

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

April 28, 2014

**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  
Alderman Richard Higgins  
Alderwoman Densie Lucas  
Alderwoman Fredricka Sutherland

**Others Present:**

Ken Metcalf, Town Manager	Tony Buzzard, Town Attorney
Byron Blumenfeld, Water Resource Manager	Allen Coats, Finance Director
Rosa Henegan, Human Resource Officer	Paul Hoover, Public Works Director
Troy McDuffie, Police Chief	Gail Elder White, Recreation Director
Jason Williams, Asst. Fire Chief	Rhonda Webb, Town Clerk

**2. Invocation**

Alderwoman Lucas 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 as presented.

**Motion by:** Alderman Higgins

**Second by:** Mayor Pro Tem 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:

- a. Minutes of the April 14, 2014 Special Meeting
- b. Minutes of the April 14, 2014 Regular Meeting
- c. Proclamation, Air Quality Awareness Week 2014

- d. Proclamation, National Building Safety Month 2014
- e. Proclamation, National Day of Prayer 2014
- f. Proclamation, National Military Appreciation Month 2014

**Action:** The Board approved a motion to approve the consent items: minutes from the April 14, 2014 Special Meeting as well as the Regular Meeting; the Proclamation of Air Quality Awareness; the Proclamation of National Building Safety Month; the Proclamation of National Day of Prayer; and Proclamation of National Military Appreciation Month.

**Motion by:** Alderwoman Sutherland

**Second by:** Alderwoman Lucas

**Vote:** Unanimous

## **7. Public Forum**

Mr. Fitch, 735 Goodyear Drive, spoke concerning his and the citizens safety on Highway 87 traveling south and trying to make a left turn into the businesses along that stretch of roadway near Mi Casita. He stated it is confusing as to which lane to get in to wait to make that turn. He stated he was told he should call NCDOT but he feels the Town should call NCDOT about this issue.

He also announced and invited everyone to the 3<sup>rd</sup> Annual Mayor's Cup Boxing Tournament that will be held next Saturday at Pine Forest High School.

Cindy Gsell, 121 Executive Center Drive, Columbia, SC, spoke regarding the Ordinance allowing electric fences on the agenda tonight. She commended staff for working with her. She expressed concern about item #4, location where the Ordinance only allows outdoor storage in the rear yard. She stated that the Ordinance is correct if the Town only allows outdoor storage in the rear yard; however, if the other portions of the Town's Code allows outdoor storage in side or front yards then this section would need to be amended so as not to restrict electric fences to rear yards only. She also expressed concern about the screening section, stating if the screening that is referenced in the first part of the requirement satisfies this portion then it will be fine but if it does not, it will hinder her from being able to help the Tucker's fence problem. She stated her company will be happy to issue a hold harmless agreement and requested the Board consider stating that the fence owner be the one to issue a hold harmless agreement and not the property owner.

## **8. Presentation**

### **a. Main Street Overlay District**

Mr. Metcalf advised the Board that the presentation is for input and clarified that staff is not asking for Board action tonight. Mr. Hunt and Mr. Scott presented a proposed Overlay District Ordinance for Main Street. Mr. Hunt stated planning and activity regarding this amendment has been happening for many years. In 2005-2006 and 2011 the Town held a Charette to gain input on Main Street. These Charettes produced a Main Street Master Plan which led to a Façade Grant program and a Streetscaping plan. The EDC is currently working with the NCDOT to fund these on a phase basis. Last year the Board adopted the Main Street Master Plan along with the Façade Grant Program which included this Main Street Overlay. We held several public forums to talk about the specifics of Main Street and how we can make it better. They started with mailing more than 60 letters to business owners and license holders for a letter of intent to participate in the Façade Grant Program. To date, they received 8 letters of intent back and 2 applications. There were 2 grant awardees: the Miller Property and the Asian Grocery Store. He stated this is not a Jeff Hunt project, it is a plan that was submitted by the EDC Board and one that the Board of Aldermen gave authority to create, for approval by this Board, public policy regarding economic development. He stated the recommendation is attempting to push development north of

Spring Avenue, Lillington Highway, Third Street and on Main Street.

