

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

August 30, 2010

**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 James Christian  
Alderman Richard Higgins  
Alderwoman Debora Hudson  
Alderwoman Fredricka Sutherland

**Others Present:**

Michael Uskiewicz, Town Manager  
Paul Hoover, Director of Public Utilities  
Rhonda Webb, Town Clerk  
John Jackson, Town Attorney  
Tom Spinks, Inspector

**Invocation.**

Mayor Clark gave the invocation.

**Minimum Housing Appeals Board.**

Alderman Higgins stated that he requested this meeting to discuss ground rules for boards. There are some questions about people who do not live in Town making decisions concerning people who do live in Town. He also wanted to discuss the applicant process for the appeals board due to the fact that the perception is that it was not handled properly. Our emphasis is to clean the Town up. He looked at the web site today and would like to make sure that when we have an opening on a board or committee that we make sure we are advertising that fact. Ultimately it is the Board of Aldermen who should be trying to solicit people from the community. Staff can if they know someone but the Board should take that responsibility.

Alderwoman Sutherland believes that citizens should be the members of the appeals board. The Town needs to do a better job advertising for openings on Board appointed committees. She has had several citizens ask about serving but they do not know much about what the appeals board will do and she questioned how we can ask people to serve on a board when there is no information about what that board will do and how it will work. Because of the way this was brought to the Board it made it look like someone hand picked the applicants and then the Board was just supposed to accept it. She believes that all Board appointed committee members should be residents.

Mr. Hoover, at the request of Mayor Clark, explained how the minimum housing process works. The intent of the minimum housing code is to ensure compliance with the building codes. He explained how building codes are put in place and the intent of using building codes to make homes habitable

and safe. This is the intent of the minimum housing code. We must do this without putting undue burdens on the residents. The intent is to rehabilitate. There can be instances where the structure has to be torn down but only after it has gone through all the steps. Examples of this type of situation would be a house that was burned with more than 2/3 damage, an abandoned building where we can not find the owner or get compliance from the owner to fix what is a public safety nuisance. However, the Building Inspector will not be the one to order the structure demolished, that order will come from the Board of Aldermen.

Once there is a violation, and only if they appeal, does it go to the appeals board. The appeals board makes a reasonable decision and gives their recommendation to the Building Inspector. At that point, if they are not agreeable to the decision, they can still appeal the decision to the Superior Court who will be the final authority.

Mr. Jackson clarified that after the administrative remedies provided for in the Ordinance are exhausted even to the Superior Court and based on their findings, if there are any, or the time for appeals is lapsed, then you would move forward which would require an Ordinance approved by the Board of Aldermen before a structure could be demolished.

Alderwoman Hudson questioned if the Board of Aldermen will be responsible for putting the rules of procedure in place for this Board? She clarified that we need to determine if we are going to require the board members to be citizens. Mr. Jackson stated that the Ordinance covers what is done in the appeals process. It is a quasi-judicial hearing where both sides get a fair hearing, they both present their evidence and based on that evidence the appeals board renders a decision. That decision can be further appealed to superior court. Literally in a quasi-judicial hearing, the committee members should not have any preconceived notions or prior knowledge of the situation.

The Board's consensus was that only residents of Spring Lake should be allowed to serve on Board appointed committees. They requested a general Ordinance at a future Board meeting to allow guidance to staff for future committees. Make sure the Ordinance allows for exceptions for those members who are required by Statute to have persons outside the Town limits or where the Board deems outside members are desirable.

They also directed staff to do everything in our power to notify citizens about openings on committees. We need to use all avenues to get the word out.

**Action:** The Board approved a motion to direct staff to prepare an Ordinance that requires only residents can serve on the appeals board; and concurrently advertise for applicants for the appeals board that will be voted on at the September 13<sup>th</sup> Board meeting.

**Motion by:** Alderwoman Sutherland

**Second by:** Alderman Christian

**Vote:** Unanimous

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

**Adjournment.**

**Action:** There being no further business to come before the Board, the meeting was adjourned at 7:42 p.m.

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

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous



*Rhonda D. Webb*

Rhonda D. Webb, MMC

Town Clerk

ATTEST:

*Ethel T. Clark*

Ethel T. Clark

Mayor