

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

February 10, 2020

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 Taimoor Aziz
Alderwoman Soña Cooper
Alderwoman Jackie Jackson
Alderman James O'Garra
Alderwoman Fredricka Sutherland

Others Present:

Daniel Gerald, Town Manager
Tim Garner, Water Resources Director
Paul James, Town Engineer
Tony McNeil, Economic Development Director
David Vandergriff, Director of Streets, Grounds, and Sanitation
Jason Williams, Fire Chief

Ellis Hankins, Town Attorney
Jay Graves, Recreation Director
Troy McDuffie, Police Chief
Doris Snider, Senior Center Director
Claiburn Watson, Finance Director
Melissa Pereira, Deputy Town Clerk

2. Invocation

Alderwoman Jackson gave the invocation.

3. Pledge of Allegiance

Mayor Dobbins led the meeting in the pledge of allegiance.

4. Additions or Deletions to Agenda

Alderwoman Cooper requested to delete Item 9d, Board to Consider Having Harold Owens at a Future Meeting to Discuss Charter. Mr. Gerald stated this item was added to help with the administration of the Town and to help with the administration of all audits. Alderwoman Cooper stated that at the January 9, 2020 meeting this was discussed and the Board decided to wait on the Charter change until the finances were cleared up. Alderwoman Jackson stated that it was discussed but we need to discuss it again now to make sure we are doing things right and in order. Alderman O'Garra stated that he agrees with Alderwoman Jackson. Alderwoman Sutherland stated that in the January 9, 2020 meeting, it was discussed and this change involves moving positions. She believes we were going to wait until after Mr. Gerald's three-month evaluation. She said she's not saying that he shouldn't come here, but we need to get the audits in order. She stated we should do things decent and in order and that's why we need to get our audits in order first. Mr. Gerald stated that we do want to do things decent and in order and stated that this individual told him that someone reached out to him from the Town and told him not to come; so he requested it to be on the Board so that the Board can vote on it as a majority, so he could come and help us out. Mr. Gerald stated that type of interference is also happening with our economic development, but luckily Mr. Harold actually wants to be on the agenda to be discussed. In moving forward, and to be decent and in order, since we do have a Manager form of government, we additionally need to have the Charter agree as such. Mayor Dobbins then requested a motion for Item 9d.

Action: A motion to delete Item 9d from the agenda was defeated.

Motion by: Alderwoman Cooper

Second by: Alderwoman Sutherland

Vote: 2-3

Yes
Alderwoman Cooper
Alderwoman Sutherland

No
Mayor Pro tem Aziz
Alderwoman Jackson
Alderman O'Garra

The Board deleted Item 7a, Special Presentation by Mayor Dobbins, and added Introduction of new Town Engineer as Item 7c

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: Alderman 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

The Board approved the consent items:

- a. Minutes of the October 17, 2019 Special Meeting
- b. Minutes of the October 28, 2019 Regular Meeting
- c. Minutes of the November 18, 2019 Special Meeting
- d. Minutes of the December 9, 2019 Regular Meeting
- e. Minutes of the December 10, 2019 Special Meeting
- f. Minutes of the December 19, 2019 Special Meeting
- g. Minutes of the January 13, 2020 Regular Meeting
- h. Minutes of the January 16, 2020 Special Meeting

Action: The Board approved a motion to approve the consent items: Minutes of the October 17, 2019 Special Meeting, Minutes of the October 28, 2019 Regular Meeting, Minutes of the November 18, 2019 Special Meeting, Minutes of the December 9, 2019 Regular Meeting, Minutes of the December 10, 2019 Special Meeting, Minutes of the December 19, 2019 Special Meeting, Minutes of the December 19, 2019 Special Meeting, Minutes of the January 13, 2020 Regular Meeting, and Minutes of the January 16, 2020 Special Meeting

Motion by: Alderwoman Cooper

Second by: Alderwoman Jackson

Vote: Unanimous

7. Presentations

a. Presentation by Mayor Dobbins

This item was deleted from the Agenda

b. 2020 Census

Ms. Gross, Spring Lake Branch Library Manager, provided the Board with an update on the Census planning from the Cumberland County 2020 Complete Count Committee. The Census office is still hiring. The Cumberland County Library is offering two computers to the municipalities to help get people enrolled and the Town can keep the computers after the census is over. The computers can be installed at the beginning of March. The online enrollment will go live on March 12, 2020. The Headquarters Library will serve as a drop-in location for census enrollment

during March and April. Anyone can enroll at any Cumberland County Branch Library. The Library is also offering a five-tablet kit to civic groups and churches to help get people enrolled. They are available at the Headquarters Library, downtown Fayetteville.

c. Introduction of Town Engineer

Mr. Gerald introduced Mr. Paul James as the Town's new Engineer. He stated this has been a long time coming and Mr. James has a wide breadth of environmental engineering and project management. Mr. James was welcomed with a round of applause.

