

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

September 9, 2019

MINUTES

7:30 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:

Bill Zell, Interim Town Manager	Ellis Hankins, Town Attorney
Tim Garner, Water Resources Director	Jay Graves, Recreation Director
Jimmy Hall, Inspections Supervisor	Doris Snider, Senior Center Director
David Vandergriff, Director of Streets, Grounds and Sanitation	

2. Invocation

Alderman Christian gave the invocation.

3. Pledge of Allegiance

Mayor Dobbins led the meeting in the pledge of allegiance.

4. Additions or Deletions to Agenda

The Board added a discussion regarding Mr. Billy Manning as item 9g.

5. Approval of Agenda

The Board approved the agenda as amended.

Action: The Board approved a motion to approve the agenda.

Motion by: Alderwoman Jackson

Second by: Alderwoman Cooper

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 August 26, 2019 Regular Meeting
- b. Bank Signature Card Changes

Action: The Board approved a motion to approve the consent items: Minutes of August 26, 2019 Regular Meeting and Bank Signature Card Changes.

Motion by: Alderwoman Cooper

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

7. Public Forum

Ms. Betty Sanford, 104 Wapiti Drive, stated that citizens of Spring Lake have a right to know what is going on in Spring Lake. She stated she does not think anything should be done undercover. She stated that she left town for three days and when she returned we did not have a Town Manager. She stated she wants to know why we don't have a Town Manager and stated this was done undercover. She stated the citizens should have been aware of what was going on. She stated we still have kids roaming the streets and looking for trouble. She also stated that the naming of the Police Annex should have been discussed before we started the public forum, not "Johnny come later" and the family should have been notified. She stated the citizens of Spring Lake should always know what is going on in the community.

Mr. Henry Ponder, 1620 Mack Street, stated that when he comes to speak before the Board it is not for political reasons or because anyone encouraged him to do it but because that is what he chooses to do. He stated he speaks to bring attention to things that he feels give a negative impression of Spring Lake and on any decision that the Board makes that he feels is unfair and jeopardizes the economic development of the Town. He stated that four businesses have closed since NCDOT began the highway project and he has heard rumors that Arby's, McDonald's, Pizza Hut and one of the Subway stores are going to close. He stated "here you are fighting over control over the Board when you have bigger fishes to fry." He asked why there was a delay in the meeting today and that they were supposed to be here at 7 o'clock and it didn't happen until 7:30 p.m. and the citizens have a right to know. He stated he has sit back for 27 years and said nothing but he intends to be here talking to them from now on. He stated that if you are an employee of this Town and not a resident, he would like to know what your vested interest in this Town is or are you only here to create drama and waiting for your paycheck. He further stated that as an employee of Spring Lake, your loyalty should be to Spring Lake and the betterment of Spring Lake and not here to take advantage of Spring Lake benefits offered or possibly looking for just to retire. He stated that at the last Board Meeting the Board discussed a forensic audit and it is on the agenda again. He asked if they are willing to have a forensic investigation to cover the entire Board of Aldermen and other Town officials and employees. He asked where they will get the money for this audit and stated not from the taxpayer's money. He stated Spring Lake does not need another black cloud on account of an audit. He reminded the Board that Mr. Hankins reviewed a possible course of action for hiring the Town Manager that would give citizens some input into what they want in a Town Manager and asked when that will happen. He stated when the audit is complete and if it does not show any wrongdoing by Mr. Gerald, that he be reinstated as the permanent Town Manager. He asked if the Board hears what the citizens of this Town say. He stated that he hears that the Aldermen are involved in the day to day operations of the departments and asked why. He stated that he has heard this for so many years and so many times that this record should be platinum by now. He asked why the Department Heads can't do what they were hired to do without the Board's interference.

8. Presentations

a. Census Update

Ms. Sharon Covington, Department of Commerce, Department of the Census, provided the Board of Aldermen with an overview of what the census is and how important it is. The census will be on April 1, 2020. They want to make sure they count everyone once, only once, and in the right place. She stated she needs the Board's help to do this. She stated this is the first time the Census is going to take advantage of technology and people will be

able to complete the census form online. For people who do not use a computer will still be able to complete the form over the phone, at a census office, at various places like the library or they can request the paperwork and complete it that way. She stated that some people are concerned about sensitive information and having to share that and she stated that she and all census workers take an oath that for the entire rest of her life she will not share the information that is shared with her. Should she break that oath she could be put in prison for up to five years, pay a fine of \$250,000 or both. She stated they do take the confidentiality very seriously. She stated that the Board of Aldermen can help by getting citizens of Spring Lake to come forward and participate. She stated the congressional representation is determined by the census numbers. She stated she would be happy to come back and discuss with the Board how to form a complete count committee. Information can be found at www.census.gov. They are hiring as well.

