



**City of Boiling Spring Lakes
Board of Commissioners Regular Meeting Minutes
April 5, 2016
City Hall – 6:30 pm**

PLEASE TURN OFF CELL PHONES

1. Call to Order ~ Mayor Craig Caster

The Board of Commissioner Meeting was called to order at 6:30 p.m.

2. Attendance ~ in attendance at the meeting were ~

Mayor Craig Caster
Commissioner Mary Stilwell
City Manager Jeff Repp
Police Chief Brad Shirley
City Engineer William Murphy

Commissioner Mark Stewart
Commissioner David Putnam
Commissioner David Crawford ~ **Excused**
City Clerk Jane McMinn

3. Pledge of Allegiance ~ William Sraver

4. Presentation ~ Boiling Spring Lakes Officer of the Year Award ~ Chief Shirley

Chief Shirley introduced Detective Kevin Smith as the recipient of the Officer of the Year. Every year the Southport Rotary Club honors the Officer/Employee of the Year for the Boiling Spring Lakes Police Department and Oak Island Police Department. We are involved in that selection process and every year our officers select who that candidate will be. Chief Shirley shared some of the statements that were made by Kevin's fellow officers. "He is one true talented officer. Kevin has had his hands full this year working an overwhelming case load and several difficult cases. It is this type of challenge that fuels him and makes him try harder. Kevin stops what he is doing often to assist other officers. We have never seen someone work harder and is more dedicated than Kevin." Chief Shirley stated Kevin was also recognized by the Carousel Center and the Ten Man Heart; Kevin was one of three in a three county region to receive that nomination. Chief Shirley remarked how it makes his job a lot easier having such a dedicated employee who is a true advocate for the victims in the cases he investigates and I am proud to have Kevin Smith on our police force.

5. Approval of Regular Agenda ~

Commissioner Stilwell requested adding under New Business (e ~ Property on New Bern Rd.

A **motion** was made by Commissioner Stewart and **seconded** by Commissioner Stilwell to amend the agenda adding under New Business (e ~ Property on New Bern Rd.

Vote ~ 4 - 0

A **motion** was made by Commissioner Putnam and **seconded** by Commissioner Stilwell to add under New Business (a ~ Mayor to Approve the Plan Consistency Statement for the City of Boiling Spring Lakes Board of Commissioners.

Vote ~ 4 ~ 0

A **motion** was made by Commissioner Stewart and **seconded** by Commissioner Stilwell to approve the agenda as amended.

Vote ~ 4 ~ 0

6. Public Hearing ~

1. Text Amendment to the City's UDO includes the establishment of a new C-2 Commercial District and modifications to the C-1 Commercial / Office and Institutional Commercial zoning districts.

A **motion** was made by Commissioner Putnam and **seconded** by Commissioner Stewart to move into public hearing.

Vote ~ 4 ~ 0

Mayor Caster introduced Allen Serkin and Wes MacLeod from the Cape Fear Council of Government to make a brief introduction.

Mr. Serkin stated he would be happy to answer any questions the Board may have but Mr. MacLeod will make the primary presentation providing a brief summary of what the ordinance is, what the recommendations are for your benefit and the public.

Mr. MacLeod highlighted creating a new C-2 zoning district that mirrors the existing C-1 zoning district; however the C-2 proposed text amendment includes provisions for multi-family residential zoning. In addition, there is supplemental regulation for multi-family residential development. Also we have added provisions for mixed use development in the C-1 zoning district. This would allow for an upper story type residential and certain non-residential uses on the ground. Supplemental regulations are also included for that particular use. Mr. MacLeod pointed out one of the items we did not stipulate based on revisions we worked on with the Planning Board, the text amendment was revised to include multi-family residential in the C-1 district as long as there is a 10 acre contiguous minimum size on the tract of land that is an important point for you to be aware of. The underlined text is what we are proposing to include in the ordinance; the stricken text will be removed. We have addressed each of the respective articles within the UDO that

relates to this ordinance amendment and it goes in sequential order. Items that you are aware of, particularly Section 6.49 and Section 6.5 is where supplemental regulations are laid out for mixed use development and multi-family residential development. Also included is the definition for multi-family residential and a definition for condominiums. Townhouses are included within that multi-family residential use.

Public Hearing Comments ~

Linda Dixon ~ 771 Souchak Rd.

Ms. Dixon stated she was here approximately one year ago commenting that the City needs multi-family housing. Many people need other choices from their single family home on a large lot. The over 70 crowd may no longer want a big house to take care of or a large yard to maintain. A duplex located on the outer part of the city just does not work for people. Ms. Dixon state she has friends who have had to leave the city because there was no place for them to go. I now have friends who are looking to leave the city because there is not an option for multi-family housing for them to be able to stay. We desperately need some type of multi-family homes with an HOA so yards, painting, roofing are all included so we do not have to deal with maintenance issues.

