

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

October 11, 2010

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 James Christian
Alderman Richard Higgins
Alderwoman Debora Hudson
Alderwoman Fredricka Sutherland

Others Present:

Allen Coats, Interim Town Manager	John Jackson, Town Attorney
Byron Blumenfeld, Interim W&WR Director	Paul Hoover, Director of Inspections
Troy McDuffie, Police Chief	Ken Metcalf, Recreation Director
Tom Spinks, Planning Director	Rhonda Webb, Town Clerk

2. Invocation.

Alderman Christian gave the invocation.

3. Pledge of Allegiance.

Mayor Clark led the meeting in the pledge of allegiance.

4. Additions or Deletions to Agenda

The Trick or Treat Hours from the consent items was pulled and placed on the regular agenda for discussion.

Action: The Board approved a motion to move Trick or Treat Hours from the consent agenda to the regular agenda.

Motion by: Alderman Higgins

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

5. Approval of Agenda.

The Board approved the agenda as amended.

Action: The Board approved a motion to approve the agenda as amended.

Motion by: Alderwoman Sutherland

Second by: Alderwoman Hudson

Vote: Unanimous

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

6. Approval of Consent Items.

The Board approved the consent items: Minutes of September 27, 2010 Workshop, Minutes of the September 27, 2010 Regular Meeting

Action: The Board approved a motion to approve the consent items.

Motion by: Alderman Higgins

Second by: Alderman Christian

Vote: Unanimous

(A copy of the minutes of September 27, 2010 workshop and September 27, 2010 regular meeting is hereby incorporated by reference and made a part of these minutes – see attachment two.)

7. Public Forum

No one spoke at the Public Forum.

8. Public Hearing

a. Case P10-28, REZONING of 1.05+/- ACRES FROM R6 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 612 MONT DRIVE; SUBMITTED BY CHARLES W. AND GWENDOLYN B. WORTHY (OWNERS).

Mayor Clark opened the Public Hearing. She advised that the hearing on the conditional use district is legislative while the permit is judicial in nature and will be conducted in accordance with special due process safeguards.

She gave the Board members an opportunity to disclose if they had any conflicts or had spoken to anyone concerning this case. No one withdrew from or offered special knowledge about the case.

Mayor Clark swore in Curtis Worthy and Johnny Scott.

Mr. Scott from the County Planning Department presented Case P10-28. He advised that the Planning Department recommends denial for the following four reasons:

1. The district requested is inconsistent with the location criteria for “heavy commercial” as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan because there is no direct access to a collector street – neither Mont Drive nor Hickory Street are designated as business streets.
2. The district requested is unreasonable since it is not consistent with the Spring Lake Area Detailed Land Use Plan, which calls for medium density residential at this location.
3. The request, if approved, will initiate the encroachment of “heavy commercial” in a residential area.
4. The request is not in character with immediate surrounding land uses.

Mr. Scott moved that the Board accept his testimony and the evidence in the packet as evidence of this request in this hearing.

Alderwoman Sutherland questioned the safety of allowing this request. Mr. Scott advised that he could not speak to the safety issues and that Mr. Worthy may be able to answer her questions.

Mr. Curtis Worthy spoke to the question asked by Alderwoman Sutherland concerning safety. He stated that all the equipment is safe and maintained regularly. He stated that he has operated the Tow Service, which is adjacent to the home place for six years. He stated that the land has been in his family for 70+ years and if not approved, he will have to move his business. He stated that he is not opposed to any restrictions that the Board wishes to put on him. They are in this for the long haul. This came up because they wanted to build a storage building to store vehicles and was told that they could not do that without building it onto the home. In attempting to get the permits to build, it was discovered that they were not zoned properly for the business that they were running.

Alderwoman Sutherland again questioned safety issues. She expressed concern about the small children who reside in the multi-family housing unit and the day care center that is located on the corner. She also expressed concern about the chain link fence that surrounds the property and if it is considered the proper buffer. Mr. Worthy advised that he is amiable to putting whatever type screening the Board requires. He advised that his business is gated and locked and there is a fence between his property and the day care. None of the neighbors expressed opposition to this request.

Alderman Christian asked if this site would be used for junk car storage and Mr. Worthy advised that it is only used to store vehicles that the towing company has picked up and for a short term. He stated that vehicles are usually only stored on this site between five to 10 days.

