



Agenda

Town of Boiling Springs Board of Commissioners

January 3, 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

January 3, 2008

7 p.m., Town Hall

- | | | |
|----|--|----|
| 1. | Call to Order – Max J. Hamrick, Mayor | - |
| 2. | Approval of Minutes
December 4, 2007 Regular Meeting | 3 |
| 3. | Recognition of Citizens Present | |
| 4. | Public Hearings
- Zoning Map Amendment – Gaffney Road | 6 |
| 5. | Other Business
- Ordinance to Amend Chapter 93 of the Code of Ordinances | 12 |
| 6. | Staff Reports | 15 |
| 7. | Commissioners' Reports/Comments | 16 |
| 8. | Mayor's Report/Comments | 16 |

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
December 4, 2007**

The Board of Commissioners of the Town of Boiling Springs met December 4, 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, Chief Marty Thomas, and Public Works Director Mike Gibert.

Others Present: Dr. Jack Partain, Denise Stallings, Bob Blackburn, Chris Bradley, Martin Stallings, Kathryn Hamrick, Jim Blalock, Perry Hildreth, Drew Brooks, and Skip Almond.

AGENDA ITEM I

Call to Order – Max J. Hamrick, Mayor

AGENDA ITEM II

Recognition of Citizens Present

AGENDA ITEM III

Approval of Minutes

Commissioner Gravett made the motion to approve the minutes of the November 6, 2007 regular meeting with a spelling correction. Commissioner Elliott seconded and the vote was unanimous.

AGENDA ITEM IV

Administration of Oath of Office

Mr. John Schweppe administered the oath of office to Commissioners Glenn, Commissioner Gravett, and Commissioner Hamrick. Congratulations on your re-election.

AGENDA ITEM V

Presentations

a. Cleveland County Sports Commission

The Board welcomed Ms. Denise Stallings, Ms. Kathryn Hamrick, and Dr. Robert Blackburn. Ms. Stallings briefly reviewed the history of the Cleveland County Sports Commission. She also shared how the commission was formed and plans for the future. Their mission is to develop the sports industry in Cleveland County, to foster economic development for sports, to build an understanding in the County of the importance of sports, and to recruit and create sport events that have a positive economic impact on our County. Ms. Kathryn Hamrick discussed their first upcoming event, The Holiday Classic Basketball Tournament. Mr. John Wall, a basketball coach at Crest High School, came to them with an idea of reviving something that was held in the past, a countywide men's basketball tournament. The Sports Commission raised the funds and has a marketing plan in place to hold the event. It will provide an economic benefit for Cleveland County; people will stay in our hotels and eat in our restaurants. Ms. Stallings requested the Town Council to adopt a Resolution in Support of the Cleveland County Sports Commission. She stated as they further their endeavor they will have to hire an executive director to recruit events and market Cleveland County. They are also seeking a Town Council appointed representative from each municipality to serve on an advisory board to the Sports Commission because as they move forward they want to learn the needs of the communities and what is available to continue to grow this commission for our County. She concluded by requesting as the Town moves forward with next years budget to consider a donation of \$500 to help with their work. As the Sports Commission gets support from the municipalities, they will go to the County Commissioners to seek funding to support a position in the future. Commissioner Elliott made the motion to adopt the Resolution in Support of the Cleveland County Sports Commission. Commissioner Hamrick

seconded and the vote was unanimous. A copy of the resolution is on file in the office of the Clerk.

b. ACTIVATE CLEVELAND COUNTY – Cleveland County YMCA

Mayor Hamrick welcomed Mr. Chris Bradley, the program director of the Gardner-Webb student YMCA. He was present to discuss Activate Cleveland County. A six week program named the Cleveland County Shrink Down was held last year. The new program, Activate Cleveland County, will be a year round healthy life style program. The kickoff will be held on January 14, 2008 at Cleveland Community College. There will be health talks and weekly weigh-ins the first six weeks at various sites in Cleveland County. The health talks and weigh-ins will then continue on a monthly basis at the same sites from January to December. The program is free for Cleveland County residents.

