

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

August 13, 2012

**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:**

Tommy Burns, 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	Ken Metcalf, Recreation Director
Tina West, HR Director	Rhonda Webb, Town Clerk

**2. Invocation**

Alderman Christian gave a nonsectarian 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:** Alderwoman Sutherland

**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 9, 2012 Regular Meeting

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

**Motion by:** Mayor Pro Tem Hogans

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

## **7. Public Forum**

Regina Thompson Xadu, 200 Scarborough Street, asked about the feedback process when citizens address the board during the public forum. She also asked what the process is for getting tires picked up and stated the Appearance Commission wants to know what they can do. She requested to whom she should address ideas about picnic tables at Veteran's Park.

The clerk was asked to follow up with Ms. Xadu on the feedback process, staff will address the tire situation and the Town Manager will follow up with her on the picnic tables at Veteran's Park.

## **8. Presentations**

### **a. Certificate of Achievement, Jovelus Herring**

Captain Williams requested Jovelus Herring join him at the podium and explained everything the child did to get his grandfather help. Mayor Rey and Chief McLamb presented Jovelus Herring with a Certificate of Achievement.

### **b. Yard of the Month Certificates for July 2012**

Mayor Rey announced the following people earned a Certificate of Achievement for July 2012 Yard of the Month. No one was able to attend the meeting.

James & Sarah Baker, 101 Ashton Place

Allen Callis, Sr., 421 Wapiti Drive

Albert & Ora Hooks, 1004 Karen Circle

Ann Nuss, 1250 Spring Avenue

Jim & Margaret Scott, 207 Cecil Street

Cornucopia Market, 122 N. Main Street

### **c. Yard of the Month Certificates for August 2012**

Mayor Rey announced the following people earned a Certificate of Achievement for August 2012 Yard of the Month and presented those in attendance with their certificate.

Minnie Booker, 507 Spring Avenue

David & Ethel Clark, 1425 Milton Street

Theresa Hicks, 607 Samuel Drive

Mr. & Mrs. Sunok Phillips, 200 Wapiti Drive

Mr. & Mrs. Lamar Powell, 105 Priddy Street

Dentistry of the Carolinas, 203 S. Main Street

### **d. Certificate of Appreciation, Sonic**

Mayor Rey announced the donation made by Mr. Steve Sanborn and Sonic of Spring Lake made the Town employee's spring cookout a success. He expressed appreciation to Sonic for being such a great community partner. Alderman O'Garra announced Mr. Sanborn helps the churches and schools in the area, he helps Alderman O'Garra with feeding the hungry on Main Street twice each month and he helps with the Boy Scouts. He is a true community leader. Mr. Sanborn was not able to attend the meeting. Mr. Metcalf will make sure he receives his Certificate of Appreciation.

### **e. Presentation of the Rivalry Trophy**

Mr. Burns stated as part of the employee wellness program and in conjunction with the spring cookout, the police and fire departments held a "friendly" softball competition. He advised the game was cut short due to rain. They were only able to play five innings and the Police Department officially won 5-0. However, he will give the Fire Department credit for the 2/3 inning

they played before the rain stopped the game and call the final score 5-4. He and Mayor Rey presented the Police Department with the Rivalry Trophy and a collage picture of the game. He stated he hopes this will become an annual event.

**f. Fire Inspector Certifications**

Chief McLamb presented Captain Jonathan Richardson, Captain Jonathan Faircloth and Captain Steven Barker with their Level I Fire Inspector Certification.

**9. Public Hearing and Zoning Cases**

**a. Public Hearing, Case P12-42: Revision and Amendment to Town of Spring Lake code of Ordinance, Chapter 42, Zoning**

Mayor Rey opened the public hearing.

Mr. Scott presented the specifics of Case P12-42 and advised what the zoning change includes. He also clarified the amendment will bring the Town's code in line with the County's code.

No one spoke for or against Case P12-42.

**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 two.)

**b. Board Action on Case P12-42: Revision and Amendment to Town of Spring Lake Code of Ordinance, Chapter 42, Zoning**

The Board was requested to approve Ordinance (2012) 10.

