

**December 6<sup>th</sup>, 2010**

At 7:00pm., on Monday, December 6<sup>th</sup>, 2010, 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, 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 David Franks.

The pledge of allegiance was led by Mayor Dennis Brown.

Alderman Sloop motioned, seconded by Alderman Furr, to adopt the agenda with the additions of 21-A, Consider going into Executive Session for Legal and Personnel matters, and to remove item 18. All voted aye.

Alderman Safrit motioned, seconded by Alderman Furr, to adopt the minutes from the November 1<sup>st</sup>, 2010 Regular Meeting as presented. All voted aye.

Mayor Brown then opened the public hearing concerning the voluntary annexation of three parcels of property. Manager Linn discussed the parcels in question, stating that they were all contiguous with current Town limits, and one parcel was owned by the Town of Landis. All have Landis power, water and sewer available to them. Manager Linn had investigated the voluntary annexation requests and had concluded that all were owned by those making the requests and all properties were contiguous with current Town limits.

There were no comments from the public. Mayor Brown closed the public hearing.

Alderman Furr motioned, seconded by Alderman Hilton, to adopt an ordinance to extend the corporate limits of the Town of Landis, effective January 1<sup>st</sup>, 2011. All voted aye.

Mayor Brown then opened a public hearing concerning proposed changes to the Town's Zoning Ordinance regarding Game Rooms/Video Arcades. Manager Linn stated that nothing had been changed in the proposed ordinance since the last meeting.

The Town's Attorney Rick Locklear stated that he was concerned about taking any action on this matter at this time. He had reviewed the changes to the ordinance and thought everything looked fine, but given the legislation still going on, it was best to simply take it under advisement and not act yet since the ruling on such establishments that was made in Raleigh may be challenged. It was his opinion that the Town should take a "wait and see" stance. Since the Town had none of these types of establishments in operation at this time, it was his recommendation to simply wait. Alderman Hilton agreed with Mr. Locklear. Mr. Locklear stated that he was concerned someone could say the ordinance was "discrimination". Alderman Sloop stated that it was his understanding that any existing policies would be null and void if this was adopted and any new establishments would be governed by the new ordinance. Town Planner Shelley Williamson stated that the ordinance does not exclude the establishments, it regulates them.

Mr. Locklear stated that with the current legislation that has passed, all of the establishments had been done away with. The point he was trying to make was that if a lawsuit was brought up on the state level, they would want to look for towns who had passed their own legislation concerning such establishments and he once again advised that the Board wait to take action. There was further discussion between Mr. Locklear and Ms. Williamson.

Ms. Williamson stated that the establishment that had been located on Highway 29 had caused problems and the Town had shut it down. Alderman Hilton commented that this had been done using existing Town ordinances, so he felt that there was no need to take action on the proposed ordinance at this time. Ms. Williamson stated that the new ordinance would regulate the amount of machines allowed in an establishment of this type. Manager Linn stated that the Planning Board had started looking into this matter well before the legislation had been handled at the state level. Alderman Hilton stated that the Planning Board was asked to handle the matter and it had. He felt that the best law was the least law and that there should be "less meddling".

Alderman Furr stated that this matter had been ongoing for six months now and he felt that these establishments were a "canker sore" on the face of the community, but he felt that Alderman Hilton and Mr. Locklear made an excellent point – the Town did not need to be "in the forefront of this battle". He thought that a 90 day "cooling off" should be done, and that they should table the matter until what would be happening in Raleigh became clear because he felt that moving forward at this time could possibly open the Town up for litigation.

Mayor Brown reminded those present that this was a public hearing and if any citizens wished to speak they were welcome to come forward.

There were no citizen comments and Mayor Brown closed the public hearing.

Alderman Safrit motioned, seconded by Alderman Furr, to table the adoption of the proposed ordinance for Game Rooms/Video Arcades for at least three months to see what would happen. All voted aye.

Manager Linn then provided the Board with a copy of the financial statement through the end of October 2010. He stated that the audit had been completed and sent in for review and they should have a copy in hand in the next week or two. Also, the Town now had \$1.5 million in the bank across all funds.

