

Town of Spring Lake  
Regular Meeting of the Board of Aldermen  
Municipal Building  
300 Ruth Street  
Spring Lake, NC 28390

April 27, 2009

MINUTES

7:00

p.m.

The Spring Lake Board of Aldermen held a regular scheduled meeting in the Grady Howard Conference Room of the Spring Lake Municipal Building with Mayor Ethel T. Clark presiding.

**Board Members Present:** Mayor Pro Tem James O'Garra  
Alderman Richard Higgins  
Alderman Napoleon Hogans  
Alderwoman Nellie McCoy  
Alderwoman Fredricka Sutherland

**Others Present:**

Larry Faison, Town Manager  
Alvin Brown, Police Chief  
Robert Doberstein, Fire Chief  
Paul Hoover, Director of Inspections  
Rhonda Webb, Town Clerk

John Jackson, Town Attorney  
Allen Coats, Finance Director  
Daniel Gerald, W&WR Director  
Ken Metcalf, Recreation Director

**2. Invocation.**

Alderwoman McCoy gave the invocation.

**3. Pledge of Allegiance.**

Mayor Clark led the meeting in the pledge of allegiance.

**4. Additions or Deletions to Agenda**

**Action:** The Board approved a motion to add Closed Session under G.S. 143-318.11(a)(3) – Attorney-Client Privilege to the agenda.

**Motion by:** Alderman Hogans

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

**Action:** The Board approved a motion to add the delegation of authority to enter into an agreement on the Odell Road Park Agreement to the Town Manager to the agenda as item 8d.

**Motion by:** Mayor Pro Tem O'Garra

**Second by:** Alderman Higgins

**Vote:** Unanimous

**5. Approval of Agenda and Consent Items.**

The Board approved the agenda as amended and approved the consent items: Minutes of the

March 17, 2009 Special Meeting, Minutes of the April 13, 2009 Board Meeting, Proclamation

Spring Litter Sweep, Appointment to the Storm Water Advisory Committee and Resolution Supporting Continuation of the Ozone Early Action Compact.

**Action:** The Board approved the agenda as amended and the consent items.

**Motion by:** Alderman Higgins

**Second by:** Alderman Hogans

**Vote:** Unanimous

(A copy of the agenda and consent items is hereby incorporated by reference and made a part of these minutes – see attachment one.)

**6. Public Forum**

Mr. Don Miller stated that he made an attempt to obtain the 16 foot deed at the Court House but did not have much luck finding it. He thanked Mr. Jackson for sending him a copy of the deed agreement from 1969 that states the 16 foot easement is on the well property.

**7. Old Business**

**a. Ordinance Amendment, Rate and Fee Schedule.**

Mr. Coats stated that this item was brought before the Board previously but was not in the proper format. He requested that we add to the rate and fee schedule the charge for public records. He explained that should someone walk in and request a copy of a document that they brought with them the charge would be different than the charge for a public record.

**Action:** The Board approved a motion to adopt Ordinance (2009) 10.

**Motion by:** Alderman Hogans

**Second by:** Alderwoman McCoy

**Vote:** Unanimous

(A copy of the supporting documentation is hereby incorporated by reference and made a part of these minutes – see attachment two.)

**8. New Business**

**a. Property Disposal, Well Site on Odell Road.**

Mr. Coats stated that the staff has looked at several different methods by which we could accommodate the Smith Family's request and the easiest way to accommodate them is to grant an easement. He stated that the Smith Family has agreed to pay the costs associated with the paperwork required to make this happen. Staff recommends a 60 foot easement but the Smith Family requested, in a letter, a 75 foot easement. He

requested that the Board determine the easement width and requested authorization to prepare and record required documents.

Mr. Jackson stated that he still has a concern with CP&L's 16 foot easement and he is glad to hear that CP&L has not committed to it. It would be best if CP&L would agree that they don't want anything to do with it. He recommended that the Board grant an ingress/egress /regress easement to the public. This way the Town is not involved with any maintenance or

requirements. Should the property behind them sell they could use the easement or the Smith Family could use it. It would eliminate the need to determine who the last legal owner was. Mayor Pro Tem O'Garra asked if the Smith family would be required to keep the land maintained. Mr. Jackson stated that anyone who wanted to use the easement should be prepared to maintain it.

**Action:** The Board approved a motion to authorize a 60 foot easement.

**Motion by:** Alderman Hogans

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

(A copy of the supporting documentation is hereby incorporated by reference and made a part of these minutes – see attachment three.)

