

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

August 12, 2013

**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 Chris V. Rey presiding.

**Board Members Present:** Mayor Pro Tem Napoleon Hogans  
Alderman James Christian  
Alderman Richard Higgins  
Alderman James O'Garra  
Alderwoman Fredricka Sutherland

**Others Present:**

Ken Metcalf, Interim Town Manager	Tony Buzzard, Town Attorney
Byron Blumenfeld, Water Resource Manager	Allen Coats, Finance Director
Paul Hoover, Public Works Director	Troy McDuffie, Police Chief
T.J. McLamb, Fire Chief	Jason Williams, Assistant Fire Chief
Rhonda Webb, Town Clerk	

**2. Invocation**

Alderman Higgins gave a non-sectarian invocation.

**3. Pledge of Allegiance**

Mayor Rey led the meeting in the pledge of allegiance.

**4. Additions or Deletions to Agenda**

The Mayor requested to add two items to the agenda, Item 10l Approval of Town Manager Contract and 10m Oath of Office, Town Manager.

**Action:** The Board approved a motion to add Item 10l, Approval of Town Manager contract and 10m, Oath of Office, Town Manager to the agenda.

**Motion by:** Alderman Higgins

**Second by:** Alderman Christian

**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:** Alderman O'Garra

**Second by:** Alderman Higgins

**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. Minutes of the July 8, 2013 Regular Meeting
- b. Minutes of the August 1, 2013 Special Meeting

**Action:** The Board approved a motion to approve the consent items which includes the minutes for the July 8, 2013 Regular Meeting and the August 1, 2013 Special Meeting.

**Motion by:** Mayor Pro Tem Hogans

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

## **7. Public Forum**

Mark Erskine of 304 Elaine Street presented the Mayor with a Certificate of Appreciation from the American Legion for the Mayor's participation as the guest speaker at their 4<sup>th</sup> of July Flag Retirement Ceremony. They also presented the Mayor with a Certificate of Initiation which is given to all new members of the American Legion.

Eric Coffey of 2525 Costmary Lane, Wilmington, NC spoke concerning the new BB&T bank. He requested the Board approve a plat recordation for the BB&T be a condition of the Certificate of Occupancy and not the permit. He advised without this approval, it will add months to their timeline.

Nathaniel Fitch of 735 Goodyear Drive spoke regarding the PAL program. He stated that he has brought this up in the past but have not heard anything yet. He requested help to find a grant writer because they are a 501c3. Mayor Rey asked him to make an appointment with the Police Chief and the Mayor. Mr. Fitch also expressed concern about a tree growing on his neighbor's roof at 744 Goodyear Drive and the health issues that may come from allowing this to continue.

## **8. Presentation**

### **a. Yard of the Month for August**

Mayor Rey presented certificates to the Yard of the Month recipients in attendance. The following people won the award for August:

Tersita Brown, 120 Maranatha Circle  
Cynthia Forgach, 206 Scarborough Street  
Dave Maynard, 119 S. Fifth Street  
Mary Thomas, 217 Cecil Avenue  
Mr. & Mrs. Roy Williams, 413 Samuel Court  
Kingdom Community Development, 129 N. Main Street

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

### **b. Life Saver Award**

Chief McLamb recognized members of the Spring Lake Fire Department for their service to the community. He advised on July 10, 2013 the Spring Lake Fire Department responded to a cardiac arrest call. The patient had no pulse and was not breathing. The Fire personnel began CPR and continued until EMS arrived. On July 29, 2013 the Spring Lake Fire Department was dispatched to a building collapse call. Upon arrival at this call, they were dispatched to a medical call. As they

were leaving the second medical call they were dispatched to a third medical call on Pine Tree Lake for difficulty breathing. Units were diverted to the third medical call and arrived on the scene to find a 75 year old male having difficulty breathing. Again, patient assessment was conducted and Fire personnel found no pulse and no breathing. CPR was administered until EMS could arrive. Both of these patients are alive today because of the efforts of Noah Benton, John Reese, Captain Jonathan Faircloth and Assistant Chief Jason Williams.