Mr. Scott advised that at the April 14, 2014 Board meeting the Overlay District Amendment was introduced. He advised the amendment is being proposed by Spring Lake Economic Development and that it has not officially been submitted. He is not seeking a motion from the Board; he is presenting it for Board input. He explained the process that must be followed prior to the Board approving the Ordinance. He stated the process is much like that for a re-zoning case. It takes about three months to complete the process. First, the EDC will have to submit an application to Cumberland County Planning and Inspections. Based on how deadlines fall, the process can take up to 90 days. In the weeks following the submitted request, County Planning will advertise the request in the newspaper, post the amendment on the County's web site, place signs throughout Main Street area and mail letters to property owners and adjacent property owners. The letter will contain a map explaining what is being requested, contact information and meeting dates. The month following submittal, the amendment will go to the Cumberland County Joint Planning Board for a recommendation and the final request will come to the Spring Lake Board of Aldermen for a final determination. In between those two meetings, County Planning will send letters again to the same folks notifying them of the Board of Aldermen meeting date. Two public hearings and many notifications are required. If approved the overlay district would have different development criteria and uses than those approved for other areas in the Town. This is done to enhance the downtown area and stimulate higher end development. He advised the Town of Eastover recently approved a similar amendment with the Eastover Commercial Core Overlay District and the County just approved the Coliseum Tourism Overlay District to achieve some of the same goals as this amendment as offered by the EDC. If approved, the current residences and businesses would be grandfathered in. The Amendment is for any new development or change of use only. He stated the Board has the right to modify any portion of the amendment they deem necessary. He reviewed the permitted and conditional uses. Uses not proposed in the amendment can continue to operate in their current capacity but if they cease operation for more than one year they will be prohibited from starting up again. Site plans for the Overlay District will work exactly as before. Town and County staff will review plans and recommend approval with conditions. He stated there is one caveat in the amendment as proposed, staff is requesting that the Board allow staff to approve minor changes or modifications to existing or currently approved plans. Staff would be limited to making approvals within the constraints of the Ordinance only. This would allow staff to approve minor changes not only in the overlay district but throughout the entire incorporated area of the Town. The Board has already approved the façade guidelines so what this instrument will do is allow parking spaces on Main Street to count toward parking requirements, property owners/businesses will have to install sidewalks or provide money to build sidewalks and little bit of landscaping. They added some uses that will compliment and taken out uses that will hinder. The Board may changes the approved uses as they wish.

Mayor Rey restated for the record the current businesses and residents on Main Street are all grandfathered in. If a business or resident closes or vacates the new incoming business or resident would fall under the approved amendment. If approved as proposed, churches that cease to operate will not be able to go back in business as a church. No new churches will be allowed on Main Street.

Alderman Christian asked if a church can expand and Mr. Scott stated they can up to a certain percentage. He asked what would happen if a natural disaster happened and Mr. Scott stated it would follow the Town's code in that if 50% or more of the building is destroyed they cannot rebuild. He asked for clarification on the sidewalks and Mr. Scott replied sidewalks in the amendment are to be constructed to ADA standards where applicable. Mr. Scott advised that many of the sidewalks there now do not meet ADA compliance.

Alderwoman Sutherland stated she would like to see a workshop scheduled to make sure everyone understands what is being proposed. She wants this to be fair for everyone involved. She stated, we as Board Members, need to make sure we understand the Downtown Zoning District Ordinance and make sure it complies with this proposal. She stated some years ago, we did a market study and only completed phase 1, we never got to phase 2 or phase 3. The Town of Spring Lake has a contract with the Joint Planning Department to make sure we are in compliance. Alderwoman Sutherland stated when you talk about the restaurants in the overlay, there will be open containers and this leads me to believe you are talking about sit down restaurants. Mr. Scott replied yes. Another concern Alderwoman Sutherland expressed is that if this is approved, will we be able to have a convenience or grocery store on Main Street that sells alcoholic beverages with closed tops? She also asked about the maximum number of churches that will be allowed on Main Street believing she read that there would be a maximum number. Mr. Scott clarified that the count currently is 6 but there is no maximum or minimum number denoted. He stated it is up to the Board whether they want to permit religious worship in the district. Mr. Scott also stated the County will be happy to host a workshop and if we discover uses have been restricted that we need to allow, the Board has the power to amend it at any time. Alderwoman Sutherland stated she appreciates the letters that went to property owners. She appreciates everything the EDC has done and is an advocate for it, but wants to make sure everybody understands because the business owners on Main Street right now may not understand what this means for their future. She wants a workshop that will allow property and business owners to speak and ask questions.

