



**City of Boiling Spring Lakes
Board of Commissioners Special Meeting Minutes
January 13, 2014
City Hall – 10:00AM**

PLEASE TURN OFF CELL PHONES

1. Call to Order

Mayor Caster called to order the Special Meeting for January 13, 2014 at 10:15 a.m. and reported that in the Closed Session there was no action taken.

A **motion** was made by Commissioner Glidden and seconded by Commissioner Stilwell that the Board move out of Closed Session that was called per N.C. General Statute 143.311.11, Section 4

Vote ~ 5 ~ 0

2. Attendance: In attendance at the meeting were:

Mayor Craig Caster
Commissioner Barbara Glidden
Commissioner Mike Forte
Commissioner Mary Stilwell
Commissioner David Putnam
Chief Brad Shirley
City Manager Jeff Repp
City Clerk Jane McMinn

3. Water Issues on Spring Lake

4. Public Comments [Public Comments are held to 3 minutes]

Jane Falor ~ 161 Ash Rd.

Ms. Falor stated that on July 2, 2013 a petition was presented to the Board of Commissioners which concerns the water level on Spring Lake. That petition consists of 21 names of concerned citizens. At that meeting the Board of Commissioners voted that the pipes controlling the water flow out of Spring Lake would be adjusted by putting an

BOC Special Meeting
January 13, 2014

elbow on the pipe to a satisfactory water level. In August another petition was presented to the Board signed by 20 citizens stating they would like to have the water level put back to the way it was on 7/10/2013. If our maintenance department installed the elbow correctly the water level on 7/10/2013 and 7/2/2013 should be the same. It seems to me that both petitions are asking for the same water level. I request that the Board authorize the water level on 7/2/2013 as the correct level.

Nancy Crawford ~ 241 Ash Rd.

Mrs. Crawford stated that she wants to start out by saying that she has been respectful of others with different views of what the Spring Lake level should be. I have presented historical facts about the Spring Lake levels. I have listened to others as they have described their issues with Spring Lake. I have compromised with lake residents to lower the elbow 3" to relieve excess water as a result of 13" of rain. I have had an open door policy at my home for anyone who would like to see for themselves what I have been talking about. I have provided documents to others to show that I was in compliance with city ordinances; I have not been rude and disrespectful of others who have asked to speak. I request the city administrator to restore the lake level to the 7/2/2013 height. I request the city board authorize the lake level on 7/2/2013 as the appropriate level of Spring Lake. I request the city board to consider additional measures to relieve the runoff on Spring Lake.

Mayor Caster stated to Joy Gregory that we would put Mirror Lake on the agenda for the next meeting; however this meeting was too specifically discuss Spring Lake.

Commissioner Putnam to summarize ~ commented to the citizens that he was aware that during the January 7th Board meeting there were quite a few people who were upset because the motion was not seconded to remove the elbow. Commissioner Putnam then explained that he and Commissioner Stilwell did not have all the information and had not had an opportunity to visit the lake owners.

Historically looking back there have been many changes to the areas around Spring Lake, more homes, roads are now paved, trees have been removed leaving less water absorption, larger drain pipes have been installed that lead into the lake. There is more storm water runoff into the lake but the outflow of water has remained the same. For example Pine Lake, North Lake and Lake Reeves all have adequate outflow of water, however Spring Lake does not have sufficient outflow.

At the Board of Commissioner meeting on August 6, 2013 the Board voted to lower the level of the lake by 3" to help the property owners that had water in their yards for 11 days. To date I do not believe the water level has ever been adjusted back to the level it was on July 2, 2013. From information that I have received and historical pictures I see that the lake level on July 2, 2013 is close to the "normal" lake level.

A **motion** was made by Commissioner Putnam and seconded by Commissioner Stilwell to install 2 additional pipes the same size or 2 new larger pipes of 2' with an elbow to allow the water from Spring Lake to lower faster to alleviate the water from being high for long periods of time. A tamperproof water level stake will be placed in the beaver fence to monitor the lake level.

