

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

September 25, 2017

MINUTES

7 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 Pro Tem Dobbins presiding.

Board Members Present: Alderman James Christian
Alderwoman Densie Lucas
Alderman James O'Garra
Alderwoman Fredricka Sutherland

Mayor Chris Rey was absent

Others Present:

William Zell, Interim Town Manager	Tony Buzzard, Town Attorney
JC Combs, Assistant Recreation Director	Tom Cooney, Public Works Director
Tim Garner, Interim Water Resource Director	Rosa Henegan, Human Resource Officer
Troy McDuffie, Chief of Police	T.J. McLamb, Fire Chief
Claiburn Watson, Finance Director	Banard Lemon, Administrative Assistant

2. Invocation

Alderman O'Garra gave the invocation.

3. Pledge of Allegiance

Mayor Pro Tem Dobbins led the meeting in the pledge of allegiance.

4. Additions or Deletions to Agenda

The Board made a correction to the agenda. Item 8a should say Case P17-35 instead of Case P15-35.

5. Approval of Agenda

The Board approved the agenda as amended.

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

Motion by: Alderwoman Sutherland

Second by: Alderwoman Lucas

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:

- a. Review of the August 28, 2017 Discussion
- b. Minutes of the August 28, 2017 Regular Meeting
- c. Minutes of the September 1, 2017 Special Meeting
- d. Resolution (2017) 13, Additions/Deletions to Bank Signature Card
- e. Ordinance (2017) 8, Authorized Positions and Position Classification Plan Update

Action: The Board approved a motion to approve the consent items: Review of the August 28, 2017 Discussion, Minutes of August 28, 2017 Regular Meeting, Minutes of the September 1, 2017 Special Meeting, Resolution (2017) 13, Additions/Deletions to Bank Signature Card and Ordinance (2017) 8, Authorized Positions and Position Classification Plan Update.

Motion by: Alderwoman Sutherland

Second by: Alderwoman Lucas

Vote: Unanimous

7. Public Forum

No one spoke at the Public Forum.

8. Public Hearing

a. Case P17-35: Initial Zoning of 40.93 +/- acres to CD Conservancy District or to a more restrictive zoning district, located north of SR 1601 (Chapel Hill Road) and east of NC Hwy 87; submitted by the Town of Spring Lake (Owner)

Mr. Cooney advised this Public Hearing is to accept comments from the public on the rezoning of the Mutzberg Property. He stated both parcels on either side of this property is already zoned CD Conservancy and is in compliance with the Conservation Easement restrictions. The Town is supposed to keep this property in its natural state and at some point in the future, have walking trails and picnic tables. Alderman Christian stated this goes a long way to help us develop the river tract along Chapel Hill Road. He stated this is laying the foundation so we can develop this into a recreation area. No one spoke for or against Case P17-35.

Action: The Board approved a motion to close the Public Hearing.

Motion by: Alderman O'Garra

Second by: Alderwoman Lucas

Vote: Unanimous

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

9. New Business

a. Case P17-35: Initial Zoning of 40.93 +/- acres to CD Conservancy District or to a more restrictive zoning district, located north of SR 1601 (Chapel Hill Road) and east of NC Hwy 87; submitted by the Town of Spring Lake (Owner)

Mr. Cooney advised the Board of Aldermen that to complete this zoning action it will require a vote of the Board of Aldermen.

Action: The Board approved a motion to approve Case P17-35.

Motion by: Alderman O'Garra

Second by: Alderman Christian

Vote: Unanimous

(A copy of the Agenda Memo, PARTF Grant Summary Expenditures, Project Ordinance (2017) 7 and Budget Amendment 2018.1 is hereby incorporated by reference and made a part of these minutes – see attachment two.)

b. Police Department Vehicle Purchase Modification

Chief McDuffie reported that he would like to take the same money already in the budget for two SUVs and use it to purchase three Dodge Chargers. He stated he feels the money is better spent purchasing three vehicles instead of the two SUVs. He also stated the three Dodge Chargers can be ready for the Police Department in approximately one month but the SUVs would not be ready for several months.

Alderman Christian clarified that this is the same amount of money that was going to be used to purchase the two SVUs and no budget amendment will be necessary and Chief McDuffie stated yes.

Alderwoman Sutherland stated she appreciates the work that Chief McDuffie did to save the Town \$18,000 and asked if the \$18,000 will be used to put the equipment on the vehicles. Chief McDuffie stated the \$18,000 will be used to outfit the vehicles with the necessary equipment.

