

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

July 27, 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
Gregg Jarvies, Interim Police Chief

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

Tina West, Interim Finance Director

Rhonda Webb, Town Clerk

2. Invocation.

Mayor Pro Tem O'Garra gave the invocation.

3. Pledge of Allegiance.

Mayor Clark led the meeting in the pledge of allegiance.

4. Additions or Deletions to Agenda

Mayor Pro Tem O'Garra requested that the Board add discussion and update on the Cannady Associates Contract at item 9h to the agenda. Mayor Clark requested that the Board delete all items pertaining to the Mark Thomas retirement ceremony which includes item 5c, 6a and the retirement reception. Sergeant Thomas' retirement ceremony and reception will be held next month. Alderman Hogans requested that we delete item 11, Closed Session from the agenda.

Action: The Board approved a motion to add Cannady Associates Contract Discussion and Update and delete item 5c, Resolution, 6a, Presentation and retirement reception and item 11, Closed Session from 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 July 13, 2009 Regular Board Meeting and July 16, 2009 Special Board Meeting.

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

Motion by: Alderman Higgins

Second by: Mayor Pro Tem O'Garra

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. Going Green Initiative Progress Report.

Mr. Coats gave a PowerPoint presentation on the progress of the Going Green Initiative. He stated that the initiative was to integrate energy conservation, gas reduction, economic savings and increased levels of customer service. The operation hours were extended for the Water Department to allow customers more time to conduct water business. He clarified that on Friday the drive-up window is a full service access for water services. Mr. Coats reviewed the findings that resulted from the customer and employee survey.

Mr. Coats provided the Board with an overview of the electric savings that has resulted in the Going Green Initiative. Mr. Hoover provided the Board with fuel savings primarily from the Street Department. He stated that that one department saved just over \$4,100 in fuel costs. He stated that start up and stop time has been diminished and an additional work hour has been added to the workday.

Alderwoman McCoy inquired about whether we have seen a decrease in sick time and employees taking time off. Mr. Coats stated that because we do not have a Human Resources Department that information will have to be researched.

Alderman Hogans would like the Resolution to be redone to include work hours and brought back.

Alderwoman Sutherland would like to review this policy each year.

7. Public Forum

Ms. Dianne Howard Sheppard of 300 N. Second Street, stated that to be left without police protection is negligent and to try to mislead the citizens is just plain wrong. Sheriff Butler should be commended for the services he has provided with no additional funding. She also requested to know exactly what she is receiving for the taxes she pays. She stated that the new tax rate will create a true burden to pay. She said that not only has the Town not improved, it has gone down in value. She asked what the Board is going to do about the tax rate in Spring Lake. She stated that her dad, the first Mayor of Spring Lake, Lester Carter Jr., and other fine men went to Raleigh to have the

Town incorporated. They did so because they saw great potential in an area so close to Fort Bragg and Pope and the services that they could provide. She said they had a great love for this Town. She pleaded to give us back the Town that was so solidly put in place many years ago. She implored them to take the advice that they paid for in the past. Hiring Mr. Jarvies was a great thing but not taking his advice is just another slam in the citizens' faces. She said that if the Board is going to spend taxpayer money they need to consider all consequences

and take care of business. She stated that the Town if a business, please treat is as such and consider each and every taxpayer when you make decisions.

8. Old Business

a. Approval of Search Firm for Town Manager Position.

Mr. Coats advised that this item was tabled from the July 13, 2009 meeting. Once the Board selects a firm a contract will be brought back before the Board for approval.

Mayor Pro Tem O'Garra requested how long we will have to wait once we make the selection of which firm we wish to work with. Mr. Coats stated that we could meet one day next week to approve a contract.

Alderman Hogans stated that all firms seem to be qualified however the price is very different.

Alderwoman McCoy stated that she inquired about the firms and found that Developmental Associates does much more than the other firms. She suggested that we get the most qualified firm because we have had so many managers. Mayor Clark stated that Young & Associates have a similar approach to Developmental Associates for much less money.

Alderman Higgins stated that the Board will be the ones to do the hard work. The Board will ultimately decide who will get the job. The Firm will only screen the applicants and bring the number of applicants that the Board wants to interview.

Action: The Board approved a motion to hire Young & Associates as the search firm for our Town Manager.

Motion by: Alderman Hogans

Second by: Alderman Higgins

Vote: Unanimous

9. New Business

a. Case #09-081, Village on the Lake, Phase Two, Subdivision Site Plan and Variance.

