



Agenda

Town of Boiling Springs Board of Commissioners

September 4, 2007

Town of Boiling Springs

P.O. BOX 1014
BOILING SPRINGS, N.C. 28017
Telephone 704-434-2357
Fax 704-434-2358

AGENDA

TOWN OF BOILING SPRINGS BOARD OF COMMISSIONERS

September 4, 2007

7 p.m., Town Hall

1. *Call to Order – Max J. Hamrick, Mayor*
2. *Approval of Minutes* 3
 - **August 7, 2007 Regular Meeting**
 - **August 7, 2007 Closed Session**
3. *Recognition of Citizens Present*
4. *Public Hearings* 6
 - **Zoning Map Amendment – 419 Hillside Drive, R-15 to M-1-CUD**
 - **Zoning Map Amendment – 116 East Branch Avenue, R-10 to M-1-CUD**
5. *Other Business* 20
 - **Ordinance to Amend Chapter 73 “Parking Schedule” of the Code of Ordinances**
6. *Staff Reports* 25
7. *Commissioners’ Reports/Comments* 28
8. *Mayor’s Report/Comments* 28

It is the desire of the Board to allow all citizens an opportunity to speak and to conduct business in an open, professional, and productive manner. Persons not specifically listed on the agenda but wishing to speak must register with the Town Clerk prior to the start of the meeting. These persons will be recognized by the Mayor during the “Recognition of Citizens Present” portion of the meeting. A maximum of three (3) minutes will be allowed unless otherwise approved by a majority of the Board. Groups are urged to choose one spokesperson. If you require additional time, you may ask to be placed on the agenda for the next regularly scheduled meeting of the Board. This policy was adopted in an effort to allow the Board members adequate notice of business to come before it as well as time to familiarize themselves with an issue.

**Town of Boiling Springs
Board of Commissioners
Regular Meeting Minutes
August 7, 2007**

The Board of Commissioners of the Town of Boiling Springs met August 7, 2007 at the Boiling Springs Town Hall. Present were: Mayor Max J. Hamrick; Commissioners William Elliott, James Beason, John Glenn, Darlene Gravett, and Cliff Hamrick. Town Attorney John Schweppe, III was also present. Staff Members Present: Town Manager Zach Trogdon; Town Clerk Kimberly Greene (recording the minutes); Finance Officer Rhonda Allen, and Chief Marty Thomas.

Others Present: Approximately 15 citizens were present. A meeting roster is on file in the office of the Clerk.

AGENDA ITEM I

Call to Order – Max J. Hamrick, Mayor

AGENDA ITEM II

Approval of Minutes

Commissioner Elliott made the motion to approve the minutes of the June 25, 2007 regular meeting and July 24, 2007 special meeting minutes as previously mailed. Commissioner Gravett seconded and the vote was unanimous.

AGENDA ITEM III

Recognition of Citizens Present

AGENDA ITEM IV

Public Hearings

Zoning Map Amendment – McBrayer Homestead Road, R-20 to R-15TH

Mayor Hamrick declared the public hearing open at 7:02 p.m. At the request of a citizen, Mayor Hamrick and Mr. Trogdon explained the R-15TH zoning. The Planning and Zoning Board voted unanimously to recommend approval of the rezoning petition. There being no further comments, Mayor Hamrick closed the public hearing at 7:09 p.m. A copy of the Planning and Zoning Board Statement of Consistency is on file. Commissioner Elliott made the motion to approve the rezoning request based upon the Planning and Zoning Board recommendation, and adopt the Statement of Consistency based upon the same. Commissioner Beason seconded and the vote was unanimous. A copy of the statement is on file.

AGENDA ITEM V

Presentations

Designation of No Parking Areas – Crawley Memorial Hospital

Mayor Hamrick recognized Angela Orsky, Administrator of the Cleveland County Health System at the Cleveland Pines Nursing Facility in Shelby and Crawley Memorial Hospital in Boiling Springs. Ms. Orsky discussed the parking situation at Crawley Memorial Hospital. The Board directed Chief Thomas and Mr. Schweppe meet with Ms. Orsky to examine the problem and seek a solution.

Contact Now

Mr. Skip Almond presented improvements that have been made to the Contact Now Emergency Notification System.

Powell Bill 5-Year Capital Improvement Plan

Mr. Trogdon presented the CIP prepared by Odom Hollifield and Associates to provide a cost estimate for projects identified by staff. The Plan is preliminary at this point and may be amended. The proposed projects include Sir Gregory Drive Culvert Replacement, resurfacing College Manor Drive and Victor Drive, drainage improvements, and sidewalk installations and extensions. The Board expressed an interest in the sidewalk projects and requested additional

information regarding the drainage improvements. A copy of the plan is on file.

