



Agenda

Town of Boiling Springs Board of Commissioners

March 4, 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

March 4, 2008

7 p.m., Town Hall

1. *Call to Order – Max J. Hamrick, Mayor* -
2. *Approval of Minutes* 3
February 5, 2008 Meeting
3. *Recognition of Citizens Present*
4. *Public Hearings* 6
- **Zoning Map Amendment –221 West College Ave., R-10 to I-1**
5. *Resolutions* 6
- **Resolution Fixing Date on Question of Annexation**
6. *Staff Reports* 16
7. *Commissioners' Reports/Comments* 17
8. *Mayor's Report/Comments* 17

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
February 5, 2008**

The Board of Commissioners of the Town of Boiling Springs met February 5, 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. 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, Chief Marty Thomas, and Public Works Director Mike Gibert.

Others Present: Approximately 30 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

Recognition of Citizens Present

Mayor Hamrick recognized Mr. Don Melton and Mr. Alan Norman of the Cleveland County Sanitary District. Mr. Melton and Mr. Norman wished to thank the Board for their endorsement of the John W. Cline reservoir.

Mayor Hamrick also recognized Mr. Mark Brockman. Mr. Brockman recently purchased property located at 441 South Main Street in Boiling Springs. He expressed concern regarding various zoning issues in the area.

AGENDA ITEM III

Approval of Minutes

Commissioner Beason made the motion to approve the minutes of the January 3, 2008 regular meeting and the January 28, 2008 special meeting as previously mailed. Commissioner Hamrick seconded and the vote was unanimous.

AGENDA ITEM IV

Presentation of Fiscal Year 2006-2007 Audit

Mayor Hamrick recognized Mr. Darrell Keller. Mr. Keller stated it was a very good audit and appreciated the staff for their assistance. After reviewing the audit, he encouraged the Board to contact him if they had any questions. A copy of the audit is on file in the office of the Clerk.

Mr. Keller also presented the proposed Fiscal Year 2007-2008 audit contract. He stated there is an increase in the audit fee this year due to a new sweep of auditing standards that are effective for the year ending June 30, 2008. There are twelve new audit standards for this year; this is mandated by the Financial Accounting Standards Board and the Governmental Accounting Standards Board. Commissioner Elliott made the motion to approve the Fiscal Year 2007-08 Audit Contract with Mr. Darrell Keller, CPA, PA. Commissioner Gravett seconded and the vote was unanimous. A copy of the contract is also on file.

AGENDA ITEM V

Public Hearings

Zoning Map Amendment – Bethel Avenue, R-15 to B-1

A request was received from Mr. James Beason, III to rezone property located on Bethel Avenue, identified as Parcel #2955, from R-15 to B-1. Mayor Hamrick declared the public hearing open at 7:14 p.m. Commissioner Beason requested to be excused and left the table. Mayor Hamrick stated Commissioner Beason has a potential conflict of interest and was excused. Mayor Hamrick recognized Wade Wallace, Pastor of Green Bethel Church. Pastor Wallace stated he was representing Green Bethel Church. He requested the property not be rezoned stating they would not want the traffic flow and the smells of chemicals and fertilizer this business would bring. Mayor Hamrick recognized the petitioner and property

owner, Mr. Jim Beason. Mr. Beason discussed the zoning of surrounding properties. He is currently landscaping and would like to run his business from the property. Commissioner Beason stated Mr. Beason will be a good neighbor. There being no further comments, Mayor Hamrick closed the public hearing at 7:17 p.m. The Planning and Zoning Board voted unanimously to recommend approval of the petition. A copy of the Planning and Zoning Board Statement of Consistency is on file. Commissioner Elliott made the motion to approve the rezoning from R-15 to B-1 based upon the Planning and Zoning Board recommendation and adopt the Statement of Consistency based upon the same. Commissioner Hamrick seconded and the vote was unanimous.

