

**City of Boiling Spring Lakes
Board of Commissioners
Regular Meeting Minutes
March 5, 2013
City Hall – 6:30 PM**

PLEASE TURN OFF CELL PHONES

1. Call to Order

Mayor White called the meeting to order at 6:30 pm and asked Chief Brad Shirley 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

Commissioner Carroll requested the addition of the following item to the Agenda:

Under New Business, (c), discussion about the Spring Bike Run.

A motion was made by Commissioner Glidden and seconded by Commissioner Caster to approve the Agenda as amended.

Vote: 5-0

4. Presentation: Ellie Erickson, Communities in Schools (CIS)

Ellie Erickson of Communities in Schools of Brunswick County, Inc. made a presentation updating their pursuits, achievements and new programs. The presentation material is incorporated by reference and hereby made part of these minutes. Upcoming fund raising events: May 18 is Big Toy Day at the Airport, Annual Taste of Brunswick County in October, Papa John's fundraiser, the first Wednesday of each month beginning March 6, 2013.

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

There were no public comments.

6. Approval of Minutes:

- a. February 5, 2013 BOC Regular Meeting Minutes
- b. February 5, 2013 BOC Special Closed Session Meeting Minutes
- c. February 14, 2013 BOC Workshop Minutes

A **motion** was made by Commissioner Carroll and seconded by Commissioner Caster to approve all of the above minutes as presented.

Vote: 5-0

7. Consent Agenda:

- a. Public Works
- b. Public Safety/Animal Control
- c. Building Inspections/Code Enforcement
- d. Building and Grounds
- e. Parks and Recreation
- f. Finance Department

8. Committee/Board Reports and Minutes

a. Community Appearance Committee

Ann Hollingsworth stated that they are working on the final set up for the calendar, including telephone numbers for the businesses. They would also like to present two Certificates of Appreciation this year.

b. Planning Board

Bill Clarke reported that the Planning Board met and revisited Article 8 and found that it was dealing specifically with the infrastructure of the developments within the City. With the help of our Building Inspector were able to break it into major two parts, one the infrastructure of developments or subdivisions and the other being commercial properties and will be forwarded to the Board of Commissioners for review

c. Parks and Recreation Advisory Board

Ann Hollingsworth reported that the Teen Task Force luncheon will be March 21 at 11:30 and the disc golf course is up and running and ready for play.

d. Special Events Committee

Mary Stilwell reported that she had always wanted to start a scholarship fund in honor of Mitch Prince and after discussing same with her Committee, they have given their complete support. The Mitch Prince Law Enforcement Scholarship Fund is designed to help present and future BSL police officers with continuing education. The first donor is Pepperoni Grill which will celebrate their 5th anniversary Friday, March 8. Ticket sales for Pizza for a Year will generate funds to be given to the scholarship. The second donor hopefully will be the Spring Bike Run. Proceeds from this event will also go to this fund. The Spring Bike Run will take place on April 20th. Registration will be from 9:30 to 10:30 at the cost of \$20 per person and \$10 per passenger. There will be food prizes and a 50/50. We will honor our law enforcement and will remember Mitch Prince on that day. Mary spoke with several members of the community to be on the committee. Cpt. Tyler Johnson from the Fire Department has agreed to be the citizen at large member, Mayor White as former Police Chief with his knowledge of law enforcement, Larry Prince, Mitch's father, Chief Brad Shirley has agreed to be a member ex-officio, Mary and one more member. Mary welcomes questions, comments and ideas.

Commissioner Carroll stated he preferred that the funds go to more than one person and asked Mary if it was her intent that the scholarship go to one person or more than one based on her statement "present and future BSL police officers." Mary replied that it will benefit each and every officer that is continuing their education. At present there is one in school and three wanting to go to school. The Committee's responsibility will be to decide on how to the disburse funds.

e. Library Committee

There was no appearance on behalf of the Library Committee.

f. Spillway Committee

Bob Brooks reported that the NC Dam Safety received preliminary design on February 25th. They will review the design and committed to have an answer within 60 days.

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

City Manager Jeff Repp reported that as of January 31, 2013, the undesignated fund balance was \$3,054,828. Sales tax revenues are strong and are about 14% ahead of schedule through the first eight months of the year which project to \$152,000 in addition to what we budgeted.

