

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

August 12, 2019

**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 Larry Dobbins presiding.

**Board Members Present:** Mayor Pro Tem O'Garra  
Alderman James Christian  
Alderwoman Soña Cooper  
Alderwoman Jackie Jackson  
Alderwoman Fredricka Sutherland

**Others Present:**

Daniel Gerald, Town Manager	Ellis Hankins, Town Attorney
Tim Garner, Water Resources Director	Jay Graves, Recreation Director
Jimmy Hall, Inspections Supervisor	Doris Snider, Senior Center Director
Claiburn Watson, Finance Director	David Vandergriff, Director of Streets, Grounds and Sanitation
Jason Williams, Fire Chief	Rhonda D. Webb, Town Clerk

**2. Invocation**

Mayor Pro Tem O'Garra gave the invocation.

**3. Pledge of Allegiance**

Chief McDuffie led the meeting in the pledge of allegiance.

**4. Additions or Deletions to Agenda**

The Board added a Closed Session pursuant to G.S. 143-318.11(a)(6) as item 11 and change adjournment to item 12.

**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:** Alderwoman Cooper

**Second by:** Alderwoman Jackson

**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 22, 2019 Regular Meeting
- b. Re-appointment to Senior Center Enrichment Advisory Committee

**Action:** The Board approved a motion to approve the consent items: Minutes of July 22, 2019 Regular Meeting and Re-appointment to Senior Enrichment Advisory Committee.

**Motion by:** Alderwoman Cooper

**Second by:** Alderwoman Jackson

**Vote:** Unanimous

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

Ms. Betty Sanford, 104 Wapiti Drive, thanked the Town Manager for coming to her area but she still wants speed bumps in her neighborhood. She expressed concern about people leaving their trash cans out after pick up. She stated that she wants the junk cars taken care of and Mr. Gerald stated the Appearance and Sustainability Committee may be able to help. She stated the kids in the neighborhood come around begging for money for various things. They also are damaging property. Her neighbor has the incident on video. She spoke with the Police about this issue and was told by one police officer that they were just being kids. She does not want anyone to get hurt. Mr. Gerald will provide written responses.

#### **8. Public Hearing**

##### **a. Naming the Police Annex (or any other appropriate building) in Honor of Billy Manning**

Mayor Dobbins open the public hearing.

Mayor Pro Tem O'Garra stated Billy Manning was a Fireman and then a Police Officer in Spring Lake, he then became a Sheriff's Deputy in Cumberland County, the Police Chief of Spring Lake and then became the Mayor of Spring Lake. He was the first African American Police Chief and Mayor. He proposed to name the Poe Avenue bridge after Mr. Manning. Alderwoman Cooper reminded Mayor Pro Tem O'Garra that there is a different process for naming the bridge. She stated we must follow the guidelines. Alderwoman Cooper stated that she would like to make sure the name stays with the building and if the building should be moved the name will go with it.

Ms. Betty Sanford stated that she would like to see the Police Annex named after Billy Manning.

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

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

**Second by:** Alderman Christian

**Vote:** Unanimous

#### **9. New Business**

##### **a. CASE NO. 19-079. CONSIDERATION OF FRANK S. SUTHERLAND PROPERTY; REQUEST FOR A ZERO LOT LINE SUBDIVISION REVIEW; SPRING LAKE SUBDIVISION ORDINANCE; ZONED: R6; TOTAL ACREAGE: 0.48 AC +/-; LOCATED AT 1009 LISA CIRCLE AND 1010 KAREN CIRCLE; SUBMITTED BY FRANK S. SUTHERLAND (OWNER) AND DENVER M. MCCULLOUGH (SURVEYOR).**

Ms. Page advised that this case is consideration for a zero lot line subdivision review at 1009 Lisa Circle and 1010 Karen Circle. The property owner is requesting to zero up to the lot directly behind them. She stated both property owners would benefit from this and they would be able to build right up to the line. County staff recommends approval.

