

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

March 9, 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:

Larry Faison, Town Manager
Allen Coats, Finance Director

John Jackson, Town Attorney
Debbie Disbrow, Human Resources Officer

Danny Gerald, W&WR Director
Ken Metcalf, Recreation Director
Rhonda Webb, Town Clerk

Paul Hoover, Director of Inspections
Tom Spinks, Planning Director

2. Invocation.

Alderman Hogans gave the invocation.

3. Pledge of Allegiance.

Mayor Clark led the meeting in the pledge of allegiance.

4. Additions or Deletions to Agenda

There were no additions or deletions to the Agenda.

5. Approval of Agenda and Consent Items.

The Board approved the agenda and approved the consent items. The consent items included appointments to the Community Appearance Commission.

Action: Approve the agenda and consent items.

Motion by: Alderman Higgins

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.)

6. Public Forum

Mr. Kent Richardson of 255 N. Conner Circle spoke concerning his water bill and the policy that governs the process for when someone misses paying their bill. He stated that he has been told several conflicting stories concerning. Mayor Clark requested that he speak with Mr. Coats for clarification.

Ms. Gloria Nelson, Cumberland County Library spoke concerning The Big Read for 2009. This year the Big Read is The Maltese Falcon by Dashiell Hammett. She presented the Board members with a copy of the book and requested that they join the Big Read and support the Cumberland County Library.

Mr. Donald Miller of 500 Thalia Road thanked the Board for considering the Smith Family's request.

7. New Business.

a. Case #08-108 Final Plat Approval, Waterford.

Mr. Spinks stated that the developer of Waterford Zero Lot Line Subdivision is requesting approval of the final plat. The property is located on Lillington Highway south of River's Edge Apartments and is zoned R5A and C(P) totaling 78.93 acres. This property has had several preliminary plat approvals with conditions. The developer has made all the required changes to the preliminary plat that was conditionally approved by the Board of Aldermen on July 28, 2008. Mr. Spinks stated that Town staff and the Cumberland County Joint Planning Department recommends approval.

Mr. Brooks from the Cumberland County Planning Department wanted to state for the record that prior to final plat recordation, the Town Attorney has made a change to Note 8 on final plat. Mr. Jackson changed "to" to "for the use of" on final mylar.

Action: The Board approved a motion to approve Case #08-108 with the recommended change.

Motion by: Alderman Hogans

Second by: Alderwoman Sutherland

Vote: Unanimous

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

b. Resolution Refunding Property Taxes Paid.

Mr. Coats explained the refund request by stating that from time to time errors are identified in the County Tax records that require correction. Those corrections are presented to the Cumberland County Special Board of Equalization and reviewed. The County Tax Department then makes a recommendation to the Town to refund the error. He stated that the reason for the refund is due to a correction in the map of the parcel reducing the acreage associated with this parcel.

Action: The Board approved a motion to adopt Resolution (2009) 1.

Motion by: Alderman Higgins

Second by: Alderwoman McCoy

Vote: Unanimous

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

c. Property Disposal, Well Site on Odell Road.

Mr. Coats stated that last week staff received a letter from Mr. Miller on behalf of the Smith Family that indicated a dedicated easement that provides access to the Smith Family land in the rear of the Town's property located on Odell Road would meet their interest. Their request is for a Right of Way/Easement of 75 feet. Town staff has concluded that no more than 60 feet is needed to accommodate future development under current NCDOT design standards. He requested the Board's direction concerning this matter.

Mayor Pro Tem O'Garra questioned what will happen with the additional 15 feet that the family requested. Mr. Coats stated that nothing is planned for the additional 15 feet. Mr. Jackson stated that there is a 16 foot Progress Energy encroachment within the 75 feet that is requested. He requested that the family contact Progress Energy to see if they would give up that 16 feet encroachment or would they agree that the road could be on that encroachment so that the Board could consider the entire 75 feet.

It was the Board's consensus to accommodate the family. The Board has to figure out how to do that the right way.

Action: The Board approved a motion to direct staff to come up with a specific recommendation that will accommodate the family and take into account the concerns of the Attorney and all other stake holders.

Motion by: Alderman Hogans

Second by: Alderwoman Sutherland

Vote: Unanimous

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

d. Ordinance Amendment Chapter 10, Section 99.

Mr. Jackson provided the Board an explanation of the amendments to Chapter 10, Section 99. He stated that this is a general Ordinance that will cover issues that are not specifically covered in another Ordinance. It allows us to go the misdemeanor route or the civil route. It does not prevent the Board from tailoring other Ordinance penalties.

Mayor Pro Tem O'Garra clarified that once this is on the books the Board will be completely out of the loop and they will not know if it is working the way they intended. He stated that he would like to be able to track the effectiveness of how it is working.

Mr. Jackson stated that it is his intent to show that there is a regulation in our Town that provides

not only for the selection of a criminal penalty but one for the civil penalty which includes an appeals process. He stated that staff could provide the Board with a report of any appeals that are requested. The Board could be present at the hearing to listen to what happens but there is no process that he knows of, where the legislative body is involved in the administration of and judicial determination of any violations.

Alderman Higgins inquired about this Ordinance being consistent with the Noise Ordinance's time frames and Mr. Jackson agreed.

Action: The Board approved a motion to adopt Ordinance (2009) 5 with the change to B3 to read 10 days and C1 to read 10 days.

Motion: Alderwoman Sutherland

Second by: Alderman Higgins

Vote: Unanimous

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

8. Board and Staff Comments:

Alderman Hogans

- Thanked Chief Brown for the work on the Noise Ordinance.
- Thanked Mr. Gerald for his workshop.

Alderwoman Sutherland

- Recognized the new members of the Appearance Commission and thanked them for stepping forward. She thanked Debora Hudson for all her work. She looks forward to working with them. The pots that were previously done needs some work and she will go out and help with that. Mayor Clark recognized them and thanked them for agreeing to work with the Town.
- Glad to see the Smith Family out.

Alderman Higgins

- Glad to be here.
- Hopes that the next time will be the last time for the Smith Family, and we can get everything worked out.

Mayor Pro Tem O'Garra

- Happy to see everyone out.
- Hope that he didn't slow down the Smith Family's process but he wants them to get everything they asked for.

Alderwoman McCoy

- Thanked everyone for coming.
- Glad to see the Appearance Commission growing. If there is anything I can do to

help with

the Appearance Commission I will be more than happy to do that. I served on the Commission about ten years and will be glad to help.

- Thanked the Library for the book.
- Hoped that everyone will be able to understand the Noise Ordinance when it comes out in its final form.

Mr. Jackson

- Happy to be here.

Ms. Webb

- Happy to be here too.

9. Closed Session.

Action: The Board went into Closed Session pursuant to G.S. 143-318.11(a)(3) – Attorney-Client Privilege at 7:36 p.m.

Motion: Alderman Hogans

Second by: Mayor Pro Tem O’Garra

Vote: Unanimous

The Mayor called the meeting back into Open Session at 8:19 p.m.

Action: The Board approved a motion to revoke the award to Odell Smith on July 23, 2007 and instruct the Town staff to re-bid.

Motion: Alderman Hogans

Second by: Alderwoman McCoy

Vote: Yes

No

Alderwoman McCoy

Mayor Pro Tem O’Garra

Alderman Higgins

Alderman Hogans

Alderwoman Sutherland

10. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 8:21 p.m.

Motion: Alderwoman Sutherland

Second by: Mayor Pro Tem O’Garra

Vote: Unanimous

Rhonda D. Webb, CMC
Town Clerk

ATTEST:

Ethel T. Clark
Mayor