

SPENCER BOARD OF ALDERMEN MEETING  
SEPTEMBER 14, 2010  
7:00 P.M.

MEMBERS PRESENT: Mayor Jody Everhart  
Mayor Pro-Tem Scott Benfield  
Aldermen: Tracy Aitken  
Delaine Fowler  
Jeff Morris  
David Smith  
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.

THE HONORABLE MARSHALL BICKETT, DISTRICT COURT JUDGE, ADMINISTERED THE OATH OF OFFICE TO ALDERMAN DAVID H. SMITH. COPY OF SIGNED OATH IS ON FILE IN TOWN OFFICE.

RECOGNITION – Alderman Benfield thanked Judge Bickett for his participation in tonight's meeting.

STUDENT APPRECIATION AWARDS – Jolie Savage was chosen as the student of the month from North Rowan Elementary School.

1. ADDITIONS / DELETIONS AND ADOPTION OF AGENDA

**MOTION WAS MADE BY ALDERMAN FOWLER TO INSERT "AUDIT QUESTIONNAIRE" AS #13 ON THE AGENDA. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.**

**MOTION WAS MADE BY ALDERMAN MORRIS TO ADD "SET DATE FOR TOWN MANAGER EVALUATION" AS #14 ON THE AGENDA AND ADOPT THE AGENDA WITH THE TWO ADDITIONS. MOTION SECONDED BY ALDERMAN WALTERS AND CARRIED UNANIMOUSLY.**

2. APPROVAL OF MINUTES

**MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE THE MINUTES OF AUGUST 10, 2010. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.**

3. COURTESY HEARING – RECYCLING

Melissa Blount and Linda Miller spoke in favor of curbside recycling. Jim Gobel and Rev. Richard Gross are satisfied with the present program, although Rev. Gross would

like to see a more substantial base (concrete or crusher stone) at the drop-off site. Bob Oswald thinks recycling should be encouraged however possible. Mayor Everhart closed the hearing. Alderman Benfield has heard from citizens that the elderly need curbside recycling. Mayor Everhart suggested that recycling be studied in committee or a workshop.

4. DEPARTMENTAL REPORTS were given by Public Works Director Jeff Bumgarner, Police Chief Mike James, Fire Chief Gray Grubb, Land Management Director Dustin Wilson, and Town Clerk Lisa Perdue.

5. TOWN MANAGER LARRY SMITH reported on major town projects. The auditor has asked the Board's approval to list the Library expense to the architect as a capital project entry rather than a journal entry. The Board gave their approval through consensus.

6. MAYORAL & COMMITTEE REPORTS – Mayor Everhart reported on meetings he has attended over the past month. Alderman Walters reported on the TAC meeting.

7. PUBLIC COMMENT – Bob Oswald reported that the Spencer Partnership is discussing the Main Street program and potential grants. Rev. Gross thanked the Town for their support of senior citizens.

#### NEW BUSINESS

#### 8. REQUEST TO USE LIBRARY PARK – MICHAEL YANG FOUNDATION

Lori Yang requested use of the Library Park for their fundraising event on November 7 from 1 to 4 pm.

**MOTION WAS MADE BY ALDERMAN BENFIELD TO GRANT THE USE OF LIBRARY PARK FOR VOICES OF HOPE ON SUNDAY, NOVEMBER 7<sup>TH</sup>, AND WAIVE THE RESERVATION FEE. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.**

#### 9. PROJECT AUTHORIZATION – CRESTWOOD STORMWATER PROJECT

Public Works Director Jeff Bumgarner explained that the storm drain at 405 Crestwood Lane is allowing water to run under the drain inlet and will damage the road. The project is too big for Town staff to do “in-house”.

**MOTION WAS MADE BY ALDERMAN MORRIS TO AWARD THE CRESTWOOD STORMWATER PROJECT TO SPINNAKER CONSTRUCTION FOR \$17,181.80. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.**

10. RESOLUTION – SURPLUS PROPERTY

**MOTION WAS MADE BY ALDERMAN FOWLER TO APPROVE THE RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN PERSONAL PROPERTY BY ELECTRONIC AUCTION. MOTION SECONDED BY ALDERMAN SMITH AND CARRIED UNANIMOUSLY.**

11. PROPERTY LIEN – ADAIR – 600 EIGHTH STREET

**MOTION WAS MADE BY ALDERMAN AITKEN TO EXCUSE ALDERMAN MORRIS FROM VOTING. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.**

**MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE A LIEN AGAINST 600 EIGHTH STREET FOR \$273.50. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY BY THE FIVE VOTING MEMBERS PRESENT.**

**MOTION WAS MADE BY ALDERMAN FOWLER TO ALLOW ALDERMAN MORRIS TO RETURN. MOTION SECONDED BY ALDERMAN WALTERS AND CARRIED UNANIMOUSLY.**

12. PROPERTY LIENS

**MOTION WAS MADE BY ALDERMAN WALTERS TO APPROVE LIENS AS FOLLOWS: 409 S ROWAN, \$273.50; 908 S IREDELL, \$368.50; 1106 SECOND, \$243.50; 406 S ROWAN, \$273.50; 600 S SPENCER, \$368.50; 602 S SPENCER, \$368.50; 812 S YADKIN, \$273.50; AND 114 W 17<sup>TH</sup>, \$306.00. MOTION SECONDED BY ALDERMAN BENFIELD AND CARRIED UNANIMOUSLY.**

13. AUDIT QUESTIONNAIRE

The Board of Aldermen completed an audit questionnaire required by our auditor, Eddie Carrick.

14. SET DATE FOR TOWN MANAGER EVALUATION

Alderman Morris recommended scheduling the Town Manager's evaluation for October. Alderman Aitken would prefer scheduling it in November as in previous years with the exception of last year. Alderman Walters would like for staff to search for sample evaluations to get input (anonymously) from employees of the Town Manager's job performance as well as the Board of Aldermen's job performance, and have that feedback before the Town Manager's evaluation by the Board of Aldermen.

**MOTION WAS MADE BY ALDERMAN WALTERS TO ESTABLISH AN EVALUATION PROCESS FOR THE TOWN MANAGER AND BOARD OF ALDERMEN WITHOUT FEAR OF REPRISAL AND WITH ANONYMITY MAINTAINED. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.**

15. WORKSHOP – CODE OF ETHICS

**MOTION WAS MADE BY ALDERMAN FOWLER TO WRITE THE CODE BASED ON THE MODEL CODE, INSERTING OUR JURISDICTION AND GOVERNING BODY NAME. MOTION SECONDED BY ALDERMAN WALTERS.**

Alderman Morris reminded Board members that the training advised not to adopt the model code without reviewing page by page. He advised the Board that if the model code is adopted as a whole, that would mean adopting all the options. Alderman Fowler explained that her motion was just to adopt the preamble, pages 9 and 10. Alderman Morris suggested inserting “in comport with the NC and US Constitutions” in the sentence regarding ordinances, orders, and resolutions. **Alderman Fowler agreed to make that addition to her previous motion.**

Censure resolutions were discussed. The Board agreed to add a detailed censure procedure to the Administrative Ordinance at a later meeting, and not include censure in the code of ethics.

**THE PREVIOUS MOTION, WITH THE ONE ADDITION, CARRIED UNANIMOUSLY.**

Aldermen Fowler and Aitken suggested discussing the censure procedures at a brief workshop at the end of a Board meeting after January 1, 2011, or at the planning retreat.

With no further business, Mayor Everhart adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Lisa B. Perdue, CMC  
Clerk to the Board