

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

April 27, 2020

MINUTES

7 p.m.

The Spring Lake Board of Aldermen held a special 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 Taimoor Aziz
Alderwoman Sofia Cooper (participated via Zoom)
Alderwoman Jackie Jackson
Alderman James O'Garra
Alderwoman Fredricka Sutherland

Others Present:

Daniel Gerald, Town Manager
Jason Williams, Fire Chief
Tonny McNeil, Economic Development
Tim Garner, Director of Water Treatment Plant
Melissa Pereira, Deputy Town Clerk

2. Invocation

Mayor Dobbins gave the invocation.

3. Pledge of Allegiance

Mayor Dobbins led the meeting in the pledge of allegiance.

4. Add or Deletions to Agenda

Mayor Dobbins asked are there any additions or deletions to the agenda.

Mayor Pro tem Aziz asked to add a discussion for Town Attorney Interviews as item number 8f under New Business. Alderwoman Cooper asked to delete 8e under New Business for the Consideration of selling Town properties because this is not economic development. Alderwoman Cooper stated she would like to have more information about the properties. Mayor Dobbins stated that we replace the item 8e with the Resolution Disposition of real property.

5. Approval of Agenda

Action: The Board approved a motion to approve the April 27, 2020 Board of Aldermen Regular Meeting agenda.

Motion by: Alderman O'Garra

Second by: Alderwoman Jackson

Vote: Unanimous

6. Approval of Consent Items

Action: The Board approved a motion to approve the consent items for April 13, 2020, Regular Meeting and Proclamation, Buildings Safety Month, May 2020.

Motion by: Alderwoman Jackson

Second by: Alderman O'Garra

Vote: Unanimous

8. New Business

Waiving Hurricane Florence Permit Fees for Mr. Troy Simmons located at 1504 N. Bragg Blvd, Spring Lake NC
Mr. Gerald asked the Mayor and Board of Aldermen to waive Hurricane Florence permit fees for Mr. Troy Simmons. Mr. Gerald stated the estimated cost is \$500 due to Hurricane Florence. Mayor Dobbins stated that we will waive the permit fees for Mr. Troy Simmons. Mr. Gerald explained the estimated cost for all permits which include \$280, plus, electrical permit (\$55), insulation permit (\$55), mechanical permit (\$55), and plumbing permit (\$55).

Action: The Board approved a motion to approve to waive Hurricane Florence permit fees for Mr. Troy Simmons located at 1504 N. Bragg Blvd, Spring Lake, NC 28390.

Motion by: Alderwoman Sutherland

Second by: Alderman O'Garra

Vote: Unanimous

Case # 97-023 Consideration of Charles Testerman Properties, Request for a C (P) site plan review, Spring Lake Zoning Ordinance.

Mr. Jimmy Hall discussed for Case # 97-023 Consideration of Souljah Nails and Spa and requested for a C (P) site plan review. Mr. Jimmy Hall stated the property owner is requesting approval of a nail and spa salon within an existing building located at 101 Sleepy Drive, Spring Lake, NC 28390. Mr. Jimmy Hall explained the property owner is requesting approval of a site plan for a nail and salon. The remaining portion of the building was approved for a dentist's office on February 25, 2013. The property is currently zoned as C(P) Planned Commercial District. This request is consistent with the comprehensive plan designated as the 2030 Growth Vision Plan. The request is also consistent with the Spring Lake Area Detailed Land Use which calls for Planned Commercial at this location.

Action: The Board approved a motion to approve Case #97-023 consideration of Souljah Nails & Spa for a commercial planning site review.

Motion by: Alderman O'Garra

Second by: Alderwoman Cooper

Vote: Unanimous

Case # 20-039 Consideration of Charles Testerman Properties, Request for a C(P) site plan review, Spring Lake Zoning Ordinance.

Mr. Jimmy Hall discussed the property owner is requesting approval of a motor vehicle sale office within an existing building located at 445/451 N. Bragg Blvd, Spring Lake, NC 29390. Mr. Jimmy Hall explained the property owner is requesting approval of a site plan for a motor vehicle sales office that contains retail sales and the second building has a motor vehicle repair shop. Mr. Jimmy Hall stated the property is currently zoned as C (P) Planned Commercial District. Mr. Jimmy Hall stated that the request is consistent with the comprehensive plan designated as the 2030 Growth Vision Plan. Mr. Jimmy Hall explained the request is also consistent with the Spring Lake Area Detailed Land Use Plan which calls for Planned Commercial at this location.

Action: The Board approved a motion to approve Case #20-039 consideration of Charles Testerman Properties for a commercial planning site review.

