

105 S. Long St
Post Box 339
East Spencer, North Carolina
28039



Telephone: (704) 636-7111
Fax: (704) 639-7734
www.eastspencer.gov

TOWN COUNCIL MEETING
March 11, 2024, 6:30 PM
AGENDA

CALL TO ORDER	MAYOR BARBARA MALLET
INVOCATION	COUNCILMAN RUSH
PLEDGE OF ALLEGIANCE	MAYOR BARBARA MALLET
WELCOME	MAYOR BARBARA MALLET

Present: *Mayor Barbara Mallett Board Members: Mayor Pro Tem Curtis Cowan, Alderman Albert Smith, Alderman Shawn Rush, Alderman George Jackson, Alderwoman Deloris High, Alderman Dwayne Holmes. Town Manager Michael Douglas, Town Clerk, ShaTaira Bailey, Town Attorney Thomas Brooke.*

Absent:

APPROVE MINUTES of regular meeting on February 5, 2024.

A motion was made to approve monthly minutes on February 5, 2024, by Alderwoman High; seconded by Aderman Smith. Motion passes unanimously.

PUBLIC COMMENT Please *note that comments shall be limited to five minutes and the Town Council reserves the right not to act on requests first presented this evening.*

- *Mike Mitchell – Had some comments and questions in regard to a grant the town has yesterday and a after school program. He also had concerns about his mother's basement flooding. He had concerns about the town manager.*
- *Maggie Leach – Wanted to express her concerns about the town.*
- *Jaquan Coleman – Wanted to let the Town know about a funfest he was hosting the following week. He also had concerns about East Spencer.*
- *Mary Cooper – Wanted to inform the board that she had leaves in front of her house for months. She also had complaints about GFL services.*
- *Unique – Introduces herself to the board and stated she wants to help in the community.*

NEW BUSINESS

1. Women's History Month Proclamation
Mayor Mallett read a proclamation for Women's History Month.
2. Public Hearing – 937 Cedar St. – Variance for side setback
**Mr. Douglas explains that Santago Homes LLC is requesting a setback variance for side setbacks from 10 feet to 5 feet for parcel 024 041A (937 Cedar St) — (Note – 5 feet is minimum setback allowed under NC Building Code).
A motion was made to open by Alderman Rush; seconded by Alderman Smith.
Motion passes unanimously.**

Comments: M. Leach asked where the property was located, Mr. Douglas describes the location.

A motion was made to close by: Mayor Pro Tem Cowan, seconded by Alderman Smith. Motion passes unanimously.

Action Taken: A motion was made to approve the variance by Alderman Rush; seconded by Alderman Smith. Motion passes unanimously.

3. Public Hearing – 929/931 Cedar – Variance for front setback
Mr. Douglas explains that Santago Homes LLC is requesting a setback variance for the front setback from 30 feet to 20 feet for parcels 024 04001 & 024 040 (929/931 Cedar St (Combined Lot)).

A motion was made to open by Alderman Rush; seconded by Alderman Smith. Motion passes unanimously.

No comments were made at the time.

A motion was made to close by Alderman Jackson; seconded by Alderman Smith. Motion passes unanimously.

Action Taken: A motion was made to approve the variance by Alderman Rush; seconded by Alderman Smith. Motion passes unanimously.

4. Public Hearing – 105 Correll St – Variance for side setback
Mr. Douglas explains that SP Homes/Carolina Residential Homes LLC is requesting a setback variance for the side setback from 10 feet to 5 feet for parcel 026 229 at 105 Correll St. — (Note – 5 feet is minimum setback allowed under NC Building Code). This variance is required due to an oversight from the planning department. The permit should not have been approved due to the distance from the proposed house and the current homes that are there. The permit was approved, and the property owner has already started construction of the foundation. If this permit is not approved, the Town could be open to litigation.
-

A motion was made to open by Alderman Rush; seconded by Alderman Smith. Motion passes unanimously.

No comments were made.

A motion was made to close by Alderman Rush; seconded by Mayor Pro Tem Cowan. Motion passes unanimously.

Action Taken: A motion was made to approve the variance by Alderman Jackson; seconded by Alderman Smith. Motion passes unanimously.

5. Public Hearing – 0 Andrews St – Special Use Permit

Wagner's Remodeling Inc is requesting a special use permit (SUP) to allow a Residential single-family dwelling (SFD) to be built in the Highway Business zoning district.

A motion was made to open by Alderman Rush; seconded by Alderman Smith. Motion passes unanimously.

- ***J. Kennedy – Spoke about the LLC doing a good job cleaning next to her property but they left her fence down.***
- ***Alderman Rush had question about Andrews Street Corridor.***
- ***M. Douglas – Explains what each side of the highway means. (business/residential) Mr. Douglas wants to look at how the entire town is zoned and review it with the board.***
- ***Mayor - had concerns about the zoning and stated that we are not suppose to re-zone in that area***
- ***M. Douglas – Explains that no one is re-zoning and that this is a special use permit.***

A motion was made to close by Alderwoman High; seconded by Alderman Smith. Motion passes unanimously.

Action Taken: A motion was made to approve the special use permit by Alderman Rush; seconded by Alderman Smith. Motion passes 4-2.

6. Public Hearing – 0 Andrews St – Special Use Permit

Wagner's Remodeling Inc is requesting a special use permit (SUP) to allow a Residential single-family dwelling (SFD) to be built in the Highway Business zoning district.