**b. Resolution Amending Purchasing Policy.**

Mr. Coats presented an amendment to the purchasing policy to add language to authorize the Manager to execute and manage day to day operational contracts. These would include all contracts for construction and/or repairs under \$500,000 and other contracts under \$90,000 that have been pre-audited by the Finance Director and approved by the Town Attorney for proper legal form. This will keep the Board from being bombarded by the day to day operational duties.

**Action:** The Board approved a motion to approve Resolution (2009) 10 amending the Town's Purchasing Policy.

**Motion by:** Alderman Hogans

**Second by:** Mayor Pro Tem O'Garra

**Vote:** Unanimous

(A copy of the supporting documentation is hereby incorporated by reference and made a part of these minutes – see attachment four.)

**c. Property Disposal, Fire Department Apparatus.**

Chief Doberstein requested the Board to declare a 1986 Quality Ford F8000 pumper as surplus so that it can be sold on GovDeals. This apparatus was replaced in 2008.

Alderman Hogans asked what a minimum bid would be and Chief Doberstein replied

the minimum bid will be \$7,000. Mr. Faison inquired if the Board would allow flexibility for staff to dispose of the apparatus should the market not support the proposed \$7,000 minimum. Mr. Jackson stated that it may be best to hold off on setting a minimum bid until we see what the bids are when they come in.

**Action:** The Board approved a motion to adopt Resolution (2009) 8 to dispose of the Fire Apparatus.

**Motion by:** Alderman Higgins

**Second by:** Alderwoman McCoy

**Vote:** Unanimous

(A copy of the supporting documentation is hereby incorporated by reference and made a part of these minutes – see attachment five.)

**d. Odell Road Park Agreement.**

Mr. Metcalf stated that a previous agreement to use this property expired in 2007 and requested that the Board authorize the Manager to execute the agreement based on the Attorney's finding of legal ownership and the owners signing the agreement.

**Action:** The Board approved a motion to move forward by delegating authority to the Town Manager to enter into an agreement for the park with the appropriate owners.

**Motion by:** Mayor Pro Tem O'Garra

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

(A copy of the supporting documentation is hereby incorporated by reference and made a part of these minutes – see attachment six.)

**9. Board and Staff Comments :**

**Alderwoman Sutherland**

- Thanked everyone for being here this evening.
- Wanted to make sure we recognize the volunteers. We had stated previously that we wanted to do something for them and I was brain-storming and came up with maybe having a potluck dinner for them or something like that. Mayor Clark stated that each volunteer will receive a certificate of appreciation and a gift from the Board for their work. That will be done this month since April is Volunteer Appreciation Month. We can always plan something else for another time.

**Mayor Pro Tem O'Garra**

- Welcomed Smith Family and requested that they keep on coming. Stated that if we need to "tweak" this agreement more you need to let us know.
- Glad to see the media here.
- Glad to see Commissioner King.

**Mr. Faison**

- Requested Board to consider May 18, 2009 at 2:00 PM for a proposed workshop on the Town's FYE 2010 Budget.

**Mr. Jackson**

- Happy to be here.

**Mayor Clark**

- Thanked everyone who came out for the Spring Clean Up. People picked up a lot of trash

and the local Boy Scout Troop was able to participate which was great.

**10. Closed Session.**

**Action:** The Board went into Closed Session pursuant to G.S. 143-318.11(a)(3) – Attorney-Client Privilege at 7:29 p.m.

**Motion:** Alderman Hogans

**Second by:** Mayor Pro Tem O'Garra

**Vote:** Unanimous

The Mayor called the meeting back into Open Session at 8:43 p.m.

**Action:** The Board approved a motion to authorize the Town Manager to look for and hire a competent individual to assess the Police Department's progress based on the initial assessment that was done about one year ago.

**Motion:** Alderman Higgins

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

Mr. Jackson stated that he prepared a Resolution requesting an Attorney General formal opinion as to the issue regarding police powers.

**Action:** The Board approved a motion to adopt the Resolution as outlined by the Attorney.

**Motion:** Alderman Hogans

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

**11. Adjournment.**

**Action:** There being no further business to come before the Board, the meeting was adjourned at 8:45 p.m.

**Motion:** Alderman Hogans

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

**Rhonda D. Webb, CMC  
Town Clerk**

**ATTEST:**

**Ethel T. Clark  
Mayor**