Motion by: Alderman O'Garra

Second by: Alderwoman Jackson

Vote: Unanimous

Budget Amendments (Hurricane Florence Funds)

Mr. Daniel Gerald explained the Budget Amendment with Hurricane Florence FEMA reimbursements and how they will be distributed. Mr. Daniel Gerald explained that the funds would be between the Town's Police and Fire Department along with the Town's General Fund. Mr. Daniel Gerald stated these funds were not budgeted. Mr. Daniel Gerald explained the current budget was \$256,046.13 and an increase of \$80,356.20, in turn, a revised budget of \$175,689.93. Mayor Dobbins asked the current budget is \$256,046.13? Mr. Gerald said that's the check amount. Alderwoman Sutherland stated so we received \$256,046.13 from Hurricane Florence. Alderwoman Sutherland stated we had already decided under the Finance Director Butch Watson where the funds were going. Alderwoman Sutherland said the discussion was when the funds came in what it would be utilized for and we talked about the Water Treatment Plant. Alderwoman Sutherland's concerns were the fact they already discussed what the funds would be distributed. Mr. Daniel Gerald said there are more checks coming in. Alderwoman Sutherland asked do we know the total amount? Alderwoman Sutherland discussed we have a list when the monies come in, and we already approved some things. Mr. Daniel Gerald said we do have a list, but we still have to be approved by the State. Mr. Daniel Gerald explained if we asked for \$100,000, they might only approve \$80,000. Alderwoman Sutherland stated they had already approved what they were going to give the Town. Mr. Daniel Gerald stated the checks would be split up amongst the departments. Mr. Daniel Gerald stated two of the checks that have come in were approved by the State at State level, and the staff brings forward to the Board, and the staff suggests where those funds are needed. Mr. Daniel Gerald explained the funds that have come in and making suggestions where they are needed in the Budget Amendment. Alderwoman Sutherland's concerns we knew how much and where these funds were going to be disbursed prior. Mr. Daniel Gerald stated we did put in for those funds but we don't know if going to be approved yet. Mr. Daniel Gerald stated FEMA gives the State the money. Mr. Daniel Gerald stated the next check we get in I will bring to the Board, and continue to do so. Alderwoman Sutherland's concerns are where the future money will be applied too. Mayor Pro tem Aziz stated that \$80,356 would be given to the Police and Fire Department and the other \$175,689.93 would be given to General Fund. Mayor Pro tem asked so what will the \$80,356.20 be used for between the two departments? Mr. Daniel Gerald stated it will go back into the departments and any funds over \$30,000 that the Chiefs want to spend will be brought to the Board. Mr. Daniel Gerald explained it will go back to whatever line item they

needed it for. Mayor Pro tem Aziz asked how will the funds be split? Mr. Daniel Gerald stated so during the storm, the additional \$25,343.28 for the Fire Department and an additional \$55,012.92 on salaries and wages for Police Department. Mr. Daniel Gerald explained there may have been a deficit in the Police salaries and wages. Alderwoman Sutherland stated the funds were used to make the Town whole and the consolidated list. Alderwoman Sutherland stated a budget amendment can always be presented to the Board for accountability purposes regardless of what they are spent for, and how we keep track of the money.

Action: The Board approved a motion to approve the Budget Amendment FY 2019/2020 Hurricane Florence reimbursements.

Motion by: Alderman O'Garra

Second by: Alderwoman Jackson

Vote: 4-5

Yes	No
Mayor Pro tem Aziz	Alderwoman Sutherland
Alderwoman Jackson	
Alderman O'Garra	
Alderwoman Cooper	

Resolution of Real Property

Mr. Ellis Hankins explained the private sale of eight subdivision lots owned by the Town to Kingdom Development Corporation at a price negotiated and agreed upon. Mr. Ellis Hankins stated these are properties that prior to buying from 2007-2017, and the Town eventually required. Mr. Ellis Hankins stated the proposal is for the Town to sell the lots to a local non-profit corporation for constructing affordable housing. Mr. Ellis Hankins stated you are authorized to sell privately within limited restrictions. Mr. Ellis Hankins said it's sorted an economic development, and if the Town decides to sell and houses are sold it would increase the Town of Spring Lake with a property tax base, and then it would be economic development. Mr. Ellis Hankins stated but it is not an economic development statute that authorizes the sale of these properties. Mr. Ellis Hankins stated if a Town sale; we can't do it by private sellers, in turn, what we are usually required to do is get for the Town the highest possible price that's considered Public Auction or negotiating an Upset Bid. Mr. Ellis Hankins stated the Town's authority and obligation to sell and convey the property is subject to and contingent upon the adoption of an authorizing resolution by the Spring Lake Board of Aldermen un G.S. 160A-267, and the Town otherwise satisfying the procedural requirements of G.S. 160A-267 and G.S. 160A-279. Alderwoman Fredricka Sutherland stated she knows the Town is not used to selling a property but when we bought that property, we thought we were going to use for a Recreation facility. Alderwoman Sutherland stated she thinks affordable homes would be nice. Alderwoman Sutherland concern have we had it appraised. Alderwoman Sutherland's concerns are the citizens of the Town and for us to be good stewards towards our taxpayers' dollars. Mr. Ellis Hankins explains the property sale price is \$71,260 and the appraisal property tax value in which the Board believes to be a reasonable estimate of the fair market value of the property. Alderwoman Sutherland stated the citizens need to be involved in their Town because this land doesn't belong to me or the Town it belongs to the citizens' tax dollars. Alderwoman Sutherland concerns when are they going to build in the next ten years or in a couple of months. Alderman O'Garra stated the last time we sold property was on Manchester Road, we see three big buildings and my concerns are we would be moving forward if we actually sell the property. Alderman O'Garra stated there is no problem putting it in the newspaper and running an ad. Alderman O'Garra said this is not the first time we have sold the property. Alderwoman Cooper stated she is a member of the CDC

