

**City of Boiling Spring Lakes**  
**Minutes**  
**Board of Commissioners Regular Meeting**  
**August 2, 2011**  
**City Hall - 6:30 p.m.**

**1. Call to Order** – Mayor Pro-Tem Craig Caster called the meeting to order at 6:30 p.m. and asked Bill Clark to lead the Pledge of Allegiance.

**2. Attendance:** In attendance at the meeting were Mayor Pro-Tem Craig Caster, Commissioners Troscianiec, Carroll, and Kinney, Interim City Manager Paul Sabiston, City Attorney Elva Jess, City Clerk Linda Merry, Building Inspector Jim Nicholas, and UDO Administrator Becky Cummings.

Mayor White did not attend the meeting.

**3. Approval of Monthly Agenda**

A **motion** was made by Commissioner Kinney and seconded by Commissioner Carroll to approve the monthly agenda with the following changes:

Under New Business, remove item 11(e) Community Garden and place on the September 6 agenda

**Vote: 4-0**

**4. Public Hearing** – UDO Amendment to add animal shelters as a permitted use in residential zone R-6

Bill Bushkie, a volunteer for Paws Place, spoke in favor of the proposed building renovations and of the amendment to add animal shelters as a permitted use in Residential Zone R-6. He reminded everyone that Paws Place had been in this location for twelve years and the building improvements would only make conditions better for the animals.

UDO Administrator Becky Cummings reported on several changes made to the amendment language. These changes were provided to the Board of Commissioners in writing, immediately prior to the Public Hearing. These changes follow (in bold):

**6.48.1(3)** if a separation between the primary animal shelter and **all property lines are** a minimum of two hundred (200) feet, no noise buffer is required.

**6.48.5**

Animal shelters shall be provided with an enclosed climate controlled structure to be used as the main habitat for the **animals at the facility; however, this regulation does not exclude outdoor runs, an exercise area or separate temporary outside quarantine areas.**

Mayor Pro-Tem Craig Caster asked for any further public comments. Hearing none, he declared the public hearing closed.

## **5. Public Comments**

Joyce Warner, 575 Eagle Lane, encouraged the Board to move forward with the hiring of a new city manager. She commented that commissioners are elected for four year terms, and are expected to take care of the City's business for four years, not for three and a half years. The new board elected in November will lack the experience needed to make a sound decision.

Lynn Stevens, owner of The Garden Center, spoke in favor of proposed renovations at Paws Place.

Patricia Ruth, 350 Holly Road, a volunteer at Paws Place, was in favor of the building renovations. The renovations will not only provide better conditions for the animals but also for the people who work at the shelter.

David Crawford, Ash Road, felt that the regulations did not go far enough. He does not live in R-6, but was worried that this would open the door to other unacceptable uses, such as a hog farm. He encouraged adding a requirement that the person who owns the animal shelter must reside on the property. He was concerned about property values and hoped the Board would consider the wishes of all citizens, not just those in R-6.

The City Attorney reminded everyone that the Public Hearing had been closed and the time for modifications to the proposed amendments had passed.

Teresa Jones, Lake Keziah Road, was in favor of the UDO amendments. She commented that the animals at Paws Place are well cared for and the facility is clean.

Heather Wilkinson, Raeford Road, a volunteer at Paws Place, was in favor of allowing renovations to the shelter.

Brenda Siriani, Redwood Road, a volunteer at Paws Place, supported UDO amendments allowing animal shelters as a permitted use in R-6 and the proposed renovations.

## **6. Ann Hollingsworth – Local Businesses**

Ann Hollingsworth was concerned that the City was not soliciting bids from local businesses for repair services. She strongly encouraged the use of local businesses.

## **7. Approval of Minutes:**

**A motion** was made by Commissioner Carroll and seconded by Commissioner Kinney to approve the minutes from the June 21 Reconvened Meeting, the July 5 Regular Meeting and the July 11 Workshop

**Vote: 4-0**

## **8. Consent Agenda**

- a. Budget Amendments
- b. Department Reports
  - 1. Tax
  - 2. Public Works
  - 3. Public Safety
  - 4. Building Inspections/Code Enforcement
  - 5. Parks and Recreation
  - 6. Buildings & Grounds
  - 7. Planning Department

**A motion** was made by Commissioner Kinney and seconded by Commissioner Carroll to approve the Consent Agenda

**Vote: 4-0**

## **9. Committee Reports**

- a. Community Appearance Commission – Ann Hollingsworth reported that the Boiling Spring Lake calendars would be ready for sale by the second week of August.
- b. Planning Board – David Giera reported that the Planning Board was working on amendments to the UDO for large propane tanks. They are also discussing the possibility of a light industrial zone.
- c. Parks and Recreation Advisory Board – Barbara Glidden reported that the Parks and Recreation Advisory Board is continuing discussions regarding Mary Green’s Community Garden proposal. There are some unanswered questions regarding location, timing, water resources and funding for subsequent years.
- d. Special Events – Mary Stilwell reported that the Mayor’s Cup Golf Tournament will be held on August 20 at the Lakes Country Club, with a 9:00 a.m. shotgun start. Plans are also underway for the 911 Memorial Bike Run, which is scheduled for September 10.
- e. Library Committee – Audrey Carathanasis reported that the Library Committee had recently donated some of their paperback books to a local prison.

