

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

August 10, 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:

Allen Coats, Interim Town Manager
Paul Hoover, Director of Inspections
Ken Metcalf, Recreation Director
Tina West, Interim Finance Director

John Jackson, Town Attorney
Daniel Gerald, W&WR Director
Tom Spinks, Planning Director
Rhonda Webb, Town Clerk

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

At the request of the annexation petitioners Mr. and Mrs. McCoy, Item 10b, Ordinance Extending Corporate Limits of the Town of Spring Lake was deleted from the agenda.

Action: The Board approved a motion to delete Item 10b from the agenda.

Motion by: Alderwoman McCoy

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

5. Approval of Agenda and Consent Items.

The Board approved the agenda as amended and approved the consent items: Minutes of the June 27, 2009 Regular Board Meeting, Resolution Supporting Kingdom Community Development Corporation, Certificate of Sufficiency, McCoy Annexation Request.

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

Motion by: Alderman Hogans
Second by: Alderwoman Sutherland
Vote: Unanimous

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

6. Presentation

a. Recreation Advisory Board Annual Report.

Mr. Charles Derrickson, Recreation Advisory Board Chairman reported that the Recreation Advisory Board has made recommendations on just about every Recreation issue during the past year.

Alderwoman Sutherland thanked the Advisory Board for their diligent work. Alderwoman McCoy stated that the report is very detailed and she appreciates it. Mayor Clark stated that we appreciate your dedication.

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

7. Public Forum

No one spoke at the public forum.

8. Public Hearing

a. Public Hearing, McCoy Annexation.

Mayor Clark opened the Public Hearing. Mr. Spinks stated that the property meets all the requirements for annexation. He reviewed the feasibility study that was conducted for this property.

No one spoke for or against the annexation.

Action: Mayor Clark closed the public hearing on an approved motion to close.

Motion by: Alderman Higgins
Second by: Alderwoman Sutherland
Vote: Unanimous

9. Old Business

a. Resolution, Going Green Initiative.

Mr. Coats stated that at the Board's request, staff amended the Resolution to include the normal operating hours of Town Hall and a requirement for the Manager to report yearly to the Board on the initiative.

Action: The Board approved a motion to adopt Resolution (2009) 18.

Motion by: Alderman Hogans
Second by: Mayor Pro Tem O'Garra
Vote: Unanimous

(A copy of the agenda memo and Resolution (2009) 18 is hereby incorporated by reference and made a part of these minutes – see attachment three.)

10. New Business

a. Sustainable Sandhills Regional Waste Water Proposal and Update.

Mr. Rodney Tart, Director of Harnett County Public Utilities, provided the Board with an update on the Sustainable Sandhills regional sewer project which incorporates in the planning area Fort Bragg, Pope Field, the Town of Spring Lake and the Southeastern portion of Harnett County. He stated that Harnett County is building a new 40mgd regional waste water treatment plant and a 30" waterline that will supply the Spring Lake/Fort Bragg area. He stated that since 2001 dialog has been ongoing concerning the ecosystem in the lower end of Harnett County and stated that the river must be healthy in order for the region to grow. He advised that Harnett County will need a Finding of No Significant Environmental Impact (FONSI) to be able to continue with this project. Their report for the FONSI includes Spring Lake's capacity. Should Spring Lake not participate they will have to lower the capacity by Spring Lake's amount and re-submit their application for a FONSI which will push back the timeline by 60 days. He requested the Board to approve the Mayor to sign a non-binding letter if intent. The letter states that Spring Lake intends to enter into a contract and participate at some point during the next five years for regional waste water service. At the end of the five years should Spring Lake decide not to participate we will have to get our own FONSI. The FONSI would include the Town of Spring Lake's capacity and is good for a five year period.

Additionally, Mr. Tart explained the contract and stated that the cheapest rate Harnett County will be able to offer Spring Lake will be today at \$2.50/gallon. Spring Lake could get partial capacity or go ahead and get all of our capacity now at the cheaper rate. The longer Spring Lake waits the more it will cost.

Alderman Hogans asked about the cost to the Town to treat our waste water. He stated concern about shutting the plant down. He also questioned why Cumberland County was not mentioned. Mr. Gerald stated that he does not believe that Cumberland County has waste water plans. He stated that they are looking at districts in the future. Alderman Hogans stated that he is not interested in a contract with Harnett County at this time.

Mr. Tart stated that dialog between him and the Town's staff has been ongoing for about five years.

Alderwoman McCoy requested Mr. Gerald to comment on the proposal. He stated that he disagrees with the contract and feels it is not necessary.

Alderman Higgins stated that we need to talk with our engineer and staff before consideration to move in this direction could be made. We have to spend the taxpayer's money wisely. He stated that he does not want to throw away the opportunity to look at the future but is not ready to look at this tonight.

Mayor Pro Tem O'Garra stated that he spoke with Ms. Hinson at the Division of Water Quality Fayetteville office and she stated that we are doing everything right at this time. He stated that he plans to stick with our own treatment plant for a while.

Mr. Coats clarified that the item before the Board tonight is not a contract. Mr. Tart is requesting that the Board consider a non-binding letter of intent which gives us a five year window to decide what we want to do.

Mayor Clark encouraged the Board to approve the letter of intent to keep our options open.

Action: The Board approved a motion to authorize the Mayor to sign the non-binding letter of intent.

