

Board Minutes September 8, 2008, Page 1 of 7
Town of Spring Lake
Regular Meeting of the Board of Aldermen
Municipal Building
300 Ruth Street
Spring Lake, NC 28390

September 8, 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 Nellie McCoy
Alderwoman Fredricka Sutherland

Others Present:

Larry Faison, Town Manager

Alvin Brown, Police Chief

Debbie Disbrow, Human Resources Officer

Paul Hoover, Director of Inspections

Rhonda Webb, Town Clerk

John Jackson, Town Attorney

Allen Coats, Finance Director

Danny Gerald, W&WR Director

Ken Metcalf, Recreation Director

2. Invocation.

Alderwoman McCoy 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 a motion to approve the agenda and the consent items.

Motion by: Alderman Hogans

Second by: Alderwoman Sutherland

Vote: Unanimous

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

6. Public Forum.

Mr. Ken Smith, 400 Odell Road, Spring Lake, spoke concerning the well site on Odell Road. He stated that the property in that area was developed because his family was involved in the selling and development of the land. In 1965 – 1966, when new Holly Hills was developed, his father worked for Spring Lake water works. During that time, the Town owned two or three wells on Third, Fourth and Wilson Avenue. His father looked after those wells. They did not yield that much water. His father and the Smith family agreed to let the Town drill some wells off of Odell Road. One of the sites was the property being discussed by the Board tonight. In January 1968, Mr. Mack sold his land for a well site and Mr. Smith's parents sold a site for a well in 1969. These properties were sold for \$10. He stated that in 1979 his father requested that the property in Pope Plains be given back to them and the Town agreed to that. In 1981 he had an agreement that the playground would exist until February 2006. He stated that the agreement for the property being discussed tonight was a good faith handshake agreement. He stated that he would like to see Ms. Smith have this property back. He is also concerned about putting a play area in this location so close to a pond and a high power line on his property.

Ms. Tori Miller, 504 Thalia Road, Spring Lake, spoke concerning the drawbacks of putting a park on this site. There are high tension lines and a high voltage cellular station at this site. She stated that research indicates that the electromagnetic field given off by high tension lines is a health hazard, especially to young children and that an electrical charge will build up in metal objects that is placed under or close to the high tension lines. She expressed a concern about the proposed park being in close proximity to her horses that are fenced in on her property. She is concerned about gang and drug activity and vandalism increasing in the area. She suggested that the Town purchase an area highlighted in the paperwork they provided as being a better location to put a park.

Mr. Don Miller spoke concerning the property that was sold for \$10 in 1968 for wells and pump houses. He had two deeds and stated that the deeds were written the exact same way. Mr. Odell Smith requested on July 13, 1987 that part of the land be reverted back to him. He stated that Mr. Smith's land was returned to him at no cost to him. He stated that there is not much difference in the acreage of the two properties. He advised that Ms. Smith needs the land for ingress and egress for four parcels of land. If Ms. Smith could retain the land, it would solve the problem of the land being land locked. Ms. Smith doesn't want her land to be land locked by the Town.

Mayor Clark inquired if Mr. Smith received the street or the land. Mr. Miller stated that he received part of the property back. The letter references 50.03 feet of Gary Street, which is the width of the property. They failed to put the length of the property in the letter. It was 18,522 square feet of property that was reverted back to Mr. Smith.

Alderman Hogans asked Mr. Miller if he had been in touch with Town Management concerning the perimeters of the law. He stated that he had not. They received the agenda item. He stated that since the Town gave Mr. Odell Smith his land back, it leads

him to believe it can be done under certain circumstances at no cost.

Mayor Clark closed the public forum.

7. New Business

a. Property Disposal, Well Site on Odell Road

Mr. Gerald stated that the site was used in the past as a well pump house. He asked the Board if they want to dispose of the land. Mr. Coats advised the Board that there are specific ways the Town must dispose of the property.

Mayor Clark wanted to know if the Board decided to keep the property is there a way for the Board to grant an easement to the Smith family if they needed to. Mr. Jackson stated that there is a technique to grant an easement but that is something less than the fee simple title to the property. The Town could consider granting that but it would have to be for a specific purpose. He stated that he found no reversionary clause in researching the item.

Mr. Faison stated that the letter dated July 13, 1987 signed by Richard Higgins references the abandonment of a road which is substantially different from the property we are talking about tonight. The parcel in question was bought by the Town and we have not been able to find anything that indicates that the property would be returned to the previous owners.

Alderman Higgins stated that the Smith family has served this Town for many, many years. Odell Smith served on this Board and on the Region M Board for many, many years. In the late seventies there was a water shortage in Spring Lake and the Smith family gave the Town land to dig wells and help the Town. He asked the Board, attorney and management to work something out that would be amiable.

Alderman Hogans stated that he would like the Board to work out something to get this property back to the Smith family. He stated that the property disposal options given to the Board do not allow him to do what he would like to do. He stated that there are five legal ways that we are bound by to dispose of this property. He stated that the Board is prohibited from doing what the family has requested. He asked if there are any other options available. Mr. Jackson stated that there are no other statutory guidelines for disposing of the property. There may be other options concerning easements and ingress and egress issues. He stated that he would be happy to research the issue and report back to the Board.

Mr. Faison made a recommendation to defer this matter and allow the attorney time to research the matter. There may be something that the Town attorney uncovers that may change the equation. Mr. Jackson requested 30 days to research and report back.

Action: The Board approved a motion to take no action on this item at this time

and to have Town Attorney research the matter.

