

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

June 18&19, 2008

MINUTES

5:00 p.m.

The Spring Lake Board of Aldermen held a special meeting for the purpose of discussing Fort Bragg and Pope Air Force Base Annexation Interlocal Agreement and Resolution Supporting Legislation 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
Alderman Napoleon Hogans

Alderwoman Fredricka Sutherland participated in meeting via telephone from Hawaii. 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	John Jackson, Town Attorney
Debbie Disbrow, Human Resources Officer	Danny Gerald, W&WR Director
Paul Hoover, Director of Inspections	Ken Metcalf, Recreation Director
Tom Spinks, Planning Director	

2. Invocation.

Mayor Clark gave the Invocation.

3. Pledge of Allegiance.

Mayor Clark led the meeting in the Pledge of Allegiance.

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

Mr. Jackson gave an opinion as council to the Board that it is not legal to allow vote by phone. He stated that David Lawrence from the Institute of Government has advised that there is no General Statute that allows it and it is suspect and legally challengeable especially with no Town policies in place.

Mayor Clark inquired whether the Board can decide to allow it at this time.

Mr. Jackson stated that the Board can do what they want. They can take action and move forward.

Alderman Hogans stated that he has observed the City of Fayetteville Council and the Cumberland County Board of Commissioners have members vote from the hospital by phone.

Alderwoman Sutherland asked if it can be taken into consideration the death of a Board member. This was not planned for.

The Board approved a motion to have the Board members present now to decide if they want to proceed with this matter.

Motion by: Alderman Hogans

Second by: Alderman Higgins

Mr. Faison asked for clarification if the motion was for electronic voting. Alderman Hogans stated yes, count Alderwoman Sutherland as present.

Vote: 3-1	Aye	No
	Alderman Hogans	Mayor Pro Tem O'Garra
	Alderman Higgins	
	Alderwoman Sutherland	

4. Interlocal Agreement for the Distribution of State Shared Revenues.

5. Resolution Supporting Annexation of Fort Bragg and Pope Air Force Base.

Mayor Pro Tem O'Garra stated that the newspaper should look at this deal. He will accept 70/30 but we should not help pay for the water line that Fayetteville will benefit from. He stated that Fayetteville might give a better deal as time gets closer to the need to construct the water line. He would like staff opinions. He still sees this issue as negative.

Mr. Faison gave an overview of the documents that the Board is being asked to consider. He asked the Town Attorney to highlight the changes. Mr. Jackson stated that he has attempted to make the agreement reflect that any monies received, because of the annexation, by either Fayetteville or Spring Lake would, after the debt is paid, be split 70/30. Fayetteville has proposed to take out section 2b of the agreement which would limit the revenues to only what is listed in 2a (1) and (2). Mr. Jackson has sent a message that the Town would not accept that wording in the agreement but the City's attorney had already left her office to attend Fayetteville's meeting where they were going to consider this agreement. He would like the Board to consider this change that is in the agreement that Fayetteville will be voting on tonight. He also pointed out that paragraph 6 dealing with the consent order provides that the proportionate share of the state shared revenues shall never be less than 70/30. He stated that this keeps the court order in place so that if there are ever any problems with someone trying to change the split it would take consent by both parties to do so.

Mr. Faison clarified that our version of the agreement includes the provision in 2b which addresses all revenues and the one Fayetteville is considering does not.

Alderman Hogans stated that it is absolutely critical that both Boards vote on the same document. We do not want anything pending when we move forward with this. He also wanted to make sure that what the General Assembly is considering matches up with what this agreement says. Mr. Jackson clarified that the Bill the General Assembly is considering simply addresses annexing the Post and declaring a dividing line. Based on that, existing laws govern turn back money or revenues based on population or point of distribution. People that are in our geographical part will come to the Town and the others to Fayetteville. On the point of distribution, there are no points of distribution in our area so we would get none of that money unless we settle it with an agreement. Basically, the agreement says to throw all the money in a "big bucket" and we will share it 70% to Fayetteville and 30% to Spring Lake, except for the electric franchise tax which will be shared 75% to Fayetteville and 25% to Spring Lake. The reason for this is that an agreement was previously signed between Fayetteville and Fort Bragg agreeing that if annexation took place, Fayetteville would give 75% of that fund balance and apply it to the invoices to Fort Bragg.

Mayor Pro Tem clarified that there are still some points that need to be clarified with Fayetteville's attorney.

