

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

January 14, 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 G. Dobbins presiding.

**Board Members Present:**

Mayor Pro Tem James O'Garra  
Alderman James Christian (arrived at 7:25 p.m.)  
Alderwoman Soña Cooper  
Alderwoman Jackie Jackson  
Alderwoman Fredricka Sutherland

**Others Present:**

Claiburn Watson, Acting Town Manager  
Tim Garner, Water Resources Director  
Troy McDuffie, Police Chief  
Rhonda Webb, Town Clerk

Ellis Hankins, Town Attorney  
Jay Graves, Recreation Director  
Jason Williams, Fire Chief

**2. Invocation**

Mayor Dobbins gave the invocation.

**3. Pledge of Allegiance**

Scout Troop 713 led the meeting in the pledge of allegiance.

Miss Amya Crooks played the Star-Spangled Banner on the clarinet.

**4. Additions or Deletions to Agenda**

The Board moved Item 10b from New Business to 7b so the County Manager would be present when the Board voted on the Sales Tax Agreement.

**Action:** The Board approved to move Item 10b, Sales Tax Agreement Approval to Item 7b under Presentations.

**Motion by:** Alderwoman Jackson

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

**Vote:** Unanimous

**5. Approval of Agenda**

The Board approved the agenda as amended.

**Action:** The Board approved a motion to accept the agenda with the proposed changes.

**Motion by:** Alderwoman Cooper

**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**

a. Minutes of the November 26, 2019 Regular Meeting and Minutes of the December 19, 2019 Special Meeting.

**Action:** The Board approved a motion to approve the consent items: Minutes of the November 26, 2019 Regular Meeting and Minutes of the December 19, 2019 Special Meeting.

**Motion by:** Alderwoman Sutherland

**Second by:** Alderwoman Cooper

**Vote:** Unanimous

**7. Presentations**

**a. Cumberland County Sales Tax Distribution Overview**

Ms. Cannon offered the Board a brief historical overview on how and why the agreement for sales tax was started. She stated in 2002 Cumberland County experienced a shift (loss) in sales tax revenue due to annexations by municipalities. Sales tax has historically been distributed based on population. As towns and municipalities annexed, that moved sales tax away from the County but did not diminish the County's mandate to provide services. In 2004, the County had lost, on a cumulative basis, \$4M. Over the years, based on additional annexations, that County shift has resulted in \$15M in sales tax that has been shifted away from the County and into other municipalities. In 2002, as the County faced future annexations, a working group made up of a representative from each municipality, the County and the schools came together and worked over a 15-month period to develop an agreement to mitigate some of the County losses with sales tax but also to recognize the new responsibilities that the municipalities had upon annexation to provide additional services. That brought about the sales tax agreement where sales tax was shared on a 50/50 basis. Upon an annexation the town or municipality retained 50% of their gain and the County agreed to share and only lose 50%. The working group felt like this was a true win-win. This allowed the municipality to keep 50% of the sales tax gained from the population and the County only lost 50% of the sales tax revenue because they had to keep providing services and this was a way to keep County services from diminishing due to the loss in revenue. That agreement was extended in 2013 and again in 2016 which leads us to where we are today. The County has brought forward a proposal for each municipality to consider. In order to continue what the County believes is a community issue and continue a win-win, the County has agreed to reduce their portion of the sharing from 50% to 40% and the City of Fayetteville and the municipalities will all share 60% of all the growth after fiscal year FY2020. She stated this is a 4-year agreement. Ms. Cannon clarified that this agreement begins in FY2020 and the distribution will continue to be the same as it has been being, 50%/50% share. This then becomes the base year for future growth distribution. In years FY2021 through FY2023 any growth above the base amount will be split between the County and the municipalities 40%/60%. She also advised that should something happen and there would be a loss and not growth, the County and municipalities would also share in the loss 40%/60%. She stated that has not happened in 10 years and she hopes we never have to experience that.

**Action:** The Board approved a motion to approve the Sales Tax Agreement.

**Motion by:** Alderwoman Jackson

**Second by:** Alderwoman Cooper

**Vote:** Unanimous

(A copy of the Agenda Memo, PowerPoint Presentation and Interlocal Agreement for Sales Tax Distribution is hereby incorporated by reference and made a part of these minutes – see

attachment two.)

