

**City of Boiling Spring Lakes
Minutes
Board of Commissioners Regular Meeting
October 4, 2011
City Hall - 6:30 p.m.**

1. Call to Order – Mayor White called the meeting to order at 6:30 p.m. and asked Ed Bazonski to lead the Pledge of Allegiance.

2. Attendance: In attendance at the meeting were Mayor White, Commissioners Caster, Kinney, Troscianiec, and Carroll, City Clerk Linda Merry, Interim City Manager Paul Sabiston, Building Inspector Jim Nicholas, and UDO Administrator Becky Cummings. Also attending was Russ Bendel, engineer for the Spillway Project.

3. Approval of Monthly Agenda

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

- 1) Remove 9(a) under New Business – Purchase of lot next to Alton Lennon Park
- 2) Add Public Comments after the Public Hearing
- 3) Add presentation by Russ Bendel after Public Comments

Vote: 5-0

**4. Public Hearing – Amend UDO to allow Political Signs in the Right of Way
Citizen Comments:**

Allen Phillips urged the Board to allow political signs to be placed in City right of ways. The Planning Board followed the proper procedures and voted by majority to recommend these amendments to the UDO. By not allowing signs in the right of way, you are discouraging citizens from seeking public office.

David Giera, Chairman of the Planning Board, suggested changes to the draft amendments that the Planning Board had prepared. He was concerned that Option #1 did not address a 10 ft. setback and that Option #3 did not address permission from renters.

Ian Hunting, owner of a local restaurant, urged the Board to consider waiving fines for sign violations until the Planning Board has an opportunity to review all commercial sign regulations. He does not believe that political signs and commercial signs should be treated differently.

The City Attorney explained that Option #3 more closely follows State Statute. Signs would be allowed in the right of way thirty days before and ten days after the election, three feet from the edge of the pavement, not obscuring motorist visibility, less the six square feet in size, and only with permission of the property owner.

Hearing no further public remarks, a **motion** was made by Commissioner Carroll and seconded by Commissioner Caster to close the public hearing. **Vote: 5-0**

5. Public Comments

Dale Siegfried, 2 North Shore Drive, spoke in favor of the sewer project and thanked the Board for holding the Special Meeting on September 27.

Ian Hunting again asked the Board to waive fines for sign violations. He believes the current sign laws discourage businesses from locating here.

6. Spillway Presentation – Engineer Russ Bendel reported that the preliminary design for the spillway project is near completion. NC DENR is pleased with the design layout and with the subsurface stabilization solution. There have been changes that have increased the estimated cost, including subsurface stabilization, adding thirty feet to the length of the spillway, and DENR's requirement to restrain all joints. The current cost estimate is \$2.15 million for the four 60" pipe design. An alternative project with three 60" pipes was considered, but this would not handle a ½ pmp event and does not meet the objectives of the Spillway Committee.

Mr. Bendel is prepared to move forward with final design and preparation of bid documents, as soon as he receives formal approval from the Board.

7. Approval of Minutes

A motion was made by Commissioner Carroll and seconded by Commissioner Caster to approve the minutes from the August 30 Special Meeting

Vote: 5-0

A motion was made by Commissioner Carroll and seconded by Commissioner Kinney to approve the minutes from the August 30 Emergency Meeting, the September 6 Regular Meeting and the September 8 Citizens Forum, with the following change to the September 6 Minutes: under Spillway Update, change to read as follows: Ed Bazonski reported...

Vote: 5-0

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: 5-0

9. Committee Reports

a. Community Appearance Commission – Ann Hollingsworth reported that calendar sales are going well. They have already paid for printing costs. Profits will be donated to New Hope Clinic.

b. Planning Board – David Giera reported that the Planning Board is working on a review of the Land Use Map.

c. Parks and Recreation Advisory Board – Barbara Glidden reported that they had tabled discussion of the purchase of the vacant lot next to Alton Lennon Park until more information is gathered.

d. Special Events – Mary Stilwell reported that the 911 Bike Run was a huge success. The Haunted Hayride will be held on October 22 at the Community Center. Candidates Forums are planned for October 13 and October 18 at the First Baptist Church from 6:30-8:30 p.m.

e. Library Committee – Audrey Carathanasis reported that the Fall Festival will be held on October 15 at the Community Center from 9:00 a.m. to 2:00 p.m.. They plan an “Apple Bake Off”, hardback book sale, costume jewelry sale and more.

f. Spillway Committee – There was no report.

10. Unfinished Business

a. Political Signs in the Right of Way – UDO Amendments

A **motion** was made by Commissioner Carroll to approve the UDO amendments under Option #2, that would allow political signs to be placed in the right of way three weeks prior to and one week after the election.

