

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

June 25, 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 James O'Garra
Alderwoman Fredricka Sutherland

Alderman Richard Higgins was absent.

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
T.J. McLamb, Fire Chief	Ken Metcalf, Recreation Director
Tina West, HR Director	Rhonda Webb, Town Clerk

2. Invocation

Mayor Rey gave a nonsectarian invocation.

3. Pledge of Allegiance

Mayor Rey led the meeting in the pledge of allegiance.

4. Additions or Deletions to Agenda

The Mayor requested a Closed Session pursuant to G.S. 143-318.11(a)(3) – Attorney-Client Privilege, The Gentry Group versus Town of Spring Lake.

Action: The Board approved a motion to add closed session to the agenda.

Motion by: Alderwoman Sutherland

Second by: Alderman O'Garra

Vote: Unanimous

5. Approval of Agenda

The Board approved the agenda as amended.

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

Motion by: Mayor Pro Tem Hogans

Second by: Alderman O'Garra

Vote: Unanimous

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

6. Approval of Consent Items

The Board approved the consent items:

- a. Minutes of the June 4, 2012 Special Meeting
- b. Minutes of the June 11, 2012 Regular Meeting

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

Motion by: Alderwoman Sutherland

Second by: Mayor Pro Tem Hogans

Vote: Unanimous

7. Public Forum

No one spoke at the Public Forum.

Mayor Rey recognized and welcomed Commissioner Charles Evans.

8. Presentations

a. U-4444 Municipal Agreement with NCDOT

Mr. Burns provided the Board with a project update on the U-4444 project. His presentation included potential costs to the Town which include sidewalks and landscaping. He also stated he believes some of aspects of the project are debatable as to whether they are for public purpose. The costs for utility (Town owned water and sewer lines in the right-of-way) relocation remain a concern for the Town. The Town requested additional sidewalks along the improvement area and the original projected costs for these improvements were approximately \$3M. Mr. Burns stated these costs seem high and unreasonable for the Town. We requested NCDOT review the proposed contract. They did so and sent a revised contract for \$462,219. This amount is the Town's portion. Staff continues to believe this is an unreasonable burden on the Town. The sidewalks assessed to the Town remained the same in both contracts. The overall costs for sidewalks are estimated to be \$161,684 with a cost to the Town of \$48,505. This is a typical 70/30 cost share and is reasonable. He reported that landscape costs have not been revealed to the Town.

He expressed concern about learning second hand or after the fact of businesses closing. Originally the Town was told only the Country Fish Fry business would be affected but since then we have learned of additional businesses receiving eviction notices. The impact is greater than what we originally thought.

Consensus from discussions with Representative Lucas and former Representative Etheridge was that the Town would be held harmless for these costs and that has not been the case. We were going to be responsible for sidewalk costs. He suggested we go back to NCDOT and continue to lobby for cost exclusion on this project. We could discuss the issue with our local delegation. He stated we could consent to the second contract in order to prevent the project from being held up. He recommended we hold off on consenting on any further agreements for right-of-ways, utility relocations and/or sidewalk costs without clear answers and a clear explanation of the project scope.

This brief was given for informational purposes to let the Board know where we are, how we are moving forward and to get reinforcement on some actions we need to take. He stated he is concerned about the impact this project will have.

Alderwoman Sutherland asked what would happen if we just do not pay and Mr. Burns stated

NCDOT has provisions in the law that allow them to force this project and withhold Powell Bill money until the obligation is paid. She also inquired about business who are required to relocate and if DOT would help with that. Mr. Burns stated there is relocation assistance but he believes it is just enough to help the business move. Alderwoman Sutherland stated the Town and citizens have done their due diligence and she hopes DOT will listen.

Kimley-Horn sent DOT a recommendation letter on behalf of the Town with 18 bullet points and DOT agreed to concessions on 16 of the recommendations. One of the points they would not concede on was the utility relocation. Mr. Burns stated there are still too many questions for us to agree to the proposed agreement from NCDOT.

