



**Board of Commissioners Regular Meeting Minutes
Tuesday, September 1, 2026, at 6:30 PM
City Hall**

1. Call to Order

Mayor Pro Tem Justin Lovin called the meeting to order at 6:30 p.m.

Attendance:

Mayor Pro Tem Justin Lovin
Commissioner Kim Sherwood
Commissioner Todd Ausborn
Commissioner Teagan Hall
City Manager Matthew Kirkland
Police Chief Kevin Smith
Parks and Rec. Director Sara Goodwin
Finance Director Brandon Stevens
City Clerk Tanya Shannon
Development Services Director Nicole Morgan
Stormwater Engineer Jim Stachura

Absent: Mayor Jeff Winecoff (excused)

A motion was made by Commissioner Ausborn to excuse Mayor Winecoff and seconded by Commissioner Hall. **Vote 4-0; motion carried.**

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Approval of the Agenda

Commissioner Hall moved to approve the agenda as presented, seconded by Commissioner Ausborn. **Vote 4-0; motion carried.**

4. Potential Conflict of Interest/Association Disclosure

No BOC member indicated any conflict or association with any item on this evening's agenda.

5. Public Comments

1. Caroline McKenna, 1110 Morehead Rd., is fully supportive of chickens in all zoning districts. She feels that food security is of utmost importance right now. She said that everyone wants to know where their food is coming from, and having it in their own backyard would be ideal.
2. Stacey Wall also supports allowing chickens in all zoning districts. She explained that backyard poultry provides families with a reliable source of protein, and that backyard eggs are nutritionally superior to conventional eggs. She outlined several benefits of keeping backyard chickens. She

acknowledged that some people are concerned about odor, but clarified that this is primarily an issue with commercial poultry operations, not backyard flocks. She added that raising chickens at home is more ethical and humane compared to commercial poultry, which is another reason for public interest. She believes that clear guidelines can be enforced and that people generally abide by such rules, as they do with pets like dogs. She emphasized that all her points are backed by scientific sources and provided the board with relevant documentation.

6. Public Hearing (s)

Commissioner Ausborn made a motion to open Public Hearing 6.1, seconded by Commissioner Sherwood. ***Vote 4-0; Motion carried.***

6.1 UDO Amendment: Article 7, Part IV, Section 7-26 through 7-29.

1. Ruth Bek, 635 North Shore Dr., sought clarification to better understand the differences between the proposed ordinance and the existing one. She explained that, as she understands it, any single- or multi-family lot, along with any structures or accessory buildings constructed on them, would not require a tree removal permit under the proposed ordinance. She questioned how compliance would be monitored if no permit is required and no one is checking. She also raised concerns about how mitigation requirements would be identified or enforced without a permitting process. She expressed appreciation for the Planning Board's additions after a 2.5-hour discussion, specifically for their decision to designate all native trees as significant trees. However, she questioned the need for a new ordinance when it seemed the existing one could simply be updated. Regarding the Fish and Wildlife approval letter, she suggested streamlining the process by requiring applicants to submit the letter to the city before permit approval.
2. Stephanie Hanson, 896 Boros Rd., stated that, as many people already know, she is a member of the Planning Board. She explained that the board spent 2.5 hours developing the plan, which was to include the longleaf pine. She emphasized the importance of understanding the city's history, noting that before any development, the area was a longleaf pine savannah. She explained that these pine trees take about 100 to 150 years to reach maturity. She also stated that longleaf pines are more resistant to hurricanes than loblolly pines due to their deep root system. Additionally, she mentioned that longleaf pines can absorb water during flooding and are more fire-resistant. Ms. Hanson reminded everyone that federal regulations still apply and that citizens should be aware that Fish and Wildlife must be contacted before obtaining a permit from the city. She thanked the board and encouraged them to adopt the Planning Board's recommendations.
3. Terri Boytzun, 549 Eagle Lane, said that she was reading over the proposed amendments that state that we still continue with flooding due to a list of things that she named in the proposed ordinance, but she said it mentions nothing about the clear-cutting. She said the citizens want to preserve this environment and area, but she feels like the board is ignoring it. She referenced the 100 acres cleared on Highway 87. She implored the Board to stop the clear-cutting. She cited a study showing that neighborhoods with tree canopies have the healthiest environments to live in. She feels that the board is only interested in the revenue without considering the infrastructure that is not capable of handling over development.
4. Kathy Curtis, 720 Colonial Rd., stated that she attended the last Planning Board meeting and appreciated their recommended changes, especially the addition of longleaf pines and loblolly trees to the list of significant trees, which aligns with our ecosystem. However, she expressed confusion about the need for an amendment, explaining that the original issue stemmed from