Chuck Wojda ~ 161 North Lake Dr.

I represent a group of senior/seniors. We moved here 11 years ago and built our home, but now the care needed for the external property is too much work for us to handle. We are ready to downsize. The introduction of multi-family housing in this area is appreciated by many people. The younger seniors that can still maintain their homes will at some point need to downsize too, having this type of housing will be appreciated. Mr. Wojda stated he has a list of 20 names of senior/seniors that he represents and they all agree and strongly support the revisions to the ordinance for multi-family housing.

Mr. Wojda inquired what the clearance from the back of the property to another unit what that footage would be. Mr. MacLeod stated the footage would be in line with the standard commercial buffering of 20 ft. There would be provisions in place where the multi-family use would be next to a single family use for buffering.

A **motion** was made by Commissioner Putnam and **seconded** by Commissioner Stilwell to move out of Public Hearing.

Vote ~ 4 ~ 0

A **motion** was made by Commissioner Stewart and **seconded** by Commissioner Putnam to move back into the regular Board of Commissioner meeting.

Vote ~ 4 ~ 0

7. Public Comments ~

Bob Boyd ~ 1150 Grace Rd.

Mr. Boyd commented in June 2014 the City raised the level of Spring Lake and several properties were damaged. In 16 years as a resident throughout all the storms and rains since we moved here my property was never damaged until that point. Damage estimates have been disregarded for the most part, the cities legal fees have been very high and no compensation to the people who would have accepted much less. North Carolina recognizes riparian rights which are vested property rights which cannot be taken for public purpose without compensating the owner, and they arise out of ownership bounded by water. The ability of private property owners in North Carolina to use or dispose of water flowing over their land is a reasonable use "doctrine." Liability occurs when the interference of the flow of water is unreasonable and causes substantial damage. As a past commissioner I know what is expected of you. You all accepted the position and as a representative of the city you have a responsibility to correct this action.

Jerry Wolf ~ 1059 Acacia Dr.

Mr. Wolf explained last year the Garden Club expressed interest to Jan and Reid Keyes in displaying the Club's rain barrels at their place of business, The Farmer's Market. Mr. & Mrs. Keyes sold more rain barrels through their market than the Garden Club did by our traditional methods. However recently I was informed the Farmer's Market was not going to be returning this year because of a discrepancy with the UDO. The Farmer's Market not opening means a loss of revenue for the sale of our rain barrels. All the net proceeds from the sale of the rain barrels all goes to horticultural students at BCC in the form of scholarships. More importantly this would be the loss to the city if Mr. & Mrs. Keyes did not open their business this year. Mr. Wolf commented that it seems the City cannot shed the reputation of bad business start ups. There are so many pictures every week in the Pilot of ribbon cuttings for new businesses opening up in Southport and Oak Island, but that did not happen for the Farmer's Market. The Farmer's Market has brought some much needed friendliness to our community. I am willing to do anything I can to keep Mr. & Mrs. Keyes and the Farmer's Market open and I am sure there are many folks who would do the same. It would be such a welcome to see our Board members out welcoming a new business in this city.

Commissioner Putnam commented this was the first time he has been aware of any issue as far as the Farmer's Market is concerned, Commissioner Stilwell was also not aware of this issue. Mayor Caster stated this situation will be reviewed.

8. Approval of Minutes ~

A **motion** was made by Commissioner Stewart and **seconded** by Commissioner Stilwell to approve the minutes of the Board of Commissioners meeting of March 1, 2016.

Vote ~ 4 ~ 0

9. Announcement ~

Commissioner Putnam commented our Boiling Spring officers responded to a call regarding a heroin overdose. Our officers arrived at the residence and performed CPR and administered Narcan and brought the victim back from respiratory failure and cardiac arrest.

Commissioner Stilwell congratulated Bill Murphy who is a member of the National American Public Works Association and he has been nominated to be a member of the Engineering and Technology Committee. Congratulations to Mr. Murphy and a special thank you for all you do for our City.

