



Agenda

Town of Boiling Springs Board of Commissioners

May 6, 2008

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

May 6, 2008

7 p.m., Town Hall

- | | | |
|----|--|----|
| 1. | Call to Order – Max J. Hamrick, Mayor | - |
| 2. | Approval of Minutes
April 1, 2008 Meeting
April 7, 2008 Budget Meeting | 3 |
| 3. | Recognition of Citizens Present | |
| 4. | Public Hearings
- Zoning Text Amendment– Special Intensity Allocations | 6 |
| 5. | Resolutions
- Surplus Property Disposition
- Annexation Moratorium | 9 |
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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
April 1, 2008**

The Board of Commissioners of the Town of Boiling Springs met April 1, 2008 at the Boiling Springs Town Hall. Present were: Mayor Max J. Hamrick; Commissioners William Elliott, James Beason, John Glenn, 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, Public Works Director Mike Gibert, and Chief Marty Thomas.

Others Present: Dr. Jack Partain, Julia Newton, Lanny Newton, Eddie Kee, Jim Blalock, and Denis Thurman Sr.

AGENDA ITEM I

Call to Order – Max J. Hamrick, Mayor

AGENDA ITEM II

Recognition of Citizens Present

AGENDA ITEM III

Approval of Minutes

Commissioner Elliott made the motion to approve the minutes of the March 4, 2008 regular meeting as previously mailed. Commissioner Hamrick seconded and the vote was unanimous.

AGENDA ITEM IV

Public Hearings

Petition for Annexation – 717 McBrayer Homestead Road

A request was received from Kelthrum Development Company, LLC to annex property located at 717 McBrayer Homestead Road. The property is not contiguous to the current Town limits. Mayor Hamrick declared the public hearing open at 7:02 p.m. There being no comments, Mayor Hamrick closed the public hearing at 7:03 p.m. Commissioner Glenn made the motion to adopt the annexation ordinance to extend the corporate limits of the Town of Boiling Springs. Commissioner Elliott seconded and the vote was unanimous. A copy of the Ordinance is on file in the office of the Clerk.

AGENDA ITEM V

Staff Reports

Chief Thomas updated the Board on Police Department activities. He continues to seek funding for the 800 MHz radios, which are scheduled to be in use by the 2nd quarter of 2009. The Police Department will also be participating in the Governor's Highway Safety Program statewide campaign called "No Need 2 Speed."

Mr. Gibert reported no problems occurred during the last rain event.

Important Dates:

Litter Pickup - April 5, 2008 at 8 a.m. - sponsored by the Boiling Springs Rotary Club
Vehicle litterbags will be available by mid-April at the Boiling Springs Town Hall.

A budget meeting will be held on April 7, 2008 at 7 p.m.

State of the Community Breakfast on April 17, 2008

The 3rd Annual Springs Alive festival on April 19, 2008

Mr. Trogdon reported the owners of Snak Time Foods inquired about closing Hillside Street. They want to expand their business and build structures across the street. The adjoining property, 419 Hillside Street, was rezoned last year to M-1-CUD to allow Snak Time Foods to construct a facility to manufacture food products. Mr. and Mrs. Lansford Jolley stated Snak Time Foods has yet to purchase the property. Mr. Trogdon discussed road closing procedures, the cost of moving Town utilities, and the need for a new Conditional Use Permit. The Board agreed that Mr. Trogdon communicate the aforementioned information to Snak Time Foods.

Mr. Trodgon and Commissioner Glenn discussed the Land Use Plan Update Advisory Committee meeting that was held on March 27, 2008. He stated density is a topic of concern. The Land Use Plan Surveys indicate citizens are interested in additional parks, trails, and moving the Post Office.

AGENDA ITEM VII

Commissioner's Report/Comments

Commissioner Elliott stated the sidewalks look good.

Commissioner Glenn reported he and Dr. Jack Partain have been in contact with postal officials regarding moving the Post Office to a better location and home delivery with a Boiling Springs address. Postal Officials responded saying that there are currently no plans to build a new Post Office in Boiling Springs and that the U.S. Postal Service capital resources are limited and it is not possible to provide Boiling Springs their own ZIP code.