Motion by: Alderman Higgins

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

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

b. Attendance at the North Carolina League's Annual Conference

Mr. Faison advised the Board that in an effort to synchronize travel plans, attendance at key events and in an effort to reconcile resources this item is presented to the Board. He requested that the Board affirm their desire to attend and participate in various events before, during and after the League Conference. Set perimeters for their reimbursement and affirm the Mayor as the approving authority for Board level travel and expense requests and prioritize and allocate funds for attendance at this conference and others through out the year.

Alderman Hogans asked if we didn't zero out certain travel during the budget process. He stated that this is coming to them late and stated that they should have been discussing this before they modified travel. He wants to find out how much travel is necessary to maintain readiness. As far as he is concerned we could do away with all travel, if that is necessary. He asked about required travel to maintain staff readiness. He stated that he did not know that all the travel had been cancelled.

Mr. Faison stated that all travel has not been zeroed out. Travel has been reduced. He stated that the purpose of this agenda item is to ask for guidance as to what the Board wants to do concerning their travel and if they want to reallocate funds to cover travel costs. He stated that what was proposed in the original budget was approximately \$12,800. \$9,800 of that was used to eliminate the furloughs. Some of the travel funds were diverted to cover the cost of furloughs.

Alderman Hogans expressed concern about training in some areas that need to keep training funds available. He has issues with the way this is being handled. The policy looks to be a good one but it is not timely.

Mayor Pro Tem O'Garra stated that we do not have the funds to attend the League's Conference. He suggested that the Mayor go alone and represent the Town. He then requested that be a motion.

Alderman Higgins requested the amount per person to attend this conference. It was determined that it costs approximately \$1,000 for one person to attend. He stated that he would second the motion.

Alderman Hogans stated that he has no problem, as a Board, terminating travel to conferences. Travel for training is a whole different thing. He asked about a substitute motion to say that the Board will manage this travel as funds become available or give it

to the Manager to make the decision as he sees fit. Mayor Clark advised that the Manager does not want to manage the Board's travel.

Alderwoman McCoy requested to abstain because she was not at any budget workshops. Mr. Jackson stated that she is not allowed to abstain from this vote.

Mayor Pro Tem O'Garra asked how much money is in the Board's travel budget. Mr. Faison stated that there is an estimated \$1,975. That is based on \$3,000. If you look at the Board's budget there is approximately \$12,800. However, \$9,800.00 is fenced to pay for furloughs leaving \$3,000 for travel.

Alderwoman Sutherland stated that she does not recall the discussion doing away with all the travel. She remembers the furloughs, insurance and property tax conversations but not doing away with travel.

Mr. Jackson asked if the amendment had been made yet. It was clarified that it has not.

If anything above the \$3,000 is spent for Board travel the Manager will have to look at furloughing employees.

Alderman Hogans stated that he does not want to leave this issue until we figure out what we are going to do with it. Mayor Clark clarified that she believes we need to look at it closer and consider what the policy is going to be for the remainder of the year and Alderman Hogans stated yes. Mayor Clark requested Mayor Pro Tem O'Garra to make it a part of his motion to look at the total travel for the Board for training and meetings. Mayor Pro Tem O'Garra stated that he would agree with that. Mayor Clark restated the motion as outlined below to which Mayor Pro Tem O'Garra replied "I agree."

Action: The Board approved a motion to have the Mayor go alone and represent the Town at the League's Conference and look at the total travel for the Board and review the travel and training policies and procedures for the remainder of this year and bring it back before the Board at a later time.

Motion by: Mayor Pro Tem O'Garra

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 four.)

8. Board and Staff Comments:

Alderwoman Sutherland

- Hope we can resolve the Smith situation.
- Thanked everyone for coming.

Mayor Pro Tem O'Garra

- Thanked the Town workers.

- Wished the Smith family the best.

Alderman Higgins

- Primary concern is to get money in the budget to clean up the Town. He realizes that there is not much money in the budget at all and would like appearance issues addressed before adding back travel.

Alderwoman McCoy

- Would like to know more about the budget.
- Hope things can work out in favor for the Smith family.
- Thanked everyone for coming to the meeting.

Alderman Hogans

- Thanked the employees for everything they do.
- Reminded the Manager that there are some remnants of a homeless camp on Odell Road.
- For the record - Asked Mr. Jackson if the vote taken by the Board to annex Fort Bragg was legal. Mr. Jackson stated that yes, once the ratification was done. The ratification made it a legally binding action by the Board. Alderman Hogans stated that some of the residents of his community were concerned that the Board did something illegal. He wanted it on the record because of the number of comments and questions he has been asked. He also asked Mr. Jackson if he had advised any member of the board that they did anything illegal. Mr. Jackson stated no. Alderman Hogans stated that he wanted to get it on the record from Mr. Jackson as the legal advisor to the Board.

Mr. Faison

- September 11 we will hold a memorial observance at the Town fountain. The memorial will start at 9:58 and he requested that everyone gather around 9:45. The homeless camp on Odell Road was identified and visited. Mattresses were removed and the site looked to be abandoned. It is a work in progress. Alderman Hogans stated that there is still a lot of debris in the area.

John Jackson

- Happy to be here.

Mayor Clark

- Appreciate all the Smith family has done for Spring Lake. If there is any way that we can work things out we will try our best to make it work.
- Thanked the employees and stated that we have some of the best employees in the whole wide world.

10. Adjournment.

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

Motion: Mayor Pro Tem O'Garra

Second by: Alderman Higgins

Vote: Unanimous

**Rhonda D. Webb, CMC
Town Clerk**

ATTEST:

**Ethel T. Clark
Mayor**