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

**c. Proclamation, Reading Empowerment Zone, Strong Readers Build Strong Communities**

Mayor Rey advised we will hold a press conference tomorrow at 10:30 a.m. to announce a reading initiative. Mayor Rey's vision is to help every child in Spring Lake read on or above grade level by the 4<sup>th</sup> grade. He read the Proclamation.

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

**9. Public Hearing**

**a. Case P13-17: Revision and Amendment to the Town of Spring Lake Code of Ordinances, Chapter 42 Zoning; Amending Article XI. Sign Regulations, Section 42-289, Section 42-291 and Section 42-295**

Mr. Scott presented Case P13-17: revision and amendment to the Town of Spring Lake Code of Ordinances, Chapter 42 Zoning; amending Article XI. Sign Regulations, Section 42-289. Definitions, by inserting in alphabetical order the term and definition for Nonprofit, Noncommercial Entity; amending Section 42-291. Signs Permitted in Any District, by inserting Sub-Section (6) entitled Nonprofit, Noncommercial Entity Signs; and amending Section 42-295. Prohibited signs. Sub-Section (2) Signs Erected on Public Streets, Excluding the Applicability of this sub-section to nonprofit noncommercial entity signs; and updating the table of contents as appropriate.

This text amendment was requested by the Town of Spring Lake and will allow nonprofit organizations to place signs in the Town's public right of ways.

Mayor Rey opened the Public Hearing. No one spoke for or against Case P13-17.

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

**Motion by:** Mayor Pro Tem Hogans

**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 five.)

**b. Case P13-25: Initial Zoning of .34 +/- Acre to C(P) Planned Commercial or to a More Restrictive Zoning District, Located at 130 New Street, Owned by WCDC, Inc.**

Mr. Scott presented Case P13-25. This is the initial zoning of a recently annexed parcel of property. Cumberland County Joint Planning Board recommends approval of the initial zoning to the C(P) Planned Commercial district. The surrounding zoning consists of mostly commercial with some residential.

Mayor Rey opened the Public Hearing. No one spoke for or against Case P13-25.

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

**Motion by:** Alderman O'Garra

**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 six.)

**c. Case P13-28: Initial Zoning of 74.87 +/- Acres to R6 Residential or to a More Restrictive Zoning District; Located East of NC Hwy 210, Southwest of SR 1600; Owned by Goodson Properties Management, LLC**

Mr. Scott presented Case P13-28. This is the initial zoning of a recently annexed parcel of property. Cumberland County Joint Planning Board recommends approval of the initial zoning to the R6 Residential district of the subject property and CD Conservancy district for a portion located within the Special Flood Hazard Area. The surrounding zoning consists of a mix of commercial, office and medium to low density.

Mayor Rey opened the Public Hearing. No one spoke for or against Case P13-28.

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

**Motion by:** Alderman Higgins

**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 seven.)

**10. New Business**

**a. Action on Case P13-17**

Mr. Scott requested approval of Case P13-17 and advised the Cumberland County Joint Planning Board recommends approval.

**Action:** The Board approved a motion to approve Case P13-17.

**Motion by:** Alderman O'Garra

**Second by:** Alderman Christian

**Vote:** Unanimous

(A copy of the agenda memo, Chapter 42 of the Spring Lake Code of Ordinances with changes noted and Ordinance (2013) 10 is hereby incorporated by reference and made a part of these minutes – see attachment eight.)

**b. Discussion, Use of Temporary Signs**

Mr. Hoover advised the sign amendment just approved is for charitable temporary signs that we will allow in the public right of way. There will be a small permitting fee associated with obtaining the permit. The Town does not have authority to allow placement of temporary signs along DOT's roadways. The Town can petition on behalf of someone who wishes to place a temporary sign in the DOT right of way should the need arise and should the Manager feel it necessary. The Board inquired about the footage of the right of ways and Mr. Hoover advised it varies from street to street

depending on the classification of the street. He also advised we have some Town owned streets that are paved right up to the right of way and we have no usable grassy area on either side of the roadway. Mr. Hoover clarified that political signs are allowed for a specified time in the right of ways.

