone Number: (919) 733-5865

North Carolina House of Representatives

FOR IMMEDIATE RELEASE

September 21, 2023

I am proud to announce that the Randolph County delegation and I were able to procure significant funding in the budget for Randolph County, several of our cities, Randolph Community College, the North Carolina Zoo, and more. Below is a partial list:

- Randolph County - \$85 million for the county water and sewer plan
- North Carolina Zoo - \$3 million each in FY23/24 and FY24/25 towards a total of \$60 million authorized for the new aviary building/exhibit
- Archdale - \$7 million for water plant expansion
- Trinity - \$4.5 million for water and sewer improvements
- Asheboro - \$4,170,000 for water and wastewater infrastructure projects
- Randleman - \$5,150,000 for water and sewer improvements
- Randolph Community College - \$1.5 million each in FY23/24 and FY24/25 in receipts from ARPA for capital improvements or equipment, \$1.5 million each in FY23/24 and FY24/25 in funds transferred to SCIF for capital improvements or equipment

Other budget items of note include:

- Teacher raises – teachers receive an average raise of 7% with starting pay going from \$37,000 to \$39,000 and top of the scale from \$54,000 to \$55,100
- State Trooper raises – salary grades HP01-HP05 get an 11% raise in FY23/24 and grades HP06-HP011 get a 7% raise in FY23/24
- State employee raises – most state employees will see a 7% raise over the biennium, 4% in FY23/34 and 3% in FY24/25
- Retired state employees – one-time 4% cost-of-living bonus
- School bus drivers – an average of 2% on top of the state employee raise, for a total raise of 9%



RESOLUTION TO ACCEPT AND RECORD OPERATON APPROPRIATION Act of 2023 (S.L. 2023 – 134) OF THE GENERAL ASSEMBLY OF NORTH CAROLINA IN THE SUM \$4,500,000 FOR WASTEWATER SYSTEM IMPROVEMENTS

RESOLUTION 24 – 03

WHEREAS, the State of North Carolina General Assembly has notified the City of Trinity of a Operations Appropriations Act of 2023 (S.L. 2023-134) award in the sum of \$4,500,000

WHEREAS, the City of Trinity understands and acknowledges required compliance with all stator provisions outlined in G.S. 143C-6-22 use of State funds non-State entities, 9 N.C.A.C. Subchapter 3M and the requirements found in S.L. 2022-74, Section 5.3; and 40.11.

WHEREAS, the State of North Carolina General Assembly has offered the Operations Appropriations Act of 2023 (S.L. 2023-134) to the City of Trinity in the sum of \$4,500,000 to perform work detailed in the submitted application, and

WHEREAS, the City of Trinity intends to perform wastewater system improvements in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Trinity hereby accepts and records the Operations Appropriations Act of 2023 (S.L. 2023-134) in the sum of \$4,500,000 and authorize the Finance Director to account and recognize grant funding from the State of North Carolina General Assembly in the sum of \$4,500,000

Adopted this 13th day of November, 2023.

SEAL

Richard McNabb, Mayor

Darien Comer, City Clerk



MEMORANDUM

TO: Richard McNabb and City Council
FROM: Crystal Postell, Finance Director
CC: Stevie Cox, City Manager
DATE: 10/31/2023
SUBJECT: Resolution 24 – 04 and Project Ordinance 24 – 03

Summary:

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

Background:

The Finance Department submitted on August 15, 2023, the application for the Randolph County Strategic Planning Grant for the development of a Parks and Recreation Master Plan. City Manager Cox and Councilmen Walker attended the Randolph County Commissioner meeting on Monday, November 6, 2023. City Manager Cox presented to the Randolph County Commissioners a PowerPoint presentation about the City of Trinity's vision to develop parks and trails located on 8 acres of the 31.38 acres on Parcel #77083170644.

Recommendation:

Staff recommends that the City Council adopt and approve Resolution 24 – 04 to accept and record the Randolph County Strategic Planning Grant in the sum of \$80,000 and establish the Parks and Recreation Master Plan Project Ordinance 24 - 04.

Attachment:

Resolution 24 – 04

Project Ordinance 24 – 03

Parcel#77083170644



CAPITAL PROJECT ORDINANCE FOR ESTABLISHMENT OF THE PARKS AND RECREATION MASTER PLAN
PROJECT ORDINACE 24 - 03

BE IT ORDAINED by the City Council of the City of Trinity, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is to fund the development of a Parks and Recreation Master Plan.

