



**City of Boiling Spring Lakes
Board of Commissioners Regular Meeting Minutes
August 2, 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

Commissioner Mark Stewart
Commissioner David Putnam
Commissioner David Crawford
City Clerk Jane McMinn

3. Pledge of Allegiance ~ Bill Clark

4. Approval of Regular Agenda ~

Commissioner Stilwell requested to add under New Business ~ *item h* ~ Nomination of Donald Sharon to the Board of Adjustment.

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

Vote ~ 5 ~ 0

5. Public Hearing ~ Preliminary Plat Review for subdivision by property owner Langbeen Builders, Inc. (Presenter: Wes MacLeod, Cape Fear Council of Governments)

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

Vote ~ 5 ~ 0

Mr. MacLeod addressed the Board with respect to the preliminary plat for a subdivision. There are provisions in the Unified Development Ordinance (UDO) that require this information to come before the Board. Note, the preliminary plat has been conditionally approved by the Planning Board with requested changes. I am open to questions the Board or public may have.

Kevin Smith ~ 1128 Twin Lakes Dr.

Mr. Smith had concerns with respect to the building lot located next to his home. Mr. Smith inquired where the building site would be on the lot next to his; according to the plat the lot will be expanded deeper which will bring it closer to the 13th hole of the golf course. What would be the location of the home on this lot; where would the septic system be placed? Mr. Smith questioned if the style of homes would be different so all the homes would not look the same. Mr. Repp explained Mr. Langbeen will be held to all the set back requirements stated in the UDO.

Arlene Hubner ~ 1121 South Shore Dr.

Mrs. Hubner said she is planning to ask questions after the meeting.

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

Vote ~ 5 ~ 0

6. Public Comments ~

Charlie Carroll ~ 221 Darnell Rd.

Mr. Carroll commented about all the current dangers facing police in our country. A resident of the City made lunch for the BSL Police Department as an expression of thanks and appreciation. We all should be saying as a community that we will do everything we can to support our police force. Mr. Carroll donated a personal check to Chief Shirley for use in the Police Department.

George Ball ~ 341 Fox Squirrel Rd.

Mr. Ball thanked the police department for all they do. However, Mr. Ball stated he and many citizens are disappointed in the decisions and actions of this Board concerning the construction of a new police department building. At the workshop the Board stated they would pursue as many options and ideas to maximize the funds in order to benefit our police department. There was only one bid received for the design work with no follow-up from the firms that did not respond. Mr. Ball requested the Board to be responsible and pursue other bids. Listen to the people and do what is responsible.

Jon Weaver ~ 1412 Longleaf Dr.

Mr. Weaver stated he has been a resident of BSL since 2012 and he is currently in law enforcement and has been in this profession for over 19 years. I previously addressed the Board at the workshop session in April and I am asking the Board to vote in favor as listed on the agenda under New Business as items ~ *f and g* ~ to move forward with the police department. Many people who have spoken have stated they want the police department to have what they need, many people have said that. A new space for the department is a need not a want. I am aware there are times when change is painful and it can come with a financial cost. A new police department is a wise investment for a town that is growing and will continue to grow. The elected officials sometimes have to make difficult decisions

and not everyone will be happy with the decisions that are made, but that is what you are elected to do.

Ed Wilkie ~ 142 Pike Rd.

Mr. Wilkie commented that there may not be many people who are aware of the pending law suit that is in the NC Court of Appeals. The City voted to raise the lake level which caused my property to flood by raising the lake level 9.5" which flooded my back yard to 10.5' to 12.5' of water. As of this afternoon per my public information request the City has paid to the city attorney \$250,972.52; that equates to 5.7 brand new police cars, we have nothing to show for the amount of money that has been spent so far, and this law suit is not over. We could have paid for the professional design contract with that money, paved roads, bought new police cars, but we have nothing to show for that money.

Barbara Glidden ~ 402 No. Shore Dr.

Mrs. Glidden read from a written statement which is *hereby incorporated by reference and made a part of these minutes.*

Mrs. Glidden stated she received a written statement from Gerri Sovack, 443 So. Shore Dr. who was unable to attend tonight's meeting. I approached the Board requesting to read this statement; three (3) members of the Board did not approve my request. I will submit this statement to the city clerk so it goes on record. *The written statement is hereby incorporated by reference and made a part of these minutes.*

Shirley Desnoyers ~ 341 Fox Squirrel Rd.

Ms. Desnoyers stated the citizens of BSL want the police department to have the very best we can provide for them. If hiring qualified officers is an issue, then we should be providing pay raises for them. Pay raises will feed their families, send their children to school and more. We should pay our officers more and provide them an updated work space. Ms. Desnoyers stated a 7,000 square foot building is extravagant costing approximately \$2M dollars. Our tax base is residential; we do not have a strong commercial tax base. We have to make smart choices when using our tax money.

