



Boiling Springs Town Council

Meeting Agenda Packet

FEBRUARY 4, 2020



Town of Boiling Springs

PO Box 1014 | Boiling Springs, NC 28017

Phone 704-434-2357 | Fax 704-434-2358

www.BoilingSpringsNC.net

TOWN COUNCIL MEETING AGENDA

FEBRUARY 4, 2020

ROUTINE BUSINESS

1. Mayor's Call to Order
2. Recognize Citizens Present & Public Comment
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REPORTS

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16. Adjournment

The Town Council desires all citizens have an opportunity to address the Council in an open and productive manner. Individuals not on the agenda but wishing to speak should register with the Clerk prior to the start of the meeting. During the Public Comment portion of the meeting speakers have three (3) minutes unless otherwise approved by the Council. Groups are urged to appoint a spokesperson. If you require additional time, we ask you be placed on the agenda for the next regularly scheduled meeting of the Council. This policy allows the Council members adequate time to familiarize themselves with an issue.

**Town of Boiling Springs
Town Council
Regular Meeting Minutes
January 7, 2020**

The Boiling Springs Town Council met January 7, 2020 at the Boiling Springs Town Hall. Present were: Mayor Bill Ellis; Councilmembers Mary Ruth Dixon, Tommy Greene, Patrick Litton, Daniel Thomas, and Marty Thomas. Town Attorney John Schweppe, III was also present. Staff members present: Town Manager Lucas Shires, Town Clerk Kimberly Greene, Finance Director Rhonda Allen, Administrative Assistant Shannon Shytle, Chief Nathan Phillips, Officer Austin Reulecke, Utilities Supervisor Joe Francis, and Wastewater Plant Supervisor Todd Humphries

Others Present: See Sign-in Sheet

AGENDA ITEM II

Recognition of Citizens Present & Public Comment

AGENDA ITEM III

Approval of Minutes

Councilmember Daniel Thomas made the motion to approve the minutes of the December 3, 2019 regular meeting. Councilmember Greene seconded and the vote was unanimous.

AGENDA ITEM IV

Swear in Councilmember

The Clerk administered the oath of office to Councilmember Mary Ruth Dixon. Congratulations!

AGENDA ITEM V

Appoint Mayor Pro-Tem

Mayor Ellis opened the floor for nominations for Mayor Pro-Tem. Councilmember Greene inquired about the duties of the Mayor Pro-Tem. Mr. Shires reviewed General Statutes §160A-70 Mayor pro tempore; disability of mayor:

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the pleasure of the council. A councilman serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a councilman for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the council may confer upon the mayor pro tempore any of the powers and duties of the mayor. If the mayor should become physically or mentally incapable of performing the duties of his office, the council may by unanimous vote declare that he is incapacitated and confer any of his powers and duties on the mayor pro tempore. Upon the mayor's declaration that he is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall resume the exercise of his powers and duties. In the event both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from its members a temporary chairman to preside in such absence.

Mr. Shires reported the Town Charter states the Board of Commissioners shall choose one of its members as Mayor Pro-Tem.

Councilmember Daniel Thomas nominated Councilmember Dixon. Councilmember Marty Thomas seconded and the vote was unanimous.

AGENDA ITEM VI

Appointments to Various Boards/Committees

YMCA Agreement Committee

The purpose of this committee is to review, revise, create and/or dissolve the Agreement with the YMCA. The current agreement ends June 30, 2020. Councilmember Daniel Thomas made the motion to appoint Councilmember Greene and Councilmember Marty Thomas to the YMCA Agreement Committee. Councilmember Dixon seconded and the vote was unanimous.

Lattimore Sewer Agreement Committee

The purpose of this committee is to review, revise, create and/or dissolve the Agreement with the Town of Lattimore. The agreement with Lattimore ended in FY 2018/2019 and we currently have an Interim Agreement for FY 2019/2020. Councilmember Marty Thomas made the motion to appoint Councilmember

Litton and Councilmember Daniel Thomas to the Lattimore Sewer Agreement Committee. Councilmember Greene seconded and the vote was unanimous.

Appointment to BS Fire & Rescue Board of Directors

Councilmember Greene made the motion to appoint Councilmember Dixon to the Boiling Springs Fire & Rescue Board of Directors. Councilmember Marty Thomas seconded and the vote was unanimous.

Gaston-Cleveland-Lincoln MPO Representative

Commissioner Daniel Thomas made the motion to appoint Councilmember Greene to the Gaston-Cleveland-Lincoln MPO (Metropolitan Planning Organization) Board. Commissioner Litton seconded and the vote was unanimous.

Councilmember Greene inquired about attending CAGO (County Association of Government Officials) meetings.

AGENDA ITEM VII

Appoint Planning Board Member

Mr. Seth Phillips (inside member) plans to move and will no longer be eligible to serve on the Planning Board. At this time, there are no active applications on file. Mr. Shires requested Council instruct potential members to contact the Town Hall.

AGENDA ITEM VIII

Budget Ordinance Amendment | #BA200107.1

The Budget Ordinance Amendment is necessary to update the FY 2019-2020 Budget to make certain changes in the Town's Budget for Alcohol Beverage Taxes.

Section 1.	Revenues	
	Beer and wine taxes	<u>Increase</u> <u>\$ 25,000</u>
Section 2.	Expenditures	
	GF Administration-capital outlay	<u>Increase</u> \$ 12,000
	GF Administration-repairs & maintenance-building	\$ 3,000
	GF Recreation-repairs & maintenance-building	<u>\$ 10,000</u>
	Total	<u>\$ 25,000</u>

Councilmember Greene made the motion to approve Budget Ordinance Amendment #BA200107.1. Councilmember Daniel Thomas seconded and the vote was unanimous. A copy of the amendment is hereby incorporated into and made a part of the minutes of the meeting.

AGENDA ITEM IX

Resolution Authorizing Application of ABC Permit and/or Non-Profit Organization Selection for the Webbstock Festival | #R20200107.01

The Webbstock Festival is taking the place of the Crossroads Festival. It will be held on March 28, 2020. There were three options if Council wanted to have alcohol at the event.

- (1) Alcohol can be served by the Town where admission is charged. The event is intended to be free.
- (2) The Town may apply for a Special One-time Permit and invite wineries/breweries that hold a Winery Special Events Permit or a Brewery Special Event Permit that allows them to do tastings at festivals and sell their product.
- (3) Select a Non-profit Organization that is willing to sell alcohol for fund raising purposes to operate a beer and/or wine garden.

Councilmember Marty Thomas inquired about the location. Mr. Shires reported that it would be held in the parking lot next to the museum. Councilmember Greene asked if it would be sold and consumed in that area only. Mr. Shires stated our ordinances allow alcohol on Town property. Councilmember Daniel Thomas stated Option 3 looked to be the best choice.

Councilmember Greene made the motion to approve the sale of alcohol at the Webbstock Festival approving Options 2 and 3 listed above. Councilmember Daniel Thomas seconded and the vote was unanimous.

Councilmember Marty Thomas made the motion to approve Resolution #R20200107.01 authorizing the Town Manager to obtain any necessary permits as required by the NC Alcoholic Beverage Control Commission to allow malt beverages and wine to be sold and/or served at the Webbstock Festival and/or select an appropriate Non-profit Organization. Councilmember Daniel Thomas seconded and the vote was unanimous. A copy of the resolution is hereby incorporated into and made a part of the minutes of the meeting.