**Action:** The Board approved a motion to approve Case No. 19-079.

**Motion by:** Alderman Christian

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

**Vote:** Unanimous

(A copy of the Agenda Memo, Cumberland County Planning & Inspections Department Action Memorandum, Site Plan Sketch, Building Photos and Recommended Conditions of Approval is hereby incorporated by reference and made a part of these minutes – see attachment two.)

##### **b. CASE NO. 19-081. CONSIDERATION OF MDN RENTALS; REQUEST FOR A CB SITE PLAN; SPRING LAKE ZONING ORDINANCE; ZONED: CB; TOTAL ACREAGE: 0.10 AC +/-; LOCATED AT 108 N MAIN**

**STREET; SUBMITTED BY MDN RENTALS (OWNER) AND GEORGE M. ROSE (ENGINEER).**

Ms. Page stated this is a request for a CB site plan request from MDN Rentals. She stated the owner is requesting a change of use to allow amusement rentals. The development has a joint cross agreement parking with the adjacent parking to the south of the property. This property is in the Main Street Overlay District. She stated this is an allowed use in the zoning district.

**Action:** The Board approved a motion to approve Case 19-081.

**Motion by:** Alderwoman Cooper

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

**Vote:** Unanimous

(A copy of the Agenda Memo, Cumberland County Planning & Inspections Department Action Memorandum, Site Plan Sketch, Building Photos and Recommended Conditions of Approval is hereby incorporated by reference and made a part of these minutes – see attachment three.)

**c. Approval of #YOUmatter 5K Run**

Ms. Nunn advised she has a non-profit called Out of the Shadow Into the Light. Her son committed suicide on March 7, 2019 and she created this non-profit and the run for the kids to help relieve some stress since school is starting back and kids do suffer bullying. She provided a map of the proposed route. The run would begin at 8 a.m.

Alderwoman Sutherland expressed her condolences for the loss of her son. Alderwoman Jackson expressed her condolences as well and stated that she is 100% behind her because suicide with teenagers is heavy and they need that support. She stated that if there is anything she can do, let her know. She commended Ms. Nunn for having the strength to do this.

**Action:** The Board approved a motion to approve the #YOUmatter 5K Run and the proposed route on August 24, 2019 at 8 a.m.

**Motion by:** Alderwoman Sutherland

**Second by:** Alderwoman Jackson

**Vote:** Unanimous

(A copy of the Agenda Memo, #YOUmatter Flyer and Proposed 5K Route Map is hereby incorporated by reference and made a part of these minutes – see attachment four.)

**d. Street Closing Order, Tram Road**

Mr. Gerald asked the Board to approve the Order to close the road.

Mr. Hankins pointed out that the Order is contingent upon certain conditions which are listed in the Resolution. Once the conditions are met the portion of the road will be closed.

Alderwoman Sutherland expressed concerns about the noise and requested a noise barrier.

**Action:** The Board approved a motion to approve Resolution (2019) 11, Order Closing 470 Linear Feet of Tram Road Between the Bragg Boulevard Travel Way and the Eastern Property Line of 150 Tram Road and look at a noise barrier for the residents.

**Motion by:** Alderwoman Cooper

**Second by:** Alderwoman Jackson

**Vote:** Unanimous

(A copy of the Agenda Memo and Resolution (2019) 11 is hereby incorporated by reference and made a part of these

minutes – see attachment five.)

**e. Naming the Police Annex (or any other appropriate building) in Honor of Billy Manning**

Mayor Pro Tem O’Garra stated he would like for the Board to table this item and give the family the opportunity to make that decision.

**Action:** The Board approved a motion to name the Police Annex in Honor of Billy Manning and that any future police facilities bear his name.