Alderman Higgins expressed concern about setting the precedence for allowing commercial businesses in residential areas. If approved, the conditional use zoning will stay with the land.

Alderwoman Hudson asked how many vehicles at any given time will be stored on the property and he advised 10-15 at one time.

Mayor Pro Tem O'Garra stated that another family in the past had requested this same type request and they were long time residents of the Town and helped to grow and build this Town. Since Mr. Worthy has been in this business for six years without any problems, he will take that into consideration.

Mr. Worthy's final comments were that he wished he had the ability to just pick up and move his business but that is not possible. Spring Lake is home and he is proud to call Spring Lake home. He stated that they had been good stewards of their property and that they are amiable to abide by any conditions the Town wishes to put on his business.

No one spoke against the case and no one offered rebuttal to the evidence.

Action: The Board approved a motion to close the public hearing.

Motion by: Alderman Higgins
Second by: Alderwoman Sutherland
Vote: Unanimous

9. New Business

a. Action on Case #P10-28.

Mayor Pro Tem O'Garra stated that in the past we had this same type of request and in that situation we went with the family. He stated that he is hoping we make the same decision here.

Alderwoman Sutherland stated that she does have a concern about this business being in a residential area. She clarified that the only uses in the future that this property could be used as is for towing and storage.

Action: The Board approved a motion that the Board of Aldermen finds that the application for a conditional use district designated as case # P10-28 is reasonable, neither arbitrary nor unduly discriminatory, in the public interest, consistent with the current land use plan adopted by this Board of Aldermen and recommend that the conditional use district for a towing and short term vehicle storage business be approved.

Motion by: Alderwoman Sutherland

Second by: Alderwoman Hudson

Vote: 4-1	Yes	No
	Mayor Pro Tem O'Garra	Alderman Higgins
	Alderman Christian	
	Alderwoman Hudson	
	Alderwoman Sutherland	

Action: The Board approved a motion that the Board of Aldermen finds that this application for a conditional use permit designated as case # P10-28, if completed as proposed and subject to the conditions recommended by the planning board and the staff:

1. Will not materially endanger the public health or safety; and
2. Will meet all required conditions and specifications; and
3. Will maintain or enhance the value of adjoining or abutting properties, or the use is a public necessity; and
4. Will be in harmony with the area in which it is to be located; and
5. Will be in general conformity with the County's most recent land use plan, and other planning policies adopted by the Board of Aldermen.

Motion by: Alderman Christian

Second by: Mayor Pro Tem O'Garra

Vote: 4-1	Yes	No
	Mayor Pro Tem O'Garra	Alderman Higgins
	Alderman Christian	
	Alderwoman Hudson	
	Alderwoman Sutherland	

(A copy of the agenda memo, Cumberland County Planning Department action memorandum,

maps, C(P) Conditional Use District & Permit and Letter to Mr. Worthy is hereby incorporated by reference and made a part of these minutes – see attachment three.)

b. Resolution, Interim Town Manager Contract.

Mayor Clark advised that she, Mayor Pro Tem O'Garra and Alderman Higgins met with Mr. Barefoot last Friday and found him to be qualified to fill the position.

Alderman Sutherland requested clarification on the mileage rate that Mr. Barefoot would receive and it was advised that the current rate is .50 per mile. She also requested clarification on Section 1(b) and was advised that it means the Interim Town Manager is a contracted employee and will not be eligible for employee benefits and that as long as he works the Town is responsible to pay him for the time he worked. She also requested clarification of Section 6 and Mr. Jackson advised that this provision is in the event that the Interim Town Manager becomes disabled there is someone listed who he can contact and report that he is no longer able to work. She requested that notice be given in the order listed should it become necessary.

Mayor Pro Tem O'Garra asked when Mr. Barefoot is available to work. Mr. Barefoot advised that he would be available to meet with the Department Heads at their meeting tomorrow but had a previous engagement the rest of the week. He would be back ready to work on Monday.

Alderman Sutherland stated if his contract is accepted, he works at the discretion of the Board. She has a problem with Town Managers who single out one Board Member and become friends with only one member. She would appreciate him informing the entire Board if the need arises to tell one Board member something. He stated that he absolutely would proceed in that manner.

