

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

October 17, 2019

MINUTES

530 p.m.

The Spring Lake Board of Aldermen held a special meeting at the Spring Lake Family Resource Center with Mayor Dobbins presiding.

**Board Members Present:** Mayor Pro Tem O'Garra  
Alderman Christian  
Alderwoman Cooper  
Alderwoman Jackson  
Alderwoman Sutherland

**Others Present:**

William Zell, Interim Town Manager  
Kevin Hornik, Brough Law Firm  
Banard Lemon, Auto/Visual Technical  
Rhonda Webb, Town Clerk  
Melissa Pereira, Deputy Town Clerk

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

Mayor Dobbins gave the invocation and led the Pledge of Allegiance.

Additions/Deletions and Approval of Agenda

Business

- a. Discuss the Town Manager Recruitment Process and provide direction to the Interim Town Manager

Mayor Dobbins explained the Town business was to discuss the town manager recruitment process and give direction to the Interim Town Manager. Mayor Dobbins said the Special Meeting was called by Alderwoman Sutherland and Alderman Christian.

Alderwoman Sutherland stated about three weeks ago or a month ago that they went into closed section to discuss with Mr. Zell about the Town Manager recruitment process. Alderwoman Sutherland explained that we have a lot of Town Manager applicants, and that we need to move forward with the process to hire a town manager. Alderman Christian said he concurred with his colleagues. Alderman Christian stated we have enough applications to go ahead with the process, and we don't need to put this off any longer. We need someone in place. Alderman Christian said we are at a critical time and we have many projects in the making, and need a Town Manager to carry out the directives of the board. Alderman Christian said the Interim Town Manager is doing what he supposed to do, but a lot of these decisions need to be made by a permanent Town Manager.

### The Process of Hiring a New Town Manager

Mayor Dobbins asked if there were any more comments? Mayor Pro tem O'Garra asked how long it took the last time? Mr. Zell stated the process started in September and it took until January 8th. Mr. Zell said the Town Manager process began on September 15, 2018 through February 1, 2018. Mayor Pro tem O'Garra asked did we rush the process? Mr. Zell said we used the same process. Mr. Zell also stated the advertisement was sent prior to September 15th. Mayor Pro Tem O'Garra asked how many applicants do we have? Mr. Zell said I believe its ten. Mayor Pro tem O'Garra stated that the manager will have to work with the new board and Mr. Zell stated absolutely; they will have to work with whoever board is here. Mayor Pro tem O'Garra stated it wouldn't be proper or the Town's best interest if we pick a new manager and the Board changed their mind and asked the manager to leave. Mayor Pro tem O'Garra said it would not be fair to the new Town Manager. Mayor Pro tem O'Garra said we need to wait after the election and allowing the new board to pick the new manager, and they have to live with whoever they pick. Mayor Pro tem O'Garra said it wouldn't be right to force feed them. He stated it's the not the best way to do this with the Town. Mayor Pro tem O'Garra said we are trying to do something in two months that takes longer to find a Police Chief. He stated he would ask the person how they feel about applying for a job and not being able to keep it. Mayor Pro tem O'Garra said I'm sure the new Board going to have their say so, and how we go about this process of hiring a new manager.

Alderwoman Cooper asked Mayor Pro tem O'Garra to clarify what he meant by the asking the new manager to leave. Alderwomen Cooper stated that we are asking to go ahead and cut the applications down to the top 3-4 candidates. She stated we need to move forward. Alderwoman Cooper said we have 10 applications and it's not too soon to get this process down to 3-4 because we have to remember these people are applying elsewhere, and there's a good chance their qualified and someone might want them. Alderwoman Cooper said she has no objection to narrowing it down to 3-4 candidates right now. Alderwoman Cooper said we need to move forward to that point. Alderwoman Cooper said she wants clarity on what Mayor Pro tem said if we hire somebody you would ask them to leave? Alderwoman Jackson asks the Mr. Hornik if though we go to this process here when the election arrives and we have new board members; they can come in and change everything we have done? Mr. Hornik stated that is possible if the majority of the Board changes, certainly they can come in and fire that new Town Manager. Alderwoman Jackson asked so the deciding vote goes to the new board and not the old Board? Mr. Horik said that's correct. Alderwoman Jackson said that everything we do now we be all in vain? Alderwoman Jackson stated if the new board wants to see more candidates and then we have to do more candidates? Mr. Hornik stated theoretically, yes. Alderwoman Jackson said if we move with the timeline hiring process and we move too soon by asking applicants to come in and at the end of the day; we cannot control the results. Alderwoman Jackson stated if you have new board members elected, and we have three candidates here, can the new board can say they don't like them? Alderwoman Jackson stated then we have done all this process for nothing. Alderwoman Jackson asked is that correct? Mr. Hornik said yes, theoretically, certainly. She stated she agrees with Mayor Pro tem O'Garra and she is concerned with the applicants. Alderwoman Jackson stated she thinks he was not saying he was asking them to leave, he was saying the new board could say I don't want to hire these candidates because its totally up to the new board. Mayor Pro tem O'Garra declined to respond.

