

TOWN MANAGER
Ken Deal

TOWN CLERK
Amanda Eller

TOWN ATTORNEY
Tom Brooke



MAYOR
Don Bringle

TOWN COUNCIL
Brandon Linn
Charles Seaford
Steve Stroud
Mike Upright
Lee Withers

MINUTES
A regular meeting of the China Grove Town Council

Thursday, August 7, 2012
7:00 p.m.

China Grove Town Hall
China Grove, North Carolina

CALL TO ORDER

Mayor Bringle called the meeting of August 7, 2012 to order and called roll. All council members were present with the exception of Mr. Linn, there was a quorum. The meeting started at 7:00 pm at the Town Hall.

Mayor Bringle requested to add to the agenda Closed Session to address Attorney-Client matters.

Mr. Withers made the motion to adopt the agenda with an addition of Closed Session under Other Business to discuss Attorney-Client matters. Mr. Seaford seconded the motion, which carried unanimously.

Mr. Stroud made the motion to adopt the consent agenda as presented. Mr. Withers seconded the motion, which carried unanimously.

CITIZEN COMMENT

None.

NEW BUSINESS

Mayor Bringle thanked the Town of China Grove, Amanda Eller and the Town staff for a very successful Farmers Day. He stated that there was a lot of effort from the Town employees and he stated that he appreciates their efforts. Mayor Bringle recognized Joanna Morrison with Sharks Recycling and Morrison’s garbage for all her hard work and relief to our staff.

Mr. Upright stated that a local business man told him that this was one of the best Farmers Day he had attended. He stated that they were very impressed with the overall event and the fireworks.

OLD BUSINESS

I) Review Ordinance Section 10-7. *Permission required for keeping of certain animals.*

Mayor Bringle stated that Chris Walters had approached the council in June about keeping his chickens in Town. The Planning Board stated they did not recommend changing the ordinance.

Mayor Bringle stated he has seen more chicken coops around town, almost one on every block.

Mr. Deal stated that he provided a copy of the current ordinance to the Council which is vague. He stated that it is the Council's pleasure with what they want to do with the ordinance.

Mr. Upright asked what the current specifications were.

Mr. Deal stated that there were no specifications currently because they are not allowed.

Mr. Stroud stated that no one in the town owns three acres of land. He stated it is a waste to change the ordinance for a small town.

Mr. Withers stated if we leave the ordinance as is with the permission of the Council we will be doing one or more of these every month. He stated he likes the draft of a new ordinance but would decrease the three acres.

Mr. Upright asked who would enforce this ordinance.

Mr. Deal stated that would be the other issue of changing the ordinance.

Mr. Stroud asked has there been a complaint.

Mayor Bringle stated he has had several phone calls.

Mr. Wither stated he would recommend changing line *h* to a quarter acre.

Mr. Seaford stated if we change line *h* to a quarter acre we would need to change line *g* to 4 chickens per quarter acre.

Mayor Bringle proposed to change item (c) (1) *g* to no more than 4 such fowl or rabbits shall be kept or maintained per quarter acre, and change *h* to the area required for the keeping of fowl shall be at least a quarter acre.

Mr. Withers made the motion to approve the change of Chapter 10-7 ordinance (c) (1) *g* to no more than 4 such fowl or rabbits shall be kept or maintained per quarter acre, and change *h* to the area required for the keeping of fowl shall be at least a quarter acre. Mr. Stroud seconded the motion, which carried unanimously.

OTHER BUSINESS

I) COG Update

Mr. Seaford gave a presentation on the current initiatives of the Centralina Council of Governments to the board. The COG was awarded a federal grant in the amount of \$4.9 million to enhance and have sustainable communities. Mr. Seaford explained how COG will go about enhancing our communities with this grant.

Mayor Bringle thanked Mr. Seaford for his presentation.

II) Progress of Fire Department and Town Hall

Mayor Bringle stated that they wanted to discuss the progress of the Fire Department and Town Hall. He stated that it has become an embarrassment on how long it is taking this project. He stated that April 15th was the proposed move-in date which has come and gone. We are being pressured to move from the building we are renting so that Rowan Regional can use the building again. He stated that it seemed like the project was going along well, a lot of people working but that it has dwindled down for quite some time. He stated that there have also been many change orders that have come up because of mistakes to the project. He stated that there are very few people working at the job site. He stated again that it is embarrassing to get approached by businesses, other municipalities and citizens concerning the project not being completed and is disappointed in the performance of Momentum and Mr. Ashlin for not keeping a “fire” under them to get the project completed. He stated that there are damages of \$300 a day but knows that they will probably not ever see that money.