No action by the Board was required.

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

**c. Action on Case P13-25**

Mr. Scott requested approval of Case P13-25.

**Action:** The Board approved a motion to approve Case P13-25.

**Motion by:** Alderman Christian

**Second by:** Mayor Pro Tem Hogans

**Vote:** Unanimous

(A copy of the agenda memo and Cumberland County Planning & Inspections Department Action Memorandum and Site Profile is hereby incorporated by reference and made a part of these minutes – see attachment ten.)

**d. Action on Case P13-28**

Mr. Scott requested approval of Case P13-28.

**Action:** The Board approved a motion to approve Case P13-28.

**Motion by:** Alderman O'Garra

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

(A copy of the agenda memo and Cumberland County Planning & Inspections Department Action Memorandum and Site Profile is hereby incorporated by reference and made a part of these minutes – see attachment eleven.)

**e. Case 13-057; Consideration of the BB&T Request for C(P) Site Plan Review**

Mr. Scott presented Case 13-057 for consideration of the BB&T Bank request for a C(P) site plan review; Spring Lake Zoning Ordinance, zoned C(P), total acreage 1.12 +/-, located at 104 – 130 New Street, submitted by Branch Banking and Trust Corporation (owner) and Commercial site Design (design firm). Mr. Scott advised the plan, with conditions, meets or exceeds the Town's Code of Ordinances. County Planning staff recommends approval with conditions. He also advised the Board could consider the request made by Mr. Coffey and amend condition #1 to require plat to be recorded upon a certificate of occupancy instead of prior to the permit. Mr. Scott stated that Mr. Hoover had advised the Town would be okay with making this amendment if the Board so desired.

**Action:** The Board approved a motion to approve Case 13-057 and modify condition #1 as requested by Mr. Coffey.

**Motion by:** Alderwoman Sutherland

**Second by:** Alderman Christian

**Vote:** Unanimous

(A copy of the agenda memo and Cumberland County Planning & Inspections Department Action Memorandum and Site Profile is hereby incorporated by reference and made a part of these minutes – see attachment twelve.)

**f. Contract, Marketing for Industrial Park Property**

Mr. Hunt stated the contract is representative of the changes requested in Closed Session. He requested approval of the agreement. Concern was expressed about going down this path before and the desire to handle the property in house.

**Action:** The Board approved a motion to approve the agreement with Grant Murray.

**Motion by:** Mayor Pro Tem Hogans

**Second by:** Alderman Christian

**Vote:** 4-1

Yes

No

Mayor Pro Tem Hogans

Alderman O'Garra

Alderman Christian

Alderman Higgins

Alderwoman Sutherland

(A copy of the agenda memo and agreement from Grant Murray is hereby incorporated by reference and made a part of these minutes – see attachment thirteen.)

**g. Community Appearance Commission Appointment**

Ms. Webb advised that Josie Miller, owner of Cornucopia on Main Street, applied to serve on the Community Appearance Commission. Due to the recent amendment to the Commission's Charter, Ms. Miller can now serve on this Commission. She stated if the Board so desires to appoint Ms. Miller to the Community Appearance Commission, her term would expire August 31, 2016.

**Action:** The Board approved a motion to appoint Josie Miller to the Community Appearance Commission with a term to expire August 31, 2016.

**Motion by:** Mayor Pro Tem Hogans

**Second by:** Alderman Higgins

**Vote:** Unanimous

(A copy of the agenda memo and application for appointment from Josie Miller is hereby incorporated by reference and made a part of these minutes – see attachment fourteen.)

**h. Resolution (2013) 24, Awarding bid Contract and Authorizing Execution of Contract for Street Paving Project**

Mr. Hoover announced "this is a happy day" and advised Highland Paving came in with the lowest bid at 4% lower than what we estimated the costs to be. He requested approval of Resolution (2013) 24. In response to a question about what would happen if the contractor, for some reason, could not pave all the streets they are expected to pave, Mr. Hoover clarified that when a contractor submits a proposal and is awarded the contract, their proposal guarantees they will pave the designated areas for that money. The contractor is bonded and should they fail to follow through, we would cash the bond and recover our money.

