



*City of Boiling Spring Lakes*  
Board of Commissioners Regular Meeting Minutes

August 6, 2013

City Hall – 6:30 PM

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**I. Call to Order**

The Mayor Pro-Tem, Charlie Carroll called the meeting to order at 6:30pm and asked Ed Wilkie to lead the Pledge of Allegiance.

**II. Pledge of Allegiance**

**Attendance:** In attendance at the meeting were:

Mayor Pro-Tem	Charlie Carroll
Commissioner	Mike Forte
Commissioner	Barbara Glidden
Commissioner	Craig Caster
City Manager	Jeff Repp
Building Inspector	Jim Nicholas
City Clerk	Jane McMinn
Not Present:	Mayor Richard White

**III. Approval of Regular Agenda**

A request was made by the City Manager to add two additions to the agenda:

- d. - Whistleblowers Policy
- e. - Schneider Park Play Systems

A **motion** was made by Commissioner Forte and seconded by Commissioner Glidden to approve the regular agenda with the two additions.

**Vote: 4 -0**

**IV. Public Comment [Comment is limited to 3 minutes per speaker]**

**Norman Carathanasis** - 1281 Spring Lake Dr. read a statement to the Board attached to the signed petition. **Please see attached.**

Mr. Carathanasis then distributed pictures to the members of the Board stating that there is no water running over the elbow into the drain which leaves the level of the

lake right where it currently is continuing to cause flooding in yards and causing other problems. Mr. Carathanasis also stated that he wished the Board had not had such a kneejerk reaction to lower the lake and also commented that the Board should have consulted with the City Manager who is paid to handle such problems and the departments that he is in charge of.

**Ed Wilkie** stated that he is in agreement with Mr. Carathansis and his yard too is also flooded and stated that about 5 or 6 feet of his yard is now under water and one of his sprinkler heads was about 6 to 8 inches from the edge of the lake and that sprinkler head is now watering the lake. He also commented that the vacant lot next door which he owns is also flooded. Mr. Wilkie stated that he is not paying his tax money so others may have a beautiful picture of the lake. He commented that he is not giving up his property for anyone.

**Ricky Rygg** – 267 Holly Dr. read the petition requesting the City to install ditching to handle storm water runoff on Holly Dr., Crabapple Dr., Redwood and Walnut.

**Please see attached.**

Mr. Rygg pointed out that the orange color on the map (which was distributed to the Board, City Manager and City Clerk) depicts the low lying lots on Holly Dr. The colored key on the map indicated areas of low lying lots, areas where storm water easements have never been installed, areas needing ditches installed and culverts that need to be cleaned out. Mr. Rygg stated that he has been pumping water off his property for over 30 days, but he then stated there was no sense in pumping water to the street because there are not ditches in place for the water to flow into. The owners have been going through this for 3 years. Twice Mr. Rygg has had to pump out his septic tank because it has been flooded which causes a health hazard for all the residents. Mr. Rygg stated that he followed all the rules, obtained his building permit, if the town knew there was a water problem, then that permit should never have been issued. Mr. Rygg commented that he spoke with a professional engineer who said that if the city agreed on a correct fee he would certainly be able to find a solution for the water drainage problem. Mr. Rygg's stated that if the city wants to buy him out he would gladly move and that he did not retire to pump water for Boiling Spring Lakes.

**Kevin Hollister** – 285 Walnut Rd. stated that he was here tonight to support his friends and neighbors, many of who are here tonight. I also signed the petition. Mr. Hollister has been living at his current address since 2007, the house was constructed according to city code. The easements are never dry and they are full of water. He stated that he submitted pictures via email to all the addresses on the website approximately 3 months ago and has never received a single reply. Mr. Hollister stated that there is stagnant water on Walnut and the infested water is nasty, dirty, a health issue, a quality of life issue and a property value issue. All these issues should be addressed by the Board. A solution to fix this stagnant water problem needs to be

addressed by whatever is most cost effective for the City. The water problem has to be corrected for a better quality of life for his family, neighbors and friends.