There was no second, and the motion died.

Discussion:

Commissioner Carroll explained that the City had always allowed political signs in the right of way. The signs were never a problem in the past.

Commissioner Kinney disagreed. When she was campaigning in 1999, she was told to remove her signs from the right of way and she never placed them there again.

Commissioner Caster explained that he had taken an oath to uphold the City Ordinances, and that is what he intended to do. He was concerned that Commissioner Carroll had attended the Planning Board meeting to pitch the idea. He believed it was a conflict of interest.

Commissioner Troscianiec was not happy. He referred to the proposed amendments as a “self serving” sham. He was strongly opposed to allowing political signs in the right of way unless businesses and all others could also place their temporary signs in the right of way. Everyone should follow the same set of rules.

The Board concurred to take no action on political signs, and instructed the Planning Board to review and revise the entire sign ordinance and to bring a recommendation to the November meeting.

Mr. Sabiston explained that proper review and revision of the entire Sign Ordinance would take longer than one month. He added that staff would continue to enforce the UDO as written.

**b. Manager’s Report/Finance Report
Finance Report**

Mr. Sabiston gave a brief summary of the department reports for the previous month and the current financial statements. The current cash balance is \$ 3,655,759 and year to date expenses exceed revenue by \$196,301, which is not unusual for this time of year. Property tax collections over the next several months will increase revenue substantially.

FEMA

FEMA reimbursement for Hurricane Irene expenditures should total about \$ 8,000. The reimbursement reports will be submitted to FEMA some time next week.

Spillway

Mr. Sabiston reminded the Board that they would need to make a decision at the November meeting about the spillway. The Board must decide which design they prefer (4 pipe or 3 pipe), and whether or not to approve Mr. Bendel moving forward with final design and bid documents.

Sewer Update

Mr. Sabiston reported that the City had received a letter from Brunswick County in response to the letter sent to them last week by the City Attorney. They explained in their letter that financing for the sewer project could be not obtained until after the bidding process was complete.

c. Search for City Manager Update - Mayor White reported that he had sent a letter to Ellis Hankins of the North Carolina League of Municipalities commending Hartwell Wright for his outstanding presentation at the September 8 Citizens Forum.

d. Water Assessment Refund Update – Mr. Sabiston reported that the refund project was on schedule for completion by the June 30, 2012 deadline. Checks should begin to go out in February or March of next year. He plans to research North Carolina Escheat Laws to find ways to avoid loss of funds when the recipient cannot be located.

11. New Business

a. Fundraiser for Playground Equipment – Mary Green requested Board approval to begin a fundraising campaign for the purpose of purchasing playground equipment for the Community Center

A **motion** was made by Commissioner Troscianiec and seconded by Commissioner Carroll to approve a fundraising campaign for playground equipment for the Community Center

Vote: 5-0

b. Approval of Christmas Bonuses

A **motion** was made by Commissioner Kinney and seconded by Commissioner Caster to approve staff Christmas Bonuses

Vote: 5-0

c. Mailing Address Change – Commissioner Kinney asked for Board approval to send a letter to the post office asking for permission to use Boiling Spring Lakes instead of Southport for city addresses.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Troscianiec to approve Commissioner Kinney sending a letter to the district post office asking for permission to use Boiling Spring Lakes instead of Southport for city addresses

Vote: 5-0

12. Closed Session pursuant to N.C. General Statute 143-318.11(a)(3) to consult with the City Attorney regarding a personnel matter

A **motion** was made by Commissioner Carroll and seconded by Commissioner Caster to move into closed session pursuant to N.C. General Statute 143-318.11(a)(3) to consult with the City Attorney regarding a personnel matter

Vote: 5-0

A **motion** was made by Commissioner Carroll and seconded by Commissioner Caster to return to open session

Vote: 5-0

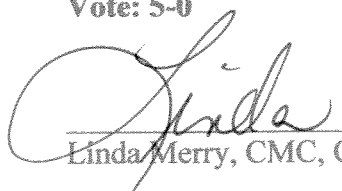
Action resulting from closed session:

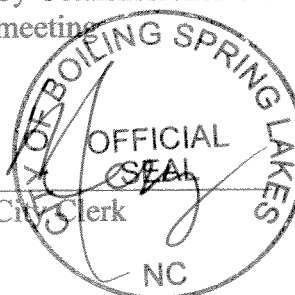
Mayor White reported that there was no action resulting from the closed session.

13. Adjourn

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

Vote: 5-0


Linda Merry, CMC, City Clerk


Richard White, Mayor