

## **MINUTES**

### **A regular meeting of the China Grove Town Council**

**Tuesday, December 1<sup>st</sup>, 2009  
7:00 p.m.**

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

---

#### **CALL TO ORDER**

Mayor Bringle called the meeting of December 1, 2009 to order and welcomed all in attendance to join in the Pledge of Allegiance. Mayor Bringle called roll. All council members were present, there was a quorum. The meeting started at 7:00 pm at the Municipal Building.

Mr. Overcash made a motion to adopt the agenda for the regular meeting of the Town Council on December 1, 2009. Mr. Lyseski seconded the motion, which carried unanimously.

Mr. Lyseski made a motion to adopt the November 10, 2009 regular meeting minutes with a correction to the date on page 1, second paragraph, line two. Mr. Welter seconded the motion, which carried unanimously.

#### **CITIZEN COMMENTS**

None

#### **RECOGNITION / OATHS OF OFFICE**

Mayor Bringle recognized the outgoing Town Council members: Mr. Butch Bivens, Mr. Blair Lyseski and Mr. Allen Welter. He thanked them for their service and commitment of time and for what they have done for the Town of China Grove.

Mr. Bivens thanked everyone for his term.

Mr. Lyseski stated that everyone would be in his thoughts and prayers and would continue to do everything he can for the town.

Mr. Welter thanked everyone for the four years that he served the Town of China Grove. He stated that he might try it again in two years and appreciates everything.

Mayor Bringle recognized the Honorable Judge Kevin Eddinger and welcomed the newly elected officials and their family members to join in the oath of office.

Judge Eddinger swore Mr. Brandon Linn in office for a four year term to the Town of China Grove Town Council.

Judge Eddinger swore Mr. Charles Seaford in office for a four year term to the Town of China Grove Town Council.

Judge Eddinger swore Mr. Mike Upright in office for a four year term to the Town of China Grove Town Council.

Judge Eddinger swore Mr. Eddie Kluttz in as Chief of Police for the Town of China Grove.

### **RECESS / RECEPTION**

Mayor Bringle recessed the meeting for a reception and asked to reconvene at 7:30 p.m.

### **RECONVENE / QUASI JUDICIAL PUBLIC HEARING**

Dayspring Community Church – Conditional Use Permit and Site Plan

Ms. Emily Jackson reviewed the staff report provided to the Town Council. She stated that they are proposing to add square footage and parking area hence the need for the Conditional Use Permit. She stated that conditions requested by the TRC. She stated that these conditions have been met according to the Fire Chief. She stated that the Planning Board gave a recommendation to approve the Site Plan as well as the Conditional Use Permit. She stated that the ad was run and letters to adjacent property owners have been sent.

Mr. Upright asked about the septic tank location.

Ms. Jackson stated that she doesn't believe there is any situation that would cause concern but that Mr. Rhett may be available to answer questions.

Mayor Bringle opened the Public Hearing.

Mr. Jonathan Rhett stated that he is present to answer any questions that the Council may have.

Mr. Upright then asked Mr. Rhett about the septic tank.

Mr. Rhett stated that there are no issues surrounding the septic tank location.

I) Motion to accept the evidence as presented

Mr. Overcash made a motion to accept the evidence as presented. Mr. Seaford seconded the motion, which carried unanimously.

II) Motion to approve the Findings of Fact

Mr. Withers made a motion to approve the Findings of Fact. Mr. Upright seconded the motion, which carried unanimously.

III) Motion to approve (deny) the Conditional Use Permit for a religious use and the site plan

Mr. Withers made a motion to approve the Conditional Use Permit and Site Plan. Mr. Linn seconded the motion, which carried unanimously.

**NEW BUSINESS**

I) Appointments for the Planning Board and the Board of Adjustment

Ms. Jackson provided a memo that listed the expiring terms for Planning Board and Board of Adjustment. She provided a list of applicants that have requested within the past year to be appointed to these boards.

Mayor Bringle stated that if the current person in the ETJ position is no longer interested in filling the position that is currently open, the Town will need to run an advertisement to fill the position. She stated that she will be speaking with the person who currently holds this position to see if there is still interest.

Mr. Withers made a motion to appoint Ms. Barbara Doby to fill the open position on the Board of Adjustment. Mr. Overcash seconded the motion, which carried unanimously.