Mayor Clark stated that the goal she has worked toward was how to develop a document that is acceptable to both Boards and Fort Bragg. With this agreement, once John fine tunes it with protection for us as far as the court order is concerned, it gives us the opportunity to get almost one half million dollars of additional revenue into the town, pushes us up on the population base as far as the state is concerned and it helps Fort Bragg get water at a lesser rate because if they aren't annexed someone will do those capital improvements. I think it is a win-win situation for all concerned and she asked the Board to consider it carefully.

Alderman Hogans inquired what the latest date to pass this is so that it can still make it in time for the General Assembly. Mr. Jackson responded that an agreement between Fayetteville and Spring Lake must be in place before it can pass through the General Assembly. Additionally, Pope Air Force Base has not gotten on board with Fort Bragg yet so the effective date for Fort Bragg may be a different that the effective date for Pope Air Force Base. Alderman Hogans asked when we will have all the wording exactly the way we want it and stated that he doesn't think we can do it today.

Alderman Higgins clarified that Mr. Jackson's recommendation is to approve the agreement before them. Mr. Jackson stated that he does recommend, if the Board approves the agreement, that it read the way the document reads that they have before them, and it will have to be reconciled with what Ms. McDonald took to Fayetteville's Board. Alderman Higgins clarified that if Fayetteville does not agree we will just come

back and discuss it further. He also clarified that Representative Lucas had requested that the agreement be finalized by Friday.

Alderman Hogans stated that he just wants to make sure that Fayetteville agrees with the same document. He would like to get lingering issues resolved and come back tomorrow for five minutes to vote on the agreement. Mr. Jackson stated that the Board could recess this meeting. He additionally stated that it would be fine for the Board to adopt this agreement and see what effort it will take to reconcile it with Fayetteville's agreement.

Alderman Higgins made a motion to adopt the agreement as presented. Alderman Hogans stated that he does not want to adopt an agreement that is different from what Fayetteville is adopting. He believes we need to allow Mr. Jackson time to speak with Ms. McDonald and clarify the agreements before the Board adopts it. Alderman Higgins withdrew his motion.

The Board approved a motion to recess the meeting until Thursday, June 19, 2008 at 5:30 p.m.

Motion by: Alderman Higgins

Second by: Alderman Hogans

Vote: unanimous

The meeting was recessed at 6:02 p.m.

(The actions from this meeting were taken by Debbie Disbrow and minutes were written by Rhonda Webb.)

Mayor Clark called the recessed meeting back to order at 5:30 p.m., June 19, 2008 to continue discussing Fort Bragg and Pope Air Force Base Annexation Interlocal Agreement and Resolution Supporting Legislation.

Board Members Present: Mayor Pro-Tem James O'Garra
Alderman Richard Higgins
Alderman Napoleon Hogans

Alderwoman Fredricka Sutherland participated in meeting via telephone from Hawaii.

Others Present:

Larry Faison, Town Manager

Robert Doberstein, Fire Chief

Paul Hoover, Director of Inspections

Tom Spinks, Planning Director

John Jackson, Town Attorney

Danny Gerald, W&WR Director

Ken Metcalf, Recreation Director

Rhonda Webb, Town Clerk

Mr. Jackson advised that Fayetteville City Council held a meeting on Monday to approve

the agreement. The changes were made that were discussed yesterday and Mr. Jackson is not aware of any differences between the City of Fayetteville's copy and our copy.

There was a brief discussion and overview of the agreement given.

The Board approved a motion to approve the Interlocal Agreement and authorize the Mayor to execute it subject to the City of Fayetteville's approval of an agreement with the same language.

Motion by: Alderman Higgins

Second by: Alderman Hogans

Vote: 3-1	Aye	No
	Alderman Hogans	Mayor Pro Tem O'Garra
	Alderman Higgins	
	Alderwoman Sutherland	

The Board approved a motion to adopt the Resolution of support.

Motion by: Alderman Hogans

Second by: Alderman Higgins

Vote: 3-1	Aye	No
	Alderman Hogans	Mayor Pro Tem O'Garra
	Alderman Higgins	
	Alderwoman Sutherland	

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

There being no further business to come before the Board the meeting was adjourned at 5:44 p.m.

Motion by: Alderman Hogans

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

The Mayor requested that the agreement come back to the Board when all members are present to affirm the actions taken today.

Rhonda D. Webb, CMC
Town Clerk

ATTEST:

Ethel T. Clark
Mayor