AGENDA ITEM VI

Other Business

Ordinance to Amend Chapter 92 of the Code of Ordinances

Mr. Trogdon stated the Code of Ordinances must be amended to reflect the fact that Cleveland County Animal Control will be responsible for keeping record of the number of leash law violations and levy the appropriate fines. Commissioner Glenn made the motion to approve the Ordinance amending Chapter 92 of the Code of Ordinances. Commissioner Hamrick seconded and the vote was unanimous.

AGENDA ITEM VII

Staff Reports

Mr. Trogdon reported the Town Hall offices would be closed for Labor Day, September 3, 2007. The Land Use Plan meeting will be held on August 14, 2007 at 7:00 p.m. Mr. Trogdon also discussed an additional \$1.50 per ton County landfill tax.

Mr. Trogdon recognized Ms. Gloria Crouch of Tasty Blend Foods located on South Main Street in Boiling Springs. Tasty Blend is purchasing property located on Hillside Street from Mr. and Mrs. Lansford Jolley. Ms. Crouch discussed their plans for expansion.

Mr. Trogdon met with an architect to discuss plans for a new municipal building. He requested the Board contact him with their requests.

Mr. Trogdon presented a Resolution of Appreciation to the Gardner-Webb University grounds staff for their hard work to beautify the area in front of Dover Chapel. Commissioner Gravett made the motion to adopt the Resolution of Appreciation. Commissioner Elliott seconded and the vote was unanimous. A copy of the resolution is on file in the office of the Clerk.

Mr. Trogdon discussed the Town's Sign Ordinance. The Board agreed to further review the Ordinance and discuss at the next Board meeting.

Rhonda Allen was previously authorized to make necessary budget amendments to the FY 2006-2007 budget year. Ms. Allen presented a budget amendment increasing Capital Outlay \$4,900. A copy of the amendment is on file. Ms. Allen also discussed the water usage report.

Chief Thomas reported Officer Samantha Davis joined the Police Department. He also informed the Board of activities in the department and in Boiling Springs.

AGENDA ITEM VIII

Commissioner's Report/Comments

Commissioner Gravett reported a citizen requested North Main Street be repaved; expressed concern regarding the condition of the white house on the corner of Pineland Avenue and South Main Street; and is interested in attending the 2007 NCLM Annual Conference in October.

Commissioner Glenn commended the Town employees that care for the flowers in the hanging baskets alongside the streets.

AGENDA ITEM IX

Mayor's Report/Comments

The Board entered into executive session pursuant to G.S. 143-318-11 to discuss personnel at 8:50 p.m. at the request of Mayor Hamrick.

The meeting reconvened at 9:15 p.m.

The Board agreed the manager's job performance is satisfactory.

Closed session minutes are on file in the Clerk's office.

There being no further business to come before the Board, Mayor Hamrick declared the meeting adjourned at 9:17 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

**Town of Boiling Springs
Board of Commissioners
Closed Session
August 7, 2007**

At the recommendation of Mayor Max Hamrick, the Board entered into a closed session to discuss personnel.

Present were: Mayor Max J. Hamrick; Commissioners William Elliott, James Beason, John Glenn, Darlene Gravett, and Cliff Hamrick. Town Attorney John Schweppe III was also present.

The Board discussed the Manager's performance.

Commissioner Glenn made the motion to adjourn into regular session at 9:15 p.m. Commissioner Gravett seconded and the vote was unanimous.

Max J. Hamrick, Mayor

Meeting Date: September 4, 2007

Subject: Public Hearings

a. Zoning Map Amendment – 419 Hillside St., R-15 to M-1-CUD (p. 8)

The property at 419 Hillside St. currently is part of a larger parcel that stretches to Flint Hill Church Rd. The property owner is considering subdividing the property and selling off about 4 acres that will be accessed from Hillside Street. The property owner is petitioning for a Conditional Use District (CUD) in order to insure that only a specific use or uses will be allowed on the property.

