

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

August 26, 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, 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 O'Garra 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**

There were no additions or deletions to the agenda.

**5. Approval of Agenda**

The Board approved the agenda.

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

**Motion by:** Alderman Higgins

**Second by:** Alderman O'Garra

**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:

- Minutes of the August 12, 2013 Special Meeting
- Minutes of the August 12, 2013 Regular Meeting
- Proclamation, Patriot Day and Day of Service and Remembrance

**Action:** The Board approved a motion to approve the consent items which includes the

minutes for the August 12, 2013 Special Meeting, August 12, 2013 Regular Meeting and Proclamation for Patriot Day and Day of Service and Remembrance.

**Motion by:** Alderman Higgins

**Second by:** Alderman O'Garra

**Vote:** Unanimous

## **7. Public Forum**

No one spoke at the Public Forum.

## **8. Presentation**

### **a. Spring Lake Kiwanis**

Mr. Springer advised what Kiwanis is all about and then presented a plaque of appreciation to Mr. and Mrs. Greg Miller from Brooklyn Pizzeria for their support of the Spring Lake Kiwanis.

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

### **b. Water Operations Project Update**

Mr. Blumenfeld gave the Board an update on the current projects. They included WWTP Rehabilitation, Lower Little River Interceptor, Lillington Highway Water Line Upgrade, Chapel Hill Sewer Extension and Existing Manhole Rehabilitation.

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

## **9. New Business**

### **a. Board to Consider Request from Kingdom Community Development Corporation**

Mr. Metcalf advised Mr. Manning requested the Town waive or reduce the site plan review and building plan review fees. Mr. Metcalf offered the floor to Mr. Manning. He advised they started on the project in 2009 and at that time they put their budget together based on the fees at that time. Since then the fees have increased and Mr. Manning did not budget for the increase. Mr. Hoover stated the \$150 fee is for the review of building plans and the \$100 fee is for the review of the site plan. In response to an inquiry from the Board, Mr. Hoover stated there is one other project that is similar to Mr. Manning's project but the developer has not requested relief from fees. Mr. Hoover was asked how we will respond to others who ask for this type of relief and Mr. Hoover stated that he does not request any relief from fees. Concern was expressed about how to treat others if this situation comes up for someone else and the fact that doing this would not be fair to others. Mayor Pro Tem Hogans stated if there is a reason to give this relief then we need to do so but we should not do so arbitrarily. He stated he is looking for a recommendation based on merit. Mayor Pro Tem Hogans asked for clarification on the motion as to whether the motion is for all the fees or are we going back to the old fees. Alderman Christian responded his motion is for the fees that Mr. Manning requested, the original fees. Alderwoman Sutherland inquired about the other project that is similar to Mr. Manning's project and asked when it began, expressing concern about setting precedence. Mr. Hoover stated the start date around the same time as Mr. Manning's project began. The Attorney stated we are not legally bound but morally and ethically we may be bound to treat everyone the same. We need to treat everyone the same and we need to do what is right.

Mayor Rey stated he would like to see developers be more diligent and keep up with what is going on at Town Hall; and the Town needs to send notice to people in the middle of projects.

**Action:** The Board approved a motion to waive the fee as per Mr. Manning's request.  
**Motion by:** Alderman Christian  
**Second by:** Alderwoman Sutherland  
**Vote:** Unanimous

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

**b. Cell Tower Site Lease Study**

Mr. Coats requested the Board's approval to allow staff to further investigate leasing land currently owned by the Town for the use of a cell tower. American Tower Corporation has requested permission to investigation of the site and if it is found to be sufficient, they will bring back an agreement for the Board's consideration. Concern was expressed about the potential 50 year lease and the small amount of money they are willing to pay. Mayor Rey clarified the terms of the contract will be negotiated if we decide to proceed.

**Action:** The Board approved a motion to approve staff's recommendation to pursue a further study.  
**Motion by:** Alderman Christian  
**Second by:** Alderman Higgins  
**Vote:** 4-1

Yes	No
Alderman Christian	Mayor Pro Tem Hogans
Alderman Higgins	
Alderman O'Garra	
Alderwoman Sutherland	

(A copy of the agenda memo, letter from American Tower, potential site location map and sample picture of proposed tower type is hereby incorporated by reference and made a part of these minutes – see attachment five.)

**c. Budget Amendment 2014.1, Fire Department**

Mr. Coats requested approval of Budget Amendment 2014.1 to budget prior year funds for the purchase of a new truck for the Fire Department. The Board approved the purchase of this vehicle at their August 12, 2013 Special Meeting and the Budget Amendment is a necessary step to make the funds available.

**Action:** The Board approved a motion to approve budget Amendment 2014.1.  
**Motion by:** Alderman Higgins  
**Second by:** Alderwoman Sutherland  
**Vote:** Unanimous

(A copy of the agenda memo and Budget Amendment 2014.1 is hereby incorporated by reference and made a part of these minutes – see attachment six.)