Mr. Ashlin stated that every time a date has been set, they construction company has not stuck to the date. He stated that there has been no change order, indecision or pay application prohibiting them from putting in the carpet, painting finishing the ceiling tiles but yet it goes from week to week with working not being done. He stated that there is not a cash flow problem involved so he doesn't understand the delay.

Mayor Bringle asked what the next step is in the process to get this project finished.

Mr. Withers asked if Mr. Ashlin is receiving extra funds at this point.

Mr. Ashlin stated that it is. He stated that the contract provides for extra services.

Mr. Withers stated that the Town is being penalized to keep the architects around longer.

Mr. Ashlin stated that they did not bill for the first month and a half of the project not being completed by the completion date.

Mr. Deal stated that they have been keeping up with liquidated damages that the construction company should be required to pay

Mr. Withers asked Mr. Ashlin what he feels the construction company, architects and Town are each responsible for.

Mr. Ashlin stated that he believes the construction company is responsible for all liquidated

damages and doesn't know what he thinks the Town believes the architects should be responsible for.

Mr. Deal stated that there will be conflict between the contractor and architect concerning delays to the project and believes that is what Mr. Withers is referencing.

Mr. Withers stated that there are multiple parties that are responsible for the delay.

Mayor Bringle stated that an example is the showers. He stated that the plans included a light and fan in each shower and was not installed.

Mr. Withers asked about the lights in the bay and why they aren't currently running.

Mr. Ashlin stated that it is an issue with amperage and isn't sure whose fault this is. He stated that the building is a renovation project with 2% for change orders which is extremely low for this size project.

Mr. Withers stated that it is similar to the sidewalk project. He stated that at the end of the day, why do we need the architects if they have no "teeth" in the project. Mr. Withers asked if the contractor could be fired at this point.

Mr. Ashlin stated that they could, but he would not recommend it.

Mayor Bringle concluded the conversation and thanked Mr. Ashlin for being present. He asked Mr. Ashlin if he feels reassured that the project will be completed in the next two months.

Mr. Deal stated that the construction crew has never met a date that has been presented to this point.

Mayor Bringle stated that there was a skylight that was leaking and hopes this item has been addressed before they finish the project and causes issues later.

Mr. Upright asked Mr. Ashlin about a rumor that contractors have pulled off the job because they have not been paid.

Mr. Ashlin stated that they have asked people from other jobs and believes there was an electrical contractor who pulled out from the job because of not being paid.

Mr. Upright stated that you get what you pay for a lot of times.

Mr. Withers asked if there was anything at all that could be done to light a fire under the construction crew. He stated that there are a ton of contractors around here that need the business. He asked why we need this company if they are not going to work and have urgency to get the work completed. He asked if there was not a way to hire other contractors. He also stated that it is embarrassing. He stated that there is no way that the architects or the contractors would still be employed.

Mr. Upright stated that the parking lot is very embarrassing as well.

Mr. Ashlin stated that we can cut the contractor from the job, augment his forces and the contract allows the Town to do that. He stated that a notice is required and recommends that the attorney take care of this matter. He stated that we would probably have a lawsuit to ensue.

Mr. Withers stated that he believes the contractors should be put on notice that if things are not straightened out fast that the Town will find someone else to do it. He stated that they could drop of the materials and we can find someone else.

Mayor Bringle stated that it is very frustrating and the attention to deadlines is an empty promise and feels he personally doesn't want to do what Mr. Withers stated because of the fall-out that may ensue; however, it may be necessary to get the job done. He asked Mr. Ashlin to help the Town to drive this process and asked if they needed to have a joint meeting.

Mr. Deal stated that the contract is in favor of the damages. He stated that the liquidated damages will be over \$50,000 and doesn't understand how they will be able to pay that. He stated that they have tried to avoid change orders because of the associated costs. He stated that the contractor needs to know that are on notice.

Mayor Bringle thanked Mr. Ashlin for being present. He requested to arrange a meeting with the contractors and wants them to have their expenses to date.

Mayor Bringle thanked Jason from SRU for being present.

Mr. Withers asked Jason to see if they can rename the "metering charge" so that more people understand what this fee is for.

Mayor Bringle thanked Town Staff for their work on the flower pots and planters downtown.

CLOSED SESSION

Mr. Withers made a motion to go into Closed Session. Mr. Seaford seconded the motion, which carried unanimously.

Mr. Stroud made a motion to come out of Closed Session. Mr. Withers seconded the motion, which carried unanimously.

There was no action taken.

Mayor Bringle asked where the next meeting will be held and the meeting date.

Council set the meeting for September 11th at the Roller Mill.

ADJOURN

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

Respectfully Submitted,

Amanda A. Eller, Town Clerk

Donald E. Bringle, Mayor