



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

PLEASE TURN OFF CELL PHONES

1. Call to Order

Mayor White called to order the Special Meeting for October 17, 2013 at 10:00am

2. 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

Commissioner Caster requested clarification from the Mayor if this was a special meeting or a workshop. Commissioner Caster stated that after discussions with some of the Commissioners, and our last months' minutes when the City Manager stated he would gather information from some of the engineers, that we would have a workshop, not a special meeting. That was my understanding. Commissioner Caster asked for clarification ~ is this a workshop or a special meeting?

Mayor White responded that we have not yet seen or approved last month's minutes. Prior to this meeting I informed you that it is the Mayor's prerogative to call a special meeting because we have received the paving quotes and also the closed session for the evaluation for the City Manager which had to be a meeting where we could vote. If we had to postpone the meeting again then it would be the second week in November. Therefore I made the decision to call for a special meeting. That is my prerogative or the mayor pro-tem or any two members of the Board.

3. Pledge of Allegiance

BOC Special Meeting
October 17, 2013

Mayor White then requested Mr. Rygg to lead the Pledge of Allegiance.

Mayor White asked if there were any additions to the Agenda. Commissioner Carroll requested to add 4a – Road Paving.

A **motion** was made by Commissioner Carroll to add Road Paving as #6 to the agenda and was seconded by Commissioner Forte.

Vote ~ 5 ~ 0

Commissioner Forte stated that he attended the Public Utilities Meeting on Monday night and would like to report on that meeting.

A **motion** was made by Commissioner Forte to add Brunswick County Public Utility Meeting Report as #7 and was seconded by Mayor Pro-Tem Carroll.

Vote ~ 5 ~ 0

4. Review of Engineering Proposals

City Manager Repp reported that the Board is well aware of some of the flooding issues in town. They are not new flooding issues, they have been around for a while. The two specifically that we were dealing with at the time these were requested were the Trevino and Holly / Crabapple area. I think there has been some discussion as to whether Spring Lake should be added to the study. I will leave that to the Board to decide if they want to go beyond what was originally expressed to the engineering firms. We requested qualifications from 5 firms the experience and qualifications they have in dealing with the surface flooding issues in BSL. Of the 5 firms, 4 firms have submitted proposals. 3 of the 4 firms made site visits prior to the submission of their qualifications for your consideration. Upon my review of the 4 proposals I made a recommendation that the Board consider retaining the firm of Sungate Design Group out of Raleigh as the firm that we would work with. The purpose of today's meeting is to get the feedback from the Board whether that is a valid recommendation or whether the Board would like to go with a different firm or more than one firm. The next step in the process would be to ask either one or more than one firm for actual written proposals that would give us a cost of what they would be intending to do both on Trevino and Holly / Crabapple. As has been previously expressed to the Board the intent would be to do a preliminary study of those two areas and come back to the Board with some ideas how flooding issues could be addressed in 1, 2, or 3 different ways. That would be based on what the engineers find in their research and come back to you with some recommendations and which way you would like to go. At that point you proceed with one of those actions. You may decide you don't want to go with any of the firms or you may want to go with one of them and create a special assessment district to allow assessments to be levied on the drainage area. That is really far down the road. We need to have input from the Board as to which firms

you would like to submit proposals to do this additional work if that is the direction you would like to go. City Manager Repp confirmed that receiving proposals would not cost any additional money. Commissioner Carroll suggested that we may be talking about improvement of property, if we decide to get a written proposal Commissioner Carroll requested that the City Manager check with our attorney, Elva Jess, to insure what we are doing and how we are doing it is correct. We certainly want to help the people in that area if we can, but we also have to take care of all the rest of the citizens. Commissioner Carroll wanted to make sure we are not putting the City at risk or the taxpayers at risk.

City Manager Repp clarified that the scope of work would be limited to what is in the public right-of-way regarding the ditches along the roads. How the people that have private property that boarder that right-of-way get water from their property to the disposal would be up to them. All work will be confined to the public right-of-way. In both of the Trevino area and Holly / Crabapple area as we all know, the ditching is such that even if you get the water from your property to the ditch it really has nowhere to go because the ditches do not exist. From that point on to dispose of the water either we bring in our portable pumps and pump it across property to some area where it drains. The proposals will be limited to public property, if the Board would like to establish a scope of work beyond that, certainly they can, the initial intent is to deal with our public right-of-ways.

