



City of Boiling Spring Lakes  
Board of Commissioners Regular Meeting Minutes  
March 5, 2019  
City Hall – 6:30 pm

PLEASE TURN OFF CELL PHONES

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**1. Call to Order ~ Mayor Craig Caster**

The Board of Commissioners Meeting was called to order at 6:30 PM.

**2. Attendance ~**

Mayor Craig Caster	Commissioner Steve Barger
Commissioner Mark Stewart	Commissioner Guy Auger
City Manager Jeff Repp	Commissioner Dana Witt
Acting Chief, Rick Spencer	City Clerk Jane McMinn

**3. Pledge of Allegiance ~ Bichson Bush**

**4. Approval of Regular Agenda ~**

A *motion* was made by Commissioner Stewart, a *second* by Commissioner Barger adding under *New Business ~ letter ~ g ~ The Memorandum of Agreement with the North Carolina Office of Recovery and Resiliency.*

*Vote ~ 5 ~ 0*

A *motion* was made by Commissioner Barger a *second* by Commissioner Stewart adding under *New Business ~ letter ~ h ~ The Resolution Supporting Local Control of Local ABC Boards and Opposing Forced Mergers of Local ABC Board.*

*Vote ~ 5 ~ 0*

A *motion* was made by Commissioner Stewart, a *second* by Commissioner Auger approving the Agenda as amended for the Board of Commissioners Meeting dated March 5, 2019.

*Vote ~ 5 ~ 0*

**5. Hurricane Florence Update ~ Jeff Repp, City Manager**

City Manager Repp reviewed the completed projects and pending projects. A complete current updated report is hereby incorporated and made a part of these minutes.

A ***motion*** was made by Commissioner Barger, a ***second*** by Commissioner Stewart to move into Public Hearing.

*Vote ~ 5 ~ 0*

**6. Public Hearing ~ General Updates to the City's Unified Development Ordinance ~**

**Aleta Feeney-Brosseau ~ 1811 Pinehurst Rd.**

Ms. Feeney stated she is in support of the changes of the UDO that will be discussed later tonight. Specifically for the C-1 and C-1A use requirements. With the passing of the change this will hopefully encourage new businesses to move into the city.

A ***motion*** was made by Commissioner Stewart, a ***second*** by Commissioner Barger to move out of Public Hearing and move back into the Board of Commissioners Meeting.

**7. Public Comment ~**

**Ricky Rygg ~ 267 Holly Rd.**

Mr. Rygg reported in February he filed two requests for ditch work on the city's website. To date, there has been no response from the city. I am requesting a spreadsheet of scheduling for view by citizens on the website which will give information of work that will be done, when it will be scheduled and start and end dates. Also, Mr. Rygg inquired when the Storm Water Survey will be completed and when will it be available to the public to review? Also, will there be workshops scheduled for comment?

**Scott Langbeen ~ 3181 George II Highway**

Mr. Langbeen is in favor to the updates of the UDO, specifically to one regarding fencing, and using a lot not as a primary lot but as a storage area. Mr. Langbeen stated he has observed lots around the city which are used for this purpose. By allowing this we would encourage more business in our city. We have a very efficient code enforcement offer and if there are issues, they will be addressed promptly.

**Tim Fullmer ~ 110 Pine Lake Rd.**

Mr. Fullmer questioned who is the city's UDO Administrator? Also Mr. Fullmer commented everyone should be treated with respect whether you are a staff member or a board or committee member or a citizen. Respect should be given to everyone.

**Barbara Snyder ~ 894 Cambridge Rd.**

In 2016 the Planning Board reviewed the ordinances regarding the keeping of hens. The Board of Commissioners voted down that change. Allowing hens would give people fresh eggs. Many small and larger towns such as Raleigh, Charlotte, Greensboro and Carey are a few. Ms. Snyder presented the Board of Commissioners with an eight page petition of Boiling Spring Lakes citizens in support of allowing hens in the city. We are continuing to collect signatures and we request the Planning Board to revisit the allowance of hens in Boiling Spring Lakes.

**Jerry Wolf ~ 1059 Acacia Dr.**

Mr. Wolf thanked city staff for the cleanup of an old mobile home which I registered a complaint approximately seven years ago. The city staff is working hard to clean up the city. I would like to encourage everyone to get involved in our Clean Sweep project. This city is everyone's city, the date is Saturday, March 23, 2019. Registration starts at 8:30 AM at the Community Center, vests, grabbers and gloves will be supplied. We encourage everyone to volunteer and help clean our city which belongs to you too.