**Motion by:** Alderwoman Cooper

**Second by:** Alderman Christian

**Vote:** 4-1                      Yes                                      No  
   Alderman Christian              Mayor Pro Tem O’Garra  
   Alderwoman Cooper  
   Alderwoman Jackson  
   Alderwoman Sutherland

**10. The Last Word**

Mayor Pro Tem O’Garra stated it is back to school time and two blocks behind Ruby Tuesday we will have a backpack giveaway on Wellons property. He has been blessing us by letting us use his property for the past two years. On the August 31<sup>st</sup> we will have another backpack give away along with other things at Mendoza Park. He also thanked the Police and Fire Departments for a successful National Night Out.

Mayor Dobbins welcomed Alderwoman Sutherland back. She stated “God is not finished with me yet”. She thanked her colleagues and specifically thanked Alderwoman Cooper. She stated she spoke with Mr. Gerald and with Mr. Davis prior to that to get a Splash Pad and now it has come to fruition. She also went to Mr. Gerald about getting the Compare Foods open and they had a soft opening yesterday. She thanked Mr. McNeil for having a job fair. We have to be attentive of the citizen’s concerns. We want to be proud of our Town. God always get the honor and the glory that I am able to continue to work hard for my constituents. She thanked everyone for their prayers and stated again God is not finished with me yet.

**11. Closed Session G.S. 143-318.11(a)(6) – Personnel**

**Action:** The Board approved a motion to go into Closed Session for personnel matters.

**Motion by:** Alderwoman Christian

**Second by:** Alderwoman Jackson

**Vote:** Unanimous

**Action:** The Board approved a motion to go back into open session.

**Motion by:** Mayor Pro Tem O’Garra

**Second by:** Alderwoman Cooper

**Vote:** Unanimous

Alderman Christian stated that it was with reservations, and something he does not take lightly, but in light of certain actions taken and certain things not being done to his satisfaction, he asked for Mr. Gerald’s resignation. He stated that he tried to compromise and wanted four Board Members to agree to the compromise but that did not happen. Mr. Gerald stated that he will not tenure his resignation; however, he asked the Board to table this item and hear his side of the story before they make a decision based on one person’s story. He stated if you are torn with the convictions that you say you have, then let’s meet to discuss it. Alderwoman Jackson stated it takes a three to two vote to decide and that Mr. Christian suggested that we do something, there was three of us that agreed to it and that left two without and he is now requiring that we have a four vote, which if I’m not mistaken, the Statute, policies, procedures requires you to have a three to two vote. The fact that he just said out here he is requiring four is breaking something, so I would like for that to go on record. Mr. Gerald said

again I think we should table this so you can hear my story. The room was not sound proof so you could hear what was being said and I have answers to every one of those questions and I have been in this position before being a Manager and a Director and it is best that the Board hears all parts of the story. Alderwoman Cooper expressed concerns about Mr. Gerald listening to a discussion that was closed session when we did ask you to step out, so to me that is concerning that you purposely sat there and listened to our conversation. That in itself goes to not listening and insubordination. Mr. Gerald said, again, the room is not sound proof so I can hear you with my door closed so I came out because you were in there such a long time, since 7:30 p.m. and my wife did have an operation and is ill and I am going to have to go to Durham, so it was a long and I just wanted to hurry up and get the process done. I am still going to have to go to Durham, so before you make any rash decision based on emotion and feeling, you need to make it based on fact and that is what I am trying to convey here. There are a bunch of questions, I didn't hear them all, I only heard one really, and that is based on trying to fill some gaps based on people's attendance. But, long story short, without getting into any details, I ask you to table it, discuss in the next two days, and if the Board feels the need to terminate me so be it. Alderwoman Sutherland stated she was an advocate for Mr. Gerald to run the town. She has concerns about things that are unethical with the budget, as well as, I personally ask you not to keep putting the Chamber contract on the agenda but when you thought I was incapacitated you still put it on there. I feel like the Town needs to be managed. There shouldn't be special privileges. Everybody needs their job and I am concerned about that Recreation Center and our HR. I am not going to talk about anything else that I have already addressed with the Town Manager. We have to take into consideration that each Board Member is very important and we should be informed and even the attorney said that you had meetings about the land and different things and some of us feel left out. I don't know if it was done purposefully or if you feel like you are just not accountable and the respect trickles down. Certain Board Members shouldn't know more than the others because we should all be equal. We were in there a long time and if you are going to make a motion, make a motion and we will move one. Mayor Dobbins stated that everybody, because of our imperfections, needs some redemption, some work, some remediation and that allows us that upon teaching and coaching, working, consoling, practicing could turn out to be better and perform better than we were before any remediation or coaching took place. All of us have made missteps, all of us have failed at one thing or another and every time we have failed, we have asked somebody for help or for redemption or even for forgiveness and I try to practice that every day. Mayor Pro Tem O'Garra stated he would like to give Mr. Gerald the opportunity to answer all allegations that were made and if he can't do this, then we would probably have 100%. I am also curious about the recreation use of the gym and people get it one way and some people have to pay. I just don't understand that. There are a few other things that I would really like to hear what's happened rather than jump up and say we are not going to have Mr. Gerald around.