Manager Linn then updated the Board concerning the recycling program. He provided a report on the tons collected from August to November. Manager Linn stated that he wanted to provide the information for the Board so they could see the progress, but in the future it would not be an agenda item. Alderman Safrit inquired as to how much money had been saved in tipping fees since the new program was started. Director Rowland stated that it was hard to say exactly how much had been saved. The cost was \$23.00 per ton in Tipping fees, but that did not include the fuel used or the time the men spent hauling it to the landfill.

Alderman Furr instructed Director Rowland to please pull the garbage operations year to date compared to this time last year to present at next month's meeting.

Director Rowland also stated that Sharks Recycling had informed them that the highest collection months tended to be November, December, January, June and July.

The Board stated that the Town had been doing a wonderful job with the program. Alderman Furr stated that the citizens had also been doing a great job with their participation.

Director Rowland then updated the Board on leaf and Stormwater concerns. He stated that they were trying to keep leaves, dirt and trash out of the Stormwater system. He requested that citizens please do not rake their leaves onto the road and this was just a reminder to help keep the system clean. Public Works would have two leaf machines that would be out collecting after Thursday.

Manager Linn then presented a resolution to the Board to add an additional death benefit for full time employees to the services that the Town provided to staff. This would be paid out through the retirement system and in the event an employee passed a way, the beneficiary would receive one year of the employee's salary. The total cost for the Town for the new benefit would be \$3,700.00 per year. This would not mean an additional contribution from the employees. Alderman Hilton stated that he felt this was a small thing for the Town to do considering employees had not been given raises this year.

Alderman Hilton motioned, seconded by Alderman Safrit, to pass a resolution to enter into agreement with the North Carolina Local Governmental Employees' Retirement System to provide employee death benefits. All voted aye.

The next order of business was the Phase II environmental report for the Passive Park. Manager Linn presented the Board with a proposal from Obrien & Gere. He stated that the Town was in the process of applying for the PARTF grant, and that this did not have to be completed before the Town could receive the grant. Tonight they were seeking approval to get started with the project. Michael Acquesta had informed Manager Linn that it could be possible to space the cost of the study over two budget years and if the Town received the PARTF grant, the cost could be reimbursed. Phase I had been completed and they were now ready to move onto Phase II.

Alderman Hilton inquired about a time table for the grant approval. Manager Linn stated that it would be submitted in mid-January 2011 and they should be notified by sometime in February or March of 2011. Alderman Hilton stated that those dates did not leave a lot of time for debate. Mayor Brown agreed, at least not if they wanted to move forward with the passive park.

Alderman Hilton motioned, seconded by Alderman Safrit, to move forward with the Phase II Environmental Report as recommended, but the Town would do whatever parts of the process themselves that they were able to do to save money. All voted aye.

Alderman Sloop motioned, seconded by Alderman Safrit, to appoint Tony Hilton as the Town's representative to the TAC, with Manager Linn as the alternate and to appoint Director Rowland as the representative for the TCC. All voted aye.

Alderman Safrit motioned, seconded by Alderman Sloop, to appoint James Furr as the representative to COG. All voted aye.

The matter of the proposed Low Vehicle Speed Ordinance was then brought before the Board. Alderman Hilton stated that this ordinance was "near and dear" to him but he had not had a chance to properly go through it yet and requested that it be tabled for now. Mayor Brown stated that the matter would be tabled until the January meeting.

### **Department Head Comments**

*Town Manager Reed Linn:* reminded everyone that the Town Sing would be held on Friday, December 27<sup>th</sup>, 2010 at the gazebo uptown from 6:00pm-7:00pm. They would be contacting area choruses to participate. Also, he was requesting permission to close City Hall between the hours of 11:00am and 2:00pm on Wednesday, December 22<sup>nd</sup>, 2010 for the City Hall/Public Works Christmas party. The party would be held at the Legion Building this year. Manager Linn also confirmed that the January 3<sup>rd</sup>, 2011 Regular Meeting date was still alright with the Board due to the New Year's holiday. The Board confirmed that it was.

