

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

August 24, 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: Alderman Richard Higgins
Alderman Napoleon Hogans
Alderwoman Nellie McCoy
Alderwoman Fredricka Sutherland

Mayor Pro Tem James O'Garra participated by phone.

Others Present:

Allen Coats, Interim Town Manager
Robert Doberstein, Fire Chief
Daniel Gerald, W&WR Director

John Jackson, Town Attorney
Paul Hoover, Director of Inspections
Gregg Jarvies, Interim Police Chief

Ken Metcalf, Recreation Director
Tina West, Interim Finance Director

Tom Spinks, Planning Director
Rhonda Webb, Town Clerk

2. Invocation.

Alderman Hogans gave the invocation.

3. Pledge of Allegiance.

Mayor Clark led the meeting in the pledge of allegiance.

4. Additions or Deletions to Agenda

Daniel Gerald and Gary MacConnell requested that the Board add the Manchester Sewer Line Project as item 8h to the agenda. Also, the public hearing for Case 09-27 was not printed on the agenda but had been advertised for this meeting, therefore it needed to be added that to the agenda.

Action: The Board approved a motion to add Manchester Sewer Line Project and Public Hearing on Case 09-27 to the agenda.

Motion by: Alderman Higgins

Second by: Alderwoman Sutherland

Vote: Unanimous

5. Approval of Agenda and Consent Items.

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

August 10, 2009 Regular Board Meeting, Amend Minutes of the July 27, 2009 Regular Meeting, Resolution Awarding Service Badge and Sidearm to Retiring Police Officer and Appointment to Community Appearance Commission.

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

Motion by: Alderwoman Sutherland

Second by: Alderman Hogans

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. Retirement, Mark Thomas.

Mayor Clark presented Mark Thomas with a plaque and Town coin. Chief Jarvies presented him with a shadow box containing his badges and Department patches and a Resolution of Appreciation. Additionally, he was presented with his service weapon. Sergeant Thomas received a standing ovation.

7. Public Forum

No one spoke at the Public Forum.

8. New Business

a. Case #09-27, Public Hearing and Rezoning, Hinkle Property.

Mr. Spinks presented Case #09-027. He stated that the property consists of 24.08 acres and fronts on Lillington Highway. The developers have requested that the property be rezoned from R-6A and HS(P) to R-5A which is primarily for multi-family use.

Mr. John True, Eastern Harbor and Associates, spoke in favor of the rezoning. He stated that he feels there is a need and believes the proposed development will be an asset to the area. He stated that the development will be high-end apartments with amenities. Alderwoman Sutherland questioned the price range and Mr. True stated they would range from the high \$600/one bedroom, high \$700/two bedrooms and approximately \$1000/three bedrooms. Mr. Johnnie Scott, Cumberland County Planning Department, stated that the County recommends approval based on the following items:

1. The request is consistent with the Spring Lake Area Detailed Land Use Plan, which calls for medium density residential at this location.

2. The request is consistent with the proposed 2030 Growth Vision Plan (urban area) and with the location criteria for the district requested as enumerated in the Land Use Policies Plan.

3. The request will allow for more uniform zoning and comparable land uses that exist within the general area.

Action: The Board approved a motion to close the public hearing.

Motion by: Alderman Higgins

Second by: Alderman Hogans

Vote: Unanimous

Action: The Board approved a motion to approve Case #P09-27 for rezoning, the Hinkle Property.

Motion by: Alderwoman Sutherland

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

(A copy of the agenda memo and Case #09-27 documentation is hereby incorporated by reference and made a part of these minutes – see attachment two.)

b. Case #09-041, Ordinance Amendment, Subdivision Section, Removing Conflict with Appendix D of Fire Code.

Mr. Spinks presented Case #09-041 stating that the revision and amendment will modernize to the Subdivision Ordinance and remove conflicts with the Fire Code, Appendix D that was approved by the Board on June 22, 2009. He stated that Town staff and the County Planning Board recommends approval.

Action: The Board approved a motion to approve Case #P09-041 Revision and Amendments to Chapter 155.

Motion by: Alderman Hogans

Second by: Alderwoman Sutherland

Vote: Unanimous

(A copy of the agenda memo and Case #09-041 documentation is hereby incorporated by reference and made a part of these minutes – see attachment three.)

c. Discussion of Enterprise Zones/Redevelopment Zones Concept.