The finance department's report reflects a number of \$83,700 in its comparison of the general fund from what was budgeted and what was received to date through January 31. It is important to remember that that number, which was a negative number, changes daily because it reflects revenue received and expenditures that go out. Some months we have more revenue and less expenditures and visa versa so at that particular time, the City was at a negative \$83,700 but we had five months left to go in the fiscal year so it is just a reflection of where we were at that particular point in time.

Mayor White asked what month does the tax collection rate of 89.28% reflect. City Manager Repp stated it was as of the end of January 2013. Mayor White commented that it was down considerably from past years. City Manager Repp stated that while he is not familiar with February and March numbers, there are some stragglers and it has historically been approximately 95%.

City Manager Repp went on to report that the budget process for FY 2014 has begun. Staff will be meeting this week and next week with Department Heads to discuss requests and begin formulation of a budget to be presented to the Board in April. The staff will then be meeting with the Board to go over that budget and make changes in anticipation of a final presentation in May at a public hearing of the budget being proposed for the upcoming year.

Town Hall Day for NC League of Municipalities is scheduled for Wednesday, March 27. All day event in Raleigh. Provides the elected officials opportunity to meet with elected representative at the State level as well as attend several functions. Deadline is March 15. Please advise the City Manager or City Clerk if you wish to attend.

City Manager Repp further reported that the contractor will resume the City's road patching. The contractor had an emergency which they needed to attend to and will now be resuming the job.

10. Board Appointments

- a. Raymond Real, Board of Adjustment, Member
- b. Lisa Mastin, Board of Adjustment, Alternate

A Motion was made by Commissioner Forte and seconded by Commissioner Caster to approve the above two appointments.

Vote: 5 - 0

11. Old Business

- a. Police Chief Vehicle – Tahoe

Mayor White stated that the Chief prefers to have a 4-wheel drive vehicle for emergency situations. If the vehicle gets ordered now, it can be purchased on a State contract otherwise it will be October 15 before the vehicle can be purchased. Commissioner Glidden asked the price and Mayor White responded \$35,000. Mayor White remarked that the price includes the equipment and everything.

A motion was made by Commissioner Carroll to approve the \$35,000 out of the capital funds reserve for the Tahoe and Commissioner Glidden seconded the motion for discussion.

Discussion: Mayor White commented that the Expedition has 108,000 miles and has ignition and fly wheel problems. Commissioner Forte asked if the \$35,000 expenditure is approved, what is being done with the Expedition. Mayor White stated that the Fire Department would like the vehicle as well as Mary Green. A decision has to be made whether it gets sold, donated or whatever but nothing can be done until the replacement vehicle is purchased. Commissioner Forte stated he spoke with the Fire Department and they are in dire need of a vehicle and he would like to donate the Expedition to the Fire Department. He further stated they are well aware of its problems and will sell their current vehicle and use the proceeds from that sale to repair the Expedition. Commissioner Forte asked if he could amend the Motion. City Manager Repp stated that the transaction should be done with two Motions – one to approve the purchase and the second to declare a surplus. Then it can be decided what to do with the Expedition after the Board makes the motion to replace. Mayor White asked if there was any more discussion of purchasing the Tahoe before March 29.

A motion was made by Commissioner Forte and seconded by Commissioner Carroll to surplus the 2004 Expedition and donate it to the Fire Department. Commissioner Caster stated that he agrees with the Motion. Commissioner Glidden asked what Mary Green's intention was with the vehicle. Mary Green

replied should would need the vehicle to move kayaks and tables and stuff that they did not want to put in the van.

Commissioner Forte wanted to state on the record that the Fire Department and Police Department are incredible as that his mother-in-law is alive today because of their efforts.

Vote 5 - 0

11. New Business

a. Summer Youth Camp Request 2013 – Mary Green

Each year this request is made before the Board because Summer Camp crosses the fiscal budget line. Currently the program is budgeted for the first two weeks of Summer Camp but is not yet budgeted for the remaining six weeks of summer camp for next fiscal year and the last two weeks of summer camp next spring. If it pleases the Board, they would like to do Summer Camp again. It is a good and successful program. Mary asked for the same amount of money as last year and stated it may be less depending on registration numbers and she would have a pretty good idea when she goes into the budget process. Typically they are full by May 1st and would like to start the process. Registration day is set for April 13th and because of that needs to know if she can go forward with the program. Commissioner Carroll asked the amount of money she needs. Mary responded \$15,390 for staffing, \$4,000 for transportation but had only spent \$2,700. Transportation is up in the air and will be again because of availability of the school's buses but will be working with Brunswick Transit as well.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Glidden to discuss the Request.