Public Hearings

Flood Damage Prevention Ordinance

Mr. Trogdon stated FEMA and the State of North Carolina prepared new flood maps that are digital and very accurate. The maps will become effective February 20, 2008. Mayor Hamrick opened the public hearing at 7:23 p.m. A gentleman from the audience requested a copy of the ordinance. There being no further comments, Mayor Hamrick closed the public hearing at 7:24 p.m. The ordinance is necessary for citizens to obtain federally backed flood insurance. Commissioner Gravett made the motion to adopt the Ordinance. Commissioner Glenn seconded and the vote was unanimous. A copy of the Ordinance is on file in the office of the Clerk.

AGENDA ITEM VI

Staff Reports

Mr. Trogdon stated Ms. Sarah Rullman, of Spring Investors with AmericInn, has applied to serve on the Tourism Development Authority. Commissioner Elliott made the motion to appoint Sarah Rullman to the vacant unexpired term on the TDA. Commissioner Glenn seconded and the vote was unanimous.

Mr. Trogdon stated the lease agreement with Mr. Brian Greene would expire at the end of this month. Mr. Greene leases the building located at 109 South Main Street. Commissioner Elliott made the motion to approve the lease for one year at \$550. per month. Commissioner Gravett seconded and the vote was unanimous.

Mr. Trogdon reported the library committee, Friends of the Library, is meeting on a regular basis. The committee has inquired about using the Town's 501 tax exempt status while raising funds until they are able to obtain their own tax exempt status. Mr. John Schweppe stated it would not propose a liability for the Town. Commissioner Hamrick made the motion to allow the Friends of the Library the use of the Town's tax exempt status for the purpose of raising funds. Commissioner Beason seconded and the vote was unanimous.

Mr. Trogdon stated a developer requested multi-family density be increased. The Board directed Mr. Trogdon to work with the Planning and Zoning Board on this issue.

Rhonda Allen discussed the 2nd quarter financial reports with the Board.

Chief Thomas reported on events in the Police Department. He discussed grants available to purchase the 800 MHz radios. The officers in the department are working to complete their NIMS training.

Mike Gibert reported Lyman Street did well during the last rain event.

AGENDA ITEM VII

Commissioner's Report/Comments

AGENDA ITEM VIII

Mayor's Report/Comments

Mayor Hamrick received notification from the Isothermal Planning and Development Commission that Mr. Trogdon's term on the Board of Directors will expire in April 2008. Commissioner Elliott made a motion to reappoint Mr. Trogdon to the Isothermal Planning and Development Commission. Commissioner Gravett seconded and the vote was unanimous. The three-year term will conclude in April 2011.

Mayor Hamrick stated April 19-May 3 is the N.C. Department of Transportation Spring Litter

Sweep 2008. Time Warner is also taking nominations for Time Warner Cable National Teacher Awards.

There being no further business to come before the Board, Mayor Hamrick declared the meeting adjourned at 7:50 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

Meeting Date: March 4, 2008

Subject: Public Hearings

- **Zoning Map Amendment – 221 West College Avenue, R-10 to I-1 (p. 7)**

A petition has been submitted to rezone property at 221 West College Avenue from R-10 to I-1. The P&Z Board voted unanimously to recommend approval of the rezoning. A statement is enclosed.

Action Taken/Notes:

Meeting Date: March 4, 2008

Subject: Resolutions

- **Resolution Fixing Date on Question of Annexation (p. 11)**

A petition for annexation has been submitted for property located on McBrayer-Homestead Road. The property is a non-contiguous, or satellite, annexation. The Town Clerk has investigated the sufficiency of the petition and certified as accurate. The next regularly scheduled meeting of the Town Board is Tuesday, April 1, 2008. A sample resolution is included in the agenda with the date of April 1, 2008.



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

Application for Zoning Map Amendment

Applicant: GARDNER - WEBB UNIVERSITY

Mailing Address and Phone Number: P.O. Box 997, Boiling Springs, NC 28017
Phone: 704-406-4654 ATTN: Jeff Ingle

Property Owner(s): SEE ABOVE

Mailing Address and Phone Number: SEE ABOVE

Property Location: 221 WEST College AVE., Boiling Springs, NC Parcel #1425

Tax Map Identification: MAP: BS19/BLOCK:5/LOT:13 Deed Reference: Book 95E Page 112