Mayor Pro Tem O'Garra asked about people in the community who do not wish to be documented. Ms. Covington stated that they are not asking for up to date green cards and the Department of Commerce does not share their data nor can it be bought. Everything is completely confidential.

Alderman Christian asked about the employment opportunities and where you go to apply for the positions. Ms. Covington stated you can call the 800 number or go to the census page.

Mayor Dobbins asked Ms. Covington if she would come back in January to refresh this for everyone. Mayor Pro Tem O'Garra requested information for Thursday and she stated she will bring him some information to hand out.

9. New Business

a. Approval of Interim Town Manager Employment Agreement

The Board of Aldermen approved the Interim Town Manager Employment Agreement

Alderwoman Sutherland requested clarification on Section 7, Bond and she stated that the date needs to be updated. Mr. Hankins explained that Town employees who handle public money have to be covered by a fidelity bond and the Town purchases a blanket fidelity bond through the League of Municipalities and the Interim Town Manager will be covered under that. Mr. Hankins stated this agreement is an update of a previous agreement and the places where Harnett County is listed should be changed to Cumberland County.

Action: The Board approved a motion to approve the Interim Town Manager Employment Agreement.

Motion by: Alderwoman Cooper

Second by: Mayor Pro Tem O'Garra

Vote: Unanimous

(A copy of the Employment Agreement is hereby incorporated by reference and made a part of these minutes – see attachment two.)

b. Oath of Office, Mr. Zell, Interim Town Manager

Mayor Dobbins administered the Oath of Office to Mr. Zell.

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

c. Resolution (2019) 14, Petition for Annexation, Cruciform Church of Christ

Mr. Hankins stated that the statutes allow annexation of contiguous property if the owner requests annexation. That is the case here. The statute requires staff, mainly the Clerk, to investigate whether the property meets the

requirements of the statute and whether the Town can provide services as the Statute requires and report that back to the Board. This is the beginning of the process.

Action: The Board approved a motion to approve Resolution (2019) 14, Petition for Annexation, Cruciform Church of Christ.

Motion by: Alderwoman Sutherland

Second by: Alderman Christian

Vote: Unanimous

(A copy of the Agenda Memo, Resolution (2019) 14 and Petition is hereby incorporated by reference and made a part of these minutes – see attachment four.)

d. Police Department Recruitment Initiative

Chief McDuffie requested approval of the Police Officer Cadet position. He stated this proposal is not for additional positions but for approval to place a person in a cadet position until they complete BLET and then move them into an existing vacant position.

Sergeant Smith provided the Board of Aldermen with an overview of what they are doing to try to recruit. That includes focusing on the local BLET training class which he visits a couple times each year. He stated he gets phone calls about the police officer positions but they are usually asking about pay and the department. They usually do not yield any results. Alderwoman Cooper asked why we don't go to other BLET classes in the area and around the State. Sergeant Smith stated he has been to Sandhills Community College and Robeson Community College and what he has found is that unless you can offer them something substantial, they will not leave their community. The salary is the main reason we are not getting recruits. Even if we offer them comparable pay, it is usually not worth them moving their family to come here. He stated when we do have job fairs here the other departments offer the recruits several thousand dollars to move and that is on top of paying a higher salary. Alderwoman Sutherland asked what makes the officers who are here, stay here, and Sergeant Smith stated he likes working here. She stated we have some fine officers who have been here as long as she has been on the Board. Sergeant Smith stated that is why he focuses on the local BLET, they are already in the area and are more likely to stay. Alderwoman Jackson clarified that Sergeant Smith is stating facts based on his experience and not opinions.

Alderwoman Cooper asked what we will be paying the cadets prior to hiring them and Chief McDuffie stated Fayetteville pays their cadets \$34,489 per year. He stated they decided to pay our cadets \$15 per hour, which equates to \$31,200 per year but they will not be a cadet for an entire year. BLET is approximately 5 to 6 months. Once they complete BLET and pass the State exam, they will go up to our starting salary of \$34,493. He stated he believes the \$15 per hour is competitive. He also stated that they are not asking for any additional funds because the funds for the vacant positions are already in the budget. Mayor Dobbins clarified that the next BLET will begin in January 2020 and nothing will come out of the budget until January. Chief McDuffie stated that the cadet position will be a regular position with a job description. It will pay less than a police officer position.