Richard Sparks ~ 2030 Gastonia Rd.

Mr. Sparks stated he and his wife recently moved to Boiling Spring Lakes approximately five (5) months ago. We made the decision based on one man in this room, Chief Brad Shirley. Mr. Sparks expressed his thanks to Chief Shirley again and stated he requested the State Port Pilot to run an article on bringing the police department lunch back in June. We have 6,000 people in this community it only takes three (3) families a month to do what we did for the police department; I am hoping other citizens thank our police department by donating lunch for all of our officers. I would also like to thank our City Manager, Jeff Repp and his team; I requested three (3) things be done and they were taken care of right away. It would be nice for everyone to step up and be nice to each other instead of criticizing each other.

7. Approval of Minutes ~

A ***motion*** was made by Commissioner Crawford and ***seconded*** by Commissioner Stilwell to approve the minutes of June 30, 2016 Public Hearing / Special Meeting and July 5, 2016 Regular Board of Commissioner Meeting.

Vote ~ 5 ~ 0

7. Consent Agenda ~

A ***motion*** was made by Commissioner Putnam and ***seconded*** by Commissioner Stewart approving the Consent Agenda.

Vote ~ 5 ~ 0

8. Committee / Board Reports and Minutes ~

**a. Community Appearance Commission ~
Ann Hollingsworth**

Ms. Hollingsworth reported the cleanup on the Big Lake really looks nice and we would like to thank the city for the improvement. Commissioner Stilwell submitted an information sheet to our committee which explains how to co-exist with alligators which we will include in our welcome packages. We had three (3) property recognitions this month; we are looking for local photographers for pictures of the flora and fauna for our website and our upcoming calendar.

**b. Planning Board ~
Bill Clark**

Mr. MacLeod from the Cape Fear Council of Government attended the meeting and we reviewed the Land Use Plan which has been forwarded to the Board. We discussed chickens in the city, this was tabled and will be discussed at our next Planning Board meeting. The Board reviewed the amendments for the setbacks in the C-1; we have drafted the verbiage which has been submitted for your review. Mr. Clark stated he will be out of town for the next meeting, however Gene Fiorvante will be chairman for the meeting. Commissioner Stilwell inquired how long it would take to redo the UDO, Wes MacLeod stated the process takes anywhere from 10 to 14 months; the Long Range Plan is completed and has been submitted to the Division of Coastal Management for review and comments.

**c. Parks & Recreation Advisory Board ~
Robert Stanley**

Mr. Stanley reported the committee discussed the Parks & Rec. survey results, sub-committee reports, discussions on a possible skate park, a wheeled sports park and the North Carolina Bond Program.

**d. Special Events Committee ~
Michelle Hennessy**

Ms. Hennessy reported there are three (3) events coming up; The Mayor's Golf Tournament on August 20, 2016 at 9:00 a.m. shotgun at the Lakes Country club; our 9/11 Bike Run will be held on September 17, 2016 at the Community Center with registration starting at 9:00 a.m. The Battle of the Bands is scheduled on September 24, 2016 at Spring Lake Park starting at 11:00 a.m. until we run out of music.

**e. Library Commission ~
Frances Thomas**

Mrs. Thomas reported the Library Commission did not meet in July, however the Commission will be meeting on Thursday August 4, 2016

**f. BSL Fire / Rescue ~
Commissioner Stewart**

Commissioner Stewart reported the Mutual Aide Agreement has been re-established between The City of Southport and Boiling Spring Lakes. Both fire departments are putting together some training dates which will be done collectively with both cities.

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

Mr. Repp reported as of June 30, 2016 the City had \$2,505,637 in cash and investments. The City finished the fiscal year at 4.9% ahead in the sales tax revenue than we had budgeted; on June 30, 2016, 95.11% of property taxes has been collected by Brunswick County; on July 19, 2016 we had our first meeting regarding the Tuscarora project to look at the feasibility of reestablishing that connection; the next meeting will be held on August 11, 2016 with Sunny Point and Duke Energy. Both of these entities will be the two major participants in that project. This will allow all parties to be together to review what is possible and what is not possible. We are also using the engineering firm of Compass Point out of Shallotte to help prepare the bid document for Eden Rd. We hope to have that prepared shortly. This will be an informal bidding process and we will be sending these to at least three (3) to five (5) contractors, based on their time schedule we will have a better idea when this work can be completed.

Commissioner Stilwell requested Mr. Repp give an update on where the City stands with respect to the Spillway grant. Mr. Repp explained the Boiling Spring Lakes Spillway grant was submitted along with several other projects by the NC Department of Emergency Management to FEMA for funding. It is FEMA that makes the final decision on which project will receive funding. We are currently in the holding process waiting for FEMA to approve the projects that will be chosen for the funding. This process could take up to 18 months according to the Department of Emergency Management with the State who is the facilitator of this project.

