



**Board of Commissioners Regular Meeting Minutes
Tuesday, October 7, 2025 at 6:30 PM
City Hall**

1. Call to Order

Mayor Winecoff called the meeting to order at 6:30 p.m.

Attendance:

Mayor Jeff Winecoff
Commissioner David Mammay
Commissioner Kim Sherwood
Commissioner Teagan Hall
Commissioner Justin Lovin
City Manager Gordon Hargrove
Assistant City Manager Nicole Morgan
Police Chief Kevin Smith
Finance Director Brandon Stevens
City Clerk Tanya Shannon

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Approval of the Regular Agenda

Commissioner Mammay requested amendments to the agenda. These amendments included removing Item 12.3, which pertains to the Proposal for Cell Tower Lease, and adding Cathy Spence as an additional applicant for appointment to the Special Events Committee due to an oversight related to agenda Item 12.5. Commissioner Hall made a motion to approve the agenda as amended, and Commissioner Sherwood seconded it. ***Vote 5-0; Motion Carried.***

4. Potential Conflict of Interest/Association Disclosure

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

5. Presentation on the Venus Flytrap Walkway by Kathy Curtis

Ms. Curtis presented a PowerPoint on the Venus Flytrap Walkway, created by the Boiling Spring Lakes Friends of Parks and Recreation. The project's mission is to establish a native plant conservation area that serves as an outdoor classroom, fostering curiosity about the Venus Flytrap ecosystem. She discussed the trail's goals, location, design, funding through donations, and a development plan, emphasizing that there would be no cost to residents. Ms. Curtis sought the city's support and encouraged community involvement.

Mayor Winecoff asked about student involvement in relocating flytraps, which Ms. Curtis welcomed. Commissioner Hall raised concerns about protecting plants from poachers, to which Ms. Curtis responded with plans for security cameras and police patrols. Commissioner Sherwood inquired about trail

maintenance and permits; Ms. Curtis noted that maintenance would likely fall to the public works department and that the modular trail requires minimal upkeep.

6. Public Comments – None

7. Public Hearing (s)

A motion was made by Commissioner Sherwood to open the public hearing for agenda item 7.1 and seconded by Commissioner Lovin. **Vote 5-0; Motion Carried.**

7.1 General Text Amendments to the UDO - TX-2025-04

Consultant Mr. Wes MacLeod, AICP, from Anchorpoint Planning, explained that the proposed amendments to the Unified Development Ordinance (UDO) are intended to enhance the development review process and align with upcoming legislative changes. These updates aim to address inefficiencies, clarify design requirements, and amend standards for planned residential developments to promote flexible and market-responsive housing options. The Planning Board reviewed the amendments on August 12 and September 9 and recommended their approval to the Board of Commissioners for final authorization.

There were no public comments, and the Board reached a consensus to schedule workshops for additional review and consideration.

A motion was made by Commissioner Sherwood to close the public hearing, seconded by Commissioner Hall. **Vote: 5-0; Motion Carried.**

7.2 Conditional Zoning Text Amendment- TX-2025-05

A motion was made by Commissioner Lovin to open the public hearing for agenda item 7.2, and Commissioner Hall seconded it. **Vote 5-0; Motion Carried.**

Mr. MacLeod provided a brief explanation of Conditional Zoning and its use as an avenue for considering more flexibility in future proposals. This shift towards conditional zoning, a tool that offers a wide range of benefits, is a step towards a more adaptable and community-oriented development process. In order to broaden the types of proposals that may be presented while allowing the City the discretion to balance additional flexibility with preservation of commercial areas to serve the current and future needs of the community, staff recommended the inclusion of Conditional Zoning as a tool for future development requests. At their meeting held September 9th, after review, the Planning Board voted to recommend approval of the proposed conditional zoning amendment to the Board of Commissioners.

Commissioner Mammay raised a question regarding the 10-acre threshold, inquiring whether it applied to both commercial and residential projects. Mr. MacLeod responded that there is no threshold for commercial projects. Mayor Winecoff asked if this would allow for greater control by the planning board, the Board of Commissioners, and the residents in determining the conditions of the proposals. Mr. MacLeod confirmed that it would facilitate more dialogue, discussions, and public input regarding the proposed projects.

There was no public comment during this hearing, and the Board reached a consensus to hold a workshop for further review. A motion to close the public hearing was made by Commissioner Mammay and seconded by Commissioner Lovin. **Vote 5-0; Motion Carried.**

8. 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.