Action: The Board approved a motion to authorize the creation of Police Officer Cadet positions within the Police Department consistent with the presented job description within the Police Department's budget.

Motion by: Mayor Pro Tem O'Garra

Second by: Alderwoman Jackson

Vote: Unanimous

e. Discussion and Clarification, Forensic Audit

Alderwoman Sutherland requested clarification on the forensic audit. She stated that we should all work together and be good stewards of the taxpayers' money. She asked when the last audit was done and Mr. Zell stated in December. She stated when we ask questions, it is not to make anyone feel bad but to learn things. She stated Ms. Webb needs to let them know how much the Manager is authorized to spend on contracts. She also stated that the Board needs to know where and how much money is being spent. She stated that no one has called the State recently but if they come back, they may do an audit. She stated we need to be honest and upfront and be transparent and that includes the Manager, the Mayor, the Mayor Pro Tem and Ms. Sutherland. She stated that she does not see a problem with it if we don't have anything to hide. The reason it is back on this agenda is because the audit is underway and I don't want to have to guess. Mr. Watson stated that if there are specific matters, we want the auditor to look into they will do so but the Board did not get together to determine what we needed to look into. She stated we were audited once before and we were paying our auditors a lot of money but we still were audited and found we were not being good stewards of the taxpayers' money. She stated she believes everybody's job is important. That includes the Recreation Director who was here, our Assistant Recreation Director who was here, the HR person who was here, everyone's job who works for the Town of Spring Lake now and my job is important but when it comes to taxpayers' money, I shouldn't go out and buy a pack of gum and think that it's alright. She stated she has a right to ask about the taxpayers' dollars and she represents everyone here in the Great Town of Spring Lake. She stated she asked for the audit so we could put to rest some of these speculations. When it is a personnel matter, people shouldn't just say what they speculate or hear, they should do their own homework. That is why the forensic audit is on the agenda. Alderman Christian stated he echoes Alderwoman Sutherland's sentiments. He stated he takes his job serious and does not do things just on a whim. He stated he does not belong to a group or faction and he tries to work with everybody on the Board. He also stated this Board is divided. He has called for unity and respect and for us to come together as a group but the decisions he makes he takes seriously and nobody is telling him what decision to make. He stated that he is not in anyone's pocket. It is a privilege to serve this Town and he takes it as a privilege and it humbles him to know that people put their faith in him. People shouldn't go by rumors, speculations and conspiracy theories. Sometimes we can't reveal the facts, sometimes we can't say what's going on because HR laws prevent us from speaking out. He stated with the fear of God behind him, he takes his job very seriously. I take all my decisions very seriously and sometimes I do it with a heavy heart. He stated he wants people to look at the big picture and not assume there is some kind of conspiracy going on or I take things lightly. I don't do things lightly. In reference to the audit, I think we need to go through with it. Mr. Hankins stated that he is happy to summarize what the law requires. He stated the North Carolina Local Government Control Act in Chapter 159 of the General Statutes says every local government unit operates from a July 1 through June 30 fiscal year. After the end of every year, every unit of local government must have an annual audit. Sometime after June 30th the audit firm will come and begin the process. Every request that the auditors have must be complied with. It is their job to make sure internal controls are in place so that an unauthorized or improper expenditure of public funds does not happen. They generally look at the Town's finances to make sure the staff is not unlawfully spending money on things that are not provided for in the Town's budget. He stated he does not know the status of the Town's auditing firm but I know they have been doing the work with the Town's staff. A written audit report is required by law by December 1 of the calendar year, six months after the end of the fiscal year. The best practice is for a representative of the Town's auditing firm to appear in a Town Board meeting and he stated he recommends that. He also stated that audit report is sent to the Local Government Commission in the State Treasurers Office and if they don't receive it the Town will get a call to find out why it has not been submitted because it is required by law. The audit report also becomes a public document and anyone who wants to see it can. Many towns post the audit report on the Town's website and he recommends we do that in the future. Mr. Zell stated that if there are issues with the audit, the Local Government Commission will get involved. Mayor Dobbins stated that the Board Members were all given an audit report at the end of the last fiscal year as required. Alderwoman Sutherland stated the Board can ask for specific items about the audit. She stated that she is satisfied to ask our auditors for specific items.