Commissioner Stilwell commented that after visiting several properties my consensus is that we have a lot of problems, not only with lake levels but culverts and ditches. I took pictures and measurements of many culverts on the roads surrounding Spring Lake all the way to Redwood. How can there be the correct running of water if these particular problems are not taken care of. There are people on the lake that have water issues on their property. We have had a very wet year, I do not like to see them living like this. My hope is that by putting in these two pipes this will allow the storm water to run off at an even pace so we do not end up with problems in other lakes. I agree with Commissioner Putnam's suggestion of putting pipes in and controlling the water flow. This will help the property owners on Spring Lake. We would not bring the water level down too quickly to be fair to the people on the other lakes.

Commissioner Forte stated that he has heard about the change in topography over the last 21 years. In 21 years things do change. Statements made here tonight were that bulkheads were installed incorrectly. There were permits that the City issued for the installation of the bulkheads and they were inspected. Another statement here tonight was that a surveyor has never put a stake in the water, however I can go over to David Giera or Bob Boyd's house right now and survey stakes are in the water. A statement was made that it was a very rainy year, it was an average rainfall this year. A motion was to add pipes to Spring Lake to take more water out of the lake. My question is are we going to trade one problem for another. I do not think any of us are qualified to make such a decision. We have no idea what the ramifications of changing the water flow would be, we are not qualified at all to make this type of decision. We should have the engineering study and see what they say, they are the professionals.

Commissioner Glidden stated that whatever we do to Spring Lake is going to affect North Lake and Big Lake. I feel we should be looking at the outflow and I think a lot of people are happy with the level of the lake today. There are 5 pipes bringing water into Spring Lake and only 2 pipes going out. We need to look at the outflow, we should look at taking more water out of the lake.

City Manager Repp commented with the current motion that is on the table I have some concerns. 1 ~ We are now talking about the velocity of water leaving Spring Lake into North Lake. I do not know what the impact of that is going to be, there could be no impact or there could be a significant impact. At this point I would recommend you have an engineer do a study. If you are increasing the velocity by adding pipes of the same size or increasing the size of the pipes you are getting into changing what was currently there. One of the keys all along was what was replaced previously with what was the

same diameter of pipe that was existing prior. When you start changing the size of pipes, when you make that decision you start increasing your responsibility and liability because you changed what had been a status quo. I would recommend if you are going to be looking at increasing the velocity or the capacity to drain the lake quicker that should be looked at by an engineer. It may have no impact or it may have significant impact. You should be prepared to have property owners coming in that are downstream stating they are getting erosion that was not there before, etc. I think you would want to have your documents in place before you make your decision so you do not get yourself trapped.

Larry Modlin stated that the \$7,500 spent would be well worth it to have the study done. You could go with an 18" pipe or a 24" pipe, but you need to decide. You can't go with a 24" to a 48" pipe because all you are doing to connecting two lakes and bring them to the same level. Survey stakes on South Shore, North Shore on every lake on the water side are not necessarily the property corners. For example you can find a stake on a hill up from the lake and they make a note on the document stating the actual corner plus 40 or 50 or whatever it is. When the lake was lowered for the sink holes I found my survey stake and it was 50' out into the water. I caution you again before putting any pipes in, I agree with the city manager that the \$7,500 would be very good money spent.

Commissioner Putnam stated that he fully understands what Larry is referring too. What I am referring to is that we install 18" pipes and put doors on those pipes so they can be controlled. If the water comes up we can open the doors and let the water out.

Mayor Caster commented that residents who do not even have a bulkhead state that the water is higher. Mayor Caster stated that he has lived here for 32 years and has never heard of a problem and even in my 8 years as a commissioner I never heard of a problem with Spring Lake until 6 months ago until we put the elbow on. I agree that we do need engineering studies. I recommend that Commissioner Putnam recall his motion.

Both Commissioner Putnam and Commission Glidden stated that if we move forward with the engineering study we will need to adhere to the result and recommendations of the study. In other words if it states that we should rise the level of the lake then we do that, if the result is to lower the level of the lake then we do that.

Commissioner Forte requested Commissioner Putnam to amend his motion and have the engineering study done.