Board, and can still vote. Alderwoman Cooper's concerns with the properties are worth it. Alderwoman Cooper stated those properties came up to \$110,175, not \$71,260. Alderwoman Cooper's concerns would like to know how it will create 75 jobs? Alderwoman Cooper stated she is for the building of houses for lower-income families but wants information. Alderwoman Cooper stated she is not able to vote without more reliable information. Mayor Pro tem Aziz asks is this property usable for anything besides residential purposes? Mayor Pro tem Aziz stated if someone would buy it what would they build on there, and they would take the deal with the restrictions? Mr. Gerald stated we did this before, and he thinks it deals with economic development due to building houses would add revenue to the Town. Mr. Gerald stated there are some clawbacks dealing with economic development that would require us to do certain things. Mr. Gerald stated if we put certain clawbacks in there then it would have certain purposes. Alderman O'Garra asked who would put the infrastructure across the street? Mr. Gerald said the infrastructure already there. MR. Gerald started looking at Mr. Manning (CDC) they will have to put in about fifteen homes and roughly \$103,000 each, and approximately \$1.5 million investment with seventy-five jobs.

Mayor Dobbins asked where did Alderwoman Cooper find the information on \$110,000? Alderwoman Cooper said she retrieved my last four of the Lot number. Alderwoman Cooper said Lot 13 has a tax value at \$19,648 and Lot 12 had a tax value at \$19,112. Alderwoman Cooper said she did a request through County to get value. Alderwoman Sutherland stated we are not ready and asked Mr. Hankins to explain why it's not economic development because Mr. Gerald thinks it is. Mr. Hankins stated according to the General Statues the Town uses restrictions and the parties further agree that should Buyer default on or breach its obligation under the proceedings. Mr. Hankins stated the Seller (Town) may exercise all available remedies at law to seek reversion or reconveyance of the real property at the purchase price specified and a reasonable timeline. Mayor Dobbins stated we have had this property for a while and are in no hurry for private sell or auction. Mayor Dobbins stated also the 10-day property by private sell and maybe someone will come with a better offer or upset bid which could go on for months or years. Mayor Dobbins concerns that someone just holds on to the land, and does nothing whereas with economic development we will explode and a given opportunity in Spring Lake. Mayor Dobbins said even if we delay the vote or agreeing on this resolution we may want to look back and see the success that this Town was able to achieve while in office. Alderwoman Sutherland agreed with Mayor Dobbins and she stated we always want the Town to go forward. Alderwoman Sutherland stated it's not that we don't want it, we just want a proper way of handling. Alderman O'Garra stated pout this in the newspaper and see if we can get some bids on this property. Alderman O'Garra said this property been sitting for over 4 years, and we put in restrictions if someone buys the property, then we expect to build on it. Mayor Pro tem Aziz asked could we authorize a sell after a to negotiate price, and can we have another appraisal? Mr. Hankins suggested having another appraisal done, and put it on the next meeting agenda. Alderwoman Cooper stated that's what she wanted also. Alderwoman Jackson stated so they could do whatever they wanted to with an Upset bid, so we want to make sure that we sell for affordable housing or a public auction whereas a private seller that may take a while and the buyer might not agree to anyway. Mr. Hankins stated you could sell by public auction and make more money but that does not mean they will build affordable housing. Mayor Dobbins stated it will be tabled to the next Board meeting.

Town Attorney Interviews

Mayor Pro tem Aziz asked about Town Attorney interviews and if any Board members had any thoughts about it. Mayor Pro tem stated that we should do it as soon as possible. Mayor Pro tem Aziz suggested May 7th and 8th. Alderman O'Garra agreed so the candidates to make arrangements. Mayor Pro tem Aziz suggested over Zoom. Alderwoman Sutherland stated we have to abide by social distancing. Mayor Pro tem Aziz and Board agreed on May 7th in the afternoon and May 8th all day.

9. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 8:11 pm.

Motion: Alderwoman Cooper

Second by: Alderwoman Jackson

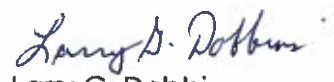
Vote: Unanimous



Handwritten signature of Melissa Pereira in black ink. The signature is cursive and stylized, with the first name 'Melissa' being more prominent than the last name 'Pereira'.

Melissa Pereira
Deputy Town Clerk

ATTEST:



Handwritten signature of Larry G. Dobbins in black ink. The signature is cursive and clearly legible.

Larry G. Dobbins
Mayor