



City of Boiling Spring Lakes

Board of Commissioners Regular Meeting Minutes

April 2, 2013

City Hall – 6:30 PM

1. Call to Order

The Mayor called the meeting to order at 6:30 pm and asked Dale Richardson to lead the Pledge of Allegiance.

2. Attendance: In attendance at the meeting were:

The Mayor
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

City Manager Jeff Repp requested the addition of the following item to the Agenda:
Under City Manager's Report, approval of the use of Spring Lake Park for filming.

The Mayor added to the Agenda under **Approval of Minutes – (d)**, the addition of December 12, 2011, February 7, 2012 and September 10, 2012 Closed Session Minutes.

A motion was made by Commissioner Carroll and seconded by Commissioner Forte to approve the Agenda as amended.

Vote: 5 – 0

4. Presentation: Fred Stephens, Executive Director Brunswick Family Assistance Agency, Inc.

A presentation was made by Fred Stephens, the Executive Director of Brunswick Family Assistance Agency, Inc. requesting a donation from the City of Boiling Spring Lakes of \$500. The attachments provided by Mr. Stephens are incorporated by reference and hereby made part of these minutes. BFA is a non-profit 501(c)(3) trust organization that is a

business organization with a social mission. 61% of funding comes from individuals, foundations, faith and civic organizations; 26% comes from government organizations - federal organizations such as Housing and Urban Development (HUD), FEMA and Brunswick County and local government; 11% comes from their thrift store and 2% from miscellaneous donations. BFA provides help in emergency situations only. They determine who is eligible through a confidential intake process receiving from these possible clients their financial information which is calculated to determine what their ratio is to the poverty level which number must be 130% of poverty level in order to receive assistance. Funds do not go directly to the client but is paid to their landlord or the electric company, etc., therefore the system cannot be abused. They do not serve as a food bank but provide food in emergency situations. A family can receive food up to four times a year if eligible based on family size. BFA is run as a business and has audited financial statements, a new accounting system, they have hired an outsource CFO who is a CPA, they have bylaws and a strategic plan. BFA has 85 volunteers who have given 10,000 hours.

Commissioner Carroll asked if BFA's books are open to the public and Mr. Stephens responded yes. They post on their website their strategic plan, the bylaws, their 990 and audited financial statement.

Commissioner Caster asked how BFA verifies the financial information given by client seeking their help. Mr. Stephens responded that they cannot but the documents requested are W-9s, paychecks, social security, disability payment proof. They are asked to bring in their bills. BFA validates that they are a citizen of Brunswick County. They do ask the client to sign a form that states if they commit fraud, they are barred from the program forever.

5. Public Hearing for Proposed Amendments to the UDO

- a. Article 5 - Zoning**
- b. Article 6 – Supplement Regulations**
- c. Article 8 – Parking, Infrastructure and Subdivision Design Requirements**
- d. Article 10 – Sign Regulations**

A **motion** was made by Commissioner Carroll and seconded by Commissioner Forte to go into public hearing for the above proposed amendments to the UDO.

Vote 5 - 0

There was no public comment

A **motion** was made by Commissioner Forte and seconded by Commissioner Carroll to go back into regular session.

Vote 5 - 0

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

Julie Brown who lives on South Shore Drive for 28 years stated it has always been a dream of hers for a bike path in Boiling Spring Lakes. She thought that a bike path or walking path from Boiling Spring Lakes to Southport could be created from the pathway made by the sewer line installation. She stated would make a great bike/walking path because it is not directly on the highway but off the road. Ms. Brown mentioned that she did some research and the funds available for this project from the NCDOT Pedestrian and Bicycle Program and there are grants also available.

Ann Hollingsworth thanked the Mayor and Commissioners for initiating the wastewater project for the commercial corridor, consistent progress on road paving, the return of water assessment money, maintaining taxes at a stable rate and continuing programs and projects without increasing taxes. Those achievements require team work and she commend them on their ability to work together on the citizens' behalf.

