



City of Boiling Spring Lakes

Board of Commissioners Regular Meeting Minutes

July 2, 2013
City Hall – 6:30 PM

PLEASE TURN OFF CELL PHONES

I. Call to Order

The Mayor called the meeting to order at 6:30PM and asked Mark Glidden, son of Commissioner Barbara Glidden to lead the Pledge of Allegiance.

II. Pledge of Allegiance

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 Jane McMinn

III. Approval of Regular Agenda

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

Vote: 5 - 0

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

Chuck Wojda ~ I live at 161 North Lake Drive – I do not know if it is possible on the agenda, especially under the business headings, if we could have more than a title of the issues that are going to be discussed. If we could have some kind of summary statement that gives us a better description of what the issues are. Maybe with the computer improvements all the supporting documents could be available.

I have a question about the agenda. How far in advance is the agenda put together before the meeting?

City Manager Repp responded ~ Wednesday prior to the Tuesday meeting.

Chuck Wojda ~ There has been some discussion about Spring Lake water level. I live not on Spring Lake, but across from Spring Lake. Maybe with all the rain the water level seems fine at the moment, half the beach is gone because the water level is so high, and the water by the park, that water is up to the grass, there is only maybe 4 feet of beach. While we are talking about water levels, I want to start having a conversation about conservation and keeping our waterways clear. There are a few lakes that are just loaded with lily pads and weeds. I know that at one time we dealt a little bit with that, but I think it is time for us to be a little bit more serious about keeping clear water. I know in my bay that it is just covered with lily pads and these noxious weeds. I don't know what they are but I think we should start talking about that and doing something.

The last thing, and it is kind of personal, the last time there was an opening in Parks & Rec I submitted an application, I think I am one of the people that was considered a snow-bird. Parks & Rec is not going to be having a meeting in July and August. I don't think I should be considered a snow-bird if Parks & Rec are not going to meet since July and August are the months that I am gone. I am surprised it's July and I am here, and I will be here most of July. Thank you.

Nancy Crawford ~ 241 Ash Road – I have come down to this meeting the last two months and left with understanding that the Spring Lake water level was going to be restored to its proper level. It still has not been corrected to this date. It is time to stop talking and do something. Many residents on Spring Lake have signed a declaration to restore the lake levels back to the proper depth. As you can see, this is a Spring Lake community issue and the majority want it corrected. It is the responsibility of the owners to insure that their bulk heads are built to the correct height, and the water level does not compromise their property. If they don't do that it is their own fault. When my bulk head was built we gaged the lake level from the stains from older docks that existed for 20 years. It is not the cities responsibility to control the lake level due to someone's error in construction. I do not want to flood anyone's property, but if they don't construct their property right, so be it. I should have my rights to be able to use my property and not have water on my lake front because someone has erred in construction. The lake level currently looks like it is pretty close to the proper depth. We walked around last night, no one's docks are under water. There is an issue with the drain pipe. The drain pipe is not draining now. We do need that drain pipe to drain because we don't want to flood. That needs to be corrected but it doesn't need to be corrected until you decide how to restore that lake level back to its proper depth. This last gentleman was talking about the beach not being there. The reason there is no sand beach is because we have not had water in the lake. Where the beach used to be it is now overgrown with grass. You can see where the sand cuts off where the water used to be. We have not had water, so the grass has grown. It is time to correct this now. I ask again that Spring Lake be returned to its proper level.

Nancy Harvey ~ 390 Baymeade Rd. – I am here to petition to have our roads paved and that is to include Baymeade, and North Hills Dr. It has been partially paved and I have

given you all a map. A lot of great changes have been done. I have been here 30 years, and have paid my taxes. I think the Rec Center, Garden Club and the Parks & Rec have improved things tremendously. But we really need to have paved roads, because it enhances the neighborhood and it is better for our real estate. Right now the dry weather accelerates the pollution from the dirt roads as passing vehicles create a breathing health hazard and spreads grime and grit on and into our homes. This is something that a lot of the people who live there have lived with for a long time. We are only asking that you consider paving our area. All of you have a map and it is a rectangle and there is just one road in and out, half of it is paved and half of it isn't. We think this is a wonderful place in many ways and this would enhance and help the area a great deal. I have the signatures of the people that are involved.