**8. Approval of Minutes ~**

- a. Board of Commissioners Meeting Minutes ~ February 5, 2019
- b. Board of Commissioners Closed Session Meeting Minutes ~ February 19, 2019
- c. Board of Commissioners Workshop Meeting Minutes ~ February 19, 2019

A *motion* was made by Commissioner Barger, a *second* by Commissioner Witt approving the Board of Commissioners Meeting Minutes of January 8, 2019, Board of Commissioners Closed Session Meeting Minutes of February 19, 2019 and Board of Commissioners Workshop Meeting Minutes of February 19, 2019.

*Vote ~ 5 ~ 0*

**9. Consent Agenda ~**

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

A *motion* was made by Commissioner Barger a *second* by Commissioner Stewart approving the Consent Agenda.

*Vote ~ 5 ~ 0*

**10. Committee / Board Reports and Minutes ~**

- a. Community Appearance Commission
- b. Planning Board
- c. Parks & Recreation Advisory Board
- d. Special Events Committee
- e. Library Commission
- f. BSL Fire / Rescue

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

Ms. Hollingsworth reported the Commission is delivering the Welcome Packages in a timely manner. We are starting our new Property Recognition Program which runs



from April to November. We are hoping to get some magnets for our Welcome Packages.

**b. Planning Board, Bill Clark, Chair**

Mr. Clark reported the Board reviewed eight (8) sections of the UDO, regarding issues the BOC brought up at the previous meeting. We also scheduled a Special Meeting during the week to “fine tune” the changes we are suggesting in order to have this ready for the BOC tonight. We reviewed the definition of a Farmers Market, Mayor Caster attended, Bill Lathrop our Code Enforcement Officer and Nicol Morgan our Zoning Officer.

**c. Parks & Recreation Advisory Board ~ Bon Cantrell, Chair**

Mr. Tom Guzulaitis reported for Mr. Cantrell

Mr. Guzulaitis reported the Board met and reviewed the Planning Grant that has been awarded to the City to include identifying Steering Committee members for this project. We are reviewing the fee schedule for the upcoming fiscal year, and discussed transportation for the Parks & Rec. Department.

**d. Special Events ~ Jackie Barker, Chair**

**Mrs. Barker** reported the committee lost our Chair, Connie Ruehl who had to resign for personal reasons. I will now be the Chair person for Special Events and Michelle Hennessey was approved as Co-Chair. We are working on the details for the March 23, 2019 Bike Run. We are having committee member T-Shirts made, a flutter flag and lettering for the Special Events Trailer. Our next event will be our Eggstravaganza which will be held on April 13, 2019 at Spring Lake Park.

**e. Library Commission ~ Frances Thomas, Chair**

Mrs. Thomas thanked the Board for their approval of the bookshelves to be placed in the lobby of City Hall. We will hold our annual book buying day at Barnes and Nobel.

**f. BSL Fire/Rescue ~ Chief Theresa Tickle**

Chief Tickle reported last month there were 29 medical calls and 33 fire related calls. We held our EMS Con-Ed training and a certification class for firefighters with ropes. We had mutual aid training with Bolivia. We replaced one of our QRV's, and we are working on the budget. The brush truck damages and remediation for Station #3 costs have been accepted and submitted to FEMA and we were told to expect a check in approximately 90 days. The Force Equipment Summary has been submitted today pending review. Once that has been accepted and submitted, we would then expect reimbursement. FEMA has given us clearance to fix Station #2. We will be holding a new event on April 6, 2019. It will be the Spring Flash Over. We would love everyone to come out and meet the fire department. We will have many activities for the children.

**11. City Manager's Monthly Report ~ Jeff Repp**

City Manager Repp reported:

- As of January 31, 2019 the City had \$1,205,729 in cash and investments. Mr. Repp explained at the request of Commissioner Barger that there are several different accounts which have been created and the Board has created some specific accounts for specific purposes such as the Special Events Committee Fund, Library Committee Fund, and Spillway Project Reserve Fund. There are three accounts within cash and investments that are considered liquid accounts which is funds the Board can expend.
- As of February 1, 2019, 92.5% of property taxes have been collected by Brunswick County for the current fiscal year.
- Sales tax revenue after 7 months is running 1.3% behind schedule. After the hurricane I consider this a very good number. That is a \$1.8 Million line item in our budget for revenue for that \$1.8 million dollars which equates to about \$9,800. We are behind schedule under the circumstances but this is a good number.
- Three residential building permits, one manufactured home permit and one commercial permit were issued in January for a total of \$796,100.00 in construction activity.
- We will be conducting later this week interviews with five (5) candidates for the police chief position.
- We have re-advertised for the public works director position. The top candidate declined the offer.
- I was requested to serve on a committee last week that will be reviewing the six proposals which were submitted for the city wide sewer study. The county is reactivating the sewer study which was tabled right after the hurricane to select a firm.
- Bid documents have been prepared for the Fifty Lakes and Goldsboro water/sewer system. Informal bidding will begin on the project with an award potentially being granted at the April 4, 2019 Board of Commissioners meeting.
- I met with Sungate Design Group who is doing the Storm Water Management Plan for the city. I reviewed all the issues we had with the hurricane and Sungate then requested an additional thirty days before delivering the plan.

