



**City of Boiling Spring Lakes
Board of Commissioners Nuisance Workshop
April 28, 2017
City Hall – 9:00a.m.**

PLEASE TURN OFF CELL PHONES

1. Call to Order ~ Mayor Pro-Tem Mark Stewart

The Board of Commissioner Nuisance Workshop was called to order at 9:00 a.m.

2. Attendance ~ in attendance at the meeting were ~

Commissioner Mark Stewart
Commissioner Mary Stilwell
City Manager Jeff Repp
City Clerk Jane McMinn

Commissioner David Putnam
Commissioner David Crawford
Building Inspections/Enforcement Ruth Bek

Mayor Craig Caster (**excused**)

3. Introduction ~ Commissioner Putnam

Commissioner Putnam explained he requested the workshop due to the number of complaints he along with other Board member's have received pertaining to the condition of properties in our City. Residents have the responsibility to maintain their property, which is stated in the Code of Ordinances Chapter 9. If residents do not abide by this ordinance then it is the responsibility of the Board to either enforce the ordinance and give the proper direction and tools to our code enforcement officer to effectively enforce the ordinance. I would like to address at this workshop how the city can legally deal with the abandon trailers.

Mr. Repp explained what city staff is required to adhere to, is not only city ordinances but must be in conjunction with what state law provides us the ability to do. Over the years The General Assembly has continued to take away the ability of the city to deal with these types of property issues. I just want to make everyone aware that we need to make sure we are legally allowed to do the particular things the board may be asking for.

Ms. Bek explained Chapter 9 of the of the Code of Ordinances deals with nuisances. State statutes adhere to the public health and safety, which Chapter 9 of the city ordinance covers. Ms. Bek commented property values are not included in "nuisances" but public health, welfare and safety are primary items Ms. Bek referred to the zoning map and stated most of our problem areas are in R-5 zoning; manufactured homes are allowed in R-5. Many homes in R-5 are rental properties, which is where our largest enforcement issues occur. What I would like to suggest since single-wide and double-wide manufactured homes are permitted in the R-5, we change areas of R-5 to R-5 MH. With this change we would no longer allow manufactured homes everywhere in R-5, however modular homes can be

placed in R-5 MH, this type of home requires a concrete foundation; modular homes historically stay single family homes and not rental properties.

City Ordinance Section 1-15 and N.C.G.S. 14-4 talk about fees and fines, which are misdemeanors; however, we need to understand fines collected under these penalties go to the local school boards. We may want to work with our city attorney to explore how the city would legally retain funds collected to help offset expenses for this enforcement. Commissioner Stilwell requested Mr. Repp gather this information.

Ms. Bek also reviewed Chapter 9 Nuisances of the Code of Ordinances inclusive of noise, businesses, hazardous materials; anything that affects the quality of life pertaining to health and safety. Ms. Bek talked about Enforcement of Ordinances, Rule 65 Injunctions, Section 1-2 Definitions and rules of construction, 14-4 Violation of local ordinances and misdemeanors.

Ms. Bek informed the Board at this point I have been using door hangers, if the citizen does not comply I send letters to the occupants and the property owners. How far would the Board like Code Enforcement to pursue the public nuisance issue, what are your goals? Enforcing these ordinances is time consuming and expensive, we have approximately 60 violations right now. When a citizen does not comply after the "friendly discussion" after the door hanger; then it is the letter writing process that must begin, if at this point the property renter or owner does not comply, fines are then implemented with a dollar value per day. The Board agreed one of the first things we have to do is to find out where the fine money will go. Currently the city has at least 50 properties that are at Step #2 (the letter writing). Step #3 would be the fine for the violation.

Mr. Repp agreed this is a very time consuming process. If the property/renter does not comply with the city, for example, if a property has grass that needs to be mowed the city will mow the grass and send an invoice; if the invoice is not paid within 30 days we place a lien on the property. It has been my experience the invoice is not paid until such property is sold.