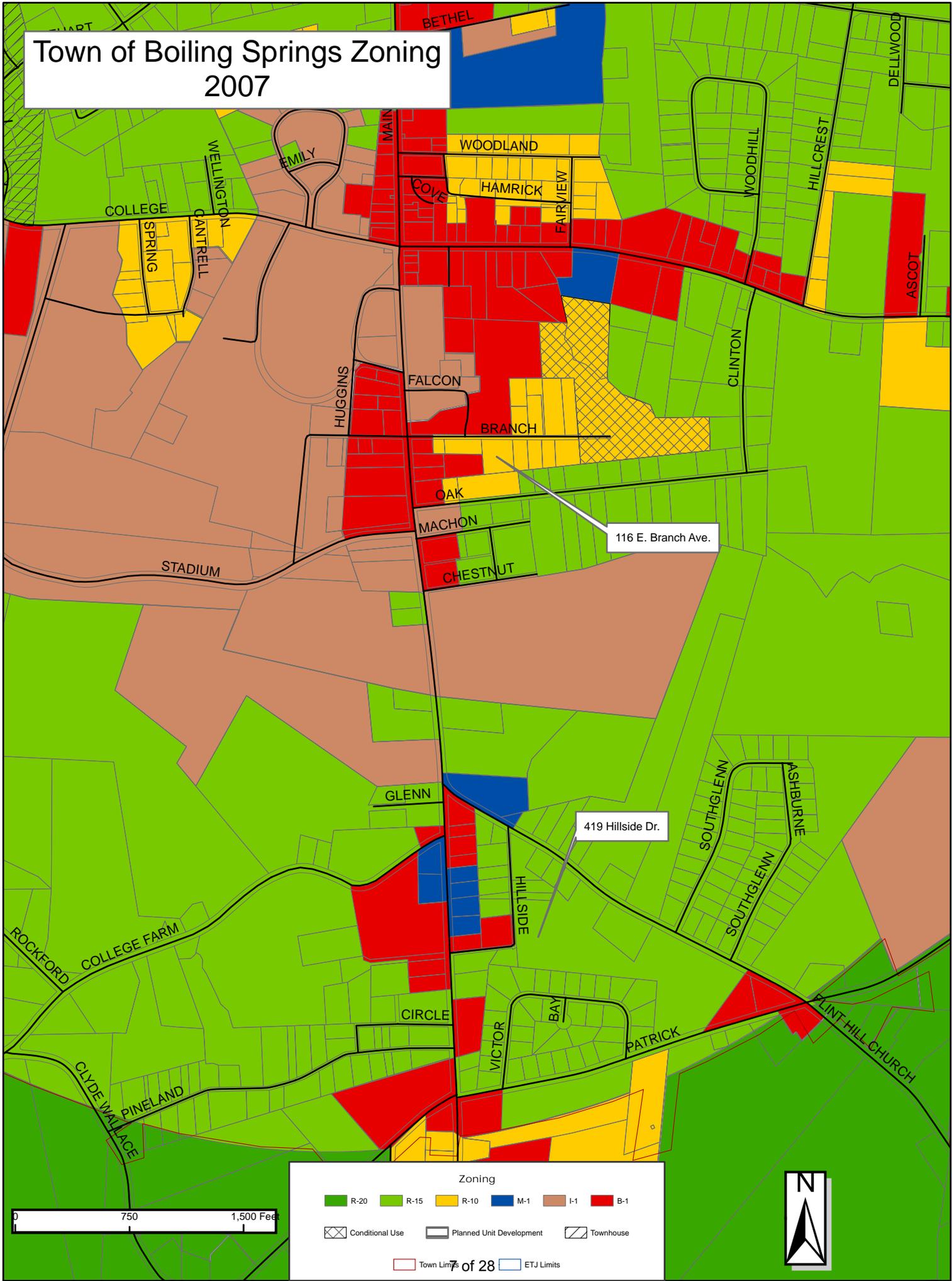
A Conditional Use District rezoning is different from a typical rezoning in that the Board must also issue a Conditional Use Permit (CUP) for the property. The issuance of a CUP is normally pursuant to the Board establishing some findings of fact and making conclusions based on those findings. I have attached some sample findings of fact for your review.

b. Zoning Map Amendment – 116 East Branch Ave., R-10 to M-1-CUD (p. 14)

The property owner of 116 East Branch Ave is proposing to construct mini-warehouses on the property. The property owner is petitioning for a Conditional Use District (CUD) in order to insure that only a specific use or uses will be allowed on the property. As for the CUD zoning above, the rezoning requires a Conditional Use Permit and the Board needs to establish some findings of fact. I have enclosed sample findings for your review.

Action Taken/Notes:

Town of Boiling Springs Zoning 2007



Zoning

- R-20
- R-15
- R-10
- M-1
- I-1
- B-1
- Conditional Use
- Planned Unit Development
- Townhouse
- Town Limits
- ETJ Limits



Town of Boiling Springs
 P.O. Box 1014
 Boiling Springs, NC 28017
 (704)434-2357
 (704)434-2358 (fax)

Original

Application to Rezone Property

Contact Information

Applicant: <i>Lansford + Cothran Jolley</i>	
Mailing Address and Phone Number: <i>Box 935, Boiling Springs, N.C. 28017</i>	
<i>(132 Flint Hill ch. Rd - Res.) 704-434-2498</i>	
Property Owner(s): <i>Lansford + Cothran Jolley</i>	
Mailing Address and Phone Number: <i>P.O. Box 935</i>	
<i>Boiling Springs, NC 28017</i>	<i>704-434-2498</i>

