

SPENCER BOARD OF ALDERMEN MEETING
OCTOBER 11, 2011
7:00 P.M.

MEMBERS PRESENT: Mayor Jody Everhart
Aldermen: Tracy Aitken
Delaine Fowler
Jeff Morris
David Smith
Reid Walters

MEMBERS ABSENT: Mayor Pro Tem Scott Benfield

Also present were Town Manager Larry Smith and Attorney Rivers Lawther. Mayor Everhart opened the meeting with prayer and the pledge of allegiance.

RECOGNITION – Alderman Fowler recognized the Administrative staff for completing a successful audit with a smaller staff in the same amount of time. Alderman Morris thanked the citizens for coming out on a cold rainy night to hold the Board accountable.

STUDENT APPRECIATION AWARDS were presented to Eric Diaz, North Rowan Elementary School; Bryn Gilland, North Rowan Middle School; and Fayelesa Shropshire, North Rowan High School.

1. ADDITIONS / DELETIONS AND ADOPTION OF AGENDA

MOTION WAS MADE BY ALDERMAN FOWLER TO ADOPT THE AGENDA AS PROPOSED. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

2. APPROVAL OF MINUTES

MOTION WAS MADE BY ALDERMAN WALTERS TO APPROVE THE MINUTES OF THE JOINT MEETING ON SEPTEMBER 13, AND THE REGULAR MEETING ON SEPTEMBER 13, 2011. MOTION SECONDED BY ALDERMAN SMITH AND CARRIED UNANIMOUSLY.

3. PUBLIC HEARING – 11-09 – ANCILLARY ADULT ESTABLISHMENT USES

The ordinance as recommended by the Planning Board limits this use to 10% of the gross floor area of the business.

Mayor Everhart opened the public hearing. Rev. Gross, pastor of Oakdale Baptist, spoke in favor of the restriction, thanking the Board for considering this ordinance. No one else spoke and the public hearing was closed.

Alderman Morris stated that the County limits adult uses to 25% of floor space or 25% of gross sales, and suggested adding a clause limiting Adult Establishment Uses to no more than 10% of the gross sales. Town Attorney Rivers Lawther advised that would need another public hearing advertisement. Alderman Fowler questioned the need for the proposed ordinance and thinks 25% of floor space would have been sufficient rather than 10%.

MOTION WAS MADE BY ALDERMAN MORRIS TO ADOPT THE ORDINANCE AS SUBMITTED AND SEND THE CLAUSE REGARDING PERCENTAGE OF SALES BACK TO THE PLANNING BOARD SO IT CAN COME BACK TO THE BOARD OF ALDERMEN TO BE ADDED AS A FUTURE AMENDMENT TO PREVENT CIRCUMVENTION OF SQUARE FOOTAGE AND TO HAVE A DUAL TEST, SQUARE FOOTAGE AND NO MORE THAN 10% OF GROSS SALES. MOTION SECONDED BY ALDERMAN SMITH AND CARRIED BY A VOTE OF FOUR:

AYES: AITKEN, MORRIS, SMITH, WALTERS

NAYS: FOWLER

MOTION WAS MADE BY ALDERMAN MORRIS TO ASK STAFF TO ADD “NO MORE THAN 10% OF GROSS SALES” AND REFER THE ADDITION TO THE PLANNING BOARD AS A SUGGESTED AMENDMENT TO THE ORDINANCE. MOTION SECONDED BY ALDERMAN WALTERS AND CARRIED UNANIMOUSLY.

4. PUBLIC HEARING – 11-10 – FLOOD DAMAGE PREVENTION

Land Management Director Dustin Wilson explained that the proposed amendment would clarify a potential interpretive issue for Rowan County.

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

MOTION WAS MADE BY ALDERMAN MORRIS TO ADOPT ORDINANCE 11-10, CONCERNING FLOOD HAZARD REGULATIONS. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

5. DEPARTMENTAL REPORTS were given by Public Works Director Jeff Bumgarner, Police Chief Michael James, Fire Chief Gray Grubb (in writing), Land Management Director Dustin Wilson, and Town Clerk Lisa Perdue.