AGENDA ITEM

Council/Manager Reports

Mr. Shires, Town Manager, reported the following:

- The FY 2018-2019 annual audit was approved by the LGC last week. The auditor plans to attend the next Town Council meeting.
- Discussed outsourcing solid waste collection. The cost of a new garbage truck is approximately \$250,000. Councilmember Greene requested a cost analysis.
- Discussed the recycling contract. Councilmember Greene requested Republic report what is happening to our recycling.
- Plans to meet with the CIP Sub-Committee – Councilmember Daniel Thomas and Councilmember Litton.
- Updated the Council on the park. He is waiting on the certification of substantial completion. Once it is received, the park can officially reopen. A ceremonial event will be planned.

Council Reports

Councilmember Marty Thomas reported the following:

- Inquired about recycling collection on January 3, 2020.
- Expressed concern about the water on the road near the new Cruize-Thru convenience store being built on N. Main Street. Mr. Shires stated he was on site and met with the owner who put up additional silt fencing. He recommended to the owners that they contact their engineer to check on this issue.
- Inquired about the property on South Main Street in violation of the zoning code. Mr. Shires sent a Code Enforcement notice to the owner.
- Inquired about creating a Historical Preservation Committee to help with decision regarding the old Town Hall.

Councilmember Tommy Greene reported the following:

- Would like to see more dialogue regarding the old Town Hall. The building is jointly owned with Gardner-Webb University. Mr. Shires stated discussions with GWU have been very positive. The building is in a great location.

Councilmember Daniel Thomas reported the following:

- Stated there have been interesting changes over the past four years and he looks forward to moving forward together.
- Appreciates everything Mr. Shires has done for the Town.
- He is glad to be a part of the best Town in America!

Mayor Bill Ellis reported the following:

- Reported we have a great team and is glad to be a part of the Council.
- Encouraged Council to contact the Town Manager with any questions or concerns.
- Thanked visitors for their interest in the Town.
- Welcomed both Councilmember Greene and Councilmember Dixon to the Council.

AGENDA ITEM X

Adjournment

There being no further business, Councilmember Greene made the motion to declare the meeting adjourned at 8:45 p.m. Councilmember Daniel Thomas seconded and the vote was unanimous.

Bill Ellis, Mayor

Kimberly Greene, Town Clerk



Town of Boiling Springs

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TOWN COUNCIL

AGENDA ITEM 4

FEBRUARY 4, 2020

PRESENTATION | AUDIT

Mary Grace Keller, CPA will be at the meeting to present the Financial Statements for Fiscal Year 18/19.

SUMMARY

Motion needed: Approval of the FY 2019-2020 Audit Contract with Darrell L. Keller, CPA, PA.

MATERIALS PROVIDED

- Financial Statements Year Ended June 30, 2019.



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TOWN COUNCIL

AGENDA ITEM 5

FEBRUARY 4, 2020

PRESENTATION | REPUBLIC SERVICES UPDATE ON RECYCLING PROGRAM

Jon Stanley and Jamie Flynn with Republic Services will be present to answer any questions the Council may have regarding the Recycling Program. There have been concerns that the materials are not being recycled.

SUMMARY

MATERIALS PROVIDED

- <https://www.republicservices.com/>



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TOWN COUNCIL

AGENDA ITEM 6

FEBRUARY 4, 2020

PUBLIC HEARING

The Town has received a petition for a zoning map amendment (rezoning request) for Parcel No. 704 located on Hillcrest Street. The petitioner has requested the zoning be changed from R-15 (Residential District) to R-10 (Residential District). State law requires a public hearing prior to any zoning map amendments.

Please See Agenda Item 7 for additional information and materials.

SUMMARY

Action needed: Mayor to open and close Public Hearing.

MATERIALS PROVIDED

- See Agenda Item 7.



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TOWN COUNCIL

AGENDA ITEM 7

FEBRUARY 4, 2020

REZONING REQUEST | PARCEL NO. 704 (LOCATED ON HILLCREST ST.)

Applicant Austin Stitzel has requested Parcel No. 704 located on Hillcrest Street be rezoned from R-15 (Residential District) to R-10 (Residential District) with the intent to construct multi-family dwellings. The parcel contains approximately 1.72 acres.

Primary factors to consider when making a zoning decision are generally the potential land use impacts on the landowner, the neighbors, and the public. Other factors, such as the suitability of the site for the proposed use, impacts on traffic, the environment, neighborhood character, utilities, school, and the like, are also reasonable and appropriate to consider. Consistency with applicable plans and policies is also important, but the provisions in plans are not binding. Neither are past decisions; consideration of how similar proposals have been dealt with in the past can play a role, but each proposal must be examined on its own merits.

SUMMARY

Action needed: Motion to approve/deny the rezoning request.

Motion to adopt a Certified Statement.

MATERIALS PROVIDED

- Map Amendment Petition
- Staff Report
- Notice of Public Hearing
- Letter to Adjacent Properties
- Aerial Map of Area
- Zoning Map of Area
- Board of Planning and Adjustment Certified Recommendation

pd ss.
12-23-19
CK# 30799



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ZONING MAP AMENDMENT PETITION

GENERAL INFORMATION

This form is used to request a change to the zoning classification of a particular parcel on the Town's official Zoning Map. This process is often referred to as a rezoning. A consultation with planning and zoning staff is recommended prior to submitting this form.

- \$350 fee required to process Zoning Map Amendment Petitions
- Signature required on Page 2
- Zoning Map Amendments are considered by the Board of Planning & Adjustment and Town Council
- Town will give official Public Notice and hold a Public Hearing

SUBJECT PROPERTY		
Physical Address: Hillcrest Street		
Land Area: 1.72 acres	Parcel No: 704	PIN: 2505665778
Tax Map: BS 9	Blk: 1	Lot: 37
Deed Book: 1783	Page: 1184	

PROPERTY OWNER	
Property Owner(s): Stitzel, Inc.	
Owner Mailing Address: 700 N. Wickham Rd, Melbourne, FL, 32935	
Owner Telephone: 321-254-8454	Owner Email: rstitzel@cfbrr.com

APPLICANT	
Applicant Name: Austin Stitzel	
Applicant Mailing Address: 416 Old Boiling Springs Rd	
Applicant Telephone: 704-482-5020	Applicant Email: austin@stitzelconstruction.com
Applicant Relation to Property: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Developer <input checked="" type="checkbox"/> Legal Representative of Owner <input type="checkbox"/> Other	

ZONING MAP AMENDMENT REQUESTED

Current Zoning Classification: R15
Current Classification on Future Land Use Map: _____

REQUESTED CLASSIFICATION ON ZONING MAP: R10

PETITIONER COMMENTS:

Petitioner requests R10 classification to pursue opportunities with multi-family dwellings.
In petitioner's professional opinion, R10 is appropriate due to the proximity to the College Avenue
(Highway 150) traffic corridor and the current R10 zoning directly across Hillcrest Avenue.

OWNER/APPLICANT SIGNATURES

Owner Signature: Robert E. Stitzel Pres. Date: 12/23/19
Print Name: Robert E. Stitzel

Applicant Signature: Austin Stitzel Date: 12/23/19
Print Name: Austin Stitzel

*Petitions not made by or on behalf of the property owner require owner notification in accordance with state law.

