

March 7th, 2011

At 7:00pm., on Monday, March 7th, 2011, in the Board Room of the Landis Municipal Building, Mayor Dennis Brown called to order the Town of Landis Board of Aldermen Regular Meeting. Those present along with the Mayor were Aldermen James Furr, Roger Safrit, Tony Hilton and Craig Sloop, Town Manager Reed Linn, Public Works Director Steve Rowland, Police Chief Brian McCoy, Deputy Town Administrator Debbie Goodman, Recreation Director Andrew Morgan, Administrative Assistant Heather Wood and Town Attorney Rick Locklear.

A quorum was met.

Mayor Dennis Brown opened the meeting and welcomed all those in attendance.

The invocation was led by Reverend Bill Coughlin.

The pledge of allegiance was led by Mayor Dennis Brown.

Alderman Sloop motioned, seconded by Alderman Furr, to adopt the agenda as written. All voted aye.

Alderman Craig motioned, seconded by Alderman Safrit, to adopt the minutes from the February 7th, 2011 Regular Meeting with the noted corrections. All voted aye.

Mayor Brown then called to order the public hearing concerning the initial zoning of properties recently voluntarily annexed into the Town of Landis. The Planning Board had already reviewed the request and sent the recommendation for the initial zoning to be set at R-8 (Single Family Residential) to the Board of Aldermen.

No one spoke during the public hearing.

Mayor Brown closed the public hearing.

Alderman Furr motioned, seconded by Alderman Safrit, to set the initial zoning for three parcels recently voluntarily annexed into the Town of Landis at R-8 (Single Family Residential). All voted aye.

The next item on the agenda concerned the proposed Low Speed Vehicle Ordinance. Alderman Sloop stated that Alderman Hilton had provided them with a revised version of the proposed ordinance.

Alderman Hilton stated that he had had reviewed China Grove's Low Speed Vehicle Ordinance and that he felt it was a good ordinance and he also didn't think there would be a large amount of people seeking to register low speed vehicles in Landis. In his opinion, it should be looked at as a "small benefit for residents" and that the Town should only charge \$10.00 to register a low speed vehicle. He also did not see any reason to require insurance as long as the Town had a "hold harmless agreement" in place. He pointed out that those who operate mopeds do not need a driver's license or insurance. He stated that with a low speed vehicle ordinance they could require a driver's license to keep kids from being out driving in them on the streets. However, Alderman Hilton felt they needed to make this "an easy thing to do". He stated that he had also added a "reciprocity clause" which would allow low speed vehicles with approved registration from other municipalities to operate in Landis without registration from Landis as long as it met the minimum requirements of Landis' ordinance.

Another change Alderman Hilton had made to the proposed ordinance was to allow the use of low speed vehicles in parades only along the parade route for the duration of the parade. Alderman Hilton recommended that the revised ordinance be given to Town Attorney Rick Locklear for review.

Alderman Safrit stated that tractors are exempt and governed under state law and that they cannot go over 28 miles per hour.

Alderman Furr stated that he had no problem with the concept of the ordinance and that he felt as gas prices continued to rise, we would be seeing alternate forms of transportation. His only concern was liability on the Town's part, even if a "hold harmless agreement" was in place. He recommended reviewing similar ordinances in coastal towns where they have a lot of low speed vehicles and seeing how they handle insurance, etc. He suggested getting legal advice on the proposed ordinance and going from there.

Alderman Hilton pointed out if there was a good "hold harmless agreement" then any liability would fall on the driver. Alderman Furr stated that his concern was "what if" situations.

Mayor Brown stated if the Board agreed they would pass the proposed ordinance onto the attorney and call for a public hearing at the April meeting.

Alderman Furr motioned, seconded by Alderman Safrit, to give the proposed Low Speed Vehicle Ordinance to the Town's attorney and to call for a public hearing at the April 4th, 2011 Regular Meeting at 7:00pm. All voted aye.

The Board then reviewed the proposed changes to the Town's ordinance concerning video gaming establishments. Manager Linn stated that 90 days ago the Board had tabled the discussion of the proposed revisions to the ordinance, as recommended by the Planning Board. He informed the Board that since that time he had spoken to three different people looking to open such establishments. He stated that they were looking to operate with spaces that provide internet access to do online activities, with the establishment selling phone cards for access. Manager Linn commented that the revised ordinance did not address establishments operating in that capacity. Specifically if someone wanted to open an office type establishment the ordinance did not address that. He stated that the Board may wish to send the ordinance back to the Planning Board to look at once again to address such establishments. He reminded the Board that they had already held a public hearing concerning revisions to the ordinance.

Manager Linn went on to explain that one person who had wanted to open an establishment, the current ordinance had handled that situation, but another person had made an inquiry late last week and the establishment would be an "office type" environment and the ordinance was very vague on that matter. It was Manager Linn's recommendation that the Board send the revised ordinance back to the Planning Board for further review.

Alderman Hilton stated that the Town was in the same position as the state – as "one hole was plugged, five more opened" and that he felt they would be "spinning their wheels" for a very long time. Alderman Furr commented that there was a bill in the assembly to "fix" the issue once and for all. Alderman Safrit stated that he felt they should hold off until the state had come to some sort of decision and the Town should "stand on" what it has already. Mayor Brown commented that it couldn't hurt to return the ordinance to the Planning Board for review.

