

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

October 14, 2019

MINUTES

5:30 p.m.

The Spring Lake Board of Aldermen held a special meeting at the Spring Lake Municipal Building with Mayor Dobbins presiding.

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

**Others Present:**

William Zell, Interim Town Manager  
Ellis Hankins, Town Attorney  
Banard Lemon, Audio/Visual Technical  
Rhonda Webb, Town Clerk  
Melissa Pereira, Deputy Town Clerk

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

Mayor Dobbins gave the invocation and led the Pledge of Allegiance.

Additions/Deletions and Approval of Agenda

Business

a) Campaign Regulations and Ethics

Purpose: Why campaign is being discussed

Mayor Dobbins began explaining our business and reasons for this special meeting with Mr. Hankins, Town Attorney, to discuss with the Board and Town citizens that nature of campaign regulations and ethics.

The following items were instructed by Mr. Hankins:

Campaign Regulations and Ethics

Mr. Hankins began by explaining why the Special Meeting was requested by two board members, and that the Mayor or two Board members can call a special meeting. Mr. Hankins said that the purpose for the Special Meeting was to discuss the statues and regulations of campaign regulations and ethics. The questions asked are as follows:

- 1) Why is a Special Meeting being conducted to discuss campaign regulations and ethics prior to an election?
- 2) Why are candidates encouraged to attend the Special Meeting?
- 3) Should the Meeting be only Board Members when it comes to campaign regulations and ethics?
- 4) Why are candidates in the public asking questions and issues in discussion when the purpose is campaign regulations and ethics?
- 5) When is the Town Board election?
- 6) Who can run for Town Board?
- 7) What offices and the terms?

In question #1, Mr. Hankins stated two board members requested Special Meeting. Mr. Hankins explained he talked to the Cumberland County Board of Elections Director, Terri Robertson, and she did not have any concerns about Mr. Hankins giving instruction on the campaign regulations and ethics presentation. Mr. Hankins did ask Terri Robertson a few questions about campaigning. In question #2, Mr. Hankins stated all candidates and citizens are encouraged to attend and invited to submit questions to the Town Clerk prior to the Special Meeting. In question #3, Mr. Hankins stated No, that all meetings are for everyone and welcome to all. Mr. Hankins stated the reason he made that request for questions and ask the clerk to include in the notice is because it gave him time to research the answers to what citizens would like to know and he could answer correctly. At this time, Mr. Hankins started presentation.

#### Campaign Regulations and Ethics Presentation

Mr. Hankins started with the first question, when is the election? Under the Town of Spring Lake municipal election, November 5, 2019 and every two odd numbered years in municipal elections and that's what the statute states. The next question was who can run? Mr. Hankins said the North Carolina Constitution Article VI Sec. 6, the statutes, and the Spring Lake Town Charter states anyone who is 21 years old, a register voter, and lives in the town of Spring Lake and are elected by the voters. Alderwoman Sutherland stated she called the Board of elections and a person must reside in the town at least 6 months. Mr. Hankins said yes, you have to be a registered voter. Mr. Hankins explained the one stop voting procedure and early voting. If someone has not registered to vote the law allows them to go to the Voter's office and register on the spot with proof of residence. Mr. Hankins question was what offices were on the ballad for Spring Lake? Mr. Hankins explained the direct election of the Mayor and five members of Board of Aldermen. What are the terms, Mr. Hankins stated the Mayor and Aldermen/Alderwoman serve two-year terms? Mr. Hankins describes the types of municipal elections General Statute Chapter 163A, Article 27. Mr. Hankins asked what is nonpartisan elections? Non-partisan plurality is the simplest type. The Town of Spring Lake falls under this election. No one runs on democratic or republic, change file. The one with the most votes wins. The election is on November 5th. Mr. Hankins asked what type is the Town of Spring Lake? Alderwoman Sutherland stated non-partisan plurality and we are not Democrat or Republican and that's great. Alderwoman Jackson asked what if it comes up that a person asks what is there political affiliation and is it wrong to ask? Mr. Hankins stated no its not wrong because we are all registered voters. Mr. Hankins said its public information. Mr. Hankins explained candidates file for office between July 5th-19<sup>th</sup>. Board of elections staff gave all filed candidates a Municipal Candidates Election Guide and copies of statutes about placement of campaign signs.

#### Policies and Procedures

According to G.S 160A-101 General Assembly, Mr. Hankins asks why does Spring Lake have that particular type

of election? Mr. Hankins said because the Spring Lake Charter says so. The General Assembly and State legislator can change the Town Charter and go to a different type of election by changing the terms of office to four years and increase the number of Aldermen/Alderwomen and draw Board election districts. Mr. Hankins said Local Charter can be amended and it was done once in Spring Lake. The Board can propose for a referendum and 10 percent of the voters could participate. In addition, then people vote on those changes. Mr. Hankins described changes previously that The Local Charter made changes to go to Council-Manager form of government that created a Town Manager between 1977-1979.