**12. Old Business ~**

No Old Business was reported.



13. New Business ~

- a. **Order** ~ appointing Gene Fioravante to the ABC Board for a term of three (3) years beginning March 5, 2019 and ending February 28, 2020. Appointing Joan Kinney to the Special Events Committee for a term of three (3) years beginning March 5, 2019 and ending March 5, 2022.

A **motion** was made by Commissioner Barger, a **second** by Commissioner Witt appointing Gene Fioravante to the ABC Board for a term of three (3) years beginning March 5, 2019 and ending February 28, 2020. Appointing Joan Kinney to the Special Events Committee for a term of three (3) years beginning March 5, 2019 and ending March 5, 2022.

*Vote ~ 5 ~ 0*

- b. **Order** ~ authorizing the City Manager to enter into a paving contract with **Walter Carmichael Construction Company, LLC, Inc. of Southport, NC** in the estimated amount of **Sixty Four Thousand and Forty Five Dollars and Seventy Cents (\$64,045.70)** to pave/resurface various roads in the City.

A **motion** was made by Commissioner Stewart, a **second** by Commissioner Barger authorizing the City Manager to enter into a paving contract with **Walter Carmichael Construction Company, LLC, Inc. of Southport, NC** in the estimated amount of **Sixty Four Thousand and Forty Five Dollars and Seventy Cents (\$64,045.70)** to pave/resurface various roads in the City.

*Vote ~ 5 ~ 0*

- c. **Order** ~ authorizing the City Manager to enter into a construction contract with **Walter Carmichael Construction Company, LLC, Inc. of Southport, NC** in the estimated amount of **One Hundred Thirty Two Thousand Five Hundred and Fifty Two Dollars and No Cents (\$132,552.00)** to repair the Lake Hastie/Reeves Storm Drainage System.

A **motion** was made by Commissioner Barger, a **second** by Commissioner Witt authorizing the City Manager to enter into a construction contract with **Walter Carmichael Construction Company, LLC, Inc. of Southport, NC** in the estimated amount of **One Hundred Thirty Two Thousand Five Hundred and Fifty Two Dollars and No Cents (\$132,552.00)** to repair the Lake Hastie/Reeves Storm Drainage System.

*Vote ~ 5 ~ 0*

- d. **Order** ~ authorizing approval of the Parks & Recreation Department to adjust per week fees for Summer Day Camp beginning April 2019.

A *motion* was made by Commissioner Stewart, a *second* by Commissioner Barger authorizing approval of the Parks & Recreation Department to adjust per week fees for Summer Day Camp beginning April 2019.

*Vote ~ 5 ~ 0*

- e. *Ordinance* ~ amending Article 5: Zoning Districts, Article 6: Supplemental Regulations and Article 9: Development Review Process of the Unified Development Ordinance for the City of Boiling Spring Lakes, North Carolina.

*It was agreed upon by the Mayor and Board of Commissioners to review the Ordinance individually by Articles – voting each one separately.*

There were no comments by the Board with respect to the changes of Article 5: Zoning Districts.

A *motion* was made by Commissioner Stewart, a *second* by Commissioner Witt to accept the changes as written.

*Vote ~ 5 ~ 0*

f. **Article 6: Supplemental Regulations**

*Commissioner Auger would like to see the following changes in Article 6: Section 6.4 ~ C*

~~*Where possible, all outdoor storage materials shall be kept in the rear of buildings and in no case shall outdoor storage materials be located in any required setback.*~~

*All outdoor storage materials including any portable storage unit shall not be located in any required front setbacks or in front of any business.*

**Section 6.5 Commercial Outdoor Storage (principal)**

*Adding under D ~ A portable storage unit shall not exceed forty (40) by eight (8) feet wide by nine (9) feet high. All screening shall be kept out of front setbacks.*

A *motion* was made by Commissioner Barger, a *second* by Commissioner Witt to approve the changes made by Commissioner Auger.