Mayor Rey stated he wants to ensure no one leaves out of here thinking that we would move forward with such a monumental project without there being input from the residents and businesses on Main Street. Too much work has been put into making sure the proper steps are going to be taken. There will be changes and I hope and believe that if we are going to have the type of Main Street and business district that Spring Lake is deserving of, we will be able to do it in such a way that is decent and in order and create the type of business district that is needed. I do not want anyone to leave here thinking that the input of the individuals on Main Street was not going to be sought. We will have workshops if that is the desire of the Board and we will have public hearings and when it is all said and done, no one in the city will be able to say that we didn't do our part to make sure that we were trying to move forward to recruit the type of businesses and create the type of Main Street that is necessary. We are looking at our surrounding sister cities and a lot of them are moving forward with Main Street improvements and I see no reason why we shouldn't be doing the same. I look forward to us setting up a time for a workshop if that is the desire of this Board and I look forward to the public hearings and us moving forward.

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

#### **b. Briefing on Young's Lake**

Mr. Seynam, Fort Bragg Public Works Department, stated he is here to answer any questions the Board may have regarding Young's Lake. Alderman Christian asked if there will be access to the lake and Mr. Seynam said there is no intention to fill the lake again and it is fenced and there is not going to be access by the public. The Corps of Engineers hopes to create a partial reservoir. The Town owns a portion of the dam but not the lake. The Board's consensus was to draft a Resolution to keep a partial pool of water in the lake to be presented at the next Board meeting. Alderwoman Sutherland inquired why we want to keep a partial pool and Mr. Blumenfeld advised when the water gets in the lake it just swiftly runs through and pushes debris and silt along with it into the stream and then into the river. A partial pool holds the water for a brief period of time allowing the debris and silt to settle and clearer water flows on through. This will in essence be a natural erosion control mechanism. Fort Bragg will be adding the water to the lake. Fort Bragg will also continue to oversee the level of the lake.

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

**c. Certificate of Achievement**

Mayor Rey presented Assistant Chief Jason Williams, Spring Lake Fire Department, with a Certificate of Achievement for going above and beyond the call of duty during a fire prevention, education and child passenger safety event.

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

**d. Animal Control Review**

Chief McDuffie stated he is available for questions regarding how animal control works in Spring Lake. Mr. Metcalf stated we had an agreement with Cumberland County that does not cost the Town anything. The Town of Spring Lake adopted the County's Animal Control Ordinance.

Alderman Christian asked who citizens should call when they have animal issues and Chief McDuffie stated they need to call County Animal Control directly. He stated if the Police Officers get a call regarding animals or if they see an animal issue while on patrol, they call the County.

Alderwoman Sutherland asked that we make sure the County is more responsive when they are called and wanted to make sure we keep a good relationship with them so they will respond in a timely manner.

Mayor Rey requested that complaints be funneled through Chief McDuffie so we can ensure Dr. Lauby is notified about them.

(A copy of the agenda memo and Agreement with Cumberland County for Animal Control Services is hereby incorporated by reference and made a part of these minutes – see attachment five.)

**9. Public Hearing**

**a. Green Property Annexation**

Mayor Rey opened the Public Hearing. No one spoke for or against the Green Property Annexation.

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

**Motion by:** Alderman Higgins

**Second by:** Mayor Pro Tem O'Garra

**Vote:** Unanimous

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

**10. New Business**

**a. Ordinance (2014) 7, Green Property Annexation**

Ms. Webb advised this is the last step in annexing the Greens property and advised staff recommends approval.

