

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

March 9, 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 Talmoor Aziz  
Alderwoman Sofia Cooper  
Alderwoman Jackie Jackson  
Alderman James O'Garra  
Alderwoman Fredricka Sutherland

**Others Present:**

Daniel Gerald, Town Manager  
Troy McDuffie, Police Chief  
Jason Williams, Fire Chief  
Jay Graves, Recreation Director  
Paul James, Town Engineer  
Tim Garner, Director of Water Treatment Plant  
Jimmy Hall, Inspections Supervisor

**2. Invocation**

Alderman James O'Garra gave the invocation.

**3. Pledge of Allegiance**

Spring Lake Boy Scouts Troop 776, Shawn and Wyatt McLean

**4. Additions or Deletions to Agenda**

Mayor Dobbins asked if there are any additions or deletions to add to agenda. Alderwoman Jackson wanted to make a deletion item number 7b, Powerhouse Biggest Loser because there is no representative at this time. Alderwoman Sutherland asked to add item number 9e for an update on the new iPad and where we stand. Mayor Pro Tem Aziz asked to add the approval of the Fire Station item number 9f. Also, Alderwoman Cooper wanted to add the approval of the Fire Station. Alderwoman Sutherland asked for an update on the Town's audit, she stated on January 7<sup>th</sup> a letter was sent and she asked for feedback on Local Government Commission (LGC). Mayor Dobbins stated he does have a response and he will read the contents during the Board Meeting. Mayor Dobbins added item number 9g for update on Town's audit.

**Actions:** A motion to that we approve the additions and deletions to Agenda.

**Motion by:** Alderwoman Cooper

**Second by:** Alderwoman Jackson

**Votes:** 5

Yes

Mayor Pro tem Aziz  
Alderwoman Jackson  
Alderman O'Garra

Alderwoman Cooper  
Alderwoman Jackson

**5. Approval of Agenda**

By consensus, during the discussion of additions or deletions, the agenda with requested amendments was approved.

(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:

**Actions:** The Board approved a motion to approve the consent items: Minutes of the February 24, 2020, Regular Meeting and February 24, 2020 Special Meeting.

**Motion by:** Alderwoman Cooper

**Second by:** Alderwoman Jackson

**Votes:** Unanimous

**7. Presentations**

**a. Spring Lake Middle School**

Ms. Masa Kinsey-Shipp, Principal of Spring Lake Middle School, presented and introduced the new Assistant Principal Sharley Dittmore. In addition, Principal Shipp stated she would like to recommend to WRAL a top scholar athlete Nazir Bostick. Ms. Shipp presented many school programs that they are currently in pursue of making the Cumberland County Schools more proficient. Mayor Dobbins stated keep of the good work and thanked Spring Lake middle School for giving presentation.

**b. 2020 Census Update**

Ms. Gross stated the Census office is now open at 100 Robeson Street in Fayetteville from 830am to 5pm. She said anyone interested please stop by the office. Ms. Gross said the Town's IT person installed computers. She said applications should be done online however, if not then a paper form will be printed and they will help applicants fill it out. Ms. Gross stated they are working on getting a Grant to help. Alderwoman Cooper stated the Grant will be submitted by Friday, March 11, 2020.

**c. Spring Lake Town Charter**

Harold Owens discussed the Spring Lake Town Charter. He began stating what their role is we work with any local government who has exceptional operations with any small government who faces financial challenges and making services more difficult. Mr. Owens stated his presence was to give feedback on the Spring Lake Town Charter changes, and he was notified by the Local Government Commission about the annual audits. Mr. Owens stated the important thing is the audits. The concept is to find a way to fix the issues. Mr. Owens stated he was a Town Manager for 14 years and the audits need to be on time and the end result is it holds the community together and as a Counsel gives you a valuable overview of where you are in a financial situation and gives you a solid foundation where you want to go as a city. Mr. Owens asked what caused this and as he stated the Hurricanes are a part of this. Mr. Owens main concern is the diminishing number of qualified auditors across the state and many are not willing to do this kind of work. Mr. Owens said it's not profitable for them. The recruitment and researching a good auditor are absolutely essential. Mr. Owens stated there has to be a calendar and looking forward to what you have to do to stay on schedule. It starts with financial operations and financial updates all through the year. It starts with Auditor who works for the Council. Mr. Owens stated the contract really needs to be established. Mr. Owens said it should be finished by June 30th each year. Then in September start looking at the finances with staff