AGENDA ITEM VI

Other Business

a. Emergency Notification System Agreement

Mayor Hamrick recognized Mr. Skip Almond. Contact Now has partnered with Global Connect, the supplier that is being used to deliver their emergency notification service. Mr. Almond updated the Board on changes to the emergency notification system, which included: the systems web based ability, unlimited calls, and fee changes. Commissioner Glenn made the motion to authorize Mr. Trogdon to execute the agreement with Global Connect. Commissioner Gravett seconded and the vote was unanimous. A copy of the agreement is on file in the office of the Clerk.

b. Crawley Memorial Hospital Certificate of Need

Mr. Trogdon reported Crawley Memorial Hospital is submitting a Certificate of Need Application to be designated as a facility that can offer Long-Term Acute Care. The Hospital is requesting the Board submit support to the application. Commissioner Elliott made the motion to officially support and to submit a letter in support of Crawley Memorial Hospital's application. Commissioner Beason seconded and the vote was unanimous.

c. Powell Bill CIP

Mr. Trogdon discussed the latest revision of the project-financing plan. The Board also discussed the importance of the sidewalk plans to the Pedestrian Plan. Mr. Trogdon reported the possibility of receiving Parks and Recreation Trust Fund funding to install a sidewalk to the YMCA on East College Avenue. Commissioner Gravett made the motion to adopt the CIP schedule. Commissioner Hamrick seconded and the vote was unanimous. A copy of the CIP schedule is on file in the office of the Clerk.

AGENDA ITEM VII

Staff Reports

Chief Thomas stated the parade went well. He updated the Board on Cleveland County moving forward with the 800-megahertz radios. The Chief stated he would be applying for a COPS Grant in April for assistance with purchasing the radios.

Mike Gibert, Public Works Director, reported the garbage pickup schedule for the Christmas Holidays would be as follows: Monday and Tuesday routes will be picked up on Wednesday, December 26th and Wednesday and Thursday routes will be picked up on Thursday, December 27th. In addition, the garbage pickup for the New Year's Holiday on Tuesday, January 1st will be picked up on Wednesday, January 2nd. He also reported plans to repair a water leak located on West College Avenue. The Water Department will repair the leak on Thursday, December 6, 2007. Letters were delivered to residences whose water may be off due to the repair.

Rhonda Allen, Finance Officer, reported Mr. Darrell Keller had completed the audit.

Mr. Trogdon stated the Fire Chief was not able to attend the meeting.

Mr. Trogdon reported approximately 30 people attended the Land Use Plan meeting. He also expressed his appreciation for the article in the Shelby Star.

The Town Hall will be closed on December 24 & 25, 2007 for the Christmas Holiday.

Commissioner Glenn made the motion to also close Town Hall on Wednesday, December 26, 2007. Commissioner Beason seconded and the vote was unanimous.

Commissioner Hamrick made the motion to move the next meeting date of the Council from Tuesday, January 1, 2008 to Thursday, January 3, 2008 at the regular meeting time of 7 p.m. due to

the New Year's Holiday. Commissioner Gravett seconded and the vote was unanimous.

Mr. Trogdon was contacted by a citizen regarding a problem with a company that refused to deliver their product to a Post Office. This citizen had a Post Office box due to the fact that they did not want a Shelby mailing address while living in Boiling Springs.

Commissioner Glenn expressed concern regarding Contact Now being able to get Boiling Springs telephone numbers with a Lattimore telephone listing and a Shelby street address.

Mr. Trogdon reported the YMCA called a meeting last Monday regarding a library. It was reported the County does not have the money to operate a library. Mayor Hamrick reported that Mr. Cam Corder stated the YMCA is still very interested in a library.

AGENDA ITEM VIII

Commissioner's Report/Comments

Commissioner Glenn inquired if the Springmore Picnic Shelter had been winterized. He further expressed his concern regarding the Post Office and street mailing addresses.

Commissioner Hamrick reported Mr. and Mrs. Randy Walker's annual open house would be held December 8, 2007.

AGENDA ITEM IX

Mayor's Report/Comments

Mayor Hamrick reminded the Board to consider a recommendation for a representative to serve on the Cleveland County Sports Commission Advisory Board for the next meeting.