#### **8. Public Forum**

No one spoke at the Public Forum

#### **9. Public Hearing**

**a. P18-43 Rezoning 3.02 +/- acs from C(P) Planned Commercial & M2 Heavy Industrial to C3 Heavy Commercial or to a More Restrictive Zoning District; Located on West Side of North Fifth Street, North of SR 1602 (Spring Avenue)**

Ms. Page presented Case P18-43 and stated the Cumberland County Joint Planning Board recommends denial of the rezoning from c(P) Planned Commercial & M2 Heavy Industrial to C3 Heavy Commercial and recommends approval of the rezoning from C(P) Planned Commercial and Mr Heav Industrial to C(P) Planned Commercial and find it is consistent with the adopted Spring Lake Land Use Plan (2003) which calls for "heavy commercial" at this location and further find that approval of the request is reasonable and in the public interest because the C(P) Planned Commercial district will enable the Board to have oversight of the proposed site plans, ensuring the development complies with the minimum town standards and the district is in harmony with surrounding zoning and existing land uses. She stated the property owner has agreed to this Planning Board recommendation.

Mr. Tasos Hasapis stated he purchased the property and tried to make it a grocery store, auto parts store, and a dog hotel and was unable because of the Ordinances. He stated this is why they are asking for the rezoning. He stated that he would like for Spring Lake to look good.

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

**Motion by:** Alderwoman Jackson

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

**Vote:** Unanimous

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

#### **10. New Business**

**a. Case P18-43 Rezoning 3.02 +/- acs From C(P) Planned Commercial & M2 Heavy Industrial to C3 Heavy Commercial or to a More Restrictive Zoning District; Located on West Side of North Fifth Street, North of SR 1602 (Spring Avenue)**

Ms. Page had previously presented this case. She asked if there were any questions and no one had questions.

**Action:** The Board approved a motion to approve Case P18-43 to C(P) Planned Commercial.

**Motion by:** Alderwoman Cooper

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

**Vote:** Unanimous

(A copy of the Agenda Memo, Planning board Action Memo and Site Sketch is hereby incorporated by reference and made a part of these minutes – see attachment four.)

#### **b. Sales Tax Agreement Approval**

This item was moved to Item 7b of the agenda.

**c. Approval to Secure Structures at 626 Goodyear Drive, 700 Eva Circle and 317 Rutherford Street**

Mr. Porter stated that he prefers not to board the structure up but there are squatters trying to stay in the structure located at 626 Goodyear Drive. He stated the owner of the property contacted him and wants to sell the property. The Town wants to work with him to sell it but for safety purposes it needs to be boarded up. Alderwoman Cooper stated that she wants the Town to cut the grass more often. Mr. Porter stated that he will try to cut the grass more frequently. Alderwoman Sutherland asked what the time frame is for getting this resolved and Mr. Porter stated that the owner did not respond to the notices that were sent and/or posted. If the owner does not decide to follow through with selling the property then the Town will put a lien on the property to recoup what was spent to secure and upkeep the property. Mr. Hankins stated that he, the Manager and Mr. Porter have been meeting and discussing a more regular orderly process on these proceedings and by the time we get to this point we are ready to proceed. He also stated that Mr. Porter was put out there to enforce the Town's codes but he was never given the training that he needs. There was a conversation last week about sending Mr. Porter to the School of Government or somewhere to learn about code enforcement and the law and how to enforce our ordinances and best practices that have worked for other towns. With respect to this property, when properties have fallen into disrepair and are unsafe, we need to make it harder for people to get into them for safety reasons.

**Action:** The Board approved a motion to secure the property located at 626 Goodyear Drive.

**Motion by:** Alderwoman Cooper

**Second by:** Alderwoman Jackson

**Vote:** Unanimous

Mr. Porter stated he wants to secure the structure located at 317 Rutherford Street to give the owner more time to bring the property up to code. He stated the Town has maintained this property for the past year which includes grass, trash and debris. He reported that during this time the property has been sitting open. The windows are broken and the wood is decaying. Alderwoman Jackson asked if we decide not to board the structure up would we replace the windows and Mr. Porter stated it would cost too much to bring it back up to code. The only other options we have is to secure it (board it up) or demolish it. She asked if we place a lien on the property does it automatically become the town's property and Mr. Hankins stated it doesn't automatically move into the town's ownership until we go through a procedure to foreclose a tax lien or something like that. He stated that what we are doing now is attaching a lien to the property so that when the property is sold, the cost the town spends to keep the grass cut and the property from getting in further disrepair can be recouped. Mr. Porter stated that no one showed up to the hearing.