and gives an opportunity for staff to catch up and Council asked for end of year budget amendments. Mr. Owens stated the real work on the audit should be done in September until around October 31<sup>st</sup>. This is the timeframe. Mr. Owens question was why was the budget late? The answer was because of the storm. Mr. Owens said it goes back to the Administration and Finance Director to make sure they are on top of this audit and if there is an issue of the audit being late; they need to let the Council know. Mr. Owens stated because if not you will receive the letter from the Local Government Commission.

Mr. Owens stated when the Finance Director position came open, the question was, who will they report to? The question was do they report to the Board or Town Manager? The Town Charter form of government says the Finance Director will report to the Board of Aldermen. Mr. Owens stated that changing the Town Charter can be done. Mr. Owens went on to say the finances are real deal. Mr. Owens stated its only fair to tell someone about the future impacts of the city. Mr. Owens asked if they were any questions? Mr. Gerald gave thanks to Mr. Owens. Mr. Gerald asked what was Mr. Owens process of changing the Charter and what we are going to face in Spring Lake? Mr. Owens stated it's a legal matter. Mr. Owens said the first thing is pull up the current Charter and see what it says.

Mr. Hankins said the Spring Lake Town Charter is in good shape. The question only one piece of the Charter and that is whether or not the Finance Director be hired by or report to the Board of Aldermen or Town Manager. Mr. Hankins stated when the Town Charter was made in the 1970's to go to the Council- Manager form of government it was done in exactly the proper way in a local process. Mr. Hankins stated the General Assembly has authorized the city councils by statute to go through a process locally to amend to Town Charter without going through the General Assembly and it did give the Council -Manager form of government. Mr. Hankins said that does not give the Board the authority to change the form in the relationship with the finance officer. Mr. Hankins stated if the Board sees fit for it to be done; it needs to be done by local Bill and acted by the General Assembly. Mr. Hankins said there is an opportunity to do that this year if the Board wishes. Mr. Hankins said the General Assembly works in even number of years on April 28<sup>th</sup>, 2020. Mr. Hankins stated if the Board wants to request; they will have to send to the legislature and have it in by next month. Mr. Hankins said if we going to look at the Bill then I certainly will look at the rest of the Town's Charter. Mr. Hankins told the Board it's their decision if they want to do it this year. Mr. Hankins also stated it is in some places around the state where it is authorized for a City Manager to hire a finance officer, and governing body. Mr. Hankins stated even if the finance officer was under the manager; the finance officer would still play a significant part to report to the Board. Mr. Hankins explained let me give you a scenario where the finance officer and the town manager had a disagreement and the finance officer believes the town manager is doing something unlawful and even if the finance officer reports to the town manager; the finance officer still has a duty to report to the governing body. Mr. Hankins said if I were him/her picked up the phone and call me and we both go to the Board.

Mr. Owens said finance directors report to the Board and should make monthly or quarterly reports for the Board. Mr. Owens stated that's what they are trained to do. Mr. Owens said it's an ongoing working knowledge of where the finances are. Mr. Owens said some Town's do monthly reports and some do quarterly. He said its essential to the Board. Alderwoman Sutherland stated that the presentation was very educational and informative. Alderwoman Sutherland thanked Mr. Owens for his expertise and continued to go forward by laws with this Town and assigned the job we are here to do. Alderwoman Sutherland stated to make sure the tax payers dollars we stay on top of and that we stay on top of the quarterly finance reports. Mr. Owens stated the quarterly financial reports are not to tell you what your financial condition is but to tell you the various audits. Mr. Owens stated its vital for your town manager and finance director tell you where you are dollars and cents wise. Mayor Dobbins stated it's our desire to be the best Town that we can be and it will be a tough

decision to make.

