

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

March 22, 2021

MINUTES

6:00 p.m.

The Spring Lake Board of Aldermen held a regular 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 (via Zoom)
Alderwoman Soña Cooper
Alderwoman Jackie Jackson
Alderman James O'Garra
Alderwoman Fredricka Sutherland

Others Present:

Samantha Wullenwaber, Interim Town Manager
Tonny McNeil, Economic Development
Bob Stafford, Developer
Michael Blakely, Engineer
Jonathan Charleston, Town Attorney
Catherine Bamba, Attorney (via Zoom)
Justin Hembree, Council of Governments
Terry Hock, Payroll/HR
Debora Johnson-Hudson, Town Clerk
Melissa Pereira, Deputy Town Clerk
Benard Lemon, Audio Visual Coordinator

2. Invocation and Pledge of Allegiance

Alderwoman Jackson gave the invocation and led the meeting in the Pledge of Allegiance.

3. Additions or Deletions

Alderwoman Sutherland added a discussion to reopen the Recreation Center and Senior Center in New Business as item 8f. Alderman O'Garra added a discussion in regards to the \$25,000 check that the Town Attorney received without an invoice that we have asked for New Business as item 8g.

4. Approval of Agenda

Action: Approval of the March 22, 2021 Board of Aldermen Regular Meeting with additions to reopen the Recreation Center and Senior Center as item 8f, and information on the \$25,000 check as item 8g.

Motion by: Alderwoman Jackson

Second by: Alderwoman Cooper

Vote: Unanimous

5. Approval of Consent Items

Alderman O'Garra stated as he was proofreading the minutes from the March 8, 2021 Work Session Meeting, his conversation was not annotated. Alderman O'Garra stated he asked the Mayor not proceed with the \$25,000 check. Alderman O'Garra stated we need to discuss this check, but not at this time.

Action: Approval of consent items for draft minutes March 2, 2021 Special Meeting, and draft minutes March 8, 2021 Work Session Meeting with corrections.

Motion by: Alderwoman Jackson

Second by: Alderwoman Cooper

Vote: Unanimous

6. Public Comment

Mr. James Christian had concerns about the sign in remembrance of Rex Perry has not been placed at the park. Mr. Christian had concerns about the Fund Balance.

7. Old Business

Update on Town Manager's Search

Mr. Justin Hembree discussed the Board survey results for the Spring Lake Town Manager search. Mr. Hembree discussed that all board members felt it is extremely important for the next town manager to have local government work experience at 83.33 percent. Mr. Hembree stated the board members wanted the next Town Manager to have North Carolina local government work experience, and at least five to ten years' experience with leadership skills. Mr. Hembree stated the Board felt the most important background/experience was fiscal management and budgeting. Mr. Hembree stated the Board felt the single most important character strength for the next Town Manager was the ability to remain fair and consistent with the Board, staff, and general public, being a past town manager, integrity, and the ability to deal with difficult people. Mr. Hembree discussed the Town Manager job description and the goal is to cast the specifics as to what the Board desires in an ideal candidate. Alderman O'Garra asked how long will the advertisement stay open? Mr. Hembree stated we didn't put a closing date because my experience with posting a job for about a week is when you start seeing applications come in. Mr. Hembree stated my feeling is about this time next month I should be able to come back with a number of applications we received with the score results, and talk to you about the potential finalist. Alderman O'Garra suggested to bring the applications prior to the meeting so we have time to actually read them. Mr. Hembree stated absolutely, and my goal is not to spring this on you. Mr. Hembree stated we would need to go into Closed Session with applicants that are interested, and finish scoring on the criteria. Alderwoman Sutherland thanked Mr. Hembree for his services, and there may be some applicants that may not qualify so please don't send them to me. Alderwoman Sutherland stated she wants Mr. Hembree to do his job and narrow down the best. Alderwoman Sutherland stated she does give her census to proceed. Alderwoman Cooper expressed her thanks also, and for compiling the survey. Alderwoman Cooper stated to her understanding Mr. Hembree would score the applications and those who fit what we are looking for we would see. Mr. Hembree stated that's correct. Alderwoman stated you have my census. Mr. Hembree stated he will post job tomorrow morning with the League, Association, and ICMA.