Lot Size: APPROX. .88 ACRE Size of Area to be Rezoned: SAME

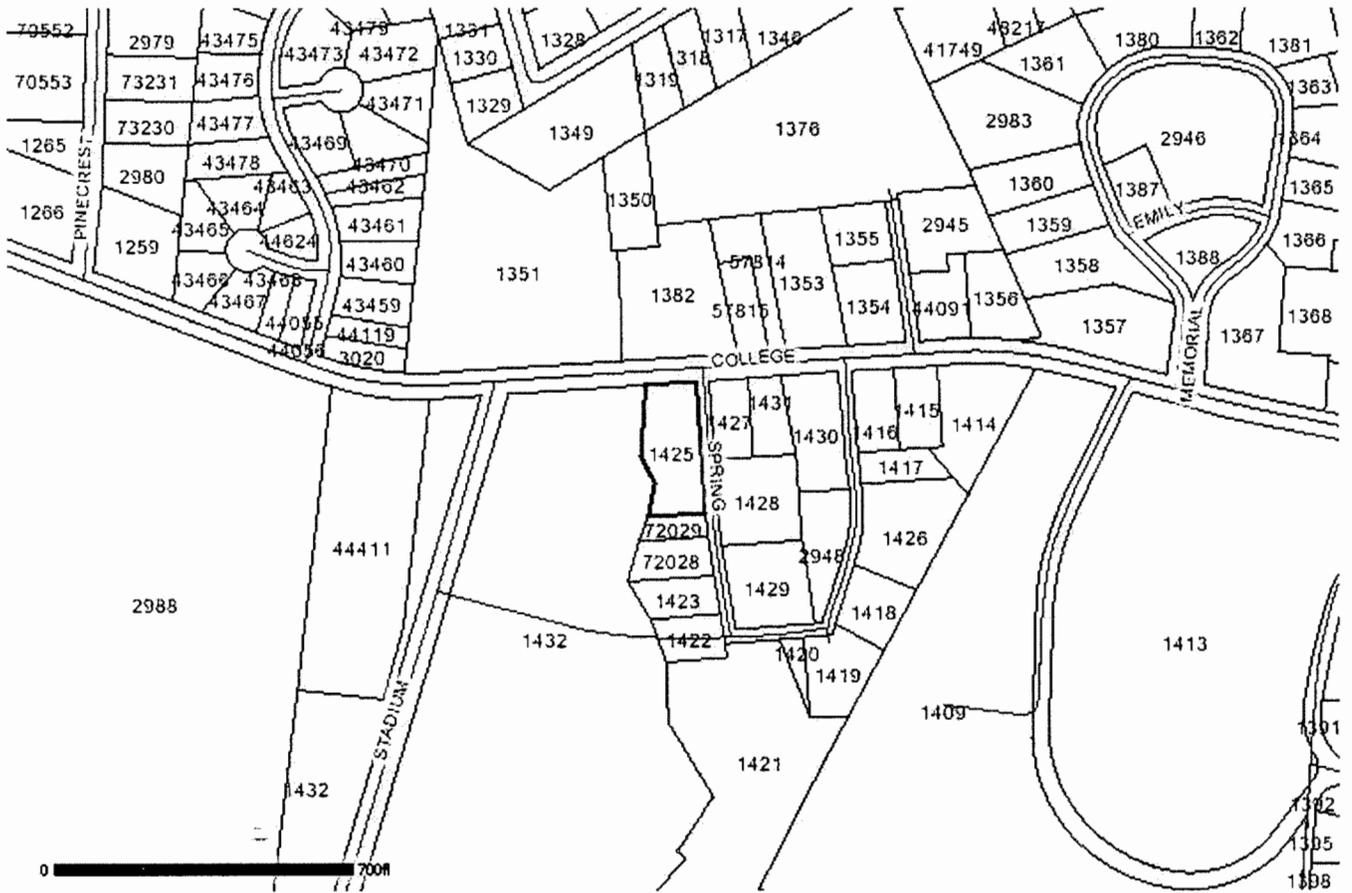
Public Utilities Available: water sewer electric natural gas other (specify)

Present Zoning Classification: R10 (Residential) Requested Zoning Classification: I-1 (INSTITUTIONAL)

Additional Comments: The UNIVERSITY purchased this property from Evelyn Bridges
which is CONTIGUOUS to the CAMPUS on 3 sides. The University wishes
to CONVERT THE HOUSE FOR OFFICES for Administrative STAFF.