*Vote ~ 4 ~ 1 (opposed ~ Mayor Caster)*

Article 9: Development Review Process of the Unified Development Ordinance of the City of Boiling Spring Lakes.

**Article 9:** Section 9.1 Purpose and Applicability (D)



Commissioner Stewart suggested the following language be modified as follows:

- (D) A ~~as-built~~ foundation survey shall be submitted to the UDO Administrator by the applicant upon completion of the building foundation to ensure that setbacks and building orientation match the approved site plan. If the survey shows that the placement of the building is incorrect, then ~~the UDO Administrator shall issue a stop-work order shall be issued,~~ and all construction shall be halted until the problem is remedied. Prior to the issuance of a Zoning Compliance Certificate and a Certificate of Occupancy by Building Inspections, the UDO Administrator, or his designee, shall conduct a final zoning inspection. If any alterations have been made to the original approved site plan, and/or if the original approved site plan indicated the dwelling and/or any accessory structures/buildings were within two (2) feet or less of the required minimum setbacks, a A final as-built survey, completed by a licensed surveyor shall also be required, and shall indicate the location of all site improvements. If the final as-built survey shows that the placement of the building(s) is/are incorrect as outlined in Section 5.7 Table of Area, Setback, Living Area, and Height Requirements then the provisions of Article 4.4 and 4.5 shall be followed.

A *motion* was made by Commissioner Stewart, a *second* by Commissioner Auger to accept the changes to Article 9: Section 9.1 Purpose and Applicability (D).

*Vote ~ 5 ~ 0*

- g. *Order* ~ authorizing the City Manager and Finance Manager, subject to language approval of the City Attorney, to enter into a *Memorandum of Agreement* for a three year no interest \$ 2 million dollar (\$ 2,000,000) loan with *the North Carolina Office of Recovery and Resiliency* to provide temporary cash assistance awaiting FEMA reimbursement for eligible projects.

A *motion* was made by was made by Commissioner Stewart, a *second* by Commissioner Barger authorizing the City Manager and Finance Manager, subject to language approval of the City Attorney, to enter into a *Memorandum of Agreement* for a three year no interest \$ 2 million dollar (\$ 2,000,000) loan with *the North Carolina Office of Recovery and Resiliency* to provide temporary cash assistance awaiting FEMA reimbursement for eligible projects.

*Vote ~ 5 ~ 0*

- h. *Resolution* ~ Supporting Local Control of Local ABC Boards and Opposing Forced Mergers of Local ABC Boards

A *motion* was made by Commissioner Barger, a *second* by Commissioner Stewart Supporting Local Control of Local ABC Boards and Opposing Forced Mergers of Local ABC Boards.



*Vote ~ 5 ~ 0*

- i. **Resolution** ~ authorizing the City Manager to Execute the Agreement with the North Carolina Department of Transportation for a BikePed Planning Project.

A **motion** was made by Commissioner Barger, a **second** by Commissioner Witt authorizing the City Manager to Execute the Agreement with the North Carolina Department of Transportation for a BikePed Planning Project.

*Vote ~ 5 ~ 0*

14. **Discussion ~**

No discussion was heard.

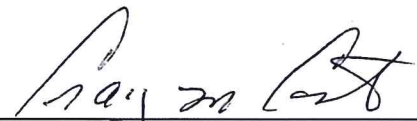
15. **Announcements ~**

Mayor Caster announced today is the 77<sup>th</sup> Anniversary of the Navy Seabees and congratulated World War II Veteran William Sraver who is a long standing member of the Seabees.

16. **Adjourn ~**

A **motion** was made by Commissioner Stewart, a **second** by Commissioner Witt to adjourn the Board of Commissioners Meeting of March 5, 2019. The meeting was adjourned at 7:50 PM

*Vote ~ 5 ~ 0*

  
\_\_\_\_\_  
Craig M. Caster, Mayor

ATTEST:

  
\_\_\_\_\_  
Jane McMinn, City Clerk



  
\_\_\_\_\_  
April 2, 2019

### Completed Projects

- Elm Road has been completed and submitted to FEMA - \$7,050.00
- Pine Road at Spring Lake has been completed and submitted to FEMA - \$,6167.00
- Palmer Road has been completed and submitted to FEMA - \$ 32,729.10
- All debris removal has been completed and approx. 75% of invoices have been submitted to FEMA for reimbursement (\$ 1,113,213.30 submitted)
- Category B - Emergency Protective Measures (\$ 232,312 submitted)

### Pending Projects not Started Yet

- Pine Lake Detour Roads (Nassau; Queens & Pine Lake Road) -
- Insurance Deductibles (Community Center & Municipal Garage)