Alderman Christian stated that is what he was going to ask for. He stated he remembers a time when the Finance Director said everything was okay and the Manager said everything was okay but then the State Auditors came in and audited us and things were not okay. Some people want to say it's a waste of money and no big deal but it is not a waste of money to look into things that we have concerns about. For people to question that and say that's not necessary is just wrong. He stated that he cares about his Town and he grew up here. Alderwoman Cooper stated that she would like to request that we meet with the auditor so that we can speak with them and make our requests. Mr. Hankins stated that he believes the auditors would be overjoyed to hear that the Board wants to meet with them. He stated he thinks the Board should also ask them how they do their job and what they are looking for. It is a good idea to consider changing audit firms from time to time. It is not required but it is something to consider. He stated the Finance Officer has responsibilities; the Town Manager has responsibilities but ultimately the fiduciary responsibility is the Boards. That doesn't mean micromanaging and getting into every little detail every day, it means you give oversight. Mayor Pro Tem O'Garra stated that he has been sitting there listening for the last 45 minutes to reasons why we should have a forensic audit. It seems like it is kind of late. We have already fired the Manager and we are now looking for reasons why we fired the Manager who never had the opportunity to sit down and discuss what we felt was wrong. I have heard things like virtual secretary, and he had a contract, and that person was working for the Town, but some people don't know that he is authorized to make a contract within a certain amount of money and it is normal practice and after you have been on the Board for a while you realize this. There is also a cap on what he can do. If we need work done on the road or something like that, he is authorized to go up to \$105,000. So, I am sitting here listening and to me, I get along with everybody, but I like to make sense of what we are doing here. From what I see, all we are doing is trying to justify a mistake. Alderwoman Jackson stated that she agrees with Mayor Pro Tem O'Garra and if there is a question or concern that the Manager may or may not have done something wrong, it should have been done then before we fired him. At the end of the day, you are proven innocent until you are proven guilty. The way he asked to explain some of the things came up, we as the Board did not give him that and so now, we are trying to justify what we did and it's after the fact, it should have been done before. The question of him being fired should have been brought to all the Board members and it didn't happen that way. Now to go spend more taxpayers' money to find out what he may or may not have done, could have been done before. He should have been innocent before he was found guilty. Then we wouldn't be spending all this extra taxpayers' dollars to do something that he could have done while he was on a probation period or whatever. Mayor Dobbins stated we will ask Ms. Webb, upon her return, to set up a time for this Board to meet with the auditors.

f. Mr. Billy Manning

Mayor Pro Tem O'Garra stated that Ms. Sanford said what needed to be said. The family would like to have the bridge named after Mr. Manning and I believe we need to do what they want. Alderwoman Cooper stated that she did speak with the family prior to making the motion to name the Police Annex after Mr. Manning and they had no disagreement at that time. She stated that she has since talked with them and explained what has been done to name that bridge. She stated she shared all the stipulations that must be met to name the bridge after someone and one of those stipulations is that the person must have been dead for one year and Mr. Manning does not, at this time, qualify to have a bridge, road or ferry named after him. Secondly, you must have a unanimous vote by the Board and you must have over whelming community support. She stated that she did her homework and she is a policy person and that is the policy for naming a bridge, road or ferry. She also stated that it is possible, as she told Mr. Manning's daughter yesterday, to have both. It is ultimately up to NCDOT. She also reminded everyone that she specifically made sure that any future Police facility carry that name. That is not a guarantee that the name would pass with DOT but she knew it would pass on the Police facility. Mayor Pro Tem O'Garra stated that he is just following the families wish. He stated that the family asked if Representative Lucas could take the request to the Governor and he told them he did not know and there is a good chance that it has to go through transportation first. He stated that is their desire and if anyone would like for them to come back and repeat it at the podium they will. Alderwoman Sutherland stated that she has no problem with naming things after people but she thinks we need to move forward. She stated when we named the Industrial Park roadway

after Marvin Lucas, there was a proper procedure and as long as we can go through the proper procedure, then let's name the bridge after him. Again, 45 minutes talking about a great man and his public service.

**10. Closed Session G.S. 143-318.11(a)(3) – Attorney-Client Privilege
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)(3) – Attorney-Client Privilege and G.S. 143-318.11(a)(6) – Personnel.

Motion by: Alderwoman Jackson

Second by: Alderwoman Cooper

Vote: Unanimous

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

Motion by: Alderwoman Jackson

Second by: Alderman Christian

Vote: Unanimous

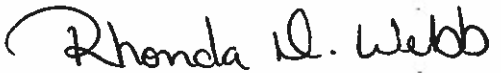
12. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 10:08 p.m.

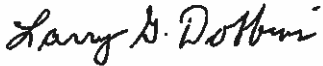
Motion: Mayor Pro Tem O'Garra

Second by: Alderwoman Jackson

Vote: Unanimous


Rhonda D. Webb, MMC, NCCMC
Town Clerk

ATTEST:



Larry Dobbins
Mayor