AGENDA ITEM VIII

Mayor's Report/Comments

Mayor Hamrick reported Governor Easley is seeking additional authority to deal with the drought situation. The Mayor expressed his concern and encouraged Board members to read an article that was published in the latest issue of Southern City.

The Board discussed the progress of the Library Committee.

There being no further business to come before the Board, Mayor Hamrick declared the meeting adjourned at 8:00 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

**Town of Boiling Springs
Board of Commissioners
Budget Meeting Minutes
April 7, 2008**

The Board of Commissioners of the Town of Boiling Springs met at 7:00 p.m. on April 7, 2008 at the Boiling Springs Town Hall. Present were: Mayor Max J. Hamrick; Commissioners William Elliott, James Beason, John Glenn, Darlene Gravett, and Cliff Hamrick. Staff members present: Town Manager Zach Trogdon, Town Clerk Kimberly Greene (recording minutes), Finance Officer Rhonda Allen, Public Works Director Mike Gibert, Police Chief Marty Thomas, Fire Chief Tommy Russ, and 2nd Assistant Chief Paul Creasman.

The purpose of this meeting was to set direction for the FY 2008-2009 budget development.

Rhonda Allen discussed the FY2007-2008 budget with the Board. Fuel expenses continue to increase.

The department heads presented their requests to the Board.

Fire Chief Russ and Assistant Fire Chief Paul Creasman discussed the recent Department of Insurance inspection. They also discussed budget requests resulting from the inspection. Chief Russ reported an increase in membership. Asst. Chief Creasman reported on training requirements and equipment and facility needs.

Mr. Gibert presented the budget requests for the Water and Sewer Departments and the Solid Waste Department. He also discussed a request for a generator for the Lattimore sewer area. Mr. Gibert stated R.E. McLean Tank Company, Inc. recently performed an inspection of the 200,000 gallon elevated tank. They reported the tank is in good condition and with no major problems. However, they suggested in the next few years the interior of the tank be completely redone.

Mr. Gibert stated approximately $\frac{3}{4}$ of the water meters have been replaced since the meter replacement program began in 2004.

Chief Thomas gave a power point presentation outlining the accomplishments, goals, and statistical data for the department. He presented budget requests, which included additional equipment, additional manpower, holiday/compensatory time, and facility needs. Chief Thomas also discussed the impending cost of purchasing 800 MHz radios. He hopes to alleviate that cost by applying for Federal funding.

Commissioner Gravett thanked the department heads for their hard work and efforts that went into the making of their presentations.

Mr. Trogdon discussed the library with the Board and the challenges ahead.

There being no further business to come before the Board, Mayor Hamrick declared the meeting adjourned at 9:50 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Clerk

Meeting Date: May 6, 2008

Subject: Public Hearings

- **Zoning Text Amendment – Special Intensity Allocations (p. 7)**

The Town's watershed protection regulations contain a provision that allows some property within the watershed protected area to be developed up to 70% impervious surface area. Only a certain percentage (10%) of the entire watershed protected area is able to be developed at this intensity. Under normal circumstances, property in the watershed area can only be developed to 24% impervious surface area.

The Planning Board, serving as the Watershed Review Board, is the appointed authority to grant a project the approval to build at 70% impervious surface area. The ordinance refers to this as a Special Intensity Allocation. In order to better help them judge which projects were best suited to be granted this allocation, the Board asked for some criteria. The enclosed ordinance includes the amendment as recommended by the Planning Board.

Action Taken/Notes:

**AN ORDINANCE AMENDING THE LAND USAGE TEXT OF THE
TOWN OF BOILING SPRINGS, NORTH CAROLINA
ORDINANCE # 080506.01**

WHEREAS, the Legislature of the State of North Carolina has delegated to local governments the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and,

WHEREAS, a portion of the Town's land use jurisdiction lay within a Watershed Protected Area IV effective December 1, 2007; and,

WHEREAS, the Town has chosen to utilize the 10/70 allocation as allowed under watershed protection rules; and,

WHEREAS, the Watershed Review Board wishes to have criteria to guide approval of 10/70 allocations in order to maximize the economic benefits of the allocations; and,