delays in obtaining permission from Fish and Wildlife through the AIPAC system, which prevented permits from being issued. Now that the system is functioning properly and there are no delays, she questioned the necessity of the amendment. If the proposed amendment does move forward, she strongly encouraged the inclusion of a Habitat Conservation Plan.

A motion was made by Commissioner Sherwood to close the Public Hearing for agenda item 6.1 and seconded by Commissioner Hall. **Vote 4-0; Motion carried.**

Commissioner Sherwood stated that she attended the Planning Board meeting, where a significant outcome was the establishment of an 8-inch diameter threshold for native trees—including pine trees—and a 16-inch threshold for all other trees. She noted that this change simplifies regulations and enhances protection for pine trees, a key feature of the local habitat. After researching mitigation further, she recommended that the topic be reviewed and discussed at a future meeting.

Commissioner Sherwood moved to adopt the UDO Amendment: Article 7, Part IV, Sections 7-26 through 7-29, excluding mitigation at this time, and to ensure 8 inches for any native tree and 16 inches for all other trees. – There was no second to the motion; therefore, the motion failed.

Mayor Pro Tem Lovin recommended discussing this further at the citizens forum on September 17. He agreed that the environment is a major reason why people moved to Boiling Spring Lakes. However, he emphasized that the proposed amendment affects not just the board members but everyone in the community.

Mayor Pro Tem Lovin moved to table the proposed amendment to allow for further discussion between the Commissioners and residents and to gather additional information on mitigation for the October 6 meeting. Commissioner Hall seconded. **Vote Aye: Mayor Pro Tem Lovin, Commissioners Hall and Ausborn. Nay: Commissioner Sherwood. Vote 3-1; Motion carried.**

6.2 UDO Amendment Article 11 of the UDO to update the City's Flood Damage Prevention Ordinance.

Commissioner Sherwood moved to open the Public Hearing on 6.2 and seconded by Commissioner Hall. **Vote 4-0; Motion carried.**

1. Dawn Smith, 548 Eagle Lane, said the proposed amendment is a good start for flood damage prevention, but it does not solve the core problem. Raising the FFE addresses symptoms, not the root causes of flooding. She explained that after the 2026 hurricane, collapsed piping in her backyard cut off nearly half her yard, costing \$8,000 to replace. Even before the storm, the pipe was often full during heavy rain. Now, with construction near 50 Lakes where a ditch runs across and carries water from the area—even before any construction began. She referenced the 2021 stormwater management plan, which discusses a 15-inch pipe between Masters and Eagle Lane. However, she observed a new 48-inch pipe draining water from multiple houses into the ditches. Previously, with fewer homes, flooding was minimal, but now the larger pipe channels more water across the golf course into her ditch. With a high water table, full lakes will cause water to flow straight toward her and her neighbors' homes. She emphasized the need to address the 48-inch pipe draining into the ditch.
2. Tiffany Braden, 549 Eagle Lane in the Highlands, spoke about her experiences with unexpected flooding in her neighborhood. She described how homeowners are often unaware of the real flood risks, relying on official information like FEMA's Zone X designation that labels areas as low risk.

She explained that most homebuyers lack the expertise or resources to review detailed flood maps or city documents and instead rely on the information provided to them. She learned about the true risks only after flooding occurred in her area. She argued that while buyers should conduct due diligence, there should be a limit to what is expected of them compared to the responsibilities of professionals who plan and build neighborhoods. She supported the city's efforts to look beyond FEMA maps when assessing flood risk, but emphasized that simply identifying risk is not enough. She stressed the importance of addressing flood issues proactively, including how lots are built, home elevations, and neighborhood drainage, to prevent problems before they arise.

