



*City of Boiling Spring Lakes*  
Board of Commissioners Regular Meeting Minutes  
May 7, 2013  
City Hall – 6:30 PM

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***PLEASE TURN OFF CELL PHONES***

**1. Call to Order**

The Mayor called the meeting to order at 6:27 pm and asked Jason Tyson to lead the Pledge of Allegiance.

**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  
Building Inspector Jim Nicholas  
City Clerk Pamela Bellina

**3. Approval of Regular Agenda**

Commissioner Carroll requested that item “d” under New Business be removed from the Agenda at this time and slated for discussion at a future workshop.

**Vote: 5 - 0**

**4. Presentation: Police Chief Bradford Shirley**

Special Recognition of Two Police Officers: Corporal Bobby Britt and Police Officer Troy Baker and Introduction of New Police Officer John Thomas

Chief Shirley introduced Police Officer John Thomas as the new Police Officer for Boiling Spring Lakes. Officer Thomas has been a Reserve Officer with the City of Boiling Spring Lakes since 2011 and was recently hired as a full time Officer and will start work tomorrow night.

Chief Shirley stated that in April at a Southport Rotary Club Meeting, two of Officers of the City of Boiling Spring Lakes were honored with the recognition of Outstanding Officers - Corporal Bobby Britt and Police Officer Troy Baker. On November 9, 2012, our two Officers responded to a call about a vehicle break-in. They investigated the call

and, playing a hunch, stayed in the area. Approximately two hours later, the Officers found some other property in a yard, saw the vehicle, thought it was a little suspicious and followed the vehicle. The vehicle crashed and the Officers took the suspect into custody. As a result of the two Officers relying on their hunch, these Officers were able to clear 19 vehicle break-ins that occurred here in Boiling Spring Lakes and also these individuals were responsible for over 21 vehicle break-ins in the Holden Beach area. The teamwork they possessed that night working together for the greater good of the community was good hard police work. Their example of teamwork is something Chief Shirley hopes the entire Police force looks at and follows. Chief Shirley went on to state that because of their outstanding teamwork, he has decided to split them up and put them on different shifts so that other officers can benefit from their experience. The Southport Rotary Club presented each of the officers with a plaque. He stated it was a pleasure as their Chief to have Officers recognized outside of this City and expressed how proud he was of his Officers.

## **5. Public Hearing with respect to Proposed Amendments to the UDO**

- Article 5 Zoning Districts  
Section 5.5 Table of Permitted/Conditional Use
- Article 6 Supplemental Regulations  
Section 6.28 Home Occupations

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 were no public comments*

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

**Vote: 5- 0**

## **6. Public Hearing with respect to the Proposed Budget for Fiscal Year 2013/2014**

A **motion** was made by Commissioner Forte and seconded by Commissioner Carroll to go into public hearing with respect to the proposed Budget.

**Vote: 5 - 0**

City Manager Jeff Repp made a brief presentation of the budget [as viewed on screen]: The proposed budget is made up of three components. The two that you are required to

take action on each year, because they lapse on June 30 and start again on July 1, is the General Fund and the Powell Bill.

The Capital Improvement Fund is a fund that actually continues from year to year and does not require action by the Board. There are actually five independent budgets called the 600 Budgets in this Fund. The one that was just created this past year was the Capital Improvement Program for roads and public buildings, the Spillway which was created about two years ago for that specific project, there has been for many years a Police Department Equipment Fund and a Parks and Recreation Fund both with small balances but they continue year to year and the one created this last year was the Special Events which also continues year from year. This means that monies do not lapse at the end of the fiscal year but continues until the Board decides it no longer needs that Fund and by Order would eliminate that Fund. These Funds do not require action but the two Funds do.