Alderwoman Cooper stated that we are not saying we are going to hire someone before the election, we are asking to narrow the candidates down prior to the new board being sworn in just narrow down the top three to four candidates. Mr. Zell stated pick those candidates out; but we don't do anything until after the election. Mr. Zell said that in the last hiring that Alderwoman Cooper and Alderwoman Jackson were included in the

assessment center and both participated. Mr. Zell stated we want the board who will be sitting for the next 2 years to make this selection. Mr. Zell stated what this new manager is thinking when he applies. The applicant will do their homework, and look at everything about the Town. Mr. Zell stated when they do their (candidates) homework, they going to find out; no matter how unlikely it might be; but all six of you could be removed. Mr. Zell stated there is that possibility that there could be a whole new Board. Mr. Zell states a Town Manager that moves his family and career some place (not just Spring Lake), but any where there are looking for some sense of stability. Mr. Zell stated no candidate wants to come into a place that that could change in two weeks. Mr. Zell said that why we set this timeline up so it was after the election. Mr. Zell stated we knew who that sitting Board was going to be, and those Board members could get involved, and they can make an educated decision on this new candidate. Alderwoman Jackson asked Mr. Zell if we start on this timeline where would we be at? Mr. Zell said we are right where we need to be. Alderwoman Jackson asked are we right on time like we were two years ago? Mr. Zell stated exactly.

Alderwoman Sutherland stated we are going over the same thing. Alderwoman Sutherland stated she never said hire a Town Manager just start the process. Alderwoman Sutherland stated the closing date for these applications was October 1<sup>st</sup> and we need to go forward and narrow it down to at least three applicants to get to where we need to be and go forward. Alderwoman Sutherland said just start the process of what we going to do to select the Town Manager. Alderwoman Cooper stated that she just wants to narrow the field down and do some phone interviews at the least. She does not see a problem with that. Alderman Christian stated that he does not see why we could not move forward with this process and narrow the candidates down because we have ten applicants and the schedule two years ago. Alderman Christian stated we are where we were two years ago. Alderman Christian said we should move forward with the process. Alderman Christian said we are not saying hire them tomorrow, and if we are not happy with the candidates that are chosen, we can go back to the pool and pick another set. Alderman Christian stated why put this off any longer and not move forward? Alderwoman Christian said it sounds like some don't want this process to go at all. Alderman Christian said in my opinion, it seems like people have already determined who they want to hire before the applicants are put in, and why even participate in the process at all? Alderwoman Jackson said to respond to what Alderman Christian said that there is only two members on this Board about the process. Alderwoman Jackson stated since I am one of those members on the Board let me go ahead and help you with what you think and let me tell you what I know. Alderwoman Jackson stated that she has a problem with it because she doesn't want a new manager to come in that the new board and say we don't want you, that is my concern. Alderwoman Jackson stated at the end of the day, the new board can do what they want to. Alderwoman Jackson stated that me and Alderwoman Cooper with new board and got lucky and that we did not have to do the process over again, but this year you want to gamble with somebody. Alderwoman Jackson stated for now on when you make your statements and you want to think about what somebody said; please make sure you know all the facts and don't leave insinuations to the public, to the community, and on record that two board members are saying something that has some type of hidden agenda. Alderwoman Jackson stated she has not seen any applicant or applications. Alderwoman Jackson stated I don't know who is doing what and that was my main concern was the fact if we get someone in here and the new board don't like them then the man or woman has been uprooted. Alderwoman Jackson said that was her main concern. Mayor Dobbins stated that what is being said right now are rumors and who is coming is part of the rumor mill. Alderman Christian stated the applications are available for over a week now to be reviewed and if you haven't done your homework that is an injustice to the applicants. Alderman Christian stated I don't want to get into a big argument back and forth and debating this back and forth, but I'm just expressing my views in which I have a right to do whether you agree with them or not. Alderman Christian stated there is no reason to raise your voice and assume I am doing something in ferrous