8. Public Forum

Mr. Efrain Delacruz, 240 Summertime Road, Fayetteville, NC, spoke about the Town Manager hiring process. He stated he thought he had a good chance of getting the job and that he understood Mr. Gerald was fired by two sitting Board Members and one ex-board Member. He was under the impression that when Mr. Aziz was elected, by the same people who probably elected Alderwoman Sutherland and Alderwoman Cooper, that he would have the integrity, strength, and courage to honor their decision. As a result, he felt humiliated by going through the process when the Town Board Members and the Mayor knew that no one in the interview process was going to get hired. That is why he is here and he is very upset about wasting his time and wasting the City's time by doing this hiring process. He again stated that he thought Mr. Aziz would have had the integrity to say we are going to start fresh and new but he didn't. He stated that after Mr. Gerald was fired, he got \$50,000 severance pay, which he kept. And, in his new contract, he got a raise of \$1,500 more a year. He stated he doesn't know how that works, you get fired and you get a raise. He said that doesn't make common sense to him. And, under his new contract, he has to have a mentor. Why in the world would you have to have a mentor if you are capable of serving this Town? He stated that he probably knows this Town better than anybody in the room, he grew up here and this is his hometown, and he is not going away. He stated the biggest thing the Town has to worry about right now is this FEMA money that the Town is going to get. He will be monitoring it and monitoring what's going on in this Town. He stated he has nothing against no one in the room; but when he sees something that is not right, he will stand for it, and he doesn't care what political affiliation you are with.

James Christian, 709 Regina Drive, Spring Lake, NC, stated he supports naming the Woodland West Park after Rex Perry. He said Rex Perry comes from a long-standing family in this Town. A lot of people have come and gone through the Town but some of them have really made a mark, like Coach Tenhet, Mr. Higgins, and Rex Perry. Rex Perry taught football, baseball, and basketball to the kids and he continued to do it later in life. He volunteered for Fayetteville Tech and for the Spring Lake Recreation Center. We shouldn't wait to honor someone after they die, we should do it near the end of their life so they can enjoy it. He stated Rex Perry knew his life was coming to an end but he kept going to work every day and kept mentoring kids. He stated he hopes the Board will support Alderwoman Sutherland's request because Rex Perry did a lot for this Town.

10. New Business

a. Case 20-013. Consideration of CBMM and CJR Properties; Request for a Subdivision Review

Ms. Walters presented Case No 20-013 to approve a two-lot subdivision at 2230 N. Bragg Boulevard. The property is divided into lot A which is a vacant lot and lot B which contains a cemetery. The property is split zoned with a larger portion of the property zoned C1. She stated staff recommends approval. Alderwoman Sutherland inquired why they are now wanting to divide the property. Ms. Walters stated that the R10 strip was a part of the surrounding subdivision. She believes the front lot is going to be developed commercially and before anyone can develop the property commercially, the R10 would have to be rezoned. The owner does not plan to do anything with lot B and says they will allow access to the cemetery. Ms. Walters stated as far as she understands, we cannot make the owner keep the cemetery there as far as Ordinances go. Alderwoman Sutherland asked about the historic status and Ms. Walters stated the County does not have any historic commission on this land. Alderwoman Sutherland asked how we make sure that no one disturbs the graves. Mr. Brian Armstrong, a representative of the property, stated they have been working with the Sandhills Family Heritage Association. The plan is to subdivide the property and deed the parcel known as lot B to the Sandhills Family Heritage Association and provide them access from Highway 87.

Going forward they will own the property and ensure it is maintained. Ms. Brower, Sandhills Family Heritage Association, stated that the Sandhills Board does intend to accept ownership of the cemetery. They will clean it up and maintain it and also put historic markers up.

Action: The Board approved a motion to approve Case 20-013.

Motion by: Alderwoman Cooper

Second by: Alderwoman Jackson

Vote: Unanimous

(A copy of the Agenda Memo, Cumberland County Planning & Inspections Department Action Memorandum, Site Plan Sketch, and Recommended Conditions Sheet is hereby incorporated by reference and made a part of these minutes – see attachment two.)

b. CDBG Agreement, Mitchley Street Sewer Line

Mr. Garner stated this agreement between the Cumberland County Community Development Block Grant and the Town of Spring Lake is to provide funds in the amount of \$115,676 to completely replace a section of sewer line on South Mitchley Street. He advised quotes from 10 utility contractors were obtained and Sandhills Contractors was the lowest bid at \$96,397 with a 20% contingency for unforeseen circumstances. Alderwoman Sutherland asked about the contract format and stated the dates are not correct and she wants to make sure everything is correct prior to signing the agreement.

