

SPENCER BOARD OF ALDERMEN MEETING
DECEMBER 8, 2009
7:00 P.M.

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

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

Mayor Everhart thanked Judge Seay for his participation in the meeting and also recognized members of Boy Scout Troop 349 in attendance.

Mayor Everhart opened the meeting with prayer and Troop 349 led the pledge of allegiance.

RECOGNITION – Alderman Morris thanked volunteers, especially those with Hometown Holidays, and thanked citizens for attending Board meetings. Alderman Benfield recognized Bill Godley for the donation of the Christmas tree. Mayor Everhart thanked all Town employees for their work for the Hometown Holidays event and the Holiday Caravan parade. Alderman Bishop spoke of the good community spirit in the Hometown Holidays celebration, and recognized Town employees and Hometown Holidays volunteers for giving extra time and effort, and Spencer businesses for helping with the advertising. Alderman Spear thanked Spencer citizens for allowing him to serve on the Board.

OLD BUSINESS

1. APPROVAL OF MINUTES

MOTION WAS MADE BY ALDERMAN BISHOP TO APPROVE THE MINUTES FROM NOVEMBER 10, 2009. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

Mayor Everhart presented plaques to outgoing Aldermen: Nick Bishop, David Smith, and C. E. Spear, after which he declared a short recess prior to the swearing-in ceremony.

THE HONORABLE THOMAS W. SEAY, JR., RETIRED SUPERIOR COURT JUDGE, ADMINISTERED THE OATH OF OFFICE TO THE FOLLOWING GOVERNING BODY:

MAYOR JODY EVERHART

ALDERMEN: TRACY AITKEN
SCOTT BENFIELD
DELAINE FOWLER

DONNIE HINSON
JEFF MORRIS
REID WALTERS

COPIES OF SIGNED OATHS ARE ON FILE IN TOWN OFFICE.

NEW BUSINESS

Mayor Everhart thanked the new Board for their service to the Town of Spencer.

2. SELECTION OF MAYOR PRO-TEM

MOTION WAS MADE BY ALDERMAN MORRIS TO NOMINATE SCOTT BENFIELD AS MAYOR PRO-TEM. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY. (Alderman Benfield's abstention counts as an affirmative vote.)

JUDGE SEAY ADMINISTERED THE OATH OF OFFICE FOR MAYOR PRO-TEM TO SCOTT BENFIELD.

3. MAYORAL APPOINTMENT OF COMMITTEES

Mayor Everhart presented the following list of committees for 2009-2011:

FINANCE – Chair Tracy Aitken, Donnie Hinson, and Jeff Morris

PUBLIC SAFETY – Chair Donnie Hinson, Delaine Fowler, and Jeff Morris

RECREATION – Chair Reid Walters, Scott Benfield, and Donnie Hinson

STREETS – Chair Scott Benfield, Delaine Fowler, and Reid Walters

SANITATION – Chair Jeff Morris, Tracy Aitken, and Reid Walters

WATER / SEWER – Chair Delaine Fowler, Tracy Aitken, and Scott Benfield

4. APPOINTMENT – NCDOT MPO – TAC / TCC REPRESENTATIVES

MOTION WAS MADE BY ALDERMAN BENFIELD TO APPOINT TRACY AITKEN AS THE TOWN'S DELEGATE TO THE TRANSPORTATION ADVISORY COMMITTEE (TAC) FOR THE CABARRUS-ROWAN

METROPOLITAN PLANNING ORGANIZATION (MPO). MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

MOTION WAS MADE BY ALDERMAN BENFIELD TO APPOINT REID WALTERS AS THE ALTERNATE TO THE TAC. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

MOTION WAS MADE BY ALDERMAN MORRIS TO APPOINT TOWN MANAGER LARRY SMITH AS THE DELEGATE TO THE TECHNICAL COORDINATING COMMITTEE (TCC) FOR THE MPO AND PUBLIC WORKS DIRECTOR JEFF BUMGARNER AS THE ALTERNATE TO THE TCC. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

5. CENTRALINA COG APPOINTMENT

MOTION WAS MADE BY ALDERMAN MORRIS TO APPOINT MAYOR EVERHART AS THE TOWN'S CENTRALINA COG DELEGATE AND MAYOR PRO-TEM BENFIELD AS THE ALTERNATE. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

6. PUBLIC HEARING – REZONING R-009-002 (IB DISTRICT)

Land Management Director Dustin Wilson distributed copies of the rezoning map as amended by the Planning Board at their meeting on December 7. Alderman Morris stated he thinks the rezoning area should be larger to better suit the ordinance. He feels that more depth and more area is needed to facilitate the Interstate Business District. Planning Board Vice-Chair Jim Gobbel explained that the proposed map was a result of the joint meeting between the Planning Board and the Board of Aldermen.