WHEREAS, the Board of Commissioners has conducted a public hearing on May 6, 2008 on the proposed amendment; and,

WHEREAS, the Town of Boiling Springs Planning and Zoning Board has made a recommendation to the Board of Commissioners on the matter;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town of Boiling Springs Board of Commissioners, North Carolina, assembled in Regular Session this 6th day of May, 2008 that Article 3, Section B(2)(c) of the Town's watershed protection regulations shall read:

(c) **10/70 Allocation.** In addition to the development allowed under the aforementioned provisions, new development and expansions to existing development may occupy up to ten percent (10%) of the protected area with up to seventy percent (70%) built-upon area on a project by project basis, when approved as a Special Intensity Allocation (SIA).

The Watershed Review Board is authorized to approve SIAs consistent with the provisions of this Ordinance. Projects must, to the maximum extent practicable, minimize built-upon surface area, direct stormwater away from surface waters, and incorporate Best Management Practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

The 10/70 option may only be applied to an area within a project equal too or less than twenty-five (25) acres. The project area may be of any size and location.

To qualify for an SIA, a project must accumulate 200 total points according to the following criteria:

Tax Base added by project:	Points
\$250,000 or less	25
\$250,000 to \$500,000	50
\$500,000 to \$1,000,000	75
\$1,000,000 or more	100
Employment added by project:	
1 to 10	25
11 to 20	50
21 to 50	75
51 or more	100
Zoning Classification:	
Non-Residential Zoning	50
Percentage of Built-Upon Area	
36 to 50%	25
51 to 60%	50
61 to 70%	75
Access:	
Access from or Frontage on Thoroughfare	50

Passed and adopted this 6th day of May, 2008.

Max J. Hamrick, Mayor

Attest:

Kim Greene, Town Clerk (SEAL)

Meeting Date: May 6, 2008

Subject: Resolutions

- ***Surplus Property Disposition (p. 10)***

By statute, the Town Board must adopt a resolution declaring personal property of a certain value as surplus. As a matter of Town policy, anything that has a value over \$1,000 must be declared surplus by the Board. The two vehicles included in the resolution may be over this threshold. If the Board chooses to declare these items surplus, staff will place the items for sale on the internet auction site GovDeals.

- ***Annexation Moratorium (p. 11)***

An idea is being considered in the General Assembly to institute a moratorium on city-initiated annexations and all satellite annexations. I have included a copy of the Legislative Bulletin from the NCLM that summarizes the topic. I have included a sample resolution for the Board if it wishes to take a position opposing the moratorium.

Action Taken/Notes:

Town of Boiling Springs

P.O. BOX 1014
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Resolution Authorizing Sale of Surplus Personal Property

WHEREAS, the Town of Boiling Springs owns personal property which 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 BOARD OF THE TOWN OF BOILING SPRINGS:

The Town Manager is authorized to dispose of the following property at public auction.

1996 Ford Crown Victoria – VIN# 2FALP71W6TX126640
1997 Ford Crown Victoria – VIN# 2FALP71W7VX131090

The Town Board further authorizes the Town Manager to utilize an electronic auction procedure in accordance with G.S. 160A-270(c). Said auction shall be commenced within fifteen (15) days of passage of this resolution.

Adopted this 6th day of May, 2008.

Max Hamrick, Mayor

Attest:

Kim Greene, Clerk

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NC General Assembly Information

Main Number (Any Legislator)

(919) 733-4111

Printed Bills Office

(919) 733-5648

Bill Status Desk

(919) 733-7779

Legislative Building fax

(919) 733-2599

Legislative Office Building

fax (919) 733-3111

Special Issue

April 23 , 2008

House study committee recommends moratorium on annexations, even ones in progress

The N.C. House Select Committee on Annexation today (April 23) voted to recommend a moratorium on all city-initiated annexations, including all those currently pending, and all satellite annexations, including pending ones. The moratorium, if adopted by the General Assembly, would remain in place until June 30, 2009.

