

SPENCER BOARD OF ALDERMEN MEETING
AUGUST 12, 2008
7:00 P.M.

MEMBERS PRESENT: Mayor Jody Everhart
Mayor Pro-Tem Jeff Morris
Aldermen: Nick Bishop
Donnie Hinson
C. E. Spear

MEMBERS ABSENT: Aldermen: Scott Benfield
Ken Womble

Also present were Town Manager Larry Smith and Attorney Rivers Lawther.

Mayor Everhart opened the meeting with prayer and the pledge of allegiance.

RECOGNITION – None.

1. HEARING – ABATEMENT OF PUBLIC HEALTH NUISANCE

Attorney Lawther advised that there are two ways to deal with dilapidated property, the usual method, or simply declare the property a public nuisance and tear it down if it poses an imminent danger. A court ruling has said that the owner must be given sufficient notice in a hearing. The preferred method would be for the owner to tear it down.

Mayor Everhart opened the hearing. Andy Eller, a Structural Engineer, stated that the building is a hazard to safety and welfare of the general public. The roof and second floor is gone, and the walls could collapse at any time.

Larry Graves, owner of the property, stated he is ready to start on it and plans to get the building down to where it won't be a hazard (down to the first floor level, creating a one story building). Aldermen asked for a time frame due to the roads being closed. Larry Graves responded he needed four weeks. The engineer stated the building will still be a danger if brought down to one story; the structure needs to be demolished to abate the public safety issue. Graves stated his contractor is Steve Biggs. Alderman Morris suggested a called meeting in 15 days to see what progress has been made. The Board would like to see the building demolished completely. Graves stated that complete demolition would take approximately three additional weeks. Attorney Lawther suggested recessing this meeting until Wednesday, August 27th.

MOTION WAS MADE BY ALDERMAN MORRIS TO RECESS THIS MATTER UNTIL AUGUST 27TH AT 7:00 P.M. FOR EVALUATION ON THE PROGRESS OF DEMOLITION. MOTION SECONDED BY ALDERMAN BISHOP AND CARRIED UNANIMOUSLY.

2. PUBLIC HEARING – LAND USE PLAN

Minor changes have been made from the original proposal. Mayor Everhart opened the public hearing. No one spoke and the public hearing was closed.

Alderman Morris distributed a 2-page handout of changes he would like to see made, which included: deletion of any reference to Salisbury's North Main Street Plan and its impact on Spencer's traffic flow if constructed; deletion of photos illustrating potential crossing ideas across Salisbury Avenue between Spencer's downtown and the NC Transportation Museum; deletion of all references to maintaining flexible options for any future, alternative Salisbury Avenue design; and several verbiage and grammatical changes. Following discussion from the Board,

MOTION WAS MADE BY ALDERMAN MORRIS TO MAKE THE CHANGES IN THE LAND USE PLAN AS PROPOSED. MOTION SECONDED BY ALDERMAN BISHOP AND CARRIED UNANIMOUSLY.

MOTION WAS THEN MADE BY ALDERMAN BISHOP TO ADOPT THE RESOLUTION CONCERNING THE 2008-2025 TOWN OF SPENCER LAND USE PLAN AS AMENDED. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

3. PUBLIC HEARING – REZONING REQUEST R-08-001

Mayor Everhart opened the public hearing. Rod Whedbee explained that his original annexation request for the property was due to the proposed race track, and he would like to see the property zoning remain "Industrial". No one else spoke and the public hearing was closed.

MOTION WAS MADE BY ALDERMAN BISHOP TO REZONE TAX MAP 048, PARCEL 093 AS "I" INDUSTRIAL AS REQUESTED. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

4. PUBLIC HEARING – ORDINANCE AMENDMENT 08-04

Amendment 08-04 will: 1) allow Bowling Alleys as a Conditional Use in the Central Business District, 2) allow Game Rooms as a Conditional Use in the Central Business District, and 3) change Radio and T.V. Repair Shops to Electronics Repair Shops.

Mayor Everhart opened the public hearing. No one spoke and the public hearing was closed.

MOTION WAS MADE BY ALDERMAN BISHOP TO ADOPT ORDINANCE AMENDMENT 08-04, CONCERNING THE LIST OF USES, WITH ONE OTHER

CHANGE - A "C" ADDED TO THE CHART FOR BOWLING ALLEYS IN HIGHWAY BUSINESS DISTRICT. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

OLD BUSINESS

5. APPROVAL OF MINUTES

MOTION WAS MADE BY ALDERMAN BISHOP TO APPROVE THE MINUTES OF THE REGULAR MONTHLY MEETING ON JULY 8, 2008. MOTION SECONDED BY ALDERMAN SPEAR AND CARRIED UNANIMOUSLY.

6. MAYORAL & COMMITTEE REPORTS were given by Chairmen of their respective committees and Mayor Everhart.

7. DEPARTMENTAL REPORTS were given by Police Chief Robert Bennett, Fire Chief Jay Baker, Public Works Director Barry Pruett, Land Management Director Dustin Wilson, and Town Clerk Lisa Perdue.

