

**City of Boiling Spring Lakes  
Regular Meeting Minutes  
January 8, 2013  
City Hall – 6:30 PM**

***PLEASE TURN OFF CELL PHONES***

**1. Call to Order**

Mayor White called the meeting to order at 6:27 pm and asked Dale Richardson to lead the Pledge of Allegiance.

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

Mayor White  
Commissioner Mike Forte  
Commissioner Charlie Carroll  
Commissioner Barbara Glidden  
Commissioner Craig Caster  
City Manager Jeff Repp  
Building Inspector Jim Nicholas  
City Clerk Pamela Bellina

**3. Approval of Regular Agenda**

Mayor White asked if there were any additions to the Regular Agenda.

Commissioner Barbara Glidden requested to add to New Business the formation of a Teen/Youth Ad Hoc Committee.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Forte to add to New Business the formation of a Teen/Youth Ad Hoc Committee.

**Vote 5 - 0**

Commissioner Caster requested that we move the Department Reports to the Consent Agenda and everything currently under the Consent Agenda to New Business since they have to be voted on. Commissioner Glidden asked if we have to renumber. Commissioner Carroll remarked that we are moving everything under Consent Agenda to New Business. Then basically we are moving Department Reports to Consent Agenda.

A **motion** was made by Commissioner Caster and seconded by Commissioner Forte to approve the above change to the Agenda.

**Vote 5 - 0**

**4. Public Hearing UDO:**

1. Article 6.2 Lake Regulations
2. Article 6.7 Modular Homes
3. Article 6.10.4 Architecture Review
4. Article 7.2 Fences and Walls
5. Article 2.9 Building Setback Exceptions
6. Article 8 Parking, Infrastructure, and Design Requirements

**A motion** was made by Commissioner Carroll and seconded by Commissioner Forte to go into public hearing.

**Vote 5 - 0**

**There were no public comments to the UDO changes.**

**A motion** was made by Commissioner Forte and seconded by Commissioner Carroll to close the public hearing.

**Vote 5 - 0**

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

There were no public comments.

**6. Approval of Minutes:** December 19, 2012 BOC Special Meeting (Closed Session)

**A motion** was made by Commissioner Carroll and seconded by Commissioner Forte to approve the December 19, 2012 BOC Special Meeting (Closed Session) as presented.

**Vote 5 - 0**

**7. Consent Agenda:**

**a. Department Reports**

- (i) Public Works
- (ii) Public Safety/Animal Control
- (iii) Building Inspections/Code Enforcement
- (iv) Building and Grounds
- (v) Parks and Recreation
- (vi) Finance Department

**A motion** was made by Commissioner Carroll and seconded by Commissioner Caster to accept the Reports as written.

**Vote 5 - 0**

## **8. Committee/Board Reports**

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

Ann Hollingsworth presented two Certificates of Appreciation, one to Mary Green and one to Ernie Siriani in recognition of the excellence of maintaining the Community Center and grounds. Ann also gave a special thank you to Maggie Della Badia for creating the Certificates of Appreciation in house and framing them which saved the City money.

### **b. Planning Board**

Bill Clark stated that the Board met at the appointed time and reviewed the lake regulations and items reported for this public hearing tonight. He also stated that they voted and are changing their meeting time from 6:30 PM to 7:00 PM effective for the next Tuesday night meeting. As to the Board vacancies, it is their recommendation to reappoint Gene Fioravante and move Ray Rumsey up and the remaining members whose terms are up.

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

Melissa Thomas stated that they have been continuing their ongoing discussions about a program for the teenagers. The Pancake Breakfast went well and raised enough funds to provide for two families and the senior citizens for Christmas. There will be a Mother and Son Dance at the Community Center on February 8th. The tickets are \$10 per person and 43 of the 100 tickets available were sold. There will be a Zumba fundraiser on Saturday, January 12th from 9:30 to 3 PM at the Community Center. Tickets are \$10 per person and all proceeds go to the Community Center playground.