Property Information

Property Location: <i>Hillside St., Boiling Springs, NC 28017</i>	
Tax Map Identification: <i>See attached map</i>	Deed Reference: <i>Book 1188 Page 982</i>
Lot Size (sq. ft.): <i>Approx. 4 A.C.</i>	Size of Area to be Rezoned (sq. ft.): <i>Approx. 5 Acres</i>
Public Utilities Available: <input checked="" type="checkbox"/> water <input checked="" type="checkbox"/> sewer <input checked="" type="checkbox"/> electric <input type="checkbox"/> natural gas <input type="checkbox"/> other (specify)	

Present Zoning Classification: <i>Housing (R-15)</i>	Requested Zoning Classification: <i>light (M-1)</i>
Additional Comments:	<i>Industrial/Commercial</i>

I certify that I am the property owner or truly represent the property owner and that the information provided above is correct to the best of my knowledge, information, and belief.

Property Owners — *Lansford + Cothran Jolley* 8-11-07
 Signature of Applicant Date
 Applicant *Lansford + Cothran Jolley*



Town of Boiling Springs
P.O. Box 1014
Boiling Springs, NC 28017
704-434-2357
704-434-2358 (fax)

Conditional Use Permit Application

Applicant: Wansford + Cothenia Jolley
Mailing Address and Phone Number: PO Box 935 (132 Flint Hill Ch. Rd - Res.)
Boiling Springs, NC 28017 704-434-2498
Property Owner: Wansford + Cothenia Jolley
Mailing Address and Phone Number: PO Box 935 (132 Flint Hill Ch. Rd - Res.)
Boiling Springs, NC 28017 704-434-2498

Project Address: Hillside St., Boiling Springs, NC 28017
Cleveland County PIN(s): _____
Proposed Use: See attached sheet Zoning District: TR-15

The following items must accompany this application:

- A statement as to why the Conditional Use is necessary. See note attached
- A detailed site plan showing the layout of the use on the property and other information necessary to assist the Board in making a determination. Map included

I understand that this application is submitted pursuant to Section 151.176(D) of the Zoning Code and I certify that the above information provided is correct to the best of my knowledge, information, and belief.

Wansford + Cothenia Jolley
Signature of Property Owner

Wansford Jolley
Signature of Applicant

August 9, 2007

Statement as to why the Conditional use is necessary:

I am requesting to rezone the attached property from Residential to Light Industrial/Commercial property. This property is located directly across the road from Snak-Time Foods. By rezoning the property, it will be sold to the owner of Snak-Time Foods to expand their business, which will be for their frozen facility. This facility will service the retail and food service industry. This will bring additional jobs and revenues to our community. A win win situation for all of us.

Detailed Site Plan:

The property is approximately ⁴ ~~5~~ acres. At this time I do not have a layout of the frozen facility building. When the property is rezoned, it will be sold and then the building layout can be provided to the Board by Snak-Time Foods.

Cleveland Co., NC



Measure
 Length: 1304 feet
 Perimeter: 1821.5 feet
 Area: 4.008 acres

Jansford Jolly
 Property

DISCLAIMER: The information contained on this site is furnished by government and private industry sources and is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey. The information contained hereon does not replace information that may be obtained by consulting the information's official source. In no event shall Cleveland County, NC or the consultants of Cleveland County, NC be liable for any damages, direct or consequential, from the use of the information contained on this site.

<http://www.webgis.net> Anderson & Associates, Inc. <http://www.andassoc.com>

Findings of Fact – Rezoning of 419 Hillside St.

1. Lansford and Cothenia Jolley are currently the owners of property that is addressed to 126 Flint Hill Church Road. The property stretches from Flint Hill Church Road to Hillside Street.
2. Mr. and Mrs. Jolley are proposing to create a lot with a perimeter of approximately 1821.5 feet and area of 4.08 acres (as shown on the site plan) for sale. If created, this lot would have frontage on Hillside Street and would be addressed as 419 Hillside Street.
3. The property at 419 Hillside Street is in the Town of Boiling Springs, has a current zoning classification of R-15, and is vacant.
4. The petitioner is proposing to construct a 40,000 square foot facility on the property that will be used to manufacture food products. This is not a permitted use in R-15, but is permitted in an M-1 district under the use type “food & food products, except animal rendering.”
5. The required setbacks for structures in an M-1 District are 50 feet in the front, 25 feet on each side, and 25 feet in the rear. Zoning regulations require that these underlying district regulations be the minimum standards for a CUD as well.
6. The property is bounded on the north, east, and south by R-15 zoning and on the west by B-1 zoning.
7. Section 151.140(A) of the Land Usage text of the Town of Boiling Springs’ Code of Ordinances requires non-residential uses that abut any residential districts to employ screening devices on those sides abutting those districts.
8. The Town of Boiling Springs’ Planning and Zoning Board at its meeting on August 21, 2007, voted unanimously to approve the rezoning of the property from R-15 to M-1-CUD.