MOTION WAS MADE BY ALDERMAN MORRIS TO ADOPT THE FOLLOWING FINES FOR MUNICIPAL CITATIONS: HANDICAPPED PARKING, \$50.00; PARKING IN A FIRE LANE, \$10.00; AND OTHER

PARKING VIOLATIONS, \$5.00. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

6. TOWN MANAGER LARRY SMITH reported on major town projects and asked for Board feedback on the potential closing of the Wilcox Bridge.

MOTION WAS MADE BY ALDERMAN WALTERS THAT WHEREAS THE BOARD FINDS THAT THE WILCOX BRIDGE IS A MAJOR ARTERY INTO THE NORTH SIDE OF TOWN AND THE BUSINESSES THAT RELY ON THE WILCOX BRIDGE, NOW THEREFORE BE IT RESOLVED THAT THE TOWN OF SPENCER SUGGESTS MAINTAINING THE WILCOX BRIDGE BEING OPENED AND USING STOPLIGHTS AT EITHER END TO MAINTAIN ONE WAY TRAFFIC COMING THROUGH BOTH SIDES. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.

7. MAYOR EVERHART reported on meetings he has attended.

8. PUBLIC COMMENT – None.

NEW BUSINESS

9. SPENCER WOODS UPDATE

Jason Walser from LandTrust reported on the grant of \$200,000 that has been awarded from the N C Parks and Recreation Trust Fund for the Spencer Woods area. The funds must come through the Town, so Spencer needs to have control of the project. LandTrust can help raise funds from private sources, but would need a resolution that Spencer will purchase the land contingent on the receipt of the grant funds. Control will involve premises liability, but LandTrust could help with the cost of insurance. Town Manager Smith will get insurance estimates if the Board so directs. He suggested a property inventory to possibly find a way to offset some of the costs. Jason stated that no action is necessary tonight; LandTrust needs a willingness from the Board to purchase the property within the next two months.

MOTION WAS MADE BY ALDERMAN MORRIS TO REVIEW THE ENTIRE OWNERSHIP, MANAGEMENT AND MAINTENANCE PROPOSALS IN CONTEXT OF RECIPROCAL RIGHTS, DUTIES AND RESPONSIBILITIES BETWEEN THE TOWN AND LANDTRUST AT THE REGULAR BOARD MEETING IN NOVEMBER. MOTION SECONDED BY ALDERMAN SMITH AND CARRIED UNANIMOUSLY.

10. REQUEST FOR NONPROFIT FEE WAIVER – SPENCER COUNCIL OF CHURCHES

MOTION WAS MADE BY ALDERMAN FOWLER TO APPROVE THE FEE WAIVER FOR SPENCER COUNCIL OF CHURCHES TO HOST A COMMUNITY THANKSGIVING SERVICE IN LIBRARY PARK ON NOVEMBER 20, 2011. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

11. REQUEST FOR NONPROFIT FEE WAIVER – SPENCER PARTNERSHIP, INC.

MOTION WAS MADE BY ALDERMAN MORRIS TO APPROVE THE FEE WAIVER TO SPENCER PARTNERSHIP FOR THE CHRISTMAS CELEBRATION IN LIBRARY PARK ON DECEMBER 2, 2011. MOTION SECONDED BY ALDERMAN SMITH AND CARRIED UNANIMOUSLY.

12. RESCHEDULE NOVEMBER MEETING

The Board needs to reschedule their meeting for November since Town Hall will be the polling place on Election Day.

MOTION WAS MADE BY ALDERMAN FOWLER TO RESCHEDULE THE REGULAR MONTHLY MEETING FOR NOVEMBER TO NOVEMBER 7, 2011. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

With no further business, Mayor Everhart adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Lisa B. Perdue, CMC
Clerk to the Board