

SPENCER BOARD OF ALDERMEN MEETING  
MAY 11, 2010  
7:00 P.M.

MEMBERS PRESENT: Mayor Jody Everhart  
Mayor Pro-Tem Scott Benfield  
Aldermen: Tracy Aitken  
Delaine Fowler  
Donnie Hinson  
Jeff Morris  
Reid Walters

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

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

RECOGNITION – None.

STUDENT APPRECIATION AWARDS were presented to Omar Lara, North Rowan Elementary School; Mariana Camacho, North Rowan Middle School; and Eli Shackelford, North Rowan High School.

1. PUBLIC HEARING – ORDINANCE 10-08 – OVERFLOW PARKING

Land Management Director Dustin Wilson reviewed the Planning Board's recommendation and also the Project Review Committee's recommendation for an ordinance amendment which would require overflow parking lots related to outdoor purposes of less than one acre to be unpaved and subject to fewer restrictions.

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

**MOTION WAS MADE BY ALDERMAN BENFIELD TO ADOPT THE PLANNING BOARD'S RECOMMENDATION FOR ORDINANCE 10-08, OVERFLOW PARKING. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.**

OLD BUSINESS

2. APPROVAL OF MINUTES

**MOTION WAS MADE BY ALDERMAN WALTERS TO APPROVE THE MINUTES FROM APRIL 13, APRIL 21, AND APRIL 28, 2010. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.**

3. MAYORAL & COMMITTEE REPORTS - Mayor Everhart reported on his activities since the last Board meeting.

4. DEPARTMENTAL REPORTS were given by Interim Police Chief Eric Ennis, Fire Chief Gray Grubb, Land Management Director Dustin Wilson, and Town Clerk Lisa Perdue. Public Works Director Jeff Bumgarner reported that if 11<sup>th</sup> Street is included in the 2010 Street Paving, the project will go over budget. After discussion, the Town Manager was asked to send figures to the Board members concerning the fund balance in Powell Aid funds to see how far over budget the project will go if 11<sup>th</sup> Street was still included.

5. TOWN MANAGER LARRY SMITH reported on major town projects.

NEW BUSINESS

6. OPEN COMMENT – None.

7. PUBLIC HEARING – PUBLIC NUISANCE DECLARATION – 127 5<sup>TH</sup> STREET

Mayor Everhart opened the public hearing. (Owner, Larry Graves, was not present.) No one spoke and the public hearing was closed. Following discussion,

**MOTION WAS MADE BY ALDERMAN MORRIS TO ADOPT ORDINANCE 10-09, PUBLIC NUISANCE, 127 FIFTH STREET, CONDITIONS TO INCLUDE LEAKING ROOF AND DETERIORATING BEAM IN SECTION 2, ACCEPT THE LOW BID FOR ROOF REPAIR FOR \$2,098, AND IMMEDIATELY INVESTIGATE THE POSSIBILITY OF COMMENCING WITH THE PUBLIC SALE PROVISIONS THROUGH THE TAX OFFICE. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.**

8. REQUEST TO ADDRESS THE BOARD – CRUISE-IN

Darlene Burnside could not be present and asked that this item be removed from the agenda.

9. BUDGET MESSAGE FY 2010/11

Town Manager Larry Smith reviewed the Budget Highlights and the Summary from the proposed 2010/11 Budget.

10. APPROPRIATION REQUEST – LIBRARY PARK TREE REMOVAL

**MOTION WAS MADE BY ALDERMAN BENFIELD TO AUTHORIZE THE TREE AND STUMP REMOVAL BY THE LOW BIDDER, FRIES TREE SERVICE, FOR \$3,475. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.**

11. DISCUSSION – COG MEMBERSHIP

**MOTION WAS MADE BY ALDERMAN MORRIS TO REAFFIRM THE INTENT TO WITHDRAW FROM CENTRALINA COUNCIL OF GOVERNMENTS. MOTION SECONDED BY ALDERMAN HINSON.**

The question was raised as to the benefits to withdrawal. Board members would like to meet with a COG representative to ask questions and get more information. Alderman Morris reported that Rowan County Commissioners have discussed the possibility of providing in-house services to municipalities. Alderman Walters would like to see a list of members that have withdrawn and why. Aldermen Walters and Morris also think we should lobby the General Assembly to review how districts are set up, so we could possibly be allowed to join a different regional COG.

**ALDERMAN MORRIS WITHDREW THE PREVIOUS MOTION AND ALDERMAN HINSON WITHDREW HIS SECOND.**

**ALDERMAN MORRIS THEN MADE A MOTION TO DEFER ACTION ON THIS ITEM UNTIL THE JUNE 8 MEETING, AND INVITE A CENTRALINA COG REPRESENTATIVE AND A ROWAN COUNTY REPRESENTATIVE TO ATTEND THAT MEETING. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.**

12. PROPERTY LIEN

**MOTION WAS MADE BY ALDERMAN MORRIS TO APPROVE A PROPERTY LIEN AGAINST 104 SOWERS FERRY ROAD FOR \$106.00. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.**

13. SET DATE FOR PUBLIC HEARING – FY 2010/11 BUDGET

Alderman Walters asked the Board to consider waiving the driveway permit fee for front yard parking violators to urge them to comply with the new ordinance.

**MOTION WAS MADE BY ALDERMAN WALTERS TO WAIVE THE DRIVEWAY PERMIT FEE UNTIL MARCH 31, 2011, BUT THE PERMIT MUST**

**STILL BE PULLED. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED BY A VOTE OF FIVE:**

**AYES: AITKEN, FOWLER, HINSON, MORRIS, WALTERS**

**NAYS: BENFIELD**

**MOTION WAS MADE BY ALDERMAN FOWLER TO SET JUNE 8 AS THE DATE FOR THE PUBLIC HEARING ON THE 2010/11 BUDGET. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.**

14. ADMINSTRATIVE ORDINANCE DISCUSSION

**MOTION WAS MADE BY ALDERMAN MORRIS TO ADOPT THE SUGGESTED RULES OF PROCEDURE FOR A CITY COUNCIL AS SPENCER'S ADMINISTRATIVE ORDINANCE. MOTION SECONDED BY ALDERMAN BENFIELD AND CARRIED UNANIMOUSLY.**

15. TOWN HALL DAY

Mayor Everhart will attend Town Hall Day on June 16 in Raleigh. Alderman Walters stated he may attend as well. Aldermen Aitken and Morris cannot attend.

16. OTHER BUSINESS

Alderman Morris advised the Board that Spencer is the only municipality in Rowan County that currently covers elective abortions and he would like it pulled from our insurance. Aldermen Walters and Fowler are concerned about pulling particular items off our insurance coverage.

**MOTION WAS MADE BY ALDERMAN MORRIS TO FIND A MEDICAL INSURANCE PLAN FOR SPENCER EMPLOYEES THAT WOULD NOT COVER ELECTIVE ABORTIONS AS SOON AS THE PLAN IS UP FOR RENEWAL. MOTION SECONDED BY ALDERMAN BENFIELD AND DENIED BY A VOTE OF FOUR WITH MAYOR EVERHART BREAKING THE TIE:**

**AYES: BENFIELD, HINSON, MORRIS**

**NAYS: AITKEN, FOWLER, WALTERS, EVERHART**

With no further business, Mayor Everhart adjourned the meeting at 8:43 p.m.

Respectfully submitted,

Lisa B. Perdue, CMC  
Clerk to the Board