3. Terri Boytzun, 549 Eagle Lane, has concerns about the developers coming in and clear-cutting and removing the trees that help tremendously with flooding issues. She questioned what protections are in place to prevent this from happening.
4. Madison Moore, 1161 Warmouth, raised concerns about persistent flooding at the intersection of Pinecrest and Warmouth. Despite repeated requests and meetings with officials, the pump at this location has not worked for years, resulting in frequent road closures that block traffic and emergency services. He also highlighted the impact of tree removal on new housing developments, noting that each tree removed reduces the land's ability to absorb water by about 150 gallons per day. He called for better planning and transparency from commissioners, stressing the need for improved drainage systems and topographical awareness to prevent future issues for residents. He urged officials to install a proper pump and drainage solution to protect the community.

A motion was made by Commissioner Hall to close the Public Hearing for agenda item 6.2, and seconded by Commissioner Ausborn. **Vote 4-0; Motion carried.**

Commissioner Ausborn made a motion to approve Article 11 of the UDO, the UDO Amendment, to update the City's Flood Damage Prevention Ordinance, seconded by Commissioner Hall. **Vote 4-0; Motion carried.**

7. Consent Agenda

Items on the consent agenda are considered routine in nature. Monthly Reports for each of the departments were distributed with the agenda packet and are incorporated herein.

- 7.1 Approval of BOC Minutes- August 4 Regular Meeting
- 7.2 Public Works
- 7.3 Public Safety/ Animal Control
- 7.4 Parks & Recreation Department
- 7.5 Finance Department
- 7.6 Planning and Zoning
- 7.7 Building Inspections
- 7.8 Stormwater Department

A motion was made by Commissioner Hall to approve the consent agenda, seconded by Commissioner Ausborn. **Vote 4-0; Motion carried.**

8. Committee/ Board Reports and Minutes

8.1 BSL Fire/Rescue

Assistant Chief Schaufler reported that in August there were 52 responses: 34 fire-related and 18 EMS. Upcoming events include a Friday night concert on September 4, with hot dogs, hamburgers, chips, and drinks for sale. A softball game scheduled recently was canceled due to wet fields and is being rescheduled. As the end of the year approaches, preparations are underway for various events.

8.2 Planning Board

In the absence of Chair Launderville, the City Clerk, Tanya Shannon, read the report: "The Planning Board held another long meeting on August 11. We discussed Tree Protection, Flood Damage Protection, and Plot Plan Requirements at length. The Board suggested some revisions but was unable to finalize the Tree Mitigation Plan, feeling that we needed professional help in this area, and chose to send that part back to the Commissioners. Subsequently, Ms. Hanson received professional advice, which I believe was also given to all Commissioners and the City Manager. An additional meeting was held on August 20 to review the final section of the Comprehensive Land Use Plan, with some suggested changes to the plan. It was approved by the Planning Board and moved on to the Commissioners for final approval."

8.3 Parks and Recreation Advisory Board

Robyn Balda reported that the Parks and Recreation Advisory Board discussed ongoing vandalism in the parks, noting that benches and swings have been rendered unusable. On a positive note, she shared that summer camp was a resounding success, serving 100 children. Staff is already working on new youth programs, especially for teens. She highlighted the next exciting opportunity for community support: a cornhole tournament organized by the Parks and Recreation Advisory Board. Proceeds will benefit the Friends of BSL Parks and Rec Department and support the construction of the Venus Flytrap Trail. Sponsors are needed. The tournament will take place on October 24 at the Community Building.

8.4 Special Events Committee

Chair Hogan reported that at their August meeting, they continued discussing the upcoming Fall Festival, which will take place on Saturday, October 17, from 5-8 pm. She noted that the BSL Fire Department will be cooking hamburgers and hot dogs. She also said they are still seeking more participants for the scary scene contest. Those interested are encouraged to contact her through City Hall or via the Boiling Spring Lakes Special Events Facebook page. The committee is really looking forward to a fun event.

