

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

June 27, 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

**Others Present:**

Tommy Burns, Town Manager  
Allen Coats, Finance Director  
Ken Metcalf, Recreation Director  
Jeffrey Stafford, Police Captain  
Rhonda Webb, Town Clerk

Byron Blumenfeld, Water Resource Manager  
Paul Hoover, Public Works Director  
Steve Rosser, Interim Fire Chief  
Tina West, HR Director

John Jackson, Town Attorney was absent.

**2. Invocation.**

Mayor Pro Tem O'Garra 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 deleted item 9a from the agenda.

**Action:** The Board approved a motion to delete item 9a from the agenda.

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

**Second by:** Alderman Higgins

**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:** 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: Minutes of the June 7, 2011 Special Meeting, Minutes of the June 13, 2011 Recessed Meeting, and Minutes of the June 13, 2011 Special Meeting.

**Action:** The Board approved a motion to approve the consent items: Minutes of the June 7<sup>th</sup> Meeting, Minutes of the June 13<sup>th</sup> Meetings.

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

**Second by:** Alderwoman Hudson

**Vote:** Unanimous

#### **7. Public Forum**

No one spoke at the Public Forum.

#### **8. Presentation**

##### **a. Spring Fling Sponsor Appreciation and Presentations**

Mr. Metcalf advised that this was the best Spring Fling ever. We raised more money this year than in past years and the participation was outstanding. He thanked the sponsors for funding the event and thanked everyone for coming out. Mayor Clark and Mr. Metcalf presented the sponsors with a certificate of appreciation. The first annual 5K Run for Education occurred this year in conjunction with the Spring Fling. Mr. Chris Rey presented Spring Lake Middle School, Lillian Black Elementary School, Manchester Elementary School and W.T. Brown Elementary School with a donation.

##### **b. Police Department Update**

Captain Stafford advised that Chief McDuffie created a protocol to address the issues that were facing the Police Department when Chief McDuffie was hired. The protocol was split into three phases. Phase I was to establish policy. During Phase II, two detectives were to be hired and in Phase III, two additional detectives were to be added to the Police Department's personnel. He advised that timelines were set as goals but meeting the timelines were not as important as making sure the department had sufficient personnel before taking on the tasks outlined in the protocol. Two officers already employed with the department were promoted to detective positions. They have the authority to work Class H & Class I felonies. The felonies they can handle include breaking and entering, felony larcenies, white collar crimes and some drug cases. Currently, the two detectives have approximately twenty-five open cases. He advised that the timeline goal was to have two additional detectives in place by July 1, 2011 but due to budget constraints, we were not able to meet this goal. Town staff met with Judge Keever, District Attorney West and Sheriff Butler to advise them that the personnel were not yet in place. All understand the situation and are willing to continue to work with the Town. Captain Stafford advised that Chief McDuffie is exploring an alternative that will allow him to promote an officer to the detective unit this fall. This additional detective and the one they hope to get in December will put the department in a much better position to work remaining felonies, excluding homicides and sex offenses.

(A copy of Captain Stafford's notes are hereby incorporated by reference and made a part of these minutes – see attachment two.)

Alderwoman Sutherland thanked Captain Stafford for presenting the update. She shared that she requested the update so that the Board Members and the citizens can see what is going on in the Police Department. She stated that on February 14, 2011 the Board approved \$152,844 annually for three positions for the Police Department. She questioned, at that time, if approving those positions

would place the Town of Spring Lake on their way back to getting their full powers back and she understood Chief McDuffie to say yes. The Board is making sure that our Police Department is up and running and the Board is 100% committed to the Police Department.

Mr. Burns advised that staff had a good meeting with Judge Keever and the District Attorney approximately one week ago and shared the Town's budget concerns with them. He believes that staff has crafted a protocol that will enable the Town to get the rest of the powers back as early as September 2011. He advised that the General Fund encompasses about 30% of its expenditures for the Police Department and that shows that the Board is committed to the Police Department.

Alderman Christian advised that despite the impression people may have gotten from the paper, the Board had never considered cutting or not funding positions that would restore the department's felony powers. He stated that it was not expressed to the Board during any of the budget workshops that if certain positions were not filled, the felony powers would not be restored in a timely manner. He advised that he and the entire Board are committed to having the Police Department restored. He was offended by the article in the newspaper that "paints the picture that we are falling down on the job".