Mr. Overcash made a motion to appoint Mr. Butch Bivens to the Planning Board. Mr. Seaford seconded the motion, which carried unanimously.

II) Recycling Options

Mr. Ketner stated that this item was brought up at the previous meeting and the council had narrowed the options down to three. He stated that he met with a representative from Sonoco Recycling in Salisbury. He stated that they will provide containers and the public will be allowed to access during business hours Monday-Friday 8-5. He stated that they will remove the old stage from the Public Works location.

Mr. Upright asked about the terms and agreements with Sonoco.

Mr. Ketner stated that there will not be an agreement. He stated that they will have the availability to end the service at any time if they choose.

Mayor Bringle stated that the only drawback would be the operating hours being between 8-5. He stated though that this is the system in Spencer and it seems to be working well. He stated that another company, Matangira, has agreed to collect on an individual basis if they have at least six paying customers.

Mr. Pless stated that there are other contractors that will provide the service to the citizens. He stated that they may be able to change operation hours, etc. at a later time if needed.

Mayor Bringle asked for a motion to allow Sonoco to place recycling containers on Public Works property with an understanding that at any time the Town or Sonoco may cancel. Mr. Linn seconded the motion, which carried unanimously.

### III) CDBG Administration Services Agreement

Mr. Pless stated that during the last fiscal year, they agreed to match monies to install gravity sewer to attract Altec Industries. He stated that during this process, Mr. Hartigan has been important in getting this project off the ground. He stated that this agreement will allow Mr. Hartigan to administer the CDBG project. He stated that the project should move forward beginning 2010. He stated that all monies spent will go toward the matching funds of \$85,000.

Mr. Overcash made a motion to accept the agreement as written. Mr. Withers seconded the motion, which carried unanimously.

### IV) CMAQ Sidewalk Bids

Mr. Rob Bernard of Pease Associates stated that they were contracted by the Town for planning design and construction administration. He stated that several years ago, the Town had applied for a grant to do sidewalks administered by the Federal Highway Administration and NCDOT. He stated that the budgets or sidewalks were not prepared by Pease Associates. He stated that there are 32,000 linear feet of sidewalks. The stated originally agreed to match 80 percent of the funding and the Town would match 20 percent. He stated that the Town had to fund their own fees for surveying, planning, design, engineering, etc. He stated that the Town received a letter that stated that the government would fund 100 percent financing, all except the engineering. He stated that his company was contacted at that time and they began the designing and planning phase. He stated that with this change, the plans and drawings had to be submitted by August 2009. He stated that the project went out to bid and closed November 19, 2009. He stated that three bids were not accepted due to irregularities but four bids were received. He stated that all of the bids were too high. He stated that they contacted the State and asked to reduce the scope and still receive the same amount of money. He stated that the FHA was agreeable but they had to

receive approval from NCDOT. He has had conversations, as well as Mr. Pless, with people from NCDOT and they stated that the scope could be reduced. Mr. Bernard stated that he has prepared a letter that would allow re-advertisement for bids with the change in the scope of the project. He reviewed some of the changes. He stated that they plan to re-advertise the project next week and would have bid opening December 17, 2009. He stated that he has put together a spreadsheet based on the previous bids to see how much linear footage should be removed. He stated that there are seven individual sections and the State has identified specific dollar amounts for each section. He stated that the monies may be swapped between sections except Section F because it has been completely removed. He stated that the monies swapped from Section F, if used in other sections, the Town would have to provide twenty cent for every dollar (80/20).

Mayor Bringle asked if these monies were available.

Mr. Pless stated that these monies (\$12,000) are available through the Powell Bill.

Mr. Upright asked about the fee for the engineering and design.

Mr. Bernard stated that certain Pease Associates fees for certain sections of the project have been paid for.

Mayor Bringle stated that he feels that the newly elected council members need to meet with Mr. Bernard before a decision needs to be made.

Mr. Withers asked what has moved or changed.

Mr. Bernard stated that when the project was advertised previously it didn't include the removal of Highland Ridge, Clinton Street, Chapel Street, Blackwelder Street, Keller Street and a small portion of Liberty Street.

Mayor Bringle wanted to know why those sections were removed.

Mr. Bernard stated that he removed those sections because of costs. He reviewed his decisions.