Linda Dixon, President of the Boiling Spring Lakes Garden Club invited the Board and Boiling Spring Lakes citizens to the first Garden Walk on Saturday, April 6 from 11:00 AM to 3:00 PM, tickets are \$8 if purchase ahead of time at the Community Center or \$10 on the day of if purchased at the Community Center or at one of the gardens. The Garden Club is featuring the Community Gardens that they have developed and planted and four spectacular private gardens. Profits from the event will go toward the children's playground equipment at the Community Center. Also before the tour, there will be a dedication of The Delcy Jaunzemis Native Plant Trail at 10:00 AM followed by refreshments and everyone is invited. The Garden Walk will host a plant sale and refreshments and there are some spectacular garden.

Commissioner Forte asked for the start time. Linda Dixon replied that the Delcy Jaunzemis Native Plant Trail dedication starts at 10:00 AM at Spring Lake. The Garden Walk is at 11:00. We have several community gardens that have been developed including the new Bog Garden and four really nice private gardens.

Commissioner Carroll asked if he could make a donation as he did not think he would be able to attend. Linda stated she would accept his donation and remarked that she had tickets with her if someone wished to purchase them.

7. Approval of Minutes:

- a. November 13, 2012 BOC Regular Meeting
- b. December 4, 2012 BOC Regular Meeting

- c. March 5, 2013 BOC Regular Meeting
- d. December 12, 2011, February 7, 2012 and September 10, 2012 BOC Closed Session Minutes

A **motion** was made by Commissioner Carroll and seconded by Commissioner Caster to accept all of the November 13, 2012, December 4, 2012 and March 5, 2013 minutes as presented.

Vote: 5 - 0

A **motion** was made by Commissioner Glidden and seconded by Commissioner Forte to accept the December 12, 2011, February 7, 2012 and September 10, 2012 Closed Session Minutes as presented.

Vote: 5 – 0

8. 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

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

9. Committee/Board Reports and Minutes

a. Community Appearance Committee

Ann Hollingsworth reported that the Committee is working on a Welcoming Committee program and they are excited to be participating in Fun Day where they will have a tent showcasing their outstanding properties.

b. Planning Board

Bill Clarke reported that his Board met and reviewed the four Articles to ensure that they were forwarded with the correct verbiage. Bill thanked Maggie for accurately transcribing the amendments. The Planning Board is currently looking for direction from the Board on two matters. One is Extraterritorial Jurisdiction (hereinafter ETJ) and the other is to develop a

minimum housing requirement to be attached to the UDO. Bill asked the Board how they should proceed.

The Mayor responded that the previous Board attempted the ETJ and spent thousands of dollar and does not believe that is something the Planning Board needs to pursue. The City Manager responded that the General Assembly has taken several actions which will further limit the use of ETJs in the State. He suggested the Board wait until after the Session to see if there will be any consideration of what is remaining at that point.

Commissioner Glidden asked what the minimum housing requirement is. Bill Clarke replied to develop the terms of what the minimum housing should be for residential rental properties. He stated the Planning Board is not interested in doing this because there is no way to enforce it.

Commissioner Carroll and Commissioner Forte agreed that the minimum housing requirement is treading on dangerous grounds. Commissioner Carroll believed that it is unenforceable and even if it were enforceable, there would be no way to fairly enforce it. Commissioner Carroll stated he agreed with Jim Nicholas's idea. The City needs to be able to contact property owners who live out of state about the condition of the property. Bill Clarke asked if he was speaking about the condition of the exterior of the property. Commissioner Carroll replied he was speaking about property owners who live in another state and being able to contact those owners. They need to have someone locally to look after the property and be the contact person in case of notification. The City Manager added it would essentially be rental registration where whoever owns the property that is for rent, they would be subject to provide a local agent who would be responsible for maintaining the property. Jim Nicholas agreed that this was his intent.

c. Parks and Recreation Advisory Board

Melissa Thomas reported that they had their first Teen Task Force meeting, and had 22 members of the community attended. The TTF will meet on the third Thursday of every month. She stated that the meeting was for generation of ideas of activities for teenagers and feels they are off to a good start. The Disc Golf Course has raised over \$7,000 from local businesses and personal donations [see attached sheet]. The ribbon cutting ceremony will take place in June. Since March 1st, over 200 people have played the front 9 of the disc golf course. They feel it is a great showcase for the City and looks forward to more updates as to tournaments, etc.

