

**TOWN MANAGER**  
Ken Deal

**TOWN CLERK**  
Pamela Mills

**TOWN ATTORNEY**  
Tom Brooke



**MAYOR**  
Lee Withers

**TOWN COUNCIL**  
Brandon Linn  
Rodney Phillips  
Charles Seaford  
Steve Stroud  
Mike Upright

**TOWN OF CHINA GROVE**  
**A regular meeting & budget meeting of the China Grove Town Council**

**Tuesday, June 7, 2016**  
**7:00 p.m.**

**China Grove Town Hall**  
**China Grove, North Carolina**

**CALL TO ORDER**

Mayor Withers called the regular meeting & budget meeting of June 7, 2016 to order. Mayor Withers recognized South Rowan JROTC and Major Lowe and stated they will present the colors and lead the audience in the Pledge of Allegiance.

Major Lowe thanked the Town Council for their support financially and other wise and presented Mayor Withers with a certificate of appreciation. Major Lowe stated this is one of the largest ROTC program of any school in Rowan County.

Mayor Withers stated it is an honor to be associated with the South Rowan JROTC program.

Mayor Withers called roll. All council members were present. There was a quorum.

The meeting started at 7:00 pm at the Town Hall.

Mr. Upright made a motion to adopt the agenda. Mr. Linn seconded the motion, which carried unanimously.

Mr. Linn made a motion to approve the consent agenda. Mr. Seaford seconded the motion, which carried unanimously.

**CITIZEN COMMENT**

None

**PUBLIC HEARING**

I) Conditional Use Permit – 2016-CUP-02

Mrs. Mills swore in Mr. Gover, and Faron Albright for testimony during the hearing.

Franklin Gover – Rowan County Planner - 402 N Main Street Salisbury, NC 28144

Mr. Gover stated a request was made from Mr. Albright for a Conditional Use Permit for 1201 S Main Street to allow used automobile sales in the Highway Business (HB) District. He stated the use has been abandoned for 180 days and has to be re-established. He stated the location of the property is on the South end of town in the HB district. He stated the parcel is .75 acres and has a 300 square foot office building located on it. He stated almost the entire parcel is located in the Rail corridor. He stated with a CUP there are four criteria that need to be considered and the Town Council will need to adopt the Finding of Facts. He stated NC DOT will determine if a driveway permit is necessary. He stated that Mr. Albright has an agreement with NC Railroad Company that allows for the sales of used cars. He stated a zoning permit and a site plan is required and have been submitted. He stated the building cannot be expanded and the only use can be a car lot. He stated no one has submitted any material evidence that suggest the request would injure their property values. He stated Planning Board did recommend the approval.

Mr. Upright asked how far down can cars be parked. Mr. Gover stated they can park as far as they can as long as they are outside of the street right away. He stated the site plan shows parking will be just in the gravel area.

Mayor Withers opened the public hearing.

Faron Albright - 109 Pine Court China Grove, NC 28023

Mr. Albright stated he is the applicant for the CUP. He stated the agreement with the NC Railroad Company is in hand and transferable to Jose if he would like to buy the property. He stated the agreement states that no shrubs, trees or additions to the building can be made on the property. He stated his has the paperwork of when the property was rezoned June of 2001 to a car lot. He stated he will be renting the property to Jose with an option to buy.

Mayor Withers closed the public hearing.

Mr. Phillips made a motion to approve the Finding of Facts that this use does not endanger the public health or safety if located where proposed and developed according to the plan. Mr. Upright seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that this use meets all required conditions and specifications. Mr. Upright seconded the motion, which carried unanimously.

Mr. Linn made a motion to approve the Finding of Facts that this use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity for 2016-CUP-02. Mr. Phillips seconded the motion, which carried unanimously.

Mr. Linn made a motion to approve the Finding of Facts that the location and charter of the use, if developed according to the plan as submitted and approved, will be in harmony with the area

in which it is to be located and will be in general conformity with the adopted land use plans and other plans for physical development of the China Grove area as adopted by the Town Council for 2016-CUP-02. Mr. Phillips seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the request to allow an automobile sales use in the Highway Business (H-B) District on Tax Parcel 129 008. Mr. Stroud seconded the motion, which carried unanimously.

II) Text Amendment- 2016-TA-01

Mr. Gover stated staff, himself and Shane Stewart are requesting a text amendment to increase the Technical Review Committee’s flexibility when reviewing site plans for the loading dock requirements. He stated this is for unique site conditions such as right-of-ways, topography, and parcel configurations.

**Section 8.5 Loading Area Requirements**

All non-residential uses greater than 5,000 square feet (except civic uses) shall provide an off-street loading area. The C-B District is exempt from off-street loading requirements.

**8.5.1 Minimum Off-Street Loading Space Requirements**

The following minimum loading space requirements shall apply for the appropriate use:

Use	Required Loading Spaces
Retail	1 space per 20,000 square feet
Wholesale/Industrial	1 space per 20,000 square feet
Office/Institutional	1 space per 50,000 square feet

**8.5.2 Design of Loading Spaces**

A. Off-street loading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces must be designed so as to not interfere with the normal movement of vehicles and pedestrians on public rights-of-way. Off-street loading spaces shall be located in the rear yard. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

B. Each loading space shall have a paved surface and be a minimum of 12 feet in width and 40 feet in length. Each such berth shall also have a minimum vertical clearance of 14 feet.