**Patricia Walters** – 1481 Longleaf Rd. stated that she is here this evening to address the Board of Commissions and City Manager about the concerns over the water level in Spring Lake.

**Mrs. Walters read the following:**

It is my understanding that the problem we are now facing with neighbors yards being flooded, ours included, should never have occurred. Why this was ever addressed by the Board in the first place is incomprehensible. The city has an employee with at least 12 years of experience dealing with the water levels of our lakes and all the problems and issues we have faced in the past. Why was this employee denied the opportunity to explain what the consequences would be by altering the outflow from the lake and to explain what could be done to address the situation if there was one. We have a City Manager. Is he not allowed to do his job, or was there hesitation in working with this employee to come up with a reasonable solution. The lake level concerns should have been the job of the City Manager working with the employee who has the knowledge and experience of the lakes to investigate and come up with a solution if one was ever indeed required. Stories have been circulated that after the hurricane washed out the road in outlet area that when the deteriorated pipe was replaced that it was lowered from its original height. That is not true. The replacement pipe was installed at the same level as the old pipe that was removed. The only difference was that it was a functioning pipe not deteriorating and not clogged with debris from the beavers. Our house is the only house located on the lake on Longleaf Rd. We have lived at the same location for 16 years and in those 16 years we have never experienced the lake level being unusually low, with the exception of the drought in 2001/2002. It was at that time that we decided to install a bulkhead and its purpose was two-fold. One was to improve the property lakeside. Second was to help keep our yard from flooding should we experience another tropical storm or a hurricane. When we experienced Hurricane Floyd, we had water flooding our backyard for approximately 40 feet. It caused our underground propane tank to shoot out of the ground like a submarine. Ten feet more it would have been under our house. After the last rain the lake reached our bulkhead and our backyard was flooded. We now have standing water and we will not be able to mow that area. Not to mention the problem of a breeding area for mosquitos. I understand our neighbors are suffering even worse damage than we are. There should be no reason for this to be happening. I walked out there today and there is still water in the yard. The east end of the bulkhead is still under water. There is still standing water, there is a problem. It is time to listen to someone with the experience and knowledge in dealing with our waters. It is time to let Larry Modlin do his job and the City Manager to work with him in coming up with the correct solution.

I have a comment of some things that were discussed after last month's meeting. I want it to be known that at no time have I or my husband ever asked for the lake level to be higher because we constructed a bulkhead. I certainly do not condone unfounded rumors. Mrs. Walters then distributed photos of the lake level to the Board.

**Randy Stewart** – 259 North Hills Dr. stated that his concerns were a little different than the previous speakers people. Right now when there is extra drainage from Spring Lake it comes to North Lake. He stated that there have been only 3 days in the last two months that he has been able to mow his backyard. Mr. Stewart stated that he has spoken to a couple of the Commissioners about this and he realizes that part of it is not Boiling Spring Lakes fault. The drainage from North Lake to the Big Lake is state installed and state controlled. There is a large infestation of milfoil which is choking the lake and the lake has been stocked with fish. Currently you cannot fish around the lake due to all the milfoil that has grown, which is reducing the oxygen in the lake which will lead to the fish dying. As the milfoil continues to break off and grow, it blocks the drainage of the lake. Mrs. Stewart brought pictures of the yard and distributed them to the Board. Mr. Stewart said he is worried about “feet” of water in his yard. Mr. Stewart stated to the Board that the State would not do anything about this unless Boiling Spring Lakes pushes the State.

**Nancy Crawford** – 241 Ash Rd.

**Mrs. Crawford read the following:**

When the city was petitioned to raise the water level of Spring Lake it was not meant to flood or destroy anyone's property. It was to bring the lake levels back to normal. Dealing with Mother Nature has proven to be difficult. It is time we look at some facts.