**Action:** The Board approved a motion to approve Ordinance (2012) 10.

**Motion by:** Mayor Pro Tem Hogans

**Second by:** Alderman O'Garra

**Vote:** Unanimous

(A copy of the agenda memo, memorandum from Cumberland County Planning and Inspections Department and Ordinance (2012) 10 is hereby incorporated by reference and made a part of these minutes – see attachment three.)

**c. Public Hearing, Case P12-34: Initial Zoning of Darden Property, .46 +/- Acre to RR Rural Residential or to a More Restrictive Zoning District, Located at 222 through 232 West Manchester Road**

Mayor Rey opened the public hearing.

Mr. Scott presented the specifics of Case P12-34.

No one spoke for or against Case P12-34.

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

**Motion by:** Alderwoman Sutherland

**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 four.)

**d. Board Action on Case P12-34: Initial Zoning of Darden Property**

**Action:** The Board approved a motion to approve Case P12-34.  
**Motion by:** Alderman Higgins  
**Second by:** Alderwoman Sutherland  
**Vote:** Unanimous

(A copy of the agenda memo and memorandum from Cumberland County Planning and Inspections Department is hereby incorporated by reference and made a part of these minutes – see attachment five.)

**e. Public Hearing, Case P12-35: Initial Zoning of Easterling Property, 8.00 +/- Acres to CD Conservancy, RR Rural Residential and CD Heavy Commercial or to a More Restrictive Zoning District, Located on the North Side of SR 1451 (W. Manchester Road) and South of SR 690 (Vass Road)**

Mayor Rey opened the public hearing.  
Mr. Scott presented the specifics of Case P12-35.  
No one spoke for or against Case P12-35.

**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.)

**f. Board Action on Case P12-35: Initial Zoning of Easterling Property**

**Action:** The Board approved a motion to approve Case P12-35.  
**Motion by:** Alderman O'Garra  
**Second by:** Alderwoman Sutherland  
**Vote:** Unanimous

(A copy of the agenda memo and memorandum from Cumberland County Planning and Inspections Department is hereby incorporated by reference and made a part of these minutes – see attachment seven.)

**g. Public Hearing, Case P12-36: Initial Zoning of Crossman-Castle Property, 7.79 +/- Acres to M(P) Planned Industrial or to a More Restrictive Zoning District, Located at 421 through 439 W. Manchester Road**

Mayor Rey opened the public hearing.  
Mr. Scott presented the specifics of Case P12-36.  
No one spoke for or against Case P12-36.

**Action:** The Board approved a motion to close the public hearing.  
**Motion by:** Mayor Pro Tem Hogans  
**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 eight.)

**f. Board Action on Case P12-36: Initial Zoning of Crossman-Castle Property**

**Action:** The Board approved a motion to approve Case P12-36.

**Motion by:** Alderman Higgins

**Second by:** Mayor Pro Tem Hogans

**Vote:** Unanimous

(A copy of the agenda memo and memorandum from Cumberland County Planning and Inspections Department is hereby incorporated by reference and made a part of these minutes – see attachment nine.)

**10. Public Hearing and Annexation Case**

**a. Public Hearing, Caudle Property Annexation**

Mayor Rey opened the public hearing.

No one spoke for or against the Caudle Property Annexation.

**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 ten.)

**b. Annexation Ordinance (2012) 11, Caudle Property**

Mr. Rooney advised adopting Ordinance (2012) 11 will complete the voluntary annexation process for the Caudle Property. He also advised this annexation is utility related and the property owner is responsible for cost associated with utility connection.

**Action:** The Board approved a motion to approve Annexation Ordinance (2012) 11.

**Motion by:** Alderman Christian

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

(A copy of the agenda memo and Ordinance (2012) 11 is hereby incorporated by reference and made a part of these minutes – see attachment eleven.)