V. Approval of Regular Minutes for June 4, 2013

Commissioner Carroll ~ stated that there is a type-o found on page 9, under sub-section f, said the motion was approved – **that should be a motion was made** by Commissioner Forte and seconded by Commissioner Caster.

Mayor White ~ A **motion** was made by Commissioner Glidden and seconded by Commissioner Forte to accept the minutes as presented with the following change to page 9, sub-section f, a motion was approved to a motion was made.

Vote: 5 - 0

VI. Consent Agenda:

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

Commissioner Carroll **moved** to accept and was seconded by Commissioner Caster to accept the Consent Agenda.

Vote: 5 – 0

VII. Committee/Board Reports and Minutes:

a. Community Appearance Committee

Ann Hollingsworth ~ We met with Mr. Repp and Commissioner Glidden on our calendar last week and they made some positive changes. They helped us with some of the captions on our pictures and they also made a suggestion that we put an 8.5 x 11 sheet in there with the closure dates of City Hall. We hope to get a proof from our

printer and our Welcome Committee is working really well with our property recognition. We have had a lot of good compliments about that.

Mayor White ~ On your minutes that is 2040 Gastonia Rd., not 1981.

Ann Hollingsworth ~ Thank you, we will get that taken care of.

b. Planning Board

Bill Clark ~ Mr. Mayor and Board of Commissioners the Planning Board met at the appropriate time. We finalized the new ordinance for movie and videotaping and are going to tweak it at this meeting and turn it over for September. We also for the second month looked at the remote control boats on the Big Lake and it has been advertised for two months and there was no public comments, so the Board elected not to take any action at this time.

c. Parks and Recreation Advisory Board

Commissioner Barbara Glidden ~ Parks & Rec met for our May meeting, and to answer Mr. Wojda's question about not meeting in July and August, hopefully we are only doing it this year because we didn't have anyone apply for the position. We had to respond to holidays, vacation, and sickness. The Board decided not to meet just this year for those two months.

d. Special Events Committee

Mary Stillwell ~ Special Events is pleased to announce that the second annual Battle of the Bands was a huge success, with many of the groups ready to sign up for next year. The committee is currently working on the Mayor's Cup Golf Tournament which is scheduled for August 24th at the Lakes Country Club.

It is with a heavy heart that I announce my retirement this evening from this committee, effective immediately. It has been my pleasure to serve as chair for the Special Events Committee and volunteer for the City of Boiling Spring Lakes for the past 14 years. I love this City and all of you and I cannot thank you enough for all your help and support. I leave with the knowledge that the events will go on in the capable hands of three remarkable ladies. I promise I will be your best volunteer. Mayor White, Commissioners, City Staff and all of you I thank you from the bottom of my heart.

e. Library Committee

Marge Pennington ~ I have nothing to report

VIII. City Managers Report

City Manager Repp ~ On the financial situation the City finished on May 31, 2013 with cash in hand of \$2,615,881 in cash and investments. The General Fund had a positive balance of \$122,138. When you take the revenues over expenses at the end of the month and the Powell Bill was at \$29,782, a positive balance for a combined total of \$160,000.

Sales tax revenue was still running substantially ahead of where we forecasted, to the tune of about 11.5% ahead of what we budgeted which would generate about \$131,000 extra revenue from sales tax for the fiscal year that ended on June 30th but we will be recording through the month of July. Property tax collections through the month of May also was at 94.4% so we will be close to the 95% that we typically receive for the immediate fiscal year that we are in. After that it jumps up to about 98% to 99% when it gets further out.

The Public Works Department has been working actively over the last month with the issue of mowing, but of course with the weather we have been having it has made mowing a challenge to keep up the schedule. I think they have been doing a really good job. We will also begin mosquito spraying after the July 4th holiday we will begin that effort. We have been spending a lot of time also spraying some of the areas on the lakes for the aquatic plants that have been causing problems. I agree we have several areas beyond what we can do internally as far as spraying. We will be looking at that.