Section 2. The officers of this unit are hereby direct to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

	Increase (Decrease)
Parks and Recreation Master Plan	\$ 80,000.00
	\$ 80,000.00

Section 4. The estimated revenues are to be changed as follows:

	Increase (Decrease)
Randolph County Strategic Planning Grant	\$ 80,000.00
	\$ 80,000.00

Section 5. The Finance Director is hereby directed to maintain within the Capital Projects Fund sufficient specific detailed accounting records to satisfy financial reporting requirements.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due then transferred from the Randolph County Strategic Planning Grant funding back to the General Fund.

Section 7. Copies of this Capital Project Ordinance shall be furnished to the City Clerk and to the City Manager and Finance Director to be kept on file by them for their direction in the disbursement of funds and direction in carrying out this project.

Adopted this 13th day of November, 2023.

Richard McNabb, Mayor

SEAL

Darren Comer, City Clerk



RESOLUTION TO ACCEPT AND RECORD RANDOLPH COUNTY STRATEGIC PLANNING GRANT IN THE SUM OF \$80,000

RESOLUTION 24 – 04

WHEREAS, the Randolph County Government has notified the City of Trinity of a Randolph County Strategic Planning Grant award in the sum of \$80,000

WHEREAS, the City of Trinity understands and acknowledges required compliance with all stator provisions outlined in G.S. 143C-6-22 use of State funds non-State entities, 9 N.C.A.C. Subchapter 3M and the requirements found in S.L. 2022-74, Section 5.3; and 40.11.

WHEREAS, the Randolph County Government has offered the Randolph County Strategic Planning Grant to the City of Trinity in the sum of \$80,000 to perform work detailed in the submitted application, and

WHEREAS, the City of Trinity intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Trinity hereby accepts and records the Randolph County Strategic Planning Grant in the sum of \$80,000 and authorize the Finance Director to account and recognize grant funding from the Randolph County Government in the sum of \$80,000

Adopted this 13th day of November, 2023.

SEAL

Richard McNabb, Mayor

Darien Comer, City Clerk



REID	20917	OWNER ADDRESS2	
PIN	7708317064	OWNER CITY	TRINITY
TAXED ACREAGE	31.38	OWNER STATE	NC
PROPERTY DESCRIPTION	R1595;R62	OWNER ZIP	27370
DEED BOOK & PAGE	001736/02256	LOCATION ADDRESS	6699 NC HWY 62 - Additional Addresses
PLAT BOOK & PAGE		LOCATION ZIP	TRINITY,27370
OWNER	CITY OF TRINITY	DATA REFRESHED	11/5/2023
OWNER ADDRESS	P O BOX 50		





MEMORANDUM

TO: Richard McNabb, Mayor
City Council Members

FROM: Stevie Cox, City Manager

VIA: Clark Maness, WithersRavenel

CC: Rodney Johnson, Public Works Director
Crystal Postell, Finance Director
Robert Wilhoit, City Attorney

DATE: November 7, 2023

REF: Notice of Eminent Domain for High Point Interlocal Connection Project

Summary:

This request is to move forward with sending eminent domain letters to two property owners that are holdouts for the High Point Interlocal Project.

Background:

In May 2022, the City of Trinity entered into a contract with Telics to secure the easements for the High Point Interlocal Connection project. Over the last 18 months, they have worked in conjunction with WithersRavenel to secure all the easements necessary for this project. Currently, there are two property owners that have not been able to reach a reasonable price to acquire a permanent or temporary easement agreement. Those properties are:

- Trinity Sunrise Avenue, LLC (Tract 18)
- John and Kathy Hill (Tract 72)

Telics has moved forward with obtaining an appraisal of each property and they should be completed in the next two weeks. The appraisals are necessary to provide an accurate value of each property.

Recommendation:

Staff recommends that the City Council approve moving forward with sending 30-day notification letters as required by law to Trinity Sunrise Avenue, LLC and John & Kathy Hill stating that City of Trinity is moving forward with appraisals of their properties and eminent domain to secure the remaining easements for the High Point Interlocal Connection Project.

Attachment: