

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

July 13, 2015

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 Chris V. Rey presiding.

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

Others Present:

Tad Davis, Town Manager	Byron Blumenfeld, Water Resource Manager
Rosa Henegan, Human Resources Director	Paul Hoover, Public Works Director
Troy McDuffie, Police Chief	T.J. McLamb, Fire Chief
Claiburn Watson, Interim Finance Director	J. C. Combs, Asst. Recreation Director
John Kleinert, Asst. Director	Rhonda Webb, Town Clerk
Janet Smith, Office Assistant	

2. Invocation

Alderman Christian 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

a. 4th of July event. This item on agenda as 9f

b. Alderwoman Sutherland requested clarification for minutes of June 16, the special meeting and regular meeting during our budget. She seeks clarification on what is in the minutes concerning the senior enrichment center as well as senior center. She says we came to a consensus about these being two separate entities that we have as an amended item. She says they are two separate entities and two separate directors. She says there is director for senior center as well as recreation center. She says it needs to be made clear that this will be two separate budgets as well. Mayor Rey says it will be on next agenda. Alderwoman Sutherland also said for clarity the record needs to reflect that each director should be handling their own budget. Mayor Rey says that at next board meeting they will make sure budget amendment is presented to board that will reflect their intent. This was determined that clarification had been stated and it did not need to be an agenda item.

5. Approval of Agenda

The Board approved the agenda as amended.

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

Motion by: Alderman Christian
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. Minutes of the June 16, 2015 Special Meeting
- b. Minutes of the June 22, 2015 Regular Meeting

Action: The Board approved a motion to approve the consent items for June 16, 2015 Special Meeting; also they approved the June 22, 2015 Regular Meeting.

Motion by: Alderwoman Sutherland
Second by: Mayor Pro Tem O'Garra
Vote: Unanimous

7. Public Forum

Derrick Hudson, 1223 Wilderness Dr. Spring Lake, tells the board that he wants to thank Alderwoman Sutherland and Town Manager who helped him to move forward in some things in athletic department for the Spring Lake Recreation Center. Mr. Hudson says that he is a football coach and has been coaching for few years now. He says by being a coach it had allowed him to help the community by getting sponsors from local business to provide jersey's for his team. He says this has been an effective way to raise the standard in Spring Lake allowing the kids to feel good about themselves. He says his team the Oilers did great last year and looking forward to doing even better this year. Mr. Hudson's biggest concerns are making sure that the athletic department at the Recreation Center does not get swept under rug. He wants this department to continue to grow for the kids. Alderwoman Sutherland says she wants thank him for the great work he does for the Town of Spring Lake and for taking such a great interest in helping the kids in the Town. She says if we had more young men like him we could take the town where it needs to be.

Mr. Paul White from the Regency Job Training Institute at 1149 North Bragg Blvd, Spring Lake says he wants to bring awareness to the rest of the town and to thank the board for their assistance in the Pop with a Cop program they currently are involved in. He says this program was reenacted because a lot of kids think that police force is corrupt and they do not trust them because of recent bad events. Mr. White says because there seems to be some form of mistrust among youth and police officers in community then this is why this program was created. He says they are putting out fliers and the event is this Saturday July 25, 2015. He says this will be a way to bring police back into neighborhood by passing popsicles out to kids. They have donations from Walmart, Food Lion and Miller Property has donated \$100 also. He says he wants more town support and he would like for everyone in town to show up especially our municipality and our local churches to support this event. He stated that Chief McDuffie has allowed his staff to be out their every weekend to help with this event. He says he believes the fire department will be out there as well. Mrs. Yolanda Burse from W.T. Brown Elementary will be there as well to pass out books to kids. The new AMO Express Shop will be giving out free fruit smoothies to kids. This will all help build better relationship between our youth and police officers. He says that they will do this event every other weekend.

Mr. Nathaniel Finch Sr., 735 Goodwill Drive Spring Lake, says he has some concerns about the PAF (Police

Athletic League) and he has been waiting on someone to provide him information on this subject. He says the surrounding cities such as Fayetteville and Sanford has a league in place. His says it has been hard to get data on how we can get one started here in Spring Lake. He says that he told one of the Aldermen if we can get this started he will donate all of his equipment for this event such as bags, and jump rope. He says no one has gotten back with him as of yet. He says his second concern is about the traffic lane on Hwy 87. He says Mayor Pro Tem O'Garra said he would get back with him on this issue and let him know what was going on and he says he did not do that. He says his concern is if you turn south on 87 which lane does he get in. He says this issue has him confused on which way he is supposed to go on this highway. Mayor Rey says that they have contacted the Department of Transportation who has identified some funds to for construction of median for that location. He said at the last board meeting we did pass a resolution that was given to department of transportation in order for them to strengthen their case for now they have found resources to do this but they have not given the Town a timeline yet but that is going to take place. Mayor Rey says we apologize for not informing you. Mr. Finch says the fourth Mayor's Cup came about and he suggested to Alderwoman Sutherland that he would donate \$2500 to town if the board members would match him so that they could have fireworks for next year. Alderwoman Lucas asks is this for July 4th. Mr. Finch says for July 4th 2016. He says he decided to use his funds to get together with Recreation Center and the Town and put together our own fireworks for Spring Lake. He says he will challenge the Mayor and rest of board members to help buy fireworks for town next year. Mayor Rey thanked him for this presentation and said they will get back with him on this issue.

The last person to speak was Mrs. Rita Perry, 1013 Karen Circle. She says she want to express her concern about the proposed manger agreement. The language in section 1 c term is ambiguous and can be interpreted as a guarantee of employment. The initial period automatic 1 year extension and employer notification requirement reads more like a service and/or vender contract not an employment agreement. She says service and vender contracts define predetermined time periods with renewal options and automatic renewal clauses. She says if it is the soul interest of board to alleviate the need to revisit terms of agreement on annual basis she respectfully suggest that section 1c be revised as follows. The terms of this agreement shall be continuous from the above until such time that it is terminated in accordance section 9 (termination) or section 12 (resignation) of this agreement. She says she wants to address the vacant finance director positon. She says on June 22, 2015 it was extremely discerning to observe the following actions on matter as important as budget she says it imperative that the budget relative information be readily accessible to address any inquiries posed by board. She says additionally it was very disturbing the board was requested to approve an audit firm for the next fiscal year audit that essentially tried to justify discrepancies in FY 14-15 audit report and was not transparent in providing the board with crucial information. She says these occurrences are prime examples of relaxed behavior that has become the custom of the town. She says this further emphasis that we need to hire a permanent finance director for this position as soon as possible.

Mayor Rey says that the board has heard the comments from Mrs. Perry about contract in section 1 c and asks is there any discussion on this matter. Mr. Buzzard says the contract is an agreement between two people for certain terms. He says these are the terms agreed to and there is no ambiguity in these terms. He says the terms are clear and relatively standard. Mr. Buzzard says if the board and manager want to agree to different terms then we would word it accordingly. Mayor Rey then ask is there any other concerns from board members. Alderwoman Sutherland says in section 1 c according to our contract we usually use pertaining to town mangers we normally do not have this five year term in there and have been having one year terms. She says if we can remove that five year part out of the contract we welcome Mr. Davis if he wants to stay for five years or even longer if it works out. She says with the five years in there and as a board member she would like to see that moved as well. She says each year they normally do an evaluation of their town manager and this language in contract is different from previous contracts in past. Mr. Buzzard

states it is worded differently from the contracts dealing with town managers in past but he says we can word any way we like as long as the parties involved come to agreement about it. He says there is nothing ambiguous about it though. Mayor Rey asks if there are any other objections to this contract. Mayor Rey states to the community if there is any on reading this contract if you see five years and if this contract is terminated by the board it does not mean the town would have to pay out the remaining contract. The contract clearly states that it would be a six month severance and that is only satisfied if all conditions are met. He says it will be no more than six months. He says if he is only here for two years and he has a remaining three years left on contract we only pay him out for six months. He says that Mr. Davis understands the challenges that the town has had with lack of consistency when it comes to our managers. The board discussed the term of manager agreement was given an amended copy to clarify the vacation accrual time. Mayor Rey says that the finance director position has been opened up to be filled and they will be filling that position soon.

8. Presentations

a. Certificate of Achievement, Yard of the Month – Mayor Rey and Laura Hash

Mayor Rey and Mr. Sutherland presented to Mr. George and Patricia Townsend at 707 Regina Drive the yard of month certificate.

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

b. Employee of the Quarter Recognition – Mayor Rey and Rosa Henegan

Mrs. Henegan and Mayor Rey presented awards for recognition of employee's superior work for second quarter from April thru June 2015. Mr. Walt Pedrojew was selected from the administration support department; Mr. Buddy Luther was selected from the program support of recreation department, Harold McCoy from Operation Support was selected as their employee of quarter and next selection came from Public Safety Division of Fire Department is Mrs. Emily Foreman. The last category comes from Police Department and deals with Public Safety also the individual is Maynard Smith and he is on vacation like some of our other candidates. Mrs. Henegan says she wants to thank all of employees who were selected for this and she says we are very proud of them and very proud of Mayor and support the board has given in reference to selecting the employees of quarter.

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

9. New Business

a. Contract, Town Manager Position – Mayor Rey

Mayor Rey says the board has received a copy of contract for review and they have the amendment of sick leave for review if there are not any questions he wants to get a motion to approve the contract. The Board discussed the terms of the manager agreement which was given an amended copy to clarify the vacation accrual time.

Action: The Board approved a motion to approve the Town manager contract.

Motion by: Alderman Christian

Second by: Mayor Pro Tem 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 four.)

b. Oath of Office, Town Manager Position – Mayor Rey

Mayor Rey at this time performs the oath of office with new town manager. Mr. Davis cites the oath of office that is included in contract for the Town of Spring Lake. Mayor Rey says he wants to publicly thank Mr. Andy Wilkinson for his steadfast leadership during our transition toward helping the Town to move forward. We are looking forward to Mr. Davis leadership in helping the Town move forward in a positive direction. He says he believes we have the right person for the Town of Spring Lake and he wants to thank the board in their commitment to Spring Lake and thank the town for their participation and all of staff for their input in this matter.

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

c. Interlocal Agreement between Cumberland County and Town of Spring Lake for Building Inspection Services – Paul Hoover

Mr. Hoover says the copy of interlocal agreement between Cumberland county and Town of Spring Lake is to provide level three building inspections only for Court Yard of Marriott and the renovation of the slot where old Carlie C's used to be. He says there is a grocery store that is going to go into that area and there is some work being done now. He says with the retirement of Mr. Spinks we lost our only level three building inspector. The interlocal agreement has been approved by commissioners of Cumberland county. He is requesting the board to also approve this item. This agreement will allow us to have a level three building inspector for services we have to perform. This service is provided to us for free.

Action: The board approved a motion to accept this agreement.

Motion by: Alderwoman Sutherland

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

Mayor Pro Tem O'Garra asked what the town is going to be doing to prepare for future when Mr. Hoover retires. Mr. Hoover says at that time he will help bring in someone else who can help take this town forward.

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

d. NC Statewide Emergency Management Mutual Aid and Assistance Agreement – Chief McLamb

Chief McLamb says the document the board has before them is an emergency mutual aid and assistance agreement and he says Spring Lake is already a participant in this program and allows us state agency across the state to share resources. He this will allow us to call on other cities such as Fayetteville for assistance it we end up having some sort disaster in our area. He asks the board to support this agreement.

Action: The Board approved a motion to approve the NC Statewide Emergency Management Mutual Assistant Agreement.

Motion by: Alderwoman Lucas

Second by: Alderman Christian

Vote: Unanimous

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

e. Discussion, Vacant Board of Aldermen Position – Mayor Rey

Mayor Rey says he wants to get a consensus from the board as to what they want to do about vacant seat on board. He says we can leave the seat vacant until the upcoming election or we can appoint someone to this position by name or application from community. Alderman Christian says he has had one person express an interest to him about filling the seat and they are a former board member and he says she would like to fill it considering we have about four and half months left on this term. He says it would be nice to have someone else help make some the important decision that still has to be made in taking this town forward and especially from an experienced prior board member. He says he is happy to go along with whatever the board decides. Alderwoman says she has had individuals to express interest in serving the remaining time left on term as board member also. She says Mrs. Jaime McLaughlin and Ms. Rita Perry have both expressed interest in serving on board. She says both of these individuals have a lot of experience with local government and either way it would be a plus for the town. She says with state auditors saying they will be here for another few months she thinks we need someone with a lot of experience on this board that can help take this town in positive direction. Mayor Pro Tem O'Garra says he does not think it will be that quick of process to fill a position he believes it will take about a month and one-half to get this seat filled and then it will be time for reelection. He thinks Mayor Rey is doing a good job of voting when needed so he does not want to fill the seat.