I certify that the information provided above is correct to the best of my knowledge, information, and belief.

Jeff Ingle for Gardner-Webb University, Asst. VP For Business
 Signature of Property Owner Signature of Applicant



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Planning Board Statement

The Town of Boiling Springs Planning Board believes that its action to **approve** this zoning map amendment petitioned for by Gardner-Webb University to rezone property located at 221 West College Avenue from R-10 to I-1, 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. Adjoins institutional property on multiple sides.
2. Located on a thoroughfare.

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Governing Board Statement

The Town of Boiling Springs Board of Commissioners believes that its action to **approve/deny** this zoning map amendment applied for by Gardner-Webb University to rezone property located at 221 West College Avenue from R-10 to I-1, is based on the determination that the request is **consistent/inconsistent** with land use plans for Boiling Springs and **considers/does not consider** the action to be reasonable and in the public interest for the following reasons:

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

- 1.
- 2.
- 3.

**TOWN OF BOILING SPRINGS, NC
PETITION FOR ANNEXATION**

TO THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF BOILING SPRINGS:

1. We the undersigned, being all of the owners of the real property described in paragraph 2 below, respectfully petition and request this the 26th day of FEBRUARY, 2008 that such area be annexed into the Town of Boiling Springs, NC.
2. The area to be annexed is contiguous to the existing Boiling Springs Corporate (Town) Limits or is eligible for satellite annexation according to law, and the boundaries of such territory are described as follows:
(Circle A or B)
 - A. Described fully on the attached copy of its legal description and/or copy of the recorded deed and shown on the attached survey of the property.
 - B. Shown on a plat recorded in the Cleveland County Register of Deeds Office in Plat Book _____ at page _____ as lot(s) _____ of Block _____.
3. I hereby certify that (I) (We) are the owners of the described property at the time this petition is submitted and that I am voluntarily requesting annexation by the Town of Boiling Springs of the described property.

Petitioner (Check if Single LLC)
Kettharm Development Co, LLC.
 Name (Please Print)
Harold S. Kim
 Signature
724 S. MORGAN ST.
 Address (Mailing & Street)
Shelby, N.C. 28150
 City State Zip
(704) 487-1071
 Daytime Telephone Number

Petitioner (Spouse)

 Name (Please Print)

 Signature

 Address (Mailing & Street)

 City State Zip

 Daytime Telephone Number

Note: Additional owners and their spouses may sign on the reverse.

If an owner is MARRIED, and not separated by written instrument releasing all property rights, such Owner's SPOUSE MUST SIGN THIS PETITION. This is true even if the Spouse's name is NOT on the Owner's Deed to the Property, or if the Owner inherited the property.

If an Owner is UNMARRIED, he or she should so indicate above his or her signature by checking the blank beside the word "Single", above.

If Owner is a CORPORATION, Petition should be signed by its PRESIDENT or VICE PRESIDENT, ATTESTED by its SECRETARY or ASSISTANT SECRETARY and the CORPORATE SEAL, affixed.

If Owner is a PARTNERSHIP, Petition should be signed by at least (1) ONE GENERAL PARTNER. *LLC*

Additional Signatures (if required):

Petitioner (Check if ~~Single~~ *LLC*)

Kelthurm Development Co., LLC.

Name (Please Print)

Harold S. Kun

Signature

724 S. Morgan St.

Address (Mailing & Street)

Shelby, N.C. 28150

City State Zip

(704) 487-1071

Daytime Telephone Number

Petitioner (Spouse)

Name (Please Print)

Signature

Address (Mailing & Street)

City State Zip

Daytime Telephone Number

STATE OF NORTH CAROLINA
 COUNTY OF CLEVELAND
JAN DEWANEY REVIEW OFFICER OF
 CLEVELAND COUNTY, CERTIFY THAT THE MAP OR
 PLAN TO WHICH THIS CERTIFICATION IS AFFIXED
 MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
 9-14-07 *[Signature]*
 DATE REVIEW OFFICER