Town of Boiling Springs

P.O. BOX 1014
BOILING SPRINGS, N.C. 28017
Telephone 704-434-2357
Fax 704-434-2358

Planning Board Statement

The Town of Boiling Springs Planning Board believes that its action to **approve** this zoning map amendment applied for by Lansford Jolley is based on the determination that the request is **consistent** with land use plans for Boiling Springs and **considers** the action to be reasonable and in the public interest for the following reasons:

*Factors that support **approval** of the rezoning request:*

1. The property is in the vicinity of similar uses.
2. Adjoining properties will be protected by screening devices required by zoning regulations.
3. The applicant has agreed to have the property zoned as a Conditional Use District and to develop the property in accordance with the specified use(s) and condition(s) contained in the Conditional Use Permit.

Signed:


Gary Lukridge, Chair



Town of Boiling Springs
 P.O. Box 1014
 Boiling Springs, NC 28017
 (704)434-2357
 (704)434-2358 (fax)

Application to Rezone Property

Contact Information

Applicant:	James A. Black		
Mailing Address and Phone Number:	P.O. Box 444		
	Boiling Springs NC 28017	704	434 6052
Property Owner(s):	James A. Black & Hayle L. Black		
Mailing Address and Phone Number:	Same as above		

Property Information

Property Location: 116 E Branch St	
Tax Map Identification: BS 5-Lot 11	Deed Reference: Book 42 Page 148
Lot Size (sq. ft.): 1 acre	Size of Area to be Rezoned (sq. ft.): 1 acre
Public Utilities Available: <input checked="" type="checkbox"/> water <input checked="" type="checkbox"/> sewer <input checked="" type="checkbox"/> electric <input checked="" type="checkbox"/> natural gas <input type="checkbox"/> other (specify)	
Present Zoning Classification: R-15	Requested Zoning Classification: M1 CUD
Additional Comments:	

I certify that I am the property owner or truly represent the property owner and that the information provided above is correct to the best of my knowledge, information, and belief.

James A. Black
 Signature of Applicant

7-9-07
 Date



Conditional Use Permit Application

Contact Information

Applicant:	James A. Blacklock		
Mailing Address and Phone Number:	P.O. Box 444		
	Boiling Spring NC 28017	704 434-6052	
Property Owner:	James A. Blacklock & Haylen Blacklock		
Mailing Address and Phone Number:	same as above		

Project Information

Project Address:	116 E Branch St.		
Cleveland County PIN(s):	BS 5 Lot 11		
Proposed Use:	Mini warehouses		
Zoning District:	seeking mixed from R15	Located In:	<input checked="" type="checkbox"/> City Limits <input type="checkbox"/> ETJ
The following items must accompany this application:			
- A statement as to why the Conditional Use is necessary.			
- A detailed site plan showing the layout of the use on the property and other information necessary to assist the Board in making a determination.			

I understand that this application is submitted pursuant to Section 151.176(D) of the Zoning Code and I certify that the above information provided is correct to the best of my knowledge, information, and belief.

James A. Blacklock 7-9-07
Signature of Applicant Date

EAST BRANCH AVENUE 30' R/W

STADIUM

MAG NAIL

N 89°02'50"E 204.94'

SPINDLE

12.48'

MAG NAIL

20.12'