Motion by: Alderman Higgins

Second by: Alderwoman Sutherland

Vote: 3-2 Yes

Alderman Higgins

Alderwoman McCoy

Alderwoman Sutherland

No

Mayor Pro Tem O'Garra

Alderman Hogans

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

b. FAST Route 40 Bus Service.

Mr. Hoover gave the Board an overview of the status of the bus service. He stated that the shortfall to operate the bus service from December 2009 through June 2010 is approximately \$75,865. He requested that the Board determine if they want to continue the bus service.

Alderwoman Sutherland stated that there are quite a few passengers who utilize the bus service to get to work and stated that she had discussed with Mr. Hoover alternatives and it was determined that the Town does not have the resources to fund the bus service or alternatives. She stated that she was just concerned about the people who need the bus to get to work and to the doctor. She stated that she understands that if we can not afford it then we will have to stop it because she needs to be a good steward of the Town's money.

Mayor Pro Tem O'Garra stated that we need to figure out how to get the funds to make this happen. We can not afford to regress back to the stone-age. Our citizens should not suffer because of the problems that we have had with our police department. He stated that we have been lucky that we were able to have the bus service for seven years and Cumberland County was willing to work with us so I hope we can squeeze some money from the Fort Bragg annexation or the sale of the industrial park to keep this going. He also wanted to know if we get charged the same

Alderman Hogans asked about how the word would get to the citizens if we decide not

to continue service. Mr. Hoover stated that FAST will do that beginning immediately and post that on each bus. Alderman Hogans asked what was done by staff and Fayetteville to try to curb this cost. Grants will not support Spring Lake because we are not a rural area. This was the big money and we do not qualify. He inquired if Mr. Hoover knows what other passengers in towns our size pay for bus service. Mr. Hoover stated that because our demand is so small there is no other data to draw from. Alderman Hogans stated that he is having a hard time accepting this as reality and that nothing else can be done. He stated that we deserve the same rights as any other County residents and we should not be discriminated against because we are incorporated.

Alderman Higgins clarified that the bus service is operated by Fayetteville and Hope Mills does not have bus service.

Alderman Higgins stated that we are on watch by the LGC right now, we lowered our tax rate because of the revaluation and we just are not in a position to do this right now.

Action: The Board approved a motion to send the letter to the City of Fayetteville to terminate the service.

Motion by: Alderman Higgins

Second by: Alderwoman McCoy

Vote: 3-2

Yes

Alderman Higgins

Alderman Hogans

Alderwoman McCoy

No

Mayor Pro Tem O'Garra

Alderwoman Sutherland

(A copy of the agenda memo and PowerPoint presentation is hereby incorporated by reference and made a part of these minutes – see attachment five.)

c. Contract for Services, Town Manager Search.

Mr. Coats presented the contract from Young & Associates to conduct the search for a new Town Manager and requested that the Board approve the contract and authorize the Mayor to execute the contract. It was clarified that the contract is not open ended and is for a specific amount of money.

Action: The Board approved a motion to approve the contract with Young & Associates for the Town Manager search and authorize the Mayor to execute same.

Motion by: Alderwoman Sutherland

Second by: Alderman Hogans

Vote: Unanimous

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

Mayor Clark recognized Mr. James Ellerbe from Spring Lake Middle School who is moving to the Educational Program Director for the Turnaround Program at the

Department of Public Instruction. He thanked the Board for their support over the last five years. Mayor Clark and Mayor Pro Tem O'Garra worked hard for the school and he appreciates it.

II. Board and Staff Comments :

Alderman Hogans

- Looking forward to getting the police department back on their feet. A lot of things that are going on in the community will be taken care of once we get the police department back on track.

Alderwoman Sutherland

- Thanked everyone for coming out. If we work together we can make this

Alderman Higgins

- Glad to be here.

Mayor Pro Tem O'Garra

- Concerned that we have not seen any confirmation from the Judge that she will reinstate our powers if we follow the plan laid out by Chief Jarvies. I do not feel comfortable that if we do everything in the plan we will be okay. Requested that the Board consider filing suit against how we are being treated and face the Judge head-on. He made a motion to have the attorney sue the Judge. The motion died for a lack of a second. He wants to find out where we really stand. Alderman Higgins agreed that we need to get updates from her. Alderwoman Sutherland also would like the attorney to inform us on where we stand in the situation. Mr. Jackson stated that he would like to discuss any questions concerning litigation but it should not be done in open session.
- Glad to see everyone.
- Boxing in the park and look-alike on Saturday.

Alderwoman McCoy

- Good to see everyone here tonight.
- I would like to see the police department speeded up. This waiting around is not good.

Mr. Coats

- Young and Associates will be here tomorrow.
- Reminded everyone about the Public Forum on Thursday night concerning the Police Chief search.

Mr. Jackson

- Happy to be here.
- Made sure the Board knew that they were given an update from Chief Jarvies concerning the Police Department.

Mayor Clark

- Unity in the Community, August 15, 2009, 9:00 a.m. on 4th Street. They will be handing out school supplies. They will also have nightly services at First Baptist Church tonight, tomorrow night, and Wednesday night. They will be at the Community Center on Thursday and Friday nights.
- Mr. Fitch will host Boxing in the Park on Saturday. There will also be a father/son look-a-like contest.

12. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 8:48 p.m.

Motion: Alderman Higgins

Second by: Alderman Hogans

Vote: Unanimous

Rhonda D. Webb, MMC
Town Clerk

ATTEST:

Ethel T. Clark
Mayor