Commissioner Caster questioned if it was possible to get two proposals as a comparison. City Manager Repp replied that we could do that, but the more proposals you receive would tend to make it more complicated to evaluate. Commissioner Caster then asked if anyone other than the City Manager was with each of the firms that paid a visit, City Manager Repp replied that he was the only one that accompanied each individual representative. Commissioner Caster commented that he would have liked to go along on those visits, stating that he would have been better informed. City Manager Repp again stated that his recommendation was with Sungate. Their qualifications specifically deal with hydrology, storm water management and Sungate has experience with other municipalities in the State with the same thing we are looking for and their prices seem to be the best option to go with rather than making it more complicated than it really needs to be. Mayor White stated that the Board needs to respond and give direction to the City Manager. Commissioner Carroll stated that the City Manager acted appropriately from the direction of the Board. Commissioner Glidden suggested also that she would like to see two proposals, and also look into what the County may have to offer us as far as any assistance.

Richard Queemer requested to speak to the Board.

Mr. Queemer stated that he lives on Boros Rd. and has lived in Boiling Spring Lakes for more than 20 years and has been to many of the Board meetings and has seen a lot of missed opportunities to solve the flooding problems. Mr. Queemer questioned why with all the flooding problems are we limiting this to 3 areas when there are other areas that are having the same problem. Mr. Queemer stated that the City should look into the

flooding problems for the whole City no just 3 specific areas and get an estimate on all the areas and not just 3.

City Manager Repp responded stating the Board intended on bringing an engineering firm in based on the complaints we received this year with the amount of rain we have received in this particular year. I do not think there is anything to say that the scope of work in the future cannot be expanded to other areas of the town, but at this time it is the two areas, the Holly / Crabapple and Trevino. When the proposals come in we will also struggle with how to pay for it because there was no money set aside to do that so we would have to pull from the contingency to pay for any of the engineering services that they are intending to use at this point, unless they decide to assess it on the properties or whatever the case may be. This very preliminary engineering was intended to be something the City would look at paying for because it is dealing with the public right of way. If it gets expanded beyond that, you could be looking at a cost being assessed on the properties.

Mr. Queemer again questioned how the City can just focus on 3 areas and not the all the areas in the City that have flooding problems. Commissioner Carroll replied that there is no way the City can take care of all the issues at once but this is a first step which needs to happen before we can get to step 2. Council is addressing the most severe areas, and as the City Manager stated this by no means would stop there. I am glad to know that Council is taking a positive step to find out what we can do and of course if you are thinking of a specific area, we are now one step closer. No one is being told no. Mr. Queemer reiterated that the whole City should be included, the City should have an objective, a plan, cost estimates, what the City can pay for over the next several years. Commissioner Forte stated that Boiling Spring Lakes is the largest municipality in the County. In order to elevate everyone's problem, we would be looking at \$10M. Mr. Queemer suggested the City have a plan and do everything in house rather than spend all the money through an engineering firm.

A **motion** was made by Commissioner Caster to have a study prepared by Sungate and The Wooten Company the motion seconded by Commissioner Carroll.

Vote ~ 5 ~ 0

5. Animal Control

City Manager Repp gave some history stating that back in March of 2013 during the budget process the staff had proposed to the Board of Commissioners that Animal Control be modified from what it was at that time which was a 20 hour a week part-time employee to a contractual basis with the County since the County had done some contracts with other municipalities in the county to provide animal control assistance. We thought that was cost effective and the best way to proceed. In March or April the part-time officer resigned from the City to take another position. Since that time the

Police Department has been providing the manpower for Animal Control utilizing the pickup truck that we have. About 3 months ago we were notified by the County Sheriff's Department who had assumed animal control for the County that they were no longer going to be entering into new contracts with municipalities for the time being to provide animal control other than what they have currently been providing. At that point the Chief prepared a memorandum based on that, plus the fact that we have been notified by the Department of Agriculture who oversees Animal Control at the state level that the vehicle we are currently utilizing was going to be determined that it would not be in compliance in the very near future. If we are planning to stay in the animal control business we would have to find a different vehicle or make modifications to insure the containment area for the animals is a climate controlled area plus more. The memorandum that has been created and distributed to the Board and we are requesting guidance as to what you would like us to do regarding animal control. Obviously what was proposed in the budget and the numbers that are in the budget are still there for animal control. The way we will be going forward we will not be entering into a contract with the County for them to come and assist us with animal control so therefore we are going to have to continue to provide that service unless the Board directs us to phase out animal control in the City. If that is the case then we know which way to go. On the other hand if the Board decides to continue with animal control, at a minimum we are going to have to look at replacing the vehicle that we are currently utilizing to be in compliance with the standards that are enumerated in the State Codes for transporting animals that are captured by the Police Department. There has been some discussion about additional personnel, that is not our intention today, we can continue as we are currently doing until the next year's budget is discussed and deal with the issue of personnel if we think this needs to be brought back to your attention. We are able to deal with animal control as we currently are. The issue really is if we are going to continue providing animal control we must look at replacing the vehicle because it is determined by the State to be in noncompliance.