**Action:** The Board approved a motion to secure the property located at 317 Rutherford Street.

**Motion by:** Alderwoman Cooper

**Second by:** Alderwoman Jackson

**Vote:** Unanimous

Mr. Porter stated the Town has been maintaining this property located at 700 Eva Circle all of last year. He stated the taxes on the property have not been paid as of last year.

**Action:** The Board approved a motion to secure the property located at 700 Eva Circle.

**Motion by:** Alderwoman Jackson

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

**Vote:** Unanimous

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

**d. Budget Amendment 2019.2, DOT Utility Agreement**

Mr. Watson presented Budget Amendment 2019.2 and stated the agreement was approved by the Board of Aldermen on August 27, 2012 for \$633,042.53. NCDOT allowed the Town to make the payment over three fiscal years. The first payment is now due at a total of \$211,014.17. These funds were not approved in the current budget because no one knew how much it would be when the final bill was done. Alderwoman Sutherland asked what the agreement was for – what improvements were they planning on doing?

Ms. Webb read the minutes from the August 27, 2012 meeting where the Town Manager Mr. Burns reported to the Board that the original payment was going to be \$3M but after negotiations the Town's portion was going to be 462,000 with a payback period of three years from the completion of the project without interest. At the time Mr. Burns requested approval of the agreement and direction that staff will bring back to the Board a repayment schedule and repayment plan. He suggested the repayment schedule and plan be done in conjunction with subsequent budget cycles. Alderman Christian clarified that we will pay this back after completion of the project. Mr. Burns stated yes and further clarified this is for water, sewer and stormwater services.

**Action:** The Board approved a motion to approve Budget Amendment 2019.2.

**Motion by:** Alderwoman Cooper

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

**Vote:** Unanimous

(A copy of the agenda memo and Budget Amendment 2019.2 is hereby incorporated by reference and made a part of these minutes – see attachment six.)

**e. Budget Amendment 2019.3, Fire Department**

Mr. Watson presented Budget Amendment 2019.3 to budget proceeds of \$4,300 from the South River Electric Membership Cooperative Community Assistance Corporation for the Operation Roundup Grant Program to enhance the Town's Water Rescue Operations. Alderman Christian asked if we have qualified divers and Chief Williams stated we have three people certified.

**Action:** The Board approved a motion to approve Budget Amendment 2019.3.

**Motion by:** Alderwoman Sutherland

**Second by:** Alderwoman Cooper

**Vote:** Unanimous

(A copy of the agenda memo and Budget Amendment 2019.3 is hereby incorporated by reference and made a part of these minutes – see attachment seven.)

**f. Resolution (2019) 1, Road Closure, Portion of Tram Road**

Ms. Webb explained that Resolution (2019) 1 is the first step in the process to close a portion of Tram Road. The road closure is part of the Circle K site plan that was approved by the Spring Lake Board of Aldermen on November 26, 2018. There are several steps in the process and the next step will be to hold a public hearing on February 25, 2019 as directed in the Resolution.

**Action:** The Board approved a motion to approve Resolution (2019) 1.

**Motion by:** Alderwoman Jackson

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

**Vote:** Unanimous

(A copy of the agenda memo and Resolution (2019) 1 is hereby incorporated by reference and made a part of these minutes – see attachment eight.)

**g. Discussion Regarding Text Amendment to the Zoning Ordinance**

Mr. McNeil stated the Town's Zoning Ordinance and use matrix only allows call centers in industrial zoning. He proposed a text amendment to the Town's Ordinances to allow call centers in areas zoned C(P) and C3. This would allow the Town the ability to recruit call centers to the Spring Lake area. The process moving forward would be a request to the County Planning and Inspections for a text amendment to the zoning Ordinance to allow for call Centers as a permitted use.

**Action:** The Board approved a motion to approve the request and task the Town Manager to make a request to the County for a Text Amendment to the Zoning to add call centers as a permitted use.

**Motion by:** Alderwoman Sutherland

**Second by:** Alderwoman Cooper

**Vote:** Unanimous

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

**11. Introduction of Inspections Supervisor**

Mr. Watson introduced Mr. James Hall, the Town's new Inspections Supervisor and everyone welcomed him.

**12. The Last Word**

Alderman Christian wished everyone a happy and prosperous new year. He stated we are going to do great things this coming year.

**13. Adjournment.**

**Action:** There being no further business to come before the Board, the meeting was adjourned at 8:42 p.m.

**Motion:** Alderwoman Cooper

**Second by:** Alderwoman Jackson

**Vote:** Unanimous

ATTEST:

*Larry G. Dobbins*  
Larry G. Dobbins  
Mayor



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