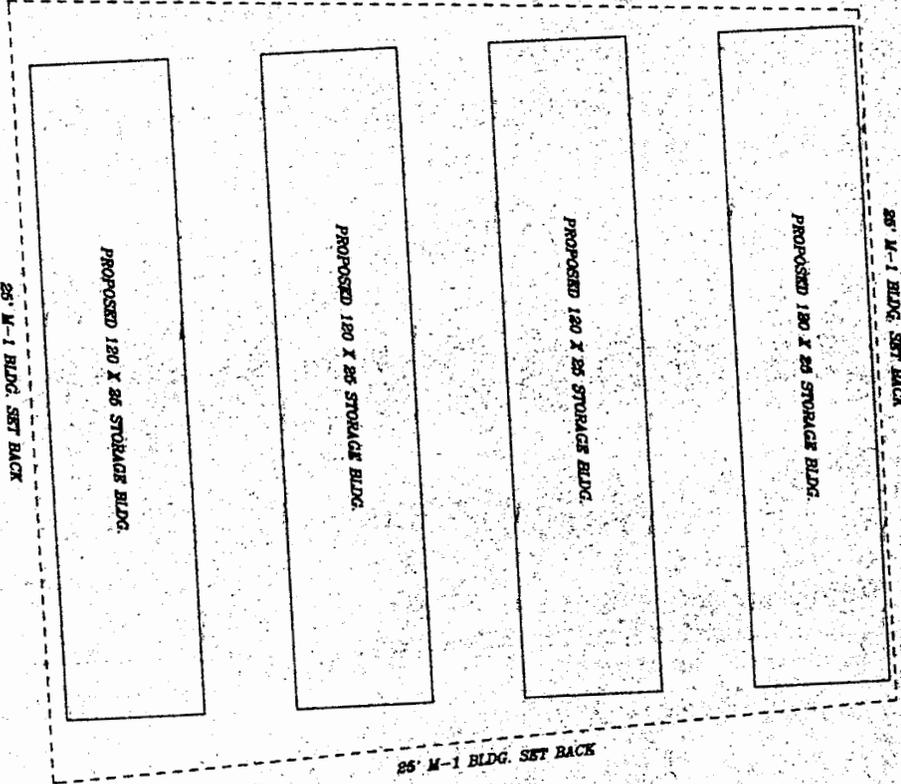
EIP

POWER LINE

PROPERTY IS ZONED R-15.
REQUESTING M-1 CONDITIONAL ZONING

1.052 ACRES
45,826 SQ. FT.

60' M-1 BLDG. SET BACK



N 01°44'09"W 99.87' (TOTAL)

87.39'

N 03°41'44"W 233.77'

N 05°09'22"W 134.00'

S 03°48'16"E 213.62'

193.40'

RANDALL DEED BK.

MOE

19'

17"W

EIP

IPS

S 83°23'24"W

ANGLE IRON NOT USED

ANGLE IRON NOT USED

205.37'

EIP

REV. HAROLD E. LANGLEY
DEED BK. 7E, PG. 13

BRICK DUPLEXS

TOWNSHIP M
CLEVELAND
SURVEY
JAMES A

Rezoning this lot from R-15 to M-1 for the purpose of building mini-warehouses. Should have minimum impact on the surrounding community since the lot is bordered by existing warehouses and this type of business generates very little traffic.

James A. Block

Findings of Fact – Rezoning of 116 East Branch Ave.

1. Mrs. R.V. Greene is listed as the owner of property at 116 East Branch Ave. Mr. James Blalock is the executor for the property.
2. The lot at 116 East Branch Ave. has an area of 45,826 square feet with 204 feet of street frontage and a depth of greater than 200 feet. The property is shown on the attached site plan.
3. The lot at 116 East Branch Ave. is in the Town of Boiling Springs, has a current zoning classification of R-10, and is vacant. The lot is bounded by R-10 zoning on the east and south, and B-1 zoning on the north and west.
4. The petitioner is proposing to construct four mini-storage buildings of 3,000 square feet each. This is not a permitted use in R-10, but is permitted in an M-1 district under the use type “mini-warehouses.”
5. The required setbacks for structures in an M-1 District are 50 feet in the front, 25 feet on each side, and 25 feet in the rear. Zoning regulations require that these underlying district regulations be the minimum standards for a CUD as well.
6. Section 151.140(A) of the Land Usage text of the Town of Boiling Springs’ Code of Ordinances requires non-residential uses that abut any residential districts to employ screening devices on those sides abutting those districts.
7. The Town of Boiling Springs’ Planning and Zoning Board at its meeting on August 21, 2007, voted unanimously to approve the rezoning of the property from R-10 to M-1-CUD.

Town of Boiling Springs

P.O. BOX 1014
BOILING SPRINGS, N.C. 28017
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Fax 704-434-2358

Planning Board Statement

The Town of Boiling Springs Planning Board believes that its action to **approve** this zoning map amendment applied for by James A. Blalock, is based on the determination that the request is **consistent** with land use plans for Boiling Springs and **considers** the action to be reasonable and in the public interest for the following reasons:

*Factors that support **approval** of the rezoning request:*

1. There are similar uses adjacent to and in the vicinity of the property.
2. Adjoining properties will be protected by screening devices.
3. The applicant has agreed to have the property zoned as a Conditional Use District and to develop the property in accordance with the specified use(s) and condition(s) contained in the Conditional Use Permit.

Signed:



Gary Lukridge, Chair

Meeting Date: September 4, 2007

Subject: Other Business

Ordinance to Amend Chapter 73, "Parking Schedule" of the Code of Ordinances

Legislation was passed by the General Assembly in 2007 to allow the Town to adopt regulations authorizing the use of wheel locks on certain vehicles with unpaid parking tickets. I have included a sample ordinance for your review. I have also enclosed copies of the relevant legislation as passed by the General Assembly.

The important thing to remember about these regulations is that even for the Town to consider the use of a wheel lock, a person must be parked illegally and have three unpaid parking tickets at that time.