CERTIFICATE OF FINAL APPROVAL
 APPROVED FOR RECORDING BY THE BOARD OF COMMISSIONERS OF THE
 TOWN OF BOILING SPRINGS, N.C. ON THIS 11TH DAY OF SEPTEMBER, 2007
 PURSUANT TO AUTHORITY OF ARTICLE 11 OF THE SUBDIVISION ORDINANCE
 MUST BE RECORDED WITHIN 120 DAYS OF THIS DATE.
 9/12/07
 SUBDIVISION ADMINISTRATOR

Certificate of Ownership and Dedication
 I (WE) HEREBY CERTIFY THAT I (AM WE ARE) OWNER(S) OF THE
 PROPERTY SHOWN AND DESCRIBED HEREON, THAT THE PROPERTY
 IS WITHIN THE SUBDIVISION JURISDICTION OF THE TOWN OF BOILING
 SPRINGS AND THAT I (AM WE ARE) HEREBY AGREE THAT THIS PLAN OF SUB-
 DIVISION WITH MY (OUR) FREE CONSENT AND HEREBY ESTABLISH
 ALL LOTS AND RESERVE ALL STREETS, WALKS, PASSES, AND OTHER
 OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

[Signature]
[Signature]
 OWNERS
 Virginia P. Biggerstaff

GENERAL NOTES
 - LOTS AT ALL CORNERS UNLESS OTHERWISE NOTED
 - AREA CALCULATED BY COORDINATE COMPUTATION
 - PROPERTY SHOWN HEREON MAY BE SUBJECT TO
 EASEMENTS OF RECORD OR UNRECORDED EASEMENTS
 - UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED
 - NO FEATURES (BUILDINGS, UTILITIES, ETC.) LOCATED
 EXCEPT THOSE SHOWN HEREON
 - ALL DISTANCES SHOWN HEREON ARE HORIZONTAL DISTANCES
 - COPYRIGHT © BANKHEAD SURVEYING, PA
 - ALL RIGHTS RESERVED. REPRODUCTION OR USE OF THE CONTENTS OF THIS
 DOCUMENT, OR SECTION OR PORTION THEREOF IN ANY OR
 WHOLE WITHOUT WRITTEN CONSENT OF THE LAND SURVEYOR IS PROHIBITED.
 - IF THIS MAP DOES NOT HAVE AN ORIGINAL SIGNATURE IT IS NOT VALID
 - THIS MAP IS FOR THE EXCLUSIVE USE OF THE ORIGINAL PURCHASER OF
 THIS SURVEY AND IS NOT TRANSFERABLE.

LEGEND
 ● EXISTING IRON
 ○ IRON NAIL OR SET
 - UNMARKED POINT
 ○ MUD HOLE
 ○ NODS MOVEMENT
 R/W RIGHT OF WAY

THIS IS TO CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND
 WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE
 THAT REGULATES PARCELS OF LAND.
[Signature]
 SURVEYOR

I, T. SCOTT BANKHEAD, certify that this plan
 was drawn from an actual field survey performed under my direction
 (I have dated references) in this plan; that the boundaries are
 surveyed and indicated by dashed lines; that the scale of precision
 is 1" = 100.00'; and that this plan was prepared in accordance with
 GS 47-20 as amended. Witness my original signature,
 license number and seal this
 14th Day of August, 2007
[Signature]
 Professional Land Surveyor - License No. L-3001