The water is currently 2.5” above what it was on July 10, 2013. If you recall the city has been under a flood warning twice in the month of July and all the lake levels were or are above normal at this point in time. This situation of flooding on Spring Lake is not unique to Spring Lake. The month of July has seen abnormal rainfall amounts. Most of that rainfall has occurred in down pours which mostly runoff into the lake instead of soaking into the ground. I have unofficially recorded 11” of rain in my rain gage on my deck since July 10<sup>th</sup>. The water level is not at fault, it is the process drainage flow through the lake. Spring Lake currently is releasing about 1 to 1.5” of water per day. This is the same rate before the elbows were installed. So the modification to the output drains did not change the dynamics of the water flow. I sent all of you pictures of May 5<sup>th</sup>, July 30<sup>th</sup>, and August 4<sup>th</sup> of how much water was flowing out of the lake. There are 5 drainage inputs coming into Spring Lake and 2 drainage outputs that release the water. The main source of drainage input appears to come from the surrounding areas on the north side of Spring Lake. July 29<sup>th</sup> we had about 3.5” of rain in half hour. July 31<sup>st</sup> we had about another inch of rain. On Sunday, August 4<sup>th</sup> water was still flowing into the lake from 4 of the inputs on the

north side of Spring Lake and I just stopped on the way down here and it is still coming into the lake. It is obvious the solution is bigger drain pipes, but the city needs to review the decision carefully because we might be trading one problem for another if the Big Lake, dam, and North Lake cannot hold additional runoff from Spring Lake. The current drainage outputs are able to release the water in a controlled manner, thus limiting the overall impact on the rest of the lakes downstream.

In closing I think the city needs to give Spring Lake a chance to stabilize to more normal conditions. At that time we can fairly evaluate the needs of our natural resources and the needs of our citizens that can be impacted by the natural resources.

**Susan Novello** – 276 Crabapple Rd. Ms. Novello stated that she is here tonight in support of Mr. and Mrs. Rygg. She stated that when it rains the water runs down into Mr. & Mrs. Rygg's yard. There is mold growing under her house. This situation of mold growing is an environmental hazard and she stated that there is not enough drainage on Crabapple, Holly or Redwood and even Juniper floods. Ms. Novello stated to the Board that something really needs to be done about this for herself and her neighbors. If nothing is done we will all continue to have mold and environmental problems. Ms. Novello stated again to the Board that something really needs to be done because this has been an ongoing issue.

**Ronnie Schrader** – 226 Crabapple Rd. Mr. Schrader stated that he has lived at this address for 20 years and he continues having the same issue about the ditch in his backyard being made deeper to retain the water even though I have brought it to the attention of the mayor. Mr. Schrader stated that still nothing has been done about the water in his backyard. He again stated that this problem needs to be addressed.

**David Reeves** – 250 Crabapple Rd. Mr. Reeves reported that he just moved here from Florida and was hired by Duke Energy. He is currently renting his home and has thoughts of purchasing the home. He stated that the problem with the water is a big concern for him and he is holding off purchasing the home due to the water problems and has decided to wait to see what the City of going to do about it. Mr. Reeves stated there is no drainage at all. There are no ditches on Crabapple or other adjacent streets to handle the drainage. That leaves all the water to flow from the backyard of his house to his neighbor's home. Mr. Reeves said he sees that his neighbor cannot even access his home without having to walk through standing water. I hope the City is going to give this situation serious consideration to this problem that has existed for so many years. Mr. Reeves stated that he and his family would like to be residents of this community but he would not be a resident at 250 Crabapple unless something is done about the water situation.

## **V. Approval of Minutes**

- a. August 6, 2013 BOC Regular Meeting Minutes
- b. August 17, 2013 Special Meeting Minutes

A **motion** was made by Commissioner Forte to accept the minutes with the corrections as noted and seconded by Commissioner Glidden

**Vote: 4 – 0**

## **VI Consent Agenda**

A **motion** was made by Commissioner Caster to accept the Consent Agenda and was seconded by Commissioner Forte

**Vote: 4 – 0**

## **VII Committee/Board Reports and Minutes**

### **a. Community Appearance Committee**

Ann Hollingsworth reported that the Committee is selling calendars and thanked everyone for buying the calendars. The calendars are available at City Hall, Banana Boat Landing or Ann will bring them to you if you wish. On behalf of the Committee Ann thanked Mark Glidden, Barbara Glidden and Jeff Repp for help in proof reading, and Charlie Carroll for the pictures that he submitted.