Mr. Spinks presented case #09-067 stating that the Town has been working closely with the developer on the proposed 144 unit apartment complex. The development consists of 11.17 +/- acre development located on Laketree Boulevard adjacent to Village on the Lakes apartments. The developer is asking that the Board consider a variance from the subdivision ordinance to allow reduction of the number of access points and widths as shown on the proposed site plan.

The Spring Lake Subdivision Regulations requires one access drive off of a public street for every 60 parking spaces. Mr. Jackson stated that the Planning Department is looking into this requirement because it has been found to not be a good way to determine the number of access drives, it is too restrictive. This development would be required to have five entrance access drives. The developer has requested a variance from this requirement and is requesting to be allowed to use the drives shown on the site plan. Ms. Speicher stated that they actually have three access points but one will be used only for emergencies. Mr. Spinks clarified that the Spring Lake Subdivision Regulations require access drives to have a minimum width of forty feet.

The two proposed drives are twenty-six and twenty-four feet. He stated that the plan meets the number of units being served. The Town's Plan Review Committee recommends conditional approval. The Spring Lake Fire Chief has determined that the design meets the International Fire Prevention Code for safety requirements and fire protection. Cumberland County Joint Planning Department also recommends approval.

Action: The Board approved a motion to approve the site plan and variance to include conditions on the finding of the following three facts: 1. There are adequate number of entrance drives and turn around area within the proposed parking lot due to the design of the looped drives and the width of the main entrance drive allows for two way traffic; 2. The emergency access point in the middle of the development will provide for additional access if needed for emergency vehicles; 3. The Spring Lake Fire Department states that the public safety and fire protection will not be hindered by the proposed drive layout.

Motion by: Mayor Pro Tem O'Garra

Second by: Alderman Hogans

Vote: Unanimous

(A copy of the agenda memo, Case #09-067 documentation, Fire Department memo and Appendix D of the Fire Code is hereby incorporated by reference and made a part of these minutes – see attachment two.)

b. Case #09-081, Taco Bell Site Plan.

Mr. Spinks presented Case #09-081 stating that the developer is requesting approval of the proposed C(P) site plan for Taco Bell on property consisting of 1.47 +/- acres fronting on North 4th Street (Lillington Highway) and North 5th Street. The Town's Plan Review Committee has reviewed the construction plans and recommends approval with conditions as outlined on the site plan. Cumberland County Joint Planning Department also recommends approval.

Action: The Board approved a motion to approve Case #09-081.

Motion by: Alderman Hogans

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

(A copy of the agenda memo and Case #09-081 documentation is hereby incorporated by reference and made a part of these minutes – see attachment three.)

c. 2030 Growth Vision Plan Approval.

Mr. Spinks advised the Board that the County has been working on the 2030 Growth Vision Plan and the Land Use Policy Plan for several years. He requested that the Board approve the plans.

Action: The Board approved a motion to approve the 2030 Growth Vision and Land Use Policy Plans.

Motion by: Alderwoman Sutherland

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

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

d. Recreation Advisory Board Appointments.

Mr. Coats presented appointment applications for the Recreation Advisory Board. He stated that he is filling in for Mr. Metcalf who is on vacation.

Alderman Hogans stated that Ms. Medena has been on the Recreation Advisory Board for a time and he suggested that each Board Member vote on whom they want to serve so as to give everyone a fair chance. He nominated Ms. Medena to be re-appointed.

Mr. Coats stated that staff recommends that Ms. Crosby be appointed to a three-year term for the Manchester Township. Ms. Medena be re-appointed and the other three individuals be appointed as Spring Lake alternates.

Action: The Board approved a motion to follow the recommendation of staff.

Motion by: Alderman Hogans

Second by: Alderwoman McCoy

Vote: Unanimous

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

e. Resolution, Going Green Initiative.

Mr. Coats requested that the Board table this item to allow time to amend the Resolution to include work hours.

Action: The Board approved a motion to table this item to the next meeting.

Motion by: Alderman Hogans

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

(A copy of the agenda memo, Resolution (2009) 18 and the Going Green Initiative Survey Information is hereby incorporated by reference and made a part of these minutes – see attachment six.)

f. Resolution, Bank Signature.

Ms. West advised the Board that North Carolina General Statute 159.25b requires that the Finance Director and one other public official counter sign all checks and drafts on the Town's depository. Since Larry Faison is no longer authorized to sign checks we need to remove his name from the list and add Tina West as an authorized signer.