**Action:** A motion to table this and give Mr. Gerald an opportunity to answer all the accusations that were made him was defeated.

**Motion by:** Alderwoman Jackson

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

<b>Vote:</b> 2-3	Yes	No
	Mayor Pro Tem O'Garra	Alderman Christian
	Alderwoman Jackson	Alderwoman Cooper
		Alderwoman Sutherland

**Action:** A motion to terminate Mr. Gerald's contract immediately was approved.

**Motion by:** Alderwoman Cooper

**Second by:** Alderman Christian

<b>Vote:</b> 3-2	Yes	No
	Alderman Christian	Mayor Pro Tem O'Garra
	Alderwoman Cooper	Alderwoman Jackson
	Alderwoman Sutherland	

Alderman Christian stated that he feels he is being forced into a position that he does not feel comfortable to take, considering what the Town Attorney has said, but I will take it anyway. When I do something, I will follow through with it but

I do not appreciate being interrupted when I am trying to talk and I do not appreciate little comments under people's breath either. People need to be professional. He stated that he does not appreciate being pushed into a corner and that is what some of my fellow Board Members are doing because they don't agree with what I proposed. He stated he is willing to reconsider and have Mr. Gerald answer the questions. But some of my fellow Board Members tried to block me out and I don't appreciate being put on the spot. He said he has serious concerns and he likes Mr. Gerald personally and I would rather we give him a few days to answer these concerns but I am not going to be put on the spot to make a snap decision that forces me to say yes or no. This pretty much all stated with the Chamber contract being brought up for a vote after we had already voted to deny the contract and again that looks like you are taking advantage of another Board Member being out, to try to push it through again. I did not call for a four-member vote in public, I called for a consensus, I did not say I would vote one way if I didn't have four votes, I called for a consensus and requested that four people agree. He stated that he is doing that from a professional point of view and I do this with a heavy, heavy heart.