Mr. Hankins asked who administers elections? Mr. Hankins explains the County Board of Elections and professional staff administers elections? Alderwoman Sutherland asks what does it mean when they administer? Mr. Hankins said that's the place candidates go to run, or file based upon the laws of the County Board of Elections and they provide information as well as advice. Mr. Hankins continued to explain that local volunteers and election staff help at polling sites that is administering.

Alderwoman Jackson quoted so the Town of Spring Lake or the Town has nothing to do whatsoever with the elections? If that's the case, my next question is, with us holding this meeting here aren't we out of order because this is not Town business? Mr. Hankins stated its certainly a matter of public concern that it involves. Alderwoman Jackson stated I understand. Mr. Hankins went on explaining it is a matter involving the governance of the Town and the matter of public interest. Alderwoman Jackson asked if we're not in charge of it then how is it regulated? Alderwoman Jackson asked is this considered Town business? Mr. Hankins stated it certainly a morally subject. Alderwoman Jackson stated she understands but why is the business being done by our town attorney and not by the Board of Elections? Alderwoman Jackson said she knows. She states the taxpayers are paying for this and it's not Town business. Alderwoman Jackson concerns were why this was not set up like a workshop from the Board of Elections and given for free? Mr. Hankins explains he taught this at the University, and he asked for any advice from the Board of Elections Director Terri Robertson and she respectfully declined. Alderwoman Jackson concerns are spending taxpayer's money to have Town attorney instruct training on Board of Elections.

### Early Voting and Absentee Ballots

Mr. Hankins states early voting begins October 16, 2019 and ends November 1, 2019. The last day to request Absentee Ballot is October 29, 2019. Mr. Hankins said the Spring Lake Board of Aldermen adopted a resolution allowing use of absentee ballots because we are in a military community. Mr. Hankins describes there is also one-stop voting this is someone who has not registered to vote and can go to Elections Office with proper documentation of residential address can vote.

### Campaign Signs

Mr. Hankins stated under G.S 136-32 campaign signs that candidates can place signs on ROW (right of way) of DOT before early voting begins and until the 10<sup>th</sup> day after the election, with permission of the owner of the property fronting the ROW (right of way). Mr. Hankins stated they have to be removed within 3 days after the election. Alderwoman Sutherland says that's right. Mr. Hankins said you have to have permission from

homeowner, business or institution before putting signs up and they have the right to tell you no. Alderwoman Sutherland said to Mr. Hankins we know your salary is not separate from the meeting and you know as well. Alderwoman Sutherland said there were signs that were placed on property owners and they were not asked. Mr. Hankins said as an example that WRAL does not allow campaign signs in front of their property and they would remove signs. It's a misdemeanor to steal lawfully placed campaign signs.

Alderwoman Jackson wanted to address the salary and make note that the Attorney's retainer is paid \$3000 a month which includes 10 hours of work. Alderwoman Jackson stated anything after 10 hours is \$190 an hour. Mr. Hankins said its correct. Alderwoman Sutherland said we can move on. Mayor Dobbins hit the gravel and told Mr. Hankins to continue his meeting. Mr. Hankins stated campaign signs should be three feet away from the pavement, less than 42 inches high, and no larger than 864 square inches. Alderwoman Cooper asked how to do we enforce the stealing of campaign signs? Mr. Hankins stated it's a Class III misdemeanor to steal campaign signs and its up to 20 days confinement and \$200. Mr. Hankins said it's a misdemeanor and unlawfully to remove a lawfully placed campaign sign. Mr. Hankins stated if its placed at a property owner, and you did not get permission it is not a misdemeanor. Mr. Hankins said if someone comes along and takes, steals, destroys the signs then it's a misdemeanor, but the police department will not enforce this because they don't want to be in the middle. Mr. Hankins said you have to have direct evidence, or someone see someone unlawfully removing a sign. Mr. Hankins said go to magistrate office. Mr. Hankins said people need to leave other people's property alone. Alderwoman Sutherland said can you say that again. Mr. Hankins said leave other people's property alone.