### **b. Planning Board**

Bill Clark reported that the Planning Board met at the appropriate time and reported the completion of the videotaping ordinance which has been forwarded to the Board. After a lengthy discussion on the use of undeveloped property in LI C-1 and C-1A we tabled it, we should be able to complete it this Tuesday, August 13, 2013.

### **c. Parks and Recreation Advisory Board**

Melissa Thomas reported that there was no meeting since there is not a full board, but the next meeting will be on the third Wednesday in September 2013.

### **d. Special Events Committee**

Michelle Hennessy reported the Mayor's Cup Golf Tournament will be held on August 24, 2013, and the Committee will be meeting on August 13, 2013, to start planning the September 11, 2013, bike run. Michelle also welcomed Karen Johnson who is a new member.

### **e. Library Committee**

Audrey Carathanasis reported no new updates at this time.

**f. Spillway Committee**

Bob Brooks reported that Jeff Repp heard from Jeff Bruton from the Division of Water Resources and stated to Jeff that there was no funding appropriated. Mr. Prudent suggested that we submit a grant request to meet with our representatives hoping to get funding during the new legislative session.

I spoke to Commissioner Forte and he stated he has not heard anything from his formal request for funding from the Department of Transportation.

Mayor Pro-Tem Carroll asked City Manager Repp if he would try to get in touch with an aide to try to get a copy of a letter that was sent to the Secretary of the Department of Transportation requesting funding and to report back his findings in the September Board of Commissioner meeting.

**VI. City Manager's Report and Presentation of Monthly Financial Reports**

Jeff Repp

As of June 30, 2013, the City had \$2,643,004 in cash and investments in the various financial institutions. We are looking at somewhere around \$164,000 revenues over expenses for the end of the fiscal year, that will change now that the audit will begin and monies will be moved one way or the other depending upon timing. That is preliminary number at this point but it is a positive number.

With regards to sales tax revenue the City finished the year about 11% higher than what was anticipated that the budget generated about \$132,000 in extra sales revenue than what we had budgeted for. That led to a lot of the items that were approved by the Board during the year that were unbudgeted being covered by that surplus and why we still have a positive balance.

Property tax ended at a collection rate of 94.73% which is the 95% which is what we typically get for the immediate fiscal year we are in, that number will increase over the next several years as past collections are made due. We hit that number also.

A couple of items for the Board's consideration that we need to be dealing with in the near future is paving. The Board approved \$146,000 in the budget for paving. Staff had recommended Prospect and Salisbury St. based on the previous list that had been reviewed by the Board. At that time during the budget sessions, the Board had not approved necessarily those two streets, but they approved the dollar amount. I would hope that at the next meeting in September, if you have other streets that you would rather spend that money on, versus the two that were mentioned, I think that is the time that we need to decide so Larry and I can begin getting the estimates in for the approval for the paving later this fall.

The web page development is proceeding. Both Jane and Maggie have been working diligently on that. We are looking at a September 1 launch of the new webpage for the public and then having the information for the next meeting available for that webpage, including the Counsel packet that you normally receive plus other information. It will be a busy month for Jane and Maggie and they will be populating the webpage. That is our estimate right now to have it out there on September 1<sup>st</sup> and begin using that as our new webpage.

As far as the VC3 with the phone system and the computer system they will be in town next week to do a number of projects. We are looking at possibly having the new equipment in the month of September, no later than October, and we are looking at a November 1<sup>st</sup> switchover date to the new systems.

Two items were added to the Agenda earlier this evening.

The 1<sup>st</sup> item in the fiscal year 2014 budget the Board of Commissioners included \$14,100 for replacement of park equipment at Schneider's Park. We received two proposals for that work. They came in after the Wednesday deadline, rather than wait another month we have asked the Board to add that to the agenda tonight since it comes in with the budgeted amount that we have established for this upcoming year.