**c. Sanitation Update**

Mr. Hoover advised that the numbers prior to July 2010 were included in the negotiated settlement with Waste Management. We started in July 2010 with 2892 cans that were on the bill. The number of cans have been reduced to 2374 to date. He advised that the monthly difference between the cost prior to the audit and the cost as of May 2011 is almost \$5,000. This is a yearly savings of approximately \$60,000 annually. He thanked Mr. Barefoot for all the help.

Mr. Coats provided an update on the sanitation billing. He advised that Cumberland County Tax Office will bill for 2,132 cans in September 2011. That should generate revenues of approximately \$587,000. 128 bills went out in June for light commercial/residential customers. The dollar amount billed was \$132,606.00. Customers will have until July 10, 2011 to pay the bill. If the bill is not paid by then, a second notice will go out and is due by the end of July. If the bill is not paid by then, Waste Management will be instructed to pick up the can. To date, \$9,238.00 has been collected. \$30,821.32 was turned over to the Town Attorney for collections; however, a total of \$41,562.67 is owed to the Town.

(A copy of Mr. Hoover's PowerPoint presentation and Mr. Coat's sanitation billing sheet is hereby incorporated by reference and made a part of these minutes – see attachment three.)

Alderwoman Sutherland inquired about the feedback that staff is receiving from the residents. Mr. Coats advised that to his knowledge, there has not been negative feedback. People seem to understand what the process is and why the changes were made. She inquired if business citizens who had two cans in the past, who moved from the area and then came back, would be billed for the two cans prior to being able to open an account. Mr. Coats advised that if the Town can identify them as debtors, they will be required to pay and that this applies to businesses and not residents.

It was clarified that quarterly payments are made in advance so the Town will not lose anything should a business that pays quarterly closes its doors.

Mr. Burns requested that Mr. Coats explain the audit process. Mr. Coats advised that currently this is

a weekly endeavor for Mr. Hoover and himself to ride around Town looking for extra cans. The process involves identifying an additional can, calling the customer to determine if they wish to keep an extra can, and if not, Waste Management is notified to pick up the can. Mr. Hoover then reconciles the can count with the bill.

Alderman Higgins requested a monthly update to be included in the monthly reports on this issue.

**9. New Business**

**a. Community Appearance Commission Appointments**

This item was deleted from the agenda.

**b. Board of Adjustment Appointment**

Ms. Webb advised that Mr. Chris Rey submitted an application to serve on the Spring Lake Board of Adjustment. Ms. Diane Howard Sheppard resigned from the Committee and that created a vacancy. She requested that the Board appoint Mr. Rey to the Spring Lake Board of Adjustment as an alternate member for a three-year term expiring on June 30, 2014.

**Action:** The Board approved a motion to appoint Chris Rey as an alternate member on the Spring Lake Board of Adjustment.

**Motion by:** Alderman Higgins

**Second by:** Alderman Christian

**Vote:** Unanimous

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

**c. Water & Sewer Project Ordinance**

Mr. Coats requested that the Board approve the project Ordinance for the Waste Water Treatment Plant. This is only for engineering costs.

Mr. Burns invited the Board individually to accompany him and Mr. Blumenfeld to the Waste Treatment Plant for a tour.

Alderman Hudson requested that the date on the Ordinance be corrected to show approved in June instead of July.

**Action:** The Board approved a motion to approve Project Ordinance (2011) 7 with an effective date of June 27, 2011.

**Motion by:** Alderman Sutherland

**Second by:** Alderman Higgins

**Vote:** Unanimous

(A copy of the agenda memo, Capital Project Information Sheet and Ordinance (2011) 7 is hereby incorporated by reference and made a part of these minutes – see attachment five.)

**d. Stormwater Project Ordinance**

Mr. Coats requested that the Board approve the project Ordinance for the Town's stormwater system to establish revenues and set expenses for the construction of curb and gutter. This funding

is only for engineering costs.

Alderman Hudson asked if we are only transferring funds and Mr. Coats advised that a Capital Improvement Fund does not have a fiscal year. The money appropriated into this fund keeps rolling over from year to year. Establishing a project ordinance provides a clearer picture of what funds are being expended for the project.

**Action:** The Board approved a motion to approve Project Ordinance (2011) 8 with the effective date of June 27, 2011.

**Motion by:** Alderman Hudson

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

**Vote:** Unanimous

(A copy of the agenda memo, Capital Project Information Sheet and Ordinance (2011) 8 is hereby incorporated by reference and made a part of these minutes – see attachment six.)

