

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

September 28, 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
Tina West, Interim Finance Director

John Jackson, Town Attorney
Daniel Gerald, W&WR Director
Ken Metcalf, Recreation Director
Rhonda Webb, Town Clerk

2. Invocation.

Alderman Higgins 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: Minutes of the September 14, 2009 Board Workshop, September 14, 2009 Regular Board Meeting and Resolution – Amphitheater Demolition.

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

Motion by: Alderman Higgins

Second by: Alderwoman Sutherland

Vote: Unanimous

(A copy of the agenda and minutes of the September 14, 2009 Board Workshop,

September 14, 2009 Regular Meeting and Resolution (2009) 25 – Amphitheater Demolition is hereby incorporated by reference and made a part of these minutes – see attachment one.)

6. Presentation

a. Quarterly Economic Development Update.

Mr. Hoover updated the Board on the current and projected major construction projects that are slated for this year. He explained that the value listed is only used for permitting purposes and is based on the Building Valuation Data provided by the International Code Council.

(A copy of the PowerPoint presentation outlining the projects is hereby incorporated by reference and made a part of these minutes – see attachment two.)

b. Public Transportation Update.

Mr. Hoover updated the Board on the requested information concerning the Town providing public transportation as an alternative to continuing the FAST Bus Service. He advised that we would have to provide transportation with handicap accessibility. He provided cost estimates for vehicles, insurance, employees, fuel, etc. We would have to employ three people to operate the transportation system and we would need two vehicles. The estimated cost to provide a transportation service is \$164,502. He also advised that the possibility of contracting with a third party is an option. The possibility exists that FAST will extend their service to Butner Road if we end our contract for services but they do not have a plan to do so at this time.

Alderwoman Sutherland thanked Mr. Hoover for his work but she would like the third party contracting investigated further.

Alderman Hogans stated that he does not see any reason to think about this option any further. He too would like to receive more information concerning third party contracting.

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

6. Public Forum

Mr. Pierre Lauffer, BRAC RTF, spoke concerning the infrastructure capacity and planning. He briefed the Board on future plans for Spring Lake. He stated that Spring Lake is the "Crystal City" for Fort Bragg. Spring Lake is a funnel for all future development that will take place. He stated that BRAC is concerned with sustainable regional capacity. There are upwards of 45,000 people moving to this area and BRAC wants to make sure Spring Lake has capacity to support this growth. They do not want to see the Town's waste water plant close. They want Fort Bragg to be supported with the waste water line from Fort Bragg. Fort Bragg has no utility services of their own. Anything that will hold that up is a concern. They look forward to working with Spring Lake for years to come.

Mr. Robert Cooper, 130 Deerfield Drive, spoke concerning public transportation. He thanked the Board for the job that they do. He supports having public transportation available and depends on it. He believes not having it will put a burden on many citizens.

7. New Business

a. Spring Lake Public Transportation Funding.

Mr. Hoover requested that the Board provide direction to staff regarding the public transportation issue. He offered the Board four options to think about and requested direction on which avenue to pursue.

Alderman Sutherland previously stated that she would like more information concerning third party contracting. Alderman Hogans suggested that we explore Alderman Sutherland's request to move forward with third party contracting options. Alderman McCoy also would like to pursue the third party contracting. She additionally asked about reducing the number of trips to help with the cost. Mr. Hoover stated that the fewer trips make the service less desirable. Mayor Pro Tem O'Garra agrees with proceeding with third party contracting.

Alderman Hogans asked if the Board will have input into the number of trips and hours of operation and stated that he would like to have some input into these issues. Mr. Hoover stated that the Town will dictate the trips and hours of operation and stated that before a proposal goes out to bid it can be brought to the Board for approval.

Mr. Jackson stated that a proposal with alternatives can be brought to the Board for approval.

Alderman Sutherland asked if Mr. Hoover knows statistics as to how many riders ride at certain times and Mr. Hoover said he would inquire about that information. Mayor Pro Tem O'Garra stated he feels the same way and is concerned about providing less service than they have now. Mr. Hoover stated that we will need to consider in the proposal that this route is no longer a one hour route. This being the case we will probably only get three trips in the morning and three in the afternoon. Alderman McCoy stated that we need to operate the service based on the rider ship and times utilized.

Action: The Board approved a motion to pursue third party contracting for services, extend FAST contract to March 2010 and bring back a budget amendment to support the continuation of FAST contract.

Motion by: Alderman Sutherland

Second by: Alderman Hogans

Vote: Unanimous

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

b. Resolution, Purchasing and Contracting Policy Amendment.

Mr. Coats advised the Board that Resolution (2009) 26 clarifies the Board's requested changes to the Town's Purchasing and Contracting Policy that was stated at the last Board Meeting.

Action: The Board approved a motion to approve Resolution (2009) 26 amending section 1.11.

Motion by: Alderman Hogans

Second by: Alderwoman Sutherland

Vote: Unanimous

(A copy of the agenda memo and Resolution (2009) 26 is hereby incorporated by reference and made a part of these minutes – see attachment five.)

c. Community Development Funding Agreement.