Page : 1 of 1 01/13/2020 13:25:32
 Order Number : 54603870
 PO Number :
 Customer : 500985 Town of Boiling Springs
 Contact :
 Address1 : PO Box 1014
 Address2 :
 City St Zip : Boiling Springs NC 28017
 Phone : (704) 434-2357
 Fax : (704) 434-2358
 Credit Card :
 Printed By : Nancy Hogsed
 Entered By : Nancy Hogsed
 Keywords : PARCEL NO. 704 / LOCATED ON HILLCREST ST.FROM R-
 Notes :
 Zones :

Ad Number : 54743924
 Ad Key :
 Salesperson :
 Publication : The Shelby Star
 Section : Classified Section
 Sub Section : Classified Section
 Category : Legals 000
 Dates Run : 01/14/2020-01/14/2020
 Days : 1
 Size : 1 x 5.40, 52 lines
 Words : 181
 Ad Rate : Legal - Shelby
 Ad Price : 67.81
 Amount Paid : 0.00
 Amount Due : 67.81

**NOTICE PETITION
TO REZONE**

PARCEL NO. 704 /
 LOCATED ON
 HILLCREST ST.
 FROM R-15 TO R-10

Notice is hereby given that a public hearing will be held at the Boiling Springs Town Hall located at 114 East College Avenue, Boiling Springs, NC at 6:30 p.m. on February 4, 2020 to consider a rezoning petition for Parcel No.704 located on Hillcrest Street from R-15 to R-10. Said property is identified on Cleveland County Parcel No.704, Tax Map BS9-1-37 and contains approximately 1.72 acres. A map showing the specific location of said property is available for public inspection at the Boiling Springs Town Hall during regular business hours. All persons interested and wishing to be heard should be present in order that their opinion may be made a matter of record. If unable to be present, a citizen may submit written comments to the address below. The Board of Planning and Adjustment will also meet and review the petition on Tuesday, January 21, 2020 at 5:30 p.m.
 Submitted by:
 Kim Greene
 Town Clerk
 P.O. Box 1014
 Boiling Springs, N.C.
 28017

1/14, 2020

54603870



The Crossroads of Opportunity

TOWN OF BOILING SPRINGS | NC

January 10, 2020

Dear Property Owner:

As an adjacent property owner, we are notifying you that the Boiling Springs Town Council will conduct a public hearing at its **Tuesday, February 4, 2020 meeting at 6:30 p.m. at the Boiling Springs Town Hall located at 114 East College Avenue**. The Town Council will consider a proposed zoning map amendment (rezoning) from R-15 (Residential) to R-10 (Residential) for Parcel No. 704 located on Hillcrest Street (approximately 1.72 acres), identified as Cleveland County Tax Map BS9-1-37.

The Board of Planning and Adjustment will also meet and review the petition on Tuesday, January 21, 2019 at 5:30 p.m. A map of the property is available for public review at the Boiling Springs Town Hall during regular business hours.

If you have any questions or would like additional information, please feel free to contact me at lucas.shires@boilingspringsnc.net or (704) 434-2357.

Sincerely,

Lucas A. Shires, MUD, PLA
Town Manager

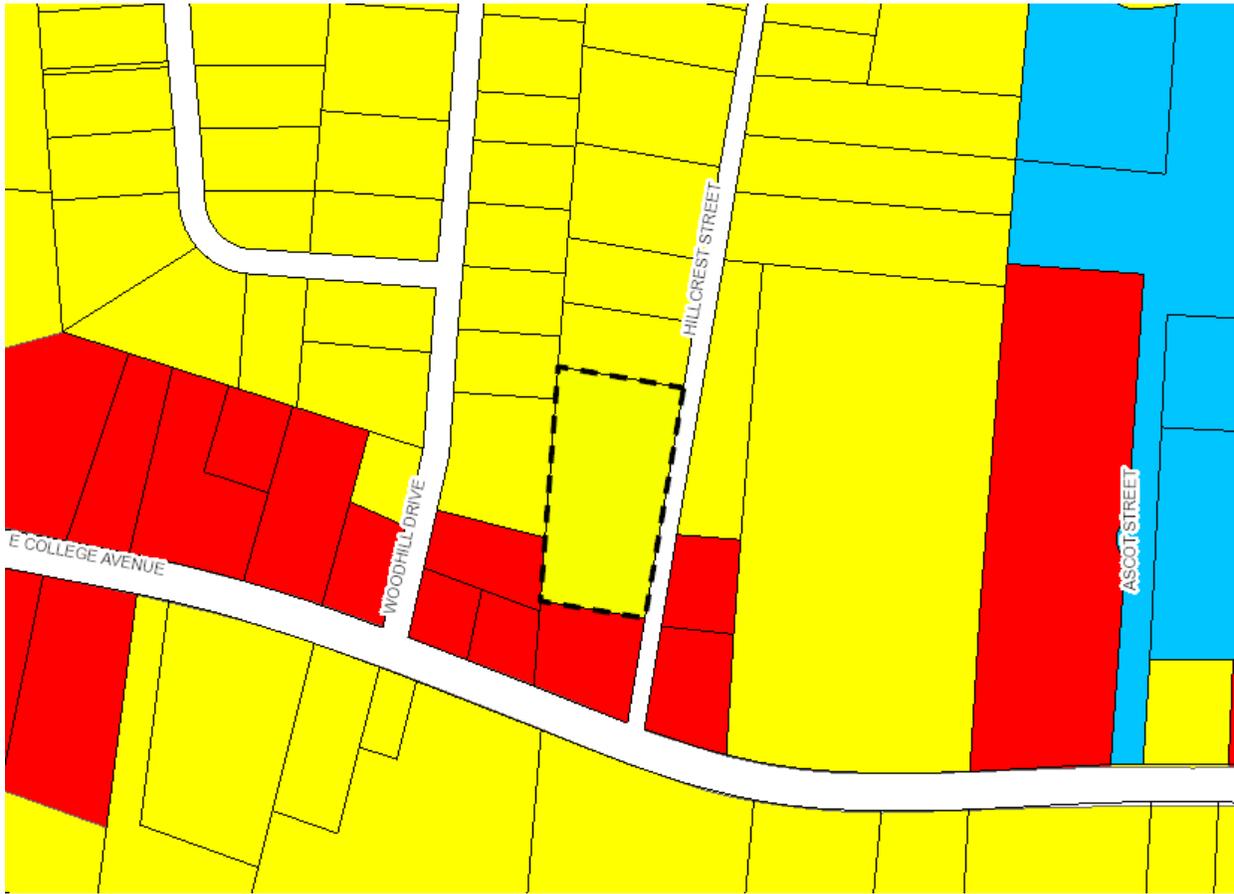
Enclosure

Site Aerial



Source: Cleveland County, NC WebGIS

Zoning Map



Source: Cleveland County, NC WebGIS



TOWN OF BOILING SPRINGS | NC

CERTIFIED RECOMMENDATION **Boiling Springs Planning and Zoning Board**

Case File: 20200204.01

Amendment: A Zoning Map Amendment for Parcel No. 704 from R-15 (Residential District) to R-10 (Residential District).

Recommendation: **The Planning and Adjustment Board recommends approval of the proposed zoning map amendment for Parcel No. 704 located on Hillcrest Street from R-15 (Residential District) to R-10 (Residential District).**

Findings & Reasons: Per the Land Use Plan, the parcel in question is recommended for Medium-Density Residential, surrounded by other parcels recommended for Medium-Density Residential and in close proximity to parcels recommended for High-Density Residential and Commercial.