Alderman Christian stated that he called a couple of Mr. Barefoot's references and they spoke highly of him. He was working in Sanford and asking about Mr. Barefoot and was overheard by bystanders and the people gave him a glowing review. Everyone spoke highly of him.

Action: The Board approved a motion to adopt Resolution (2010) 22.

Motion by: Alderman Hudson

Second by: Alderman Higgins

Vote: Unanimous

(A copy of the agenda memo, Agreement for Interim Town Manager Services and Resolution (2010) 22 is hereby incorporated by reference and made a part of these minutes – see attachment four.)

c. Trick Or Treat Hours.

Chief McDuffie advised that his previous memo sent in the packet outlined trick or treat hours for October 31, 2010 from 5:00 p.m. until 8:00 p.m. Cumberland County, Fayetteville, Hope Mills are all celebrating Halloween on Saturday, October 30, 2010 and requested that Spring Lake follow the surrounding area.

Action: The Board approved a motion to follow the recommendation of the Police Chief regarding trick or treat hours.

Motion by: Alderwoman Sutherland

Second by: Alderman Higgins

Vote: Unanimous

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

10. Board and Staff Comments:

Alderman Higgins

- Good to see everyone here tonight.
- Welcome aboard Mr. Barefoot.

Mayor Pro Tem O'Garra

- I am leaving tomorrow for a fishing trip in Myrtle Beach. We will see what I catch and what you catch. (Stated in jest.)
- Good to see everyone out here tonight.
- The Town's Halloween event is October 23, 2010 at 6:00 p.m. at Mendoza Park.

Alderwoman Hudson

- Thank everyone for coming out and thank you for your continued support.
- Welcome Mr. Barefoot, I look forward to working with you.
- Everyone have a wonderful evening.

Alderman Christian

- Glad Mr. Barefoot is here.
- Spoke concerning the Code of Ethics Policy. Board members should treat other Board members with respect. Board members should show respect for their office. He mentioned that a fellow Board member treated him disrespectfully at the park when he took his dog to the park and mistakenly took his dog in a restricted area and another Board member publicly chastised him for it.
- Expressed concern about Board members discussing things outside of the walls of a closed session.
- Senior Night Out is scheduled for Friday and it is a 60's theme.
- Coach Fitch is having a boxing tournament event on Saturday.
- The Spring Lake Chamber's Oyster Roast is scheduled for October 22, 2010.
- Glad everyone is here.
- Say a prayer for my sister and if you get by Wal-Mart say "Happy Birthday" to my mother.
- Thanked Mr. Barefoot for coming aboard.

Alderwoman Sutherland

- Ditto what Mr. Christian said. I am in total agreement with him concerning the closed session information.
- I did receive a letter from Waste Management and called and asked about it. I wanted to go with Waste Management and am glad that I did not vote for Onslow Container for the recycling. I feel good that I voted against them because I feel we would have gotten a better deal with Waste Management.
- If the Town overcharged someone they should get the money back. It looks like the Town

deliberately did something wrong and that was not the case. I feel like the attorney should have sent the letter rather than what happened.

- Issue with hotels not renting a room to people who have a Spring Lake address. Would like staff to check on this policy of the local hotels.
- Thanked Allen Coats for always stepping up to the plate when we have needed an Interim Town Manager.
- Thanked everyone for being here.

Allen Coats

- Happy to be here and I look forward to working with Mr. Barefoot.

Mr. Jackson

- I just learned tonight about the loss of Ms. Nellie's husband and I want to express my condolences.

Mayor Clark

- There is another edition of "Walking in the Mayor's Shoes" out tonight to help everyone know what I have been up to.
- October 28, 2010 is the Mid-Carolina Council of Government's quarterly meeting. I will be out of town and would like for a volunteer to go to the meeting.
- Last week we received notification on our Powell Bill funds and it has gone up from \$30,000 to \$57,000 since we annexed part of Fort Bragg and Pope. This is a visible sign of some money the Town is receiving from the annexation.

12. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 8:09 p.m.

Motion: Alderman Higgins

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous



Rhonda D. Webb
Rhonda D. Webb, MMC
Town Clerk

ATTEST:

Ethel T. Clark

Ethel T. Clark
Mayor