**8. Public Hearing**

a. Sgt McCormick stated an update on the Special Olympics in North Carolina. Sgt McCormick stated the 1<sup>st</sup> of each month he will be at the Spring Lake Wal-Mart to seek donations for our organization. There will be a no shave in the month of April to support the Special Olympics. Sgt McCormick stated the Torch Run will be March 8<sup>th</sup> at 8am. Sgt McCormick asked the Town of Spring Lake to support this event.

b. Muhammad explained to the Board his concerns with Risk Assessment. Muhammad stated to stay in a positive mode and being productive. He would like to establish a risk assessment with the Chief of Police and Fire Department. Mr. Muhammad asked if ongoing investigations could have a color-coded ledger for risk assessment for the Town of Spring Lake. A ledger provided by the Chief of Police. An example would be a color yellow and represent to be cautious about walking your dog late at night. The color red could represent it getting hot and also ensure you lock all doors and windows. Mr. Muhammad stated being a senior citizen I would like those things.

c. Tony Burgess presented three belts to Mayor Dobbins, Chief Williams, and Jay Graves.

**9. New Business**

**a. Road Closure for Independence Day Festival, Ordinance (2020) 3**

Mr. Graves requests from Main Street to Spring Avenue to Lacock Street to be closed for Independence Day Festival July 4, 2020 from 9am to 11pm. Alderwoman Cooper asked about the June event that will take place 2 weeks prior, and is it a good idea to do both? Alderwoman Cooper concerns are bringing in vendors within a short period of time. Mr. Graves stated he doesn't think it should be a problem. Mr. Graves said the more events we could have the better. One of the events are privately funded so there should be no problem. Mr. Graves both of the events would be great to have for the City. Alderwoman Jackson stated it should not be a problem because in case some can't attend one event, they may be able to attend the other. Alderwoman Jackson believes both are good events. Mr. Graves said if we do this early enough and get vendors; we will have enough for both events. Alderwoman Sutherland stated the roads close a 9am. Mr. Graves said DOT changed the time. Alderwoman Sutherland concerns were the budget spending for these events. Mr. Graves stated we do have sponsors and it's a line item number of the Budget. Alderman O'Garra stated it is a plus to have these functions because it brings more people to the Town and more money to the Town. Alderman O'Garra said it builds us as a Town during difficult times. Alderwoman Cooper stated the Ordinance had a wrong date and time. Ms. Perera corrected Ordinance.

**Action:** The Board approved a motion to approve Road Closure for Independence Day Festival, Ordinance (2020) 3.

**Motion by:** Alderwoman Jackson

**Second by:** Aldermen O'Garra

**Votes:** Unanimous

(A copy of the Agenda memo, site map and Ordinance (2020) 3 is hereby incorporated by reference and made a part of these minutes – see attachment two.)

**b. Board to consider the structure of regular meetings**

Alderwoman Cooper stated that if we had one regular meeting a month and one work session a

month this would enable taking care of business. Alderwoman Cooper stated so when we do have the actual meeting's we can take care of business in a better fashion. Alderwoman Cooper stated she recommends the Board change their meetings to one regular meeting a month and one work session a month. Alderwoman Cooper said to still leave agenda options open if necessary. Alderwoman Sutherland stated the citizens concerns about changing the regular meetings, and will the citizens still have an opportunity for us to listen to their concerns and comments? Alderwoman Jackson asked will they still be involved if it's a workshop session? Alderwoman Sutherland asked how are we going to do this? Mr. Hankins stated if the Board makes this change in the nature of these meetings (which a lot of Councils do) but one of the meetings is primarily for work discussions and the other meeting. Mr. Hankins stated both meetings would be regular meetings under the Statues. Mr. Hankins said what the Board would be doing is just changing the nature of the meetings. Mr. Hankins said the first meeting would be a discussion meeting and the second would be more of an action meeting. Mr. Hankins said the Board can take action still during workshop meeting also. Mr. Hankins stated the Town policy does state that you have to have a citizen comment period, and until the Board changes that policy, it will still be the policy. Alderwoman Sutherland stated she is always concerned about the citizens. Alderwoman Sutherland stated its very important to hear from the citizens.