Alderman Sloop motioned, seconded by Alderman Safrit, to close City Hall for the City Hall/Public Works Christmas Party between the hours of 11:00am and 2:00pm on Wednesday, December 22<sup>nd</sup>, 2010. All voted aye.

Alderman Sloop motioned, seconded by Alderman Furr, to close the 100 block of South Central Avenue between the hours of 5:30pm and 8:00pm on Friday, December 17<sup>th</sup>, 2010 for the Christmas Sing. All voted aye.

*Public Works Director Steve Rowland:* updated the Board, stating that the southeast electrical conversions were underway. They had sent the list of materials out to vendors and the work should begin soon. Also, he had been inspecting street signs, and had a list of sixty or so that were hard to see, so replacements were being ordered to the new standards. Mayor Brown stated that on the new Town of Landis limits sign the words "Town of" were hard to read. Director Rowland said they would be fixing that. Alderman Furr requested that on all the new signs, the street names be spelled correctly.

*Police Chief Brian McCoy:* stated that October had ended the first year of the traffic safety grant program and they had seen a 30% reduction in crashes.

### **Board Comments**

*Alderman Craig Sloop:* presented the Board with a resolution to support the present Rowan/Cabarrus ABC Board operation and configuration. He stated the resolution supported keeping the Board as it is with 3 members who serve 3 year terms. He stated that he did not feel it needed to be changed to 5 members. Alderman Hilton asked if it had already been changed. Alderman Sloop stated that it was still set at 3 members and that they needed to get on record supporting the current configuration.

Alderman Sloop motioned, seconded by Alderman Safrit, to go on record supporting the resolution as presented. Aldermen Hilton, Sloop and Safrit voted aye. Alderman Furr abstained from voting due to a conflict of interest. The motion passed.

Mayor Brown wished everyone a Merry Christmas.

### **Citizens' Comments**

*Joy Drye:* a business owner uptown, inquired about when there was bad weather, such as snow and ice, if there was some way to get the parking spots cleared at the businesses. Manager Linn stated that the Town does not contract out this kind of work and currently they only put salt out around Town-owned areas. He stated that Ms. Drye had approached him about possibly cleaning out the parking areas on Central during

winter weather. Ms. Drye stated that last year the road had been cleared and the snow put into the parking spots which made it impossible to park. Alderman Hilton inquired about icemelt for the sidewalks. Director Rowland said they provided that for the Town properties. Manager Linn stated that the ordinance indicates that the sidewalks in front of the businesses and homes are the property owner's responsibility when it came to this kind of thing. Parking spaces are considered part of the street. Mayor Brown inquired if that meant the Town was responsible for clearing out the parking spaces. Manager Linn stated only if the Town provides that service, which they currently do not as they do not clear streets. However, that was not to say they could not contract out if the Board chose. Director Rowland stated that if the road is cleared, the snow and ice has to be put somewhere. Ms. Drye suggested pushing it to the gazebo side, as there was already limited parking when things were busy. Mayor Brown asked Director Rowland to make contact with contractors and get prices on clearing the roads and present it next month. Director Rowland stated that he would look into it, but for years this had not been an issue.

Ms. Drye also then recommended a "swap and shop" board where people could put up business cards at Town Hall, as a way for the small businesses in town to network. Mayor Brown instructed Manager Linn to research the matter.

*Dean McCarty:* stated that he opposed the passive park, and that he didn't know enough about it yet to go into detail. He remembered them saying something about a flier going out but he had never seen it. He also stated that minutes were supposed to be on the website, but had not yet been put up. Mayor Brown stated that the minutes are always available at Town Hall; and if citizens wished to have copies made it was at their cost, but the minutes were public record. Mr. McCarty stated that they needed to get on the website. Manager Linn asked how far back the Board would like the minutes to go. Alderman Hilton recommended 90 days. The Board agreed.

Alderman Furr motioned, seconded by Alderman Safrit, to go into Executive Session for Legal and Personnel matters. All voted aye.

Alderman Furr motioned, seconded by Alderman Safrit, to come out of Executive Session and to adjourn the meeting. All voted aye.

The meeting adjourned at 8:12pm on Monday, December 6<sup>th</sup>, 2010.

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Heather Wood  
Administrative Assistant