Discussion: Commissioner Glidden asked if registration will still be handled as it was last year. Mary Green responded yes. It will be based on Boiling Spring Lakes' taxpayers first either providing a copy of their tax bill or vehicle registration. Registration times for taxpayers will be from 7:30 to 10:30 and for non-taxpayers from 10:30 to 11:00.

Commissioner Caster asked if this presentation request is pto give the go ahead and the numbers will be finalized in the budget talks. Commissioner Forte responded correct. Mary stated that since Summer Camp crosses the line, they are already into camp when the new budget kicks in. If they have 50 children registered as of July 1 but only funding for 35 children, they are in trouble. They will have a good idea of the number of registrants at the latter part of the budget process. It is a break even program and there are no major expenses.

Vote: 5 - 0

b. **Resolution Opposing Legislation that Provides for the Forced Taking of Municipal Water Systems**

Mayor White opened the discussion stating that this Resolution pertains to the City of Asheville.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Caster to adopt the Resolution.

Mayor White stated he does not feel comfortable getting involved in this. If the General Assembly chooses to take over the water system, he did not see a problem. City Manager Repp responded the issue was not so much the action of the General Assembly but the way it is being done in the sense that there has not been a study performed as to why this good or bad, what are benefits. Local representatives at the State level decided want to push this activity through. The major concern is the compensation issue. As it is currently proposed, Asheville will not be compensated for the water system that they paid for and constructed. That is the major issue. If the legislation would deal with the issue of compensation to Asheville, I do not think the League would be getting involved. Commissioner Carroll stated his concern with the way the situation is being handled. Commissioner Forte agrees with Mayor White and feels that this situation is Asheville and is not Boiling Spring Lakes. He realizes it could happen to the City but does not want to get involved. City Manager Repp replied that this Resolution is just municipal support to Asheville in its efforts to stop an unjust takeover. Commissioner Forte concurs that you can see where this is going where the State could control everything. City Manager Repp stated it is the compensation issue. This activity is taking the water system and making it a regional authority and Asheville is stuck with the debt. Commissioner Carroll remarked that this is a case where municipalities need to stick together and is all for the Resolution. Commissioner Glidden agrees because the State can come in and do as they want and feels a need to support the Resolution. Commissioner Forte asked if they thought calling on our Representatives would be a better solution. Mayor White did not feel a need to go to the federal level. Commissioner Caster thought that supporting the Resolution would send a message to them anyway.

Vote: 3 – 2

Opposed: Mayor White, Commissioner Forte

c. **Spring Bike Run**

Commissioner Carroll explained that the Spring Bike Run proceeds were originally to benefit a local child in need and believed it is a good thing that the

City does not currently have a child in need. Also, Special Events has tried to change things to accommodate everyone.

A **motion** was made by Commissioner Carroll that the bike run take place and that the funds raised go to the Mitch Prince Scholarship Fund which will benefit our local Police Department and local policemen that work here now and in the future and was seconded by Commissioner Glidden for discussion.

Discussion: Commissioner Caster stated that in the last budget talks any profits generated by the Bike Run would benefit the Police Department, Fire Department, Parks & Recreation or something that pertained to the entire City. Budget talks are coming up and which will discuss the seed money - if it should be paid back before any profits are awarded to whatever city function. Commissioner Caster did not feel that the City can take taxpayer's money and generate it to a scholarship and feels that is a misuse of taxpayer's money. If funds are generated from a business fundraiser or something totally separate from the City, that is not a problem; but feels you cannot take taxpayer's money and put it in a scholarship.