A motion was made to open by Alderman Rush; seconded by Alderman Smith. Motion passes unanimously.

No comments were made.

A motion was made to close by Alderman Jackson; seconded by Alderman Rush. Motion passes unanimously.

Action Taken: A motion was made to approve the special use permit by Alderman Rush; seconded by Alderman Smith. Motion passes 4-2.

7. Public Hearing – 206 W. Henderson St – Special Use Permit

Rayco Carolinas Construction is requesting a special use permit (SUP) to allow a Residential single-family dwelling (SFD) to be built in the Commercial Business zoning district.

A motion was made to open by Mayor Pro Tem Cowan; seconded by Alderman Smith. Motion passes unanimously.

- ***A. Smith – asked about the zoning and the mayor let Alderman Smith know it was commercial.***

A motion was made to close by Alderman Smith; seconded by Alderwoman High. Motion passes unanimously.

Action Taken: A motion was made to approve the special use permit by Alderman Rush; seconded by Alderman Jackson. Motion passes unanimously.

8. Resolution 23-09 Sell of Property – 028 038, 028 039, 028 040

Mr. Douglas explains that the purpose of this Resolution is to allow the sale of the following property located at 514 N. Railroad Ave. East Spencer, NC, 28039 Rowan County Tax Parcel # 028 038. Pursuant to NCGS §160A-267 the council, may sell or dispose of real and personal property, without regard to the method or purpose of its acquisition or to its intended or actual governmental or other prior use. Real property, of any value, and personal property valued at thirty thousand dollars (\$30,000) or less for any one item or group of similar items may be exchanged as permitted by G.S. 160A-271 or may be sold by any method permitted in this Article other than private negotiation and sale, except as permitted in G.S. 160A-277 and G.S. 160A-279. This property will be sold to Mr. Douglas Holmes for \$30,000 and this will free up approximately \$150,000 to the Town through the grant dollars from the State of North Carolina.

Alderman Holmes walked out of the council room. Mayor Mallett asked if there was a land-use plan. M. Douglas explains that as of no, no it's just a water tank to remove. The mayor asked Mr. Douglas does the town have to sale the land in order to remove the water tank. Mr. Douglas explains that we have 9.3 million grant and that we can take \$150,000 to remove the water tank, Alderman rush could the town stipulate what can/cannot be on the property. Mr. Douglas explains we can only approve or disapprove of the zoning request changes. Alderman Jackson asked if the current water tower is holding anything, and

Mr. Douglas explained it is holding stale water. Mayor Pro Tem Cowan asked if the fire department could use the water and Mr. Douglas explains that there is no way to connect to the tower. When Mr. Holmes entered the council room a motion was to recuse Alderman Holmes from voting due to a conflict of interest by Alderman Rush; seconded by Alderman Smith. Motion passes unanimously. A motion was made to approve the sell of property by Alderman Smith; seconded by Alderman Rush. Motion passes 4-1. A motion was made to rescind the action to attorney Thomas Brookes stating he would like to review general statutes regarding this resolution and parties included by Alderman Smith; seconded by Alderman ush. Motion passes unanimously.

9. Ordinance 23-07 Demolition 407 Shaver St.

The Town of East Spencer Zoning Department has issued several notices and conducted hearings for the property located at 407 Shaver St. The property owner has not adhered to the notices and requests from the Town to repair or demolish the property. By East Spencer Code of Ordinances §. 17, et. seq, "Housing and Building Code", and by G.S. § 160D-1203, the Town of Spencer can order to cause the dwelling unit to be repaired, vacated, and closed, or removed or demolished. The Town will abate the structure and place a lien on the property with the Rowan County Tax office. A motion was made to approve Ordinance 23-07 by Alderman Rush; seconded by Mayor Pro Tem Cowan. Motion passes unanimously.

10. Ordinance 23-08 Demolition 415 Shaver St.

The Town of East Spencer Zoning Department has issued several notices and conducted hearings for the property located at 415 Shaver St. The property owner has not adhered to the notices and requests from the Town of repair or demolish the property. By East Spencer Code of Ordinances §. 17, et. seq, "Housing and Building Code", and by G.S. § 160D-1203, the Town of Spencer can order to cause the dwelling unit to be repaired, vacated, and closed, or removed or demolished. The Town will abate the structure and place a lien on the property with the Rowan County Tax office. A motion was made to approve the ordinance by Alderman Rush; seconded by Alderman Jackson. Motion passes unanimously.

11. Ordinance 23-09 Demolition 208 N. Long St

The Town of East Spencer Zoning Department has issued several notices and conducted hearings for the property located at 208 N. Long St. The property owner has not adhered to the notices and requests from the Town of repair or demolish the property. By East Spencer Code of Ordinances §. 17, et. seq, "Housing and Building Code", and by G.S. § 160D-1203, the Town of Spencer can order to cause the dwelling unit to be repaired, vacated, and closed, or removed or demolished. The Town will abate the structure and place a lien on the property with the Rowan County Tax office. A motion was made to approve this ordinance by Mayor Pro Tem Cowan; seconded by Alderman Rush. Motion passes unanimously.


Regular Meeting
March 11, 2024
STB

12. Manager Comments


13. Council Comments

ADJOURNMENT

A motion was made to adjourn by Alderman Rush; seconded by Alderman Smith. Motion passes unanimously.



Mayor, Barbara A. Mallett



ShaTara Bailey, Town Clerk