Action Taken/Notes:

**AN ORDINANCE TO AMEND CHAPTER 73, “PARKING SCHEDULE”,
OF THE BOILING SPRINGS’ CODE OF ORDINANCES TO INCLUDE
IMMOBILIZATION OF VEHICLE PROVISIONS**

BE IT ORDAINED by the Board of Commissioners of the Town of Boiling Springs, North Carolina that:

Part 1. Section (B) of Chapter 73 of the Town of Boiling Springs’ Code of Ordinances is hereby amended to read:

(B) Penalty

- (1) Any violation of this Chapter shall subject the violator to a civil penalty in the amount of Fifteen Dollars (\$15.00). Violators will be issued a written citation that must be paid within thirty (30) calendar days from the date of issuance. If such fine is not paid within said period, the violator will be assessed a civil penalty of Fifty Dollars (\$50.00). An additional penalty of Fifty Dollars (\$50.00) will accrue each and every thirty (30) calendar days beyond the expiration of initial civil penalty period.
- (2) Immobilization of Vehicles for Unpaid Parking Citations
 - (a) The Chief of Police, or his designee, may immobilize by the use of wheel locks any vehicle which is illegally parked in violation of this Chapter and for which there are three (3) or more outstanding, unpaid, and overdue parking tickets issued on at least three separate days. For the purpose of determining whether an illegally parked vehicle has had issued against it three (3) or more outstanding, unpaid and overdue parking tickets issued on at least three separate days, it shall be sufficient if the license plate number of the illegally parked vehicle and the license plate number of the vehicle having received the tickets are the same.
 - (b) If a wheel lock is attached to a vehicle, a notice shall be affixed to the windshield or other part of the vehicle so as to be readily visible. The notice shall warn that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage to the vehicle. The notice shall state the total amount of civil penalties due to parking tickets that are overdue and unpaid and attributable to such vehicle, and the immobilization fee to be charged. An immobilization fee of Twenty Dollars (\$20.00) shall be charged for the removal of the wheel lock. The civil penalties and the immobilization fee shall be paid to have the wheel lock removed. The address and telephone number to be contacted to pay such charges to have the wheel lock removed shall also be listed on the notice. The town shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move the vehicle.
 - (c) If civil penalties due and the immobilization fee as herein provided are not paid, or satisfactory arrangements in lieu of payment are not made, within twenty-four (24) hours of the attachment of the wheel lock, the Chief of Police or designee may order such vehicle to be towed and impounded. The towing and storage fee will be determined by the towing service that is used. Once a vehicle has been towed, the

Chief of Police or designee shall mail or cause to have mailed, a notice of impoundment to the registered owner and lien holders, if any are known. All towing and storage charges incurred in connection with impounded vehicles shall constitute a lien upon such vehicles as provided in G.S. section 44A-2.

- (d) Upon payment of all civil penalties and overdue and unpaid parking tickets issued for the vehicle and of all other charges authorized by this section, including immobilization, towing, and storage fees, the vehicle shall be released to the owner or any other person legally entitled to claim possession of the vehicle.

Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Boiling Springs, North Carolina.

ADOPTED this the 4th day of September, 2007.

SIGNED: _____
Max J. Hamrick, Mayor

ATTEST: _____
Kim Greene, Town Clerk

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-330
SENATE BILL 16**

AN ACT TO ALLOW THE TOWN OF BOILING SPRINGS TO USE WHEEL LOCKS TO
ENFORCE PARKING REGULATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 2003-240 reads as rewritten:

"**SECTION 3.** Section 1 of this act applies to the Towns of Boiling Springs, ~~Carolina Beach~~
Carolina Beach, and Wrightsville Beach only."

SECTION 2. This act is effective when it becomes law.

2007. In the General Assembly read three times and ratified this the 2nd day of August,

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-240
SENATE BILL 57**

**AN ACT TO ALLOW THE TOWNS OF CAROLINA BEACH, WRIGHTSVILLE BEACH,
AND YADKINVILLE TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.**

The General Assembly of North Carolina enacts:

SECTION 1. The council of a city may provide, by ordinance, for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets issued on at least three separate days. The ordinance shall provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars (\$50.00), and charges for towing and storage. The city shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle.

SECTION 2. Section 2 of Chapter 291 of the 1993 Session Laws, as amended by Chapter 381 of the 1995 Session Laws, S.L. 1997-218, and S.L. 2002-127, reads as rewritten:

"Sec. 2. This act applies to the Cities of Durham, Greensboro, Lenoir, Monroe, Raleigh, ~~and Winston-Salem~~ ~~Winston-Salem~~, and the Town of Yadkinville only. This act shall also apply to the City of Wilmington, but only as to the area in the central business district as defined in that City's zoning ordinance as of June 1, 1997."

SECTION 3. Section 1 of this act applies to the Towns of Carolina Beach and Wrightsville Beach only.

SECTION 4. Section 2 of this act applies to the Town of Yadkinville only.