Action: The Board approved a motion to approve the agreement between Cumberland County Community Development Block Grant and the Town of Spring Lake to accept the Community Development Block Grant and proceed with Sandhills Contractors as the primary utility contractor for the project.

Motion by: Alderwoman Jackson

Second by: Alderman O'Garra

Vote: Unanimous

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

c. Zoning Permit Application, His and Hers

Mr. Gerald presented an application for a permit to operate an adult lingerie store. Mr. Gerald denied the application because it does not meet the Town's zoning ordinance and is in close proximity to a church. Mr. Gerald stated his recommendation is to not approve the application. Mr. Robert Kirk stated that he has a His and Hers store in Fayetteville, NC and stated he had received a zoning permit, in October 2019, from the previous Town Manager. He explained that he is asking for the Board to reinstate his permit. He stated he has read our Town ordinances and understands the need for them to keep seedy establishments out of the Town and has no intention of violating the Town's ordinances. He also explained that he had come to the Town and obtained a permit, which he had to have prior to getting a lease. He secured a three-year lease at \$2,500 per month and has \$30,000 in product and again asked the Board to reconsider his permit. He stated they will have no movies of any sort, no type of live entertainment, no bookstore, no magazines, and no booze. They will basically be selling the same items that Walgreens and Walmart carry. They will have a more diverse selection than those stores but it will be the same type of products. He also stated that he will make sure the front of the building will be tastefully reflective and that no wondering eyes will be able to see into the store and no product will be visible. He stated that he will take every precaution he can to make sure that the store is maintained in a manner that is required by the Town.

Alderwoman Sutherland stated that she wishes he had come before the Board prior to him putting so much money into the business but she believes they would be violating the Town's ordinance to approve this request. Mr. Kirk again stated the operation of his store would not violate any Town ordinance. The Town's ordinance is geared

toward the seedy, underbelly sex shops and that is not what his store is. Alderwoman Jackson stated that he may have the same things that Walmart and Walgreens have but they are not displayed in the same way that his products would be displayed and there is a difference. He stated that his project is expected to bring \$350,000 to \$400,000 worth of tax revenue to Spring Lake. He also stated that they have a great reputation in Fayetteville, NC.

Ms. Walters, Cumberland County Planning Department, stated that a change of use needs to start the process with Cumberland County Planning and it must go through the Spring Lake Board of Adjustment before it can come before the Board of Aldermen. Ms. Walters will help Mr. Kirk understand the next steps that he needs to take.

(A copy of the Agenda Memo, Zoning Permit Application, Zoning Map, Lease, and Zoning Ordinance Section 42-91(d) Sexually Oriented Businesses is hereby incorporated by reference and made a part of these minutes – see attachment four.)

d. Board to Consider Having Harold Owens at a Future Board Meeting to Discuss Charter

Mr. Gerald requested that the Board vote in the affirmative to have Mr. Harold Owens come to speak to the Board about the Town's Charter

Action: The Board approved a motion to approve to have Mr. Harold Owens to come to a Board meeting and discuss the Charter.

Motion by: Alderwoman Jackson

Second by: Alderman O'Garra

Vote: 3-2

Yes

Mayor Pro tem Aziz

Alderwoman Jackson

Alderman O'Garra

No

Alderwoman Cooper

Alderwoman Sutherland

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

e. Naming of Police Annexation Building

Mr. Gerald stated that this item did come before the Board before and the Board did vote on it; however, since Mr. Gerald's return, they have looked at that building and it does have some challenges with its structural integrity. It is not going to fall down, but it needs to have a major, major overhaul and it actually may be torn down. Alderman O'Garra stated that we need to name the bridge after Billy Manning. He stated the family and they would like for their wishes to be made known. He stated he wanted to move forward with naming the bridge after Mr. Manning. Alderwoman Cooper stated that bridge is a DOT bridge and there is a process that we have to go through to name the bridge after Mr. Manning. She stated that this was discussed at a prior meeting. She also stated that naming the annex after Mr. Manning was passed and that any subsequent police facility would be named in honor of Mr. Manning. She stated that we need to honor the vote that was passed and move forward with that. Alderwoman Jackson asked if the process that Alderwoman Cooper is talking about a process that the Board of Aldermen decides and then they have to go to DOT to do it. Alderwoman Cooper stated there is a specific process but we would need to look at what was provided in the past regarding the process. Mr. Hankins stated he did not have a specific statute that he can look at right now but to the best of his recollection. Alderwoman Cooper is correct in that if the Board sees fit, the Town could make a request or application to the Department of Transportation and probably for the Board of Transportation to consider the matter. Alderwoman Jackson clarified that we can vote on it and then take it to the Board of Transportation to approve it and Mr. Hankins stated that is what he believes is correct. Mayor Dobbins stated there is a process and it is a paperwork process and we just need to do it according to the guidelines set by DOT. He stated we can determine to go through the process and get it right. As far as the building, that has been named and the Board agreed and if the current building is torn down he would hope that the new building would carry his name as well. He stated we can also upgrade our policy for naming facilities. Mayor Dobbins asked