**Action:** The Board approved a motion to approve Resolution (2013) 24.

**Motion by:** Alderman Christian  
**Second by:** Alderwoman Sutherland  
**Vote:** Unanimous

(A copy of the agenda memo and Resolution (2013) 24 is hereby incorporated by reference and made a part of these minutes – see attachment fifteen.)

**i. Resolution (2013) 25, Approving Financing for Street Paving Project**

Mr. Coats advised Resolution (2013) 25 authorizes the financing with BB&T to pay for the Street Paving Resolution just approved. The Town will borrow \$1.5M from BB&T and combine that with money from some other funds to pay the \$1.8M it will cost to do the paving. He requested approval and also announced the Local Government Commission approved this financing.

**Action:** The Board approved a motion to approve Resolution (2013) 25, Street Paving Project.  
**Motion by:** Alderman O'Garra  
**Second by:** Alderman Christian  
**Vote:** Unanimous

(A copy of the agenda memo, Resolution (2013) 25, Table of Proposals Received, Bid v. Financing Analysis and FY 2014 Debt Schedule is hereby incorporated by reference and made a part of these minutes – see attachment sixteen.)

**j. Board to Consider Approving SAFER Grant Application**

Chief McLamb gave the Board an overview of what the SAFER grant is for. He stated it is to enhance the local fire departments' ability to comply with staffing, response, and operation standards established by NFPA 1710/1720 as well as Office of State Fire Marshal. Currently the Town's ISO rating is a class 5. He is striving to obtain a class 4 or class 3 rating next time. The additional staffing will help the Department obtain this goal. He requested approval to apply for the 2013 SAFER grant to hire 6 full-time firefighters. The grant will fund 100% of the salaries and benefits for two years. FEMA encourages Fire Departments to continue the employment after the grant expires but that is not a requirement. There are no matching funds required but it does require a 2% grant writing fee to be paid to the grant writer if awarded. If awarded, the Town would pay approximately \$5,970 for the grant writing fee and this amount is currently in the Fire Department's budget. Chief McLamb advised the application is online and cannot be printed until the application has been submitted. He requested the Board's approval to apply for the grant.

**Action:** The Board approved a motion to allow the Spring Lake Fire Department to apply for the 2013 SAFER Grant to hire six firefighters.  
**Motion by:** Alderwoman Sutherland  
**Second by:** Alderman Christian  
**Vote:** Unanimous

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

**k. Budget Ordinance Amendment (2013) 11, Authorized Positions Human Resources and Finance Departments**

Mr. Metcalf requested the Board amend the Town of Spring Lake Position Classification Plan and the Authorized Employee Positions in Finance and Human Resources Departments. In 2010 the Board authorized the combination of the Accounting Supervisor in Finance and the Human

Resources Officer into one position. This arrangement was to be reviewed annually. Mr. Metcalf recommended that the position be split again. He proposed the addition of an Assistant Finance Director position at a Grade 17 and a Human Resources Officer at a Grade 18.

**Action:** The Board approved a motion to approve Budget Ordinance Amendment (2013) 11.

**Motion by:** Mayor Pro Tem Hogans

**Second by:** Alderman O'Garra

**Vote:** Unanimous

(A copy of the agenda memo, Proposed Changes to Appendix A and Appendix B of the Budget Ordinance, Organizational Charts and Ordinance (2013) 11 is hereby incorporated by reference and made a part of these minutes – see attachment eighteen.)

#### **l. Contract, Town Manager**

Mr. Rey requested the Board to approve the contract appointing Ken Metcalf as the Town Manager.

**Action:** The Board approved a motion to approve the contract with Ken Metcalf for the Town Manager position of this Great Town of Spring Lake.