Commissioner Forte stated that he supports Special Events but he does have a concern with this motion. He stated he is on the Foundation Board at Brunswick Community College and certain criteria have to be met for a scholarship fund. It has to be a 501(c)(3) which perhaps can be done under the umbrella of the college. He went on to state if you use taxpayer's money, there will be tax implications on any money raised. He offered to personally raise money outside of taxpayer's money and already has an offer for a donation of \$1000. A scholarship should be funded with private funds and you must be careful how money is raised and distributed. What is to stop a citizen to ask for funds for their child, grandchildren, etc. He feels that the proceeds from the Bike Run should be donated to the Police Department, Fire Department, Park and Recreation, or something that helps the most citizens. He further stated he will personally help raise the funds.

Mayor White stated that he did not think it was the taxpayer's money was not sure where Mike or Craig got that idea. There is the seed money but the money raised is from registration fees and business donations. Commissioner Caster replied it is the \$1,500 seed money. Anytime taxpayer money is used, the BOC has to approve that. Mayor White stated the \$1,500 was already approved. Commissioner Caster stated it was approved in the last budget to not pay it back. It is clear that the bike run is not profitable. Commissioners Carroll and Glidden replied that is incorrect. Commissioner Caster stated it is not incorrect and those numbers were received from our Finance Manager. It ranges from \$2,200 to \$2,500 and \$1,000 was given to the Fire Department and the Police Department. It does not generate a profit. When taxpayer money is used, it has to be used for the taxpayers.

Commissioner Carroll conceded that there is taxpayer money involved but the money will go to employees of the City. He stated he introduced the idea that this be called “a further education fund” instead of a scholarship because that is what it is and is for City employees. He further replied that we can tell them no and then sit down at budget time and grab it out of the tax base. We have citizens willing to raise money to help our people, we should applaud them instead of stepping on them. My vote is going to be yes and I am not waffling on it.

Mayor White stated Special Events raised money in the past and cited the Mitch Prince Memorial pond. Commissioner Caster replied that he does support Special Events, but has concerns with the Bike Run. The seed money was always paid back in the past until the last budget. If the seed money is paid back and whatever is left over goes to the Fire Department, Police Department and Parks and Recreation, I totally support that.

Commissioner Glidden stated the funds will benefit the City. As to the seed money, it currently does not have to be paid back but maybe that is something to look at in the future. She has noticed that because of the economy, participation at events lately has dwindled. Commissioner Glidden thought the \$1,500 seed money for Special Events is equivalent to good advertising and is beneficial for the City. She stated she would personally like to see the funds go to more than one officer. Commissioner Glidden thought that it would be a good idea change the name from scholarship to something else but not to do away with the program.

Commissioner Caster stated the Police Chief cannot be on the committee and make decisions. City Manager Repp replied that he will not be a voting member but will offer his support and comments.

Commissioner Forte stated he has been opposed to this idea from the beginning and did not want the money to be given to a local student because the chances of that student becoming a Boiling Spring Lakes police officer were nil. That was his objection. He mentioned he sent an email stating he was opposed. The way the Foundation Board works, the funds donated stay in an account and is never touched. The interest is what funds the scholarships which creates a repetitive scholarship.

Vote: 3 – 2

Opposed: Commissioner Forte and Commissioner Caster

12. Orders

- a. **Order** authorizing City Manager and Finance Director to abate the attached list of utility accounts.
- b. **Order** authorizing City Manager and Finance Director to abate the interest on attached list of water assessment accounts.
- c. **Order** accepting the attached Budget Amendments sheet dated January 2013.
- d. **Order** authorizing the purchase of five (5) in-car cameras and supporting equipment in the amount of \$37,126.58 from Mobile-Vision Inc. of Boonton, NJ.
- e. **Order** authorizing City Manager to enter into an Agreement with Helton and Sons Construction, Inc. of Supply, NC to provide contractual services for pick up of white and brown goods for the Spring Pick-Up during the week of April 15 through 20, 2013 in the lump sum amount of \$17,900.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Caster to adopt all of the above Orders.

Vote: 5 – 0

Mayor White announced the Spring Pick-Up will be April 15 – 20, 2013. City Manager Repp stated that the City will be sending out a postcard similar to the one Waste Industries sent out informing the residents of the Spring Pick-up.

13. Adjourn

A **motion** was made by Commissioner Caster and seconded by Commissioner Forte to adjourn the meeting at 7:25 PM

Vote: 5 – 0

Mayor Richard D. White

Pamela Bellina, City Clerk