

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

September 23, 2018⁹

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:

Ellis Hankins, Town Attorney
Jay Graves, Recreation Director
Doris Snider, Senior Center Director
Jason Williams, Fire Chief

Tim Garner, Water Resources Director
Jimmy Hall, Inspections Supervisor
Claiburn Watson, Finance Director
Rhonda D. Webb, Town Clerk/HR Officer

2. Invocation

Alderwoman Cooper gave the invocation.

3. Pledge of Allegiance

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

4. Additions or Deletions to Agenda

The Board added a Closed Session, G.S. 143-318.11(a)(6) - Personnel as Item 11, FYE 2018 Audit Update as Item 10g, Update by Police Chief on Recent Shooting in Holly Hills Neighborhood as Item 10h, , and deleted Item 10f, Budget Ordinance (2019) 8, Amend Appendix "A" and "B".

Alderwoman Sutherland requested that the auditors come out and provide an update on FYE 2018 Audit so the Board and citizens can understand why we have not had an audit in almost two years.

5. Approval of Agenda

The Board approved the agenda as amended.

Action: The Board approved a motion to approve the amended agenda and to revisit Item 10f after the Closed Session.

Motion by: Alderwoman Cooper

Second by: Alderman Christian

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 September 23, 2019 Regular Meeting

b. Resolution (2019) 15, Supporting Vape Shop Zoning Ordinances

Action: The Board approved a motion to approve the consent items: Minutes of September 9, 2019 Regular Meeting and Resolution (2019) 15, Supporting Vape Shop Zoning Ordinances.

Motion by: Alderwoman Cooper

Second by: Alderwoman Jackson

Vote: Unanimous

(A copy of Resolution (2019) 15 is hereby incorporated by reference and made a part of these minutes – see attachment two.)

7. Public Forum

Mr. Henry Ponder, 1620 Mack Street, expressed concern with the August 26 meeting where a Code Enforcement position was discussed. Mr. Ponder stated that the easement behind his house in Holly Hills is overgrown and Mr. Porter informed him that the funds were not there to perform the yearly clearing of the overgrowth. He said to the Board that they need to stop interfering with the day to day operations of the employees who are doing their job. He stated anything that the Town does with the Code Enforcement position must be done in accordance with the Military Act of 1994, Reemployment Rights and Limitations, Subsection 4313 which was eluded to by Alderwoman Sutherland. He stated that he went to the Town's website and saw that there was a position for an Executive Assistant/Deputy Town Clerk and asked what happened to Janet, was she fired or did she quit. Why has the job title changed, it used to be Executive Administrative Assistant to the Mayor and the Town Manager. Should there have been a public forum, why wasn't there a public forum like the one for the Code Enforcement Officer? He stated he asked these questions and questions at the previous Board meetings and has not received any answers to his questions.

Mr. Tony Burgess, 931 Pine Knoll Drive, presented boxing belts to the Mayor, Recreation Director Jay Graves and Fire Chief Jason Williams.

Ms. Rita Perry, 1013 Karen Circle, Ms. Perry read the following statement: A public information request was submitted for the contract for the selling of lumber generated from tree removals on Ruth Street and the Mutzberg property and proof of payment(s). I received copies of checks totaling \$35,876.39. However, in regards to the contract it was relayed to me via email that "it was done as a service and that services do not require bids or contracts." I concurred that service contracts do not require bids. However, the selling of lumber, which is a tangible asset of the Town of Spring Lake, located on Town property, is not a service contract. It is in fact the selling of property owned by the Town, which does require a contract depicting the financial details of such transaction. As such, the response provided in that email was insufficient. This morning, I made an inquiry directly to the timber company and miraculously, an agreement was email to me from the Town this afternoon. This matter went from not needing a contract because it was as a "service" to now an agreement appearing with no settlement/backing documentation; therefore, there is no accurate account of the exact amount due to the Town. All account receivables should be documented in detail and in accordance to any and all agreements.