**Action:** The Board approved a motion to approve Ordinance (2014) 7.

**Motion by:** Alderwoman Sutherland

**Second by:** Mayor Pro Tem O'Garra

**Vote:** Unanimous

(A copy of the agenda memo and Ordinance (2014) 7 is hereby incorporated by reference and made a part of these minutes – see attachment seven.)

**b. Ordinance (2014) 6, Allowing Electric Fences**

Mr. Spinks presented the amendment to the nuisance ordinance that will allow monitored electric fences. The proposed amendment will allow monitored electric fences by special use permit and allows the Town Manager, on a case by case basis, to approve, approve with conditions or deny requests. He advised it will be for electric security fences in outdoor storage areas only in commercial and industrial zones. The Town only allows outdoor storage areas in rear yards. It will require outdoor storage areas to be screened from public view and from view from other protected uses. Town Staff and County Planning Department recommends approval as written. Attorney recommends modifying section 10-311, sub-section 9 to read in the event that the property owner is not the fence owner we require a hold harmless agreement from both of them. He also stated screened is not defined but it is relatively clear that it is intended to protect the view so that you do not see the electric fence. It is not simply putting up a secondary barrier which could be another chain link fence. Mr. Spinks clarified that the screening is the screening of the open storage, to block the view of the open storage and the electric fence also. A definition could be added but the purpose is fairly clear.

**Action:** The Board approved a motion to approve this Ordinance as written with the suggested modifications.

**Motion by:** Mayor Pro Tem O'Garra

**Second by:** Alderman Christian

**Vote:** Unanimous

(A copy of the agenda memo and Ordinance (2014) 6 is hereby incorporated by reference and made a part of these minutes – see attachment eight.)

**c. Community Appearance Commission Appointment**

Ms. Webb reported that Ms. Hash of 429 Wapiti Drive submitted an application to serve on the Community Appearance Commission. If she is appointed, she will serve a 3-year term expiring April 30, 2017.

**Action:** The Board approved a motion to appoint Ms. Hash to the Community Appearance Commission for a 3-year term expiring April 30, 2017.

**Motion by:** Alderman Christian

**Second by:** Alderman Higgins

**Vote:** Unanimous

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

**d. Budget Amendment 2014.18, Town Hall**

Mr. Coats advised Budget Amendment 2014.18 is to recognize insurance proceeds received for the damage to the roof of Town Hall that occurred in November. The roof has been repaired and the funds have been received from the insurance company in the amount of \$3,536.00.

**Action:** The Board approved a motion to approve Budget Amendment 2014.18  
**Motion by:** Alderman Higgins  
**Second by:** Alderwoman Lucas  
**Vote:** Unanimous

(A copy of the agenda memo and Budget Amendment 2014.18 is hereby incorporated by reference and made a part of these minutes – see attachment ten.)

**e. Budget Amendment 2014.19, Police Department**

Mr. Coats advised Budget Amendment 2014.19 budgets the proceeds from the insurance company for the damage to a 2012 Dodge Charger. The vehicle has been repaired and the total amount of the amendment is \$4,558.00.

**Action:** The Board approved a motion to approve Budget Amendment 2014.19.  
**Motion by:** Alderwoman Lucas  
**Second by:** Mayor Pro Tem O'Garra  
**Vote:** Unanimous

(A copy of the agenda memo and Budget Amendment 2014.19 is hereby incorporated by reference and made a part of these minutes – see attachment eleven.)

**f. Budget Amendment 2014.20, Fire Department**

Mr. Coats presented Budget Amendment 2014.20 to budget revenue from the sale of a Ford F-650 fire truck. The proceeds were to be used to purchase a rescue vehicle. This Budget Amendment recognizes the revenue from the sell, appropriates \$2,100 to cover the cost of the broker's fee and the remaining funds will be transferred to a special projects fund to use as a down payment for the rescue vehicle.