Mr. Coats stated he would like to determine the Board's interest in establishing redevelopment zones within the corporate limits of Spring Lake. These zones would be established by the Board and would designate areas the Board would offer some type of incentive for developers to access if they engage in meaningful redevelopment of the properties located within these zones. He stated that typically these incentives would include things like property tax reductions and or rebates.

Mayor Clark stated that this will help take care of blighted areas.

It was the unanimous consensus of the Board to have staff proceed with gathering information and data concerning redevelopment zones and bring back to the Board at a workshop.

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

d. Ordinance Amendment, Budget Ordinance Appendix A “Authorized Employee Positions.”

Ms. West presented the amendment to the Budget Ordinance stating that a request was made by the Recreation Department to move an employee from Public Buildings to the Recreation Department to help maintain the grounds at the parks.

Action: The Board approved a motion to approve Ordinance (2009) 18.

Motion by: Alderman Hogans

Second by: Alderman Higgins

Vote: Unanimous

(A copy of the agenda memo, Appendix A of the Budget Ordinance, Ordinance (2009) 18 and request memos is hereby incorporated by reference and made a part of these minutes – see attachment five.)

e. Budget Amendment.

Ms. West requested that the Board approve Budget Amendment 2002-2 which will support the move of the employee from Public Buildings to Recreation.

Action: The Board approved a motion to approve the budget amendment.

Motion by: Mayor Pro Tem O’Garra

Second by: Alderwoman McCoy

Vote: Unanimous

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

f. Discussion of FAST Bus Service.

Alderwoman McCoy stated that she would like the Board to rescind their previous action and discuss the issue further.

Motion by: Alderwoman McCoy

Second by: Alderwoman Sutherland

Alderman Higgins stated that he could not support this initiative. He stated that it will cost approximately \$75,000 to renew this contract and will cost approximately \$155,000 for one year of service. He expressed concerns about going outside the budget process to approve this amount. He stated that in June 2007 the Town’s fund balance at the

beginning of the year was approximately \$1,894,000 and by the end of the year it was \$1,600,000. The following year fund balance went down to approximately \$500,000 and we were put on watch by the Local Government Commission. This year the un-audited fund balance was approximately \$1,100,000. That fund balance was increased by a number of measures. Some of the measures were money that was not spent in the Police Department. We did not resurface any streets in the Town last year. Two full-time positions were frozen and a part-time position was

frozen. COLA's were not given last year or this year and performance pay was not approved for this year. The PARTF grant was denied and we have things that we need to do at the park. He stated that he serves on the transportation committee and the bus service is a good thing but he just can not support it for these reasons.

Alderman Hogans stated that he voted to terminate the service previously because he could not see where the money would come from to pay for the service without raising taxes and fees. He stated that we did receive money as a result of the annexation but that money is almost gone due to other things needing to be done. He has discussed this issue with other Board Members and citizens and stated that we will do the things that we need to do to carry forward and support the people who need the help. If we need to raise taxes and fees to keep our fund balance where it needs to be, as painful as that will be, then he will do that. He asked if we have submitted for any grants to help with this. Mr. Hoover stated that the County has to submit for the two grants that we have been receiving. They did and did not receive approval for the grants. Alderman Hogans asked if we are being charged the full cost to operate the bus in Spring Lake and Mr. Hoover stated that is correct. We are basically subsidizing each rider at a cost of \$17.00 per trip one way. Alderman Hogans stated that he is committed to doing what needs to be done to keep the bus service in place. He expressed concern about the price we are being charged and would like Mr. Hoover to investigate and report back to the Board at the next meeting.

Alderwoman McCoy's reason to bring this back up is that she believes we need a bus system regardless of how it has to be funded. If we can pay for consultants to do all these searches then we need to find money to pay for the bus service.

Alderwoman Sutherland stated that she would like to see this issue revisited. She wants to make sure we have exhausted every possible avenue to keep the bus service. Her concern is that some citizens do not have a way to work or to get to the doctor.

Mayor Pro Tem O'Garra stated that if we let the bus service go now it will take a lot to get it back. He too is concerned about citizens who need the bus to get to work. He stated that now is not the time for us to be back stepping. We need to support the citizens of Spring Lake because they are the ones who put us in place to make decisions for them. The citizens are looking for a strong response from the Board and we need to give it to them. We need to go talk to the people at FAST.

Action: Alderwoman McCoy withdrew her motion and Alderwoman Sutherland withdrew her second based on the fact that this issue will be discussed at the next meeting after Mr. Hoover has had a change to investigate other possibilities.