8. TOWN MANAGER LARRY SMITH reported on major town projects and meetings.

NEW BUSINESS

9. OPEN COMMENT

Jon Palmer asked the Board to try to preserve dilapidated buildings such as the one on Fifth Street instead of demolishing them, and consider Urban Redevelopment. Margaret Waddell gave a Cruise-in update.

10. REQUEST TO ADDRESS THE BOARD – RANDY GETTYS

Randy Gettys, representing the Board of Directors for Rowan County Economic Development Commission, invited the Board of Aldermen to hear Mark Sweeney, an Industrial Site Consultant, on September 9 from 6 to 7:15 p.m., at the Tom Smith Auditorium in Ketner Hall at Catawba College.

11. REQUEST FOR WAIVER FROM HIRING FREEZE – PUBLIC WORKS DEPARTMENT

MOTION WAS MADE BY ALDERMAN MORRIS TO WAIVE THE SIX-MONTH HIRING FREEZE IN ORDER TO OPEN THE VACANT SEMI-SKILLED LABORER POSITION WITHIN THE PUBLIC WORKS DEPARTMENT. MOTION SECONDED BY ALDERMAN BISHOP AND CARRIED UNANIMOUSLY.

12. REQUEST FOR WAIVER FROM HIRING FREEZE – POLICE DEPARTMENT

MOTION WAS MADE BY ALDERMAN BISHOP TO WAIVE THE SIX-MONTH HIRING FREEZE IN ORDER TO OPEN THE TWO VACANT PATROL OFFICER I POSITIONS AND OPEN A PART-TIME RESERVE OFFICER POSITION FOR HIRING. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

13. FENCE ORDINANCE – MAYOR’S REQUEST FOR REVIEW

Mayor Everhart is concerned with potential problems with our current fence ordinance, especially on a corner lot, which can become a safety issue. Alderman Morris would like for the handling of the specific situation by code enforcement to be completed before any action is taken. Alderman Bishop suggested that the matter be referred to the Planning Board for possible study after the report on code enforcement is made at next month’s Board meeting.

14. SPENCER’S HOMETOWN HOLIDAYS – SPENCER BUSINESS ASSOCIATION

Spencer Business Association President Ted Williams updated the Board on plans for holiday activities between Thanksgiving Day and New Year’s Day. The Business Association may ask the Town for financial help if their budget has a shortfall. Mayor Everhart referred this matter to the Finance/Personnel Committee to discuss the Town’s involvement.

15. SURPLUS PROPERTY RESOLUTION

MOTION WAS MADE BY ALDERMAN BISHOP TO ADOPT THE RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL PROPERTY BY PRIVATE SALE, CONCERNING THE 1966 MACK FIRE TRUCK. MOTION DIED FOR LACK OF A SECOND.

This item was then referred to the Town Manager to get a proposal on GovDeals and EBay and present those options to the Finance Committee.

16. LIBRARY RENOVATION FUND

Board members discussed concerns about donations being held in the Library Renovation Fund even though no work is currently being done, and there are no plans for any work in the immediate future. Some donors might prefer the money being returned so it can be used elsewhere.

MOTION WAS MADE BY ALDERMAN BISHOP TO AUTHORIZE THE TOWN MANAGER TO RELEASE ANY DOCUMENTED DONATIONS FROM THE

LIBRARY RENOVATION FUND UPON THE DONOR'S REQUEST, AND PUT THE REMAINING FUNDS IN AN INTEREST-BEARING FUND IF PERMISSIBLE. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

17. PERSONNEL POLICY AMENDMENT – SCHOOL RESOURCE OFFICER

MOTION WAS MADE BY ALDERMAN BISHOP TO AMEND THE SALARY ADMINISTRATION OF THE SCHOOL RESOURCE OFFICER POSITION WITHIN THE POLICE DEPARTMENT, ALLOWING FOR A 5% INCREASE IN PAY DURING AN OFFICER'S SERVICE PERIOD WITHIN THAT ASSIGNMENT. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

18. SOUTH SALISBURY AVENUE BANK

Town Manager Larry Smith showed photos of a project in Winston Salem, similar to a potential project that could be done for the South Salisbury Avenue bank (running along the south campus of the NC Transportation Museum). Funding estimate would be \$144,000 for the Town's cost. State enhancement funds can not be used for the retaining wall.

MOTION WAS MADE BY ALDERMAN BISHOP TO PROCEED WITH THE PLANS FOR THE PROJECT. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

19. OTHER BUSINESS

Alderman Hinson expressed concern about the police department compensatory time and scheduling. This matter was referred to the Public Safety Committee to bring back a recommendation to next month's meeting.

With no further business, the meeting was recessed until August 27th at 7:00 p.m. to be updated on 127/129 Fifth Street and the public health nuisance abatement.

The regular monthly meeting in September will be rescheduled to begin at 7:45 p.m. on that date to allow Board members to attend the EDC presentation at Catawba College.

Respectfully submitted,

Lisa B. Perdue
Clerk to the Board