The other order is approving a Whistleblower Policy. When you accept Federal grants the Federal Government requires you to have this policy in place. When pass through funds come to North Carolina and North Carolina passes them on to the municipalities and the counties, you need to have this policy in place to be able to accept those Federaly passed through funds through the State. This will bring us into compliance with any of those Federal funds. As you know, we have received a couple lately from the Department of Public Safety. It gives the procedure for the employees of the City if they see something going wrong how to be able to bring it to the Board's attention. The Federal Government has been requiring this for quite a few years, but since these are the first grants that are coming for us we have not had to put it in place here, but since we are going to be accepting those grants for the Crime Commission we need to have this policy in place.

Pertaining to the switch over to the new phone system, Commission Glidden asked if we see any problem with not having a landline in case of an emergency, especially with the Police Department. City Manager Repp replied that we need to keep in mind that the new phone system is working through the internet which is buried coming into City Hall through Time Warner. So unless there was a disruption of the internet from Time Warner that would be the only time we would lose connection to the internet. Even if there was a disruption those numbers can be forwarded to our cell phones.



Mayor Pro-Tem Charlie Carroll, commented that he also thought we were going to have at least one landline phone. City Manager Repp stated that if there was a disruption here from our provider were to occur, that same service would have to be disrupted in Columbia, SC. Our numbers from here are re-routed through Columbia. All of the numbers, including the Chief of Police, can be forwarded to our cell phones. We have looked at this and we are confident that we will not have this type of disruption. Commissioner Forte also stated that he would like to see a hardwire phone. Mayor Pro-Tem Carroll requested that they have a discussion about this with the City Manager and report back to the citizens.

## IX. **Old Business**

- a. **Retail Strategies** – Commissioner Forte stated that he would suggest putting this discussion off until we have a full Board present. He also stated that he did not think he was ready to spend this amount of money, but likes everything Retail Strategies can provide, but has an issue right now with spending \$40,000 the first year and \$10,000 each year for the next two years.

A **motion** was made by Commissioner Forte to table the discussion until September when there is a full Board present. The motion was seconded by Commissioner Caster

**Vote: 4-0**

- b. **Spring Lake Water Level** – Commissioner Glidden read:  
Again we are looking at two different total issues when we speak of Spring Lake. One being the lake level and the second being removal of excess water from the lake. By adding the elbows we did accomplish what we thought we were going to accomplish. But as Nancy said, Mother Nature played her trick on us and started raining on us as soon as those elbows went in. Obviously there is a challenge here. We have not discussed the issue of flooding, again I am going to repeat myself, just because an area has always flooded, does not mean that it has to continue to flood. As far as I can see when the pipe was replaced six or seven years ago, I was told that we replaced the same size and the same exact area. Let's think there are many more homes that have been built in the area. Trees have been removed, cement driveways have been installed causing less vegetation to remove storm water runoff. So by replacing the pipes in an area we knew flooded has not helped nor will it remove runoff in the future. I again think more concentration must be put into the flooding issue. Possibly by adding additional pipes from larger pipes rather than the same pipe we have in there for the removal of excess water. Then we as a City, need to be responsible and continue with this flow. Can North Lake handle it as Mr. Stewart said, will it handle larger pipes, or does the State need to go in and upgrade their pipe system? Now we have it

going into Big Lake, what will happen if the gates are unable to open, which we knew happened. The flooding will affect all of the upper lakes if the water can't go from Spring Lake, to North Lake, to Big Lake. When we think about addressing an emergency spillway in the Big Lake, it not only affects the citizens who live on the Big Lake, but property owners around the city.

Commissioner Glidden stated that she has lived here for 13 years, and is aware that we have problems, and that we have always had problems, but we need to start addressing them.

Commissioner Glidden requested a workshop followed by a special meeting on Saturday, August 17, 2013. Commissioner Glidden requested a letter be sent to every property owner so they have an opportunity to come and tell us what they feel.

A **motion** was made by Commissioner Glidden to have a Workshop and a Special Meeting on Saturday, August 17, 2013, at 10:00am and was seconded by Commissioner Caster for discussion.