- 8.1 Approval of BOC Minutes
 - Sept. 2nd Regular Meeting
 - Sept. 18th Citizens Forum
- 8.2 Public Works
- 8.3 Public Safety/Animal Control
- 8.4 Parks & Recreation Department
- 8.5 Finance Department
- 8.6 Planning, Zoning, and Code Enforcement
- 8.7 Building Inspections

Commissioner Sherwood made a motion to approve the Consent Agenda, seconded by Commissioner Lovin. **Vote 5-0; Motion Carried.**

9. Committee/Board Reports and Minutes

9.1 BSL Fire/ Rescue

In September, a total of 73 events were reported, with 43 related to fire incidents and 30 pertaining to EMS. There will be a BBQ fundraiser on Saturday, October 11th, starting at 11 AM at the new headquarters. The department extends its gratitude to the Board and the community for their ongoing support.

9.2 Planning Board

Chair Launderville reported that the Planning Board reviewed two text amendments of the UDO and approved both. One was to implement Conditional Zoning and the other regarding an update on Dimensional and Design requirements. She said they also talked about the need to update the Land Use Plan and will be seeking community input via a survey on the city website or printed surveys that can be obtained at City Hall. She said the Planning Board will continue to work to update the UDO and the Comprehensive Land Use Plan, with the assistance of Wes MacLeod from Anchorpoint Planning.

9.3 Parks & Recreation Advisory Board- September meeting canceled- no report

9.4 Special Events Committee

Chair Hogan announced that the fall festival will take place on Saturday, October 18th, at the Community Center from 5:00 PM to 8:00 PM. The VFW will be grilling hamburgers and hot dogs, which will be available for purchase. There will be a Costume Contest at 6:30 PM, followed by a haunted trail at dusk. Additionally, she mentioned that Candidates Night is scheduled for Thursday, October 23rd, at the Community Center from 6:30 PM to 8:00 PM. Containers for submitting questions to ask the candidates have been placed around town at the following locations: Cozy Bean, Fat Andy's/Kopps, Old Brunswick Store, BSL Community Center, City Hall, Pepperoni Grill, and the Dairy Barn.

9.5 Library Commission

Chair Kuzian provided an update on the renovation of the new library space. She mentioned that the commission toured the area to take measurements for the furniture layout in the planned library office. During the visit, members observed discrepancies on the posted demolition and renovation job sheets displayed in the library. Specific concerns included the absence of panel removal and the installation of carpet instead of Luxury Vinyl Plank (LVP) flooring. A meeting will be scheduled with Manager Hargrove to address these issues. Additionally, Chair Kuzian stated that all purchased and received books have been processed and stored in the upstairs storage area before being put on display. The subscription for the Libib online inventory has also been renewed for another year.

10. City Manager's Monthly Report

Manager Hargrove provided updates on key issues. First, he addressed the lawsuit. He stated that the city has received official documentation from the North Carolina League of Municipalities (NCLM) informing them that an attorney will be provided at no cost to defend the city in the current lawsuit. However, he noted

that if there is a judgment against the city, it will be the city's responsibility to cover any settlement costs. He also mentioned that our attorneys are confident in the city's position.

Mr. Hargrove announced that five applicants have signed up for the Citizens Academy, and we need at least three more to get started. He mentioned that if you want to learn more about how municipal government operates, this is the opportunity.

The update on Pine Lake Dam indicates that the contractor should receive the structural design any day now. The city will once again share a copy in the lobby at City Hall when it becomes available.

Update on the guardrails: Upper Lake is nearing substantial completion. Mr. Hargrove would like to respectfully request that the Board consider allocating additional funds for guardrails to protect the dam works. The contractor has quoted approximately \$37,000 to install 100 feet of guardrails on each side. Mr. Hargrove mentioned that there are funds available in the dam project budget to cover this cost. If the Board agrees, he will need a vote for approval.

Commissioner Lovin made a motion to approve allocating funds from the dam project budget to install 100 feet of guardrails on each side at Upper Lake to protect the dam works, and seconded by Commissioner Hall. **Vote 5-0; Motion Carried.**

Mr. Hargrove also noted that the stormwater department has been proactive and is performing excellently.