because I'm not doing anything. Alderman Christian said to agree or disagree doesn't really matter just respect my opinion. Mayor Pro tem O'Garra stated Alderman Christian is throwing innuendos out here and asking people to respect you and I find it very hard to do. Mayor Pro tem O'Garra stated I have worked with you quite a few years. Mayor Pro tem O'Garra stated I will leave it alone. Alderwoman Jackson stated respect is earned and it's not given. Alderwoman Jackson stated if you want someone to respect you, then you should do as well. Alderwoman Jackson stated that you had your say and now I have my say. Alderwomen Jackson stated that statement or comment about my community, my fellow co-workers that I'm doing something. Alderwomen stated, I am defending myself because as you; I have the right to do so as well. Alderwoman Jackson said what you said is wrong; no matter what. Alderwoman Jackson said when it's time to look at the applicants; my homework will be done, and I will do what I'm suppose to do and what the community elected me to do.

Alderwoman Cooper asked if we need to vote or have a consensus on how to proceed. Mr. Zell stated that there are two ways to do this. Mr. Zell stated have an assessment or do straight interviews. Mr. Zell said we used the assessment method last time. Mr. Zell stated a straight interview is not going to give you facts about an individual, but that's your choice. Mr. Zell said the assessment puts individuals on the spot. Mr. Zell stated you get a chance to see how they do on their feet, plus, get to see how they react under pressure. Mr. Zell stated in a regular interview I'm going to sit here and tell you everything you want to hear. Mr. Zell stated you are not going to know if the applicant fit in or how applicant deals with people, and know how applicant thinks conducting a regular interview. Alderwoman Cooper understood. Mr. Zell stated its up to the board and he said whatever the board wants me to do. Alderwoman Cooper asked Mr. Zell are we going to narrow it down? Mr. Zell said we can follow the timeline. Alderwoman Cooper doesn't want to follow the timeline completely but would like to narrow it down and do phone interviews for the top three or five. Alderwoman Cooper would like to reach out to these people so they know.

Alderwoman Sutherland asked to motion and we continue the process and narrow it down to three. Alderwoman Sutherland stated until the new board comes; we should not be arguing. We should be working together to move the Town forward. Alderwoman Sutherland stated respectively, addressed the Board and asked to move this process forward. Alderwoman Sutherland stated to Alderwoman Cooper what she stated and she agreed upon. Alderwoman Cooper motioned. Mayor Dobbins asked to move the motion forward and The Board motioned.

Alderwoman Jackson asked Alderwoman Sutherland why she wanted to skip steps? Alderwoman Cooper said she does not want to skip steps. Alderwoman Jackson asked why we changing the process? Alderwoman stated we not changing the process. Alderwomen Cooper stated to cull down meaning narrow down the applicants. Alderwoman Cooper said they just want to narrow down who qualifies and who doesn't. Alderwoman Jackson asked are we a part of the telephone interviews? Mayor Dobbins stated the fact the Board of Aldermen looked at all the applications, and then we had a rating or ranking and that's we come in as a Board on the 17<sup>th</sup>. Mayor Dobbins said we had a rating scale that we used, and then it was from that point, Mr. Zell was able then to start the telephone interviews. Mayor Dobbins said our involvement came between October 17-20<sup>th</sup> 2017. Mayor Dobbins said they came in on an individual basis and look at every application and used a table or scale to rank them. Mr. Zell stated between 1 to 5 ranking. Mayor Dobbins said for the record its need to be the responsibility of the present Board. Alderwoman Cooper stated that we following the process.