According to the Future Land Use Plan, these areas should be concentrated around the downtown core, in close proximity to community facilities, and served by water and sewer. High-Density Residential includes residential units at a maximum density of between six (6) and seven (7) units per acre. This classification includes a mixture of single-family attached and detached residential units, townhomes, residence halls, condominiums, and retirement housing. The parcel's proximity to the College Avenue corridor and designation on the Future Land Use Map leads staff to the opinion that it would be an appropriate site for uses allowed in the R-10 Residential District.

Thus, the Planning and Adjustment Boards find the proposed zoning map amendment to be consistent with Future Land Use Plan Map and Future Land Use Plan.



The Crossroads of Opportunity

TOWN OF BOILING SPRINGS | NC

Motion: Alan McWhirter made the motion to recommend to the Town Council approval of this proposed zoning map amendment from R-15 to R-10.

Second: J. T. Scruggs seconded the motion.

Action: The motion passed unanimously.

Signatures: Lucas Shires
Town Manager/Zoning Administrator

Wayne Johnson
Planning & Adj. Board Chair

Date: 01/21/2020

Date: 01/21/2020



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TOWN COUNCIL

AGENDA ITEM 8

FEBRUARY 4, 2020

PUBLIC HEARING

The Town has received a petition for a zoning text amendment. The petitioner, Adam Smith, has requested two (2) amendments to the R-15TH (Townhomes) Zoning Classification. State law requires a public hearing prior to any zoning text amendments.

Please See Agenda Item 9 for additional information and materials.

SUMMARY

Action needed: Mayor to open and close Public Hearing.

MATERIALS PROVIDED

- See Agenda Item 9.



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TOWN COUNCIL

AGENDA ITEM 9

FEBRUARY 4, 2020

TEXT AMENDMENT | SCHEDULE OF AREA, YARD, AND HEIGHT REQUIREMENTS

There are two proposed zoning text amendments:

1. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to front setbacks.
2. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to lot widths at the building setback line.

SUMMARY

Action needed: Motion to approve/deny the text amendment request.

Motion to adopt a Certified Statement.

MATERIALS PROVIDED

- Zoning Text Amendment Petition
- Staff Report
- Public Hearing Notice
- Board of Planning and Adjustment Certified Recommendation
- Text Amendment Ordinance #TA20200204.01

pl. cash
1-6-2020
SS.



Town of Boiling Springs

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ZONING TEXT AMENDMENT PETITION

GENERAL INFORMATION

This form is used to request a text amendment to the Town's Code of Ordinances. A consultation with planning and zoning staff is recommended prior to submitting this form.

- \$260 fee required to process Zoning Text Amendment Petitions
- Signature required on Page 2
- Zoning Text Amendments are considered by the Board of Planning & Adjustment and Town Council
- Town will give official Public Notice and hold a Public Hearing

SUBJECT PROPERTY (if applicable)		
Physical Address: 717 McBrayer Homestead Rd		
Land Area: 6.37 Acres	Parcel No: 60328	PIN: 2506422760
Tax Map: 1175	Blk: 1	Lot: 662
Deed Book: 1666	Page: 2137	

PROPERTY OWNER (if applicable)	
Property Owner(s): Tiltman Commercial Properties LLC	
Owner Mailing Address:	
Owner Telephone:	Owner Email:

APPLICANT	
Applicant Name: Adam Smith	
Applicant Mailing Address: PO Box 855 Boiling Springs, NC 28017	
Applicant Telephone: 704-473-9805	Applicant Email: adammentley.smith@gmail.com
Applicant Relation to Property: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Developer <input type="checkbox"/> Legal Representative of Owner <input type="checkbox"/> Other	

ZONING TEXT AMENDMENT REQUESTED

REQUESTED TEXT AMENDMENT:

~~151.074 Schedule of Area Yard, and Height Requirements~~

R-15 TH Front Setback -- Feet

Existing: 30'

Proposed: Min. 10', Maximum 25' (if parking provided in front)

R-15 TH Lot Width at the Building Setback Line -- Feet

Existing: 40' each unit

Proposed: 20' each unit

PETITIONER COMMENTS:

Consultation with Town Manager held on January 2nd to discuss

OWNER/APPLICANT SIGNATURES

Owner Signature: Eddie Tillmar Date: 1-2-20

Print Name: Eddie Tillmar

Applicant Signature: [Signature] Date: 1-2-20

Print Name: Adam Smith

*Petitions not made by or on behalf of the property owner require owner notification in accordance with state law.



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STAFF REPORT

To: Boiling Springs Planning and Adjustment Board
From: Lucas A. Shires, MUD, PLA – Town Manager

Date: January 17, 2020
Meeting: January 21, 2020

SUBJECT PROPERTY*

Owner(s):	Tillman Commercial Properties, LLC	Applicant:	Adam Smith
Location:	717 McBrayer Homestead Road	Parcel Number:	60328
Acreage:	6.37 Acres +/-	Present Zoning:	R-15TH

***ALL PROPERTIES ZONED R-15TH WITHIN THE TOWN’S ZONING JURISDICTION WILL BE SUBJECT TO THE ZONING TEXT AMENDMENTS IF APPROVED BY TOWN COUNCIL.**

ANALYSIS

Town of Boiling Springs is experiencing moderate residential growth, working on a Land Use Ordinance overhaul, working on a Downtown Master Plan + Corridor Study, and working on various efforts to achieve respectful growth and meet evolving development trends. In an effort to promote good urban design and planning principles, correct discrepancies in the current ordinances, and offer a wider variety of housing types, Staff will be proposing various zoning text amendments in the next year. The following proposed text amendments were constructed with input from Staff and from the developer/applicant.

There are two (2) proposed zoning text amendments:

1. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to front setbacks.
2. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to lot widths at the building setback line.

RECOMMENDED TEXT AMENDMENTS

Proposed Text Amendment 1

Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to front setbacks.

Currently, the front setback for all uses allowed in the R15TH Residential District is thirty (30) feet. This setback creates three (3) potential contradictions to quality development. First, this setback forces structures to be set too far off of streets creating a very suburban development pattern that compromises the “street edge” and sense of place. Second, this setback creates an unnecessary burden to developers in regards to utilities forcing them to install excess footage to each unit. Third, this setback encourages parking in front of residential typologies, typically served from the rear (townhouses). While parking in front is acceptable, it should not be encouraged.

A more appropriate setback structure for townhomes would be a ten (10) feet minimum and a twenty-five (25) feet maximum. A ten (10) feet minimum setback allows for a more urban style of development with units being accessed from the rear (rear-loaded units). A twenty-five (25) feet maximum setback eliminates units from being placed too far

off the road, but does allow for a front-loaded product type. A front-loaded townhome would include a driveway and/or garage/parking in front. Twenty-five (25) feet is recommended to eliminate inadequate parking dimensions/driveway lengths in the front which could result in vehicles hanging over into the sidewalk(s). If a front setback greater than ten (10) feet, but less than twenty (20) feet is proposed, no parking and/or driveways would be allowed in front of the townhomes.

Proposed Text Amendment 2:

Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to lot widths at the building setback line.

Currently, the lot width for all uses allowed in the R15TH Residential District is forty (40) feet. This lot width creates one (1) potential contradiction to quality development patterns and one (1) contradiction to other ordinances. First, this lot width is inconsistent with typical townhome dimensions. On average, townhomes range from sixteen (16) feet to thirty-five (35) feet in width. Second, per Special Requirement 9: Residential Group Development (A) No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangement shall exceed a length of one-hundred and fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment. At the current lot width of forty (40) feet, this would be interpreted as no more than three (3) attached single-family dwellings could be built in a row at a total length of one-hundred and twenty (120) feet. This is neither cost effective nor meets the spirit of the ordinance in Staff's opinion.