At the September 9th regular meeting "Mayor Dobbins stated that the Board Members were all given an audit report at the end of the last fiscal year as required." As I did not recall an annual audit report, I searched the Town's website and was unable to locate the FY18 Annual Audit Report. On Tuesday, September 17th, I called the Local Government Commission (LGC) who officially confirmed that a LGC representative, David Erwin, would be visiting the Town of Spring Lake that week, as the Town had NOT submitted the FY18 Annual Audit Report as mandated by NCGS § 159-34 Annual independent audit; which requires each unit of local government and public authority to have its accounts audited after the close of each fiscal year. The Town of Spring Lake is the only Cumberland County municipality who failed to comply with this statute. This is completely unacceptable. It is the Town's Manager and Finance Director's responsibility to ensure that the Town of Spring Lake is in compliance with ALL General Statute financial requirements. More importantly, to ensure all financial records and reports are kept in an orderly and accountable manner, which they have failed to accomplish. As such, this is a formal request for an official explanation directly from S. Preston Douglas & Associates, LLP, the auditing firm

contracted by this Board to perform the annual audit, regarding their inability to complete the annual audit in a timely manner especially in light of the fact that the FY19 (which ended June 30, 2019) Annual Audit Report due date is approaching.

Thank you for your attention in these matters.

8. Presentations

a. Employee Appreciation, Alexander Thomas

Mayor Dobbins presented Alexander Thomas with a certificate of appreciation for 12 years of service to the Town.

9. Public Hearing

a. Case P19-36: Revisions and Amendments to the Town of Spring Lake Zoning Ordinance, Chapter 42, amending Article 1. – In General Sec. 42.8

Ms. Page, Cumberland County Planning presented this Ordinance Amendment.

Mayor Dobbins opened the Public Hearing. No one spoke for or against Case P19-36.

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

Motion by: Alderwoman Christian

Second by: Alderwoman Cooper

Vote: Unanimous

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

9. New Business

a. Case P19-36

Ms. Page reviewed the parameters again for Case P19-36. She clarified that the amendment applies to future development. Existing shops will be grandfathered in. Should an existing shop leave, we can prohibit another smoke shop from going into that property.

Action: The Board approved a motion to approve Case P19-36.

Motion by: Alderman Christian

Second by: Alderwoman Sutherland

Vote: Unanimous

(A copy of the Agenda Memo and Cumberland County Planning & Inspections Department Action Memorandum is hereby incorporated by reference and made a part of these minutes – see attachment four.)

b. Case P19-093

Ms. Page presented Case P19-093 for consideration of 1st Regional Commercial Leasing for a C(P) site plan review; Spring Lake zoning ordinance; zoned C(P); total acreage is 0.85 acreage located at 104 Superior Drive. She stated the owner is requesting approval of the site plan for medical counseling. Staff recommends approval.

Action: The Board approved a motion to approve Case P19-093.

Motion by: Alderwoman Sutherland

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

(A copy of the Agenda Memo and Cumberland County Planning & Inspections Department Action Memorandum is hereby

incorporated by reference and made a part of these minutes – see attachment five.)

Ms. Page announced she will be leaving the County Planning Department and this is her last time presenting items to the Spring Lake Board of Aldermen. She stated it has been nice getting to know everyone. The Board Members thanked her for her service and wished her luck.

Mr. Hankins asked if the County Manager had made a decision on the Planning Director and Ms. Page stated Rawls Howard was hired to be the County Planning Director.

c. Board to Determine Contractor for Third Street Sidewalk Project

Mr. Perdue reviewed the following timeline:

He stated the project was provided funding from Fayetteville Area Metropolitan Planning Organization (FAMPO) with a grant for up to \$184,168 or 80% of the total construction cost, whichever is less. They worked on the design but had delays because of the right-of-way being so small and fitting in the sidewalk in front of the school.

- April 25th, design for the sidewalk project was submitted to NCDOT for approval
- May 14th, design was approved and construction funds released
- May 18th, the bidding process began
- June 18th, bids were received from 4 contractors, bids range from \$199,711 – \$348,245
- June 19th, MacConnell and Associates recommended Sandhills Contracting for the project as the lowest bidder
- July 8th, Spring Lake Board of Aldermen awarded bid to Sandhills Contracting with Resolution (2019) 9
- August 1st, NCDOT denied the request for concurrence to award the contract to Sandhills, stating the failed to meet the DBE (Disadvantaged Business Enterprise) participation goal of 5% because a sub-contractor of Sandhills Contracting was not registered as a DBE at the time of the bid opening.
- August 7th, Sandhills Contracting was notified that the DBE was not met and therefore, a good faith effort package must be submitted showing their attempts to meet the DBE goal
- August 8th, Sandhills Contracting submitted their good faith package
- August 26th, the good faith package was submitted to the Spring Lake Board of Aldermen and the item was tabled
- September 9th, the Board of Aldermen again tabled the item

He stated the packet is again before the Board to determine if a good faith effort was met. If the Board determines that it was not met, we will send a letter to Sandhills Contracting rejecting the bid and the Board must award the contract to another bidder. Hollins Construction is the next lowest bidder. He stated the difference between Sandhills Contracting and Hollins Construction with consideration for the sidewalk Zaxby's had to put in and the Duke Energy lighting is \$39,253. Mr. Perdue also stated the Board could scale back the length of sidewalk to bring the cost down.

