



**City of Boiling Spring Lakes
Board of Commissioners Special Meeting Minutes
August 17, 2013
City Hall – 10:00AM**

PLEASE TURN OFF CELL PHONES

I. Call to Order

Mayor White called to order the special meeting for August 17, 2013 at 10:00am

Mayor White requested Ed Wilkie to lead the Pledge of Allegiance.

II. Pledge of Allegiance

III. Attendance: In attendance at the meeting were:

Mayor Richard White
Commissioner Mike Forte
Commissioner Charlie Carroll
Commissioner Barbara Glidden
Commissioner Craig Caster
City Manager Jeff Repp
City Clerk Jane McMinn

IV. Order – authorizing the execution of a revised contract with Boiling Spring Lakes Fire Rescue to include emergency services as part of the list of services to be provided.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Caster to accept the contract with Boiling Spring Lakes Fire Rescue.

Vote: 5 – 0

V. Spring Lake Water Level

**Jane Falor –
Read from a written statement – to summarize:**

Mrs. Falor stated that she has lived on the lake since 1983 and knows where the water level should be. She asked to have Spring Lake returned to the level it was before the City Maintenance Department decided to replace the pipe and alter the water level. Mrs. Falor stated that she was highly offended and embarrassed that the comments made in Daniel Devlin's email were made in such a public way.

Marie Ramos – 125 Ash Rd. – Commented that the lake is so low that all the vegetation is a stagnant mess, it is like a swamp in my backyard. She stated that she would like the level to be a little bit higher.

Ruthie Devlin – 137 Ash Rd. – Ms. Devlin stated she was satisfied with the lake level but commented that she would like the level a little higher for her Picture plants. Ms. Devlin inquired why the Army Corps of Engineers was not brought in and commented that she had put white sand in her backyard but the Army Corps of Engineers required her to remove it.

Chris Thompson – 149 Pike Rd. –

Read from a written statement – to summarize:

Mr. Thompson stated that pictures were taken on May 18, 2013 during the time Tammy was being filmed. At that time there was no water in his yard. These pictures have been submitted to the City. Mr. Thompson questioned if the City can be liable for the loss of property so others can have more water at their bulkheads? Mr. Thompson then stated that he thought it would make more sense for owners to clean in front of their bulkheads than for others to lose property because of flooding.

Audrey Carathanasis – 1281 Spring Lake Rd. – Mrs. Carathanasis stated that in her opinion the lake is too high, and that no one knows enough about the correct procedure and that the City should have hired a hydrologist and receive an expert's opinion. She stated that this should have been done prior to anything being done originally, and has lost 2 feet of property so far, and asked for a tax reduction if it is not repaired.

David Putnam –

Read from a written statement – to summarize:

Mr. Putnam stated that he built a home on Ash Rd. in the early 1990's and the demographics in the area have changed due to more homes and roadways being built, and trees removed altering the flow of water. There is a lack of a storm water management program. These issues affect not just the people around the lake but residents in the outlying areas where the water does not flow properly, which affects everyone in the area. We have received an enormous amount of rain this year and residents are now experiencing the result of that as well. Mr. Putnam commented that he listened to the statements made by residents during the August 6, 2013 meeting and stated everyone who spoke that night was correct. Spring Lake has at least three 16" drain pipes that flow into the lake. There are two 16" drainage pipes that flow out of the lake into North Lake, the inflow into the lake does not equal the outflow of the lake. It was also stated that each of the 4 major lakes need to be identified with an acceptable water level height. Mr. Putnam commented he hopes the Board will come up with an acceptable level for all that are

concerned. Each lake should be monitored for the correct water level on a weekly basis and adjustments should be made accordingly on the 4 major lakes. Mr. Putnam would like to see Public Works take a pro-active approach in making recommendations to the City leaders. Mr. Putnam observed ditches filled with silt and debris, which does not allow for water flow. The drainage pipes that lead into North Lake and other lakes need to be of adequate size.