Alderman O'Garra stated he believes Mr. Burns has our best interest in mind and is 100% behind him.

Alderman Christian expressed concern with NCDOT's response time to the original plan that would have split the Town and expressed appreciation for Mr. Burns being so proactive.

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

9. New Business

a. Community Appearance Commission Appointment

Ms. Webb advised that the Community Appearance Commission has two vacancies at the present time. Ms. Kimbler of 210 Cecil Avenue submitted an application for appointment to serve on the Commission and Ms. Webb requested the Board determine if they want to appoint her to the Commission for a three-year term.

Action: The Board approved a motion to approve Ms. Kimbler's appointment to the Community Appearance Commission for a three-year term expiring June 30, 2015.

Motion by: Alderman Christian

Second by: Alderman O'Garra

Vote: Unanimous

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

b. Resolution (2012) 23, Petition for Annexation, Caudle Property

Mrs. Webb requested approval of Resolution (2012) 23 to direct the Clerk to investigate the petition, direct staff to conduct a feasibility study and if in order, authorize the Clerk to set the date for the public hearing.

Action: The Board approved a motion to adopt Resolution (2012) 23.

Motion by: Mayor Pro Tem Hogans

Second by: Alderman Christian

Vote: Unanimous

(A copy of the agenda memo, petition for annexation, property deed and map and Resolution (2012) 23 is hereby incorporated by reference and made a part of these minutes – see attachment four.)

c. Ordinance (2012) 9, Amend Chapter 18, Fire Prevention and Protection

Chief McLamb reported the proposed changes to Chapter 18 would allow annual inspections for fire prevention, update the Fire Code from 2009 edition to 2012 edition, allow for permits to be issued on an annual basis along with the fire inspection and references fees in the Rate and Fee Schedule.

Action: The Board approved a motion to approve Ordinance (2012) 9.

Motion by: Mayor Pro Tem Hogans

Second by: Alderwoman Sutherland

Vote: Unanimous

(A copy of the agenda memo, proposed changes and Ordinance (2012) 9 is hereby incorporated by reference and made a part of these minutes – see attachment five.)

d. Board to Consider Amendment to Town Application to Utilize “Ban the Box” Initiative

Ms. West gave the floor to Commissioner Charles Evans who had requested to address the Board prior to her presentation. He stated he would like to see fairness created for everyone involved and believes “Ban the Box” is a step in that direction. He requested the Board support the “Ban the Box” initiative.

Ms. West explained the proposed changes to the Town's application if we “Ban the Box.” She advised it is a nation-wide movement to eliminate the question regarding past convictions on the employment application. Applicants should only be disqualified due to a business reason.

Alderman Christian stated this is an important decision and one that he approves.

Alderwoman Sutherland stated she believes this is great and she agrees if someone has paid their restitution it should not be held against them. She requested clarification on workers who work around children. Mr. Burns advised sex offenders cannot work in a park, around children or within 1,000 feet of a daycare center. There is a preemptive State law prohibiting the Town from hiring a registered sex offender for particular positions. He stated the background check will still be done, just later in the process. Alderwoman Sutherland stated she hopes people with derogatory background checks will still be treated fairly and given an equal chance to get a position. She hopes we will do what we say we are going to do.

Mayor Pro Tem Hogans asked if the application in the packet is the new one that will be used and Ms. West advised it is. He inquired about the difference on this one and Ms. West explained the differences. He stated he agrees we need to implement this but requested management be extremely diligent and careful as we implement.

Alderwoman Sutherland clarified that the form requesting sex and race is voluntary and it was clarified that it is.

Action: The Board approved a motion to authorize an amendment to the Town of Spring Lake Employment Application to remove the requirement to disclose prior criminal history and to utilize Administrative Policy #25 “Pre-Employment Background Check.”