Action: The Board approved a motion to reject the Sandhills Contracting bid.

Motion by: Mayor Pro Tem O'Garra

Second by: Alderwoman Cooper

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

Action: The Board approved a motion to award the bid to Hollins Construction Services.

Motion by: Mayor Pro Tem O'Garra

Second by: Alderwoman Jackson

Vote: 4-1	Yes	No
	Mayor Pro Tem O'Garra	Alderwoman Sutherland

Alderman Christian
Alderwoman Cooper
Alderwoman Jackson

(A copy of the Agenda Memo, Bid Rejection Letter and Memorandum from MacConnell & Associates regarding the next lowest bidder is hereby incorporated by reference and made a part of these minutes – see attachment six.)

d. Project Ordinance (2019) 9, Third Street Sidewalk Project

Mr. Zell presented Project Ordinance (2019) 9 for the Third Street Sidewalk Project. This will provide for the receipt and expenditure of the grant proceeds and Town funds. Mr. Hankins stated that the funds can be put in the Budget Ordinance or it can be done this way. He stated this way is a sound way to track the project because the project may cross budget years and this is the best way to show that. There was a lengthy discussion regarding the dollar amounts on the Project Ordinance not matching the amounts described in the presentation.

Action: The Board approved a motion to table this item.

Motion by: Alderman Christian

Second by: Alderwoman Cooper

Vote: Unanimous

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

e. Approval to Accept SAFER Grant, Fire Department

Chief Williams stated the Scout Troop 713 attended the Board Meeting where he requested permission to submit for this grant. At that time, he told the Board it would cost \$750 for the application fee. Troop 713 decided they wanted to help. They raised \$1,500 for the Fire Department, more than enough money for the application fee. Chief Williams will put the difference in the training budget. Chief Williams stated that because of their help, the Fire Department was awarded the grant. He thanked them for all the help. The Fire Department was awarded the grant for six firefighters. The total grant amount is \$908,694. The Town will be responsible for paying \$75,000 the first two years. In year 3 the Town will be responsible for \$196,000 and after that the Town is responsible for the total amount it cost for all firefighters. This grant will save the Town more than one-half of a million dollars.

Alderwoman Sutherland commended Chief Williams for the detailed documentation. She asked Chief Williams to give the total amount that we will receive and he stated \$560,361. She stated that is job well done and Chief Williams stated he could not take the credit for it, Chief Richardson did most of the work and that he has a great team. Alderman Christian stated this is a really great thing for the Town of Spring Lake.

Action: The Board approved a motion to approve and accept the grant.

Motion by: Alderwoman Jackson

Second by: Alderwoman Sutherland

Vote: Unanimous

(A copy of the Agenda Memo and Award Letter from Department of Homeland Security is hereby incorporated by reference and made a part of these minutes – see attachment eight.)

f. Budget Ordinance (2019) 8, Amend Appendix “A” and “B”

This item was deleted from the agenda with the option to revisit it after the Closed Session.

g. FYE 2018 Audit

Alderwoman Cooper stated that she is concerned that the Board was not made aware that the audit has not been done.

She requested the Manager provide an update and explain why the audit was not done. He stated a representative from the LGC was at Town Hall last week but he did not say anything about the audit. A set of extenuating circumstances happened. Alderwoman Sutherland stated we are going to have to stop making excuses for work that has not been done. If they don't do their job, how can we make good decisions. She stated this is unacceptable. She stated the auditors need to do their job as well.

Alderman Christian asked how a balanced budget was done without doing an audit. He stated the budget for this year was contentious and seemed to be rushed and was done at the last minute. He stated he does not understand how we were able to do a budget without an audit and without knowing where the money is.

Mayor Pro Tem O'Garra stated Mr. Watson has been working on getting that second Fire Department and on the land. He stated some things need to be corrected but we are not going off the edge.

Alderwoman Jackson stated we need to ask Mr. Watson so that he can speak for himself.

