

Town of Spring Lake
Board of Aldermen Workshop
Municipal Building
300 Ruth Street
Spring Lake, NC 28390

February 9, 2009

MINUTES

5:00

p.m.

The Spring Lake Board of Aldermen held a workshop in the Grady Howard Conference Room of the Municipal Complex with Mayor Pro Tem James O'Garra presiding.

Board Members Present: Alderman Richard Higgins
Alderman Napoleon Hogans
Alderwoman McCoy
Alderwoman Sutherland arrived at 5:30 p.m.

Mayor Ethel Clark was absent.

Others Present: Larry Faison, Town Manager
Alvin Brown, Police Chief
Ken Metcalf, Recreation Director
Rhonda Webb, Town Clerk

The purpose for this workshop was to discuss proposed amendments to the Noise Ordinance and to discuss the Recreation Facilities rental and fees.

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

Noise Policy Issues for Noise Regulations.

Chief Brown gave an overview of the items and times for regulation, special permits for additional amplification limits and exceptions for permits. He stated that he is looking for a consensus from the Board on the changes they want in the Ordinance

Alderman Hogans questioned how a person will know how loud a certain decibel is and Chief Brown stated that the Police Department will work on a way to educate citizens. Chief Brown will provide another demonstration for the Board so they can hear and compare what different decibel readings sound like. MR. Faison clarified that the decibel range listed on the proposed Ordinance is showing daylight hours and dark hours. The high number is for daylight hours and the low number is for dark hours. It was determined that if the noise can not be measured a violation would not be issued. The Police Department will not enforce based on complaint only.

Alderman Hogans inquired about habitual violators and how that will be handled. Chief Brown recommended that Officers have discretion in dealing with issues concerning loud noises. How the offender interacts with the Police may dictate how the Officer handles the situation. Chief Brown stated that usually a first offender would receive a warning.

It was requested that we have the decibel meter at the park the next time we have a function at the park and measure the noise level.

It was the consensus of the Board to have the Manager handle any appeals concerning a person or group who requests a permit and the Police Chief denies the request.

If citizens think a function will exceed the decibel allowance, they should come by the Police Department and obtain a permit. Chief Brown stated that there will be a learning and education period and the Police Department will work with people to educate them.

The Board's consensus was to proceed as recommended by the Police Chief with the Ordinance changes and to set the civil penalty at \$50. It was also determined that there should be a structured appeals process.

Chief Brown explained how the City of Fayetteville handles the appeals process and recommended that the Board consider patterning our Ordinance after them. He stated that an independent person hears appeals and makes a determination. Alderman Hogans stated that we have a capable Manager who should be able to hear appeals. Alderwoman Sutherland agreed with having the Manager hear appeals. There was some discussion about whether the Board should hear the appeal if the complainant is not satisfied. It was clarified that the complainant can be heard at the Magistrate's office as another venue should a person feel they have not been heard. Chief Brown is still working on the appeals process for the Ordinance.

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

Special Event Permitting and Recreation Facility Rental/Usage.

There was not enough time to discuss the special event permitting and recreation facility rental/usage topic.

Meeting adjourned at 6:32 p.m.

Rhonda D. Webb, CMC
Town Clerk

ATTEST:

Ethel T. Clark
Mayor