8. Public Hearing

Mayor Dobbins opened the Public Hearing for Case P21-05 Rezoning of 69.53+/- acres from R6A Residential, RR Rural Residential and R10 Residential or to a more restrictive zoning district. Mayor Dobbins asked is there any citizens to speak for or against Case P21-05? Mayor Dobbins asked three times is anyone for or against Case P21-05? Alderwoman Cooper asked if she could get a copy of the minutes, and she would like to hear from Ms. Jaimie McLaughlin because she is the Spring Lake Representative for the Joint Planning Board. Mr. Jonathan Charleston stated the process is that a person has a presentation and comments. Mayor Dobbins stated she can speak after the presentation. Mayor Dobbins stated we will reverse the order on the agenda.

9. New Business

Case P21-05: Rezoning of 69.53+/- acres from R6A Residential, RR Rural Residential and R10 Residential to R6A Residential or to a more restrictive zoning district

Ms. Jaimie Walters explained Case P21-05 to the Board, and asked if they had any questions. Alderwoman Jackson asked who made those comments? Ms. Walters stated they are RULAC who do they planning for Fort Bragg, and we are required to notify them to give them an opportunity to respond. Alderwoman Jackson asked why didn't they come to Public Hearing? Ms. Walters stated they don't not typically show up to meetings, and they are not a decision-making board. Ms. Walters stated the Board of Aldermen make the decision. Alderwoman Sutherland stated it was recommended for denial. Alderwoman Sutherland stated we already have problems with our infrastructure with water pressure that was stated by MacConnell & Associates. Alderwoman Sutherland stated we can't hardly take care of our existing properties. Alderwoman Sutherland stated once we fix our infrastructure, I think it would be great to have a new community.

Mayor Dobbins asked if anyone to speak or against Case P21-05? Mayor Pro tem Aziz had concerns about the comparison of denying and accepting this project. Mayor Pro tem Aziz asked could it be possible that we table this, and do more research because Ms. Samantha Wullenwaber has expertise with planning. Mayor Pro tem Aziz stated this would give us a better position to make a decision on this. Mr. Michael Blakely stated he would like to present the project, and how it will fit in with the community. Ms. Jaimie McLaughlin stated she could answer any questions the Board may have at this time. Ms. McLaughlin stated this case was denied by the Planning Board for very strong reasons. Mr. Tonny McNeil discussed the reasons why this project should be approved because of a three-million-dollar investment, and over one hundred homes built. Mr. Michael Blakely stated there was no plat because its rezoning, and the purpose of this is to get rid of the mobile home park. Alderwoman Sutherland stated you made a statement that there are trailers in the area, and my question to you is where are they going to go? Alderwoman Sutherland stated we want to keep a good relationship with RULAC and Cumberland County Planning. Alderwoman Sutherland stated I feel we need to table this until more research it completed, and the Hurricane flooded out the area. Alderwoman Sutherland stated she would love to see economic development homes. Alderwoman Jackson stated to table this Hearing because she had concerns about certain things that were said, and more information is needed. Alderwoman Jackson asked Ms. Debora Hudson that this meeting is being recorded? Ms. Hudson stated yes. Alderwoman Jackson stated she would like to see all accusations about what we can't do and evidence to prove what we can in the minutes.

No action was taken on Case P21-05 until further notice.

Oath of Office

Mayor Dobbins administered the Oath of Office to Mrs. Samantha Wullenwaber.

Resolution (2021) 4, Bank Signature Card Change

Mr. Terry Hock presented Resolution 2021 (4), and requested the Board approve changes to the Bank Signature Card adding Mrs. Samantha Wullenwaber to the account and deleting Mr. Adam Lindsay.

Action: Approval of Resolution (2021) 4, Bank Signature Card.