Commissioner Crawford inquired how many properties would you estimate are at Step #3. Ms. Bek stated we have at least 50 properties if not more; this is by me just driving around the city. At this point, the Board understands the magnitude of what the city is facing. What tools do we need to fix that problem? Mr. Repp responded by stating the city can physically go on the property to take care of the problem. Ms. Bek commented we are doing as much as we can with the limited resources we have. She also explained if anyone drives by the area of Elm, Cedar, Cherry and Walnut you will see the properties we are speaking about.

Mr. Repp informed the board city staff is working on the new M311 system. Anyone will be able to view a map of the City and see what the current violations are around the city, you can upload this on to your phone, there will be different icons, and you will be able to see at what step code enforcement is at currently with each specific complaint. The Board agreed most citizens comply and correct the problem when they receive a notice, Ms. Bek agreed.

Commissioner Putnam inquired if Chapter 9 of the ordinance is written adequately, or if it needs to be changed. Ms. Bek commented it comes down to how much the Board wants to spend, how you want to enforce the ordinance, and what resources you want to dedicate. It would take more staff, there is no way Maggie or I can keep up with what we have let alone take on more. Commissioner Putnam summarized, we have the proper ordinance we do not have the work force to enforce the ordinance.

Mr. Repp addressed R-5 MH zoning and stated when the UDO is complete this should be included in the final UDO under zoning.

All Board members were in agreement to see how M311 works out as far as easing the workload, and determine if we need to revisit the part-time position and make it a full-time position.

The board wanted to address the abandon trailers. Ms. Bek stated the process is identifying unsafe structure: you post a sign, schedule a hearing, if the owner of the property fails to comply; present to the board who must pass an ordinance condemning the structure; at that point, the city can go in and remove the structure.

The board requested Mr. Repp check with other communities and inquire how other municipalities handle this type of situation.

The Board was encouraged with information shared today and understands the magnitude of the situation; we need to get more information on how the city can recoup funds which the city has invested. Our objective of cleaning up the city will help improve quality of life, and focus on health and safety.

The Workshop was adjourned at 10:15 a.m.

