

SPENCER BOARD OF ALDERMEN MEETING
MARCH 9, 2010
7:00 P.M.

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

MEMBERS ABSENT: Mayor Jody Everhart

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

Mayor Pro-Tem Benfield opened the meeting with prayer and the pledge of allegiance.

RECOGNITION – Alderman Fowler recognized Dustin Wilson and Nathan Ross for their efforts on code enforcement issues. Alderman Walters stated he visited the Wright Brothers exhibit at the NC Transportation Museum and encourages others to go see the exhibit.

STUDENT APPRECIATION AWARDS were presented to: Dora Nunez, North Rowan Elementary; Alex Billingsley, North Rowan Middle; and Vincent Shropshire, North Rowan High School.

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

Mayor Pro-Tem Benfield opened the public hearing. No one spoke and the public hearing was closed.

MOTION WAS MADE BY ALDERMAN MORRIS TO APPROVE THE AMENDED ORDINANCE 10-01, CONSERVATION SUBDIVISIONS, WITH THE DELETION OF THE REFERENCE TO “ENVIRONMENTALLY SENSITIVE AREAS” ON PAGE 4 AND PAGE 6. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

OLD BUSINESS

2. APPROVAL OF MINUTES

MOTION WAS MADE BY ALDERMAN MORRIS TO APPROVE THE MINUTES FROM FEBRUARY 5, FEBRUARY 6, AND FEBRUARY 9, 2010. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.

3. MAYORAL & COMMITTEE REPORTS – Mayor Pro-Tem Benfield reported on the plans thus far for the Read to Your Child Event for 2010. The Town may need to contribute funds and/or door prizes, but estimated costs are not yet available.

4. DEPARTMENTAL REPORTS

Sgt. Ennis reported that Officer Brian Hill has received his Intermediate Certificate from Criminal Justice Training and Standards. Chief Bennett reported that the car that was due to be replaced next fiscal year had hit a deer and repairs are almost more than the value of the car. Board consensus was to go ahead with the vehicle replacement this fiscal year.

MOTION WAS MADE BY ALDERMAN MORRIS TO SLATE THAT CAR TO BE THE VEHICLE FOR REPLACEMENT, ALONG WITH THE INCIDENTAL COSTS OF MOVING EQUIPMENT OVER AND PURCHASING SOME NEW EQUIPMENT. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.

The current Board would like for the Planning Board to put front yard parking on their next agenda. Indoor furniture on front porches was also discussed. Attorney Lawther will advise whether that discussion should be on the agenda for the Planning Board or just come directly to the Board of Aldermen at their April meeting.

Public Works Director Bumgarner announced a Mulch Giveaway to be held on March 20th at 9:00 a.m. Tree City, USA was discussed. The Board does not want to apply for the matching funds grant this year, which would involve a cost of \$2 per capita.

MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE REMOVAL OF THE DISEASED OAK TREE AT THE LIBRARY AT THE LOWEST COST POSSIBLE. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

MOTION WAS MADE BY ALDERMAN MORRIS TO APPROVE AN ADDITIONAL \$1,834 FOR THE PURCHASE OF A ZERO-TURN MOWER. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY. (Original purchase authorization of \$6,723 was given on 9/8/09.)

Departmental reports were also given by Fire Chief Gray Grubb and Town Clerk Lisa Perdue.

5. TOWN MANAGER REPORT

MOTION WAS MADE BY ALDERMAN FOWLER TO APPROPRIATE \$1393 FOR TOWN HALL ROOF REPAIRS FROM THE CONTINGENCIES LINE

ITEM. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

The Town has been asked to consider applying for a “Civil War Trails” marker in the downtown area. The Board would like for a representative from the Trading Ford Historic District Preservation Association to attend next month’s Board meeting.

MOTION WAS MADE BY ALDERMAN BENFIELD TO TAKE OVER MAINTENANCE OF SNIDER STREET FROM NC DEPARTMENT OF TRANSPORTATION. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

MOTION WAS MADE BY ALDERMAN MORRIS TO DIRECT THE PLANNING BOARD TO CREATE A ZONING TEXT AMENDMENT TO REGULATE COMMERCIAL DRIVEWAY ACCESS ON SNIDER STREET. MOTION SECONDED BY ALDERMAN BENFIELD AND CARRIED BY A VOTE OF FIVE:

AYES: AITKEN, BENFIELD, HINSON, MORRIS, WALTERS

NAYS: FOWLER

Several Aldermen will be participating in the Ethics Training Webinar on March 25 from 4 to 6 pm.

NEW BUSINESS

6. OPEN COMMENT – None.

7. ORDINANCE 10-02 – COMMERCIAL AND OTHER VEHICLES

MOTION WAS MADE BY ALDERMAN FOWLER TO ADOPT ORDINANCE 10-02, COMMERCIAL AND OTHER VEHICLES, WITH THE FOLLOWING CHANGES: OMIT “COMMERCIAL” FROM 72.13 (A) (3); DELETE 72.13 (A) (4) (d), (e), AND (f); AND ADD “ANY COMMERCIAL VEHICLES LEFT UNATTENDED FOR MORE THAN 4 HOURS”. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

Parking on private property will be addressed by the planning board and a public hearing along with the front yard parking issue.