As far as website development, as you know at the last meeting the board authorized the order to begin working with VC3. We had a meeting last week with the contractor, Commissioner Glidden and city staff. They have selected a template and will begin populating that at the end of the month. We have training scheduled for the third week of July for city staff to begin posting information to the new website site. It is my hope that by September 1st we would have something we will be putting on to run live for the presentation.

IX. Old Business

- a. **Discussion** ~ Boiling Spring Lakes Fire Rescue camera request.

City Manager Repp ~ Before you is an order for your consideration tonight for the final numbers that were presented to us from the Boiling Spring Lakes Fire Rescue in the amount of \$5,500. What we would be doing is making a donation to them to use that money to purchase the camera that is listed before you this evening.

A **motion** was made by Commissioner Glidden for discussion and was seconded by Commissioner Caster.

Commissioner Caster ~ With the contract the way it was with the monetary value taken out of it and the reduction of the camera from \$10,000 to \$8,000 to \$5,500, I would support that. They only have one camera and it is an old camera so I will support the purchase of a new camera for the \$5,500 for the fire department.

Commission Forte ~ I am in favor of supporting the fire department with this purchase. This thermal imaging camera is an absolute life saver and a necessary piece of equipment for the fire department. The camera they currently have is an antique and it would cost more to repair it than it is worth, and it would still be a 10+

year old camera. This is state of the art equipment. The camera originally sold for \$8,400, they are taking the sample model, which does not come with a warranty, but it is a necessary piece of equipment that they need and they currently do not have the money to purchase it themselves. Along with the fact that today their air conditioner unit broke down and it cannot be repaired. The repair is going to cost them over \$5,000, so I am in support of buying this camera for the fire department.

Commissioner Carroll ~ We have given this a lot of consideration and I was glad we took the time to have a workshop where we share and ask questions both ways. When it comes down to it I have to ask myself what is my job? My job as a commissioner in my opinion is to be a good steward with the citizen's money and what citizens want. Since we have started talking about this, everyone is aware that there are fire fees that are paid by the citizens. We have been generous to the fire department. We have bought them a defibrillator, we just gave them a car, but I have not had one citizen call me or contact me and say I want you to do this. Actually I have had only two calls, I have had people actually come to me and say we are paying fire fees, I don't want you to do that. It is real hard to ignore when your citizens are telling you don't do it. At the last workshop I asked about donations, because there is a little green sticker on my mailbox where I donated money to the fire department, so I know they raise money. I asked if the ladies auxiliary raised any money for the camera. The answer was no. I have a hard time giving the tax payer money to the fire department when the fire department has told me they have not used their own resources. So for those reasons I have to say no.

Commissioner Glidden ~ My father was a New York City Fireman for 30 years. The fire department is really important to me. I know there is discussion, I know we started at \$10,600 for this equipment, we are now down to \$5,500 with no warranty on the equipment, so we could be putting \$5,500 out for nothing. I would like to see if we could negotiate and see if we could go half way, for the city and possibly the fire department could look into their resources. I have had the same questions about the gentleman going around for the pictures. He never came to my house, he went right by my house, right by my neighbor's house and never stopped there. I would like to see if we could negotiate the half way mark. We have given them the truck, we have given them the other equipment. They do have the means to fund raise. I would like to see if we could negotiate something in-between \$5,500 - \$3,000 and let them fund raise the balance, maybe the ladies auxiliary can help.

A **motion** was made by Commissioner Glidden and seconded by Commissioner Caster to donate \$5,500 to the Fire Department for the purchase of a camera.

Vote: 3 - 2 (opposed Mayor White and Commissioner Carroll)

b. Spring Lake Water Levels

Commissioner Carroll ~ I spent the last two months investigating this problem and I have looked at a lot of pictures, I have read emails from both sides. I have gone to a