Aldermen Christian asked can you say the fine again? Mr. Hankins said it's up to 20 days confinement and \$200. Aldermen Christian said someone owes him about \$200, 000. Mr. Hankins said it happens although it should never happen. Aldermen Christian said it shouldn't. Mr. Hankins said under DOT regulation it's also unlawfully to hang a sign or banner over the over-pass or state highways. Mr. Hankins said so far, the Board of Aldermen has not adopted any provisions in the Town system streets on the placement of political signs. Mr. Hankins stated there are no provisions. Mr. Hankins said one of the questions was how about placing signs at the Town Rec Center or Town Hall? Mr. Hankins said as far as I can see there is no ordinance against that, but his personal opinion is preferable avoidable. Mr. Hankins said he noticed there are not political sign in front of Town Hall, and he believes that's the way it should be. Mr. Hankins concerns if candidates were to place signs then it would look like the Town government endorses the candidates. Alderwoman Sutherland stated you can't do it in Fayetteville either.

#### Abuse of Office in Election Campaigns

Mr. Hankins said the abuse of power in election campaigns is wrong and unlawful and there is a discussion about this is Washington. Mr. Hankins said it is wrong, and unlawful, for any incumbent elected official to abuse the power of his or her office in support of their election campaign. Mr. Hankins said the Statues are clear, no use of public funds, supplies or equipment for campaign purposes, no undue pressure on government employees to contribute or support the candidate. Mr. Hankins asked what happens when an elected official uses power? Mayor Pro Tem O'Garra and Alderwomen Sutherland said Impeachment. Mr. Hankins stated it happened in city of Fayetteville and his law firm handled it.

Mr. Hankins said the Board of Aldermen adopted a Code of Ethics because the General Assembly requires by G.S 160A-86 to adopt of Code of Ethics. Mr. Hankins explains its very detailed and appropriate. Mr. Hankins explains all Board members need to obey all applicable laws regarding official actions taken. He continues to say that they need to uphold the integrity and independence of the board members office, they need to avoid impropriety in the exercise of the board members official duties. He also stated they need to faithfully perform the duties of the office. Mr. Hankins said they should make their judgements based upon the public good, and not on their desires or considerations. Mr. Hankins said show respect for their offices and not behave in ways that reflect bad options. He said no board members should not attempt to use their positions as board members to influence any staff member in execution of a staff members duties. Mr. Hankins stated Board members should use the Town powers for the benefit of the company. He stated Board members should promote public respect. Mr. Hankins stated board members should avoid the appearance of acting unethical. Mr. Hankins quoted don't do or say anything that you wouldn't be proud of to have your mother read about in the newspaper or hear about. Mr. Hankins stated every candidate should live by the Code of Ethics.

### Town Employees

Mr. Hankins said according to G.S 160A-169 about city employees' political activity that city employees are not subjected to political or partisan coercion while performing their job duties, to ensure employees are not restricted from political activities while off duty. And to ensure that public funds are not used for political or partisan activities. Mr. Hankins asked do I give away my First Amendment rights? Mr. Hankins states so the second paragraph states that statue says it is not the purpose of this section to allow infringement upon the rights of employees to engage in free speech and free association. Every city employee has a civic responsibility to support good government by every available means and in every appropriate manner. He said also no employee should be restricted while off duty from attending political meetings or advocating and supporting the principles or policies of civic or political organizations, or supporting partisan or nonpartisan candidates of their choice in accordance with the Constitution and the laws of the State and the Constitution and laws of the United States of America. (See PowerPoint for the rest of General Statues pertaining to political activity.) Mr. Hankins said government employee are entitled to their opinion and entitled to participate but it's probably not wise. City managers advise city employees to stay out of city election campaigns and they live by that. Mr. Hankins asked can a Town employee place a campaign sign for the Mayor or one of the candidates in their yard? Aldermen O'Garra said Yes. Mr. Hankins said yes, it may spark but they do have a right to engage in the election.

### Campaign Contribution & Expenditure Reports

Mr. Hankins said State laws requires, except municipal candidates who do not raise or spend more than \$1000. He said you can consult County or State Board of Elections for details.

In conclusion, Mr. Hankins asked can candidates come to Town Hall and make political comments and causing employees to feel intimidated? Mr. Hankins said no, its clearly wrong and inappropriate for any candidate. Alderwomen Jackson asked if anyone had any questions? Mr. Hankins said he is not prepared to answer

questions and that if they are any send to Town Clerk, and he will get answer.

**Adjournment**

**Action:** There being no further business to come before the Board, the meeting was adjourned at 6:18p.m.

**Motion:** Alderman O'Garra

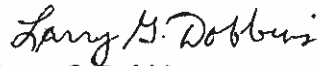
**Second by:** Alderman Christian

**Vote:** Unanimous



Melissa Pereira  
Deputy Town Clerk

ATTEST:



Larry G. Dobbins  
Mayor