Action: The Board approved a motion to approve the Modified Police Vehicle Purchase Plan.

Motion by: Alderwoman Sutherland

Second by: Alderman O'Garra

Vote: Unanimous

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

c. Waste Industries Contract Renewal

Mr. Cooney stated he is requesting the Board to approve the renewal of the Waste Industries Contract for another five years. He stated the current contract will expire in June 2018. He stated Waste Industries came to the Town and offered to extend the contract for another five years at the same price. He stated they went through the bid process and this rate was the best rate. He also stated they have provided very good service to the Town.

Alderwoman Sutherland asked Mr. Cooney to read the offer so that the citizens will know what they are going to pay. Mr. Cooney read that the existing solid waste and recycling agreement will be extended for an additional five years beginning on July 1, 2018 and end June 30, 2023. The rate per household per month for one solid waste cart and one recycling cart is \$10.55 (\$8.00 per solid waste cart and \$2.55 per recycling cart).

Action: The Board approved a motion to extend the contract for another five years.

Motion by: Alderwoman Sutherland

Second by: Alderman O'Garra

Vote: Unanimous

(A copy of the Agenda Memo, Waste Industries Letter, Current Contract and the Contract Extension is hereby incorporated by reference and made a part of these minutes – see attachment four.)

d. Professional Building Update

Mr. Cooney stated he has submitted a letter to the owner of the Professional Building located at 120 Main Street, outlining the codes that are being violated. He stated a complaint came in May and the original actions concerning the complaint was a knee jerk reaction. Many of the allegations made were discovered to be unfounded. Currently, the owner is seeking the services of a professional engineer to evaluate the Code issues that Mr. Cooney identified. Mr. Cooney also advised that some of the issues are because that building was built in 1959 and the codes that were required were from the 1958 Code Book. He stated the State of North Carolina did not enforce building codes until 1985. He also stated the current building code rules and regulations for any building that has maintained the same occupancy since it was constructed and at the time the existing rules came into effect is allowed to continue use as it is without modification.

Alderwoman Sutherland stated that she did request this so that the public would know. She stated there are 14 violations and asked what we have taken care of. She stated she also tried to contact Mr. Miller to get an update as well. She stated she made a public records request so that all Board Members would get a copy. Alderwoman Sutherland said she and Mayor Pro Tem Dobbins went up into the building along with Paul Hoover who took pictures of one of the tenants ceiling that was caving in. She stated we have had a lot of rain and storms and she

doesn't know where we stand at this time. She said Mr. Davis reported at one time that the building was going to be condemned and her concern is where would we place the individuals who live there. She stated she contacted some individuals and she has numbers for homeless but she understands it is up to the owners to place those individuals with their deposits if the building is being condemned or unlivable. She stated she needs to know and it needs to be in the public records that the building has not been inspected the way that it should be and then to receive a letter, which all the Board Members received, from Mr. Miller saying that the safety of the building tenants is of the upmost concern and the letter said they are concerned about lives being lost and she doesn't know what is going on because the Board has not been getting updates but she is concerned about lives being lost. She read the last sentence of the letter which states the main goal as we move forward is to prevent the loss of life and reduce the risk of injuries by concerning issues that have now been identified are considered to be a safety hazard to those who occupy and visit this building. She stated it has been three months now and she asked where do we go from here with the 14 violations, what have we done as a Town. She thanked the Code Inspector and Fire Chief because when the building was considered to be condemned, you all knocked on the doors and told individuals to vacate. Some people chose to stay and you all stayed out there for three days. We do have to move forward and if the building is unlivable, and I know it is a process and the attorney has gotten involved as well as other individuals. She stated that she thinks we had a meeting on last Wednesday with an individual but the Board did not know about the meeting, but, she believes the Board needs to know when things occur so it doesn't look like they don't care about the citizens. She stated we need to move forward and be proactive to make sure there is no life lost and we need to find out if people need to be placed somewhere else.

Mr. Cooney stated the initial rush for condemnation was made because an improper assessment was made on the building by the Building Inspector for the Town at the time. Mr. Hoover and Mr. Miller assumed the building was wood-framed construction based on the definitions from the 1958 Code. Further investigation of the building has revealed that it is Type 1 construction. Under the wood-frame construction it would have had to have fire sprinkler system throughout the building but under Type 1 construction it is actually built with a fire wall down the middle of the building, separating it into two halves. This does not require a fire sprinkler system. The only real fire issue in the building is the rating of the floor system between the upstairs and the downstairs. He stated that will take an engineer to come in and take a section of the floor out and evaluate the floors by rating. At any rate, an imminent threat to health and safety is not there. There are issues and the landlord is supposed to be addressing them. We are constantly monitoring it and I am in contact with their attorney about every two weeks. They have recently hired an engineer out of Fayetteville to come evaluate the building and I expect to meet with him later this week.