8.5 Library Commission

Chair Kuzian reported that the new library hours starting August 31 are 10:00 AM to 3:00 PM, Monday through Friday. Saturday hours will remain the same: the library will be open on the first and third Saturdays of each month from 10:00 AM to 2:00 PM. She said the Library Commission will be holding a workshop to discuss responsibilities, policies, and procedures on September 3 at 9:30 AM in the library. She also mentioned that the Library Commission is exploring a couple of grant opportunities. Additionally, the library will be closed on Saturday, September 5 for the Labor Day holiday.

9. City Manager's Monthly Report – Matt Kirkland

- **Dam Project Update:** The Upper Lake Dam is fully operational, and North Lake Dam is nearing readiness for impoundment as lakebed clearing approaches completion. Sanford Dam and Pine Lake Dam are progressing with concrete work and fill placement, targeting completion in Q1 2027. The contracted final completion date is May 18, 2027, with a change order proposed for a slight extension due to water restrictions.
- **Administration:** Mr. Kirkland attended regional meetings and a strategic planning workshop. Next steps include reviewing plans with city staff and scheduling a public open house. He is actively engaged in discussions with USFW regarding RCW and beginning discussions with NC Commerce about Economic Development Planning.
- **Public Safety:** The Emergency Response Plan is being updated in collaboration with local fire and rescue services. Continuing to work on accreditation with NCLEAN. Received Endangered Species Permit – Allows relocation of nuisance alligators – Must meet permit criteria for removal. Mr. Kirkland recently discovered a valuable public safety resource: the Federal Alliance for Safe Homes (flash.org). This nonprofit organization offers a useful tool that lets you enter your address, view your location on Google Maps, and receive tailored tips and guidance for preparing for emergencies. This is especially helpful for homeowners as we enter peak hurricane season in the coming weeks. It's a great time to utilize available resources and ensure you have an emergency plan in place.
- **Parks and Recreation:** Fall events include overnight trips, a Clean Sweep community event, a cornhole tournament, and the final summer concert.
- **Development Services:** Efforts are underway to streamline operations through new standard procedures and a reorganized website. The Planning Board has recommended the draft Comprehensive Land Use Plan for review.

Stormwater Update- City Engineer Jim Stachura

Mr. Stachura provided an update on the stormwater team's recent activities and accomplishments. He addressed a concern about the Pinecrest pump station, confirming that a brand-new pump was installed and would soon be operational. He highlighted the team's work, including ditching six miles of roadside ditches to reduce flooding, and detailed several specific projects:

- Upgrading cross-pipe culverts and stabilizing ditches with riprap to prevent erosion in areas like The Highlands and Spring Lake.
- Removing obstructions and installing beaver cages to prevent future blockages.
- Regrading and improving primary and roadside ditches in line with the Stormwater Master Plan, including significant work at North Hills and Miller/Pine Lake.
- Collaborating with homeowners for easements to replace failing pipes and implementing solutions such as plunge pools for erosion control.
- Creating a 60,000-gallon stormwater storage basin near 50 Lakes to reduce flooding risk for local residents and infrastructure.

- Maintenance and upgrades to culverts and roadside ditches, especially at Highlands and Miller Road, to improve safety and flow.
- Successfully restoring the city's first lake impoundment, certified by Dam Safety, and ongoing efforts to restore additional lakes.

Mr. Stachura emphasized the dedication and hard work of the small stormwater team, noted positive feedback from residents about improved drainage and reduced flooding, and expressed optimism about continued progress and future improvements.

10. Old Business

Mayor Pro Tem Lovin announced that because agenda item 6.1, UDO Amendment: Article 7, Part IV, Section 7-26 through 7-29, was tabled by a 3-1 vote, the next two agenda items related to it will also need to be tabled. He requested a motion. Motions relating to those agenda items were made below.