Motion by: Alderwoman Sutherland

Second by: Alderwoman Cooper

Vote: Unanimous

Memorandum of Agreement for Mutual Assistant

Police Chief Troy McDuffie asked the Board for approval of Memorandum for Mutual Assistant for the police department. Police Chief McDuffie stated this agreement would aid in law enforcement records and services. Police Chief McDuffie stated that he preferred not be asking for this request but somethings are necessary, and it's my responsibility to bring forth the needs of the police department. Police Chief McDuffie explained the police records management system agreement with the Cumberland County Sheriff's Office in 2011 interfaced with our records management system along with Cumberland County and Hope Mills Police Departments. Police Chief McDuffie stated the Sheriff's Office is the primary part of the records management system. Police McDuffie stated in December when the cyber-attack occurred, it caused the police department records management system to shut down. Police Chief McDuffie explained the primary functions of the records management system is to store misdemeanor reports, investigative reports, federal reports, and felony reports. Police Chief McDuffie stated the system would help in storing NCI data as well as required by the State Bureau Investigation (SBI), and link investigative reports. Police Chief McDuffie stated ARMIS has the ability to stop crime, and store evidence that is needed by personnel. Police Chief McDuffie explained because of the cyber attack on the Town the County and Sheriff's Office were in fear of their systems being attacked now they want us and Hope Mills to have their own records management system in the police department. Police Chief McDuffie explained this will give us the ability to have information downloaded in our system. Police Chief McDuffie stated he was trying to wait but the Cumberland County Sheriff's Office called two weeks ago and gave us an ultimatum. In addition, terminate our access to ARMIS. Police Chief McDuffie stated this proposal came about two weeks ago, and after speaking with Hope Mills Police Department, they have agreed to the same proposal. Police Chief McDuffie stated if we are denied then we will have to look at another system that our officers may have to avert too. Police Chief McDuffie stated it will cost \$13,000 for four years, and \$5000 per year for license as well as hiring an IT employee. Police Chief McDuffie stated we would no longer use the current IT contract, and we would hire an IT person who specializes in law enforcement software programs that would be responsible for Spring Lake. Police Chief McDuffie stated with our current contract with Cumberland County 911 we currently pay \$35,000 per quarter with dispatch services. Police Chief McDuffie stated it would cost us about \$600,000 a year if we went solo in 911 dispatching. Police Chief McDuffie stated the ultimatum has put us in a position that we have to look for other alternatives. Police Chief McDuffie asked if anyone had any questions. Alderwoman Sutherland asked will this be a shared cost with Hope Mills? Police Chief McDuffie stated that's correct. Alderwoman Sutherland asked on page 3 the police department infrastructure to have the ability to inquire a network platform, and provide funding within four years at \$8,450? Police Chief McDuffie stated that's the start up fee, and instead of us paying for the server, license, and the backup license at \$34,000 has been broken down over a four-year period. Alderwoman Sutherland asked the data we lost was an oversees hacker that we had

the FBI and SBI investigating; did we ever find out who did this? Police Chief McDuffie stated we did not lose our information but because of that incident County has concerns. Alderwoman Sutherland asked if we had a Laserfiche for storing police information? Police Chief McDuffie stated police records have to be handled differently, and are mandated by the SBI. Police Chief McDuffie stated the police have two different systems; the ARMIS stores data input from police and TAD is the mobile system to retrieve information. Police Chief McDuffie stated if we lose access to ARMIS then we lose access to TAD. Alderwoman Sutherland stated is your recommendation that we proceed? Police Chief McDuffie stated yes, I recommend although I don't agree with some things. Alderwoman Sutherland stated will the police department have their own control? Police Chief McDuffie stated we will have more control. Police Chief McDuffie explained before the County was not charging us for IT services, and the Sheriff's Office supported us in that area. Alderwoman Cooper asked if Laserfiche was an option for our Police Department? Police Chief McDuffie stated he's not familiar with Laserfiche, and it's not that type of data stored in a cloud. Alderwoman Cooper had concerns about the restriction on the contract, and if the attorney could look over it. Police Chief McDuffie stated he did have Ms. Hudson forward a copy. Mr. Jonathan Charleston stated he has read it, and the agreement is only open until June. Mr. Charleston stated there are twelve intervals thereafter. Mr. Charleston had concerns who will own it if it goes to the Sheriff's Department. Police Chief McDuffie stated they will not be able to access certain information from our system. Mr. Charleston stated he will take a look and revise certain things to the agreement. Police Chief McDuffie stated the agreement will not take place until July 1, 2021. Mr. Charleston stated the agreement would run the fiscal year June 30th. Mayor Dobbins asked so if we signed tomorrow it would only be until June 30, 2021? Mr. Charleston stated yes. Police Chief McDuffie stated he will speak with Sheriff.