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 24th day of June, 2003.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

*This document (also available in [PDF](#) and [RTF](#) formats) is not an official document.
Please read the [NCGA Web Site disclaimer](#) for more information.*

Meeting Date: September 4, 2007

Subject: Staff Reports

Police

Public Works

Finance

Town Clerk

Town Attorney

Town Manager

- Census 2010 Update – The US Census Bureau is beginning planning for the 2010 Census. I want to update you on how a workshop I went to recently about how the Town can insure that it gets the best results from the Census possible.
- Final Flood Map Determinations – I have enclosed for your review some correspondence from FEMA announcing that the elevations have been finalized for the Town's flood maps. If you recall, these elevations were preliminary during an appeal period that has now passed. The letter states that the Flood Insurance Rate Map (FIRM) that incorporates these elevations will become effective on February 20, 2008.



Federal Emergency Management Agency

Washington, D.C. 20472

AUG 20 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

15NP (ID)

The Honorable Max Hamrick
Mayor of the Town of Boiling Springs
P.O. Box 1014
Boiling Springs, North Carolina 28017

Community No.: 370550
Community: Town of Boiling Springs,
Cleveland County,
North Carolina
Map Panels Affected: See enclosed
Summary of Map Actions (SOMA)

Dear Mayor Hamrick:

This is to formally notify you of the final flood elevation determination for the Town of Boiling Springs, in compliance with Title 44, Chapter 1, Part 67, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the state coordinating agency, and shall be published in the Federal Register. In addition, this letter provides information about how your community may enroll in the National Flood Insurance Program (NFIP) to make flood insurance available to community residents and abate the effects of nonparticipation in the NFIP.

On February 28, 2007, your community was provided a preliminary Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs) in your community. Notification of the proposed Base (1% annual chance) Flood Elevations (BFEs) presented in the FIS report and FIRM was published in The Star on March 7, 2007, and March 14, 2007, and in the Federal Register on March 28, 2007, at FR72, pages 14503-14511.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. The Federal Emergency Management Agency (FEMA) did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for your community are considered final. The final rule for BFEs will be published in the Federal Register as soon as possible. The FIRM for your community will become effective on February 20, 2008. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

The FIRM provides the basis for actuarial premium rates for flood insurance policies. These rates reflect the degree of exposure of property to flood risks. Actuarial flood insurance rates are charged for all new construction started in identified SFHAs after the effective date of the FIRM for communities participating in the NFIP.

The actuarial flood insurance rates increase as the lowest-floor elevation (including basement) of new structures decreases in relation to the BFEs. Conversely, building at a higher elevation can greatly reduce the cost of flood insurance. Hence, any structure not elevated above the established BFE is exposed to greater flood hazard than if it were properly elevated. In the event that flood insurance became available in your community at some future date, the applicable premium rate for flood insurance is required for most types of mortgages for homes located in the floodplain, the high flood insurance premiums would likely represent a hardship for those purchasing flood insurance.

On the effective date of the FIRM, a one-year compliance period begins during which time your community must adopt a floodplain management ordinance that meets the minimum Federal requirements of Section 60.3(c) of the enclosed excerpt from the "National Flood Insurance Program and Related Regulations".

Communities that fail to adopt the required ordinance by the end of the one-year period are considered to be noncompliant and cannot participate in the NFIP until the community adopts the required ordinance. Nonparticipating communities become subject to the sanctions outlined in Section 202(a) of the Flood Disaster Protection Act of 1973. Flood insurance, Federal grants and loans, Federal disaster assistance, and Federal mortgage insurance are not available for the acquisition or construction of structures within the identified SFHAs in nonparticipating communities.

The North Carolina Floodplain Management Division is available to assist your community. Any questions may be directed to the following address:

Phil Letsinger, CFM, NFIP State Coordinator
 North Carolina Division of Emergency Management
 4716 Mail Service Center
 Raleigh, North Carolina 27699-4716
 (919) 715-8000 x273
pletsinger@ncem.org

In addition, a FEMA Consultation Coordination Officer (CCO) is available to assist your community. You may reach the CCO at FEMA, Federal Insurance and Mitigation Division, 3003 Chamblee Tucker Road, Atlanta, Georgia 30341, or at (770) 220-5400.

Sincerely,



William R. Blanton, Jr., CFM, Chief
 Engineering Management Section
 Mitigation Division

Enclosures:

Final SOMA
 Final BFE Determination
 Elevation Certificate
 Floodplain Management Bulletin
 Excerpt from NFIP and Related Regulations
 FEMA 496 brochure: Joining the NFIP

cc: Mr. Zack Trogdon, Boiling Springs Town Manager
 Mr. John Gerber, North Carolina Floodplain Mapping Program Engineer
 FEMA, Region IV
 NFIP State Coordinator

Meeting Date: September 4, 2007
Subject: Commissioners' Reports

Commissioner Gravett

Commissioner Elliott

Commissioner Beason

Commissioner Glenn

Commissioner C. Hamrick

Meeting Date: September 4, 2007
Subject: Mayor's Report