As you can see the General Fund and the Powell Bill, which are merged for accounting reasons, for the upcoming year is about \$2,800,000. You can see historically where those Funds have been with last year being at \$2,690,000. The blue at the bottom of the graph represents the Powell bill which usually runs about \$300,000 and the remainder is the General Fund revenues which you annually appropriate. This upcoming year there are a number of changes. One, when you look at the audit there are 6 categories of revenues that you annually appropriate: property taxes, intergovernmental revenue, permits and fees, sales and services, investment earning and miscellaneous revenues. Two largest are the property taxes and the intergovernmental. When you look at the property taxes, you can see in the last bar grouping is less than the previous year because the Board is proposing a 3¢ property tax decrease in the upcoming fiscal year. The next group is intergovernmental which is primarily your franchise fees, Powell Bill and sales tax revenue which is why it is one of the largest ones. As you can see there has been a significant increase in the current fiscal year which is the second to last bar in that grouping primarily because there was an 11% increase in sales tax revenue than what was projected and \$93,470 in a one-time state-shared revenues that were received that was a result of a mistake the State made in calculating the franchise fees in the area of telecommunications. Revenue wise it has been a really good year. It will be a little less overall next year but we are projecting a 3% increase in sales tax revenue for the upcoming fiscal year.

The last item of note is the permits and fees. We are projecting 25 new homes to be constructed next year and the revenues associated with those new homes are reflected in the budget.

With respect to the property tax revenue, on the left hand side are the calculations that generate the \$621,013 that we are projecting in revenues which reflects the 14¢ tax rate versus the current year 17¢ tax rate. You can see the tax rate history going back to 1974 when tax rate was 35¢ and the next year at the proposed 14¢. The next slide shows sales tax revenue history and you can represent a rebound from the economic problems in 2008-2009, see where the revenues came back in 2012, 2013 and 14. In 2012 the census

from 2010 started kicking in so the actual number of people living in Boiling Spring Lakes, which is a major factor in the calculation the County uses in determine how much sales tax we get back from the county. There are two options on how the County can allocate sales tax revenue – per capita basis in Brunswick County is used as opposed to the assessed valuation/ tax rate basis. Because it is done on a per capita basis, we began to see the benefits of that after the 2010 census when those number actually being reflected in the calculation and the economy coming back.

Expenses for the next year – personnel costs you can see the Board approved a 4%/1% cost of living increase with a \$33,000 annual break which means if you make more than \$33,000 you will receive a 1% increase, if you make less than \$33,000 you will receive a 4% COLA. There is a 2% increase in healthcare costs and a slight increase in retirement costs. The Board has approved the hiring of a new police officer starting in the next year. We are looking at \$145,905 in road paving and there has been a great reduction in the debt service because of the prepayment of the Street Improvement Bond.

The Capital Purchases that have been identified. On the left hand side those involved in the General and Powell Fund. Parks & Rec looking to replace treadmill and an elliptical machine. Powell Bill spending the \$145,000 for road paving. In Building & Grounds looking at sewer assessments of \$18,000 and IT improvement in all buildings about \$19,650. Grand total of \$174,189 in one-time expenses. The recently created Capital Improvement Fund, the Board has approved two expenditures: \$17,260 for the floating dock and \$14,100 for park equipment at Schneider's Park. The last slide shows where we will end the year at with the Ending Fund Balance shows where cash and investments should be at the end of the fiscal year of \$2,712,210. You will see the increase of 2012 and 2103 of the fund balance because of the unrestricted assets from the water fund into the General and Powell Fund.

Al Sovak thanked the Board for the budget. He stated he liked the decrease in taxes and it is a lot of money to a lot of people.

Gene Forny-Duval who lives on North Shore Drive wanted to speak about the 3¢ tax reduction. The \$572,000 from the water fund that was transferred to the City that did not go back to the City that paid the money. Anytime an entity takes money from you, it is hard to get it back. He stated he liked keeping his money in his pocket and wants to spend it on his new great-grandchild.

Chuck Wojda had a different view of the budget. He is worried about the next year's Board of Directors having money they need to do things they need to do. He just learned of the Fire Department equipment problem. He wants to make sure that the Board has the funds to make those decisions. Does not think giving back the 3¢ is important, at least to him, but thinks it is more important that the City have the funds. He also stated the wages and increases for employees should be equal across the board.