Alderwoman Sutherland asked if the Town Manager could look into the Laserfiche record management, and we pay around \$10,000. Mrs. Samantha Wullenwaber stated yes.

Action: Approval of Memorandum of Agreement for Mutual Assistance decision to be delayed until we get the terms of the contract.

Motion by: Alderwoman Cooper

Second by: Alderwoman Sutherland

Vote: Unanimous

Police Chief McDuffie stated his last day is April 30, 2021 after thirty-five years in law enforcement, and LT. Spellman will take over until the Town decides to hire a police chief. Police Chief McDuffie stated he wishes the Town the best, and I hope the Town continues to support the police department.

MetroNet (Letter of Agreement)

Mr. Eddie Massengale explained MetroNet is a 100% fiber optic internet, virtually unlimited capacity, and the fastest internet speeds. Mr. Massengale discussed the benefits that it could bring to the Town of Spring Lake. Alderwoman Sutherland asked did we do some time of infrastructure or was with another company? Mr. Massengale stated no. Alderwoman Cooper asked would this be internet and cable? Mr. Massengale stated yes.

Discussion of Reopening the Recreation and Senior Center

Alderman Sutherland discussed the reopening the Recreation and Senior Center. Alderman Sutherland stated she has been receiving calls from citizens about the reopening of the centers. Alderman Sutherland stated she would like a presentation at the next Board meeting. Alderman Cooper stated she has seen on other Town's websites of different events that are taking place that are not that costly. Alderman Cooper stated an Easter Egg Hunt could be done for the children. Alderman O'Garra stated we could have an Easter Egg Hunt, and enforce social distancing. Mayor Dobbins stated both Department Heads can present a strategy plan to reopen the centers under the COVID mandates. Mrs. Wullenwaber stated she will have the information for the next Board meeting. Mayor Dobbins stated the basketball courts were not in compliance with social distancing after seeing over 20 people on the basketball court. Alderman Sutherland stated waivers should be signed. Mayor Dobbins stated these Department Heads would need everything laid out, and consequences for violations in case of a lawsuit.

Discussion of \$25,000 Check

Alderman O'Garra discussed the \$25,000 that was paid to the Town Attorney without a detailed invoice. Alderman O'Garra stated in the past with the fire truck documents, our Attorney was to look over the contracts that were made by the banks and attorneys. Alderman O'Garra stated when I buy something, I get a receipt. Alderman O'Garra stated he wants a detailed invoice for the \$25,000 check. Alderman O'Garra stated that the check was not supposed to go out until it became before the Board. Alderman O'Garra stated that \$25,000 check we should have some say so in, and see what we are spending the Town's citizens money on. Alderman O'Garra stated we have bought fire trucks in the past, and we have never paid our attorney that kind of money because their banks do that kind of work. Alderman O'Garra stated if I don't see one by the next meeting; I will continue to bring this to the Board. Alderman O'Garra stated I have asked the attorney three times, and this is unacceptable. Alderman Cooper stated the payment for the attorney was included in the contract agreement for the fire trucks, and that we all voted on unanimously. Alderman Cooper stated she doesn't think there is a need for an invoice. Alderman Cooper stated for the last couple of years I have been asking for spending expenditures to know where the \$3 million dollars have gone. Alderman Cooper stated we are worrying about a \$25,000 check when we need to know where \$3 million dollars was spent. Mr. Charleston stated Mr. O'Garra I don't know how many taxes or financing you have been involved in; but generally, you get a one-page summary of the invoice on taxes and financing documents. Mr. Charleston stated in my contract I will quote a flat fee with project financing, and was approved by the Board. Mr. Charleston stated the bank did not draft the documents, I did, and the first set of documents did not comply with the statute. Mr. Charleston stated the bank we borrowed the money from was a very small bank, and they did not send us the correct documents that would be compliant with the statute, and the Town would had been in full faith collateral. Mr. Charleston stated when you ordered those fire trucks they were not done in a proper sequence. Mr. Charleston stated there was never an RFP financing, and I had to draft and RFP financing after the trucks had been ordered, and no money to pay for them. Mr. Charleston stated there were number of problems associated with that contract. Mr. Charleston stated the manufacture company was calling and wanted an unpaid payment for the fire trucks, and they were delivered to the Town and demanding payments. Mr. Charleston stated there were no insurance on the fire trucks. Mr. Charleston stated when the invoice was sent over it was approved by the Board. Mr. Charleston stated if there are any more questions, I would be happy to answer them. Mr. Charleston stated that if you go back and look at our contract that my firm signed with the Town; it says we will submit flat fees for project financing, and not give detailed invoices. Mr. Charleston stated because it was a compressed timeframe, and financing had not been