former resident who lived there 20 years ago, before the pipe was even an issue, he showed me pictures and told he what has happened. There is no way the board is going to take action and please everyone, and there is no way this board is not going to take action and it please everyone. Someone is going to be displeased. So looking at that I am 100% convinced that the evidence to me, through all the photographs and all the people talking to me, the 20 names that was on the list, is that lake has been lowered. I am not saying it was intentional, but it needs to be put back where it was. We have heard from many people. Jim Snyder who is in here has been asked what can be done and how it can be done. Larry has talked about it also. I think we have all just received information in an email on different ways to do this. I would like to ask Jim a couple of questions. I asked Jim Snyder if there is a way of engineering to make the lake go up or down. Jim said yes. It is also my understanding that there is a band aide fix, a cheap fix, or an expensive fix, and there are ways in between. Jim Snyder confirmed yes to those questions. Are any of them rocket science? Jim Snyder responded no. I would ask counsel, if they are interested, if they would like to ask Jim what the fixes are, but we have danced around this for a couple of months. I think we need to at least tell the citizens tonight with our vote that we are going to put that lake back where it is supposed to be.

Commissioner Caster ~ I agree that something needs to be done. I have talked to the City Manager and I have talked to Larry just as recently as today. I was told by Larry that an elbow in there for as simple as \$200 would maintain the lake level back like it was before. I spoke with neighbors that confirmed the same thing. If we can fix the lake level for \$200 by simply putting the elbow back like it was before, I would be in favor of doing that.

Commissioner Glidden ~ I spent most of my Saturday at Spring Lake, visiting one pipe and then the other pipe. I think we have two issues at that lake. The one issue is the pipe that is near the park. I went there on Saturday morning, the water was 1/4 into the pipe and dribbling on the other side of the street. I went back yesterday morning and the pipe is underwater and still dribbling across the street. That is the issue we have to look at as far as flooding. I know we have been told it always floods there. The past is the past, what we have to address now is what can we do for the future. Jim came by on Saturday when we were there. Obviously there is something happening, regardless how low or high the water level is, it is not coming out on the other side of the street. As far as retaining the water level in that lake, in my estimation, it is the pipe that is closer to Grace Rd. That pipe is gushing in and gushing out across the street, so it is doing what it is supposed to do. As the rain stops it is going to keep taking the water out and we are going to have the issue again.

I went to Jane's house Saturday morning. Jane was very happy with the water level in the in front of her house. It is near perfect. With the naked eye I looked at the resident across the lake who had the issue of being flooded. I could see their bulk head, the water was not over the bulk head. So whatever the water level is today is what we have keep it at. How you do that, Jim again explained some things to me. There are two issues at that lake. One is the flooding, we have to address the water at

the Grace Rd. pipe. Something has to be done. I was also told that there used to be a chimney like we have a Pine Lake, what happened to it, where is it? We have to go back and try to address that.

Commissioner Caster ~ I was assured if you do that, it would solve the problem. I was also assured from residents that have lived there for a long time. Larry from Public Works, said that in the event of a storm coming in, you would simply just take out the L shaped pipe so the water can run out and it will not flood Pine Rd.

Commissioner Carroll ~ To go along with what Craig just said, there are fixes for this problem. My concern is that we can send the citizens home tonight and tell them we are going to fix it. If we do that I think they will be happy.

Commissioner Caster ~ We should go ahead and put the elbow in that would cost \$200. I would suggest trying that and see what happens.

Mayor White ~ I am in agreement with Barbara. The reason it floods is because the flood gate is not open. I went down there before the meeting, the pipe on Spring Lake is straight down, no wonder no water cannot drain. If they will fix that pipe so the water can drain to the other side, I think we can stop the flooding. There is not one pipe that is draining from that lake. We need to fix that.

Commissioner Forte ~ I agree with everyone else. I was there today and I know exactly what you are referring to. Where the pipe comes out it pitches straight down and nothing is coming out the other side. I don't know what is clogging it, but it is clogged. I like the idea of this elbow, maybe take that part that pitches down off completely, take this elbow in to maintain the water level that it currently is. Everyone seems to be pleased with where the water level is today. If we can measure that and keep it where it is today, I am all for it. If the elbow does not work and we find it is a mistake, take it off and we will figure something else out without investing huge dollars.

Commissioner Carroll ~ We have had 8 or 10 inches of rain the last few days when I was down there, I think the water is a little higher right now than it should be.

Jane Falor ~ That pipe that is in my yard, it is right. Right now the water level is perfect.

Commissioner Glidden ~ Again I don't think we can guarantee that the water level is going to stay perfect. There is going to be a drought situation. There are going to be storms that are going to bring it over the other person's bulkhead.