Mr. Gerald advised the Board that the funding agreement replaces the original agreement signed in 2006. The project had to be re-bid because the scope of the project changed and based on the new bid we received a replacement funding agreement.

Action: The Board approved a motion to approve Resolution (2009) 27.

Motion by: Alderwoman Sutherland

Second by: Alderman Hogans

Vote: Unanimous

(A copy of the agenda memo, funding agreement and Resolution (2009) 27 is hereby incorporated by reference and made a part of these minutes – see attachment six.)

d. Budget Amendment #BOA2010-6, Wastewater.

Ms. West presented Budget Amendment BOA2010-6 to amend the Manchester Capital Project Fund budget to reflect the new funding agreement between the Town and Community Development.

Action: The Board approved a motion to approve Budget Amendment BOA2010-6.

Motion by: Alderman Higgins

Second by: Alderman Hogans

Vote: Unanimous

(A copy of the agenda memo and Budget Amendment BOA2010-6 is hereby incorporated by reference and made a part of these minutes – see attachment seven.)

e. Budget Amendment #BOA2010-4, Stormwater.

Ms. West presented Budget Amendment BOA2010-4 to amend the Fiscal Year 2009-2010 Budget to fund three (3) change orders submitted by Colt Contracting Company and approved by the Stormwater Administrator. It moves funds from the Stormwater Fund to a Transfer Fund.

Action: The Board approved a motion to approve Budget Amendment BOA2010-4.

Motion by: Alderman Hogans

Second by: Alderman Higgins

Vote: Unanimous

(A copy of the agenda memo and Budget Amendment BOA2010-4 is hereby incorporated by reference and made a part of these minutes – see attachment eight.)

f. Budget Amendment #BOA2010-5, Stormwater.

Ms. West presented Budget Amendment BOA2010-5 to amend the Stormwater Capital Project Budget to fund three (3) change orders submitted by Colt Contracting Company and approved by the Stormwater Administrator.

Action: The Board approved a motion to approve Budget Amendment BOA2010-5.

Motion by: Alderman Higgins

Second by: Alderwoman McCoy

Vote: Unanimous

(A copy of the agenda memo and Budget Amendment BOA2010-5 is hereby incorporated by reference and made a part of these minutes – see attachment nine.)

g. Discussion, Harnett County Regional Waste Water Treatment Plant Non-Binding Letter of Intent.

Mayor Clark read the agenda memo of clarification regarding the non-binding letter of intent.

Alderwoman Sutherland thanked Mayor Clark for clarifying what the letter of intent means and for clarifying that it will not keep us from obtaining grant funds.

Alderman Hogans stated that he is glad to support her letter of clarification and leave the letter of intent in place.

Mayor Pro Tem O'Garra asked Mr. Jackson if there is truly such a thing as a non-binding letter of intent and Mr. Jackson stated "yes." Mayor Pro Tem O'Garra expressed

concern about Harnett County counting a portion of Spring Lake's capacity and how that affects our plant. Mr. Jackson stated that the Town has continued options to deal with our plant the way we want to deal with it. Mayor Clark offered clarification stating that we can discharge up to 1.5 MGD. The Spring Lake capacity that the regional plant is listing in their FONSI will allow that plant to handle that amount of capacity if we decide at some point that we wanted to go that direction. Mayor Pro Tem O'Garra requested Mr. Gerald to offer his opinion on the situation. Mayor Clark stated that the letter was intended to leave open the Town's option to supply sewer in our Municipal Influence Area. Mr. Gerald stated that the original letter does not state this and Mayor Clark advised that the letter of clarification does.

Mr. Jackson stated that the letter of intent will allow Fort Bragg to move forward. If the letter is rescinded it will delay the line to Fort Bragg for six or seven months and that is why Mr. Lauffer spoke at the public forum. Spring Lake was offered to buy into the regional plant's capacity within five years if we wanted to, but we do not have to. Mr. Gerald stated that the 1.5 MGD capacity that Harnett County requested from Spring Lake was requested just to make their plant bigger. He stated that the flow from Fort Bragg is already allocated in the study. He stated that rescinding the letter would not slow down the line to Fort Bragg because their capacity is already being processed. The only thing it will slow down is Harnett County's plant being larger. Mayor Clark advised that the representative from DENR came to see her and advised that Spring Lake should keep its options open in what they can do in their Municipal Influence Area. Mr. Gerald stated that his concern is that we said in the letter that we plan to put our plant's flow in another area. He stated that when we need to do a FONSI that capacity will not count. If we loose control of the water you loose control of the rates. When you allocate your flow to another study you basically are doing that.

Mr. Jackson stated that our 1.5 MGD, as long as we run our plant, will not be affected. He stated that the 1.5 MGD is ours until we give it away. Mayor Pro Tem O'Garra clarified that as long as we have our plant we control our growth and Mr. Jackson stated that is correct.