#### **e. Budget Amendment, End of Year Cleanup**

Mr. Coats presented the end of year budget amendments. Budget Amendment 2011.16a is for the General Fund to allocate additional sales tax proceeds to cover reimbursements to the County, to allocate additional property tax to cover costs of legal services for the year and to allocate additional loan proceeds to cover the costs of equipment purchases (taxes and tags). Budget Amendment 2011.16b is for the Spring Fling Fund to budget additional costs associated with having to reschedule the event. Budget Amendment 2011.16c is for the Water and Sewer Fund to allocate additional fees charged, to allocate funds for the first annual payment of ARRA funds finalized this year and to allocate funds budgeted to put into the fund balance for the transfer to the capital project ordinance for Waste Water Treatment Plant's project approved earlier in this meeting.

**Action:** The Board approved a motion to approve Budget Amendments 2011.16a, 2011.16b, 2011.16c and 2011.16d.

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

**Second by:** Alderman Higgins

**Vote:** Unanimous

(A copy of the agenda memo and Budget Amendment 2011.16a, 2011.16b, 2011.16c and 2011.16d is hereby incorporated by reference and made a part of these minutes – see attachment seven.)

#### **10. Board and Staff Comments:**

##### **Mayor Clark**

- Thanked everyone for coming out and staying for the meeting.
- Thanked the Spring Fling sponsors.

##### **Alderman Christian**

- Invited everyone to the July 4<sup>th</sup> Memorial Dedication in Fayetteville.
- I would like to have a 9/11 ceremony. I would like the Town to recognize Ms. Lillian De LaCruz who lost her life during the attacks on the Twin Towers. He stated that he would like to pay for the plaque.
- Thanked the sponsors of the Spring Fling.
- Thanked Mr. Chris Rey for the donations to the schools.
- I appreciate the job that the Police Department and all the employees are doing.

- Thanked Mr. Burns for a tough month and thanked the Town Clerk for what she does.

**Alderwoman Sutherland**

- Thanked everyone for coming out.
- Thanked Mr. Rey for the 5K and for the citizens who supported the effort.
- I would like for Board Members, who are not going to be at a Board meeting, to participate via a conference call, especially when the meeting is as important as approving the budget.
- I would like the appearance commission to service the planters that were put in various areas of Town. She offered to go out and help them.
- Thanked the Town for working on the landscape. I would like to see some shrubby in the median coming into Town from Fort Bragg.
- I am very concerned with what is going on with our public safety. I have always said I support whatever it takes to get the police department up to speed with full powers; but, we also have a responsibility to the rest of the Town. I was under the impression that approving three positions on February 14, 2011 would help us to get our full felony powers back.

**Alderman Higgins**

- Thanked everyone for coming out, it is good to see everyone here.
- Glad to see our educators from the schools.
- Good to see Department Heads here.
- I'm just glad to be here.

**Mayor Pro Tem O'Garra**

- Thanked everyone for coming out tonight.
- I have researched and found that our schools are going to take a blow in the new budget year.
- As far as me not being here for the last meeting, I just want you all to know that I had a wonderful time in Vegas. The telephone system that we have in place does not work very well but I did stay in contact with what was going on through my iPad. I shared my concerns with the Manager and I was happy with the budget.
- I hope we are not going to become a teaching place for Fire Department and Police Department personnel.
- I do not think we are doing a great job when we charge the officers \$25 per month to operate their vehicles.
- I'm back.

**Alderwoman Hudson**

- Great to see everyone out. It is wonderful to see the great representation of our schools.
- Kudos to Spring Lake Middle for the grant that you received for the 100 computers. Kudos to Steve from Sonic who provided lunch and Brooklyn Pizza who provided dinner.
- Thank you to Chris Rey for the great job with the 5K run and thank you for the donations.
- Requested a written copy of everything that is going to be presented at the Board meetings.

**Mr. Burns**

- You received an email from Senator Hagan's office regarding the DOT U-4444 project.
- You also received a handout from FAMPO. This is a courtesy copy.
- We will be interviewing for the Fire Chief's position this week and next week and I hope to have the position filled by August 1, 2011.
- The Police Department submitted for a COPS grant for two narcotics positions and we hope to hear something about that in August.
- Don't forget the invitation to the WWTP. Alderwoman Sutherland stated that she would like to

tour the Waste Water Treatment Plant this week.

- Tomorrow Mayor Clark and I will be meeting with Greg Burns from DOT concerning the U-4444 roadway project. If anything of substance comes from that we will get that information to you.

**II. Adjournment.**

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

**Motion:** Alderwoman Sutherland

**Second by:** Alderman Christian

**Vote:** Unanimous



*Rhonda D. Webb*

Rhonda D. Webb, MMC  
Town Clerk

ATTEST:

*Ethel T. Clark*

Ethel T. Clark  
Mayor