Alderwoman Jackson stated in the professionalism, whether everyone agrees with you or not, you need to stick with your decision. The fact that you go back and forth, back and forth, makes tempers rise and make emotions come because you are not sticking to what you are saying. A consensus was done in the back and it was said that you would rather have a four vote than a three to two vote, which is what is required by General Statutes. You were the one who brought up the fact that we do an audit and everything and now you just said that if people didn't push you into a vote that you would vote for what Mr. Gerald said. There is just too much indecisiveness as to what you want to do. Alderwoman Cooper reminded the Board that information was discussed in Closed Session. There was a short disagreement discussion regarding Closed Session information. Mr. Gerald said he can appreciate what Mr. Christian said and about being backed into a corner and I can understand that being a Town Manager sometimes that happens to me. He stated your first mind was correct. If it was me this is what I would do. It's late, I've got to get to Durham but you don't have all the facts. Just table it and listen to my reason why I had to bring it back twice. Alderwoman Sutherland asked Mr. Gerald what was the reason and he replied there might be a reason. Alderwoman Sutherland again asked what and Mr. Gerald stated it was a budgetary reason. We tried to pass it, an increase for that year for that particular contract, the Board said no but the contract was also a part of next year's budget, so you would have had to speak on it twice because the Chamber wanted an increase for that year. Alderwoman Sutherland stated that some things have been done unethical. We can talk a good talk but when the facts are the facts, they are the facts. Mayor Pro Tem O'Garra stated Mr. Gerald actually brought out a point. The contract was \$15,000 per year and the Chamber requested an additional \$15,000 and that is what we had the meeting for. We denied the additional \$15,000 but we still had the regular \$15,000 in place so by the next meeting we terminated that \$15,000 and at the same time terminating the Chamber. Even if you terminate him, I still want to see the documentation for inuendios and things that you are accusing him of and I want to know about this recreation use where somebody is using it without authorization. And sir (speaking to Alderman Christian) I heard you go through the same spill when Ken Metcalf left here. Mayor Dobbins stated that is past history and to use someone else's name without them here to defend themselves is something we should not do.

**Action:** The Board approved a motion to terminate Mr. Gerald's contract immediately.

**Motion by:** Alderwoman Cooper

**Second by:** Alderman Christian

**Vote:** 3-2

Yes

Alderman Christian  
Alderwoman Cooper  
Alderwoman Sutherland

No

Mayor Pro Tem O'Garra  
Alderwoman Jackson

Mr. Hankins stated there is a legal matter regarding the issue that the Board just addressed. There is a written employment agreement approved by the Board between the Town and the Manager. He stated he will review that agreement and advise the Board about steps that need to be taken in light of the action you just took.

Mr. Hankins stated that Alderwoman Sutherland did not vote earlier on Case 19-079, therefore, as prescribed by law, if a Board Member is present and does not vote on an issue, that Board Member is counted as voting yes, unless they are

formally excused.

**Action:** The Board approved a motion to excuse Alderwoman Sutherland from voting on Case 19-079 for personal financial interest.

**Motion by:** Alderwoman Christian

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

**Vote:** Unanimous

Mr. Hankins also advised that the Board will need to appoint an Interim Manager.

**Action:** The Board approved a motion to place Rhonda Webb as acting Town Manager until such time that we can find someone else to take the reins.

**Motion by:** Alderwoman Cooper

**Second by:** Alderwoman Sutherland

**Vote:** 3-2

Yes

Alderman Christian  
Alderwoman Cooper  
Alderwoman Sutherland

No

Mayor Pro Tem O'Garra  
Alderwoman Jackson

Alderwoman Jackson asked what qualifications does Ms. Rhonda Webb have to be a Town Manager. She stated that you are getting ready to give Town Manager duties to a Clerk who does not have Town Manager responsibilities. If that isn't setting the Town up for failure, I don't know what is. She has no qualifications for that. Alderwoman Cooper stated that suggestion was just a temporary thing. It is no different than when Mr. Gerald is out of Town and he places Chief Williams or Chief McDuffie in charge. This is not a permanent thing, this is just so someone has the authority to make decisions on behalf of the Town. Alderwoman Sutherland stated not taking this personal, I'm ready to go home. Ms. Webb has served in that capacity twice and she knows what she needs to do. She will have directives from the Board. Mayor Pro Tem O'Garra stated the Police Chief or the Fire Chief or even our Finance Director, nothing against Ms. Webb, but these people get paid a lot more than she does.


**12. Adjournment.**

**Action:** There being no further business to come before the Board, the meeting was adjourned at 10:11 p.m.

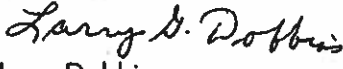
**Motion:** Alderwoman Cooper

**Second by:** Alderwoman Sutherland

**Vote:** Unanimous

  
Rhonda D. Webb, MMC, NCCMC  
Town Clerk

ATTEST:

  
Larry Dobbins  
Mayor