Commissioner Carroll ~ I want to make sure if we are giving direction we are giving the right direction. If it is higher than what it is supposed to be then we should not be giving direction to keep the level where it is if that is too high. We need to make sure our direction is clear.

Commissioner Glidden ~ I have an issue of taking the pipe out if there is a heavy storm. That is how it is at the big lake, open the gates, close the gates, we are still using man made knowledge. Let's put the pipe in now, I think that is something we need to address. If it is a heavy rain Mother Nature should take care of it herself without having to worry about the Road Department having to go over there and open the gates, close the gates, it is just too much interference with Mother Nature. Let her take it. Jim and Herb had also told us if you make that split on top this way the water naturally goes down when it gets to the level that it should not be. That is something else I would like us to look at. We have to address the flooding problem.

Mayor White ~ What needs to be fixed is the drainage in Spring Lake. Raise that up and then that hurricane pipe that is used for draining and in high rains which is clogged up, that needs to be corrected.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Glidden to return Spring Lake to its original shore line as quickly as can be done.

Vote: 5 – 0

c. Spillway

Bob Brooks ~ I spoke with Tony McHugh in McIntyre's office we spoke at length. Basically there is no money. What he wanted to know was how much we are putting into it, he wanted to know what other groups we were talking to, were we talking to the county or were we talking to the state, formal or informal. I told him we had informal talks going on with the Department of Transportation. I spoke with Timothy Beard at the USDA Natural Resources Conservation Service, he basically said the same thing. There is no real money for this type of project. He asked what we are putting into it. He then provided us with a list of grants which I can pass around. We have other areas to work on, but the major one with McIntyre right now doesn't look so good. I did follow-up when ARCO came out with \$3 or \$4 million dollars going into construction at the beach. I sent an email back asking how our project is any different than that. I still have not heard from him. I have given up on McIntyre.

Mayor White ~ Jeff Repp, City Manager, sent an email today with some good information.

City Manager Repp ~ Just to summarize, I looked at the information Bob provided, and essentially the State of North Carolina via FEMA gets about \$24 million dollars a year. The State of North Carolina matches that with about \$9 million dollars for approximately \$30 million dollars worth of funds they get annually. They use that money for a wide number of projects through DENR, through the Division of Water Resources. Some projects are very big, some projects are not so big. For example, the \$80,000 we received to do the engineering came from the same pot of money that they get on an annual basis. This pot of money is also being used for Wilmington

work, for beach replenishment, so our next goal, by January 2014 is to get on their project list which is submitted to DENER for their consideration to add it to their list of projects that they fund. We have other avenues that we are exploring too. The Department of Transportation is one, I think there is a possibility of Parks & Recreation funding as part of another source to get some money. Bottom line is, when you put all these pots of money together, you are still looking at the City of Boiling Spring Lakes having to put something in. I think it is going to be in the range of 20% of the cost to maybe as high at 50% of the cost. There is going to be a commitment at some point by the city to put the money in. The days of 100% funding are just not there anymore. In the information I sent around to the board, as well as to Bob, if you take a look at what the Army Corps spends, in the days when there were ear-marked funds available, that is where we would have gotten ear-marked into. Then all of a sudden \$20 to \$30 million dollars becomes chicken change compared to the \$300 million to \$400 million dollars they are spending in the Wilmington district on an annual basis. Those days are gone. The reality is that we are looking at 3 or 4 different pots of money to get in there, but we are still going to have to make up some of that money when the time comes. That is where we are and what my email today said.

Mayor White ~ I think the information you relayed to me was everything needs to be documented, every step that we are taking. Mike, can you get us a letter from the Secretary of Transportation for that file?

Commissioner Forte ~ I will make a phone call.

Mayor White ~ Any time we talk to anyone we need to run that through the Spillway Committee so they can keep that documentation because it is important to show the steps that we are taking to Representative McIntyre's office. I know Jeff emailed whoever he spoke to and never got a response back.