**11. New Business**

**a. Capital Purchase Request, Police Department**

Chief McDuffie stated he submitted a capital request for two vehicles during budget time but the request was cut at that time. Once the FYE 2012 budget was finalized, it was revealed the Police Department put \$56,067 back into General Fund. These funds were funds not spent during the FYE 2012 budget year. He requested the Board approve appropriation of those funds at this time to allow him to purchase two police vehicles. He also stated without a consistent vehicle replacement schedule, the police fleet will return to the unsatisfactory condition it was in when the Police Department was rebuilt.

Alderwoman Sutherland clarified that supervisors are ensuring the vehicles are maintained on a regular basis and it was advised they are inspected every two weeks. She also inquired if the high mileage is contributed to officers driving the vehicles back and forth to and from home. Chief McDuffie advised driving the vehicles home does not add substantial mileage to the vehicles.

Mayor Pro Tem Hogans requested the Chief explain the importance of take home vehicles. Chief McDuffie advised he is a strong advocate of take home vehicles due to officers being available to take calls as soon as they enter the town limits. If officers were rotating vehicles, they would lose at least 30 minutes of time due to reporting to the station to get a vehicle ready for work. Alderwoman Sutherland requested the mileage per vehicle that accumulates during the year.

Mayor Pro Tem Hogans requested a copy of the rules for the take home vehicles and asked the Manager to bring those rules back to the Board for approval and put the take home vehicle issue to rest. Alderman O'Garra agreed. Alderwoman Sutherland stated there is no problem about take home vehicles; that issue was previously discussed and approved by the Board. She would also like for all Board members to have a copy of those rules.

**Action:** The Board approved a motion to approve the capital purchase request.

**Motion by:** Mayor Pro Tem Hogans

**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 twelve.)

**b. Resolution, Chapel Hill Sewer Main project Grant Application**

Mr. Burns advised the Town had the opportunity to apply for grant funding through the Cumberland County Community Development program. This will be for a 100% grant and is for low to moderate income areas. The Town has identified Chapel Hill Road sewer extension project to extend an additional 900 linear feet of sewer line down Chapel Hill Road, almost to Hwy 210. Resolution (2012) 24 authorizes the Town to submit the grant application, authorizes a project budget to be submitted with the application and authorizes the approval of a task order for engineering and surveying services for the area.

Mayor Rey advised the Board's action several weeks ago to adopt a Resolution to make portions of Spring Lake a Neighborhood Revitalization Sector allowed us to apply for grants that will help us revitalize our Town without having to pay for them.

**Action:** The Board approved a motion to approve Resolution (2012) 24.

**Motion by:** Alderman Christian

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

(A copy of the agenda memo and Resolution (2012) 24 is hereby incorporated by reference and made a part of these minutes – see attachment thirteen.)

**c. Project Ordinance, Chapel Hill Sewer Main Extension**

Mr. Coats presented a project ordinance for the Chapel Hill Road Sewer Main Extension. The Ordinance establishes the project budget and funds the engineering cost associated with the project.

**Action:** The Board approved a motion to adopt Ordinance (2012) 12.

**Motion by:** Alderman Higgins

**Second by:** Alderman O'Garra

**Vote:** Unanimous

(A copy of the agenda memo and Ordinance (2012) 12 is hereby incorporated by reference and made a part of these minutes – see attachment fourteen.)

**d. Project Ordinance, Street Paving**

Mr. Coats presented Ordinance (2012) 13 for the street paving project. This sets the initial budget for the engineering which is needed for the developmental plans so we can go to bid for the project. Financing will be done through installment purchase financing. Once the cost for construction is known the Board will be asked to amend the budget and approve the contract.

**Action:** The Board approved a motion to approve Ordinance (2012) 13.

**Motion by:** Alderwoman Sutherland

**Second by:** Alderman O'Garra

**Vote:** Unanimous

(A copy of the agenda memo and Ordinance (2012) 13 is hereby incorporated by reference and made a part of these minutes – see attachment fifteen.)

**e. Rate and Fee Schedule Amendment**

Mr. Coats advised Ordinance (2012) 14 fixes typographical errors in the Rate and Fee Schedule. It also approves a proposed \$25 Administrative Fee to help offset the cost of generating invoices and pursuing collections for lot clean ups.