**d. Budget Amendment 2014.2, Police Department**

Mr. Coats requested approval of Budget Amendment 2014.2 to budget funds from a grant the Police Department obtained to purchase bullet resistant vests for use by the Spring Lake Police Officers.

**Action:** The Board approved a motion to approve Budget Amendment 2014.2.  
**Motion by:** Alderwoman Sutherland  
**Second by:** Alderman Christian  
**Vote:** Unanimous

(A copy of the agenda memo and Budget Amendment 2014.2 is hereby incorporated by reference and made a part of these minutes – see attachment seven.)

**e. Appointments, Spring Lake Board of Adjustment**

Ms. Webb advised Garland Hostetter and Alice Geier's terms on the Spring Lake Board of Adjustment will expire on August 31, 2013 and requested the Board consider reappointing these members to the Board of Adjustment for another three-year term. It was clarified there is no one waiting to serve on this committee.

**Action:** The Board approved a motion to reappoint the two citizens to serve a three-year on the Board of Adjustment expiring August 31, 2016.  
**Motion by:** Alderman Christian  
**Second by:** Alderman Higgins  
**Vote:** Unanimous

(A copy of the agenda memo and application for appointment from Alice Geier and Garland Hostetter is hereby incorporated by reference and made a part of these minutes – see attachment eight.)

**f. Education Incentive Policy**

Mr. Metcalf advised this is the policy that was presented at the August 12, 2013 Board Meeting. He stated the questions that the Board expressed that evening have been addressed and the policy now reflects the concerns expressed. He also advised the Board has the option to pass the policy for Public Safety and Public Health Personnel or the policy for all employees. Alderwoman Sutherland stated she wants to pass a policy for all employees and wants to ensure transcripts will be supplied and the school will be accredited. Mayor Pro Tem Hogans stated this is a great idea and the world is a better place to be when you are educated and an educated employee is a better employee. He also stated this is a great policy as long as we do it fairly and equally.

**Action:** The Board approved a motion to approve the Education Policy #27b, for all full time employees.  
**Motion by:** Mayor Pro Tem Hogans  
**Second by:** Alderman O'Garra  
**Vote:** Unanimous

(A copy of the agenda memo and Education Incentive Policy #27b is hereby incorporated by reference and made a part of these minutes – see attachment nine.)

**10. Closing Comments**

**Alderman O'Garra**

- Glad everyone came out this evening.
- Glad everyone got what they want.
- I was in Fayetteville today and heard that our water bills are too expensive.
- \$250 and \$250, it's coming.

**Mayor Pro Tem Hogans**

- I missed your education news conference the other day and I want to congratulate you for stepping outside your normal duties to help our community. Spring Lake has tremendous challenges and an area of education is one of the ones where we should do everything we can. It disturbs me that there are small children who do not have much but get up and still go to school every day. Education is the key to success. I thank you for what you are doing and we are really proud of you.

**Alderman Christian**

- Last Friday True Vine had a prayer vigil and it turned out really well. If we reach just one child, it was worth it. I was able to speak to some of the children and I hope some of the children were listening.
- A lot of people have been asking me about my mother and she is doing well.
- I appreciate the staff and everything you have done.
- Byron that was an excellent presentation.
- Lynn, I appreciate everything you did for my family in helping me with the bricks.

**Alderwoman Sutherland**

- I want to thank you all for coming out this evening.
- I appreciate my colleagues for doing your due diligence. When I say due diligence, that means you are reading your agendas and understanding. We need to give each other respect. Someone told me the other day that we just approve anything and that we do not read our agendas. I appreciate it when my colleagues ask questions. When I make a motion or approve something on the agenda, if I don't understand it then I need some clarification and if I do not do my due diligence and read my agenda then the decision I make can affect people ten years down the road. That is why I make sure I understand and ask questions and I appreciate my colleagues for doing the same thing. This job is very important. It is not just sitting up here just to say you are a Board of Alderman and are just wearing the label. This is not a think less job and we have to have respect for one another.
- I want to thank the Fire Chief and Jason for the smoke alarm grant that you applied for and received. I deeply appreciate everything your employees do to make sure the citizens are safe until EMS arrives.
- It is another year for elections and I always try to run a fair race with honesty and integrity and I will continue to do what the people have elected me to do and to stand for them.

**Alderman Higgins**

- I thank the employees for being here tonight.
- Just one comment on the long discussion about the cell tower. We got into a long conversation tonight that we really did not need to get into. The motion I seconded tonight was for a study and the information we received caused the conversation to go in a different direction than it was intended. In the future when we bring things to the Board we need to be careful that we do not give information that is not needed at the time.
- I associate myself with the comments that were made about the departments and the comments that were made about the Mayor's initiative for our children.