**Action:** The Board approved a motion to approve the structure of meetings to have first regular workshop meeting on the first of the month and regular meeting on the second of the month.

**Motion by:** Alderwoman Cooper

**Second by:** Alderwoman Jackson

**Votes:** 4-1

No

Yes

Alderwoman Sutherland

Mayor Pro tem Aziz  
Alderwoman Jackson  
Alderman O'Garra  
Alderwoman Cooper

**c. Discussion of Spring Lake Ordinance Chapter 4, Alcoholic Beverages**

Mr. Gerald asked the Board to change the Ordinance Chapter 4, Alcoholic Beverages. Mr. Gerald stated the purpose was to have this Ordinance Chapter 4 changed that certain facilities that just sell beer without purchasing a full alcoholic license which costs an extra \$1000. Mr. Gerald stated he did the research and he did not see the vote that was logged and he wants Town Attorney Mr. Hankins to take action and tell the Board what he has found. Mr. Hankins stated he don't think this is ready for action because we need more information. Mr. Hankins stated he spoke with the Director of the Cumberland County Board of Elections and there was an ABC election back in 1979 that might be the source of this problem. Mr. Hankins said the problem is they don't have any of the Ballots that the people voted on. Mr. Hankins stated not sure what we voted on. Mr. Hankins also called on the staff at the ABC Commission and the problem is there is one restaurant in Town that has experienced this problem it's a State Law and it applies to Spring Lake. Mr. Hankins stated they also have to pay \$1000 a year to secure a mixed beverage permit whether they want to sell mixed beverages or not. Mr. Hankins stated this particular restaurant does not wish to sell mixed beverages but do want to sell beer. Mr. Hankins said they have to pay an extra \$1000 plus \$400 for the malt beverage permit that they do want. Mr. Hankins stated they need the one in order to get the other. Mr. Hankins said he needs to figure this out with the ABC Commission staff, and attempt to help that restaurant or if it can

be done. Alderman O'Garra stated after talking to the State; his assumption is its not at their level its at the Town level. Alderman O'Garra stated at one time we were a Blue Law Town in other words no liquor. Alderman O'Garra stated there's no documentation or history for anything we can find at this time that would keep us from moving forward and trying to satisfy this business owner. Alderman O'Garra would like the Attorney to do his further investigations. Alderman O'Garra wants this placed on the next meeting March, 23, 2020. Mayor Pro tem Azz asked is the permit fee levied by the Town or County? Alderman O'Garra stated by the County. Mr. Hankins said it's a State ABC Permit Issued by the State. Mayor Pro tem Azz asked do we just change the rules? Mr. Hankins said that somehow this Board can adopt a different Ordinance provision to fix this problem. Mr. Hankins stated he is not for sure if that's the answer yet. Mr. Hankins stated he doesn't know if another referendum needs to be provided by the Town yet. Alderwoman Sutherland stated she feels comfortable to go through the right process even though we used to be a Blue Law Town. Mayor Dobbins stated this discussion is tabled until next meeting.

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

**d. Consideration of Waving the Permit Fees for repairs and renovations for Sandhills Heritage Center**

Jimmy Hall asked the Board to approve waving permit fees and repairs and renovations for Sandhills Heritage Center. Alderman O'Garra asked how much was the permit fees. Mr. Hall said \$600. Alderman O'Garra said it would be an improvement. Mr. Hall said it would be great to see it backup and operational again. Alderwoman Cooper asked how much, and she believes it's a worthy project also. Alderwoman Cooper said she has spent many days in the center and would love to see it open.

**Actions:** The Board approved a motion to approve waving permit fees for repairs and renovations for Sandhills Heritage Center.