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

**Mike** Williams who has lived in Boiling Spring Lakes for 28 years and spends a lots of times on the lakes and in the parks. Wanted to discuss the use of the model jet boats and to put his 2¢ in. They are the biggest pain in the butt that you could ever imagine. He was sitting out on his dock the other day and it was like having two dentist drills in his ears. He was on the phone with his son-in-law who could hear the noise over the phone. They are absolutely ridiculous to have out there and taxpayers not being able to enjoy their backyard. He is not against someone enjoying their hobby, but it if takes away from my pleasure while I am paying property taxes, I would like to have input and do not think they should be allowed. There was no one using the park on Saturday because they were using every one of the picnic tables. If you are going to have a vote on allowing them on the lakes, he votes no and he hopes the Board will too. Let them find a suitable place not where they will detract from the taxpayers.

Commissioner Carroll asked which lake and Mike Williams replied the big lake, at the park.

Nancy Crawford who lives on Spring Lake, wanted to speak about the water level of Spring Lake. The water level is down and the lake is turning into a grass bed. Several years ago the culvert was repaired down by the swimming area on Pine Road and the pitch of the culvert was supposed to keep the water level from running out but the water level comes up and goes out. She has pictures where you could sit on Jane Thaller's seawall, pull a paddle boat up but now it is just grass. She was wondering if the end of the pipe could be raised to stop the amount of water running out of the lake. She has pictures taken yesterday and a year ago. The Mayor stated there was a beaver dam in the area which used to keep the water level high. The City Manager stated the old pipe was replaced because it was 85% full which was acting as a natural dam. The new pipe is doing what it is supposed to do. Crawford asked if the new pipe was put in to lower the lake. The City Manager replied it was just a new pipe as opposed to the old pipe which was blocked up. The Mayor said it would be an easy fix and we could just block a portion of it. Jane Thaller stated it becomes a mud hole when it comes to July and August. Six foot from her seawall is nothing but mud, weeds and mosquitos. When she moved here 33 years ago, the water was up but now there is about 40 gallons a second going out of the pipe. The old pipe worked but now since they put in the new pipe, they lowered the level of the lake so far. This is the only lake in the City that drops off water like it has been doing. The Mayor state the City Manager will get back with you but he feels it will be an easy fix. Nancy Crawford feels her area is turning into a lily pad area. Years ago they put in grass carp in there and they need an aquatic cleaning out. You cannot use that end of the lake because of the weeds that grow. Weeds grow because of low water levels.

Chuck Wodja who lives at 161 North Lake Drive wanted to speak about the City's website. The Board of Commissioner's meeting minutes have been excellent but he is trying to track other Committee's agendas and minutes and they are not up to date. Some there is a six month gap between agendas and minutes. He was curious why Special

Events does not have agendas or minutes and feels it should be public information. The City Manager stated the current website has its limitations and with the new website that we are waiting for the last proposal on will have expanded capabilities. Chuck Wodja asked when the new website will take place. The City Manager replied that he is waiting for the last proposal and thinks at the June meeting the Board will be able to take action to accept one of the proposals. Mr. Wodja stated there is a danger and risk factor involved with the motorized hobby boats. He did not want to take away from any hobbyist having their fun, but when the boats are out there he is reluctant to use the lakes. If it is first come, first serve that is not going to work for the rest of us who do not have that hobby.

**8. Approval of Minutes:**

- a. April 2, 2013 BOC Regular Meeting
- b. April 10, 2013 Budget Workshop
- c. April 24, 2013 Budget Workshop

A **motion** was made by Commissioner Carroll and seconded by Commissioner Forte to accept all three minutes as presented.

**Vote: 5 - 0**

**9. 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

**10. Committee/Board Reports and Minutes**

**a. Community Appearance Committee**

Ann Hollingsworth reported that the Committee was getting prepared for their booth at Community Fun Day. They will display some property recognition pictures and will have an order form for the 2014 calendar and looks forward to the events of the day.

