

SPENCER BOARD OF ALDERMEN MEETING  
FEBRUARY 9, 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 – Aldermen Morris recognized “members of the audience who come to hold us accountable”.

STUDENT APPRECIATION AWARD was presented to North Rowan Elementary School student, Brianna White, by Mayor Everhart.

1. PUBLIC HEARING – ORDINANCE 10-01 (CONSERVATION SUBDIVISIONS)

Mayor Everhart opened the public hearing. No one spoke and the public hearing was closed. Land Management Director Dustin Wilson explained that the ordinance consideration began in 2005 after an inquiry by a developer. Ordinances from other Towns were reviewed and studied during the process. Alderman Morris would like to delete all references to “public open space” and make one other change on page 6. The Board discussed the minimum side setback and the minimum lot width at setback. Alderman Walters would like to see the minimum size of acreage increased. He also feels the minimum house size is too small. Alderman Morris feels the section concerning “environmentally sensitive areas” is a hindrance to development and that paragraph should be deleted.

**MOTION WAS MADE BY ALDERMAN BENFIELD TO ADOPT ORDINANCE 10-01 (CONSERVATION SUBDIVISIONS) WITH THE FOLLOWING CHANGES: INCREASE MINIMUM ACREAGE TO 20, DELETE PARAGRAPH CONCERNING ENVIRONMENTALLY SENSITIVE AREAS, AND DELETE ALL REFERENCES TO PUBLIC OPEN SPACE. MOTION SECONDED BY ALDERMAN MORRIS AND WAS DEFEATED BY A VOTE OF FOUR: AYES: BENFIELD, HINSON, MORRIS NAYS: AITKEN, FOWLER, WALTERS, EVERHART (Mayor Everhart voting to break the tie)**

**MOTION WAS MADE BY ALDERMAN MORRIS TO DIRECT STAFF TO MAKE THE CHANGES IN THE ORDINANCE AS REQUESTED AND HAVE A PUBLIC HEARING AT THE NEXT BOARD MEETING. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.**

**2. PUBLIC HEARING – REZONING R-010-001 (INTERSTATE BUSINESS DISTRICT)**

The Planning Board recently held a courtesy hearing and tabled the rezoning.

Mayor Everhart opened the public hearing. Doug Harris, attorney for Hazel Snider, spoke against rezoning Snider Street. Frances Driscoll wants her 29 acres to remain residential. Carol Corriher and Raymond Snider also spoke against rezoning Snider Street. No one else spoke and the public hearing was closed.

Alderman Walters highlighted the rezoning map with parcels he would like to see removed. He also suggested posting signs to prohibit multi-ton trucks from using Snider Street.

**MOTION WAS MADE BY ALDERMAN FOWLER TO SEND THE REZONING, WITH THE CHANGES REQUESTED, BACK TO THE PLANNING BOARD FOR THEIR CONSIDERATION AND BRING BACK TO THE TOWN BOARD NEXT MONTH. MOTION SECONDED BY ALDERMAN AITKEN AND DEFEATED BY A VOTE OF FOUR:**

**AYES: AITKEN, FOWLER**

**NAYS: BENFIELD, HINSON, MORRIS, WALTERS**

**MOTION WAS MADE BY ALDERMAN WALTERS TO ADOPT THE INTERSTATE BUSINESS REZONING WITH THE DELETION OF MAP 052, PARCELS 07401, 166, 163, AND WITH THE PROHIBITION OF COMMERCIAL TRAFFIC ON SNIDER STREET, AND NO DRIVEWAY CONNECTIONS ON SNIDER FOR COMMERCIAL PURPOSES. THE PROPOSED REZONING IS CONSISTENT WITH SPENCER’S LAND USE PLAN AND ITS VISION TO IMPROVE ITS COMMERCIAL DISTRICT AND FACILITATE COMMERCIAL OPPORTUNITIES AS WELL AS WITH ITS POLICIES, GOALS, AND OBJECTIVES FOR IMPROVEMENT OF ESTABLISHED PRACTICES. IT IS ALSO CONSISTENT WITH THE LAND USE PLAN’S OBJECTIVES TO PROTECT EXISTING NEIGHBORHOODS AND WILL RESULT IN DEVELOPMENT THAT IS CONSISTENT WITH THE FUTURE LAND USE MAP. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED BY A VOTE OF FOUR:**

**AYES: BENFIELD, HINSON, MORRIS, WALTERS**

**NAYS: AITKEN, FOWLER**

OLD BUSINESS

3. APPROVAL OF MINUTES

**MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE THE MINUTES FROM JANUARY 12, 2010 AND THE MINUTES FROM THE PLANNING RETREAT ON FEBRUARY 5-6, 2010. MOTION SECONDED BY ALDERMAN FOWLER AND DEFEATED BY A VOTE OF FOUR:**

**AYES: BENFIELD, FOWLER**

**NAYS: AITKEN, HINSON, MORRIS, WALTERS**

**MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE THE MINUTES FROM JANUARY 12, 2010. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.**

4. MAYORAL & COMMITTEE REPORTS - The Finance Committee and the Public Safety Committee have each met and discussed the hiring process for Police Chief.