### South Shore Drive –

- contract awarded to Carmichael Construction - \$ 155,124
- **Headwalls were delivered two weeks ago – construction on #2 began on 3/4/19.**

### E. Lakeview Drive

- FEMA site visit completed.
- Construction estimate of \$ 164,000 obtained from McGill Associates
- **Project will be incorporated with North Lake Dam construction.**

### North Lake NCDOT Repairs

- Contract awarded to Phillips Enterprise to widen Crystal with stone base and improve intersections of Drayton/Crystal and Drayton/Pine Road in the amount of \$ 71,645.
- **Work was completed on February 25, 2019.**
- Striping of center line of Crystal was completed on Saturday, February 9, 2019.
- **NCDOT has awarded the contract for permanent repairs. Work is expected to begin this week with road closure expected in two weeks**

### Fifty Lakes Drive

- NCDOT contractor completed patching of road during the week of February 4-8, 2019.
- **Striping of the road is scheduled by NCDOT during the month of March.**

### Lake Hastie/Reeves



- **Bids were opened on February 15<sup>th</sup>; two bids were received with the low/responsive bid was from Carmichael Construction for \$ 132,552.00. Award anticipated on 3/5.**
- Construction survey underway and easements **two of three easements have been signed.**

### **Middle Dam**

- Documentation has been submitted by McGill Associates to NCDPS making case for them to appeal to FEMA for inclusion of project in dam repairs.

### **Upper/Middle/North and Pine**

- **McGill Associates plans on having all preliminary information to NC Dam Safety by March 15<sup>th</sup>.**
- **If no problems then current plan is to have engineering design work for dam reconstruction on the April 4, 2019 public meeting**
- Plan is to bid out this work by August with construction completion by March/April 2020
- Full projected project timeline:

BSL 4 Small Dams Reconstruction Process Steps	Anticipated Duration	Notes
1. Determination of exemption	Submittal: 1/22/19 (completed)	
2. Determination of the Hazard Classification of the dam and establishing the dam design criteria	Submittal: 2/20/19 Response: 3/20/19	4 small dams require breach analysis
3. Preparation of the remedial dam design (modeling, calculations and plans)	Submittal: 3/20/19 Response: 4/20/19	Assumes 1 or more dams are deemed High Hazard
4. Submittal and approval of an Application and Emergency Action Plan	Submittal: 4/20/19 Response: 7/20/19	
5. Environmental Permitting	Submittal: 4/20/19 Response: 7/20/19	Concurrent with Dam Safety review
6. Bidding and construction	Submittal: 7/20/19 Response: 2/20/20	3 months bid 6 months construction
7. As-built inspections and certification	Submittal: 2/20/20 Response: 3/20/20	1month closeout

### **Sanford Dam**

- USACE requires additional survey information which is included in the McGill proposal this evening - pool area created due to breach. **Information was completed and supplied.**
- Design/build is still the anticipated procurement process for this dam.
- Bidding, bid evaluation and recommendation of contractor is scheduled to be completed by June 2019.
- Contractor will then prepare plans for permits using the existing auxiliary spillway design combined with repairing the dam breach.
- Allowing for 90 days of environmental permitting and dam safety review it is estimated that construction would start December of 2019 with completion around October of 2020.
- Full Projected Timeline:

BSL Sanford Dam Reconstruction Process Steps	Anticipated Duration	Notes
1. Assessment of auxiliary spillway design criteria	1/15/19 (completed)	Both spillways are required per coordination with Russ Bendel
2. Bid Document Prep	1/22/19 to 2/28/19	Assumes Design-Build procurement
3. Bidding, Bid Evaluation and Recommendation	2/28/19 to 6/1/19	
4. Preparation of the existing auxiliary spillway design combined with repair of the Sanford Dam breach	Preparation: 6/1/19 Submittal: 9/1/19 Response: 12/1/19	Assumes use of existing auxiliary spillway design
5. Environmental Permitting	9/1/19 to 12/1/19	Concurrent with Dam Safety review
6. Construction	12/1/19 to 10/1/20	
7. As-built inspections and certification	10/1/19 to 12/1/20	

### Construction Financing

- On February 14, 2019 the City submitted an application to the North Carolina Office of Recovery and Resiliency (NCORR), a newly created division of the NC Department of Public Safety in the aftermath of Hurricane Florence, for a \$ 2 million 0% loan to provide bridge construction financing while awaiting FEMA reimbursements for hurricane related construction projects.
- **City was notified on March 3<sup>rd</sup> of loan approval and associated paperwork is on the agenda for approval this evening.**