A more appropriate minimum lot width for townhomes would be twenty (20) feet.

Attached to this report is the proposed amendment to the Schedule of Area, Yard, and Height Requirements as it would appear in the Ordinance.

Please note there is an additional note (e) added to the schedule to clarify parking requirements. Item (e) was solely written and informed by Staff.

(e) No parking and/or driveways shall be permitted in any front setback that is less than twenty (20) feet in townhouse developments. In these situations, parking and/or driveways shall be located in the rear of the lot behind the principal structure.

STAFF COMMENTS

Per the Land Use Plan (Goal 5: To ensure a variety of safe and quality housing option in Town, Objective 1: Increase housing types and options for residents), Staff finds the proposed zoning text amendments consistent with the Land Use Plan. Furthermore, these amendments will correct discrepancies and poorly written/uninformed regulations that currently exist in the ordinances. These amendments do not increase nor decrease allowable densities, but do offer greater flexibility to development types. In consideration of the aforementioned details of the subject parcel, Staff recommends approval of these zoning text amendments.

Page : 1 of 1 01/15/2020 11:43:41

Order Number : 54603895
PO Number : k greene
Customer : 500985 Town of Boiling Springs
Contact :
Address1 : PO Box 1014
Address2 :
City St Zip : Boiling Springs NC 28017
Phone : (704) 434-2357
Fax : (704) 434-2358
Credit Card :
Printed By : Nancy Hogsed
Entered By : Nancy Hogsed
Keywords : ZONING TEXT AMENDMENT
Notes :
Zones :

Ad Number : 54743951
Ad Key :
Salesperson :
Publication : The Shelby Star
Section : Classified Section
Sub Section : Classified Section
Category : Legals 000
Dates Run : 01/16/2020-01/16/2020
Days : 1
Size : 1 x 6.28, 61 lines
Words : 215
Ad Rate : Legal - Shelby
Ad Price : 79.02
Amount Paid : 0.00
Amount Due : 79.02

PUBLIC HEARING ZONING TEXT AMENDMENT

The Boiling Springs Town Council will hold a public hearing on February 4, 2020 at 6:30 pm in the Boiling Springs Town Hall located at 114 E. College Avenue, Boiling Springs, NC. The purpose of the public hearing is to consider public comment regarding proposed text amendments to the Town of Boiling Springs Code of Ordinances. The proposed amendments to the Zoning Ordinance Section 151.074 Schedule of Area, Yard, and Height Requirements are generally as follows:

1. Reducing the R-15TH Front Setback from the existing 30 ft. to a minimum of 10 ft. and a maximum of 25 ft. (if parking is provided in the front) for Townhomes only.
2. Reducing the R-15TH Lot Width at the Building Setback Line from the existing 40 ft. each unit to 20 ft. each unit for Townhomes only.

The proposed amendments are available for public inspection at the Town Hall during regular business hours. All persons interested in this matter should appear before the Town Council at said time and place for the purpose of expressing their views in regard to this issue. The Board of Planning and Adjustment will also meet and review the petition on Tuesday, January 21, 2020 at 5:30 p.m.

Submitted by:
Kim Greene
Town Clerk



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TOWN OF BOILING SPRINGS | NC

CERTIFIED RECOMMENDATION **Boiling Springs Planning and Zoning Board**

Case File: 20200204.02

Amendment: Section 151.074 Schedule of Area, Yard, and Height Requirements

Recommendation: The Planning and Adjustment Board recommends the Town Council approve the proposed zoning text amendments.

1. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to front setbacks.
2. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to lot widths at the building setback line.

Proposed Zoning Text Amendment TA20200204.01 is attached.

Motion: Bill Daves made the motion to recommend to the Town Council approval of the two proposed zoning text amendments.

Second: Ellen Humphries seconded the motion.

Action: The motion passed unanimously.

Signatures: Lucas Shires
Town Manager/Zoning Administrator

Wayne Johnson
Planning & Adj. Board Chair

Date: 01/21/2020

Date: 01/21/2020

ORDINANCE #TA20200204.01
AMENDING CHAPTER 151.074: SCHEDULE OF AREA, YARD AND HEIGHT
REQUIREMENTS OF THE TOWN OF BOILING SPRINGS CODE OF ORDINANCES

BE IT ORDAINED by the Town Council of the Town of Boiling Springs, North Carolina assembled in Regular Session this 4th day of February, 2020,

Part 1. The Town of Boiling Springs Code of Ordinances Chapter 151.074 Schedule of Area, Yard, and Height Requirements is amended to allow a more appropriate setback structure and a more appropriate minimum lot width for townhomes and is hereby amended to read as follows:

[See Table on Page 2]

SCHEDULE OF AREA, YARD, AND HEIGHT REQUIREMENTS.

District	Minimum Lot Area -- Square Feet (d)	Square Feet per Dwelling Unit (d)	Lot Width at the Building Setback Line -- Feet (See Lot Width Definition)	Front Setback -- Feet	Side Setback -- Feet (a)	Rear Setback -- Feet	Maximum Height -- Feet
R-20 Single-family	21,780	21,780	100	40	20	30	35
R-15 Single-family	15,000	15,000	50	30	15	25	35
R-15TH Single-family Attached 2 or more units	15,000 first 2 units	7,500 each additional unit after first 2 units	40 20 each unit	30 <u>10 Minimum</u> <u>25 Maximum</u>	15	25	35
R-10							
Single-family	10,000	10,000	80	30	15	25	35
Two-family	20,000	10,000	80	30	15	25	35
Multi-family	20,000 for first unit	6,500 for each additional unit after first unit	80	30	15	25	35
I-1	20,000	N/A	100	40	20	30	35
O&CS	N/A	N/A	N/A	20	20	30	35
B-1	N/A	N/A	N/A	20	(b)	(c)	35
B-2	N/A	N/A	N/A	20	20	30	35
M-1	N/A	N/A	N/A	50	25	25	35

- (a) Corner lots in all districts add five feet to each side. The side setback does not apply to units that are permitted to be attached.
- (b) No side yard is required in the B-1 District except where adjoining an R-20, R-15, R-15TH or R-10 District, in which case a rear yard of 20 feet shall be required.
- (c) No rear yard is required in the B-1 District except where adjoining an R-20, R-15, R-15TH or R-10 District, in which case a side yard of 20 feet shall be required.
- (d) The lot sizes required for the various districts in this section were drawn upon the assumption that adequate water supply and sewage disposal systems are available to this and every lot. The lack of adequate systems for one or both facilities may require larger lot areas, or in some instances, because of Health Department standards, may not permit development as intended.
- (e) No parking and/or driveways shall be permitted in any front setback that is less than twenty (20) feet in townhouse developments. In these situations, parking and/or driveways shall be located in the rear of the lot behind the principal structure.

Part 2. This Ordinance shall become effective upon its adoption by the Town Council of the Town of Boiling Springs, North Carolina.

ADOPTED this the 4th day of February, 2020.