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

Mary Stilwell thanked everybody for attending her Open House, looks forward to it every year and is currently planning for next year. Special Events will meet tomorrow night to discuss new banners for 2013, filling our box out front for the winter months. Mary prepared a list of the dates for the 2013 Special Committee events and will be sending them out within the month and stated that there was much research and many phone calls trying to set the dates so there would be no conflict. Pleased advise if the dates conflict with any other events. Mary looks forward to another productive year and stated she appreciates everyone's help in the past and looks forward to more input.

**e. Library Committee**

Audrey Carathanasis stated she had nothing to report at this time.

**f. Spillway Committee**

Bob Brooks stated that the FEMA survey indicated that there are no downstream structures that will be affected by the spillway. There may be some flooding in the event of a 100 year rain storm for property, but no structures are in danger. The go ahead was given to ECF to finish the final design.

Commissioner Forte requested information or documentation or a graph as he will be going to Raleigh and would like to have those documents with him. Mayor White stated he thought the graphs would be beneficial since they show the cost.

Commissioner Carroll asked if the Board needs to vote on the Planning Board's plan to move their meetings from 6:30 to 7:00 PM. The Mayor stated he believed the Planning Board acts on it. The City Manager stated they establish their own meeting time and there is no code required.

**9. City Manager's Report and Presentation of Monthly Financial Reports – Jeff Repp**

The City ended November 30, 2012 with \$2,511,113 in various city accounts. The City's sales tax revenues are still strong and that we are 15% ahead what was budgeted. The numbers presented in the written report now reflect the audited FY 2012 numbers and are now reflected in the report. With respect to the budget, we are still projecting an 85% fund balance at the end of the fiscal year assuming all changes and additions have taken place during the first 6 months. Housing starts are doing well. Three years ago we had 15 housing starts, two years ago we had 9, last year we had 7 and the first six months of this fiscal year we are at 11 and we still have six months to go in the building season. This is encouraging for both the City and the County as that is where a lot of the sales tax revenues are coming from – new construction.

Commissioner Glidden asked for clarification of the Unaccounted/Pending for Items section of the Report, specifically the Replacement Police Vehicle. The Traffic Safety Project Grant that the City has received. Are we getting a car for this project and what is the project?

City Manager Repp stated that it is a Safety Grant. In that Grant was a request for that vehicle plus a person for the three years that the Grant will be covered. We will be purchasing a vehicle with that Grant as well as replacing the one damaged

by the deer. Commissioner Glidden then asked that is all under the \$9,000? City Manager Repp stated that the Grant is covering one of the two cars.

## **10. Board/Committee Appointments**

### **a. Planning Board (5 vacancies)**

A **motion** was made by Commissioner Caster and seconded by Commissioner Forte to reinstate Gene Fioravante and Bill Clark on the Planning Board, move Ray Rumsey as he is now first alternate to the Planning Board, David Putnam and William Sraver to two year alternates.

**Vote: 5 – 0**

### **b. Board of Adjustments (1 vacancy)**

There were no applicants for the Board of Adjustment vacancy. Commissioner Glidden asked whose term is up. City Manager Repp stated the person who is vacating left because of health issues and we are looking to fill the position.

### **c. Special Events Committee (2 vacancies)**

A **motion** was made by Commissioner Glidden and Seconded by Commissioner Carroll to accept Michelle Hennessy and Melina Trivette.

**Vote 5 - 0**

## **11. Old Business**

### **a. Resolution of Proposed Capital Fund Reserve**

A **motion** was made by Commissioner Carroll and seconded by Commissioner Forte to discuss the Resolution.

#### **Discussion:**

Commissioner Caster was looking for clarification of Section 4 of the Resolution. Mayor White stated it just locks in the funds.

Commissioner Caster also questioned Section 5 – Town Administrator. City Manager Repp explained that it should say City Manager. Commissioner Caster asked that the Resolution be corrected to state City Manager's approval.

Mayor White stated his concern that previously funding the big trash pick up was difficult. He further stated that if the funds are put in, there is an avenue to pay for the big trash pick-up and we will not have to find other revenue.