Mr. Coats stated that we will save money by running our plant as we are now and we have not even considered requesting the Board to connect to the Harnett County plant. Their proposal was too high. He agrees with Mayor Clark's letter of clarification. He fully supports Mr. Gerald's position that if we give up our sewer we give up our control to grow in the future. Mr. Gerald stated that the issue is whether or not to allocate our flow to help Harnett County build a larger plant. Mr. Jackson stated that he does not believe anything will be done with our flow. The letter does nothing but help Fort Bragg get their system in place. He would have never advised the Board to sign that letter if it would change anything about our plant. We will have to compete with everyone else when the time comes to request grant funding.

Alderwoman Sutherland stated that she would like to continue being good neighbors with Fort Bragg and she will support Mayor Clark's letter of clarification.

Mayor Pro Tem O'Garra stated that there have been times in the past that the Board has made decisions and then came back and decided that it was not a good decision. Fort Bragg is doing fine.

Action: The Board approved a motion to leave the non-binding letter of intent in place and accept the letter of clarification dated September 29, 2009 and authorize Mayor Clark to sign and send it.

Motion by: Alderman Hogans

Second by: Alderman Higgins

Vote: 3-2	Yes	No
	Alderman Higgins	Mayor Pro Tem O'Garra
	Alderman Hogans	Alderwoman McCoy
	Alderwoman Sutherland	

(A copy of the agenda memo, email correspondence and letters is hereby incorporated by reference and made a part of these minutes – see attachment ten.)

8. Board and Staff Comments :

Mayor Pro Tem O'Garra

- Asked Chief Jarvies where we are in hiring new officers. Chief Jarvies stated that it will be sometime after January 1, 2010. The Sheriff's Department has backed out of helping us train. We hope to get 10 more officers on board at that time. Alderwoman Sutherland asked about background checks of the incumbent officers and Chief Jarvies stated that the two who did not have an F-8 done at the time of hire is underway and they are cooperating fully. The other incumbent officers will undergo a background check as well. The checks will take about three weeks and this is the last point of the transition plan. Alderman Higgins questioned if the officers will be on the road before a Chief is hired and it was determined that the new Chief is anticipated to be on board mid-November. There will be lots of operational changes. Mr. Coats stated that the Town Manager search may come into play but there are various options as to how to handle the hiring of the new Chief.
- As of November 1, 2009 do we have enough people to go online? Chief Jarvies stated yes for day shift only and that will cut our expenses in half.
- Good job to Paul Hoover for his presentations tonight.
- Glad to see the Chamber here.
- Apologize for being late but I volunteer at the park 6 days a week and could not get here by 7:00 p.m.
- Wants to know how we will handle the on call water person or dead animal calls when dispatch is moved to the County. Mr. Coats stated that the County has assured us that they will take those calls and route them to the appropriate person.

Alderwoman McCoy

- Thanked Mr. Hoover for his in-depth report.
- Questioned the timeline for the police officers and it was clarified that Chief Jarvies plans to have the officers on the road on November 1, 2009 but it could be as late as November 15, 2009. At that time we will have accomplished everything we said we would accomplish and someone at that time will make the call to put them back on the street. She thanked Chief Jarvies for what he is doing.
- Thanked the audience for coming out tonight.

Alderman Hogans

- Thanked Chief Jarvies for the work he is doing. He questioned what we mean by police department being operational on November 1, 2009. The citizen's perception is that the police department will be conducting business on November 1, 2009 and they also want to know where we stand with the SBI investigation. He asked Mayor Clark if she has been briefed and she stated that she has been told that the investigation is complete and is on the District Attorney's desk but the District Attorney's office has not returned any of our calls. He stated that he has been told that this will hang in the balance prior to November 4th and then the investigation will come out. I am not able to give the citizens any answers and the buck stops with this Board he said.
- What control does this Board have on the placement of bars (establishments that serve alcoholic beverages) in this community?

Alderwoman Sutherland

- Totally and strongly agree with everything Alderman Hogans said.
- Hope that the officers are back on the street by November 1, 2009. The community is counting on the officers being back on the street by then.
- Thanked the citizens for being here and supporting us.
- Article in the Up and Coming that everyone should read. It is about people being rude and that love and harmony is the way we should live. People want to come to a friendly town and feel welcomed.

Alderman Higgins

- Thanked the staff for what they do. There may be times that I do not agree with what is presented but I have to do what I believe to be the best for the Town.
- Good to see our neighbors in the audience.

Allen Coats

- Reminder that the public workshop tomorrow beginning at 5:30 p.m. concerning the Spring Lake Transportation Study and see the initial proposals.
- Monday, October 5, 2009, 1 PM, Special Meeting to go into Closed Session.

John Jackson

- Happy to be here.

9. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 8:26 p.m.

Motion: Alderman Hogans

Second by: Alderwoman McCoy

Vote: Unanimous

Rhonda D. Webb, MMC
Town Clerk

ATTEST:

Ethel T. Clark
Mayor