The committee recommended halting all city-initiated and satellite annexations to give the study committee additional time to determine whether changes to the state's annexation statutes are needed. All city-initiated annexations would be affected, even those for which a council already has passed an ordinance that is not yet effective. Satellite annexations, done at the request of the property owners, also would be covered by the moratorium.

Two committee members, Rep. Russell Tucker and Judith Wegner, a UNC-Chapel Hill law professor, voted against recommending a moratorium.

The House Select Committee will meet again on May 14, the day after the legislative session begins, and NCLM staff members expect the actual moratorium bill to be presented at that meeting. The bill then would have to be introduced into the General Assembly and pass both the House and Senate.

"Even a temporary moratorium is a cause for grave concern," said NCLM Executive Director S. Ellis Hankins. "If enacted, a temporary ban could easily turn into a permanent ban, as it effectively has in Virginia."

"We encourage all municipal officials to talk with their House members and express opposition to a moratorium," said Hankins. "Please do so as soon as possible. Do not wait for the General Assembly to convene. If you have a pending annexation, please help your representatives understand the consequences of a moratorium."

Members of the House Select Committee on Annexation

Rep. Bruce Goforth, co-chair

Rep. Paul Luebke, co-chair

Rep. Larry R. Brown

Rep. Nelson Dollar

Rep. Earl Jones

Rep. Louis M. Pate Jr.

Rep. Edgar V. Starnes

Rep. Fred F. Steen II

Rep. Russell E. Tucker

Rep. Trudi Walend

Douglas Aitken, Moore County

Judith W. Wegner, Orange Co., UNC-Chapel Hill School of Law

S. Ellis Hankins, Executive Director

Andrew L. Romanet, Jr., General Counsel

Town of Boiling Springs

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Resolution In Support of Sound, Fair, And Uniform Municipal Annexation Statutes

WHEREAS, the North Carolina General Assembly has determined that it is in the best interests of North Carolina citizens to allow municipalities authority to undertake annexation of adjacent developing areas under strict, specified circumstances and standards; and,

WHEREAS, orderly growth through annexation provides a means for cost effective provision of needed municipal services; and,

WHEREAS, such orderly growth helps prevent unnecessary duplication of services, proliferation of special taxing districts and promotes environmental protection and the economic strength of cities, towns and the state; and,

WHEREAS, annexation allows municipalities, on behalf of their residents, to ensure that those who benefit from municipal services and their proximity to a municipality help pay a fair share of the cost of those services and benefits; and,

WHEREAS, municipal officials elected by the people of our cities and towns need adequate authority to address local issues and needs, and it is in the public interest for the city-initiated annexation statutes to remain uniform statewide;

NOW, THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOILING SPRINGS that it hereby declares its opposition to a moratorium on lawful municipal annexation proceedings, and its support for the underlying sound basic principles of North Carolina's annexation statutes.

Adopted this 6th day of May, 2008.

Max Hamrick, Mayor

Attest:

Kim Greene, Clerk

Meeting Date: May 6, 2008

Subject: Staff Reports

Police

Public Works

- Solid Waste Routes – A change will be made to change some streets from Tuesday’s route to Thursday’s route. The streets involved are Gordon, Edgewood, Meadowview, Howington, Beason, and Lawhon.

Finance

- Budget Amendments (p. 14)

Town Clerk

Town Attorney

Town Manager

- Powell Bill Projects – updates on the progress on the West College sidewalk project and the repair of the culvert at Sir Gregory.
- Springs Alive Festival
- Municipal Building Estimates – A spreadsheet of the estimates is enclosed. (p. 16)

TOWN OF BOILING SPRINGS
BUDGET ORDINANCE AMENDMENT #080506.1

WHEREAS, the Town Commission of the Town of Boiling Springs adopted a budget ordinance on June 25, 2007 which established revenues and authorized expenditures for fiscal year 2007-2008; and

WHEREAS, since the time of the adoption of said ordinance, it has become necessary to make certain changes in the Town's budget to allocate the funds awarded to the Town by the North Carolina Governor's Highway Safety Program Grant;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Commission of the Town of Boiling Springs that the budget ordinance as adopted on June 25, 2007 be and is hereby amended as follows:

<u>Section 1.</u>	Revenues	
	Governor's Highway Safety Grant	<u>Increase</u> \$14,000
<u>Section 2.</u>	Expenditures	
	GSHP Grant Expenses	<u>Increase</u> \$14,000

This the 6th day of May 2008.