arranged or budgeted by the Town, and we had to go in an address all those issues. Alderwoman Sutherland stated the services that you provided would be included with monies you would be making, and we need to continue to move on because someone messed up with the fire trucks, and we didn't go through the LGC. Alderwoman Sutherland stated we should have never done this, and we were used to the banks we dealt with. Alderwoman Sutherland stated if you do the work then you need to be paid for your services. Alderwoman Sutherland expressed thanks to Mr. Charleston for his services. Alderman O'Garra stated he wanted a detail invoice that he can read and study, afterwards, I want explanation on the things you did. Mr. Charleston stated I submitted documentation approved by the Board, but if the Board wants some additional invoice, I will provide. Mayor Dobbins stated whatever you provide for him, give to Board also. Mr. Charleston stated the contract is prove of the invoice.

9. Closed Session

- a. N.C.G.S. §143-318.11(a)(4) – Economic Development
- b. N.C.G.S. §143-318.11(a)(3) - Attorney Client Privilege

Action: The Board approved a motion to go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(4), N.C.G.S 143- 318.11 (a)(3) Consultation with Attorney.

Motion by: Alderwoman Cooper

Second by: Alderman O'Garra

Vote: Unanimous

Alderwoman Cooper made a motion, seconded by Alderwoman Sutherland, to reconvene in open session.

Action: Approval of the Bylaws of the Spring Lake Property Acquisition, Article 3, Section 9, and the petition from Board Member Rhonda Webb; to remove all Board of Directors from the Spring Lake Property Acquisition and immediately nominate Alderwoman Sutherland, Mayor Dobbins, and Alderwoman Cooper.

Motion by: Alderwoman Sutherland

Second by: Alderwoman Cooper

Vote: 3-2

YES

NO

Mayor Pro tem Aziz
Alderwoman Sutherland
Alderwoman Cooper

Alderman O'Garra
Alderwoman Jackson

Action: Alderwoman Cooper made a motion to authorize the Town Manager to adjust the Town's staff census and personnel budget outlined from time to time, and the Town Manager's reasonable discretion and comply with reasonable budget practices subject to applicable law.

Motion: Alderwoman Cooper

Second by: Alderwoman Sutherland

YES

Mayor Pro tem Aziz
Alderwoman Cooper
Alderwoman Sutherland

NO

Alderwoman Jackson
Alderman O'Garra

Alderman O'Garra stated before any personnel are removed that it comes before the Board.


7. Adjournment.

Action: There being no further business to come before the Board, the meeting was adjourned 10:38 p.m.

Motion: Alderwoman Cooper

Second by: Alderwoman Sutherland

Vote: Unanimous


Melissa Pereira
Deputy Town Clerk

ATTEST:


Larry G. Dobbins
Mayor