

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

January 26, 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 Ethel T. Clark presiding.

Board Members Present: Mayor Pro-Tem James O'Garra
Alderman Richard Higgins
Alderwoman McCoy

Alderman Napoleon Hogans and Alderwoman Sutherland were absent.

Others Present: Larry Faison, Town Manager
Alvin Brown, Police Chief
Rhonda Webb, Town Clerk

The purpose for this workshop was to discuss the Noise Ordinance. Mr. Faison stated that he and the Police Chief have been working on this Ordinance for approximately two months. He stated that this is not a finished product. There are sections of the Ordinance that need Board input. Staff is looking for guidance and consensus from the Board on the proposed Noise Ordinance.

Proposed Amendments to the Noise Ordinance.

Chief Brown provided the Board with a sample Noise Ordinance, Fayetteville Police Department's Noise Ordinance and information on noise-induced hearing loss. Chief Brown gave an overview of the sample Noise Ordinance.

Chief Brown gave the Board a demonstration of a police vehicle siren and a radio commercial coming from a vehicle from 100 feet away. The police vehicle siren measured approximately 88 decibels and the radio measured approximately 77 decibels.

Alderman Higgins questioned loud music coming from bars and how the decibel levels will effect that. We need to make sure the Ordinance addresses issues like this. He asked how many complaints we get concerning noise. Chief Brown stated that we get quite a bit. Alderman Higgins requested if there have been any complaints from the bar in Southwinds Plaza. He would like to see what the decibel reading is when the music is being played at that location.

The Board agreed that an Officer who reports to a loud music call should have an Ordinance with "teeth" to allow them enforcement powers. Some members of the Board would like the Ordinance to specify that a warning is given first before a citation

is written. Mr. Faison asked the Board to consider how an Officer would know that a warning was previously given and to consider how the Ordinance will be enforced when making decisions on what the Board wants in the Ordinance. Alderman Higgins stated that there will be cases where a warning is warranted. We were raked over the coals due to one individual saying he gave a warning and another individual saying he did not get a warning. He questioned how many warnings would be issued and suggested that a written warning is the only warning that we can prove and there should be a way to see if someone has been warned, if we feel the incident is severe enough. He doesn't want to overburden the police department but how can we prove that we have given a warning. Mr. Faison stated that if you mandate a warning, someone will have to research whether the warning was given and they only have one administrative person. Mayor Pro Tem O'Garra agreed with what Alderman Higgins said. It was discussed that common sense must be used when dealing with this type of incident. Alderwoman McCoy stated that if the people are told when they get a permit for additional amplification about the Ordinance and what the rules are then a warning should not be necessary. They were warned when they received their permit.

The Manager advised that he believes this sample Ordinance would be hard to enforce. It is given as a guide for the Board and provided to give the Board something to get them thinking about what they want in the Ordinance.

Alderman Higgins stated that the Ordinance needs to be in line with what other agencies in the region are doing and Mayor Clark agreed.

Mr. Faison stated that there needs to be a basis for appeal. He is not keen on being the appeal authority. If this is to be the case, the policy needs to be expressed in the Ordinance.

Mayor Clark suggests if a citizen does not like the actions of an Officer they need to go to the Chief first. She stated that the Ordinance needs to be specific enough that the Police Chief could justify whether the Officer acted within his authority and let it end there. Noise issues may not need be elevated to the Manager's level. Alderwoman McCoy agreed with Mayor Clark. Mayor Pro Tem O'Garra disagreed. JJ said you need to write the standard in the Ordinance.

Mayor Clark inquired if the decibel meter readings are admissible in court. Chief Brown will let her know.

JJ explained that in the noise incident a civil penalty means that the person would go to Magistrate's Court. If you do not want to be bothered with it, make it a misdemeanor. If you want the option to follow through to make a point you will need to keep the civil penalty in there. Concerning a place like a night club you might want to pursue the issue as a nuisance and obtain an injunction against the person or place.

The meeting ended at 6:46 p.m.

Rhonda D. Webb, CMC
Town Clerk

ATTEST:

Ethel T. Clark
Mayor