Alderwoman Sutherland inquired how many notices citizens receive prior to the Administrative Fee being assessed. Mr. Burns responded a first notice is sent and the property owner is given 10 days to comply. At that time the property is cleaned (grass cut, etc.) and the property owner is notified of the action and sent an invoice for that service. This is the point where we most often have to send certified letters and pursue additional measures to collect the money.

**Action:** The Board approved a motion to approve Ordinance (2012) 14.

**Motion by:** Alderman O'Garra

**Second by:** Alderman Higgins

**Vote:** Unanimous

(A copy of the agenda memo and Ordinance (2012) 14 is hereby incorporated by reference and made a part of these minutes – see attachment sixteen.)

**f. Budget Amendment 2013.1**

Mr. Coats advised Budget Amendment 2013.1 is to budget insurance proceeds for the replacement of the Town's phone system that was destroyed by a lightning strike.

**Action:** The Board approved a motion to approve Budget Amendment 2013.1.

**Motion by:** Alderwoman Christian

**Second by:** Mayor Pro Tem Hogans

**Vote:** Unanimous

(A copy of the agenda memo and Budget Amendment 2013.1 is hereby incorporated by reference and made a part of these minutes – see attachment seventeen.)

**g. Board to Consider Setting Date for Special Meeting for Closed Session G.S. 143-318.11(a)(3) – Attorney-Client Privilege, Gentry Group, LLC, Plaintiff v. Town of Spring Lake, Defendant**

The Board's consensus was to schedule a Special Meeting for August 21, 2012 at 6:00 p.m.

**Action:** The Board approved a motion to call a special meeting on August 21, 2012 at 6:00 p.m.

**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 eighteen.)

**12. Closing Comments.**

**Alderman Higgins**

- Good to see everyone here tonight.
- Congratulations to those who received certificates.

**Alderman O'Garra**

- Glad to see everyone here.
- I also congratulate everyone who received certificates.

**Mayor Pro Tem Hogans**

- I want to welcome our new attorney. I look forward to working with you and we appreciate you being here.

**Alderman Christian**

- I second what Mr. Hogans said.
- It is good to see Mayor Clark in the audience; she seems so much more relaxed without the pressure on her.
- Congratulations and Happy Birthday to Mayor Chris Rey, he got married Saturday.
- Holly Hills is planning a Family Fun Day in September.
- It is good to see the street paving is coming soon.
- Glad to see so many people showed up tonight.

**Alderwoman Sutherland**

- Congratulations to the Yards of the Month.
- Thanked everyone for coming to the meetings.
- Inquired if Spring Lake will have a National Night Out this year. Chief McDuffie stated last year they let the individual communities plan their own events. The Police Department does not have any scheduled events for this year but will plan to host it again next year.
- Asked if the camera near Domino's Pizza is a traffic camera. Chief McDuffie advised he is not aware of any traffic cameras in Town and does not know what the camera is for.

**Mr. Burns**

- The Police Chief and I have talked about different strategies to discuss community concerns about crime. We are planning a Community Crime Summit and hope to do it in conjunction with community watch meetings. We are still trying to confirm a date.
- I am proud of the young man tonight.

**Mr. Buzzard**

- I thank the Board and Mayor for placing your confidence in me and I hope to repay that by providing the best service that I can. Feel free to call me anytime.
- I already have some tasks from Mr. Spinks on Minimum Housing issues.
- Recognized his wife Tonya, son Spencer and daughter Allison.

**Mayor**

- Welcomed the attorney and told him to buckle up and enjoy the ride.
- We had a great meeting tonight, thank you all for being here this evening. I look forward to the next phase as we move forward.
- Recognized Mayor Clark.

Mayor Rey invited everyone to stay and enjoy refreshments to help welcome our new attorney.

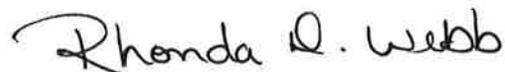
**13. Adjournment.**

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

**Motion:** Mayor Pro Tem Hogans

**Second by:** Alderman O'Garra

**Vote:** Unanimous



Rhonda D. Webb, MMC  
Town Clerk

ATTEST:

  
Chris V. Rey  
Mayor