**Motion by:** Alderwoman Sutherland

**Second by:** Alderman O'Garra

**Vote:** Unanimous

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

#### **m. Oath of Office, Town Manager**

Mayor Rey administered the Oath of Office for the Town Manager to Mr. Ken Metcalf.

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

### **11. Closing Comments**

#### **Alderman Higgins**

- The Grape Myrtles in Town are absolutely beautiful.
- We need to pay more attention to some of our business, like the old Biscuit Kitchen, that have closed and let their grounds go and do whatever we can do to get them cleaned up.

#### **Alderman O'Garra**

- I want to welcome everyone who came out this evening and a special welcome to Ken's family.
- Kudos to the Fire and Police Departments, you do a wonderful job.
- This was a wonderful evening. We got the opportunity to put someone in the position who I believe will benefit us all.

#### **Mayor Pro Tem Hogans**

- Congratulations Ken, I look forward to a long and productive relationship.
- I would like Mr. Metcalf to send a note to the president of the Public Safety Foundation inquiring when they were audited last, the results of the audit and if they have not been audited when

they will be audited. Get that back to us at the next meeting.

**Alderman Christian**

- Congratulations to Ken. He is the right man for the right job. I'm glad to see his beautiful family here tonight.
- Keep my mother in your prayers she just had surgery on her hand.
- Congratulations to the Appearance Commission for all of your hard work. We were recently awarded, through their efforts, the Best Gateway in Cumberland which is the area where 210 and 87 split.
- I would like to say Happy Birthday to my girl Nadina. She is not here but I want to wish her a Happy Birthday.

**Alderwoman Sutherland**

- I want to thank you all for coming out this evening, we have been very productive this evening.
- Congratulations Mr. Metcalf and your family.
- I congratulate and thank platoon C, who has been policing my neighborhood. The community is noticing that platoon.
- I congratulate Chief McLamb and I heard that you were at those medical calls as well and we want to thank you for all you do for this Great Town of Spring Lake.
- I want to thank the young man who picks up trash along the roadside. We appreciate the work that he does.
- I thank my colleagues and pray that we can continue working together for the Great Town of Spring Lake.

**Mr. Metcalf**

- I will try to be brief. I too want to welcome my family. I love them and they are great people. Mr. Metcalf recognized his family, wife Debbie, daughter Devon, older brothers Mark and Don and sister and brother-in-law Julie and Harry Sanders. I also want to recognize my dad who could not be here tonight.
- I want to recognize Ms. Nellie McCoy, she has been a second mother to me and she rightfully should sit with my family.
- Special gratitude to the Department Heads, I honestly believe my appointment tonight shows the Board's confidence and faith in you.
- The two Chiefs encourage me every day and I appreciate it.
- To Mayor Rey and this fine Board I really love working with you. You are a very productive group of folks.
- To our citizens – my time is your time. We raised a child here and we love this Town.

**Mr. Buzzard**

- Congratulations to Mr. Metcalf.

**Mayor Rey**

- Thank you everyone for being here tonight.
- Thank you Ken for the job you did in the interim. We are very proud of you and I echo what Mr. Christian said, you are the right man for the right time.
- In closing, as we begin to enter into the political season, I hope we will continue to show the civility of who we are as individuals, and that individuals will put out there their record of what they have done and be mindful of one another. That is who we are and the progress we have accomplished is because of working together so please remember that when you are out there

on the campaign trail.

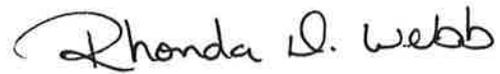
**12. Adjournment**

**Action:** There being no further business to come before the Board, the meeting was adjourned at 8:12 p.m.

**Motion:** Alderman O'Garra

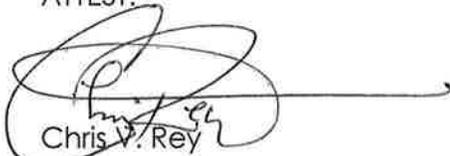
**Second by:** Alderman Higgins

**Vote:** Unanimous



Rhonda D. Webb, MMC  
Town Clerk

ATTEST:



Chris V. Rey  
Mayor