Alderwoman Lucas says she can go either way with this and she thinks that Mr. Higgins was such a strong applicant it would be hard to fill his shoes. She says the application process as far as filling the seat needs to be vetted really well. Alderwoman Sutherland asked why it would take a month and one-half to fill this seat. She says we had board members who have passed away and normally does not take a month and one-half to fill that seat. Mayor Rey say us he thinks because we are in middle of month already and about time you put out a notice which would probably be another couple of weeks. He says then we would have to decide a time a date to vote or select someone and we would by then already be in middle of the month of August. He says the fastest we could do this would be a month. This person would be in seat from the end of August to November. Mrs. Webb says the process last time was that they accepted applications and then they just put them in the packet and board reviewed them publicly and board discussed them publicly and made a decision. Mayor Rey said by doing it that way then then it is the second week of August which is August 10th discusses publicly filling the seat. Mrs. Webb says the board needs to discuss openly. The only criteria you would have to live in City of Spring Lake. Mayor Rey says he does not know if he is ready to replace that seat right now out of respect of Alderman Higgins. The Board discusses filling the seat with only a little time left before election. Mayor Rey says that citizens in town have expressed that the seat stay vacant. Alderwoman Lucas says no to filling the seat. This makes it two people saying no and two saying yes. Mayor Rey, says he can vote right now so it makes the vote three saying no. They have two board members saying no.

Action: The Board's consensus was to leave the seat vacant.

Vote:	Yes	No
	Mayor Pro Tem O'Garra	Alderman Christian
	Alderwoman Lucas	Alderwoman Sutherland
	Mayor Rey	

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

f. Fourth of July breakdown

Alderman Christian asks for clarification on why the 4th of July did not take place this year in Spring Lake. Mayor Rey says that everyone knows the chamber was supposed to have hosted this event. He said due to some financial challenges the chamber approached the Town to assist in putting this event on. The initial

proposal to the city was that it would cost \$5000 to do it. But after full deliberation it was presented the event would actually cost about \$11,000. There were members of board who was concerned about that cost because it was initially shared it would only be a \$5000 commitment. The board then decided initially to entertain Mayor Pro Tem O'Garra generous option of putting up \$10,000 to have the event so the Town wouldn't lose any money in the process. The board decided this money should be placed in escrow while the \$5000 would come from Town of Spring Lake. Mayor Rey says once there was a proper agreement put together by Mayor Pro Tem O'Garra and the Town of Spring Lake the board decided it was not in best interest of Town of Spring Lake to participate in the 4th of July event. He says initially this was a Chamber event and they were not able to pull it together and the Town decided not participate in the process which caused the 4th of July event be canceled. Alderwoman Sutherland stated that they did not vote against the 4th of July she says she voted against contract. She says she thanks Mrs. Webb for calling the league to find out if was legal or ethical for a board member to donate that kind of money and Mrs. Webb did do her due diligence and so we did not vote against the event just the contract. She says it is misunderstanding of individuals not knowing the correct voting process. She says actually they did not vote against the contract it failed for a lack of a second. She says she thinks individuals don't understand the process and that is why we need someone experienced in local government to understand the process. She says it failed because of lack of a second. She says nothing was voted against at all. Mayor Pro Tem O'Garra states that the money was not given to town it was given to the attorney. The Town did not have any money. He does not know anything about what the clerk was looking at because he says he has not heard anything like that. He says basically what happen was the chamber initially tried to set this thing off and ran into complications and they told him they could not do it. He says so he kind of picked it up and ran with it for about a week to see what he could do with it. Mayor Pro Tem O'Garra says he got up with the town manager and talked to him about it and he says the manager says it would be good for the town. He says he also talked to the Mayor and he felt it would be good for the Town and he spoke with Interim Finance Director who said that the Town could come up with \$5000 to help host this event. He says basically they should be able to come up with the rest by taking up donations and vendor fees. He says he started calling up some people and he never got around to calling on Mr. Wellons but he was going to. They got around and the money was coming in pretty good and finally got to point where the manger was doing some figuring and he says they got in down to about \$8500. He says somehow the manager figured it would cost \$2300 for advertisement alone. But he says after what happen last year the advertisement was going to end up costing us nothing. He says everybody wanted to get in on this event. The toilet people dropped their price down from \$900 to \$600 instead. The band people said that instead of charging \$5500 they dropped their price to \$5000 instead. He says this thing was coming along nicely. He says people had started getting their food together and we had 14 vendors lined up. He says they were getting ready to pick up their tents. He says even though they had just recently picked this event up it was coming along nicely. He says so when he came back over here talking with Mr. Buzzard and manager and his comrades here, they felt that we need to find a way to keep from making the town having to pay out any additional funds if budget was not met through donations. He says that this is what made him come up with the additional funds. He says there are minutes out here where you can read what was said or done that evening. So he came up with \$10,000 and this happen on 16th of June and he says he came in on 17th of June to drop off a cashier check to the manager with the instructions to give to the town attorney Mr. Buzzard. He says he kept checking to see if any checks had went out and he found out he had to hang on to checks until the contract was made up and then he would get them out on Monday which he believes would be June 22. Now when he came to the meeting that night he says he was told he could not participate in vote because he had funds involved in this event. He says he got up and went to bathroom and when he came back he was told that Alderwoman Lucas made a motion and other two parties over here to his right kind of slid back from the table and the motion died for lack of second. He says now that is what happen to the best of his knowledge and then he was told parties to my right was making calls a couple days later to the manager and to the chamber asking them to get up with Mr.