Commissioner Glidden ~ A few years ago when we worked with grant money, that was one of the most important things that was brought up to our committee, that the city has to set aside or give an amount. No one is going to give us money unless we are serious about the project. We need to put money into a spillway fund or we are not going to get anything. We paid this gentleman to give us that advice and he worked out really well. We got our \$80,000 and did really well with it. It is important that we as a city are committed to the project before we go and ask for it.

Mayor White ~ Bob, again I appreciate all the work you put into this. I know you have done a lot of research.

X. New Business

a. Proclamation ~ Designation of July as Park and Recreation Month

Commissioner Glidden read the proclamation into record.

b. Order ~ adopting the attached fee schedule for the Department of Parks and Recreation

Mayor White ~ Did anyone see the \$5 is the only difference between the resident and non-resident.

Commissioner Caster ~ I did question that myself, but I was told there are very few non-residents that participate in the program.

Mayor White ~ Has any of our residents been turned away from the program?

Commissioner Carroll ~ I think that was corrected. If you remember last year there had been a problem in the past. I believe what they did was put the residents in as the first pick and the non-residents were not given consideration until all the residents were given consideration first.

Mary Green ~ We have not turned anyone away. The only way is if we should reach capacity. The capacity last year was 50, the capacity this year before school will be 20. Until we know what is going to happen with busing, we have to take them. The school will get with us a week prior and let us know what their transportation capabilities are. At this point I do not expect maybe 1 or 2 non-residents. \$5 is pretty standard across the board as what we do as tax payer / non-tax payer, as well as in other communities.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Forte to accept the fee schedule as presented.

Vote: 5 – 0

c. Order authorizing the City Manager and Finance Officer to accept two (2) NC Governor's Crime Commission grants requiring no local match

A **motion** was made by Commissioner Forte and seconded by Commissioner Glidden to accept the order as presented.

Vote: 5 – 0

d. Order authorizing the City Manager and Finance Officer to accept three (3) work orders from VC3 of Columbia, SC

City Manager Repp ~ Essentially what we have found over the last year is how we can move forward from a computer equipment that is 5 – 7 years old and a phone system that is 20+ years old. We have found that VC3 does it all. We have other companies that do some of the stuff that VC3 does, and we have gotten proposals from those firms, but instead of having 3 firms doing what we want,

this is an opportunity to have 1 firm who would be responsible for everything. The Board established a budget for this in the current year budget that we are in now of \$48,000. It is my recommendation that this is the way to go.

Mayor White ~ This is with the company we would be going with and change the numbers for the Police Department correct?

City Manager Repp ~ Yes. At some point probably 3 or 4 months down the road we would be moving away from ATMC and going with what is called voice over internet protocol phones that allow us not to have to pay for monthly phone lines.

Commissioner Carroll ~ I am happy with what we are voting on tonight. A cooper landline with a regular dial phone – if it is only stuck in the closet it will still work when nothing else does.

Commissioner Glidden ~ I would like to make a comment about VC3, working on the website they were very helpful when we called them with last minute questions and they answered us back instantly. I was very satisfied with their response.

A **motion** was made by Commissioner Carroll and seconded by Commissioner Caster to accept the three (3) work orders from VC3

Vote: 5 – 0

XI. Board Vacancies

Parks and Recreation - two vacancies

A **motion** was made by Commissioner Caster and seconded by Commissioner Carroll to accept Scott LaRocca as a member of the Parks & Recreation Advisory Board.

Vote: 5 – 0

Special Events Committee – one vacancy

A **motion** was made by Commissioner Carroll and seconded by Commissioner Forte to accept Karen Johnson as a member of the Special Events Committee.

Vote: 5 - 0

Mary Stillwell, Chair of Special Events, addressed the Mayor and commented that the Special Events ordinance reads that the Board of Commissioners must appoint

the chair to that committee. Since my resignation is effective immediately, they really can't go forward to do agendas, etc.

A **motion** was made by Commissioner Glidden and seconded by Commissioner Forte to assign Michelle Hennessey as Chairman of the Special Events Committee.

Vote: 5 – 0

XII. Adjourn

A **motion** to adjourn as made by Commissioner Caster and seconded by Commissioner Carroll.

Vote: 5 - 0

The meeting was adjourned at 7:25 PM

Charlie Carroll, Mayor Pro-Tem

Jane McMinn, City Clerk