**MOTION WAS MADE BY ALDERMAN HINSON THAT ANYONE WHO APPLIES FOR POLICE CHIEF MUST HAVE AT LEAST A TWO YEAR COLLEGE DEGREE, NOT TO BE WAIVED. MOTION SECONDED BY ALDERMAN BENFIELD AND CARRIED UNANIMOUSLY.**

5. DEPARTMENTAL REPORTS were given by Sgt. Ennis, Asst. Fire Chief Stacy Baker, Public Works Director Jeff Bumgarner, Land Management Director Dustin Wilson, and Town Clerk Lisa Perdue.

6. TOWN MANAGER LARRY SMITH reported on major town projects. He thanked Public Works Director Jeff Bumgarner and public works staff for their work during the recent winter storm. He distributed copies of the current ordinance ref: parking of commercial vehicles, as requested at the planning retreat. He reported that the architect's contract for the Library has been received in the amount of \$34,800 and given to the attorney for review.

**MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE THE ARCHITECT TO START ON THE DESIGN, AND APPROVE UP TO \$300,000 OUT OF POCKET AND SEEK \$110,000 IF NEEDED TO FINANCE. MOTION SECONDED BY ALDERMAN MORRIS.** Following discussion, motion and second were withdrawn.

**MOTION WAS THEN MADE BY ALDERMAN BENFIELD TO APPROVE THE FIXED FEE CONTRACT WITH ARCHITECT BILL BURGIN IN THE**

**AMOUNT OF \$34,800. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.**

Land Management staff will draft a revised commercial vehicle ordinance. Alderman Morris suggested that the ordinance specify a width restriction rather than tonnage.

**MOTION WAS MADE BY ALDERMAN MORRIS THAT AS THE BOARD EXPLORES CHANGES IN THE COMMERCIAL VEHICLE ORDINANCE, THE WIDTH OF A TRUCK WITH DUAL WHEELS BE THE MAXIMUM ALLOWED. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY**

NEW BUSINESS

7. OPEN COMMENT

Bob Oswald asked that "Open Comment" be moved back to the end of the agenda.

8. REQUEST TO ADDRESS THE BOARD – ROWAN SALISBURY SCHOOLS

NRHS Principal Darrell McDowell addressed the Board concerning progress made at the school. Anyone in the County can now choose to come to NRHS. School staff will be approaching groups and individuals to network with NRHS.

9. REQUEST TO ADDRESS THE BOARD – COMMUNITY APPEARANCE

Ed Robinette addressed the Board concerning the application process and requirements to become a Tree City USA.

**MOTION WAS MADE BY ALDERMAN MORRIS TO ADOPT THE ATTACHED ARBOR DAY PROCLAMATION. MOTION SECONDED BY ALDERMAN WALTERS AND CARRIED UNANIMOUSLY.**

Beth Nance gave a powerpoint presentation showing CAC members, 2009 accomplishments, goals for 2010, and a request for an additional \$1000 for CAC in the 2010/11 budget.

10. MUNICIPAL CONCURRENCE – DECLARING STATE OF EMERGENCY

**MOTION WAS MADE BY ALDERMAN MORRIS TO ADOPT THE MUNICIPAL CONCURRENCE TO ROWAN COUNTY STATE OF EMERGENCY DECLARATION. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.**

11. WEBSITE PROPOSAL

**MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE THE PURCHASE OF GOV OFFICE SOFTWARE FOR THE WEBSITE IN THE AMOUNT OF \$3679. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.** Alderman Fowler asked that the goals from the retreat be listed on the website.

12. STREET PAVING PROPOSAL

**MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE THE STREET PAVING PRIORITY LIST (600-700 BLOCKS SIXTH, 400-700 BLOCKS IREDELL, 400-1000 BLOCKS SOUTH ROWAN, 400-800 BLOCKS CAROLINA, 400-700 BLOCKS SOUTH YADKIN, 400-600 BLOCKS SPENCER, AND 100-300 BLOCKS EIGHTH) AND PROCEED WITH THE BID PROCESS WITH THE FOLLOWING ADDITION: ELEVENTH STREET BETWEEN CAROLINA AND SALISBURY AVENUE, AND CAROLINA AVENUE FROM EIGHTH TO ELEVENTH. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.**

13. COMMITTEE APPOINTMENTS

**MOTION WAS MADE BY ALDERMAN WALTERS TO APPOINT JIM NORMAN TO SERVE ON THE HISTORIC PRESERVATION COMMISSION AND ROBERT NANCE TO SERVE ON THE PLANNING BOARD. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.**

14. BUDGET AMENDMENTS

**MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE BUDGET AMENDMENTS 2010-01 THROUGH 2010-04. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.**

15. OTHER BUSINESS

Alderman Morris distributed notes regarding a potential Code of Conduct and asked that it be placed on the agenda for either the March or April Board meeting. Morris stated that a Code of Conduct is required if we apply for federal funds.

The Board agreed to allow Aldermen Aitken and Walters to reverse roles for the MPO TAC meetings – Walters will be the delegate and Aitken will be the alternate.

With no further business, Mayor Everhart adjourned the meeting at 9:15 p.m.

Respectfully submitted,  
Lisa B. Perdue, Clerk to the Board