Ray Wierschem – 1170 Grace Rd. – Mr. Wierschem distributed photos to the Board.

Mr. Wierschem read from a written statement – to summarize:

Mr. Wierschem stated that his property borders Spring Lake and has been flooded due to the increase in the water level. This increased water level has left our water front submerged and soggy. Even after the water level has been lowered our property is still submerged. Our home is only 10 feet from a drainage ditch that the City of Boiling Spring Lakes installed to drain Grace Rd., across our property and down into Spring Lake. We have lived in our home now for 8 years and this ditch so far has flowed freely. With the increased level in Spring Lake this drainage ditch backs up and can potentially damage our foundation and further erode our land. Mr. Wierschem invited all Board members to inspect his property situation personally to completely understand his concerns.

Wastewater treatment plants are aware of storm water runoff prior to storms and lower water levels accordingly. Why should we not have Spring Lakes levels decreased to accommodate storm water runoff, especially during tropical storms and hurricanes. Your consideration of my comments will be deeply appreciated.

Nancy Crawford – 241 Ash Rd. – Mrs. Crawford distributed photos to the Board.

Mrs. Crawford read from a written statement – to summarize:

Mrs. Crawford referenced the petition given to the Board on August 6, 2013. She stated there was an elbow placed on the existing pipe on July 11th which raised the lake level to 8.5” above the existing water level. The elbow was to maintain the water level to the 7.2” not to raise the water level, but commented that we received more than 5” of rain in a short period of time, and the water levels went up which has resulted in residents thinking it was due to the pipe alteration. By driving around the City you can see that the other lakes are above normal levels. At the August 6, 2013 meeting Mrs. Crawford stated that the water level was 2.58” above the 7.2” level which was the basis of the compromise to lower the water level 3”. Never has the water been 8.5” above the 7.2” mark. Mrs. Crawford commented that tropical storms and hurricanes cause flooding. Mrs. Crawford confirmed that we do not want flooding, we do not want to cause damage to personal property. What we do want is for the lake to maintain a level that is consistent with our rights as property owners, to use the lake. On the petition it was stated that the beach at Spring Lake is gone due to the decision. The sand at Spring Lake is not gone but has been reduced. The original beach that existed before the water level was lowered has now become overgrown with grass. This has caused many to think that the beach is gone. The town has a truck and a backhoe which could easily restore the beach area. Mrs. Crawford commented about an email dated August 9, 2013 from Karen Thompson who is a property owner on Spring Lake. The email stated that the heights of the bulkheads in the area have been observed and there are a few residents that have built theirs unusually high. Mrs. Crawford stated that she has a building permit signed by the building inspector of

Boiling Spring Lakes that proves that my bulkhead was correctly built to City standards and is appropriate to the lake front property.

David Crawford – 241 Ash Rd.

Continued to read from Mrs. Crawford's written statement:

Mr. Crawford commented – Karen Thompson's email dated August 9th stated that she believes that a majority of the residents have changed their minds. Mr. Crawford commented that only 5 of the residents that signed the original petition to have the lake level raised have changed their minds and signed the second petition. In my opinion 5 out of 19 names does not constitute a majority. Mrs. Thompson's email states that she is not in favor of a compromise and that the lake level should be restored to its original level. Mr. Crawford stated that the real challenge for the Board is to determine what that level is.

In closing Mr. Crawford said that this has become an emotional issue for the citizens. Mr. Crawford believes the Board will make a fair and reasonable decision on the facts and not on emotion. Mr. Crawford stated for the record that we have had 2.75" of rain in the last week. I think we need to leave the pipe alone and wait until we get a normal weather pattern so we can establish what the lake level will be with the pipe.

