

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

July 25, 2011

**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 Ethel T. Clark presiding.

**Board Members Present:** Mayor Pro Tem James O'Garra  
Alderman James Christian  
Alderman Richard Higgins  
Alderwoman Debora Hudson

Alderwoman Fredricka Sutherland participated via a conference call.

**Others Present:**

Tommy Burns, Town Manager	John Jackson, Town Attorney
Byron Blumenfeld, Water Resource Manager	Allen Coats, Finance Director
Paul Hoover, Public Works Director	Troy McDuffie, Police Chief
Tina West, HR Director	Rhonda Webb, Town Clerk

**2. Invocation**

Alderman Christian gave the invocation.

**3. Pledge of Allegiance**

Mayor Clark led the meeting in the pledge of allegiance.

**4. Additions or Deletions to Agenda**

The Board received an amended agenda with a presentation added.

**5. Approval of Agenda**

The Board approved the agenda as presented.

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

**Motion by:** Alderman Higgins

**Second by:** Alderwoman Hudson

**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 minutes of the June 27, 2011 Regular Meeting and the minutes of the July 11, 2011 Regular Meeting.

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

**Motion by:** Alderman Higgins

**Second by:** Alderwoman Hudson

**Vote:** Unanimous

## **7. Public Forum**

No one spoke at the Public Forum.

## **8. Presentation**

### **a. Kingdom Impact Community Development Center, Academic Center of Excellence, Tutoring Service**

Ms. Jackie Jackson, from Teens Do Care, informed the Board that Lillian Black and Spring Lake Middle School were the only schools in Spring Lake that passed their EOG tests. Kingdom Impact Community Development Center approached her about providing tutoring in Spring Lake through a grant opportunity. This grant will allow free tutoring for the school children. This will take place at the Spring Lake Recreation Center, Monday through Friday and will begin September 5, 2011. There will be a Saturday Academy as well. This does not cost the Town or the children anything. Teens Do Care has received approval from the Cumberland County School Board to proceed. It was clarified that Kingdom Impact Community Development Center will pay for all costs associated with operating this project and, as such, will be responsible for providing insurance on the transportation of the children.

Mayor Pro Tem O'Garra and Alderwoman Sutherland commended Ms. Jackson for going above what she usually does for the community.

Alderman Higgins inquired about who will be selecting the children eligible for the program. Ms. Jackson advised that she has been doing that. The only requirement is for the child to attend a Title 1 school and all Spring Lake Schools are Title 1 schools. Alderwoman Hudson thanked Ms. Jackson for what she does for the community and stated that she would like to be the liaison for Lillian Black in order to target those students who would benefit most from this program.

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

### **b. The City-County Joint Appearance Commission, Best New Residential Property Award**

Alderwoman Hudson, who represents Spring Lake on the Joint Appearance Commission, explained that each year the Joint Appearance Commission has an awards' ceremony for several categories of honor. She submitted Stone Gate Apartments for the Best New Residential Property in Cumberland County. The submission won. She thanked Ms. Jackson from the Spring Lake Community Appearance Commission and Alderman Christian for taking the pictures that were used for the submission.

Mayor Clark presented Mr. Pummel, from Stone Gate Apartments, with a plaque for the Best New Residential Property. He commended the Town's staff for the working relationship they developed with Stone Gate. He stated that they have been very nice to work with.

## 9. Public Hearing

### a. P11-25: Revision and Amendment to the Town of Spring Lake code of Ordinance, Chapter 156: Zoning Code

Mr. Scott presented Case P11-25 to the Board. He advised that this amendment will make Spring Lake's Ordinances more consistent with Cumberland County's Ordinances. It will update the Town's off-street parking and loading and includes a section on maintenance of parking areas.

Mayor Clark opened the Public Hearing. No one spoke for or against the case.

**Action:** The Board approved a motion to close the Public Hearing.

**Motion by:** Alderman Higgins

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

**Vote:** Unanimous

## 10. New Business

### a. Resolution, Prudential 457 Retirement Plan

Ms. West requested that the Board allow the Town to participate in an additional retirement plan from Prudential. The Town currently participates in the Prudential 401k plan. The additional plan differs from what is currently in place in that it will be offered to all employees (full and part time) and elected officials. There is no penalty for withdrawing funds. The Town's funds will still be placed into the current 401k plan. For the additional plan, there is no cost to the Town. This is a voluntarily contribution plan. There is never a penalty for early withdrawal upon retirement or termination. There is no minimum contribution. This plan allows a catch up provision.

In response to Mr. Jackson's questions, Mr. Thompson advised that the State of North Carolina has made this plan available to State agencies since the 1980's. In 2003 or 2004, The General Assembly opened this plan up to participants at the local level. Prudential has been offering this plan since approximately 2009.

The employees will be briefed only if the Board approves for the Town to participate.