City Manager Repp clarified that we are talking about two different things. What we originally asked engineers to do was to evaluate the appropriate level for Spring Lake. The other issue that is somewhat new is draining the lake quicker than what is currently allowed by the two pipes. That issue is something we have not asked engineers to take a look at. If you are asking them to do both then that \$7,500 may not be sufficient to cover the work. The \$7,500 was to recommend the level for Spring Lake. It had nothing to do with increasing the volume going into North Lake.

City Manager Repp also clarified after statements that were made were not correct regarding the lake level by stating that the original discussion was to raise the level 6" prior to the 7/2/2013 meeting. The decision of the Board was that the water level that night (July 2nd) was at the appropriate level. That is when the stake was placed out there and it is still there today. That level ended up being about 9.25" inches higher based on the water level at the 7/2/2013 date. At the August meeting after the heavy rains that had been experienced the board asked that the level be dropped 3". We dropped the level of the pipe which is the current level it is today.

Nancy Crawford stated that the petition that was submitted was for the 7/2/2013 level, the others put a petition in that says they also like the 7/2/2013 level. The residents wanted the level lowered back to the 7/10/2013 level. Larry Modlin was instructed to install the pipe at the 7/2/2013 level. The 7/2/2013 level and the 7/10/2013 would be the same.

City Manager Repp clarified and stated that was incorrect. The original discussion was to raise the level 6". At the 7/2/2013 meeting the decision of the board that night was the water level was the appropriate height. That is when the stake that was placed out there which is still there today. That was approximately 9.25" above where it was prior to 7/2/2013. At the following meeting after the heavy rain that was experienced the board asked that the level be dropped 3". We dropped the level of the pipe 3" which is the current level it is today.

Nancy Crawford stated they were happy with the 7/2/2013 level. In their petition it states we are asking the Board to consider their decision. We would like to have the lake put back to the way it was on 7/10/2013.

Karen Thompson stated the petition was to take the elbow off completely prior to the 7/2/2013 vote. We saw how much water we all had and did not agree with it. Our petition out weighed their petition, but no one wanted to hear it. The purchase order states that the elbow was ordered on 7/9/2013 and installed on 7/11/2013.

Jane Falor commented if the lake had not been lowered back in 2007 none of this would have happened and the lake would have been up where it was supposed to be.

Mayor Caster stated he would like to table this until the Board meeting on February 4, 2013.

Commissioner Putnam asked to hear from each board member if they would like to consider doing an engineering study on Spring Lake.

Commissioner Forte, Commissioner Stilwell, Commissioner Glidden asked the City Manager to confirm what we will receive for the \$7,500.

City Manager Repp stated what was requested of the engineering company was what is the appropriate level of Spring Lake. The issue of increasing the velocity of draining faster was not in the request of the original work. Since this board took office the subject of draining the lake quicker has not come up. We can get a price for that additional work.

Commissioner Putnam withdrew his motion to install additional pipes.

A **motion** was made by Commissioner Putnam and seconded by Commissioner Stilwell to return the lake level back to the 7/2/2013 level awaiting an outcome of the engineering report once approved by this Board of Commissioners.

After clarification from Commissioner Putnam that his motion was to raise the lake level, Commissioner Stilwell stated she misunderstood that statement of raising the lake level. Commissioner Stilwell said she was in favor of doing the engineering proposal for the study. I would like to leave things the way they are until the study is done.

Commissioner Putnam amended the previous motion.


A **motion** was made by Commissioner Putnam and seconded by Commissioner Stilwell to maintain the lake level at the present level until the engineering study is completed and insert a tamperproof water level stake in the beaver cage so it can be monitored by all and we will have the engineering study done.

Vote ~ 5 ~ 0

A **motion** was made by Commissioner Putnam and seconded by Commissioner Forte to the adjourn the meeting.

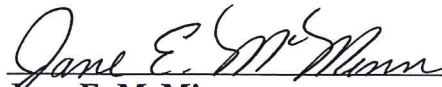
Vote ~ 5 ~ 0

The meeting was adjourned at - 11:20am



Craig Caster
Mayor

ATTEST:



Jane E. McMinn
City Clerk

BOC Special Meeting
January 13, 2014