Bill Ellis, Mayor

ATTEST:

Kim Greene, Town Clerk



Town of Boiling Springs

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TOWN COUNCIL

AGENDA ITEM 10

FEBRUARY 4, 2020

BOILING SPRINGS WWTP – BUILDING ADDITION

The Town contracted Odom Engineering, PLLC to administer the bid process for the Boiling Springs WWTP – Building Addition. Bids were received on Thursday, January 9, 2020 at 2:00 PM. The only bidder was Morrison Construction, Co., Inc. with a bid amount of \$162,500. Due to budget constraints, Odom Engineering, PLLC recommends rejecting the current bid and the project be re-bid.

SUMMARY

Action needed: Motion to reject the bid received from Morrison Construction, Co. Inc. and re-bid the WWTP Building Addition Project.

MATERIALS PROVIDED

- Rejection Recommendation Letter

January 29, 2020

Lucas Shires
Town of Boiling Springs
114 East College Ave.,
Boiling Springs, NC 28017

RE: Rejection Recommendation
Boiling Springs WWTP – Building Addition
2556 Rockford Rd., Boiling Springs, NC 28017

Dear Lucas,

Bids were received last January 9, 2020 (Thursday) at 2:00p.m. at the Town of Boiling Springs Town Hall for the Boiling Springs WWTP – Building Addition. Only Morrison Construction, Co. Inc. submitted their lump sum bid for \$162,500.00.

The following contractors did not submit:

- Phillip Thurman Construction
- Denis Thurman Construction, Inc.
- T.C. Strickland Construction Co., Inc.
- Greene Builders LLC
- Hargreen Construction Company, Inc.

The following contractors confirmed that they will not be bidding for the project:

- Cleveland Contractors, Inc.
- Greene Building Corporation
- Maple Leaf Design & Build, Inc.
- E.S. Walker Construction, Inc.
- Champion Construction Group

We recommend rejecting the bid received from Morrison Construction, Co. Inc. and re-bidding the project.

Sincerely,



David Odom, P.E.
Odom Engineering, PLLC.

Cc: Emma Barden – emma@odomengineering.com



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TOWN COUNCIL

AGENDA ITEM 11

FEBRUARY 4, 2020

SCHEDULE COUNCIL RETREAT/BUDGET WORKSHOP

The Mayor and Manager would like the Town Council to consider scheduling a Retreat/Budget Workshop to discuss the Town's current and future projects, current and future goals, goal prioritization, and how they relate to the Budget and overall vision and trajectory of the Town. During this meeting, information will also be provided on the organizational structure of the Town, meeting procedures, ethics and public record laws, and other various topics that are important to know for effective Government.

SUMMARY

Action needed: Motion to set meeting date.

MATERIALS PROVIDED



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TOWN COUNCIL

AGENDA ITEM 12

FEBRUARY 4, 2020

BOARD OF PLANNING AND ADJUSTMENT APPOINTMENT

Consider appointment to the Board of Planning and Adjustment. Seth Phillips moved back inside Town limits and wishes to continue serving on the board. Staff also received an application from Zach Parker.

SUMMARY

Action needed: Motion to appoint a Planning Board Member.

MATERIALS PROVIDED

- Parker application under separate cover.



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TOWN COUNCIL

AGENDA ITEM 13

FEBRUARY 4, 2020

DECLARE SURPLUS PROPERTY | RESOLUTION #R20200204.01

By statute, the Town Council must adopt a resolution declaring personal property of a certain value as surplus. If the Council chooses to declare these vehicles surplus, staff will place them for sale on GovDeals.

SUMMARY

Motion needed: Motion to approve resolution authorizing staff to surplus these two vehicles.

MATERIALS PROVIDED

- Resolution #20200204.01



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RESOLUTION #R20200204.01 AUTHORIZING SALE OF SURPLUS PERSONAL PROPERTY

WHEREAS, the Town of Boiling Springs owns personal property which is no longer has any usefulness for the Town, and;

WHEREAS, G.S. 160A-270(b) authorizes the Town to identify surplus personal property and sell it at public auction, and;

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF BOILING SPRINGS TOWN COUNCIL:

The Town Manager is authroized to dispose of the following property at public auction:

2007 Dodge Charger – VIN# 2B3KA43G687H790046

2009 Dodge Charger – VIN #2B3KA43T89H607888

The Town Board further authorized the Town Manager to utilize an electronic auction procedure in accordance with G.S. 160A-27(c).

Adopted this the 4th day of February, 2020.

Bill Ellis, Mayor

ATTEST:

Kim Greene, Town Clerk



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TOWN COUNCIL

AGENDA ITEM 14

FEBRUARY 4, 2020

LATTIMORE SEWER AGREEMENT

The existing Interim Wastewater Collection and Treatment Agreement between the Town of Boiling Springs and the Town of Lattimore expires on July 1, 2020. The Town desires to amend the terms of the existing agreement and formed a Lattimore Sewer Agreement Committee at their regular Council Meeting on January 7, 2020. The Committee met on January 21, 2020 to discuss options.

Per Committee direction, Option 2 was explored by Staff in further detail. However, Staff and the Committee would like to solicit input and direction from Town Council before moving towards the Draft Agreement phase. Below are the three (3) options for consideration:

Option 1: The operational structure remains as is with Agreement amendments and additional language clarifying specifics. This would also likely result in an additional rate increase to Town of Lattimore customers.

Option 2: The operational structure be amended to include a master meter. The Town of Boiling Springs would bill the Town of Lattimore a *per customer rate* to cover operation and maintenance costs plus a *rate per one thousand gallons* for treatment costs. This calculation would be based off of the master meter. The Town of Lattimore would be responsible for utility costs, insurance costs, billing collections and setting their own rate to be able to afford the payments to the Town of Boiling Springs. The Town of Lattimore would also be responsible for ensuring customers that are connected are paying, delinquent accounts are rectified, and all new connections are in compliance with their newly adopted Wastewater Ordinances. An availability fee could be explored to spread the costs more equitably amongst all citizens.

Option 3: The operational structure be amended to include a master meter. The Town of Boiling Springs would bill the Town of Lattimore a *rate per one thousand gallons* for treatment costs. Operations, maintenance, billing, etc. would be handled solely by the Town of Lattimore. The Town of Boiling Springs would only treat the wastewater.

SUMMARY

Action needed: Motion to direct Committee.

MATERIALS PROVIDED

- Lattimore Wastewater Collection & Treatment Interim Agreement
- Lattimore Sewer Agreement Committee Meeting Account & further Exploration by Staff.

NORTH CAROLINA

**WASTEWATER COLLECTION AND
TREATMENT INTERIM AGREEMENT**

CLEVELAND COUNTY

THIS AGREEMENT by and between the Town of Boiling Springs, a North Carolina Municipal corporation (hereinafter referred to as “Town of Boiling Springs”) and the Town of Lattimore, a North Carolina Municipal corporation (hereinafter referred to as “Town of Lattimore”), both of Cleveland County, North Carolina;

WITNESSETH:

WHEREAS, The Town of Lattimore, similarly authorized by its Municipal Corporate Charter and by the provisions of Article 16, Section 312 of Chapter 160A of the General Statutes of North Carolina, does not desire to operate and maintain its collection system, originally constructed and funded through State Grant funds.

WHEREAS, by a Motion duly approved and enacted by the unanimous vote of the Boiling Springs Town Council on the 15 day of March 1999, Resolution 16-99, the Town agreed to accept and treat wastewater for the Town of Lattimore Sewer System (hereinafter referred to as “system”).

WHEREAS, the existing Agreement between the Town of Boiling Springs and the Town of Lattimore, per the terms of the Agreement, expires on the 15 day of March 2019.