Mayor White – With regard to the July 2, 2013 meeting it was stated that the Commissioners voted to raise the level of the lake 6" which was done. Instead of 6" the water level went to 8.5". Mayor White directed a question to Nancy Crawford asking if the lake was 5" to high and there was 3" of water running over the discharge pipe, what do you think would be needed to lower that pipe to the correct level. Mrs. Crawford responded 2". Mayor White stated that until we get a weather pattern that is normal we can then adjust the height. Mayor White also commented that he examined some of the docks and bulkheads and many of them were not built to standard and some of them do not have silt fencing installed which holds the ground.

Mayor White again stated that we need to wait until we get a normal weather pattern of 3 weeks to make a better determination.

Ed Wilkie requested to speak – 142 Pike Rd. – Mr. Wilkie stated that at the corner of his lot he has lost about 20' to 30' of property which is under water now and I am paying taxes on that property. Mr. Wilkie stated that he does not have a bulkhead and he does not understand what was wrong with the lake level the way it was. He stated that he is not going to give up his property just so someone can have water up to their bulkhead, he is paying taxes on this property that is now under water.

Jim Snyder was called upon by the Mayor as an engineer to comment.

Mr. Snyder stated that we have lost sight of the problem. He stated that we are not getting the water out of the lake when there is rainfall. You must have a way of getting the water out of the lake when you have a rain event, continuing to get water out of each subsequent lake. Mr. Snyder said the City needs to be proactive and solve the big picture and not just 2" or 3" of water in just one lake. Mr. Snyder also stated that a system should be put in to control the water just like it is done in the Big Lake. Levels of water need to be lowered

in each lake, not just one lake and the water level has to be dropped before the storms arrive.

Mr. Snyder suggested that the City hire an engineer, they can do the study, inform you of what to do, affix the seal and obtain the permits.

Commissioner Glidden – stated that on July 2nd everyone was happy with the lake level, and the Board voted to raise the level 6” by putting in the elbow. Commissioner Glidden stated that the lake level will never be perfect, it will go up it will go down, we can’t do anything at this point. She sympathizes with everyone who lives on the lake, this is a problem that has to be addressed. Commissioner Glidden directed a question to Commissioner Caster asking if he had an opportunity to speak with the City Manager about talking to the State regarding the pipe on North Lake.

Commissioner Caster responded that he did speak with City Manager Repp and he is going to get information from our Public Works Director, Larry Modlin and we are going to take that information to the State. City Manager Repp commented that we will present this information to the State but it will depend on what the State wants to do since it is their road and their pipes. The pipes were larger in size and the State decided to reduce the size after one of the storms. City Manager Repp and Commissioner Caster will speak with the State to see if they have any interest in re-evaluating, but I am not real encouraged that it will change their opinion.

Commissioner Glidden – asked City Manager Repp about the result of the meeting he had with Environmentalist Specialist from NCDENR.

City Manager Repp responded that Chad Coburn a Senior Environmental Specialist with NCDENR , Water Management Division came down and looked at the situation due to the calls he had received. There was no permit issued for the construction of Pine Rd. when it divided Spring Lake and North Lake in half so there is no information as to what water levels were to be established by a permit. It is considered a non-hazardous dam.

Commissioner Caster – commented that property owners on North Lake would like to have concrete culverts reinstalled under E. Boiling Spring Road. There has been a blockage that has been created from North Lake and Spring Lake draining into the Big Lake. Hopefully this problem will be addressed.

Commissioner Caster said that he has listened to all the property owners stating there is not enough water and other owners who are under water. Therefore there should be a compromise. By taking no action today is not getting anything accomplished. Commissioner Caster stated that this Board raised the water level and this created the water problem we currently have. At the last meeting we voted to lower the level 3”. We can take a look at the pipe and see if there is something we can do, because we can do something to help these property owners that have their yards flooded. Commissioner Caster said that he just can’t understand why we have turned our backs on our neighbors that have this flooding problem due to a Board action to raise the level.

Larry Modlin asked if the motion at the last meeting, July 2nd regarding the lake level could be read. Chris Thompson had a copy of the minutes and handed them to Commissioner Glidden.