Aldermen Christian said he can't determine how many other people have seen applications. Aldermen Christian said he did his due diligence and when the applications came in and I read all of them. Mayor Pro tem O'Garra asked where did you get them? Aldermen Christian stated they are available in the Town Clerks office. Aldermen Christian stated I did not sneak in anywhere. Mayor Pro tem O'Garra asked have they been passed out? Mr. Zell stated no, and we can't pass them out. Mr. Zell stated you can look at them in the Town Clerk's

office. Mayor Pro tem O'Garra asked when were we notified? Mr. Zell stated they are available if they want to look at them. Mayor Pro tem O'Garra asked why wasn't we told? Mr. Zell said we did not say that and to follow the process. Mr. Zell asked why don't we decide say now and between next Wednesday (October 23, 2019) to come by and rate your top four? Mr. Zell asked we need to know if you want to do just interviews or assessments? Mr. Zell stated the Board need to decide that also. Mayor Dobbins said he was stumped because he received some applications myself, and gave to the Clerk and sealed until such time that we already to look at them. Mr. Zell said they are ready to look at now. Mayor Dobbins stated until everybody had the chance and the time to look at them and not be unfair. Mayor Dobbins said now they're ready and some has seen them? Mr. Zell stated he thinks as a Board member you authorized to look at them as they come in. Mayor Dobbins stated to do the fair thing, and not get a sneak preview. Aldermen Christian asked who said it was unfair? Mayor Dobbins stated the understanding was that we would have access to them at the same time. Mrs. Webb states no sir, that's not. Aldermen Christian said its not an unfair process and there available for viewing. Aldermen Christian stated there is no rules stating that can't be viewed beforehand. Aldermen Christian stated there is no rule and we did not agree the day we were going to do it. Aldermen Christian said this process has been diluted and we never agreed we are going to follow this schedule. Aldermen Christian stated if we are following this schedule then we are where we should be on October 17, 2019. Aldermen Christian said nothing was in ferrous and no one called me and said come in at look at the applications. Aldermen Christian stated nobody put me up to it. Aldermen Christian stated I took my own initiative to review the applications because they are available and can be reviewed. Aldermen Christian said he did not get key and break in. Aldermen Christian said this is a serious process determining our next town manager and need to respect the process. Aldermen Christian said the Board never voted on this process, and people just assuming what we did two years ago but we the Board did not agree on how this process was done two years ago. Aldermen Christian stated he don't mind following this process. Aldermen Christian stated Mayor Dobbins had a chance to review when they came in his office. Mayor Dobbins said because he is a part of the process his understanding is, they all review them at the same time. Mayor Dobbins stated that's fair for all of Board members. Aldermen Christian stated that understanding was not made clear. Mayor Dobbins said he made it clear to the Clerk. Mayor Dobbins stated he asked the Clerk to put them in an envelope and hold them until we all review them together as we did in the process in 2017. Aldermen Christian stated he did not put the Clerk up to anything. Mayor Dobbins said I did not say you did. Aldermen Christian said I reviewed them there is nothing wrong with that, and if someone has a problem file a complaint with the Board of Ethics. Mayor Dobbins said now we will use rating scale. Mayor Dobbins stated let's move on with the business of the Town.

Alderwoman Sutherland said that's why she called this meeting because everyone is not on the same accord, and we always need to be on the same accord with this Town. Alderwoman Sutherland stated it's a sad day when we have our citizens so upset intervening that one of our board members, the Mayor or anybody have done something that was not fair or unethical. Alderwoman Sutherland said when she called this Special Meeting its for us to move forward because there is not a process in order. Alderwoman stated that we were not going to start the process until the middle of November, and that's not what we said. Alderwoman Sutherland stated she wants to do right thing by the Town policies, procedures, and our General Statutes. Alderwoman Sutherland said we did not come here to argue and everybody has an opinion and everybody is hot about everything because its election time. Alderwoman Sutherland reiterated to call this meeting to move forward. Alderwoman Sutherland said the applicants are there and there are no secrets from the Board, none have been removed, and they were not locked up and she has interviewed several Town Managers and it has been done several different ways. Alderwoman said there is a motion on the floor for us to move forward in a professional manner, and continue doing the Town business. Alderwoman Sutherland stated the meeting was necessary.