Mr. Withers stated that Centerview Street was a priority street and this helped make that decision.

Mr. Overcash stated that he would like to see the streets that they have left. He stated that he doesn't mind Centerview Street and Bostian Street.

Mr. Bernard stated that the only way to keep Centerview Street and Bostian Street is to get rid of certain parts of the project. He stated that they are trying to do as many sections as possible.

Mayor Bringle stated that Park Street would be a costly part of the project.

Mr. Bernard stated that the bid for Park Street was in line. He stated that he did the most logical removal possible.

Mr. Pless asked the Mayor to reject the bids from the November 19, 2009 bid opening.

Mr. Withers made a motion to reject the bids from the November 19, 2009 bid opening. Mr. Upright seconded the motion, which carried unanimously.

Mayor Bringle asked Mr. Bernard to meet with the Town Council concerning this plan because he feels that people who live in this Town should be involved.

## **OTHER BUSINESS**

Mayor Bringle read a letter from the China Grove Youth Baseball and Softball Little League program, Mr. Jim Soloman that thanked the Town for supporting their program.

Mayor Bringle asked Mr. Brooke to review the memo he provided concerning the hand rail on South Main Street.

Mr. Brooke stated that basically the law of North Carolina recognizes “Contributory Negligence”. He stated that he concludes that the sidewalk is highlighted and is an obvious obstruction. He stated that there are ADA regulations that would need to be abided by if a new rail was put in place. He stated that they may want to run a handrail parallel to the street but the Town would need engineering expertise to install something correctly and according to regulations.

Mayor Bringle stated that people have complained including business owners and patrons. He stated that the concrete needs to be faced and poured.

Mr. Brooke stated that he couldn’t envision how it would look good or how it would need to be done.

Mr. Bernard stated that the economical solution would be a decorative railing.

Mr. Upright asked about the liability if someone fell since the handrail has been removed.

Mr. Brooke stated that the Town would not be liable because of the obvious location. He stated that if the Town put up something that did not comply, the Town would be in a worse situation.

Mr. Overcash asked if the Town is liable if someone falls even if the handrail is replaced in the same position.

Mr. Brooke stated that the Town could be liable if it is completed properly to regulations.

Mr. Overcash stated that he knows that many people in this Town have bad knees and can not access the stores along this area without going to the end of the street. He stated that he feels the Town should do something to make it accessible to handicapped people.

Mayor Bringle asked Mr. Ketner to obtain pricing information on installing a new handrail.

Mr. Withers asked if the Council would be willing to get in contact with the business owners to permit handicapped parking in the rear of the buildings.

Mayor Bringle asked Mr. Pless to be in contact with some of the merchants. He asked to revisit this item in January.

Mayor Bringle stated that at the corner of Franklin and Park Street there is manhole that is deep and needs to be fixed.

Mr. Ketner asked if it is a manhole or catch basin.

Mr. Withers stated that it is a catch basin.

Mayor Bringle asked that they fix this item.

Mayor Bringle stated that he was contacted by New Hope Presbyterian Church will not hold Journey to Bethlehem this year due to their congregation voting against it.

Mayor Bringle asked the council to listen to the facts and vote for the betterment of the Town. He asked them to contact Mr. Pless or any other councilman to work together if they have questions. He stated that there will be a planning session early in 2010.

Mayor Bringle asked for the Council to elect a Mayor Pro Tem.

Mr. Overcash made a motion to elect Mr. Withers as Mayor Pro Tem. Mr. Seaford seconded the motion, which carried unanimously.

Mayor Bringle appointed Mr. Seaford as the representative for COG. He also appointed Mr. Upright as the alternate.

Mayor Bringle appointed Mr. Withers as the MPO representative. He appointed the Mr. Linn as the TAC representative. Mr. Pless will remain the TCC staff representative.

Mayor Bringle welcomed the Council Members. He welcomed them to attend the Board of Trade Meeting on Monday, December 7, 2009 and the Town of China Grove Christmas Party on December 14, 2009.

**ADJOURN**

Mr. Withers made a motion to adjourn. Mr. Seaford seconded the motion, which carried unanimously.

**Respectfully Submitted,**

---

**Amanda A. Eller, Town Clerk**

---

**Donald E. Bringle, Mayor**