10. Old Business ~

a. Boiling Spring Lakes Volunteer Cleanup Form

Commissioner Putnam reviewed the Volunteer Cleanup Program Form and previously requested input from the board members. The form will be placed on line on our website

for those citizens who are interested in starting a neighborhood cleanup. The cleanup form contains important emergency information; the do's and do not's of litter pickup and equipment information needed which will be supplied by the city.

A ***motion*** was made by Commissioner Stewart and ***seconded*** by Commissioner Crawford to adopt the Boiling Spring Lakes Volunteer Cleanup Form.

Vote ~ 5 ~ 0

11. New Business ~

a. Request for Public Hearing ~ text amendment to the Boiling Spring Lakes Unified Development Ordinance (UDO) revising the building setbacks in the C-1 Zoning District for properties that do not front NC Highway 87.

A ***motion*** was made by Commissioner Stewart and ***seconded*** by Commissioner Stilwell to hold a Public Hearing on September 6, 2016 at the regular Board of Commissioners meeting regarding the text amendment to the Boiling Spring Lakes UDO revising the building setbacks in the C-1 Zoning District for properties that do not front NC Highway 87.

Vote ~ 5 ~ 0

b. Order ~ authorizing the City Manager to accept the proposal of the ***Cape Fear Council of Governments*** (CFCOG), 1480 Harbour Drive, Wilmington, NC to revise and update the City of Boiling Spring Lakes Unified Development Ordinance (UDO) in an amount not to exceed ***Thirty Thousand Dollars and No Cents (\$ 30,000.00)***.

A ***motion*** was made by Commissioner Stilwell and ***seconded*** by Commissioner Putnam authorizing the City Manager to accept the proposal of the ***Cape Fear Council of Governments*** (CFCOG), 1480 Harbour Drive, Wilmington, NC to revise and update the City of Boiling Spring Lakes Unified Development Ordinance (UDO) in an amount not to exceed ***Thirty Thousand Dollars and No Cents (\$ 30,000.00)***.

Vote ~ 5 ~ 0

c. Order ~ appointing Michelle Hennessy as Chairman of the Special Events Committee with the term ending 6/30/2017.

A ***motion*** was made by Commissioner Crawford and ***seconded*** by Commissioner Stilwell appointing Michelle Hennessy as Chairman of the Special Events Committee with the term ending 6/30/2017.

Vote ~ 5 ~ 0

d. Order ~ authorizing the Mayor to sign the Preliminary Plat LBD-1 Subdivision (Plat Review Case #2016-01).

A ***motion*** was made by Commissioner Putnam and ***seconded*** by Commissioner Stewart authorizing the Mayor to sign the Preliminary Plat LBD-1 Subdivision (Plat Review Case #2016-01).

Vote ~ 5 – 0

e. Order ~ authorizing the City Manager to direct City Staff to abate the public nuisance at 157 No. Shore Drive Pursuant to NCGS 160A-193. Abatement of public health nuisances – Above ground swimming pools.

Mr. Repp explained we have a property owner who has not been maintaining their above ground swimming pool. We have received complaints, and as a result of those complaints the pool is still not in compliance with the General Statue NCGS 160-A-93, a copy has been provided in the agenda package. The State Law Statute authorizes the board to direct City Staff to enter the property to take care of the public nuisance and all costs associated to remediate the situation and a lien to be placed on the property to reimburse the cost.

A ***motion*** was made by Commissioner Stewart and ***seconded*** by Commissioner Crawford authorizing the City Manager to direct City Staff to abate the public nuisance at 157 No. Shore Drive Pursuant to NCGS 160A-193. Abatement of public health nuisances – Above ground swimming pools.

Vote ~ 5 ~ 0

f. Resolution ~ authorizing the City Manager and City Attorney to Negotiate a Professional Services Contract with Stewart Cooper and Newell Architects in an amount not to exceed \$184,000.

Commissioner Crawford inquired about the budget and how the city plans to pay for this contract. There are five (5) phases in the proposed contract, Commissioner Crawford inquired where in those five (5) phases will we have an estimate of the cost for the police department. Mr. Repp explained there will be a preliminary cost prepared during each phase. At the completion of each phase we should have an idea what that cost will be and whether there has to be an adjustment made to the budget. Mr. Repp confirmed at the direction of the Board we can stop the work at any phase. Mr. Repp reported that at the end of this fiscal year we should have approximately \$2M in the fund balance. The

\$184,000 would be taken from the \$2M, we also had discussion of the 12.5% share for the Spillway, that would be spread over three (3) to five (5) years by the time that project is completed.