Commissioner Caster commented that he never felt by eliminating that part-time position and turning it over to the Police Department that animal control could be run sufficiently by taking a police officer to transport the animal to an out of town facility which takes the police officer away from the community. Commissioner Caster stated that he feels it is very difficult for the Police Department to take care of animal control the way it is set up right now. Chief Shirley commented that there are challenges providing any service with the personnel we have right now. There are time constraints, there are mechanical issues with vehicles, training. Animal Control is not a service that we refuse to provide or that our agency refuses to provide. We will provide the service the best way we can with what we have to work with. The challenges moving forward, specifically with the vehicle and the compliance of the transportation of the cargo unit that is an administrative code issue. We will continue to provide the service, but in a perfect world more people, more time to transport animals to Supply. That is a 40 mile roundtrip which provides time constraints at this staff level. There are times the City is left uncovered, because of that we rely on the Southport Police Department and the Sheriff's Office to assist us just

like we are called to assist other agencies when they are short manpower. Commissioner Caster again stated that taking an officer off the street for 2 or 3 hours from doing his job seems absurd to me. Chief Shirley started that the time a police officer spends investigating an animal control complaint whether it is a stray dog that needs to be transported or the officer is investigating a dog bite and required to go to the hospital. We are focusing on one area of just transporting a stray dog or cat to an animal shelter. There are other issues with animal control that are going to cause the same time constraints that an officer will have, such as an investigation of rabies, vaccination compliance, vicious dog investigation, a bite and having to spend time if the person is taken to the hospital. These are things that police officers are involved in pertaining animal control regardless. Hence we need to look at the whole process and what is involved in animal control. It is a lot more than just stray animals.

Commissioner Glidden responded that we were talking mostly about transporting the animals and confirmed we have the older truck. To have the truck made compliant it would cost somewhere from \$8,000 to \$10,000. Commissioner Glidden suggested looking into an SUV or a van so that would make the vehicle use for other things than just animal control. Chief Shirley also said there are many options that can be reviewed. Mayor White suggested that the City Manager do a study. Commissioner Carroll commented that the Council agreed to do this under a trial basis. The fact at the time there was no reason at the time for any of us to believe the County would not continue to provide this service. However out of everyone's control the County has said they are no longer going to provide this service. One issue is that we have a mandate coming down from the higher ranks of the government saying that our vehicle is not going to be in compliance. So we need to do something in that area. Commissioner Carroll asked Chief Shirley if he was correct in stating that the vehicle issue is one thing that needs to be reviewed and whether we need part-time, full-time personnel moving forward. Chief Shirley stated that the vehicle issues need to be addressed first. Commissioner Carroll stated that this will be something for the new Council to pick up in the new budget year.

Commissioner Caster wanted the Board to be aware that he was very reluctant at the start that the County was never going to do anything for us, except come down and pick up an animal for \$50. That being said there is more to it than just that. The leg work, the time involved, our City needs more than that. We need more than just animal control, we need an individual that can do animal control, look after our parks. I would like our City Manager to look into this and see what kind of numbers we can come up with.

Commissioner Carroll stated that Chief Shirley was planning on coming back to us with that information if I am not mistaken. Commissioner Carroll commented that what he does like about Commission Glidden's motion, giving an example last budget year someone gave a figure of \$10k would redo the vehicle we have. Obviously a whole new vehicle would be more than that. It is not necessarily bad, a dollar well spent is better than a dime thrown away. A real good example of that was we came real close in our last budget year to spend \$12k on a used van to move our young people and our seniors

around. We rejected that and a week later we made a motion to spend \$18k to get a brand new van with the State contract. We may find again that the best investment is not necessarily the least. I like the idea of looking across the scope and find out what we are going to be doing.