## **10. Unfinished Business**

- a. **UDO Amendments** – Adding Animal Shelters as a permitted use in residential zone R-6

**A motion** was made by Commissioner Carroll and seconded by Commissioner Troszaniec to approve the recommended changes to Section 6.48 of the UDO, incorporating the written changes presented to the Board prior to the public hearing, adding animal shelters as a permitted use in residential zone R-6

**Vote: 4-0**

**Discussion:**

Commissioner Carroll explained that allowing animal shelters in R-6 did not mean that hog farms or dog kennels would be allowed. He added that he gave more weight to the wishes of citizens in R-6 who would be directly affected by the animal shelter. Further, if the amendments were not approved, Paws Place would be required to shut down, after operating in the location for twelve years.

Commissioner Caster asked the City Attorney if this amendment required the property owner to reside at the animal shelter. The City Attorney answered, no, but the amendment as written satisfies the purpose, to allow Paws Place to continue to operate and to complete the planned building renovations.

Commissioner Troscianiec commented on the overwhelming support for Paws Place and offered his support for their plans to improve the property.

The City Attorney reminded the Board that twelve years ago, the governing body had the opportunity to file action against Paws Place, but had decided to allow the shelter to remain in operation.

**b. Search for City Manager Update**

Interim City Manager Paul Sabiston presented a draft advertisement for a city manager for consideration by the Board. The advertisement will be discussed in detail at the Citizens Forum on August 4<sup>th</sup>.

**c. Finance Report** – Mr. Sabiston reported that the current cash balance was \$3,717,925. In the first month of the budget year, expenses exceeded revenues by \$ 106,448. This is not uncommon for the first month of the budget year. Revenues from sales tax and property taxes are received later in the year and will more closely match expenditures.

**d. Sewer Update** – Commissioner Kinney reported that the design for the collection system is complete and is ready for permitting. The County is considering adding another 56 parcels to the current 204 parcels. The estimated cost per parcel for 204 parcels would be about \$ 16,700. If the additional 56 parcels were added, the cost would be about \$ 13,100 per parcel. If these properties were not included in the special assessment area, the cost to connect would only be \$ 8,000.

The Board needs to decide if they would like the 56 parcels to be added to the benefit area. Staff will notify the property owners in writing to give them an opportunity to be heard before a decision is made.

The County Board of Commissioners has made a final decision on the transmission lines. They will follow Highway 87 to Highway 133 and then to the River Mist pump station.

**A motion** was made by Commissioner Kinney and seconded by Commissioner Carroll to set a public hearing for Tuesday, September 6, 2011 at 6:30 p.m. to hear public comments from owners of the 56 parcels proposed to be added to the sewer benefit area.

**Vote: 4-0**

**e. Spillway Project Update** – Ed Bazonski reported that the July 28<sup>th</sup> meeting with Russ Bendel, spillway project engineer, and N.C. Dam Safety was very positive. Representatives for N.C. Dam Safety were happy with the preliminary plans and with the proposed location. They offered to provide the City a letter of preliminary support for the project.

Ed recognized George Demeter, Herb Glidden, Bill Clark and Brunswick Glass for their assistance in completing the spillway model. The model will be on display in the lobby at City Hall.

## **11. New Business**

### **a. Memorial Resolution for Jim Locke**

Mayor Pro-Tem Caster read the Memorial Resolution Honoring Jim Locke. Jim Locke served as chairman of the ABC Board for the past six years.

**A motion** was made by Commissioner Carroll and seconded by Commissioner Kinney to approve the Memorial Resolution Honoring Jim Locke. A copy of the resolution will be delivered to his family.

**Vote: 4-0**

**b. Political Signs** – Jim Nicholas reported that political signs placed in the right of way were in violation of the UDO and would be removed. Political signs are allowed three weeks before the election, beginning October 18, and one week after, but may only be placed on private property.

Commissioner Carroll commented that candidates in the past had been allowed to place signs in the right of way and he hoped that the rules could be waived for the upcoming election.

**A motion** was made by Commissioner Carroll and seconded by Commissioner Kinney to allow political signs in the right of way, three weeks prior to and one week following the election.

Mr. Sabiston advised that the UDO had been adopted by a previous board for the long term and could not be changed arbitrarily. He also advised against continuing to violate the code. The City Attorney agreed and suggested sending the issue to the Planning Board for review.

**The motion and second were withdrawn.** The Board concurred to send the matter to the Planning Board for consideration.

### **c. Residency Requirement for City Manager**

Mr. Sabiston will prepare draft amendments to the Code of Ordinances in reference to residency requirements for the city manager. He will present the changes to the Board at the Citizens Forum on August 4<sup>th</sup>.

### **d. Surplus Property**

**A motion** was made by Commissioner Kinney and seconded by Commissioner Carroll to approve the resolution declaring two police vehicles as surplus property. The property was declared surplus effective September 1, 2011.

**Vote: 4-0**

**e. Appointment of Tax Collector and Deputy Tax Collector**

**A motion** was made by Commissioner Carroll and seconded by Commissioner Kinney to appoint Becky Cummings as Tax Collector and Linda Merry as Deputy Tax Collector

**Vote: 4-0**

**12. Board Appointments**

ABC Board

**A motion** was made by Commissioner Kinney and seconded by Commissioner Carroll to appoint Judy Dayton to the ABC Board to fill the vacant position with a term ending June 30, 2013.

**Vote: 4-0**

**13. Adjourn**

**A motion** was made by Commissioner Kinney and seconded by Commissioner Carroll to adjourn the meeting

**Vote: 4-0**

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Linda Merry, CMC, City Clerk

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Richard White, Mayor