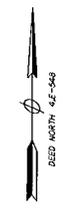
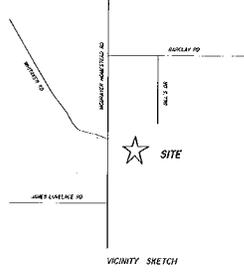
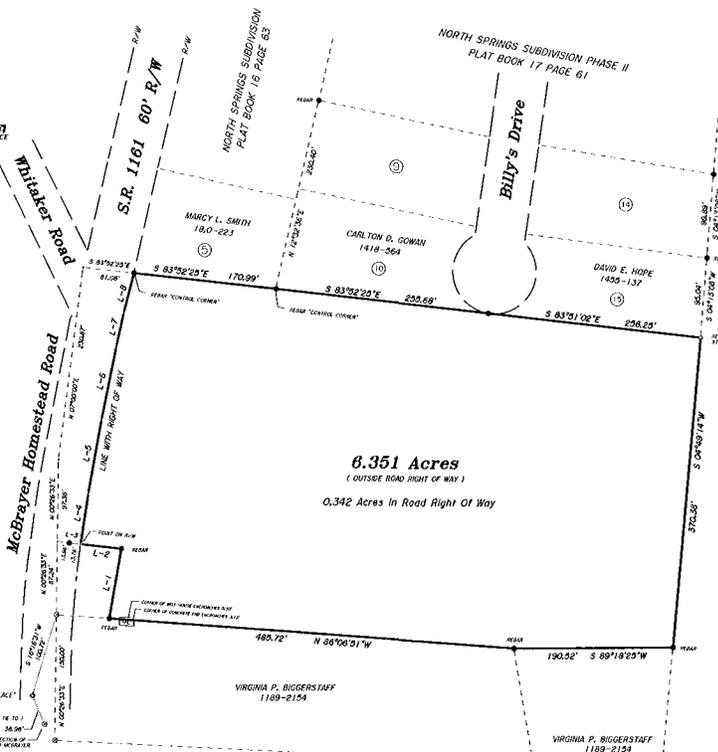


FILED IN CLEVELAND COUNTY, NC
 on Sep 14 2007 at 04:38:24 PM
 by BONNIE E. PEEBLES
 REGISTER OF DEEDS
 BOOK 31 PAGE 112

OWNER
VIRGINIA P. BIGGERSTAFF
 DEED REF: DEED 1189 PAGE 3104

BOUNDARY SURVEY FOR
KELTHRUM

TWSP# 2 CLEVELAND COUNTY, N.C.
 TAX MAP REF: 1175-1-12
 SCALE 1" = 80' DATE 08/14/07



BEARING AND DISTANCE TABLE

COURSE	BEARING	DISTANCE
L-1	N 09°13'50"E	94.54'
L-2	N 83°58'41"W	49.01'
L-3	N 83°58'41"W	87.74' TOTAL
L-4	N 08°25'30"E	81.68'
L-5	N 09°25'13"E	87.50'
L-6	N 11°09'19"E	50.13'
L-7	N 12°11'28"E	40.50'
L-8	N 14°03'58"E	48.24'

REFERENCE
 - SURVEY OF SUBJECT PROPERTY BY E. STEVE SMITH
 DATED 06-14-07

SURVEY BY
BANKHEAD SURVEYING PA
 1203 EAST MARION ST., SUITE 1
 SHELBY, N.C. 28150
 (704) 481-1040

**TOWN OF BOILING SPRINGS, NC
CERTIFICATE OF SUFFICIENCY**

To the Board of Commissioners of the Town of Boiling Springs, North Carolina:

I, Kimberly Greene, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Boiling Springs, this the 4th day of March, 2008.

(SEAL)

Kimberly Greene Town Clerk

Town of Boiling Springs

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

Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to NCGS 160A-58.2

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Town Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Boiling Springs, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held at the Boiling Springs Town Hall, 145 South Main Street, at 7:00 p.m. on the **1st day of April, 2008**.

Section 2. The area proposed for annexation is described as follows:

Kelthrum Development Company, LLC Property containing 6.351 acres
Cleveland County Tax Map 1175-1-662 Deed Ref: Book 1532 Page 829
Parcel 60328

Section 3. Notice of said public hearing shall be published once in the Shelby Star, a newspaper having general circulation in the Town of Boiling Springs, as least ten (10) days prior to the date of the public hearing.

Max J. Hamrick Mayor

Attest:

Kimberly Greene Town Clerk

Meeting Date: March 4, 2008
Subject: Staff Reports

Police

Public Works

Finance

Town Clerk

Town Attorney

Town Manager

Meeting Date: March 4, 2008
Subject: Commissioners' Reports

Commissioner Gravett

Commissioner Elliott

Commissioner Beason

Commissioner Glenn

Commissioner C. Hamrick

Meeting Date: March 4, 2008
Subject: Mayor's Report