Max J. Hamrick, Mayor

ATTEST:

Kim Greene, Town Clerk

**TOWN OF BOILING SPRINGS
BUDGET ORDINANCE AMENDMENT #080506.2**

WHEREAS, the Town Commission of the Town of Boiling Springs adopted a budget ordinance on June 25, 2007 which established revenues and authorized expenditures for fiscal year 2007-2008; and

WHEREAS, since the time of the adoption of said ordinance, it has become necessary to make certain changes in the Town's budget to allocate investment earnings;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Commission of the Town of Boiling Springs that the budget ordinance as adopted on June 25, 2007 be and is hereby amended as follows:

<u>Section 1.</u>	Revenues	
	Investment earnings	<u>Increase</u> \$20,000
<u>Section 2.</u>	Expenditures	
	Fire Department Expenses	<u>Increase</u> \$20,000

This the 6th day of May 2008.

Max J. Hamrick, Mayor

ATTEST:

Kim Greene, Town Clerk

Office/Department	Needs	Square Feet	
General Admin.	Town Manager	250	
	Town Clerk	168	
	Finance Director	168	
	Part-time employee	120	
	storage area/library for Town Clerk Documents	150	
	copier/fax workroom	250	
	general reception area for receptionist/customer	600	
	service staff work area	400	
	secure space for computer servers/equipment	100	
	break area	240	
	Total Square Feet:		2,446
Total Square Feet x 35% (Support Spaces, Circulation):		856	3,302
Planning/Zoning	future staff	250	
	area for adequate storage and viewing of maps/plats	300	
Total Square Feet:		550	
Total Square Feet x 35% (Support Spaces, Circulation):		193	743
Board of Commissioners	public meeting chamber	1,500	
	space for closed session meetings	350	
Total Square Feet:		1,850	
Total Square Feet x 35% (Support Spaces, Circulation):		648	2,498
Water/Sewer Admin.	Public Works Director	168	
	area for utility payments to be accepted	300	
	drive-thru and drop box for utility payments	100	
	storage area for utility plans	300	
Total Square Feet:		868	
Total Square Feet x 35% (Support Spaces, Circulation):		304	1,172
Police Department	Chief	168	
	Lieutenant	168	
	Detective	168	
	reception area/window	350	
	squad room for individual officers	400	
	interview/interrogation room	150	
	area for storage of evidence	400	
	area for conducting training	800	
	shower/locker room	500	
	lounge/break/kitchen area	400	

	enclosed bay for washing vehicles	1,000	
	Total Square Feet:	4,504	
	Total Square Feet x 35% (Support Spaces, Circulation):	1,576	6,080
Fire Department	Chief	168	
	Assistant Chief	168	
	Secretary	120	
	showers/locker room	500	
	bunk rooms (sleeping)	450	
	kitchen/pantry	350	
	day room	450	
	training room	800	
	storage area for equipment (turnout gear, etc.)	400	
	5 drive-thru bays (10 trucks)	9,200	
	Total Square Feet:	12,606	
	Total Square Feet x 35% (Support Spaces, Circulation):	4,412	17,018
EMS Station	office	168	
	shower/locker room	250	
	bunk rooms	450	
	lounge/break/kitchen area	400	
	training room	400	
	storage area for equipment	250	
	ambulance bays	2,300	
	Total Square Feet:	4,218	
	Total Square Feet x 35% (Support Spaces, Circulation):	1,476	5,694
Recreation	Greenway Executive Director	168	
	Total Square Feet:	168	
	Total Square Feet x 35% (Support Spaces, Circulation):	59	227
Total Square Feet:			36,734

Meeting Date: May 6, 2008
Subject: Commissioners' Reports

Commissioner Gravett

Commissioner Elliott

Commissioner Beason

Commissioner Glenn

Commissioner C. Hamrick

Meeting Date: May 6, 2008
Subject: Mayor's Report