8. ORDINANCE 10-03 – MORATORIUM ON SWEEPSTAKES CAFES

Dustin Wilson explained that there are two ways to limit sweepstakes cafes – strict zoning, and/or high privilege license fees. The Town can not revoke any existing licenses but the proposed moratorium for 60 days would stop any new ones from being

established until the Planning Board can review and draft an ordinance. Alderman Morris stated he would like to: 1) restrict sweepstakes cafes to Highway Business and Industrial zoning by conditional use permit, 2) review the possibility of keeping them 500 to 750 feet from any church, school, or day care, and 3) set a high license fee.

MOTION WAS MADE BY ALDERMAN BENFIELD TO ADOPT ORDINANCE 10-03, MORATORIUM PROHIBITING THE ESTABLISHMENT AND/OR EXPANSION OF SWEEPSTAKES CAFES. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.

9. SMALL TOWN MAIN STREET PROGRAM

Aldermen Aitken asked to be recused from deliberations on this agenda item since she is the chair of the parent 501(c)3 organization. **MOTION WAS MADE BY ALDERMAN MORRIS TO ACCEPT ALDERMAN AITKEN'S REQUEST TO BE RECUSED. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.** (Alderman Aitken abstained.)

Jim Gobel gave an overview of the Small Town Main Street program. Costs would be nominal (travel expenses for state representatives). Support of the Board is essential.

MOTION WAS MADE BY ALDERMAN MORRIS TO ADOPT THE RESOLUTION IN SUPPORT OF AN APPLICATION TO PARTICIPATE IN THE NC SMALL TOWN MAIN STREET PROGRAM AND DESIGNATE \$250 OUT OF THE NONPROFIT FUNDING IN THIS YEAR'S BUDGET. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY BY THOSE VOTING.

MOTION WAS MADE BY ALDERMAN MORRIS TO BRING ALDERMAN AITKEN BACK INTO FULL VOTING PRIVILEGES FOR THE REMAINDER OF THE MEETING. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.

10. COMMUNITY APPEARANCE COMMISSION – ROWAN PARK PROPOSAL

Ed Robinette presented CAC's plans for a sensory trail at Rowan Avenue Park. Grant funds would be reimbursements in next fiscal year's budget.

MOTION WAS MADE BY ALDERMAN FOWLER TO GRANT APPROVAL FOR A SENSORY TRAIL IN ROWAN PARK, APPROVE THE GRANT APPLICATION PROCESS, AND APPROVE THE FUNDS "UP FRONT" TO BE REIMBURSED. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

11. REQUEST TO ADDRESS THE BOARD – HOMETOWN HOLIDAYS

Beth Nance was not present to address the Board.

12. PROPOSAL – DONATION OF LAND TO TOWN

Catawba College owns two parcels of property at the corner of 9th Street and Yadkin Avenue and would like to donate them to the Town. Following discussion,

MOTION WAS MADE BY ALDERMAN BENFIELD TO DECLINE THE OFFER OF DONATION OF THE LAND BY CATAWBA COLLEGE. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

13. TAKE-HOME VEHICLE STUDY

Town Manager Smith reviewed information he had researched. Sgt. Ennis reviewed the Issues for Consideration for Take Home Patrol Cars.

MOTION WAS MADE BY ALDERMAN FOWLER TO ALLOW OFFICERS TO RETAIN THEIR INDIVIDUAL VEHICLES BUT LIMIT ASSIGNMENT OF TAKE HOME VEHICLES TO ONLY OFFICERS WHO RESIDE IN THE TOWN LIMITS OR THE ONE MILE EXTRA TERRITORIAL JURISDICTION, EFFECTIVE JULY 1, 2010. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

MOTION WAS MADE BY ALDERMAN HINSON TO EXCLUDE THE DETECTIVE AND HIS SUPERVISOR (CURRENTLY OFFICER PACILIO AND SGT. ENNIS) FROM THE RESTRICTIONS ON TAKE HOME VEHICLES. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

14. ADMINISTRATIVE ORDINANCE DISCUSSION

MOTION WAS MADE BY ALDERMAN AITKEN TO ACCEPT THE SUGGESTED RULES OF PROCEDURE FOR SMALL LOCAL GOVERNMENT BOARDS AS SPENCER'S ADMINISTRATIVE ORDINANCE. MOTION SECONDED BY ALDERMAN FOWLER.

Alderman Morris pointed out that on page 31, the Mayor's authority to appoint committees is removed and he feels the Mayor should be present for such a decision.

ALDERMAN AITKEN WITHDREW HER MOTION AND ALDERMAN FOWLER WITHDREW HER SECOND. Deliberations were deferred to next month's meeting.

15. OTHER BUSINESS

There was discussion of an “agenda walk-through” workshop before the April meeting, but no action was taken.

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

Respectfully submitted,

Lisa B. Perdue, CMC
Clerk to the Board