

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

July 28, 2008

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 Fredricka Sutherland

There was a vacant seat on the Board due to the death of Alderman Jack Vannoy on June 13, 2008.

**Others Present:**

Larry Faison, Town Manager  
Alvin Brown, Police Chief  
Danny Gerald, W&WR Director  
Ken Metcalf, Recreation Director  
Rhonda Webb, Town Clerk

John Jackson, Town Attorney  
Allen Coats, Finance Director  
Paul Hoover, Director of Inspections  
Tom Spinks, Planning Director

**2. Invocation.**

Alderwoman Sutherland gave the Invocation.

**3. Pledge of Allegiance.**

Mayor Clark led the meeting in the Pledge of Allegiance.

**4. Additions or Deletions to Agenda and Approval of Agenda and Consent Items.**

The Board approved a motion to approve the agenda and approve the consent items.

**Motion by:** Alderman Hogans

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

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

**5. Public Forum.**

No one spoke at the Public Forum.

**6. New Business.**

**a. Case 08-108, Waterford Zero Lot Line Subdivision Review.**

Mr. Spinks presented a zero lot line subdivision review for Waterford Development. It is a 78.93 acre tract that they want to divide into six separate lots with a common drive area. Two lots were previously brought before the Board for group development site plan review: The Cliff's of Waterford Condominiums and the Waterford Apartments. These two parcels are included in the six zero lot line review. He stated that staff recommends approval.

Mr. Jackson questioned if the street meets Fire Department requirements and it was stated by Mr. Spinks that it does.

Alderman Hogans wanted clarification on the definition of zero lot line development. Mr. Spinks advised that the residential zoning is the same but it allows for greater flexibility. They can have variable set backs, sides, rears, and dedicate common areas. Alderman Hogans inquired about the size of the property they want to develop. Mr. Spinks advised that it is all of it, they will divide the property into six lots and each lot will come back before the Board with their development plan. This is our first zero lot line development.

Mayor Pro Tem O'Garra inquired about the buildings being right against each other. Ms. Brooks explained that there is a minimum distance of 10' (5' on each side of the property line) between the buildings set in our Ordinance. It can vary based on design. They also must meet fire codes.

**Action:** The Board approved a motion to approve Case 08-108 work plan as recommended.

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

**Second by:** Alderman Higgins

**Vote:** Unanimous

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

**b. Amendment, Chapter 51, Code of Ordinances, Water & Sewer System.**

Mr. Gerald requested the Board amend the Ordinance to allow the developers to place the backflow preventer device inside the building. This makes Spring Lake more development friendly.

Mr. Jackson stated that inspections are subject to refusal without an administrative warrant. He suggested that a disclaimer be put on the permit or a signed waiver attached allowing the Town to inspect. Mr. Gerald stated that we can put a waiver with

the permit to keep this from happening. Presently the Town does not handle the routine inspections. The property owners are required to obtain an inspection and forward that to the Town. The Town will do inspections if they suspect one is warranted.

Mayor Clark clarified that Mr. Jackson's recommendation does not have to be a part of the Ordinance but needs to be a part of the procedure.

Alderman Hogans asked for technical clarification on why we are doing this. Mr. Gerald stated that it will help shorten the distance for possible impact on the system. Alderman Hogans wanted to make sure there were no sanitary impacts on the water system and it was stated that it would not.

**Action:** The Board approved a motion to amend Chapter 51, Section 51.035(E) and 51.118(A) of the Ordinance.

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

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

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

**c. Budget Amendment #1, FAST Bus Service.**

Mr. Coats presented Budget Amendment #1 to make funds available to cover the annual cost associated with the Interlocal Agreement between the Town of Spring Lake, the County of Cumberland and the City of Fayetteville's FAST bus service for Route 40.

Fund balance was appropriated to cover the anticipated cost for the FAST bus service for the current fiscal year. He stated that Finance has created a separate budget line item to better track the costs of transportation.

Alderwoman Sutherland asked for clarification on the statement, in the memo, stating .90 cents on the property tax. Mr. Faison stated for clarification that is nine tenths of a penny. He stated that he is showing what the tax rate equivalent would be for this service.

It was clarified by Alderman Hogans and Mayor Pro Tem O'Garra that they are not increasing taxes.