City Manager Repp stated we have \$25,000 budgeted for trash pick-up day. We are working with the County to coordinate the trash pick-up the same time as free dump week at the County so we will not have to pay the tipping fees and will probably save \$6,000 to \$8,000 of the \$25,000 we spent last year.

Mayor White stated his understanding that the current year is budgeted but is concerned about negotiations for the budget in two months for 2013/2014 and that to lock the funds in the Capital Reserve when they may be needed for the big trash pick up.

Commissioner Caster asked if we should put it in the General Fund as a line item that is not restricted if you need it.

Mayor White stated his concern that if the Resolution is approved, for capital improvements and reserve, he wants to make sure that there will be funds budgeted for the next big trash pick-up day and was surprised at the jump from the last fiscal year to this present fiscal year and that it may jump again. Commissioner Forte noted that it nearly doubled.

Commissioner Carroll mentioned that what most attracted him is this causes fiscal responsibility and understands what the Mayor is thinking but feels the amount just needs to be adjusted and is comfortable with it as is but is open to any thoughts.

Commissioner Forte concurs with Commissioner Carroll that he thought it was a great idea because that \$100,000 every year, put it in there as this is part of our budget regardless.

Mayor White stated that we are talking about unrestricted Water Fund money and that is what we are going to charge it to. This is a one shot.

City Manager Repp stated that the unrestricted funds in the Water Fund would go into this fund to start it. The Board would decide annually at budget time how much the City wants to put into the fund in addition to that money or you may not decide to put any money in. Does not see with the way revenues are now in the general fund that even if we exclude this from the equation, you have more money coming into the General Fund to pay for trash pick up and does not think there is an issue funding it. If the price goes beyond \$25,000, then the Board will have to decide if this is something they want to continue doing if it continues to increase at that rate. That is a budgetary decision.

Mayor White stated a motion can be made to reserve and just put \$80,000 or \$90,000 in and keep \$10,000 in the General Fund. City Manager Repp stated this Resolution has nothing to do with what you decide to put into the fund other than unrestricted funds in the Water Fund. The \$80,000 or \$100,000 you are talking about by paying off and having available is a budgetary decision and that it does not impact this because that is a separate decision of how much money to put in and would be a budgetary decision.

Commissioner Glidden asked if we are only saying we are going to do a Capital Reserve Fund with a zero balance. City Manager Repp stated it would start with a zero balance and then any unrestricted funds in the Water Fund when we close it would get transferred over into that Capital Reserve Fund.

Commissioner Carroll questioned if we vote on it the way it is, whatever is left in the Water Fund will go. City Manager Repp replied yes.

Mayor White suggested a certain amount be reserved - \$10,000 - to go into the General Fund. City Manager Repp replied it can be done.

Commissioner Forte asked what is projected to be left. City Manager Repp stated probably \$200,000 to \$250,000 from the Water Fund into this fund. Mayor White stated we can set it up with \$100,000 from the Reserve Fund. Commissioner Caster commented that was not the figures he was aware of and believed it was \$500,000. City Manager Repp replied that if the Order is approved to pay off the bond, then you are talking \$250,000; otherwise you are talking about \$500,000.

Commissioner Caster asked do we have to do that before the motion comes up.

Mayor White suggested doing it now as it is something that needs to be done and was only worried about the big trash pick-up day.

Commissioner Caster stated he understands holding some money back.

Commissioner Glidden asked if at this point we are only voting on setting up a Capital Reserve Fund.

Mayor White replied we should do it all at one time. If we can revise that motion – change Town Administrator to City Manager in Section 5.

Commissioner Carroll stated we are talking about depositing \$240,000 to \$250,000 and expressed \$150,000 minimum.

Mayor White stated we can amend the Motion.

Commissioner Carroll stated that when we set it up and when we vote on it as it is written, every penny of it will go and we will not be able to get it back.