**Mr. Metcalf**

- I wanted to say I appreciate the conversation tonight.
- I appreciate the Board's trust in me.
- I thank the Department Heads for the work that they do. These people work very hard. I

particularly want to thank Allen, Paul and Lynn for the information regarding Mr. Manning's request.

- I wanted to speak about the request Mayor Pro Tem Hogans made at the last meeting regarding the Public Safety Foundation. I wanted to let Mr. Hogans and the entire Board know that I requested the financial information this past Friday. The Public Safety Foundation is a private, non-profit set up to enhance the goals of the Fire and Police departments in Spring Lake. The Police and Fire Chiefs both serve on the Board of Directors. I have talked with both of these individuals about their roles in the Foundation and they feel very comfortable in how it is going. They are strongly in support of it. I want to assure this Board as a whole that anytime the Town receives donations, the money is deposited into the Town's account, and you are privy to that information. Once the donations are deposited into the Town's account, the Manager and Department Heads must follow all fiscal guidelines provided by State law and our own budget ordinance. Those safeguards are in place for any donations that we receive. I do not see a situation where the Foundation or any of our civic groups or organizations just go and hand cash to any of our department heads. I feel safe that money will be deposited into the Town's account and handled properly. I do feel the Public Safety Foundation is a well-intended group based on what these men are trying to do. I do understand the Board's concerns with funds and also just keeping up with the activities of all Town departments. I hope that helps everyone. Mayor Pro Tem Hogans stated the questions he raised about the Public Safety Foundation are not necessarily questions that he raises but those of my constituents. He said he wants to be extremely clear that the concerns did not have anything to do with the integrity of staff. The reason I started to discuss this issue and the first time I heard anything about this Foundation was in conjunction with a \$2,000 giveaway where the event was held on Tax Payer property not on private property which gave the appearance that the Town was sponsoring it. When someone comes to me and says "I can see why you guys didn't have to raise taxes, you can afford to give away \$2,000." Constituents also feel because they are called the "Spring Lake" Public Safety Foundation that they are automatically a part of the Town. If we give that organization authority to hold events on public property to do whatever it is going to do then we should have some sort of receipt showing they paid to use the property just like everyone else would have to do. When I asked what this thing was I really did not know. I was told the reason this thing was formed was because the police officers are paying to take their vehicles home in the evening and we want to stop that. Just a few weeks later, the Finance Director told me that the police officers are paying to drive their vehicles home. I then went back to the President of the Foundation and was told about money being available to the Police to do what they want to do. I asked the question last week so it would be on the record. I am not casting dispersions on any of our departments. It all started when we gave away \$2,000 prizes and holding events on tax payer's property. Alderman O'Garra stated if someone wanted to hold a function in this room they check with the Clerk and if they want to hold something at the Recreation center we ask the Recreation Director. If the space is available people are allowed to use the property. If the people want to know what is going on, they can come talk with us.
- Mr. Metcalf requested Mr. Hoover update everyone on the street paving project. The paving project will begin as soon as the middle of September as soon as signatures are put on the contract.

**Mayor Rey**

- I know that we have had a lot of discussion about the Public Safety Foundation and the misconception some citizens have because it is named the Spring Lake Public Safety Foundation. I believe we need to go on record and this Board needs to be very clear with any citizen that the Spring Lake Public Safety Foundation is a private non-profit organization in Spring Lake but is not affiliated with the Town of Spring Lake and this Board and that it is not anything

this Board has sanctioned. I am sure that in the future, any events this Foundation has if they have not already, will go through the same procedures like any other non-profit and pay any fees that are required to rent out any of our facilities. It is very important that we let citizens know that they are not affiliated with the Town of Spring Lake. Any citizen who wants to know about what they are doing should go and speak with the leadership of the organization. Now that we have clarity that they are not affiliated with us, we should not have any discussions regarding them. I do not think it is proper that this Board discuss private 501 c3 organizations other than to recognize what they do for the community. I appreciate the spirited discussion.

- I want to close out with this letter that I received this week. Mayor Rey read a letter from a citizen who needed help with a car seat and commended Officer Smith for going above and beyond.
- Chief McDuffie and Chief McLamb, Paul, Byron thank you for what you do and to all the staff for continuing to raise the bar and the standard for how we will conduct business moving forward as a Town.
- Again, as we go into the campaign season let us continue to remember we are colleagues working for the betterment of Spring Lake.
- Thank you all for what you do and please remember to read to a child when you get the opportunity, especially a Spring Lake kid.

## II. Adjournment

**Action:** There being no further business to come before the Board, the meeting was adjourned at 8:31 p.m.

**Motion:** Alderwoman Sutherland

**Second by:** Alderman O'Garra

**Vote:** Unanimous



*Rhonda D. Webb*

Rhonda D. Webb, MMC  
Town Clerk

ATTEST:

  
Chris V. Rey  
Mayor