10.1 Text Amendment: Article 9, Section 9-2-1 - Plot Plan Requirement

A motion was made by Commissioner Hall to table agenda item 10.1 and seconded by Commissioner Ausborn. ***Vote Aye: Mayor Pro Tem Lovin, Commissioner Hall, and Ausborn. Nay: Commissioner Sherwood. Vote 3-1; Motion carried.***

10.2 Consideration of an Amendment to the City's Fee Schedule to Revise Civil Penalty Fees for Tree Ordinance Violations

A motion was made by Commissioner Hall to table agenda item 10.2 and seconded by Commissioner Ausborn. ***Vote Aye: Mayor Pro Tem Lovin, Commissioner Hall, and Ausborn. Nay: Commissioner Sherwood. Vote 3-1; Motion carried.***

11. New Business

11.1 Change Order #11 - Dam Reconstruction

Mr. Stevens explained that this Change Order increases the Contract Times by five (5) working days due to the Stage 3 Water Conservation Restriction imposed by Brunswick County on the use of water from fire hydrants. Sequoia received the email from Brunswick County on 7/13/26 and was able to restart work on 7/22/26 after receiving RFI 66 – Lake Water Usage. Due to this water restriction, no progress was made on the fill during that period. He said there is no financial impact for the city. This would extend the contract time by 5 days for the Substantial Completion (March 26, 2027) and Ready for Final Payment (May 25, 2027) dates.

A motion was made by Commissioner Hall to approve Change Order #11 and seconded by Commissioner Ausborn. ***Vote 4-0; Motion carried.***

11.2 Budget Amendment #2

Mr. Stevens explained that the Budget Amendment amends the FY 2026-2027 Budget Ordinance and adds Section 9, which will give the Budget Officer (City Manager) authority to transfer up to \$15,000 between appropriations within the same fund. He said there is no financial impact on the

city. Per NC General Statute 159-15 - Amendments to the budget ordinance, the governing board must give the budget officer authority to transfer moneys between appropriations within a fund by resolution or ordinance. Currently, the Budget Officer is authorized to make transfers within a department.

A motion was made by Commissioner Sherwood to approve Budget Amendment #2 and seconded by Commissioner Ausborn. ***Vote 4-0; Motion carried.***

11.3 Resolution to Approve Contract Award for PTC#8 Road Repairs

Mr. Kirkland explained that, in accordance with the formal bid requirement, the City received two qualified bids from general contractors (Heath Grading, Inc. and Tarheel Concrete) for the PTC#8 Recovery Project, which includes culvert road repair throughout the city stemming from damage associated with Post-Tropical Cyclone 8. The project has no financial impact on the City, since funds were received by FEMA. The allocated FEMA funds will cover the cost to reconstruct the damaged road culverts as submitted. City staff recommends awarding the contract in phases, as listed above, for the reconstruction of the road culverts, with Tarheel Concrete (Phase 1) and Heath Grading, Inc. (Phases 2 and 3).

A motion was made by Commissioner Sherwood to approve the Resolution for the Contract Awards for PTC#8 Road Repairs and seconded by Commissioner Ausborn. ***Vote 4-0; Motion carried.***

11.4 Library Commission Appointments: 2 Voting Members (3-year terms)

- **Dorene Robb**
- **Sandy Fowler**

A motion was made by Commissioner Ausborn to appoint both applicants to a three-year term on the Library Commission. Seconded by Commissioner Sherwood. ***Vote 4-0; Motion carried.***

11.5 Board of Adjustment - 2nd Alternate- (3-year term)

- **William Chabb**

Commissioner Hall made a motion to appoint Mr. Chabb as the 2nd alternate for a 3-year term on the Board of Adjustment. Seconded by Commissioner Sherwood. ***Vote 4-0; motion carried.***

12. Mayor and Commissioners Reports

Commissioner Ausborn stated that he, Commissioner Sherwood, and City Manager Kirkland attended the Strategic Planning Workshop for small towns last week and learned a lot. He said the Director of the Workshop has already sent over all the information covered during the workshop. He said that Mr. Kirkland and Staff will be working on strategies for the city. He said it is a great way to set a reasonable, manageable timeline for projects. Commissioner Ausborn also thanked Mr. Stachura for working to get the Golden Leaf grant funds back to the city to continue projects.