Mr. Hankins stated that there is a written contract for the timber. General Statutes say that every contract the Town enters into must be in writing. He stated Ms. Perry is absolutely right and we need to make sure that our auditors complete this work as soon as they reasonable can. He explained all the things Mr. Watson has been doing and that there a set of extenuating circumstances that affected this. Alderwoman Sutherland stated that she means no disrespect to him but this is unacceptable. There were other towns under water and they managed to get their audit completed. We are going to stop making excuses and get their job done. We have never been in a situation like this.

h. Update by Police Chief on Recent Shooting in Holly Hills Neighborhood

Chief McDuffie reported that shots were fired in Holly Hills this weekend. The Police Department is actively investigating the incident and he is not prepared to discuss it any further. Alderwoman Sutherland stated people are scared because of the sound of an automatic gun firing. The citizens just want to see the Police in that area and feel more secure. Chief McDuffie stated they have beefed up their presence in that area. Alderwoman Cooper asked about 9-1-1 calls being routed to Fort Bragg. Chief McDuffie stated that if people dial from a land line the call will go directly to Cumberland County Dispatch but if they dial from a cell phone the call will be routed to Fort Bragg first because of the cell phone towers. Chief McDuffie stated the safety and security of the community is the Police Department's first priority.

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

Action: The Board approved a motion to go into Closed Session for G.S. 143-318.11(a)(6) – Personnel.

Motion by: Alderwoman Cooper

Second by: Alderwoman Jackson

Vote: Unanimous

Action: The Board approved a motion that we come back in from Closed Session.

Motion by: Alderwoman Cooper

Second by: Alderwoman O'Garra

Vote: Unanimous

Action: The Board approved a motion to add Budget Ordinance (2019) 8, Amend Appendix "A" and "B" back to the agenda.

Motion by: Alderwoman Cooper

Second by: Alderwoman Jackson

Vote: Unanimous

f. Budget Ordinance (2019) 8, Amend Appendix "A" and "B"

Mr. Zell stated that two weeks ago at the last meeting, the Board discussed the need to take some of the load off of the Town Clerk. He stated that currently the person who was the virtual assistant is filling in the position that was left vacant when the last admin assistant took another job. He stated he is trying to put someone in there who can progress into the Clerk position. He stated we need to approve the title and grade for the position because we are looking for an individual who wants to do that work and who can do it. Alderwoman Jackson asked why the position is posted and Mr. Zell stated he jumped the gun on that but he thought that was the way the Board was leaning when this was discussed and he wanted to go ahead and start getting applications for the position. He stated there was never going to be anything further without the Board's approval. He also stated that the individual who is the contracted person is doing a very good job. He stated she can deal with employees and citizens and she is learning very fast. She has been offered a job on Fort Bragg and if she leaves before we can get this process completed, we could really be hurt.

Mayor Pro Tem O'Garra stated we really need a school trained person to do HR and stated we really need to put our efforts in that direction. Mr. Zell stated there is no monies in this year's budget for an HR position but an Engineer position is budgeted for. He stated he is proposing that in January the Board would be able to hire an HR Director and he feels the new Manager would like hire his own people. Alderwoman Sutherland inquired about contracting out the HR duties and see if that is a possibility. Mayor Pro Tem O'Garra stated that he does not think it is appropriate to do this. He stated he still thinks we need to get an HR position. Alderwoman Cooper stated that Rhonda has served the Town for many years and we need to have the foresight to put someone in that position to train. Alderwoman Jackson asked why we don't just go from A, B and C to D. If there is a problem with HR then we need to just fix the job but if there is a problem with Rhonda being able to do the work then we need to find out what part she can't do and hire someone to do that. She stated it does not seem right to hire someone to help Rhonda if she is going to retire soon. Alderwoman Cooper stated that she is not suggesting that there is a problem with Rhonda's performance and she has never suggested changing what she is doing, she is suggesting that we have someone in place for the future so that we have someone in place, well trained, to step into those shoes should she retire. If we don't have the foresight to put someone in place then we are going to have a lot of problems. Right now, we should focus on putting somebody in place in that position and if we need to hire an HR Director we can add that later. Mr. Zell stated they could not be in more capable hands. There was some confusion about the position and adding a position. It was clarified that we are not adding another position, we are reclassifying the current position so that someone can begin training to take over the duties that Rhonda is doing now.

Action: The Board approved a motion to approve Budget Ordinance (2019) 8, Amend Appendix "A" and "B".
Motion by: Alderwoman Sutherland
Second by: Alderwoman Jackson
Vote: Unanimous

12. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 10:11 p.m.
Motion: Alderwoman Jackson
Second by: Alderman Christian
Vote: Unanimous

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



ATTEST:

Larry M. Dobbins
Larry Dobbins
Mayor