Alderman Sutherland stated there is one way in and one way out and they have 16 occupants at this particular time. She then asked if the permit that was issued is valid. Mr. Cooney asked what permit and Alderman Sutherland stated for whatever you need to be taking care of for the building. Mr. Cooney stated there has not been any permit issued for any remedial work. He stated an electrical permit will be needed to do some of the electrical work but they are waiting until the evaluation is done but no matter what we do he stated he is pretty sure this will go to litigation because the building has been in existence since 1985. He stated he asked Mr. Isaac from the Fire Marshall's Office where exactly in the Codes it would allow Mr. Cooney to force the owner of the building, built before the State even enforced building codes, to make those corrections and there is no statute that allows us to do that.

Alderman Sutherland stated that we and the citizens should not have to worry about this and Mr. Cooney stated no and that he would report back to the Board after he meets with the engineer this week.

Alderman Christian asked how often they go to the Professional Building and Mr. Cooney stated that he has not been to the building in about a month but the issues he identified are not visible. Alderman Christian stated this is the time when we need to create an Ordinance requiring landlords to meet a certain standard. Mr. Cooney stated we already have minimum housing standards. Alderman Christian stated he is aware of the minimum housing standards but he is thinking of something a little more stringent within the law.

Chief McLamb wanted to explain to the Board of Aldermen about the process they followed called a "fire watch." He stated until they could get a certified alarm company to come out and verify that the alarm is 100% correct, they did a 24 hour fire watch which requires that they walk the building every 30 minutes and check it. Once the fire alarm was deemed to be properly functioning, the Fire Department discontinued the "fire watch." He stated they did have to go to the Professional Building for a fire alarm but what they found was that a pot on the stove in one of the apartments was smoking and the ventilation system does not do a good job of dissipating the smoke. After this incident they had the alarm company come back out to ensure that the alarm was working properly and it was.

Alderman O'Garra stated Lynn was very impressive in Mr. Cooney's absence and stated she is doing a good job and provided us with a written trail for the future.

(A copy of the Agenda Memo, Code Compliance Violations Letter and the North Carolina Department of Insurance Letter is hereby incorporated by reference and made a part of these minutes – see attachment five.)

e. Assistance to Firefighters Grant (AFG)

Chief McLamb stated the Assistance to Firefighter's Grant (AFG) is to assist fire departments across the country with acquiring fire protection equipment they might not otherwise be able to afford. Spring Lake requested permission to apply for the 2016 AFG in October 2016 and has been awarded the grant for \$30,000. The Federal portion of the grant covers 95% of the cost which is \$28,572 and Spring Lake's match would be 5% which equals \$1,428 which is currently in the 2017-2018 Fire Department's budget. Chief McLamb thanked the Board for allowing the Fire Department to apply for the grant.

Action: The Board approved a motion to accept the grant award funds.

Motion by: Alderman Christian

Second by: Alderman O'Garra

Vote: Unanimous

(A copy of the Agenda Mem and Award Letter is hereby incorporated by reference and made a part of these minutes – see attachment six.)

f. Budget Amendment 2018.3, Fire Department

Chief McLamb stated this Budget Amendment is to move the Town's matching funds from the Fire Department's operational budget into Fund 25 into the Capital Outlay Equipment Fire line.

Action: The Board approved a motion to approve Budget Amendment 2018.3.

Motion by: Alderman O'Garra

Second by: Alderman Christian

Vote: Unanimous

(A copy of the Agenda Memo and Budget Amendment 2018.3 is hereby incorporated by reference and made a part of these minutes – see attachment seven.)

10. Closed Session G.S. 143-318.11(a)(6) - Personnel.

Action: The Board approved a motion to go into Closed Session pursuant to G.S. 143-318.11(a)(6) – Personnel.

Motion by: Alderman Christian

Second by: Alderwoman Lucas

Vote: Unanimous

Action: The Board approved a motion to go back into open session.

Motion by: Alderwoman Lucas

Second by: Alderman Christian

Vote: Unanimous

10. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned.

Motion: Alderman Christian

Second by: Alderman O'Garra

Vote: Unanimous

The Town Clerk created these minutes from the audio recording of the meeting.



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

ATTEST:

Larry G. Dobbins
Larry G. Dobbins
Mayor Pro Tem