Mayor Caster stated he was not clear on why the city would award a contract when the police department has not been approved. Mr. Repp stated the Board could vote this evening to build a police department, however the board does not want to take that step

tonight; they prefer to do the architectural drawings and after those documents are received the board can then make a decision on whether to proceed toward construction. Mayor Caster commented by using a construction manager we can get the same result and spend a lot less money. Mr. Repp stated he was not aware of any police department that has been built by using a construction manager without stamped drawings by an architect or engineer, simply because of the public safety nature of the facility; it is not a city hall it is a police department. Mr. Repp confirmed that if a construction manager were to draw up plans they would need to be stamped by an engineer and an architect.

A ***motion*** was made by Commissioner Putnam and ***seconded*** by Commissioner Stewart authorizing the City Manager and City Attorney to Negotiate a Professional Services Contract with Stewart Cooper and Newell Architects in an amount not to exceed \$184,000.

Vote ~ 4 ~ 1 (opposed ~ Mayor Caster)

g. Resolution ~ Resolution issuing a Declaration of Official Intent to Reimburse Certain Expenditures Related to the Construction of a Police Department Facility.

A ***motion*** was made by Commissioner Stilwell and ***seconded*** by Commissioner Putnam approving the Resolution issuing a Declaration of Official Intent to Reimburse Certain Expenditures Related to the Construction of a Police Department Facility.

Vote ~ 5 ~ 0

h. Order ~ appointing Donald Sharon to the Board of Adjustment for a term of three (3) years beginning August 2, 2016.

A ***motion*** was made by Commissioner Stilwell and ***seconded*** by Commissioner Crawford appointing Donald Sharon to the Board of Adjustment for a term of three (3) years beginning August 2, 2016.

Vote ~ 5 ~ 0

12. Adjourn ~

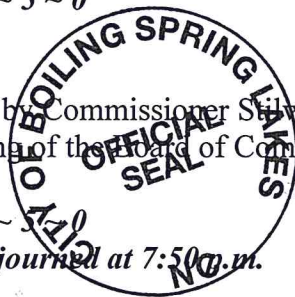
A ***motion*** was made by Commissioner Stilwell and ***seconded*** by Commissioner Crawford to adjourn the meeting of the Board of Commissioners, August 2, 2016.

Vote ~ 5 ~ 0

The meeting was adjourned at 7:50 p.m.

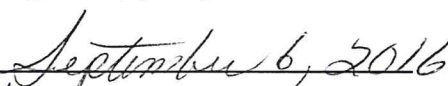
ATTEST:


Jane McMinn, City Clerk




Craig Caster, Mayor

Date


September 6, 2016

Jane McMinn

From: gliddenbarb4@gmail.com
Sent: Monday, August 08, 2016 2:25 PM
To: Jane McMinn
Subject: Well where do I start, let's go back to the worksho

Well where do I start, let's go back to the workshop dated April 6, 2016 & I will quote:

Comm Stewart "we are on a fact finding mission... We are exploring all avenues".

Comm Putnam quote "the city can try to get answers by soliciting RFP's .. Based on the comments tonight everything will be taken into consideration first."

Comm Stilwell there really isn't anything to quote from the minutes because all you did was make negative comments about our citizens not coming to meetings unless it is an issue they are concerned about. I would think this is when you would want to hear from citizens.

Comm Crawford as you were not in attendance at this important workshop I would like to quote from an email you sent me " I know where I stand on the options but until I see an accurate projection and have time to negotiate efficiencies.. I can and will not comment on a referendum".

Well, have you walked down these avenues efficiently yet? Why hasn't this very important information pertaining to our taxes been shared with the citizens? As you recently wrote Comm Stewart, ' the proposal .. For \$190,000.. Design... Just to cover the payment city taxes may have to raise (\$0.256', per \$100 property evaluation.) As you also wrote the design is usually 10% of the cost of the project which we may assume the estimated cost today as \$1.9 million.

Please don't tell me 'no one has called me' when these people took time from their own lives to come to the workshop in April and voice their concerns! During this workshop there were 12 people who had concerns, what is the sense of having workshops if you are not going to listen? Again as I noted in a recent email to my fellow citizens I would much rather see our officers receive a pay raise or bonuses for all they do for our city! Which no one will argue our Police Department deserves it! Spending close to \$2 million on building how will this make our citizens any safer. Let's also keep in mind the county will have a \$152 million bond for schools on the Nov ballot. We all know this will effect raise our taxes!

I'm not sure if any of you are considering continuing your political career but please keep in mind what you do tonight will follow you especially in 2017!

Sent from my iPad

We should always insist on being heard and the right to vote on financial issues. We are a small community with many seniors on fixed incomes and young people just starting out and trying to get by. Our elected official just should not put our community in such heavy debt . Feel free to voice my opinion since i am out of state . Gerri Sovak.

443 S. SHORE Dr.