Mayor Everhart opened the public hearing. Rodney Queen spoke in favor of the rezoning. No one else spoke and the public hearing was closed.

Alderman Fowler asked if the map could be posted on the web site. Land Management Director Dustin Wilson explained that space on the web site is limited, but public hearings are advertised on the site. A larger server is needed to better accommodate the web site. Alderman Morris feels that the Board should consider the purchase of a larger server, and asked if a price could be made available at next month's meeting.

MOTION WAS MADE BY ALDERMAN MORRIS FOR THE ZONING MAP TO BE SENT BACK TO THE PLANNING BOARD TO BE AS EXPANSIVE AS POSSIBLE AND AS CONSISTENT AS POSSIBLE WITH THE BOUNDARIES THAT THE BOARD HAS, IN AN INFORMAL POLL, UNANIMOUSLY AGREED WOULD BE PRUDENT TO DO AT THIS TIME, TO SEND THAT TO

THE PLANNING BOARD, TO GIVE LEGALLY REQUIRED NOTICE TO ALL AFFECTED PROPERTY OWNERS AND ADJACENT PROPERTY OWNERS, TO HAVE A PLANNING BOARD HEARING, AND TO BRING THAT TO THE BOARD OF ALDERMEN AS SOON AS PRACTICABLE GIVEN ALL THE LEGAL REQUIREMENTS THAT NEED TO BE ACCOMPLISHED. MOTION SECONDED BY ALDERMAN BENFIELD AND CARRIED UNANIMOUSLY.

7. DEPARTMENTAL REPORTS were given by Interim Fire Chief Stacy Baker, Police Chief Robert Bennett, Public Works Director Jeff Bumgarner, Land Management Director Dustin Wilson, and Town Clerk Lisa Perdue. Alderman Benfield thanked Salisbury-Rowan Utilities for working with the Public Works Department on the planter project on Salisbury Avenue.

8. TOWN MANAGER LARRY SMITH reported on the status of major town projects and updated the Board on the progress thus far on the goals for this year.

9. OPEN COMMENT

Darrin DiMarzo, Spencer Jaycees, explained that the proposal to purchase 118 Fourth Street is to help the Town with parking at the ballpark and enable the Jaycees to have a central location for their clubhouse. (This is item #12 on the agenda.)

Jim Gobbel thanked the Town staff and Board of Aldermen for their help with the Hometown Holidays event.

10. OVERVIEW OF FINANCIAL REPORT – EDDIE CARRICK

Eddie Carrick gave an overview of the Town's Financial Statement for the 2008/09 fiscal year. Revenues for the last two years were almost identical. Departmental expenses were close to the previous year, and all departments came in under budget. His advice is for the Town to remain conservative.

11. RESOLUTION 09-07 – CENTRALINA COG MEMBERSHIP

If the Board chooses to withdraw membership from Centralina COG, the proposed resolution needs to be adopted and mailed to all Centralina COG members prior to January 1, to give notice of membership withdrawal effective June 30, 2010. Town staff has been advised that Spencer can not join Piedmont-Triad Council of Governments; municipalities can only choose to belong to the region in which they are assigned.

MOTION WAS MADE BY ALDERMAN MORRIS TO ADOPT RESOLUTION 09-07, INTENT TO WITHDRAW MEMBERSHIP FROM CENTRALINA COUNCIL OF GOVERNMENTS. MOTION SECONDED BY ALDERMAN BENFIELD.

Alderman Fowler asked about the services provided vs. the membership fees. Town Manager Smith responded that planning services have been beneficial, but recent help with the local development project for the old fire department was not good. Alderman Morris stated that Concord has withdrawn membership, and Cabarrus County and Rowan County are considering withdrawal. Centralina COG is presently studying its deficiencies due to these proposed withdrawals. The resolution just states intent; Spencer would not be obligated to withdraw if the Board decides otherwise. Morris thinks our legislators may be able to help with an enabling resolution to allow Spencer to join Piedmont Triad COG. He feels that Piedmont Triad COG is not dominated by one specific large municipality as Centralina is by the City of Charlotte. Adoption of the resolution would enable us to “sit at the table” with others considering withdrawal or to pursue joining another COG. Morris feels that the School of Government can answer questions for staff or elected officials, and Benchmark could provide adequate planning services.