10. Consent Agenda ~

A **motion** was made by Commissioner Putnam and **seconded** by Commissioner Stewart to approve the Consent Agenda

Vote ~ 4 ~ 0

11. Committee / Board Reports ~

a. Community Appearance Commission ~ Ann Hollingsworth

Ms. Hollingsworth reported the Commission is starting their program for property recognitions which runs from April to November. We will be out looking for properties to recognize, also if anyone has a property you would like to nominate please leave a note here with city staff or one of our committee members. We continue with our welcome packages and thank Jan Keyes for bringing us subscriptions for the Pilot. We are trying to get some seeds to go with out packages too. Our city staff continues to put our homes on the website, and we continue to all work well together.

b. Planning Board ~ Bill Clark

Mr. Clark reported Mr. MacLeod was in attendance and we reviewed the text amendment. We reviewed Chapter 4 of the Comprehensive Plan which will go to a final review at our meeting next Tuesday. We discussed the review of the housing requirement to reduce the square footage in R-1 from 1500 sq. ft. to 1350 sq. ft. We would like the BOC to review that again and consider this change. We also were asked to define a farmer's market. Upon review we found there are several different descriptions of a farmer's market. We tabled this topic at the last meeting and Mr. MacLeod will check definitions. The Planning Board has no problem with the farmer's market on E. Boiling Spring Rd.

Commissioner Stewart inquired if City Manager Repp or Building Inspector/Code Enforcement Jim Nicholas had any reason why Mr. Keyes would not be able to open again this year. Both Mr. Repp and Mr. Nicholas stated there was no reason they were aware of why the market could not open.

Commissioner Stewart called upon Mr. Keyes to comment.

Mr. Keyes stated Mr. MacLeod is rewriting the definition of a farmer's market in the UDO. There are short definitions and long definitions of a farmer's market. What I was trying to find out is what exactly I can do at my business. If the description I read were to be adopted it would limit so much of what I could do, at that point I would not be interested in going any further.

Commissioner Stewart stated it could be at least a year before this definition would be approved. There is no reason why you cannot open this year.

Commissioner Putnam encouraged Mr. Keyes to continue working with the Planning Board and the COG until there is a definition that would benefit the city.

Parks & Recreation Advisory Board ~ Robert Stanley

Mr. Stanley stated the Board discussed the Comprehensive Land Use Plan, additionally we discussed the 2016/17 budget, the dog park survey, we reviewed the wording in the fee schedule such as resident/non-resident and tax payer/non-tax payer and discussed future growth for parks & recreation. Our sub-committees continue to work on their goals.

Commissioner Stilwell congratulated Ms. Mary Green and the Parks & Recreation Department upon receiving the Platinum A Award from the Brunswick County Health Department. In order to receive this award a certain high grade must be met consecutively. Ms. Green attributes this award to the hard work of Bobbie Mason, Karen McCoy and Deloris Giera for their dedication to our City and who without this would not have been possible. Thank you to all of you.

Special Events ~ no representative present

Library Commission ~ Francis Thomas

Mrs. Thomas reported at the March meeting we reviewed our long range plans. Mr. MacLeod was present and addressed the members on the aspects of long range planning. We now have a new cart with children's books in the library which will display easier at their level. The commission had a workshop last Sunday. Ms. Sollenberger did an inventory of the library which did not include the children's books; we have over 1,000 books thanks to some new additions and donations. Our membership is now complete and we are happy to have as our new member Sherrie Kuzian who was appointed at our March meeting. We had \$150 which was donated to begin our capital gains fund for future planning. We had a recap and reviewed our first author meeting with Frank Williams and we also did some future planning for the Spring Fling. Commissioner Stilwell will share with you another event the library is planning.

Commissioner Stilwell announced the Library Commission will hold their second Library Awareness Event on Monday, April 11, 2016 at City Hall from 6:00pm to 8:00pm. Refreshments will be served. You will meet the author K. Robert Campbell who is a

local author from Southport. Mr. Campbell writes the Cameron Scott Mysteries which are The Second Hand, The Third Degree, The Fourth Estate and The Fifth Category. We welcome everyone to please join us; this event is free and open to all.

12. City Manager's Report and Presentation of Monthly Financial Reports ~ Jeff Repp

City Manager Repp reported as of February 29, 2016 the city had \$2,857,950 in cash and investments. Our sales tax revenue was running approximately 5% ahead of schedule after eight months. As of February 29, 2016 also 92% of the current fiscal year taxes have been collected by Brunswick County and disbursed back to the city. The city had \$362,630 worth of construction during the month of February with two new homes, one in the 1300 block of South Shore and one in the 100 block of North Shore. We received notification from the NCDOT that they will begin planting in October 2016. It was noted the planting time for non-irrigated plants is the October to March time frame. Mr. Repp stated we have finalized the company that was formerly known as Reeves Telecom six additional lots in addition to Crystal Lake will be donated to the city and we should have that finalized for the May meeting. The contractor who will be doing the harvesting met with Michael Norton of AquatiCO and reviewed the properties where the work will be done and will be contacting us within the next few days with a schedule.

13. Old Business ~

There were no items under Old Business

14. New Business ~

a. Order ~ authorizing the Mayor to approve the Plan Consistency Statement of the City of Boiling Spring Lakes Board of Commissioners.