Mark Stewart

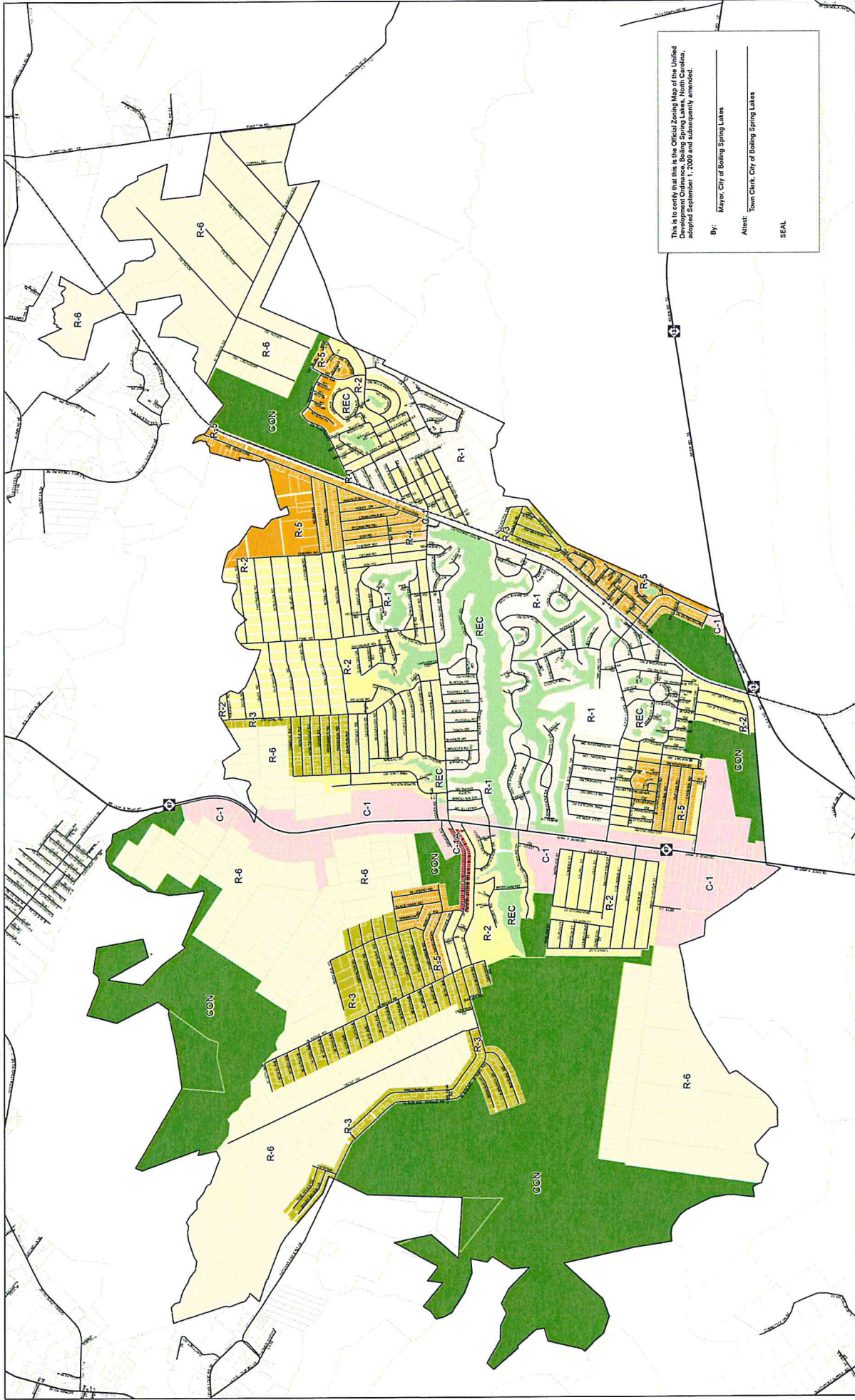
Mark Stewart, Mayor Pro-Tem

ATTEST:

Jane McMinn
Jane McMinn, City Clerk

June 6, 2017
Date





This is to certify that this is the Official Zoning Map of the Unified Development Ordinance, Boiling Spring Lakes, North Carolina, adopted September 1, 2009 and subsequently amended.

By: _____ Mayor, City of Boiling Spring Lakes

Attest: _____ Town Clerk, City of Boiling Spring Lakes

SEAL

City of Boiling Spring Lakes Zoning Map

Zoning Districts

R-1	R-2	R-3	R-4	R-5	R-6
C-1	C-1A	CON	REC		

Map prepared 1/11/2017 by:
Alan Sarkin
Cape Fear Council of Governments
Wilmington, NC 28403

This map is the official zoning map of the City of Boiling Spring Lakes prepared pursuant to Ordinance 11-01 of the City's Unified Development Ordinance. The data used to generate this map were provided by disparate sources and the Cape Fear Council of Governments cannot assume legal liability for the accuracy of the map.

Data sources: City of Boiling Spring Lakes, Brunswick County, NCDOT.

0 0.25 0.5 1 Miles

0 1,000 2,000 4,000 Feet

1 inch = 0.25 miles
1 inch = 1,320 feet

North Arrow

Map prepared 1/11/2017 by:
Alan Sarkin
Cape Fear Council of Governments
Wilmington, NC 28403

This map is the official zoning map of the City of Boiling Spring Lakes prepared pursuant to Ordinance 11-01 of the City's Unified Development Ordinance. The data used to generate this map were provided by disparate sources and the Cape Fear Council of Governments cannot assume legal liability for the accuracy of the map.

Data sources: City of Boiling Spring Lakes, Brunswick County, NCDOT.