Ray Wierschem requested to speak again. He stated that his home is 10 feet from a drainage ditch. It is like a flowing river, both Mayor White and Larry Modlin both know this. Mr. Wierschem questioned where this water is supposed to go. With the lake level raised our home has become in jeopardy, again questioning the Board as to where the water is supposed to go.

Commissioner Glidden read from the July 2nd minutes – the motion was made by Commissioner Carroll and seconded by Commissioner Glidden to return Spring Lake to its original shoreline as quickly as possible. No inches were said.

City Manager Repp stated that the 6” conversation came from the workshop that was held prior to the July 2nd meeting (June 25th) and during that time there was mention of 6” being raised but there was no action at that meeting. The official action was at the July 2nd meeting where the level was marked after the meeting since that was the level everyone was happy with. That is what was done.

Commissioner Forte stated there are many problems going on. There are 5 inlets into the lake and only 2 out. More water is coming in than going out. What was said that night was whatever the water level is everyone was happy that day. Larry Modlin marked the water level and adjusted it accordingly. The 5 1/2” of rain that fell caused the flooding. The Board tried to compensate and agreed to lower it 3” and it has continually been raining. Commissioner Forte made the comment that he is not certain that any action should be taken today. Once the water level stabilizes we can figure out how to get the water out. Commissioner Forte stated that the City needs to come up with a long term solution to this problem.

Commissioner Carroll stated he recognized that the water level was high, we talked about lowering the lake and I was not against lowering the lake, but with all the rain we are having this is a moving target. There is flooding in the Thompsons yard and I do not believe your neighbors or others want water in your yard. Commissioner Carroll stated the he believes with proper engineering that this situation can be fixed, but it is not going to be fixed within the next 24 hours. Commissioner Carroll stated that he does disagree with Commissioner Caster that again, all we are doing is watching a moving target by the time we would take action the target has moved again. Commissioner Carroll is in favor of taking all the good information that was received today and working toward a permanent solution, but not in favor of taking any action today.

Commissioner Carroll stated that if we have a major event we have a failsafe, we can remove the pipe and dump the water into North Lake if we need too. That option can be done.

Commissioner Caster feels everyone would be satisfied with a compromise to give some relief and we should look at all neighbors. After all the rain that we have had and all the rain that is still coming, I think we need to look after all the people around Spring Lake. Commissioner Caster also stated that as long as people have water in their yards, and the City created this problem they want to know what is the City going to do about it. Commissioner Caster stated that he thinks the pipe should be lowered 1” or 2” to allow water to drain and look at the situation in another month. By doing this it will certainly help the people who have water in their yards, and this will not hurt people who are not flooded.

Commissioner Forte stated that we are currently expecting heavy rain again, and September is the heaviest month for rainfall. Commissioner Forte is in favor of lowering the water level 2” which allows some room for the anticipated rains that are coming.

Commissioner Carroll stated that he does not disagree with Commissioner Caster about lowering the lake. Commissioner Carroll commented that we are being premature by moving the pipe again, but he just disagrees with the timing.

A **motion** was made by Commissioner Caster to lower the lake level 2” and seconded by Commissioner Forte.

Larry Modlin answered when asked by Commissioner Carroll about how long ago was the elbow removed from Spring Lake. Larry responded about 7 years ago and the removal of that elbow did not cause the lake level to go up or down.

Vote: 2 – 3 (opposed: Mayor White, Commissioner Carroll and Commissioner Glidden)

Commissioner Glidden requested that all Board members should continue to monitor the lake level and stated that she will continue to monitor and is hopeful that the Board will do the same.

A **motion** to adjourn was made by Commissioner Carroll and seconded by Commissioner Caster.

Vote: 5 – 0

The meeting was adjourned at 11:00am

Richard White, Mayor

ATTEST:

Jane McMinn, City Clerk