Action: The Board approved a motion to adopt Resolution (2009) 19.

Motion by: Alderman Higgins

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

(A copy of the agenda memo and Resolution (2009) 19 is hereby incorporated by reference and made a part of these minutes – see attachment six.)

g. Contract for Services, Cumberland County Sheriff's Department.

i. Budget Amendment

ii. Resolution, Contract Approval

Mr. Coats stated that the first item is the budget amendment to appropriate funds and reallocate funds to cover the cost of the contract. He stated that we are allocating approximately \$160,000.

He stated that the agreement is a draft agreement which calls for three deputies. That was able to be agreed upon based on the Highway Patrol coming in to handle accidents. This contract does not have an end date. It is based on the plan that was approved by the Board. It starts off with 24/7 coverage and backs the deputies off as Spring Lake Police is able to take over more things. This contract is back on what we need. The County attorney has approved the agreement. Section 6 discusses addressing ordinances and some language needs to be clarified on that.

Alderwoman Sutherland asked about the amount of \$493,000 to extend the coverage until June 30th. She asked if we will get a refund back if we do not need that much time.

This plan is based on 120 days 24/7 coverage. We have enough money to do so. The June 30th date is what is considered to be worse case scenario and we have enough money to cover it.

Mayor Pro Tem O'Garra asked about how we will pay the Sheriff, whether it will be before the services are done or after and it was determined that we will pay after the services are performed. He also asked about the notice needed to end the contract and it was determined that a 30-day notice is necessary.

Alderwoman Sutherland requested clarification on paragraph 4. Mr. Coats stated that it means the amount is based on the service we need.

Alderman Hogans asked about the mileage and how many miles we anticipate them driving each day. Mr. Coats stated that he could not advise what the projections were based on what the deputies drove in the past but the amount is accounted for in the budget amendment.

Budget Amendment

Action: The Board approved a motion to approve Budget Amendment #1.

Motion by: Alderman Higgins

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

Contract Approval

Action: The Board approved a motion to adopt Resolution (2009) 20 and authorize the Mayor to sign the contract once it is worked out by the attorney.

Motion by: Alderman Hogans

Second by: Alderwoman Sutherland

Vote: Unanimous

h. Cannady Associates Contract Discussion and Update.

Mr. Coats updated the Board on what Cannady Associates will do. He stated that the next step is for them to meet with Board Members for input on what they want in a Police Chief. They are available on August 13, 2009 and would like to hold a public meeting that night to get input from citizens on what they want to see in a Police Chief.

Mayor Pro Tem O'Garra asked if we want to contract with Cannady Associates for the Police Chief search. Mayor Clark clarified that this was part of the plan that the Board approved several weeks ago.

10. Board and Staff Comments :

Alderwoman McCoy

- Good to see everyone out this evening.
- We have to do what is best for the citizens.

Alderman Hogans

- Hope that Chief Jarvies can move quickly to get the police department back on track. The quicker, the better.

Alderwoman Sutherland

- Suggested to Chief Jarvies that we get the Officers who are here now involved with the schools, civic groups and/or businesses in some way to get them involved in the community.
- Thanked the Sheriff Deputies for the service they are providing us.
- Thanked the staff and employees of the great Town of Spring Lake for the job that you do each and every day.
- Thanked the other Board Members for all they do for the Town. This is a learning experience and the reason I ran was to do what is right.

Alderman Higgins

- Good to see everyone here, hope your involvement will continue.
- Thanked the volunteers for the work they do.
- Hope the "bleeding" is going to stop. It is hard to get up and see an article like the one that ran on Sunday. When one entity is hurting it looks like the others would come to help them. There are business people in this community who are suffering because of what has happened. I would hope that the healing process could start. We are going to work as hard as we can to get us back on the road. When I read this stuff it hurts really bad.

Mayor Pro Tem O'Garra

- Thank you for the workers, the citizens and even the people in Fayetteville.
- People running for the Board shows that people do care.
- Don't understand the paper, it is just too much.

Mayor Clark

- Thanked everyone for coming. When all this is over I hope you will continue to come.
- Thanked the Board members for your decisions this evening. I hope we take this as a stepping point and move forward.

II. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 8:19 p.m.

Motion: Mayor Pro Tem O'Garra

Second by: Alderwoman Sutherland

Vote: Unanimous

Rhonda D. Webb, MMC
Town Clerk

ATTEST:

Ethel T. Clark
Mayor