Commissioner Sherwood agreed that the workshop was very helpful. She said they laid out their strategic goals for the next five years, including water, sewer, roads, and other infrastructure. She said it was very informative and helped provide a way forward. She also thanked Mr. Kirkland for keeping everyone well informed and said she appreciates it a lot.

Commissioner Hall thanked all the residents who spoke tonight. She said it shows you're passionate and that we appreciate you taking the time to come and speak. She also said that the staff is doing a great job.

Mayor Pro Tem Lovin said that he would like to make his remarks after the announcements.

13. Announcements

- 13.1 Sept. 4- Last Concert at Spring Lakes, 6 p.m.- The Class Act Band will be performing, and the BSL FD will be there selling hot dogs and hamburgers. D and J Sweet Treats will also be there.
- 13.2 Sept. 7 - Labor Day, All City Buildings will be Closed.
- 13.3 Sept. 17- Citizens Forum - 6:00 pm.
- 13.4 Sept. 26 - Clean Sweep from 8 a.m.- 1 p.m. Pick up supplies at the Community Center.
- 13.5 The next BOC Meeting will be on October 6.

Mayor Pro Tem Lovin read his statement of resignation.

Dear Fellow Commissioners, and Citizens of Boiling Spring Lakes,

After much prayer, thought, and discussion with my family, I have decided to resign from my position on the Boiling Spring Lakes Board of Commissioners, effective September 30, 2026.

Serving the citizens of Boiling Spring Lakes has been a true honor and a responsibility that I have never taken lightly. I am grateful for the opportunity to serve my community and for the trust that was placed in me.

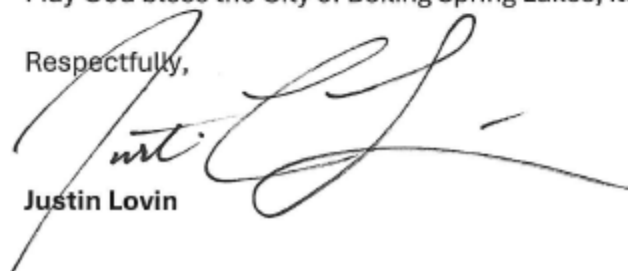
My decision is not made from anger or bitterness. I leave with gratitude for the opportunity I was given and with sincere prayers for the future of Boiling Spring Lakes and its leadership.

Thank you to everyone who supported me, encouraged me, and gave me the opportunity to serve. I am thankful for the experiences and lessons that came from this chapter.

As I move forward, I am reminded of the words of **Joshua 24:15: "As for me and my house, we will serve the Lord."** That is where my focus needs to be.

May God bless the City of Boiling Spring Lakes, its residents, and its leaders.

Respectfully,



Justin Lovin

He concluded by saying that this comes with a heavy heart, that he has a beautiful 2-year-old, and that she needs her Dad. He said that is where his focus is going to be. With that said, he requested a motion to accept his resignation effective September 30, 2026. So moved by Commissioner Hall and seconded by Commissioner Sherwood. **Vote 4-0; Motion carried.**

14. Closed Session

Mayor Pro Tem Lovin requested a motion to enter into closed session for Personnel Matters (GS 143-318.11(a)(6)) and to consult with the City Attorney (GS 143-318.11(a)(3)). So moved by Commissioner Ausborn and seconded by Commissioner Sherwood. ***Vote 4-0; Motion carried.***

A motion was made by Commissioner Sherwood to end the closed session and return to the open session, seconded by Commissioner Hall. ***Vote 4-0; Motion carried.***

Mayor Pro Tem Lovin announced that no action was taken in Closed Session.

A motion was made by Commissioner Sherwood to adjourn and seconded by Commissioner Hall. ***Vote 4-0; Motion carried.***

Adjourned— 8:28 p.m.

Jeff Winecoff, Mayor

Attest:

Tanya Shannon, City Clerk