**b. Planning Board**

Bill Clark reported the Committee discussed storage containers, open storage, light industrial in C-1-A, firearms dealers and creating a movie ordinance. We tabled two of them to be discussed next week and we presented two items tonight.

c. **Parks and Recreation Advisory Board**

Ann Hollingsworth reported that the Committee is moving forward with the implementation of the Teen Task Force. They are involving some of the leaders of the communities to help them reach their goal. The Committee will keep the Board informed of their progress.

d. **Special Events Committee**

Mary started her report advising everyone today was Peace Officer Day and wanted to thank the local Police and Fire for keeping everyone safe. Special Events invites everyone to Community Fun Day on Saturday from 11 to 4. The entertainment of the day will include the South Brunswick Marching Band, the Lady Cloggers, Linda Snyder, Marcus the Magician and lots more. There will be 29 vendors, children's games blow up cape fear cruisers car club, Thor the Cannon and this year there will be a Bingo tent. BSL Fire Rescue will sell food and there will be ice cream from Sunset Slush and funnel cakes. Support Your Troops will be the theme. All service personnel, veterans and local JROTC will be recognized. Everyone is welcome. Please pick up a flyer and a warrant in the lobby. Anyone who swears out a warrant, pays the fee and collects the money to get the person out of jail. Those funds will be donated to the Mitch Prince Scholarship Fund. We are also working on a Battle of the Bands scheduled for June 8<sup>th</sup> starting at 11 AM until every band has played. Anyone wishing to enter a band there is no charge. Food and ice cream will be available. More information is forthcoming.

e. **Library Committee**

Audrey Carathanasis reported that the Library Committee is in the process of obtaining paperback book racks which will be installed in the library within the next month or two. The old wooden rack will be removed to accommodate the new paperback book racks.

f. **Spillway Committee**

Bob Brooks reported that ECS requested a couple of extra weeks to get us the plans and Jeff should have a copy sometime next week. In response to the request, they have moved the meeting to May 20<sup>th</sup> at 10:30 here at City Hall. He asked Commissioner Forte about his request to someone up in Raleigh.

Commissioner Forte stated all of the paperwork has been done. We have requested \$500,000 from the Department of Transportation. It is on Secretary Tata's desk. No decision will be made until the budget is finalized and he knows what he has to work with. The budget will not be finalized until the end of June.

Unfortunately, this is solely his decision. He can say he approves the request at \$500,000, he can decline the request or he can approve and modify the dollar amount. It is solely his decision, there is no committee.

Bob Brooks asked what type of paperwork was submitted. Commissioner Forte replied that it was a simple request form that Beau Memory who is the liaison between the Department of Transportation and the State Senate had filled it out on the computer and Commissioner Forte requested information be added and then Mr. Memory emailed it to Secretary Tata.

The Mayor asked if Commissioner Forte could obtain a copy of the document and Commissioner Forte replied he could. Bob Brooks thought that maybe the request should have been on City stationery. Commissioner Forte stated this is somewhat of a handshake-type of deal. He has been going up to Raleigh weekly, meeting with people, making requests, knocking on doors, shaking hands and Beau finally typed it up and emailed to directly to Secretary Tata. He works hand-in-hand with Secretary Tata. The Mayor stated Commissioner Forte would take him up there.

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

The City Manager reported that on March 31, 2013, the city had \$3,043,457 cash and investments in the City's various accounts. General Fund revenues over expenditures was \$244,223 to the positive. Status of the movie, paperwork has not been signed yet but everything has been agreed to. Paperwork should be received by tomorrow as they want to start the prep work. Between the 9<sup>th</sup> and 19 would be when most of the set up for the project. I have provided to the Board tonight two schematics showing the work flow and what they are proposing to do at the park. The 20<sup>th</sup> and 21<sup>st</sup> is when they will be shooting. The 22<sup>nd</sup> to 24<sup>th</sup> will be the clean-up. That is the current schedule.