O'Garra and have him put his money back into the pot to make this thing happen because they were getting calls from citizens who were upset about what was going on. Alderwoman Sutherland says no sir to Mayor Pro Tem O'Garra that is not true and nobody called her and she did not ask him to put anything back into the pot. It was lack of second and Mayor Pro Tem O'Garra then said excuse me. Alderwoman Sutherland says if you are talking about me, I'm just telling him it was lack of second and nobody called telling him to put money back in the pot. Mayor Pro Tem O'Garra said excuse me once more I did not interrupt you. Mayor Rey at this time intervenes and asked them both to stop. Mayor Rey asked Alderwoman Sutherland to let Mayor Pro Tem O'Garra speak and he said that ok he will just end it. Alderwoman Sutherland says to Mayor if someone is speaking about her she would like for the correct information to be put out there and she says she has not called anyone asking them put anything back in pot. She says she has not called anyone and as he stated vote failed due to lack of second. Mayor Pro Tem O'Garra says he did not mention any names. Alderwoman Sutherland says for future reference if somebody wants to vote for Mayor Pro Tem O'Garra so they will have 4th of July or do we want out Town to go forward in positive direction and find out where our money is being spent our tax payer dollars. She says she is going to stand for the truth and continue. She says if you want to have a 4th of July event the Chamber initially took that on and we no longer have any one working in our chamber and they have sent someone over from Fayetteville Tech because of whatever reason and we no longer have any one in chamber. She said also we are board members collectively. She said if there is one board member such as Mayor Pro Tem O'Garra and he is in a meeting with the Chamber he cannot speak for all board members. She says she thinks it wrong for Mayor Pro Tem O'Garra to go out and make a decision about the Town without considering the whole board. Alderwoman Says the whole story needs to be told. Mayor Rey asked Alderman Christian if he has anything he wants to say next. Alderman Christian says he said he was asked to bring this up by a couple of individuals so he has and that he never called the town manager or said bring the money back so we can bring this about last minute. He says this is not true at all and he said of course no one specifically said he did. But it has been inferred that he did and that is not true at all. The contract concerning Mr. Buzzard and the Town was actually a contract with the Town of Spring Lake and he thinks it is inappropriate that a sitting board member make a financial contract with Town of Spring Lake and that is what the contract does say that it is with the Town of Spring Lake. He says he wanted to have a fourth of July festival but never the towns responsibility to put it on it was with the chambers of commerce and for whatever reason they were unable to put it on. He say he just want to make that clear he did want to have one too but it was never the Town's responsibility at the last minute to sponsor this thing. He says it would have cost the tax payers \$5000 of their money to host this event. He says there is also misinformation and rumors and he is not going to comment on this any further. He says he just wanted to say that and he appreciates Mayor Pro Tem O'Garra wanting to put it on to help. Alderwoman Sutherland then say to audience if you are recording her you need her permission to record her. She says to the young man in audience that he needs her permission to record her and he does not have it. She says she does not want to see this recording anywhere. Mayor Rey thanked the board members and asks to get a motion to adjourn.

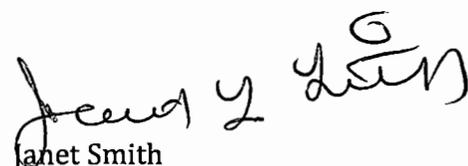
11. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 8:21 p.m.

Motion: Alderwoman Christian

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous


Janet Smith

ATTEST:


Chris V. Rey
Mayor