WHEREAS, by a Motion duly approved and enacted by the unanimous vote of the Town of Boiling Springs Town Council on the 5 day of March 2019, Resolution R190305.03, the Town of Boiling Springs desires to amend the terms of the existing agreement in the form of an Interim Agreement to become effective no later than the 8 day of April 2019.

NOW, THEREFORE, in consideration of the foregoing and mutual covenants hereinafter set forth, **the parties do hereby agree that:**

I. Construction of System Improvements

1. The Town of Lattimore will be solely responsible for the design, installation and startup of any improvements to the existing system.
2. Representatives of the Town of Boiling Springs shall have input into the engineering plans and specifications.
3. The Town of Lattimore will be responsible for acquiring all necessary easements and/or rights of way for improvements to the system.
4. All equipment used at lift stations, to the best ability possible, shall be from the same manufacturer and type of equipment now being used in the Town of Boiling Springs System. Lift stations shall be equipped with emergency generators.
5. Representatives of the Town of Boiling Springs will be included in system improvements.

6. The Town of Lattimore shall bear the cost of any necessary upgrade to Boiling Springs sewer collection system required to continue to accept wastewater from the Town of Lattimore.

II. Ownership of System

The Town of Lattimore will be the owner of the wastewater collection system which falls within the corporate limits of the Town of Lattimore, and which falls outside the corporate limits of Lattimore, but outside the corporate limits of the Town of Boiling Springs. Since the Town of Lattimore will own the system, they will provide and/or approve funding for all line extensions requested. Line extensions by private entities will be funded by those entities. The Town of Boiling Springs will not be responsible for funding any line extensions in the Town of Lattimore.

III. Operation and Maintenance of the System

1. The Town of Boiling Springs will operate, maintain, and repair the system under the terms agreed upon herein. Operation and Maintenance of the system will comply with all applicable State Laws and regulations.
2. The Town of Boiling Springs will bill all maintenance and repair costs requiring contracted professionals for the Town of Lattimore Sewer System, including necessary equipment, materials, labor and other expenses, directly to the Town of Lattimore. Any maintenance or repair costs anticipated by the Town of Boiling Springs to exceed one-thousand (\$1,000) dollars shall require the prior approval of the Mayor of the Town of Lattimore before work is begun on such maintenance or repair, unless the maintenance or repair need is immediate and critical and delay would result in a permit violation or would endanger the public health.
3. All legal, administrative, or liability related services for wastewater spills or other state permit violations of any kind shall be and remain the sole responsibility of the Town of Lattimore and the Town of Boiling Springs shall bear no responsibility to the Town of Lattimore or to other parties for any such spill or violation under any circumstances.
4. The Town of Lattimore shall either reimburse the Town of Boiling Springs for insurance costs relating to its system or obtain proper coverage for its system and bear any associated costs with this insurance.
5. All wastewater generated from the Town of Lattimore must be in compliance with the Town of Boiling Springs Sewer Ordinance.
6. The Town of Lattimore will adopt the Town of Boiling Springs' current Sewer Use Ordinance (and as amended) and authorize the Town of Boiling Springs to enforce the provisions on its behalf.

IV. Tap Fees

1. Required tap fees will be will be paid to the Town of Boiling Springs in accordance with the Town of Boiling Springs policies.
2. All taps inside and outside of the Town of Lattimore Town limits, and part of the Town of Lattimore Sewer System, will be approved by and in accordance with Town of Boiling Springs policies.
3. All customers not connected to the Town of Lattimore Sewer System must be connected to a public water supply provider in order to be served by the system.

V. Service and Billing

1. The Town of Boiling Springs will handle service agreements and the billing directly with all customers in accordance with the Town of Boiling Springs policies.
2. All new customers must make application for service on forms provided by the Town of Boiling Springs.
3. Customers with water meters will pay the Outside Sewer Rate per the Town of Boiling Springs' Schedule of Fees and Charges beginning the 1 day of July 2019.
4. Customers with wells shall not be allowed to connect to the system until a connection is made to a public water supply system.
5. Those residents within Lattimore who have access to the sewer system via a lateral installed during construction of the system (as funded by the Rural Center grant) will be required to either connect to the system or will be charged the minimum Outside Sewer Rate under the Town of Boiling Springs' Schedule of Fees and Charges beginning the 1 day of July 2019. The Town of Lattimore shall take action as requested by the Town of Boiling Springs to enforce payment of the minimum rate for those residents who have access to the system but have not connected to the system.
6. All new facilities constructed within the Town of Lattimore that have access to the system (within 200 feet of a gravity sewer line) will be required to connect to the system. The Town of Lattimore will coordinate with the Cleveland County Building Inspections Department to enforce this requirement.
7. Delinquent accounts and other billing matters will be handled in accordance with Boiling Springs Town policy.
8. The Town of Lattimore will provide the Town of Boiling Springs with a detailed listing of properties (owner name, address, tax map ID) which have laterals installed and provide an accompanying map showing all lateral locations. This map will also identify which customers are connected to the public water supply and which are served by wells.

VI. Terms of the Interim Agreement

1. This Interim Agreement shall extend for a term no longer than fifteen (15) months, beginning upon the date of the signature of the last of the parties to execute the agreement. Not less than ninety (90) days prior to the first anniversary of the beginning of said term, the parties shall mutually conduct a review of the implementation of this Interim Agreement for the period from the date of the beginning of the term to the time of such review.
2. Upon completion of the aforementioned review, both parties shall mutually agree upon a three (3) year Agreement which shall become effective no later than the 1 day of July 2020. All negotiations shall be completed no later than the 8 day of June 2020.
3. This Interim Agreement may not be terminated at any time by either party.

IN WITNESS WHEREOF, the undersigned official representatives of the parties, acting under the express authority of their respective governing bodies, have caused this contract to be duly executed in two (2) counterparts, each of which constitute an original.

THE TOWN OF BOILING SPRINGS

ATTEST:

Bill Ellis, Mayor

Kim Greene, Town Clerk

Lucas A. Shires, Town Manager

THE TOWN OF LATTIMORE

ATTEST:

Alton Beal, Mayor

Carolyn Wince, Town Clerk



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LATTIMORE SEWER AGREEMENT COMMITTEE

(Councilman Patrick Litton, Councilman Daniel Thomas, Town Manager Lucas A. Shires)

AGENDA

01.21.2020 @ 6:30 PM

1. Agreement Review
 - a. History
 - b. Deficiencies
 - c. Recommendations for Improvement
 - d. Q & A

2. Financial Review
 - a. History
 - b. Deficiencies
 - c. Recommendations for Improvement
 - d. Q & A

3. Next Steps
 - a. Meeting with City of Shelby Staff
 - b. Develop DRAFT Agreement

GENERAL MEETING ACCOUNT

Committee:

Councilman Patrick Litton, Councilman Daniel Thomas, Town Manager Lucas A. Shires

Staff Present:

Mike Gibert, Public Works Director & Rhonda Allen, Finance Director

The general history of the Agreement and operational structure was discussed including how we arrived on the Interim Agreement. A financial review was discussed and deficiencies were noted in both the Agreement and financial state. The following summarizes what was discussed and direction given by the Committee.

RATE STUDY (NEIGHBORING MUNICIPALITIES):

(Includes municipalities served by an outside municipality in Cleveland County.)

Cost Structure for first 2,000 gallons

(These are estimates as operational and billing methods are different.)