**Motion by:** Alderwoman Sutherland

**Second by:** Alderman O'Garra

**Votes:** Unanimous

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

**e. Update on iPad**

Mr. Gerald stated a departmental policy states if you want a pad you can come into our office and request. Alderwoman Sutherland asked we can just come in apply? Mr. Gerald said yes. Alderwoman Sutherland asked is it a new documentation? Mr. Gerald said no and this was created by Tad Davis and Chris Rey. Alderwoman Sutherland stated we just come in and apply for it? Alderman O'Garra stated these iPads are only good for 3 to 4 years and they need upgraded anyway. Mr. Gerald said its based on 2 years because of the elections. Alderwoman Cooper asked the policy states every 2 years? Mr. Gerald said yes, every 2 years. Alderwoman Sutherland are we looking at a policy? Mr. Gerald said yes. Alderman O'Garra suggested just issue every 2 years. Mr. Gerald said yes but there's no check; you come in an apply for it through Finance.

**f. Approval of Fire Station #22**

**Action:** A motion to approve the construction of the Fire Station #22.  
**Motion by:** Alderwoman Cooper  
**Second by:** Alderwoman Jackson  
**Votes:** Unanimous

**g. Update on the Audits**

Mayor Dobbins presented an update on the letter he received from the S. Preston Douglas & Associates concerning the 2018 Annual Audits. Mayor Dobbins read the firm confirmed that they have ironed out the details and are ready to submit the Fiscal year 2018 report. Alderwoman Cooper asked if the Audit is going to the LGC this week. Mayor Dobbins said the Amendment Contract has been signed and sent March 8, 2020. Alderwoman Cooper asked could we get some type of receipt to show that Preston Douglas sent the documentation and email all the Board members to let us know if it was sent to the LGC. Mayor Dobbins stated he will request tomorrow.

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

**Action:** The Board approved a motion to go into Closed Session.  
**Motion by:** Alderwoman Cooper  
**Second by:** Alderwoman Jackson  
**Votes:** Unanimous

**Action:** The Board approved a motion to come back into open session.  
**Motion by:** Alderwoman Jackson  
**Second by:** Alderwoman Sutherland  
**Votes:** Unanimous

**Action:** The Board approved a motion to appoint Gay Tucker as the Interim Finance Director until next Board Meeting.

**Motion by:** Mayor Pro tem Aziz  
**Second by:** Alderwoman Jackson  
**Votes:** Unanimous

Alderwoman Cooper stated we rely on people who are professionals to assist us in many ways. Alderwoman Cooper stated she is annoyed by the way that our Board continues to not use the guidelines that were paying these people for. Alderwoman Cooper said we are going run the risk of loosing such great people when we don't listen to our attorney and run the risk their assistance. Alderwoman Cooper stated if we are not going to respect them why are they here. Alderwoman Sutherland stated she would like to thank Mr. Hankins for his professionalism and to direct us to get this audit behind us and excuse the Finance Director they are the reason why. Alderwoman Sutherland concerns is recommending someone that she has not talked to and don't know. Alderwoman Sutherland stated it's the Board decision to hire an Interim Finance Director, and the whole Board did not talk to Ms. Tucker and no application, no resume from Ms. Tucker. Alderwoman

Sutherland said how do we nominate her and she has not showed an interest for the position. Mayor Dobbins said we are tabling it until next meeting.

**Action:** A motion to approve Gay Tucker as the Interim Finance Director for two weeks.  
**Motion by:** Alderwoman Mayor  
**Second by:** Alderwoman Jackson  
**Votes:** 3-2

**No**  
Alderwoman Sutherland  
Alderwoman Cooper

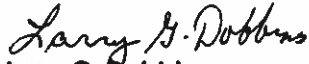
**Yes**  
Alderwoman Jackson  
Mayor Pro tem Aziz  
Alderman O'Garra

**11. Adjournment.**

**Action:** There being no further business to come before the Board, the meeting was adjourned at 10:06 p.m.  
**Motion:** Mayor Pro tem Aziz  
**Second by:** Alderman Jackson  
**Votes:** Unanimous

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

  
Melissa Pereira  
Deputy Town Clerk

**ATTEST:**  
  
Larry G. Dobbins  
Mayor