11. Old Business: none

12. New Business

12.1 WithersRavenel On-Call Services Extension

Mr. Hargrove stated that there are currently two on-call engineers: McGill and WithersRavenel. The contract with WithersRavenel is expiring, and he recommends extending it through several options, such as a series of one-year extensions or a three-year extension all at once. Mr. Hargrove noted that this service is on-call, meaning we are not obligated to use them if they are not needed.

The board reached a consensus that they would like assurances regarding the engineers' reliability before committing to a three-year extension for their services.

Commissioner Sherwood made a motion to approve the on-call services with WithersRavenel through a series of three one-year extensions, seconded by Commissioner Mammay. **Vote 5-0; Motion Carried.**

12.2 Substantial Completion of Upper Lake and North Lake Dams

Manager Hargrove stated that he would discuss the Upper Lake Dam later, as they have not yet started the walk-through process with the engineering team. He provided the following updates on North Lake Dam.

Facts Currently Known

September 13, 2024 – Sequoia was given direction to focus attention on completing North Lake Dam and Pine Lake Dam. An extension to the project timeline of 10 months was granted. On Saturday, June 14, the City experienced a rainfall of approximately 5 inches. A concerned citizen reported a potential problem with the Pine Lake Dam project area. After a conversation with Commissioner Hall, City Manager Hargrove contacted McGill Engineering, Schnabel, and Sequoia to investigate the problem. After several days of investigation, it was communicated to the City that the Pine Lake Dam was designed and built at the wrong elevation.

An immediate stop-work order was issued to Sequoia for the Pine Lake Dam project area by the City, through McGill Engineering, for all construction-related activity. Sequoia was tasked with maintaining the project site in its current condition. Approximately the beginning of September, after the regularly scheduled monthly BOC meeting, Sequoia, by contract, asked the City to issue an order of substantial completion for North Lake Dam. As required by contract, McGill Engineering, the City's construction administrator, inspected the North Lake project site and provided Sequoia with a punch list of items that needed to be addressed before the City could issue substantial completion. Once the punch list was completed, City representatives inspected the North Lake project site and agreed to consider issuing an order of substantial completion for the North Lake Dam site.

- **City Concerns for Issuing Substantial Completion**

NC Dam Safety has not certified North Lake Dam. This process takes approximately 3 months, but has been known to take up to 6 months on rare occasions. Sequoia's response is that there is nothing in the contract that requires NC Dam Safety to certify the dam prior to the issuance of substantial completion.

The City has not seen North Lake impounded (Sequoia maintains North Lake Dam is built to design standards, and substantial completion is not based on design standards). The City is concerned that the asphalt over the North Lake Dam is improperly laid. (Sequoia states that the roadway was built to exact design standards. A sub-base, base, fine grade, and asphalt were all laid to design specifications and elevations to include. Each lift was compacted to exact standards and elevations, and asphalt was laid to the proper elevation. Dips in the road are a result of where the old asphalt meets the new asphalt and normal undulations of the roadway. The contractor states that all workmanship has a one-year warranty that starts when substantial completion is issued.

Sequoia states that the City instructed them to focus on North Lake Dam and Pine Lake Dam (which was done by Board approval) in an effort to open E. BSL Rd. as soon as possible. Sequoia states that they did as instructed. However, despite Pine Lake Dam having problems, the contractor, to the extent possible, fulfilled its obligation and now requests substantial completion on North Lake Dam. Sequoia wants to drop North Lake Dam from its Builders Risk policy AND wants the warranty period to start. Initial concerns from the City include North Lake impoundment, insurance for North Lake Dam, and potential warranty issues identified by NC Dam Safety. After consultation with the City Attorney, there is no obligation on the part of the City to carry property insurance on the North Lake Dam.

Mr. Hargrove stated that he recommends the Board issue a Substantial Completion. He mentioned that if a Substantial Completion is not issued for the North Lake Dam, two likely outcomes could occur. Since the contractor's insurance currently covers the Dam, they would shut down the road because it would pose a risk to them. Additionally, this could potentially lead to litigation because we instructed them to focus on getting the North Lake Dam open. Mr. Hargrove noted that we do have a warranty on this Dam, and once Substantial Completion is issued, it will immediately take effect, allowing us to address some issues while the contractor is still on site.