Alderwoman Jackson said she is new to the Board and we going on what we did two years ago, and that she was not in the Town Manager process. Alderwoman Jackson said she came in after the fact. Alderwoman Jackson stated it would have been nice for an email or text sent out saying that the applications are here, and we can take a look at the applications at any time. Alderwoman Jackson stated being her first time she did not know.

Alderwoman Jackson stated it was a shock for me to hear that some of the Board members have already seen the applications. Alderwoman Jackson said Board members are supposed to looking out for another and to be a team. She stated somebody should have texted, emailed, or called stating the applications are available.

Alderwoman Cooper agreed with Alderwoman Jackson. Alderwoman Cooper stated communication is really lacking on this Board. Alderwoman Cooper said we receive information at the last minute, and citizens find out things before we do. Alderwoman Cooper said when events happened; we find out the last minute. Alderwoman Cooper said she asked Mr. Zell if she could look at applications and she stated Mr. Zell told her Rhonda Webb has them. Alderwoman Cooper said she did nothing sneaky, and she was in the Town Hall that morning. Alderwoman Cooper stated we don't have a policy for how this works. Alderwoman Cooper said she has read the whole policy book. Alderwoman Cooper stated no one is doing wrong because there is no policy on what you do. Alderwoman Cooper stated we need to get together and write some policies. Aldermen Christian stated yes, we do. Alderwoman Cooper said the Board has every right to see those applications because they are the Board and will be making those decisions. Alderwoman Cooper stated they followed policy and was not allowed to walk out of the room with them. Alderwoman Cooper stated the lesson we have learned from this, we the Board needs to create policies to follow for any future endeavors, rather than going an attacking each other. Alderman Christian said its true. Alderwoman Cooper stated we make the decisions on who needs new manager and we should look at the applicants. Alderwoman Cooper stated we should be concerned.

Alderwoman Jackson stated the question is not whether you did something wrong, that's not the question or concern. Alderwoman Jackson said nothing was done wrong, but morally and ethically as a person and doing a job for a community as a team somebody should have called somebody. Alderwoman Jackson said integrity is not in a policy. Alderwoman Jackson said think about the next man before you think about yourself. Alderwoman Jackson said someone should have called and told what they doing just because of who you are, not because of what you should do. Alderwoman Jackson said we should have some mannerism of who we are to let everybody know what's going on. Alderwoman Jackson said we don't have this problem and its unfortunate that we as a Board that we have to write a policy to do right.

Alderman Christian stated what Alderwoman Cooper said is true, we lack communication. The lack of communication involves all the Board members. Alderman Christian stated we don't talk to one another, and we don't communicate to one another. Alderman Christian stated we need to do better whether we re-elected or not. Alderman Christian state we need to do better before the election. Alderman Christian stated we don't communicate with each other; one person gets the information from a colleague and then don't want to share with anyone else. Alderman Christian stated that applies to all the Board members. Alderman Christian said not just me, but all the Board members don't communicate with each other, and that is a problem, and I recognize that it is a problem. Alderman Christian stated when he was trying to get things for Veterans Memorial, he communicated with everyone. Alderman Christian said he if I do something individually, I did as an individual. Alderman Christian said he is always willing to talk and compromise. Alderman Christian states lets go ahead and vote, and get this process moving. Alderman Christian stated he apologized for delaying this but I felt like he needed to speak his piece.

Mayor Pro tem O'Garra said he came in to talk to Rhonda Webb and asked her at one time and that we had three applicants. Mayor Pro Tem O'Garra said this was the first time we had 10 applicants. Mayor Pro tem O'Garra stated the Attorney has already talked to three of you about illegal communications. Alderman Christian said we did not do anything illegal. Alderwoman Sutherland stated we need to move forward, because she don't know what three they talking about. Alderwoman Sutherland stated we are here to discuss the items on the agenda and nothing else should be discussed. Alderwoman Sutherland stated we should be only discussing what we are here to discuss nothing in the past about what someone has did, or who's feelings are hurt, and everybody wants it their way. Alderwoman Sutherland said it's not their way, it a special meeting to know how we going to go forward with this that on the Special Meeting. Alderwoman Sutherland stated all this other stuff you want to talk