d. Special Events Committee

Mary Stilwell reported that Spring Bike run has been postponed to May 18 as the run conflicted with another group's bike run and did not want to interfere with their event. The change resulted in an invitation from Beach House Harley to join their festivities which is the last day of Bike Week. They will have vendors and asked us to make it our longest stop. New flyers and more information will be out later this week. Community Fun Day is scheduled for May 11th from 11 AM – 4 PM. Cape Fear Cruisers, blowups, children's games, Marcus the Magician, our BSL Fire Rescue serving food, several vendors such as the Southport Lions Club who will be bringing out their boat, Thor The Cannon, The Cloggers and more interested vendors. Due to government cuts, The 2nd Division Marine Band cannot attend but the theme will still be Support Our Troops with special recognition of Colonel Blue and our local JROTC and to any service personnel that attends that day. They also anticipate having Mike's Garage Band perform. Mary stated she has collected \$730 for The Mitch Prince Scholarship Fund and has given the funds to the City Manager. The Committee consists of five members with one ex-officio. She stated if anyone was interested in making a donation, to please see her.

e. Library Committee

Nothing reported at this time.

f. Spillway Committee

The engineers are still on track to complete the plans for the end of the month. A meeting is scheduled to review the plans after they have been completed. Mike and Jeff are still pursuing funding opportunities with the State.

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

As of February 28, 2013, the City had cash and investments in hand of \$3,017,322, the revenues over expenses in the General Fund are \$182,000 to the positive and the Powell Bill Fund had \$140,000 to the positive. Both of the major funds for the City are running positive balances through the first seven months of the year as we wind down and start the budget process for next year.

The January contract for a number of patching projects around the City has been completed and another patching list is being created to use some of the existing Powell Bill funds.

Next week there will be painting of the center line on the following streets: Fifty Lakes, Eden and Alton Lennon.

The City Manager stated he is seeking guidance from the Board with regard to an opportunity for a city park to be involved in the filming of a major motion picture. The entire movie will not be filmed here but a scene in the movie. The company is proposing to use the area around the park for parking for about a week and a half in late May. A copy of the map forwarded to Mary Green by the filming company showing the areas they wish to use was provided. The City Manager turned the discussion over to Mary Green as she has been the liaison with the filming company.

Mary Green stated that they are looking to film the week before Memorial Day, weather permitting. Her concern was that they finish filming by June 7th, the day school gets out, because the Park cannot be closed once school is out. The proposed site is Spring Lake Park and they are projecting to use all three areas; the larger part of the park where most families with children swim, the smaller section where older adults generally congregate and the area across the street next to the Community Garden. The map handed out by the City Manager shows the smaller shelter area where they plan on building a dock. The larger area will be a beach and will have a small floating dock and swimming area. The problem is they want to use motorized boats and jet skis, which is not permitted on the lake and is against our Ordinance. The filming company is asking for permission to use motorized boats and jet skis on the lake. They are also seeking approval to use street side parking and part of Juniper Road, where there are no homes and the Police Department does not see problem closing it off, to park on both sides and put trailers in the middle. There will be an immense cast including extras and crew of approximately 250. They expect the smaller part of the park to be closed 10 – 12 days for the build-out and the larger section to be closed 5 – 7 days. The area across the street probably 3 – 4 days and that is where they plan to put a backdrop and a big tent. Permitting will go through Jim for the size of the tent, etc. Mary feels this is a good opportunity if the Board sees fit to let this happen.

Commissioner Carroll stated that he does not agree with permanently allowing jet skis, motorized boats and a permanent dock and the City would have to speak with Elva to make sure that, to allow the jet skis and motorized boats, if we could make a change just for this period of time.

The City Manager stated because we do not have an ordinance governing filming in place, the mechanism I would recommend would be a Memorandum of Understanding between the City and the filming company that would specify those types of terms and conditions. The MOU would have a start date and an end date. That would be the only time motorized watercraft would be allowed and that you have approved. Mary Green agreed that Spring Lake is not an appropriate lake to allow motorized watercraft. The City Manager further stated that the motorized watercraft use would only be the three or four days of filming. Mary further commented that they would moor boats at the dock but the actual use of the motorized watercraft would just be during filming.