The last item to discuss is we are losing our City Clerk. She has accepted a position in Wilmington so this will be Pamela's last meeting. She has been wonderful while she has been here and we are going to miss her. Jane McMinn, who is here tonight, will be Pamela's replacement and she will be starting on June 3<sup>rd</sup>.

Commissioner Forte asked The City Manager what was going on with tax collection. This would reflect the end of what month. The City Manager responded the end of March, 94%. Commissioner Forte stated we are off 7%. The City Manager responded the historic average is usually 95%. As we go forward, those taxes are still due and payable and are collected after the fact but for last year's taxes, we will collect approximately 95%. If you look at the slide, the 5% is what we estimate will not be collected out of that tax year. That is why it corresponds to that tax year.

## 12. New Business

### a. **Proclamation recognizing May 11 – 17, 2013 as Water Safe Kids and Drowning Prevention Week**

Mayor Richard White read the Proclamation into the record.

### b. **Motorized Hobby Boating**

Commissioner Carroll stated there is some misunderstanding with respect to motorized hobby boating. There is no ordinance prohibiting motorized hobby boating on the big lake. A few weeks ago the Police were called because there were hobby boats on Spring Lake which is a swimming lake. The person who complained was not complaining because of the noise, they were complaining because they feared fuel leaking into the lake. Commissioner Carroll was present when the police officer responded. When the Police Officer asked the person to take their boats out of the water, he complimented our Officer about how he was approached. The only lake hobby boats are allowed on is the big lake. If residents want hobby boats to be prevented, they need to speak at meetings. If you want it to continue, they need to make that known. He spoke with Mary Green to help figure out what lake hobby boating would be feasible on. Commissioner Carroll asked the Board to give this information to our Planning Board and for the Planning Board to look at the feasibility of allowing hobby boating. This is just the first step to expand it, stop it or control it. Hobby boating has been around this area for about 15 years.

Commissioner Forte stated he was out on the lake when the boats were running. They make no more noise than the average leaf blower because it is the same engine. The Teen Task Force is looking to provide something for the tweens to do. This will help keep the kids from getting in trouble and hobby boats are great way to do that. The hobbyist are willing to work with the kids, teach them, watch over them and maybe form a club and get the kids involved. He personally would like to see something done for the kids.

Commissioner Carroll asked the Board whether this should be given to the Planning Board to look into. Commissioner Glidden said definitely. They can look into the noise factor and other places for the hobby boating to take place.

A **motion** was made by Commissioner Forte and seconded by Commissioner Carroll to ask the Planning Board to look into the feasibility of hobby boating in Boiling Spring Lakes.

**Vote 5 - 0**

c. **Proposed Amendments to the Unified Development Ordinance (UDO) as presented by the Planning Board in Memorandum dated 5-7-2013 (attached hereto)**

- Article 5 Zoning Districts  
Section 5.5 Table of Permitted/Conditional Use  
*Include C1A in fencing requirements for C-1*

- Article 6 Supplemental Regulations  
Section 6.28 Home Occupations  
*(G) Licensed Fire Arms Dealers*

*Allow properly licensed fire arms dealers with the following restrictions:  
Sale of arms as per licensing permit.  
Sale of ammunition as per licensing permit.  
No reloading of ammunition allowed for purpose of retail sale.  
No storage or sale of black powder*

The Mayor asked Bill Clark that it is fine for the personal use of black powder but the commercial use of black power is prohibited. Bill Clark replied yes.

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

**Vote: 5 – 0**

### **13. Orders**

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

A **motion** was made by Commissioner Carroll and seconded by Commissioner Forte to accept the amendments to the UDO.

**Vote: 5 - 0**

**14. Adjourn**

A **motion** was made by Commissioner Carroll and seconded by Commissioner Forte to adjourn the meeting at 7:20 PM.

**Vote: 5 – 0**

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Mayor Richard D. White

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Pamela Bellina, City Clerk