**Action:** The Board approved a motion to approve Resolution (2011) 13.

**Motion by:** Alderman Christian

**Second by:** Alderman Higgins

**Vote:** Unanimous

(A copy of the agenda memo, Resolution (2011) 13, the third-party administrator agreement, documents outlining the NC Deferred Compensation (457) Plan and a list of NC Employers who participate in the plan is hereby incorporated by reference and made a part of these minutes – see attachment three.)

### b. Case P11-25, Revision and Amendment to Chapter 156: Zoning Code

Mr. Scott requested that the Board approve Case P11-25 for the following two reasons:

- The amendment modernizes the Town's current regulations and will allow for consistency between the Town and the County's off-street parking and loading regulations.
- The amendment was requested by the Town of Spring Lake.

**Action:** The Board approved a motion to approve Ordinance (2011) 10.

**Motion by:** Alderman Higgins

**Second by:** Alderwoman Hudson

**Vote:** Unanimous

(A copy of the agenda memo, Cumberland County Planning & Inspections Department Memo, Text Amendments Showing Changes and Ordinance (2011) 10 is hereby incorporated by reference and made a part of these minutes – see attachment four.)

**c. Budget Ordinance Amendment, Authorized Positions, Police**

Ms. West requested that the Board approve the requested change to the Police Department's authorized positions. The Police Department is requesting to increase the number of authorized detective positions by one and decrease the authorized police officers by one. This will not add any new positions; it will only rearrange the current positions to better support the proposed protocol plan for the department.

Alderwoman Sutherland questioned the salary and the position grade for these positions. Ms. West advised that the detective position is a higher grade than the police officer but the money for the difference can be taken from the department's lap salaries line. Chief McDuffie advised that the minimum starting salary for a police officer is \$33,700 and for a police detective it is \$36,900. It was clarified that the starting salary is \$36,900 but not necessarily the salary at which the person will be hired.

Mr. Jackson requested that the Board favorably consider this request to meet the requirements the Judge and the Prosecuting Attorney have placed on us.

Alderman Christian stated he is committed to having the felony powers restored but wants surety that this will get us where we want to be and that they will not move the mark. Chief McDuffie stated he believes the Judge and DA supports the proposal they have seen and feels this position is necessary to handle the workload. He stated he believes this will get all powers except homicides and sex crimes. Mr. Burns advised that the Judge and DA are on board with this plan and in December, this issue should be put to rest.

Alderman Higgins complimented Chief McDuffie for the work that he has done to bring the department this far.

**Action:** The Board approved a motion to approve Budget Ordinance Amendment (2011) 11.

**Motion by:** Alderwoman Hudson

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

(A copy of the agenda memo, Budget Ordinance Amendment, Authorized Positions is hereby incorporated by reference and made a part of these minutes – see attachment five.)

**11. Board and Staff Comments:**

**Alderman Higgins**

- Good to see everyone here tonight.
- Mr. Bryson Sherrer comes to all the meetings and it is so good to see him but he will be leaving our community soon and he will be missed.

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

- Thanked everyone for coming out.
- Glad to see that the Police Department has achieved what the Chief has been working on for so long.
- I have to go back to something that was said two weeks ago in the Board meeting. (He was referring to the information he provided the Board with; a copy of Cumberland County Sheriff's Department and Fayetteville Police Department's vehicle policies.) (He requested that the Clerk read a portion of the Board Comments from the minutes of the July 11, 2011 meeting.) He stated that this is the second time he has heard something that wasn't right. He stated that if you are going to say something, you need to know what you are talking about. He can understand that some people are new on the podium and think they can just "spout out" anything. He further stated, "There is really no reason to respond to my statement, but I am going to do it anyway. The policy is already in place and the people are already paying \$25 per month. There is no need to respond to me. I'm gonna let you know how I feel probably every month; that's O'Garra. You need to learn and accept it. I just don't think it is in good judgment to sit up here and put information out to the citizens and the Board that is not true. The first time I listened to it, the second time I'm reacting to it. I could go a lot deeper about integrity and character and other things and go on, cause I can go on, but I'm going to leave it right here. But, I hope there is no response to what you have in front of you. If anybody out there wants to have it, right there it is".
- "I have a quick response. \$7,000 is nothing to the Town's budget. When the police officers leave their home, their radios are on; they are on duty. When they leave here, going back home, they are on duty. Keep that in mind, that you're talking \$25 per month, you understand. As far as the 40 miles, Cumberland County (policy) says you can drive 40 miles but they want you to live in Cumberland County; they don't want you to take the car out of Town." Alderwoman Sutherland stated, "Yes sir, that's what I said, so we need to move on, Sir". "You ain't running this thing," stated Mayor Pro Tem O'Garra. He then stated, "Come to think about it Ms. Sutherland did say something about that last meeting, too, but I didn't want to talk about her because she's not here; so hey, I apologize and I thank you."

### **Alderwoman Hudson**

- Glad to see everyone.
- Condolences to Ms. Jackson for the loss of her father-in-law.
- Chief, great job, kudos on building the great working relationships with all stakeholders. Keep doing what you are doing and moving us in the right direction.
- Congratulations to Stone Gate Apartments. We do have other places in Spring Lake that are absolutely beautiful. The reason Stone Gate was chosen is because of location. It was built in an area that was once less (than) desirable.