**Action:** The Board approved a motion to accept Budget Amendment 2014.20.  
**Motion by:** Alderman Higgins  
**Second by:** Mayor Pro Tem O'Garra  
**Vote:** Unanimous

(A copy of the agenda memo and Budget Amendment 2014.20 is hereby incorporated by reference and made a part of these minutes – see attachment twelve.)

**g. Budget Amendment 2014.21, Water Operations Department**

Mr. Coats presented Budget Amendment 2014.21 to budget insurance proceeds to cover the cost of the repair of a Water Operations 2010 Ford F-150 that was damaged in an accident. The total amount is \$6,898.00.

**Action:** The Board approved a motion to approve Budget Amendment 2014.21.  
**Motion by:** Mayor Pro Tem O'Garra  
**Second by:** Alderwoman Lucas  
**Vote:** Unanimous

(A copy of the agenda memo and Budget Amendment 2014.21 is hereby incorporated by reference and made a part of these minutes – see attachment thirteen.)

## **11. Closing Comments**

### **Alderwoman Lucas**

- I want to thank the staff for your hard work and a job well done.

### **Alderman Christian**

- I want to thank Allen Coats for his service to the Town. I know he is moving on and he will be missed. I want to wish him the best of luck.
- I want to mention Coach Fitch's Boxing Tournament at Pine Forest on Saturday.
- Don't forget our mothers on Mother's Day, May 11<sup>th</sup>.
- I'm sorry I missed the Town Clean Up, I was working that day.
- Can the Town get some mosquito spraying?
- I'm looking forward to the Memorial Day and 4<sup>th</sup> of July Celebrations.

### **Alderwoman Sutherland**

- I would like to thank you all.
- Thank you for listening to me. I am always concerned about our citizens. I was elected to try to make a difference. I was also elected to do my homework and to understand what I am doing.
- I want to thank the Fire Department for responding to an accident on Saturday. They work very hard and are very diligent and concerned about their work.
- I thank Mr. Metcalf for coming into the neighborhood on Saturday cleaning up. I was out there about 5 p.m. cleaning the entrance to Woodland West. I want to thank the individual who picks up trash every day. I thank the Deerfield Community Watch individuals for taking pride in your neighborhood and cleaning your area.
- I thank the Police Department for the work that you do.
- Mr. Allen Coats, you have been here for many years and the times that I have spent with you, you listened to my complaints and took what I had to say seriously. You did try to do what you could do to see that my concerns were addressed, whether they were important or not, you made me feel like they were important. Thank you and I wish you well at your new job.

### **Alderman Higgins**

- I'm just glad to be here tonight and thank everyone else for being here.

### **Mayor Pro Tem O'Garra**

- Allen Coats, I see you marry your daughter off and now you are leaving – we supported that project (stated in jest.)
- Fire Department, your boss is not here but you got the award. Job well done.
- Spring Fling - job well done Gail.
- Police Department, I know it's quite a few promotions, I hope you got the money (stated in jest.)
- I look forward to the Police/Fire Baseball Game.
- There was a stop sign that is not visible on 5<sup>th</sup> Street and Wilson when you are heading south. The Street Department took care of that, outstanding!
- Everyone drive safely going home tonight.

### **Mr. Metcalf**

- This was a full agenda tonight and I want to commend everyone and I appreciate your attention to it.
- I congratulate the Appearance Commission and Steve Starnes for a very well organized spring clean-up.
- Congratulations to Jason Williams, great job. It speaks volumes about his boss that he allows an

environment where his people can shine.

- I do want to commend our staff. In particular, I want to recognize our Human Resource Officer Ms. Rosa who has to spend a lot of time with me. I could never put a price tag on the council that she gives me. Thank you Ms. Rosa.
- Allen, it's been a pleasure and we'll be seeing you – a lot!

**12. Adjournment**

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

**Motion:** Alderman Higgins

**Second by:** Mayor Pro Tem O'Garra

**Vote:** Unanimous



*Rhonda D. Webb*

Rhonda D. Webb, MMC  
Town Clerk

ATTEST:

Chris V. Rey  
Mayor