Following this discussion, **MOTION CARRIED UNANIMOUSLY.**

12. REQUEST TO ADDRESS THE BOARD – SPENCER JAYCEES

Spencer Jaycees have made an offer to purchase the former Town Hall / Fire Department at 118 4th Street in exchange for the following: \$10,000 plus the land on Baldwin Avenue (Map 43, Parcel 10) and the Crush and Run currently on the property. Darrin DiMarzo stated that the Jaycees would preserve the historic nature of the building at 118 Fourth Street as much as possible.

Following discussion, **MOTION WAS MADE BY ALDERMAN MORRIS TO ADOPT RESOLUTION 09-08, SALE AND EXCHANGE OF PROPERTY BETWEEN TOWN OF SPENCER AND SPENCER JR CHAMBER OF COMMERCE. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.**

13. FAÇADE GRANT POLICY

The Finance Committee recommends amending the façade grant policy to allow awnings as eligible, but signs would not qualify. Applicants may come to the Board for pre-approval if there’s a question of eligibility. Alderman Walters questioned whether it would be helpful to have an itemized list of what qualifies as façade improvements.

MOTION WAS MADE BY ALDERMAN BENFIELD TO ADOPT THE FAÇADE GRANT POLICY AS REVISED BY THE FINANCE COMMITTEE. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

14. STREET PAVING POLICY

MOTION WAS MADE BY ALDERMAN BENFIELD TO ALLOCATE 25% OF THE ANNUAL POWELL BILL FUNDS INTO A RESERVE FOR FOURTH STREET IMPROVEMENTS. (Motion died for lack of a second.)

Public Works Director Jeff Bumgarner asked that stormwater improvements be included with the planning for the Fourth Street project. Alderman Walters asked that Street Committee review the proposed street paving policy.

MOTION WAS MADE BY ALDERMAN BENFIELD TO SEND THE PROPOSED STREET PAVING POLICY TO THE STREET COMMITTEE FOR REVIEW. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

15. ANNUAL CERTIFICATION OF FIREMEN'S ROSTER

MOTION WAS MADE BY ALDERMAN AITKEN TO APPROVE THE ANNUAL CERTIFICATION OF FIREMEN AS PRESENTED. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.

16. PROPERTY LIENS

MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE LIENS AS FOLLOWS: 307 N YADKIN AVENUE, \$243.50; AND 511 SEVENTH STREET, \$243.50. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

17. COMMITTEE APPOINTMENT

MOTION WAS MADE BY ALDERMAN MORRIS TO APPOINT DAVID SMITH TO SERVE A THREE YEAR TERM ON THE ZONING BOARD OF ADJUSTMENT, TO EXPIRE ON DECEMBER 31, 2012. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

18. SET DATE FOR PLANNING RETREAT

MOTION WAS MADE BY ALDERMAN BENFIELD TO SET FEBRUARY 6, 2010 AS THE DATE FOR THE PLANNING RETREAT FOR THE BOARD OF ALDERMEN. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

19. OTHER BUSINESS

Mayor Everhart asked the Board if they wished to continue the student recognition program. The consensus was to continue the program, and try to get involvement from all three schools.

Mayor Everhart suggested that the Board should schedule a workshop to review the agenda each month about a week prior to the Board meeting. As an alternative idea, Alderman Fowler stated she would prefer meeting an hour earlier on the night of the Board meeting.

ALDERMAN FOWLER MADE A MOTION THAT THE BOARD OF ALDERMEN MEET FOR A WORK SESSION AN HOUR BEFORE THE REGULAR MONTHLY MEETING TO REVIEW THE AGENDA PRIOR TO THE MEETING. MOTION SECONDED BY ALDERMAN MORRIS.

Alderman Morris suggested that the Board adopt rules and procedures for the agenda to include items such as a time limit on speakers for open comment, powerpoint presentations, and possibly a consent agenda. This could be discussed at the Board's planning retreat.

ALDERMAN FOWLER WITHDREW HER MOTION AND ALDERMAN MORRIS WITHDREW HIS SECOND.

ALDERMAN MORRIS MADE A MOTION TO DEFER DISCUSSION ON THIS MATTER UNTIL THE PLANNING RETREAT AND HAVE A COMPREHENSIVE DISCUSSION ABOUT SETTING RULES AND PROCEDURES FOR CONDUCTING THE BOARD'S BUSINESS AT TOWN MEETINGS AND HAVE THE TOWN MANAGER BRING EXAMPLES SUCH AS THE RULES AND PROCEDURES USED BY THE ROWAN COUNTY COMMISSIONERS. MOTION SECONDED BY ALDERMAN WALTERS AND CARRIED UNANIMOUSLY.

With no further business, Mayor Everhart adjourned the meeting at 9:59 p.m.

Respectfully submitted,

Lisa B. Perdue
Clerk to the Board