Mayor Clark reported that she began looking for money when she heard that this item was on the agenda. She talked with the Director of Community Development and found \$20,000 that is available for public service programs. We will still need \$55,000.

Action: The Board approved a motion to extend the bus service contract for one month so that a budget amendment can be brought back and a thorough study made and reported back to the Board in 30 days.

Motion by: Alderwoman Sutherland

Second by: Alderwoman McCoy

Vote: 4-1

Yes

Alderman Higgins

Alderman Hogans

Alderwoman McCoy

Alderwoman Sutherland

No

Mayor Pro Tem O'Garra

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

g. Discussion of Involvement of Police Benevolence Association in Police Department Issues.

Alderwoman McCoy stated that she would like to table this item to the next meeting based upon legal advice she received from Mr. Jackson. It was clarified that the Police Benevolence Association should speak with the Interim Town Manager, Interim Police Chief and Town Attorney prior to discussing information at the Board Meeting. Mayor Pro Tem O'Garra requested a closed session and Mr. Jackson stated that it is prudent to determine the issues first prior to setting a closed session to ensure we follow the laws governing closed sessions.

Action: The Board approved a motion to table the item to the next Board meeting, allowing the Police Benevolence Association to present issues to Town Manager.

Motion by: Alderwoman McCoy

Second by: Alderwoman Sutherland

Vote: Unanimous

h. Manchester Sewer Line Project.

Mr. Gerald requested that the Board approve a Resolution to accept the contract for the Manchester Sewer Project with the caveat that it is approved by the Town Manager and the Town Attorney. There are still some easements that may need to be condemned so

as to meet the requirements and not loose the money. He also requested that the Board award the bid which is included in the Resolution. Mr. Jackson stated that he has reviewed the proposed contract but is still waiting to see the performance and payment bonds. Alderman Higgins asked about the deadline to get this project started. Mr. Gerald stated that something must be started by September 5, 2009 but he is aiming for August 31, 2009.

Action: The Board approved a motion to approve Resolution (2009) 23.

Motion by: Alderman Higgins

Second by: Alderman Hogans

Vote: Unanimous

10. Board and Staff Comments :

Alderwoman Sutherland

- Glad to see that the conference call works.
- Good to see everyone out this evening.
- Thanked the Sheriff's Department for protecting the citizens.
- A Wal-Mart employee told her that the bus does not come to Wal-Mart anymore and it used to. She requested the Mr. Hoover look into this.
- Glad to see the men in blue here this evening. Thanked Mark Thomas for his service to the Town.
- Glad that we are re-visiting the bus service because we do not always think about this if we have a vehicle and can get to the places we want to go but we need to think about the people who do not have a vehicle. Thanked Mr. Hoover for the work that he has done but wants him to keep looking for funds.
- Glad to be here.

Alderman Higgins

- The bus issue could have serious economic consequences for some Town residents. This is one of the reasons why we need a county wide regional transit authority instead of a city bus system. He believes that is what we need to be working on.
- Town's appearance is of great concern and we need to re-visit some of our nuisance ordinances. This is a quality of life issue for all of us. Mr. Coats reported that Mr. Spinks has been working with Cumberland County Planning Department to draft a new set of Ordinances that can be enforced.
- Wished Sergeant Thomas well.
- It is good to see the Police Department in uniform and here.

Mayor Pro Tem O'Garra

- Expressed some concern about the Harnett County letter of intent. We already do not have our own sanitation department and our police department is not active and we need to really think about what we are doing before we give our waste treatment away.
- Expressed concern about the power that was given to the Town Manager to sign

contracts that are less than a certain amount.

Alderwoman McCoy

- Happy to see everyone here. Admire the enthusiasm of those who applaud things that you are interested in. Make sure you applaud the right things. We are on this Board to do the right thing and that is my primary interest.
- I have always been an advocate for them coming back to the streets and I will continue to feel that way which is why I requested to discuss the involvement of the Police Benevolence Association tonight. I believe that if we can do anything to help them get back on the street we need to do it.

Alderman Hogans

- Congratulations to Officer Thomas on a fantastic career.
- Thanked Chief Jarvies for his update on the Police Department. Hoping that you can nail down commitment from downtown.

II. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 8:26 p.m.

Motion: Alderman Higgins

Second by: Alderwoman McCoy

Vote: Unanimous

Rhonda D. Webb, MMC
Town Clerk

ATTEST:

Ethel T. Clark
Mayor