**C. Use of alternate design plans, or construction techniques may be used when unreasonable or impractical situations would result from the application of Loading Area Requirements. Such situations may result from unique site conditions, innovative design applications, and/or unified development design.**

**D. The performance of alternate design standards shall be evaluated by the Technical Review Committee to determine if the alternate design meets the intent and purpose of this ordinance. This determination shall take into account the land use of adjacent property, the orientation of the building to public streets, the intended use of the structure, attention to architectural detail, scale, and mass.**

**E. Appeal Decisions of the TRC regarding alternate methods of compliance may be appealed to the Board of Adjustment in accordance with Chapter 16.**

Mr. Stroud made a motion to adopt the Statement of Consistency that this amendment is consistent with other sections of the UDO that provide the Technical Review Committee flexibility to approve alternative design plans when unreasonable or impractical situations would result from strict application of the loading area requirements due to unique site conditions and limitations. Mr. Seaford seconded the motion, which carried unanimously.

Mr. Stroud made a motion to approve 2016-TA-01 to allow Alternative Designs in Section 8.5.2 Design of Loading Spaces of the UDO. Mr. Seaford seconded the motion, which carried unanimously.

### III) Fiscal Year 16-17 Budget Adoption

Mayor Withers thanked staffed and Mrs. Bopp for their preparation of the budget.

Mr. Linn stated that staff has done a tremendous job and thanked all for their hard work.

Mayor Withers opened the Public Hearing for the Fiscal Year 2016-2017 Budget Adoption for public comments.

There were no comments.

Mayor Withers closed the Public Hearing.

Mr. Upright made a motion to adopt the proposed Budget Ordinance for FY 16-17. Mr. Seaford seconded the motion, which carried unanimously.

Mr. Linn made a motion to adopt the Fee Schedule FY 16-17. Mr. Seaford seconded the motion, which carried unanimously.

Mr. Seaford made a motion to adopt the 2016 Five Year Capital Improvement Plan. Mr. Stroud seconded the motion, which carried unanimously.

## **NEW BUSINESS**

### I) United Way Day of Caring

Mayor Withers stated the United Way is looking for sponsorships for one or all three of the schools that are in the districted. He stated they are asking for \$1000.00 for each school. He stated this would include China Grove Elementary, China Grove Middle, and Carson High School.

Mr. Upright stated he would like to table this until next meeting.

#### II) Peddlers and Solicitors Permit

Mr. Deal stated the town has a permit for peddlers, solicitors, and transient vendors to come into town and set up to sell goods. He stated he would like look at amending the ordinance and would like the Council to put a moratorium on the issuing of Peddlers Permits until we can review the ordinance. Mayor Withers stated our ordinance does not limit the number of vendors that can be in town.

Mr. Phillips made a motion to adopt a moratorium on the issuing of the Peddlers Permits until the ordinance is reviewed and rewrote. Mr. Stroud seconded the motion, which carried unanimously.

### **DEPARTMENT UPDATES**

#### I) Fire Department

Mr. Zimmerman stated this past month was very busy. He stated there is no new report on the new fire engine.

#### II) Police Department

Mr. Kluttz stated he has no updates. Mr. Upright asked if the number of people speeding is typical for this time period. Mr. Kluttz stated it is low.

#### III) Public Works Department

Mr. Ketner stated we were able to acquire dirt from Blythe to fill in the area that the tennis courts were.

#### IV) Administration

##### a) Finance

Mrs. Bopp stated we should come in over budget on sales tax.

##### b) Event Coordinator

Ms. Price stated that China Grove hats are in and Farmers Day tee shirts will be available this week. She stated that she and Pamela will be selling hats and shirts at the 5k run on Friday

June 10<sup>th</sup>. She stated June 17<sup>th</sup> and 18<sup>th</sup> will be a big weekend with the 3<sup>rd</sup> Friday at the Mill and the Cruise In. She stated Penny Parsons will be signing books about Curly Seckler at the 3<sup>rd</sup> Friday at the Mill and Southern Magnolia will be playing.

V) SRU

Mr. Wilson stated that some days have been lost on the Centerview Street project due to the rain but they are still on schedule. He stated July 31<sup>st</sup> another 12% decrease will take effect on the water and sewer rates.

**RECOGNITION**

I) Resolution in memory of Steve Luther

Mayor Withers stated he is honored to present this resolution in memory of Steve Luther since he was a member of his family. He read the resolution aloud and presented the resolution to Mrs. Luther.

Ms. Doby stated Steve Luther was a big part of her life. She stated that Mr. Luther was a partner in organizing Farmers Day. She stated he was a huge part of making China Grove what it is today. She stated the town would not be what it is today without men like him. She stated she is honored to have worked with him for so many years.

**OTHER BUSINESS**

Mayor Withers stated he would like to remind everyone that the 5K Run is this Friday June 10<sup>th</sup>. He stated he will be starting the race.

Mr. Stroud made a motion to cancel the July meeting. Mr. Upright seconded the motion, which carried unanimously.

Mayor Withers stated he would like to get an economic development committee meeting together after Farmers Day but before the August meeting.

**ADJOURNMENT**

Mr. Stroud made a motion to adjourn. Mr. Linn seconded the motion, which carried unanimously.

**Respectfully Submitted,**

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**Pamela L. Mills**  
**Town Clerk**

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**Lee Withers**  
**Mayor**