City Manager Repp stated that if you wanted to transfer a specific dollar amount, in Section 2, add that dollar amount after the word “transfer” and the balance will go into the General Fund. Commissioner Carroll stated that we can always add funds at any time. Mayor White then stated we will amend the motion as to Section 5 changing Town Administrator to City Manager and then in Section 2 remove ‘or transfer unrestricted funds’ and insert \$150,000.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Forte to accept the Resolution with changes as noted hereinabove.

**Vote 5 - 0**

## **12. New Business**

### **a. Draft Purchasing Policy**

City Manager Repp stated that this Draft Purchasing Policy has been provided for the Board to begin its review and that with staff recommendations and changes, to present the Draft Purchasing Policy again at perhaps the February or March meeting.

Commissioner Carroll expressed his concern that the Draft Purchasing Policy needs to be looked at and thought a Special Meeting or a Workshop might be in order to discuss it further and then prepare a draft and present it at a regular meeting.

City Manager Repp recommended that he would like to first get the comments from the Department Heads, revise the document which can then be presented at a workshop.

Mayor White stated he thinks a good starting point is Section 3 in Article I but otherwise the Board is not in favor of everything else and believed everyone was in agreement with that.

**Tabled**

### **d. Formation of Youth/Teen Ad Hoc Committee**

Commissioner Glidden proposed the new Teen/Youth Ad Hoc Committee to provide an outlet for the youth of the City. Commissioner Glidden is requesting the Mayor assign an Ad Hoc Committee to look into opportunities for the youth that reside in BSL who can benefit from afterschool, weekend and other positive community activities. Commissioner Glidden is also requesting that Mayor White prepare a letter to ask for other potential members of this Committee such



as the Brunswick County Sheriff's Department, representatives from South Brunswick High School, South Brunswick Middle School, Teen Court, our Police Department, local churches and of course Mary Green, Anita Dwyer and myself. We can add on if any other board members would like to be included. Allowing outside organization to partner with us on this committee will create better experience for the youth of our city.

Mayor White replied that the Committee will be called the Teen Activity Committee. **Commissioner Carroll stated that if this was a motion he would second it. Mayor White replied that the Mayor can do it.** He then went on to state Anita, Barbara and Mary can start the committee and then add members thereafter. Mary Green asked if the Committee can be called the Teen Task Force and the Mayor agreed to the Committee name. Commissioner Glidden stated that a letter will be provided to the Mayor for his signature seeking other potential members to join the Committee.

**c. Order to approve UDO changes:**

Article 6.2 Lake Regulations

Article 6.7 Modular Homes

Article 6.10.4 Architecture Review

Article 7.2 Fences and Walls

Article 2.9 Building Setback Exceptions

Article 8 Parking, Infrastructure, and Design Requirements

A **motion** was made by Commissioner Carroll and seconded – *with discussion* – by Commissioner Caster to accept the changes.

**Discussion:**

Commissioner Glidden first wanted to state that she had to go back to September and October to find the original proposed discussion for these changes and would appreciate if we could move more expeditiously. She then went on to express her concerns about the driveway requirements on page 2 of 3 – driveways, except Churches and Synagogues (6.1.7) shall be paved using: asphalt, concrete, paver blocks or brick – that some of the existing businesses along the corridor are not currently paved and to get future businesses into the area, we are limiting them.

Commissioner Carroll stated businesses already existing would be grandfathered and that it cannot be retroactive. He also had a concern about existing properties but if a new company came in, they would have to comply. Commissioner Glidden asked if the existing businesses would be grandfathered in. City Manager Repp stated that in zoning it is the other way around. If you wanted to require them to be in compliance, you would have to make a specific action. Otherwise, it only applies to new items coming down the road.

Commissioner Caster did not understand 8.6 Parking Ratio, page 3 of 3, correct tree to tee. Building Inspector Jim Nicholas replied that it was a correction of a misspelling. Tree was supposed to be tee. Tee meaning t-shaped.

Mayor White asked do we want to amend the Motion to accept the changes except K, remove K and have that rewritten. We are talking about page 2 of 3 - about the parking spaces.