Commissioner Carroll stated his concern that this might open the door to having motorized watercraft on the lake.

Mary stated the Location Manager and Assistant Manager talked about providing 24-hour security from the time they enter the park and start building to when they leave and have everything deconstructed. Mary's big concern was someone swimming out to the floating dock at night. They stated they would have more than one security guard out there to prevent that from happening. The Mayor thought that they should hire a police officer and Mary stated she thought they may do that.

The Mayor asked if the filming company was proposing to leave the dock. The City Manager stated that was one of the offers in their initial conversation. Because we do not have an Ordinance in place that would specify fees to be paid, they were going to either make a financial contribution or they would consider constructing a permanent dock and have that permanent dock remain which would be the offset. Mary Green went on to state that the filming company was now considering going away from the permanent fixture because they feel there will be too much liability and is now considering a commercial manufactured floating structure or something along those lines. Southport, Oak Island, Wilmington generally charge \$250 to \$350 per day for park rental. Floating docks are in the thousands and thousands so if the Board chose to go that way, the City would certainly get its monies worth or just with the financial contribution as well. The filming company knows that with the Memorandum of Understanding, they know that is on the table and have to draw that up with their lawyer and we could go from there.

The Mayor asked does the City want a floating dock on Spring Lake. Commissioner Glidden stated that it had been discussed in prior Parks and Recreation meetings and concluded it would be too costly. Mary replied it would need to be more of a controlled structure as far as a kayak launch similar to the structure at Lake Park in Carolina Beach where access to the dock is blocked by a structure where the only way to get on the dock is if someone opens the gate. Mary commented in these economic times, financial contribution would be best.

Commissioner Carroll remarked that the big lake would be best served with a dock but the financial remuneration, would go back into the budget and can be used for the City.

Commissioner Glidden would rather see a financial contribution because the dock at the big lake needs to be reconstructed to be handicap accessible and the contribution could help start that project. She also questioned the area on the map they are calling the family beach area and wanted to know if that is the bigger beach area of the park. Mary replied the build-out area will take place by the smaller part of the park. Commissioner Glidden then asked if that area was large enough. She also asked if there were residences in that area. Mary replied that the land fans out and it is deceptive how large it is. There is one residence there but the rest is wooded.

Commissioner Forte stated he is not in favor of the dock because once they finish filming, it becomes a safety issue and thought it would affect our insurance. He stated he would prefer the financial contribution.

Commissioner Caster asked about environmental issues and what the ramifications would be if there is a gas spill. The City Manager replied that the filming company will indemnify us against a situation like that and it would be part of the MOU, all insurance requirements and we will be covered.

Commissioner Caster asked if Mary spoke with any of the neighbors around the lake and what is the time frame to make a decision. The City Manager replied the City was informed about this last Thursday and we need to reply soon. Commissioner Caster asked if this would take place on Memorial Day and Mary responded they would like to film the week before Memorial Day and their schedule date is May 20th. Mary stated her drop dead date is they have to be out of the park by June 7th.

Commissioner Carroll stated the City does not have a lot of time to think about this. Mary replied it will take the City Manager time to draw up the MOU and what we are looking for here tonight is permission for the City Manager to move forward.

Commissioner Glidden stated the other area of the park could be open for Memorial Day. Mary replied the small section will be closed for 10 – 12 days, the larger area 5 – 7 days. The filming company would not want anyone in the park for safety reasons.

The Mayor said he believed they were all in agreement that keeping the dock is out of the question.

Commissioner Caster stated his concern about the type of movie being filmed. He asked if it was a James Bond type movie where they will be throwing grenades into the lake. The City Manager and Mary both replied it will be a comedy and Mary stated there will be no pyrotechnics and no night filming. The City Manager further replied it will be a comedy with major actors and actresses and the scene will involve a jet ski running into the dock. Commissioner Carroll asked if there was a need to come back together in a Special Meeting to sign off on this. The City Manager replied he will keep the Board advised along the way and if they are not willing to work with us or something comes up, he would be more than happy to request a meeting at that point.