about, go out there is the parking lot and box it out. Alderwoman Sutherland stated she will walk out this was a waste of time because everyone wants to air out their feelings is hurt. Alderwoman Sutherland stated when you serve on this Board, policies and procedures, and then gravitate toward another person when we are a team, and we already know what we decided in closed session. Alderwoman Sutherland stated she called this Special Meeting about the way we should do this process. Alderwoman Sutherland stated to Rhonda that although no one should have reviewed them but according to the attorney that's not how we operate. Alderwoman Sutherland stated just because someone say you don't, we have to do stuff by law and according to our General Statutes. Alderwoman Sutherland stated just because someone went and did something beforehand, no laws have been broken. Alderwoman Sutherland said no one stated to you or Mr. Zell said you can't look at those applications, and I know for sure and found out by the attorney that it would be illegal to tell a Board member that can't look at applications. Alderwoman Sutherland stated to move forward and wasting time. A citizen asked if this was a town meeting? Mayor Dobbins said it's a Special Meeting with the Board. Alderwoman Jackson asked can citizens speak? Mayor Dobbins said no. Alderwoman Jackson asked why they got to speak at the Special Meeting on October 14, 2019? Mayor Dobbins said the attorney allowed them to speak. Mayor Dobbins stated the citizens can only speak if it's on the agenda. Alderwoman Jackson stated she called the School of Government and they said they can speak. Mr. Hornik stated citizens have to speak at least one time in Town Meetings. Mr. Hornik stated the Board does not have to allow public comments in a Special Meeting. Mr. Hornik stated its prudent at this point to allow public to speak when the Board should decide how to move forward with the manager process. Alderwoman Jackson said she really confused because if we have a Board meeting and there is no time limit, that means we can be here for 10 hours.

Alderwoman Cooper said she disagrees. Alderwoman Cooper said we have done nothing wrong. Alderwoman Cooper said we are not making in progress. Alderwoman Cooper stated she would like to move forward. Mayor Dobbins stated it about readiness, and carry this motion through because there are still some things on here that still need to be fixed.

**Action:** Alderwoman Sutherland – Amended the Motion to narrow it down to three from five and then we can do an assessment.

**Motion:** Alderwoman Sutherland

**Second by:** Alderman Christian

**Vote:** Unanimous

**Action:** Alderwoman Jackson said have Interim Town Manager Zell and update the timeline and that the board members will have until Wednesday at 5 p.m. to look at the candidates and rank them.

**Motion:** Alderwoman Jackson

**Second by:** Alderwoman Cooper

**Vote:** Unanimous

Mayor Dobbins are there any other motions? Mayor Pro tem O'Garra stated in the past that we have got applications for

managers and we all got folders with the applications in them. Mayor Pro tem O'Garra asked if it was possible to do that again or is there some reason why we can't do this at this time? Rhonda Webb stated we have done that in the past, we did make notebooks with all the applicants that you going to interview. Ms. Webb stated because of Mr. Zell's process and the assessment center I did not hold the applications, I did not hold the applications, Ms. Rosa did. She stated the process is like the last time, the same way. Ms. Webb said these do not leave the office but they are there for you to look at anytime you want too. Mayor Pro tem O'Garra stated in the past we got folders and we were able to take this stuff home. Ms. Webb said yes sir in the past we did do it before Mr. Zell came to help us. Ms. Webb said we have to be kept very secure. Mayor Pro tem O'Garra stated yes, it would eliminate everyone being in Ms. Webb office. Mr. Zell stated only two at a time. Mr. Zell stated to call and set up time if that's the case. Mayor Pro tem O'Garra asked if its possible to do like they did before? Mr. Hornik stated from a legal perspective there is certainly a concern that the manager applications contain confidential information and its not public record any that information should not be given to individual Board members and it should be kept on the Town Hall premises. Mr. Hornik stated Board members can come here and review applications in groups of no more than two so the Board not's creating a forum public meeting. Mayor Pro tem O'Garra said that was a practice here, and once we finished up; we would turn back into Rhonda Webb.

**Adjournment**

**Action:** There being no further business to come before the Board, the meeting was adjourned at 6:32p.m.

**Motion:** Alderwoman Sutherland

**Second by:** Alderman Christian

**Vote:** Unanimous



  
Melissa Pereira  
Deputy Town Clerk

ATTEST:

  
Larry G. Dobbins  
Mayor