Commissioner Carroll expressed adding fraternal organizations as they have a lot in common with churches and synagogues in that they are non-profit and do a lot for the community which would make it easier for them to come in.

Mayor White stated we can exempt that out. Commissioner Carroll recommended taking it out and sending it back.

Mayor White asked if this is the amended Motion to approve the changes with the exception of K to be removed. The Planning Board can revisit and submit at a later date.

Commissioner Caster questioned 2.9 Building Setback Exceptions. On page 3, 'Change - add for side yard the outermost four feet' and asked Jim Nicholas if he could explain. Building Inspector Jim Nicholas explained that the side porch can extend 4 feet and would be exempt from the setback on the side. It would not encroach on the side setback.

Commissioner Caster asked for an explanation of "add front and rear set backs" – D – canopies, awnings, bicycle parking, outdoor seating areas, and front porches may encroach into the front setback up to 8 ft. Building Inspector Jim Nicholas replied that your front porch is exempt. Commissioner Caster then stated a house has to be so far from the road but the porch is not part of that.

Mayor White asked if we have an amended motion to accept the changes of the UDO and exempt K on page 2-3.

An **amended motion** was made by Commissioner Carroll and seconded by Commissioner Forte to accept the changes to the UDO except K (of Article 8, Section 8.1.1).

**Vote – 5 - 0**

**d. Order authorizing the City Manager and Finance Director to prepay the BB&T \$1,000,000.00 Paving Bond.**

Mayor White asked City Manager Repp to explain the Order.

City Manager Repp explained that the paving bond was taken out approximately 8 years ago, the City has been paying \$100,000 in principal plus interest and there was discussion by the Board to use some of the unrestricted assets of the Water Fund that will be terminated to prepay the bond for the purpose of saving interest costs for 2 years of additional payments. There are projected savings to the City of \$7,502 in interest by approving this Order and prepaying the bond. Prepayment penalty requires payment of 1% of the outstanding principal at the prepayment date which is April 19, 2013.

A **motion** was made by Commissioner Caster and seconded by Commissioner Carroll to authorize the City Manager and Finance Director to prepay the BB&T \$1,000,000 Paving Bond.

**Vote – 5 – 0**

**e. Order authorizing City Manager to abate real property uncollectible tax accounts**

Mayor White explained that there were just some mistakes that happened.

Commissioner Forte expressed his concern that at the end of 10 years, the accounts are taken off the books and there are no repercussions, that the land is not taken or that we do anything.

City Manager Repp stated in the case of these accounts that is what is being done. They are being taken off the books because they are uncollectible. NC law prohibits local government from pursuing collection after 10 years. We can keep them on the books but it becomes a bookkeeping nightmare. Within 10 years from the due date is subject to being garnished, or whatever the case may be depending on the dollar value and the cost of collection; but after 10 years, there is no method for us to do collection on delinquent property accounts. Unless an action is taken before the 10 years expires, you cannot take an action.

Mayor White further stated that some of these are just mistakes where a tax bill was sent after a death.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Caster to accept the Order authorizing City Manager to abate real property uncollectible tax accounts.

**Vote 5 – 0**

**f. Order adjusting inspection fees for sewer project.**

A **motion** was made by Commissioner Carroll and seconded by Commissioner Forte to accept the Order adjusting inspection fees for sewer project.

**Vote 5 – 0**

**g. Order authorizing City Manager and Finance Director to abate the penalty and interest to attached list of utility accounts.**

A **motion** was made by Commission Carroll and seconded by Commissioner Glidden to accept the Order authorizing the City Manager and Finance Director to abate the penalty and interest to attached list of utility accounts.

Commissioner Forte thanked Maggie and Brittany for doing such a great job.

**Vote 5 - 0**

**13. Adjourn**

A **motion** was made by Commissioner Caster and seconded by Commissioner Carroll to adjourn the meeting at 7:10 PM.

**Vote 5 - 0**

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Pamela Bellina, City Clerk

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Richard White, Mayor