Commissioner Caster stated that with the letter announcing the Workshop and Special Meeting my hope is that all of the residents around Spring Lake will come and voice their opinions. Commissioner Caster also stated that the Board needs to have something useful to discuss or there would be no sense in having a meeting. Commissioner Forte stated that he was in total agreement with the workshop and that we needed to have some information before us by that time. Commissioner Forte also said that he was at the lake today with Larry and commented that something can be done right now to alleviate the stress for the citizens. Commissioner Forte also stated that if we lower the lake level now and watch it for the next 11 days we might have the solution to the problem. Commissioner Caster stated that he feels that every person on the Board feels that the lake level is too high. Commissioner Caster stated that he would be willing to sit down with the City Manager about addressing the State to get culverts under E. Boiling Spring Rd., to ease the water flow from Spring Lake to North Lake to the Big Lake.

Mayor Pro-Tem Charlie Carroll stated that the workshop is the right thing to do. Citizens on both sides of this issue, stated to Commissioner Carroll that they think something could be worked out to satisfy everyone which is very encouraging. Mayor Pro-Tem Carroll agreed about the workshop and a special meeting to follow, stating that the Board can take action if a vote does come up.

A **motion** was made by Commissioner Glidden to hold a workshop followed by a special meeting on the Spring Lake water level on Saturday, August 17, 2013 at 10:00am and was seconded by Commissioner Caster.

**Vote: 4 - 0**

Commissioner Caster stated that he would like to see the water level lowered 3” for the next 11 days to help ease the flooding for the residents and to help ease their stress level.

A **motion** was made by Commissioner Caster to authorize City Manager Repp to have Larry Modlin, Director of Public Works, to lower the lake level 3 inches. The motion was seconded by Commissioner Glidden.

**Vote: 4 – 0**

- c. **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 Forte to table the execution of the revised contract until the workshop / special meeting on Saturday, August 17, 2013. The motion was seconded by Commissioner Glidden

**Vote: 4 – 0**

#### **X. New Business**

- a. **Order** authorizing the City Manager to execute a **Pre Storm – Contract for Debris Management Services with Phillips and Jordan, Inc. of Robbinsville, NC** for the time period September 16, 2013 to September 16, 2015.

A **motion** was made by Commissioner Glidden and seconded by Commissioner Forte authorizing the City Manager to execute a Pre Storm Contract for Debris Management Services with Phillips and Jordan, Inc. for a 2 year period.

**Vote: 4 – 0**

- b. **Order** authorizing the City Manager to accept the quote of EZ Dock of Wilmington, NC in the estimated amount of \$14,101.39 for an ADA floating dock for Alton Lennon Park.

A **motion** was made by Commissioner Forte authorizing the City Manager to accept the quote from EZ Dock of Wilmington in the amount of \$14,101.39 and was seconded by Commissioner Caster.

**Vote: 4 – 0**

**c. Ordinance** for review of proposed film ordinance

City Manager Repp stated this is just on the agenda this evening to be officially accepted by the Board to begin your review. This has been recommended to you by the Planning Commission. The staff will begin its review and make comments for your consideration at the public hearing in September which will be followed by your consideration for adoption in the October to November timeframe.

**d. Order** adopting a Whistleblower Policy and Reporting procedure for the City of Boiling Spring Lakes, NC

A **motion** was made by Commissioner Forte and seconded by Commissioner Glidden to accept the Whistleblower Policy.

**Vote: 4 – 0**

**e. Order** authorizing the City Manager to accept the proposal of ParkPlaySys of Cheraw, SC for the purchase and installation of a custom 5” Play System for Schneider Park in the estimated amount of Fourteen Thousand Seven Hundred Dollars and No Center (\$14,700.00).

A **motion** was made by Commissioner Glidden and seconded by Commissioner Forte to authorize the City Manager to accept the proposal of ParkPlaySys of Cheraw, SC.

**Vote: 4 – 0**

**XI. Adjourn**

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

**Vote: 4 - 0**

**The meeting was adjourned at 7:30pm**

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**Richard White, Mayor**

**ATTEST**

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**Jane McMinn, City Clerk**