

SPENCER BOARD OF ALDERMEN MEETING
APRIL 13, 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 – Alderman Fowler recognized Margie and Paul Facer, 500 Carolina Avenue, for receiving the top appearance award from the Community Appearance Commission. She also recognized Steve Huffman for receiving four journalism awards for his work at the Salisbury Post. Several Aldermen recognized Town employees and department heads for the cooperative efforts during the recent tornado and the cleanup of the aftermath. Mayor Everhart recognized Public Works Director Jeff Bumgarner for receiving his N C Roads Scholar certification.

STUDENT APPRECIATION AWARDS went to Garret Robinette, North Rowan Elementary School; Luke Miller, North Rowan Middle School; and Augustine Wiggins, North Rowan High School.

1. PUBLIC HEARING-AMENDMENT 10-04 – COMMERCIAL ACCESS ON SNIDER STREET

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

**MOTION WAS MADE BY ALDERMAN BENFIELD TO ADOPT ORDINANCE AMENDMENT 10-04, DISALLOWING COMMERCIAL VEHICLE ACCESS ON SNIDER STREET. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED BY A VOTE OF FIVE:
AYES: AITKEN, BENFIELD, HINSON, MORRIS, WALTERS
NAYS: FOWLER**

2. PUBLIC HEARING-AMENDMENT 10-05 – SWEEPSTAKES CAFÉ ORDINANCE

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

MOTION WAS MADE BY ALDERMAN MORRIS TO ADOPT ORDINANCE AMENDMENT 10-05, SWEEPSTAKES CAFÉ ORDINANCE, WITH A PRIVILEGE LICENSE FEE OF \$1000 PER MACHINE. MOTION SECONDED BY ALDERMAN BENFIELD AND CARRIED UNANIMOUSLY.

3. PUBLIC HEARING-AMENDMENT 10-06 – FRONT YARD PARKING ORDINANCE

Mayor Everhart opened the public hearing. Donna Scott, 606 S Rowan, spoke in favor of the ordinance. Billy Pless, 215 Ninth Street, and Carrie Fisher, 408 S Yadkin, had questions about the parking situation at their individual residences. No one else spoke and Mayor Everhart closed the public hearing. Alderman Morris explained that staff had almost a year to educate citizens before the ordinance goes into effect, and study if more alleyways can be improved to provide more parking.

MOTION WAS MADE BY ALDERMAN BENFIELD TO ADOPT ORDINANCE AMENDMENT 10-06, FRONT YARD PARKING ORDINANCE. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

OLD BUSINESS

4. APPROVAL OF MINUTES

MOTION WAS MADE BY ALDERMAN WALTERS TO APPROVE THE MINUTES FROM MARCH 9, 2010. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

5. MAYORAL & COMMITTEE REPORTS

Chairman Walters reported on the Recreation Committee's discussion of an overflow parking lot at the ballpark on the former Jaycees property. Compliance with the current code will be expensive due to requirements for landscaping, curbing, and lighting. Following discussion, the Board directed the Planning Board to study a possible parking ordinance for outdoor activity venues that would allow pervious materials.

6. DEPARTMENTAL REPORTS were given by Public Works Director Jeff Bumgarner, Acting Police Chief Eric Ennis, Fire Chief Gray Grubb, Land Management Director Dustin Wilson, and Town Clerk Lisa Perdue.

7. TOWN MANAGER LARRY SMITH reviewed major town projects and gave the quarterly progress report on the Board's goals from the planning retreat.

NEW BUSINESS

8. OPEN COMMENT

9. STREET BID ACCEPTANCE

MOTION WAS MADE BY ALDERMAN BENFIELD TO AWARD THE BID FOR THE 2010 RESURFACING PROJECT TO THE LOW BIDDER, BLYTHE CONSTRUCTION, BUT WITH THE ELIMINATION OF SIXTH STREET, AND THE ADDITION OF THE FIRST TWO BLOCKS OF ELEVENTH STREET. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.

10. DISCUSSION – RECYCLING

Kathryn Jolly, Director of Environmental Management for Rowan County, reviewed the recycling options for Spencer which include: citizens continue to use Rowan County's convenience sites, Spencer contract out the collection of recyclables, or have citizens personally seek a contractor for the collection. Following discussion, the Board decided to continue to study the options at the budget retreat.

11. RESOLUTION – RETIREMENT OF BADGE AND SIDEARM

**MOTION WAS MADE BY ALDERMAN AITKEN TO ADOPT THE RESOLUTION AWARDED BADGE AND SERVICE SIDEARM TO RETIRING POLICE CHIEF ROBERT BENNETT. MOTION SECONDED BY ALDERMAN BENFIELD AND CARRIED BY A VOTE OF FIVE:
AYES: AITKEN, BENFIELD, FOWLER, MORRIS, WALTERS
NAYS: HINSON**

12. CIVIL WAR TRAILS MARKER

Ann Brownlee, President of the Trading Ford Historic Preservation Association, explained that the downtown area would not be a good location for a marker commemorating the Battle of the Yadkin River Bridge. Requirements for the program state that the marker should be placed near the location of the specific event. Also, owners of the York Hill property do not want that much attention drawn to the property unless a fence has been erected.

MOTION WAS MADE BY ALDERMAN MORRIS TO DECLINE PARTICIPATION IN THE CIVIL WAR TRAILS MARKER SYSTEM AT THIS TIME. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

13. LIBRARY UPDATE

Bill Burgin presented a set of the drawings and reported that six contractors attended the pre-bid meeting and are thus eligible to bid on the project. The second floor will be included as an alternate bid. Public Works staff will need help to move and temporarily store the books during the renovation period.

MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROPRIATE \$10,000 FOR MOVING THE BOOKS, STORAGE, AND RETURNING THE BOOKS TO THE LIBRARY. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

14. LIBRARY REPAIR COST

Town Manager Larry Smith reviewed the proposed timeline for the Library Renovations.

MOTION WAS MADE BY ALDERMAN BENFIELD TO HOLD A CALLED MEETING ON WEDNESDAY, APRIL 28 AT 6:30 P.M. TO AWARD THE CONSTRUCTION CONTRACT, CONDUCT A PUBLIC HEARING, AND AWARD THE BANK FINANCING PROPOSAL. MOTION SECONDED BY ALDERMAN MORRIS AND CARRIED UNANIMOUSLY.

MOTION WAS MADE BY ALDERMAN BENFIELD TO ADOPT THE DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES. MOTION SECONDED BY ALDERMAN WALTERS AND CARRIED UNANIMOUSLY.

15. ORDINANCE DISCUSSION – FRONT PORCH ITEMS

Aldermen compared Spencer's current ordinance with that of Lenoir and Hickory. This ordinance is not in the zoning portion of the code and thus does not require Planning Board review.

MOTION WAS MADE BY ALDERMAN MORRIS TO ADD THE HICKORY RESTRICTIONS TO PARAGRAPH A AND LEAVE PARAGRAPH B UNCHANGED. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.

16. AUDIT CONTRACT

MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE THE CONTRACT FOR AUDITING AND REPORTING SERVICES TO ALLRED AND CARRICK CPAs, PC, FOR AUDITING SERVICES IN THE AMOUNT OF \$6,500 AND PREPARATION OF ANNUAL FINANCIAL STATEMENTS IN THE

AMOUNT OF \$1,500. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

17. SMART START ROWAN

Salisbury's Mayor Kluttz is encouraging all Rowan County communities to provide a matching grant to Smart Start Rowan's Literacy Initiative, which provides monthly books to preschoolers.

MOTION WAS MADE BY ALDERMAN MORRIS TO DONATE \$240 TO SMART START ROWAN. MOTION SECONDED BY ALDERMAN FOWLER AND CARRIED UNANIMOUSLY.

18. ROWAN AVENUE STORMWATER PROJECT

MOTION WAS MADE BY ALDERMAN BENFIELD TO APPROVE CONTRACTING WITH SPINNAKER GENERAL CONTRACTORS FOR A STORMWATER REPAIR PROJECT ON ROWAN AVENUE FOR THE QUOTED AMOUNT OF \$5,242.53, AND AUTHORIZE THE TOWN MANAGER TO APPROVE ANY NECESSARY CHANGE ORDERS OR ADDITIONAL COSTS UP TO A TOTAL AMOUNT OF \$6500 FOR THE PROJECT'S COMPLETION. MOTION SECONDED BY ALDERMAN HINSON AND CARRIED UNANIMOUSLY.

19. DISCUSSION – ROWAN CO. RESOLUTION OPPOSING SENATE BILL 758

MOTION WAS MADE BY ALDERMAN BENFIELD TO SUPPORT ROWAN COUNTY'S RESOLUTION OPPOSING TRANSFER OF SECONDARY ROAD PROGRAM TO COUNTIES (SENATE BILL 758). MOTION SECONDED BY ALDERMAN WALTERS AND CARRIED UNANIMOUSLY.

20. ADMINISTRATIVE ORDINANCE DISCUSSION

Concerning rules of procedure for the conduct of business at town board meetings,

MOTION WAS MADE BY ALDERMAN MORRIS TO TABLE THIS ITEM UNTIL THE APRIL 28 CALLED MEETING, AS THE SECOND ISSUE ON THE AGENDA FOLLOWING THE LIBRARY PROPOSALS AND PUBLIC HEARING, AND GET THE SCHOOL BOARD'S RULES OF PROCEDURE FOR COMPARISON PURPOSES. MOTION SECONDED BY ALDERMAN WALTERS AND CARRIED UNANIMOUSLY.

21. ATTORNEY'S REPORT – CHARTER AMENDMENTS

The old charter is a historical document only. Attorney Rivers Lawther feels that no charter amendments are needed. Any desired changes with the employment of the Town Manager could be handled in contract negotiations (residency, etc.).

22. CODE OF CONDUCT

MOTION WAS MADE BY ALDERMAN MORRIS TO TABLE THIS AGENDA ITEM UNTIL AT LEAST JULY. MOTION SECONDED BY ALDERMAN BENFIELD AND CARRIED UNANIMOUSLY.

23. CODE OF ETHICS

MOTION WAS MADE BY ALDERMAN MORRIS TO HANDLE THIS AGENDA ITEM IN CONJUNCTION WITH THE PREVIOUS AGENDA ITEM AND TABLE ANY ACTION UNTIL AT LEAST JULY. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

24. SET BUDGET WORKSHOP

MOTION WAS MADE BY ALDERMAN MORRIS TO SET THE BUDGET WORKSHOP FOR WEDNESDAY, APRIL 21, AT 6:30 P.M. MOTION SECONDED BY ALDERMAN AITKEN AND CARRIED UNANIMOUSLY.

25. MUNICIPAL ENVIRONMENTAL ASSESSMENT CENTER

MOTION WAS MADE BY ALDERMAN MORRIS TO DECLINE PARTICIPATION IN THE NCLM MUNICIPAL ENVIRONMENTAL ASSESSMENT COALITION PROJECT. MOTION SECONDED BY ALDERMAN BENFIELD AND CARRIED UNANIMOUSLY.

26. OTHER BUSINESS – None.

With no further business, Mayor Everhart adjourned the meeting at 9:48 p.m.

Respectfully submitted,

Lisa B. Perdue, CMC
Clerk to the Board