if this was ok with everyone and Alderman O'Garra stated no, I am trying to honor the family's wishes. The Police Annex is not something that is going to be there and the bridge is something that is going to be there for a very, very long time. He stated we need to take a vote at this time and decide whether we want the annex or whether we want the bridge. Alderwoman Sutherland stated what the Mayor said is great and she believes in going by the proper protocol to do all things. We can't continue to make this personal issue every time we get ready to vote. We have already voted and named and went through the process. If we don't go through the proper process because we want it our way, it is just not right. If you've got three votes then that is what it takes but when we named Marvin Lucas Parkway, we were all together to make sure we went through the process and I don't understand why we can't continue to do the right thing for the Town. Mayor Pro tem Aziz stated he wasn't here for that vote, but the police annex is on its last leg and naming that after somebody is like naming nothing after somebody. Alderwoman Cooper again stated that in the vote when naming the police annex after Mr. Manning, it was stated as part of the vote that any subsequent police facilities would also be named after him. There is nothing that says that we can't have both, but I think it is disrespectful to go back and negate the vote that went through. He can have both, there is nothing that says you can't have both but we need to follow the policy. Mayor Dobbins stated that the police annex is named after Billy Manning and if we want to name the bridge after him, we need to go through the process.

Action: The Board approved a motion to go with the bridge.

Motion by: Alderman O'Garra

Second by: Alderwoman Jackson

Votes: 3-2

Yes

Mayor Pro tem Aziz
Alderwoman Jackson
Alderman O'Garra

No

Alderwoman Cooper
Alderwoman Sutherland

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

f. Discussion, Policies

Alderman O'Garra stated we say we will make a policy and we go on and don't come back with the policy. He stated when we say we are going to make a policy we need to discuss what should be in the policy, take a vote, and charge staff to get it done. Mayor Dobbins asked if each Board Member would take a few policies, review them and make changes that may be necessary. Mr. Hankins requested that he review any policy that is changed to make sure it conforms to the General Statutes. Alderman O'Garra stated that one of the things we discussed was the Christmas Bonus and we were supposed to bring back a policy and nothing has been done. Alderwoman Sutherland stated that we updated the policies not long ago because we paid \$50 per hour to get it done and there should be minutes showing that the policies are updated. Alderman O'Garra stated that we need to set it up so that any policy we say we are going to make will be brought back to the Board for approval at the next meeting.

g. Discussion, Naming Woodland West Park in Honor of Rex Perry

Alderwoman Sutherland stated that Rex Perry lived in Spring Lake all his life and he did so much in the community she would like to see the Woodland West Park named after Rex Perry. She stated that she wants us to go by whatever policy and procedure we need to go by. Mayor Pro tem Aziz inquired if there are other people in consideration for the name and Alderwoman Sutherland asked if he wanted his name to be considered, he stated no. She then stated that anyone can put their name in for consideration but for now the only name she has is Rex Perry. Mayor Pro tem Aziz suggested that we take some time and do some research and stated that there is a committee in Spring Lake that usually does the research on this type of thing. Alderwoman Sutherland asked if that is what we are going to do with the bridge and Mayor Pro tem Aziz stated he would be willing to do both. Alderwoman Sutherland asked for clarification on how we are going to proceed. Alderwoman Cooper asked if we are going to put it up for a vote. Mayor Dobbins suggested that we look at the policy and bring back any changes that need to be made at the next meeting and then go from there.

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

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

Motion by: Alderwoman Cooper

Second by: Alderwoman Jackson

Vote: Unanimous

Action: The Board approved a motion to come back into open session.

Motion by: Alderwoman Cooper

Second by: Alderwoman Jackson

Vote: Unanimous

11. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned at 9:06 p.m.

Motion: Alderwoman Cooper

Second by: Alderman O’Garra

Vote: Unanimous

These minutes were created by the Town Clerk from the audio recording of the meeting.



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

ATTEST:

Larry G. Dobbins

Larry G. Dobbins
Mayor