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

**Motion by:** Alderman Hogans

**Second by:** Alderwoman Sutherland

**Vote:** 3-1

**Aye**

Mayor Pro Tem O'Garra

Alderman Hogans

**No**

Alderman Higgins

**Alderwoman Sutherland**

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

**c. Fayetteville Area System of Transit Interlocal Agreement.**

Mr. Hoover presented the FAST Interlocal Agreement and requested the Board to approve the agreement and authorize the Manager to execute it. He stated that the Town Attorney has reviewed the agreement. There is no change from the current service. This agreement keeps services exactly as they have been in the past.

**Action:** The Board approved a motion to approve the Interlocal Agreement and authorize the Manager to execute it.

**Motion by:** Alderman Hogans

**Second by:** Mayor Pro Tem O'Garra

**Vote:** Unanimous

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

**e. Public Comment at Board Meetings Policy.**

Mrs. Webb presented the Policy governing Public Comment at Board Meetings. She stated that the Board had requested at the last meeting to revise the policy to allow more time for public comment and to be less rigid. She requested that the Board approve the policy.

**Action:** The Board approved a motion to approve the Public Comment at Board Meetings Policy.

**Motion by:** Alderman Hogans

**Second by:** Alderman Higgins

**Vote:** Unanimous

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

**f. Board Vacancy Discussion.**

Mayor Clark asked if any Board members had a recommendation of someone to fill the vacant position on the Board.

Alderman Hogans expressed that he would like someone who is "vetted" by the community. Someone who is involved in the community and is known by the community and by reputation. He is looking for any person who is approved by the Board. He stated that qualified citizens stepping forward to fill the void is to be commended.

Mayor Clark asked for direction from the Board. She stated that she searched for

someone who could step up to the plate and only found one person. Mayor Pro Tem O'Garra stated that he ran into the same problem. People are not interested in helping.

Alderwoman Sutherland thinks that the position should be posted to see if anyone is interested. She does not want someone to say they did not get a fair chance.

Mayor Clark directed the Clerk to advertise the position. The time limit is two weeks with a deadline of August 6. Ms. Shambaugh from the Fayetteville Observer stated that she will advertise it in the paper tomorrow. Applicants are asked to bring their resume to Town Hall. We will use the same application that is used for volunteering for a Board appointed committee.

## **7. Board and Staff Comments:**

### **Mayor Pro Tem O'Garra**

- Would like to get a playground or something in the open space across the street. It is really looking good. Mayor Clark asked him to talk with the Recreation Advisory Committee about his ideas.
- Thanked everyone for coming out.
- Inquired about Woodland West bus stop. Mr. Hoover stated that the agreement was signed today and he will take it to FAST tomorrow and get the process going. His intentions are that we will get them up by next week.

### **Alderman Higgins**

- Asked about CDBG money to help with Mayor Pro Tem O'Garra's ideas.

### **Aldermen Hogans**

- Shared an incident at his house this weekend concerning a Pit Bull in his fenced back yard. He thanked Chief Brown for helping him out.
- Holly Hills Community Watch is selling raffle tickets for a LCD television. Community Watch meeting is scheduled for Tuesday night at the recreation center.
- Glad to see everyone coming out tonight.
- Thanked staff for all the hard work they do.

### **Alderwoman Sutherland**

- Commended the Animal Control Officer for taking care of a situation concerning a highly toxic frog in her back yard. She wanted it in the written record that she appreciates his diligence in resolving her problem.
- Appreciates everything Spring Lake staff does.
- Thanked everyone for coming out.

### **Larry Faison**

- Asked for clarification on what staff should do with the applications. It was determined that all applications will be put in the agenda packet.

**John Jackson**

- Glad to be here.

**Mayor Clark**

- Opening of walking trail is scheduled for October 6, 2008 at 10:00 a.m. She encouraged all Board members to mark their calendars.

**9. Adjournment.**

**Action:** There being no further business to come before the Board, the meeting was adjourned at 8:03 p.m.

**Motion:** Alderman Hogans

**Second by:** Mayor Pro Tem O'Garra

**Vote:** Unanimous

Rhonda D. Webb, CMC  
Town Clerk

ATTEST:

Ethel T. Clark  
Mayor