A **motion** was made by Commissioner Putnam and **seconded** by Commissioner Stilwell authorizing the Mayor to approve the Plan Consistency Statement of the City of Boiling Spring Lakes Board of Commissioners.

City Manager Repp explained this is a relatively new requirement that both the Planning Board and Board of Commissioners are required to do when you consider text and map amendments to the UDO. This is a statement which indicates you have reviewed the consistency of the proposed change which is under the resolution and that it is consistent with your comprehensive plans and the other documents that have previously been adopted. With the consistency statement you are agreeing that the proposed change is agreeable with the plans we have adopted.

Vote ~ 4 ~ 0

Allen Serkin added looking at the statement you will see Option A or Option B, you will make either Option A if it is consistent or Option B if it is not consistent.

A **motion to amend** was made by Commissioner Putnam and **seconded**

by Commissioner Stilwell to approve Option A of the Consistency Statement.

Vote ~ 4 ~ 0

b. Resolution ~ A Resolution Amending the Unified Development Ordinance by Creating a New C-2 Commercial District and Amending the C-1 Commercial District to Provide for Multi-Family Residential and Mixed Use Development in the City of Boiling Spring Lakes.

A **motion** was made by Commissioner Stewart and **seconded** by Commissioner Putnam to approve the Resolution Amending the Unified Development Ordinance by Creating a New C-2 Commercial District and Amending the C-1 Commercial District to Provide for Multi-Family Residential and Mixed Use Development in the City of Boiling Spring Lakes.

Commissioner Stewart stated this resolution has been a long time in coming and has been pushed back for several years now; this is a positive step forward for the city.

Vote ~ 4 ~ 0

c. Resolution ~ Resolution Adopting the Southeastern NC Regional Hazard Mitigation Plan.

A **motion** was made by Commissioner Stilwell and **seconded** by Commissioner Putnam Adopting the Southeastern NC Regional Hazard Mitigation Plan.

Mr. Repp explained Pender, New Hanover and Brunswick County and the municipalities in all three of those counties accepted and participated in a joint effort and adopt a new Hazardous Mitigation Plan. We are all required to have this plan. Specifically in the event of a hurricane or a natural disaster to request FEMA reimbursement. The City has a Plan, however this is a required update to all three county plans. This Resolution agrees with the work product that was developed by this joint effort. All municipalities and counties are going to have a resolution stating that we have adopted the plan.

Vote ~ 4 ~ 0

d. Discussion ~ Community Roadside Cleanup

Commissioner Putnam commented at the last BOC meeting we had a comment from one of our citizens who spoke about the clean-up of roadside trash. Commissioner Putnam thanked Mary Green for her assistance providing information from other communities that have a cleanup plan in place. The NCDOT Adopt a Highway Program only deals with State and County roadways and not residential roadways. It is everyone's responsibility to take pride in their city. Commissioner Putnam commented that the city could do this type of cleanup as a bi-annual event. I have listed a lot of information on the possible plan to start a program.

The City Wide Roadside Litter Pickup Program is hereby incorporated by reference and made a part of these minutes.

e. Discussion ~ Property on New Burn

Commissioner Stilwell stated Mr. Kendall Fincher who is a property owner at 261 New Burn Rd. would like to purchase a piece of property next to his home to build a playhouse for his children. As far as he is aware the property does not perk. Mr. Fincher started the Pepperoni Grill and went on to start his own business in Southport. He is a small business owner; he has given the BOC a price which he is willing to pay. I would like to know how the rest of the Board feels about this possibility. Mr. Fincher has offered \$3,000 and the value is at \$7,000.

Commissioner Putnam questioned if this property would be useful to the city regarding storm water drainage issues or easement. The city is not paying taxes on this property. If this property is of no value to the city I have no issue.

Mr. Repp stated Mr. Fincher approached the BOC previously with a similar request. The BOC at that time made a decision not to sell any of the surplus property we had at that time. Prior to the last assessment the property was valued at \$10,000 and now it is valued at approximately \$7,500 based on the counties assessment. I will work with the city attorney to come up with a procedure that would work. There are times that something of this nature would have to go out for a public bid. I will review this with the city attorney if the BOC wishes to proceed to make sure we do this properly.

Commissioner Stewart suggested the city engineer and the city inspector look at this property and determine if it is of any value to the city and report back at the next BOC meeting.

Mayor Caster requested Mr. Repp to review the process with our city attorney.

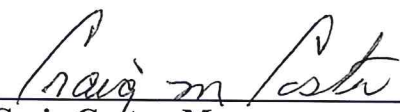
15. Adjourn ~

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

Vote ~ 4 ~ 0

The meeting was adjourned at 7:30 p.m.





Craig Caster, Mayor



Date