### **Alderman Christian**

- Echoed what Ms. Hudson said.
- "Some people just carry bitterness with them over and over again, and they show a lack of respect by smirks and comments and grunts and things like that. The Board voted on this policy. In our ethics and conduct policy that was voted on in June of last year, it says that you should respect Board Members' decisions whether you agree or disagree with them and I respect my fellow Board Members comments, decisions and thoughts. I really do. I'm not the kind of person to take it down to a low level. I keep it on a professional level. The Board has made an effort to act more professional in public, like not commenting during the comments section when I'm

talking. I would appreciate it if people would not whisper and comment while I'm speaking; and it is in our code of conduct, our code of ethics, I will be glad to bring out a copy and read it again because I did it once before to remind people of their duties and responsibilities to act in a professional manner. I said many things about the gas prices; it is just the reality. It does save the Town over \$7,000. That might not be a lot of money to some people but to people who work for a living, that go to work everyday, that worry about making their mortgage or rent payment, or paying for gas for their vehicles, or insurance or health costs, that's a lot of money. And, it is the taxpayers' money. You folks all work hard for it, you really do. And, I'm committed to counting every penny and how we spend it in this Town. I don't take it for granted and I don't feel entitled to any of the taxpayers' money for anything. I show up for the meetings on time and I make an effort to read every bit of work that is put in front of me. I read all about the zoning and loading. In my profession, where I work for Budweiser, I know all about loading and unloading zones and parking zones. I'm aware of those things. But I'm gonna pledge to make an effort to be more professional and be more respectful to my fellow Board Members and I hope my other fellow Board Members will do the same. I really do. It is an election year and I know people want to posture and preen for the cameras and the newspaper but that's just what it is. Hopefully my fellow Board Members will respect my views as I respect theirs and I understand. It wasn't an easy decision Chief, it really wasn't, and it wasn't a popular decision, I understand that, but I stand by my decision. We need to get a handle on the costs of how we spend our money in this Town. We have a tight budget year. We don't have money to go to cities for awards. We don't have money to fill up lakes and rebuild dams like other municipalities around. We are doing the best (we can.) We can actually do better and that's what I'm committed to doing; to be a better member for you, be a better servant for the public because that's who I serve, you, you are my bosses and I do count every penny and I make sure it is spent in the proper way. In my view, this helps, this helps control the costs, because we can't give pay raises and Lord knows we would like to. Mayor Clark is working on a program right now and Mr. Burns is working on a program right now that may give the employees a little extra something and hopefully, that will come to fruition."

- "I appreciate the service that every Board member serves. Mr. O'Garra, I really appreciate the service that you give to this Town. Mayor Clark, Mr. Higgins, Ms. Fredricka, Ms. Debora, Mr. Burns, Mr. Jackson and Rhonda. I appreciate all the work they do and I respect their views and I just hope that they can respect mine."
- Thank you for the well wishes for my mother.

#### **Alderwoman Sutherland**

- "Thank you for allowing me to share. First of all, I want to thank Rhonda, as well as the Board Members, Mayor Clark and the citizens for allowing me to take a conference call, letting you know that I am still involved in what is going on in the Great Town of Spring Lake. I am checking the Fayetteville Observer as well as my web site email. Also before Mr. O'Garra went and got a copy of that information from Cumberland County, I went down first and got it. What happens is, no they don't charge \$25 or any amount. What they do, they just don't take vehicles home at all if they live outside Cumberland County. That is their policy. They just don't take them home at all. We have moved on but I just want to say that I have a copy of that policy as well and they just don't take their vehicles home at all if they live outside Cumberland County."
- "Anyway, thank you very much for allowing me this conference call. My goal all along, with the Police Department, has been for us to move forward and regain our full felony powers back. As I stated at the last Board meeting, I'm not forgetting the rest of the Town as well.

**Mr. Burns**

- Bi-weekly report was distributed prior to the meeting tonight. I will email a copy to Alderwoman Sutherland.
- Mr. Hoover and I have been working on a street assessment program.
- We are also working on a billing accountably and water meter accountably (plan).

**Mr. Jackson**

- Am working on some of the property that we want to condemn.

**Mayor Clark**

- Thanked everyone for coming tonight.
- Thanked Chief McDuffie. "You are doing an outstanding job down there. I think all our departments are."
- Good to hear from a developer praising our inspections department.

**11. Adjournment.**

**Action:** There being no further business to come before the Board, the meeting was adjourned at 8:14 p.m.

**Motion:** Alderman Higgins

**Second by:** Alderwoman Hudson

**Vote:** Unanimous



*Rhonda D. Webb*  
Rhonda D. Webb, MMC  
Town Clerk

ATTEST:

*Ethel T. Clark*

Ethel T. Clark  
Mayor