Lattimore \$30.00 (Includes first 2,000 gallons, then \$9.00/1,000 gallons)

Fallston \$35.25 (\$22.43 Availability + \$6.41/1,000 gallons)

Kingstown \$35.25 (\$22.43 Availability + \$6.41/1,000 gallons)

The City of Shelby operates and maintains the wastewater systems for Fallston and Kingstown along with treating the wastewater. Flow rates are calculated via a master meter. Billing is not handled by the City of Shelby. Operation and maintenance are performed by City of Shelby Staff. Parts are billed at cost to the serviced municipalities. Contracted services are billed at cost + 10% to the serviced municipalities. If inflow and infiltration (I&I) is abundant in the system, the serviced municipalities are advised to contact NC Rural Water and/or other grant agencies to perform upgrades to their systems. The City will smoke test to assist, but their scope is limited.

The Town of Boiling Springs currently handles some billing accounts with the majority being handled by Cleveland County Water. Lattimore customers follow the Town of Boiling Springs Water & Sewer Rate Schedule for Outside sewer customers. Collected fees are sent to the Town of Boiling Springs from Cleveland County Water based upon water usage. The Town of Boiling Springs does not calculate flow based off of a master meter. Additionally, delinquent accounts are handled per the Town of Boiling Springs billing policies. This has not been a successful venture in the past.

POTENTIAL AGREEMENT MODIFICATIONS

INITIAL THOUGHTS

- Clarify the capacity threshold and triggers for improvements by Town of Lattimore.
- Update language on delinquent accounts/enforcement procedures.
- Add language clarifying responsibility for utility costs.
- Add language possibly requiring availability fees and/or requirements for connection.
- Add language requiring Town of Lattimore to adopt a Wastewater Ordinance. Updated language on payment if master meter is installed.
- Clarify maintenance roles, utility costs, and insurance costs.
- Add a termination clause for terms less than three years. Review every 12 months.

REVIEW OF THREE OPTIONS

Option 1: The operational structure remains as is with Agreement amendments and additional language clarifying specifics. This would also likely result in an additional rate increase to Town of Lattimore customers.

Option 2: The operational structure be amended to include a master meter. The Town of Boiling Springs would bill the Town of Lattimore a *per customer rate* to cover operation and maintenance costs plus a *rate per one thousand gallons* for treatment costs. This calculation would be based off of the master meter. The Town of Lattimore would be responsible for utility costs, insurance costs, billing collections and setting their own rate to be able to afford the payments to the Town of Boiling Springs. The Town of Lattimore would also be responsible for ensuring customers that are connected are paying, delinquent accounts are rectified, and all new connections are in compliance with their newly adopted Wastewater Ordinances. An availability fee could be explored to spread the costs more equitably amongst all citizens.

Option 3: The operational structure be amended to include a master meter. The Town of Boiling Springs would bill the Town of Lattimore a *rate per one thousand gallons* for treatment costs. Operations, maintenance, billing, etc. would be handled solely by the Town of Lattimore. The Town of Boiling Springs would only treat the wastewater.

Per Committee direction, Option 2 is being explored in more detail.

ANNUAL ESTIMATE OF REVENUES AND EXPENDITURES (Current)

Town of Boiling Springs

Revenues

Lattimore System Charges	\$56,000 (Based on FY 19/20 Rates)
TOTAL	\$56,000

Expenditures

Operation and Maintenance	\$37,000*
Treatment	\$10,000
Billing	\$9,000
Utilities	\$12,000**
TOTAL	\$68,000*** (excludes \$1,500 for insurance)

*Includes staff salary and benefits (50% of one Full-Time Employee), mileage, 811 service, and miscellaneous items such as weed eater/mower repairs, etc.

**The Town of Boiling Springs currently pays the utility costs (\$12,000/year) associated with the Town of Lattimore system, but it is recommended that the Town of Lattimore incur these costs directly moving forward. Utility costs include natural gas, electricity, phone and water service (not currently active) to the pump stations.

***Under the Interim Agreement, the Town of Lattimore is paying the insurance cost (\$1,500/year) and is reimbursing the Town of Boiling Springs for parts necessary for repairs and funding capital replacement costs such as pumps and generators.

ANNUAL ESTIMATE OF REVENUES AND EXPENDITURES (Proposed for Option 2)

Town of Boiling Springs

Revenues

Per Customer Rate	\$32,000 (\$20 per customer per month)
Per 1,000 Gallons	\$15,000* (\$2.50 per 1,000 gallons per month)
TOTAL	\$47,000

Expenditures

Operation and Maintenance	\$37,000**
Treatment	\$10,000
TOTAL	\$47,000***

*Based upon current flow calculations (derived from Cleveland County Water billing records), the Town of Lattimore currently produces 6,009,000 gallons of wastewater per year, or 500,750 gallons per month. This figure does not include customers hooked to the system that are not paying, I&I (rainwater), or other scenarios resulting in additional flow to the system. The Town of Lattimore would be responsible for repairing potential issue contributing to I&I. The Town will provide smoke testing and technical assistance as required by the new Agreement.

**Includes staff salary and benefits (50% of one Full-Time Employee) for operation and maintenance, mileage, 811 service, and miscellaneous items such as weed eater/mower repairs, etc.

***Per Option 2, the Town of Lattimore is paying the insurance cost (\$1,500/year) and is reimbursing the Town of Boiling Springs for parts necessary for repairs and funding capital replacement costs such as pumps. The Town of Lattimore would also pay the utility costs (\$12,000/year) associated with the Town of Lattimore system. Utility costs include natural gas, electricity, phone and water service (not currently active) to the pump stations. The Town of Lattimore would handle billing as well.

ANNUAL ESTIMATE OF REVENUES AND EXPENDITURES (Proposed for Option 2)

Town of Lattimore

Revenues

Lattimore System Charges

TOTAL **\$69,500**

Expenditures

Per Customer Rate (TOBS) \$32,000

Per 1,000 Gallons (TOBS) \$15,000

Utilities \$12,000

Insurance \$1,500

Billing \$9,000

TOTAL **\$69,500**

TOBS = Estimated yearly amount due to the Town of Boiling Springs from the Town of Lattimore for operation, maintenance, and treatment.

It is estimated that the Town of Lattimore would need to adopt the following rate structure to cover all costs associated with their system.

Estimated Rate Structure

Minimum Sewer Rate *0-2,000 gallons* \$39.00

Volumetric Sewer Rate *2,000-15,000 gallons* \$9.00 per 1,000

Volumetric Sewer Rate *over 15,000 gallons* \$11.00 per 1,000

The Town of Lattimore could also consider an Ad Valorem tax rate increase to offset some of the costs (billings, insurance, utilities) and to bolster their Fund Balance in preparations for future necessary repairs and capital costs (pumps, generators, line repairs, etc.) We also recommending discussing the situation with various State Agencies and possibly reaching out to Speaker Tim Moore for assistance as this seems to be a state-wide issue that small municipalities are currently facing.



Town of Boiling Springs

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**TOWN COUNCIL MEETING
COUNCIL/MANAGER REPORTS**

FEBRUARY 4, 2020

TOWN MANAGER | LUCAS SHIRES

TOWN ATTORNEY | JOHN SCHWEPPE III

COUNCILMEMBER TOMMY GREENE

COUNCILMEMBER MARY RUTH DIXON

COUNCILMEMBER MARTY THOMAS

COUNCILMEMBER DANIEL THOMAS

COUNCILMEMBER PATRICK LITTON

MAYOR BILL ELLIS