Motion by: Alderwoman Sutherland

Second by: Alderman O'Garra

Vote: Unanimous

(A copy of the agenda memo, Town application and draft Pre-Employment Background Check Administrative Policy # 25 is hereby incorporated by reference and made a part of these minutes – see attachment six.)

e. Budget Amendment #20, Recreation Department

Mr. Coats requested the Board to approve Budget Amendment 2012.20 to budget sponsorship, fund raising and ad sign monies for use in various recreation programs.

Action: The Board approved a motion to approve Budget Amendment 2012.20.

Motion by: Alderwoman Sutherland

Second by: Alderman O'Garra

Vote: Unanimous

(A copy of the agenda memo, memos from the Recreation Department and Budget Amendment 2012.20 is hereby incorporated by reference and made a part of these minutes – see attachment seven.)

f. Budget Amendment #21, Year End Clean Up

Mr. Coats requested the Board to approve Budget Amendment 2012.21 to adjust for unexpected expenditures during the year and to allocate contingency funds.

Action: The Board approved a motion to approve Budget Amendment 2012.21.

Motion by: Mayor Pro Tem Hogans

Second by: Alderwoman Sutherland

Vote: Unanimous

(A copy of the agenda memo and Budget Amendment 2012.21, 2012.21b and 2012.21c is hereby incorporated by reference and made a part of these minutes – see attachment eight.)

10. Closing Comments.

Alderwoman Sutherland

- Thanked everyone for coming out.
- Thanked the Board Members and the Mayor for doing such a great job.
- Thanked Mr. Evans for the job he does.

Alderman O'Garra

- Thanked everyone for coming out.

Alderman Christian

- Thanked Mr. Evans for coming out.
- Recognized the Spring Lake Tribune reporter. The Spring Lake Tribune will come out on July 1st.
- "Drew it is good to have you back safe."
- Good to see the residents and local business owners here.

Mr. Burns

- Manager's report contains a proposal for the Leadership Spring Lake program. It is written so it can be used for the youth program as well.
- Will be meeting with paving engineer to get a schedule completed. Hope to pave in October/November time frame.
- There will be inserts in next month's water bill explaining the water and sewer projects and rate

and fee changes.

Town Attorney

- Has been a pleasure to be allowed to sit in and see the Town move forward tonight.
- Happy to be here.

Mayor

- Thanked the board for taking their stance and leadership on "Ban the Box" and for being the first municipality in our County to take that stance as well as being the first Town in the entire State to take that leadership. Let it be said that we are truly about equality. Before we can recommend businesses do the same we have to be the example.
- Prior to the meeting tonight I welcomed students attending the Spring Lake summer STEM academy.

11. Closed Session Pursuant to G.S. 143-318.11(a)(3) – Attorney-Client Privilege to Discuss Gentry Group, LLC, Plaintiff v. Town of Spring Lake, Defendant

The Board went into closed session pursuant to G.S. 143-318.11(a)(3) – Attorney-Client Privilege to discuss Gentry Group, LLC, Plaintiff v. Town of Spring Lake, Defendant.

Action: The Board approved a motion to go into Closed Session pursuant to G.S. 143-318.11(a)(3) - Attorney-Client Privilege, The Gentry Group v. Town of Spring Lake.

Motion by: Mayor Pro Tem Hogans

Second by: Alderman O'Garra

Vote: Unanimous

Action: The Board approved a motion to go back into Open Session at 8:37 p.m.

Motion by: Alderwoman Sutherland

Second by: Alderman O'Garra

Vote: Unanimous

12. Adjournment.

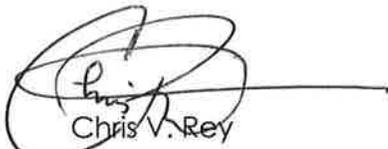
Action: There being no further business to come before the Board, the meeting was adjourned at 8:37 p.m.

Motion: Alderman O'Garra

Second by: Mayor Pro Tem Hogans

Vote: Unanimous

ATTEST:


Chris V. Rey
Mayor




Rhonda D. Webb, MMC
Town Clerk