Mayor Winecoff inquired whether there was documentation confirming that the contractors would address any issues found. Mr. Hargrove responded affirmatively, stating that this information is included in the contract and falls under warranty. It was clarified that they are responsible for the dam's maintenance and will continue working until it is fully impounded. Commissioner Hall asked about the duration of the warranty, and Mr. Hargrove indicated that it lasts for 12 months. He also noted that the warranty covers only workmanship and is not all-inclusive. Therefore, if a rare event, like a thousand-year storm, were to blow out the dam, the warranty would not cover it unless the damage was due to faulty workmanship. In the event of such a disaster, it would be declared a

federal disaster area, and FEMA would provide reimbursement. Mayor Winecoff requested the implementation of a photo library and documentation system for the dams, which should be kept current and updated regularly.

A motion was made by Commissioner Lovin to approve the Substantial Completion for North Lake Dam, and seconded by Commissioner Mammay. **Vote 5-0; Motion Carried.**

12.3 ~~**Proposal for Cell Tower Lease**~~ (voted to remove from the agenda)

12.4 **Special Events Committee Reappointment Mary Pongonis- 3-year term**

Commissioner Mammay motioned to reappoint Mary Pongonis to a three-year term on the Special Events Committee, and Commissioner Sherwood seconded. **Vote 5-0; Motion Carried.**

12.5 **Special Events Committee, 2nd Alternate Appointment, applicants for a three-year term: Cathy Spence and Sonja Schneider.**

Commissioner Hall moved to appoint Cathy Spence to a three-year term as the 2nd Alternate and Sonja Schneider as an additional approved volunteer for the Special Events Committee, seconded by Commissioner Sherwood. **Vote 5-0; Motion Carried.**

13. Mayor's and Commissioners Reports

Commissioner Lovin – no comments

Commissioner Hall reminded everyone about the upcoming Candidates Night, the Fall Festival, and South Brunswick High School's Homecoming events.

Commissioner Mammay wanted to address some concerns about the city's purchase of the Golf Course Clubhouse and its potential conversion into an event center. He explained that this is just an idea, similar to the community center in Southport, which is rented out often and brings in significant revenue. Commissioner Mammay emphasized that residents will have a say in how the property is used. He highlighted the property's great value to the city, noting it will be something the community can be proud of and enjoy for years to come. He also mentioned that there is a pump on the property, which could potentially be used to create a splash pad for children that draws water from the lake. Commissioner Mammay said the possibilities for how the property could benefit the city are endless. He suggested that recreational grants could help fund these projects. His main goal is to generate revenue and avoid increasing tax rates.

Commissioner Sherwood stated that after reviewing the golf course property and mapping it out on a landscape design sheet, she would like the as-built surveys to be added so we can see where everything is and start working with the community to gather suggestions for its use. She mentioned that she would love to see a boat ramp, and there may be grant options available for this. Additionally, she said she recently rode around with a friend in the Polaris area, where you can't get out, as well as in the Indian Rds. area. She would like to bring that up for Powell Bill funds and add it to the list. She also expressed her interest in getting the Sewer Committee together again to meet.

Mayor Winecoff stated that he is continuing to work with Manager Hargrove to get FEMA to get in gear. He mentioned that they are following FEMA's rules, but the agency is now trying to change them. He is still collaborating with Representative Rouzer and his teams to expedite the process. Additionally, Mayor Winecoff shared that his grandson has attended the after-school program at the Community Center for many years, and now his granddaughter is participating as well. He recounted an experience where a young boy approached him and asked, "Are you the mayor?" to which he replied, "Yes, I am." He expressed how heartwarming it is to see the children in their own little world, full of excitement and carefree joy.

14. Announcements

- 14.1 Out of School Activity Day, Friday October 17th.
- 14.2 Fall Festival Community Center on Saturday, October 18th, 5- 8 PM.
- 14.3 Fall Festival Community Center on Saturday, October 18th, 5- 8 PM.
- 14.4 Parks and Recreation Open House at the Community Center on Saturday, October 25th, from 1-4 PM
- 14.5 Trunk or Treat at the Community Center on Friday, October 31st, from 5:30 -7:00 PM. (Looking for more cars to participate. Contact Parks and Rec.)
- 14.6 Election Day November 4th
- 14.7 Next BOC Meeting will be on Wed. Nov. 5th 6:30 PM
- 14.8 Reminder to take Citizens Input Survey on website or grab form in lobby to help the City with updating the Comprehensive Land Use Plan.

15. Adjourn

A motion to adjourn was made by Commissioner Sherwood and seconded by Commissioner Mammy.
Vote 5-0; Motion Carried.

-7:25 pm

Jeff Winecoff, Mayor

Tanya Shannon, City Clerk