Commissioner Forte asked that in the study by the City Manager could we include in that study, how many calls do they receive, how many hours are put into animal control and what the overall cost is so we have an idea what we spend on animal control doing it this way verses possibly getting a part-time or full-time employee over and above what a vehicle would cost. Commissioner Forte also stated that he agrees with Commissioner Glidden's suggestion of looking into a multi-use vehicle. Commissioner Glidden stated that the City has been put on notice and we should act and not wait for any consequences. Commissioner Caster stated again his main issue is taking a police officer off the streets.

A **motion** was made by Commissioner Glidden to have the City Manager conduct a study for a vehicle purchase for Animal Control and report back to the City Counsel the motion was seconded by Commissioner Carroll.

Vote ~ 5 ~ 0

6. Road Paving

City Manager Repp stated for the FY 2014 budget included \$145,905 for paving of City streets in this upcoming fiscal year. The Board directed staff beyond the two streets that were listed in the budget, Salisbury and Prospect, to also get a price for Baymeade. As you can see from the presentation from the Director of Public Works you have the 3 prices, 2 prices for the 2 streets and 3 prices for the 3 streets including the base work that will be required on top of the paving. If we do Salisbury and Prospect the bids came in at \$138,580 if we do Salisbury, Prospect and Baymeade the price came in at \$169,076.

Commissioner Forte commented that he has a copy of the estimate that Larry Modlin gave us last November and Salisbury actually went up only \$100 in the year and Prospect actually went down almost \$8,000. I was the one who made the motion to add Baymeade, unfortunately I think it needs to be removed, I do not think we are in a position to go \$25,000 over what we have budgeted for road paving.

A **motion** was made by Commissioner Forte to award the contract to Norris Construction Company in the amount of \$87,600 for the paving of Salisbury and Propsect Road the motion was seconded by Mayor Pro-Tem Carroll.

Vote ~ 5 ~ 0

7. Brunswick County Public Utility Meeting Report

BOC Special Meeting
October 17, 2013

Commissioner Forte reported that he attended the Public Utility Meeting on Monday, October 14, 2013. There was reference to the sewer assessment along the commercial corridor. The Board of Directors will recommend to the Board of Commissioners that the assessment be done by lot size which was the most reasonable way to go for our citizens. There are 49 structures in the benefit area, 40 have committed to hooking up within the next 30 days. The project looks good and the assessment will go as we asked and that is what will be recommended to the County Commissioners. Commissioner Glidden requested clarification – what the Utility Board does is just make the recommendation, it is the Board of Commissioners that makes the final decision. Commissioner Carroll stated that in all indications if the County does what it has in the past so far, they have not turned down what the municipalities have asked. Commissioner Carroll stated that the Board of Commissioners came in under budget.

Commissioner Caster questioned when the final decision would be made by the County Board of Commissioners as far as the cost and notification to business owners. Commissioner Glidden replied that the information would be forthcoming around the May timeframe. Commissioner Caster replied that there is still a lot of uncertainty surrounding the final cost to the business owner. Commissioner Forte stated that the County Commissioners do not have to go along with the Board of Directors or our recommendation, actually every time so far they have gone along with the Board of Directors. Commissioner Carroll stated that the actual number of which the property owners is going to owe can be brought about, once that is done that will not change. Commissioner Forte stated that both schools are already hooked up and operating, which is a big accomplishment, the Board of Education is very pleased.

8. Closed Session

A **motion** was made by Commissioner Carroll Pursuant to North Carolina GS 143-318-11 (a) (6) The Board of Commissioners shall go into Closed Session to conduct the annual performance evaluation of the City Manager the motion was seconded by Commissioner Glidden.

Vote ~ 5 ~ 0

Return to Open Session

A **motion** was made by Commissioner Glidden and seconded by Commissioner Forte to return to open session.

Vote ~ 5 ~ 0

Mayor White stated that upon review and evaluation of City Manager Repp the ratings would be ~ exceeds expectations ~ meets expectations ~ does not meet expectations.

Mayor White stated that after the performance review of City Manager Repp by the Board of Commissioners the rating is ~ meets expectation.

A **motion** was made to adjourn by Commissioner Caster and seconded by Commissioner Glidden. The meeting was adjourned at 11:23am.

Vote ~ 5 ~ 0

Richard D. White
Mayor

ATTEST:

Jane E. McMinn
City Clerk

BOC Special Meeting
October 17, 2013