A **motion** was made by Commissioner Forte and seconded by Commissioner Carroll to allow the City Manager to pursue the filming in Spring Lake Park with a drop dead date of June 7th and to keep the Board advised of the negotiations.

Vote 5 - 0

Mary Green made a suggestion that the City should work on creating a film ordinance. The City Manager agreed. Commissioner Glidden remarked that would be something for the

Planning Board to create. The Mayor commented to Bill Clarke that he can start working on an Ordinance.

11. New Business

a. Set Dates of Budget Workshop(s)

Discussion: The Mayor discussed setting the date for the first budget workshop. He understood the first date was to be April 10th. The City Manager replied that is the proposed date and it is up to the Board if that date is acceptable. The Mayor suggested April 10th at 9:00 AM. Commissioner Forte replied Commissioner Caster is working and Commissioner Glidden added that Commissioner Caster also had a problem with the evening. Commissioner Caster replied he did not have a problem with the evening but he would not be able to attend another meeting he had scheduled. He stated he does work during the day but felt that the four remaining Board members were more than capable of handling the budget without him. The Mayor responded that staff will be present so it will work with their schedule. Commissioner Carroll asked Commissioner Caster if later in the day while staff was still at work would work. Commissioner Glidden asked if earlier in the day or later in the day was better for Commissioner Caster to meet. Commissioner Caster replied if the board insists on having it during the day for him it would be better at 10 AM than 3 PM. The meetings always used to be at night for the public to attend but now they are during the day. The Mayor replied that the staff works during the day and he thought that because this is the first budget meeting, there will be a lot of questions and he didn't feel it should be at night after the staff worked all day. Commissioner Caster replied it makes sense to have the meetings during the day when the staff is working and if it has to be during the day, 10 AM works. If the situation arises that he cannot attend, then the remaining Board members can handle the budget workshop without him.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Glidden to set the budget workshop to take place on April 10th.

Vote: 5 - 0

Commissioner Glidden stated April 17th for the possible second workshop. The City Manager replied that he will be out of town and Commissioner Glidden stated there was a conflict. The Mayor stated April 24th will be the next budget workshop. The City Manager thought there was a conflict for that day and stated we can start with April 10th and can go from there. If there is a need for another workshop, it can be set at the April 10th workshop.

- b. **Proposed amendments to the Unified Development Ordinance (UDO) as presented by the Planning Board in Memorandum dated April 2, 2013 [attached hereto]**

- Article 5 – Zoning
- Article 6 – Supplement Regulations
- Article 8 – Parking, Infrastructure and Subdivision Design Requirements
- Article 10 – Sign Regulation

A **motion** was made by Commissioner Forte and seconded by Commissioner Carroll to accept the proposed amendments to the UDO as presented [see attached memo].

Vote: 5 - 0

- c. **Resolution to Maintain and Support the Current Integrity and Funding for the Parks and Recreation Trust Fund (PARTF)**

The Mayor asked Commissioner Glidden to read the resolved portion of the Resolution into the minutes.

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

Vote: 5 - 0

12. Orders

- a. **Order** rendering the 2006 Ford Expedition VIN #1FMPU1653LA75502 as surplus and donating said vehicle to the Boiling Spring Lakes Fire Department.

Order tabled until new vehicle is delivered.

- b. **Order** accepting proposed amendments to the Unified Development Ordinance (UDO)

A **motion** was made by Commissioner Carroll and seconded by Commissioner Glidden to approve the Order Accepting Proposed Amendments to the UDO

Vote 5 - 0

- c. **Order** authorizing the transfers of unrestricted revenues from the Water Fund to the Capital Improvement Fund and General Fund.

The Mayor asked for clarification of the Order. The City Manager stated \$150,000 will be moved into the Capital Improvement Fund, \$206,000 for the prepayment of the Street Paving Bond and the balance of \$254,731.92 to General Fund.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Caster to accept the Order authorizing the transfer of revenues from the Water Fund to the Capital Improvement Fund and General Fund

Vote 5 - 0

13. **Adjourn**

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

Vote: 5 - 0

Mayor Richard D. White

Pamela Bellina, City Clerk