The Board agreed to send the revised gaming ordinance back to the Planning Board for further review. Alderman Furr asked that Manager Linn tell the Planning Board that they appreciated what they had done and it was nothing against the work that they had done, events were just moving faster than the Board could at the moment.

Manager Linn then provided the Board with an update on the water system improvements. He stated that the railroad encroachment agreement had finally been received, and the Town had all the approvals that were required so the project was “on go”. Advertisement for bids would go out on March 9th, 2011 (Wednesday) and it must be advertised for thirty days. On April 6th, 2011 there would be a pre-construction conference where contractors could attend and ask questions. Bid openings would take place on April 13th, 2011 at 2:00pm at City Hall. After that was completed, Mike Acquesta would take the bids with him and review them and have a recommendation for the Board at the Regular May Meeting.

The next order of business concerned a proclamation declaring March as Brain Injury Awareness Month. Manager Linn explained that it was the same as the proclamation that had been passed last year.

Alderman Safrit motioned, seconded by Alderman Sloop, to pass a proclamation declaring March 2011 as Brain Injury Awareness Month. All voted aye.

Department Head Comments

Town Manager Reed Linn: introduced Andrew Morgan, the new Recreation Director. He stated that they had received thirteen applications for the position and they had narrowed it down to six to interview, and then called in two applicants for a final interview. Director Morgan was local and possessed a degree in Parks. Manager Linn commented that Director Morgan was a department head of one, himself. He stated that Director Morgan also had a background in landscaping and trails.

Recreation Director Andrew Morgan: thanked Manager Linn and then stated that he had been at work for a week and had been very busy, cleaning out the recreation office, etc. He reminded everyone there would be a Photography class held on Saturday, March 26th, 2011. The fee would be \$20.00 and would cover a CD and picture framing. There was more information available on the website and at City Hall. He stated that he had contacted the Swim Club (that runs the Landis Pool) as well as the Southern Rowan Sports League already. He commented that he had already been “tracked down by angry citizens” about the ball program from last year and he had assured them that the league would do a good job. Director Morgan stated that he was working on the Pavilion and that they had already put a new border and mulch in at the playground. They were also getting bids to do work on the actual Pavilion building and to fix up the tennis courts. He hoped to get everything looking nice quickly. He stated that Public Works had helped greatly with the installation of the border and the mulch. He was also in the process of fixing up the wilderness area access road, as well as being in contact with China Grove about Farmers’ Day. He would be promoting several upcoming events, which included a fishing challenge at the wilderness area. He indicated that any money raised through these events would go back into the developments in the wilderness area. Director Morgan said that the event was not “set in stone” yet and it was still in the early stages, but that he was really excited about it. He would be catching the tagged fish for the contest himself. The Board welcomed Director Morgan on board. Alderman Safrit stated that he had already heard good things about Director Morgan.

Deputy Town Clerk Debbie Goodman: stated that the new Smoke Signals program had been implemented last Thursday and City Hall had sent out the first calls to approximately 300 customers. So far there had been a lot of response and staff was still in the process of gathering phone numbers, though some customers would not provide contact information when asked.

Town Manager Reed Linn: reminded everyone that the annual Budget Retreat would be this coming Saturday. Mayor Brown stated that he, Alderman Hilton and Alderman Sloop had attended an Electricities meeting and had asked them to attend the retreat and address several items.

Board Comments

Alderman Tony Hilton: stated that he and Director Rowland had attended an MPO meeting at the Yadkin River Bridge site and that they were currently half way across the river with the bridge construction. Alderman Hilton spoke more about the project and what was going on and there was brief discussion. Alderman Hilton also stated that he had attended another MPO meeting in Charlotte concerning the plan COG was trying to implement concerning road planning that would involve local counties as well as the Charlotte area. He stated that the state already has a plan that coordinates all the counties, so he didn't understand why COG felt the need to do this and COG had no answers. He commented that the mediator at the meeting was decidedly "pro-COG". Alderman Hilton stated that there would be two more meetings, and they were calling them "Go Ahead" meetings, which to him demonstrated that COG really didn't care what others thought about the plan. He felt it would be an interesting time, and that he wasn't going to "give up the fight".

Alderman James Furr: stated that he had attended a COG meeting one month ago and he had hoped the new leadership would take COG in a different direction, but that he was disappointed to hear what had happened at Alderman Hilton's meeting. He stated that he wasn't sure what to tell them as far as the situation with COG went. Alderman Furr stated that he understood the "theory of (the) planning" but the reality would be that the money would be "going south". He once again assured the rest of the Board that he would pass on the concerns of Landis to COG at the meetings. Alderman Hilton commented that he was glad Charlotte would be able to finish I-485 and have light rail, but he didn't feel the money should come from Rowan and Cabarrus Counties to do so.

There was further discussion on the matter and Mayor Brown asked that Alderman Hilton keep them informed.

Citizens' Comments

Michael Toler: asked if the Board knew of any further railroad crossing closings and when the grade separation would be happening. Manager Linn said there was no time line that he was aware of. Alderman Hilton commented that they were supposed to start the project in 2012 and finish in 2013. At this time, the money for the project was appropriated, but that was no guarantee that it would stay that way.

Alderman Furr motioned, seconded by Alderman Safrit, to adjourn the meeting. All voted aye.

The meeting adjourned at 7:41pm on Monday, March 7th, 2011.

Heather Wood
Administrative Assistant