There being no further business to come before the Board, Mayor Hamrick declared the meeting adjourned at 8:25 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

Meeting Date: January 3, 2008

Subject: Public Hearings

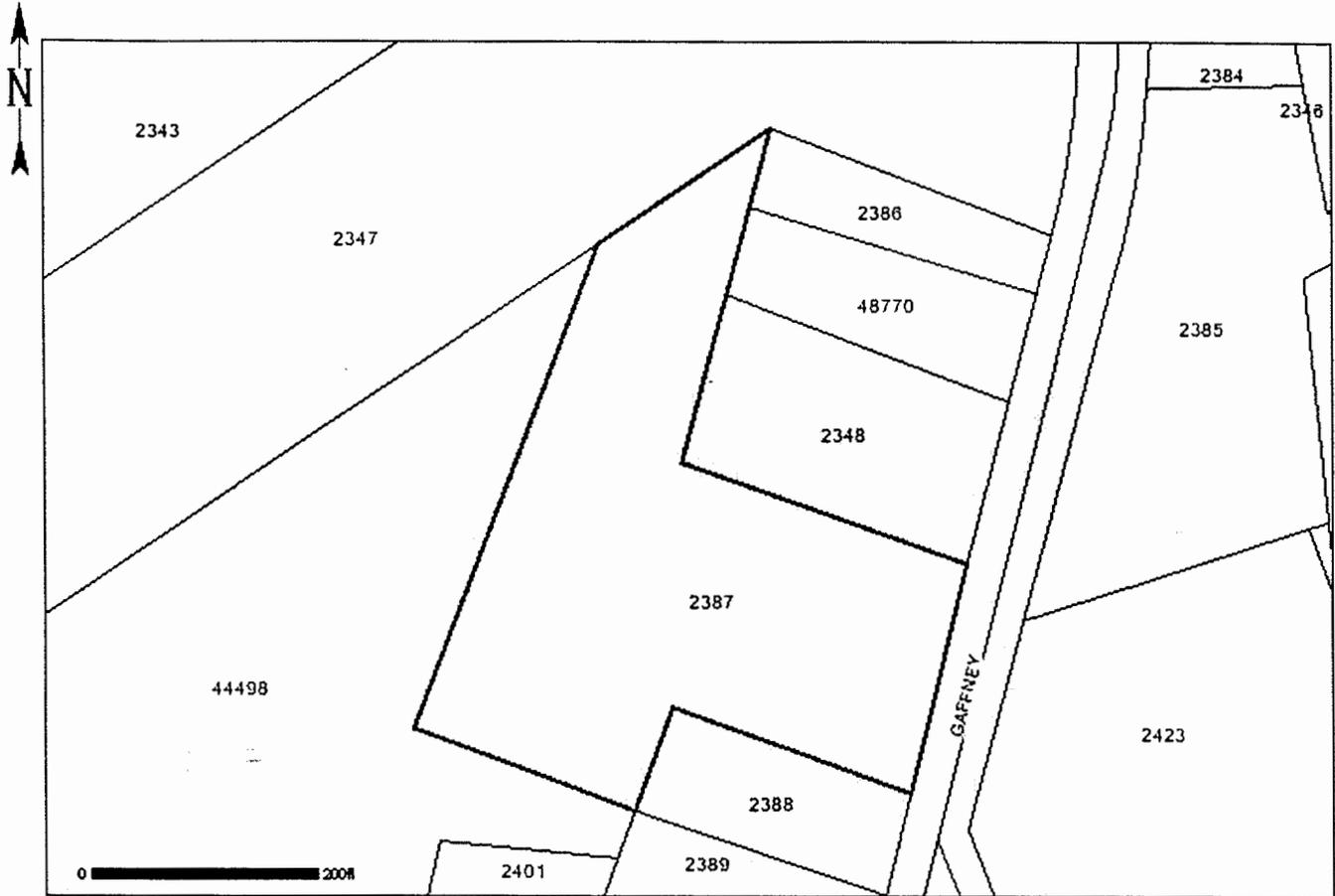
- **Zoning Map Amendment – Gaffney Road, Parcel #2387, B-1 to M-1**

A petition has been submitted to rezone property on Gaffney Road, identified as Parcel #2387, from B-1 to M-1. The property owner is Randy Anthony. The petition is to rezone to M-1, which would theoretically allow any of the uses permitted in the M-1 district. The property only contains 3.080 acres and is also located in the watershed protected area, so is restricted as far as impervious surface coverage.

The P&Z Board voted unanimously to recommend approval of the rezoning to M-1. Their statement is enclosed.

Action Taken/Notes:

Cleveland Co., NC



Parcels

Parcel No.: 2387
Parcel Address(es):
 1946 GAFFNEY RD
Parcel Owner:

ANTHONY RANDY WAYNE
 2328 GAFFNEY RD
 BOILING SPRINGS NC 28017-0545

Map: 1178 **Block:** 1 **Lot:** 58
Deed Reference: Bk. 17R Pg. 011
Land Area: 3.080 acres

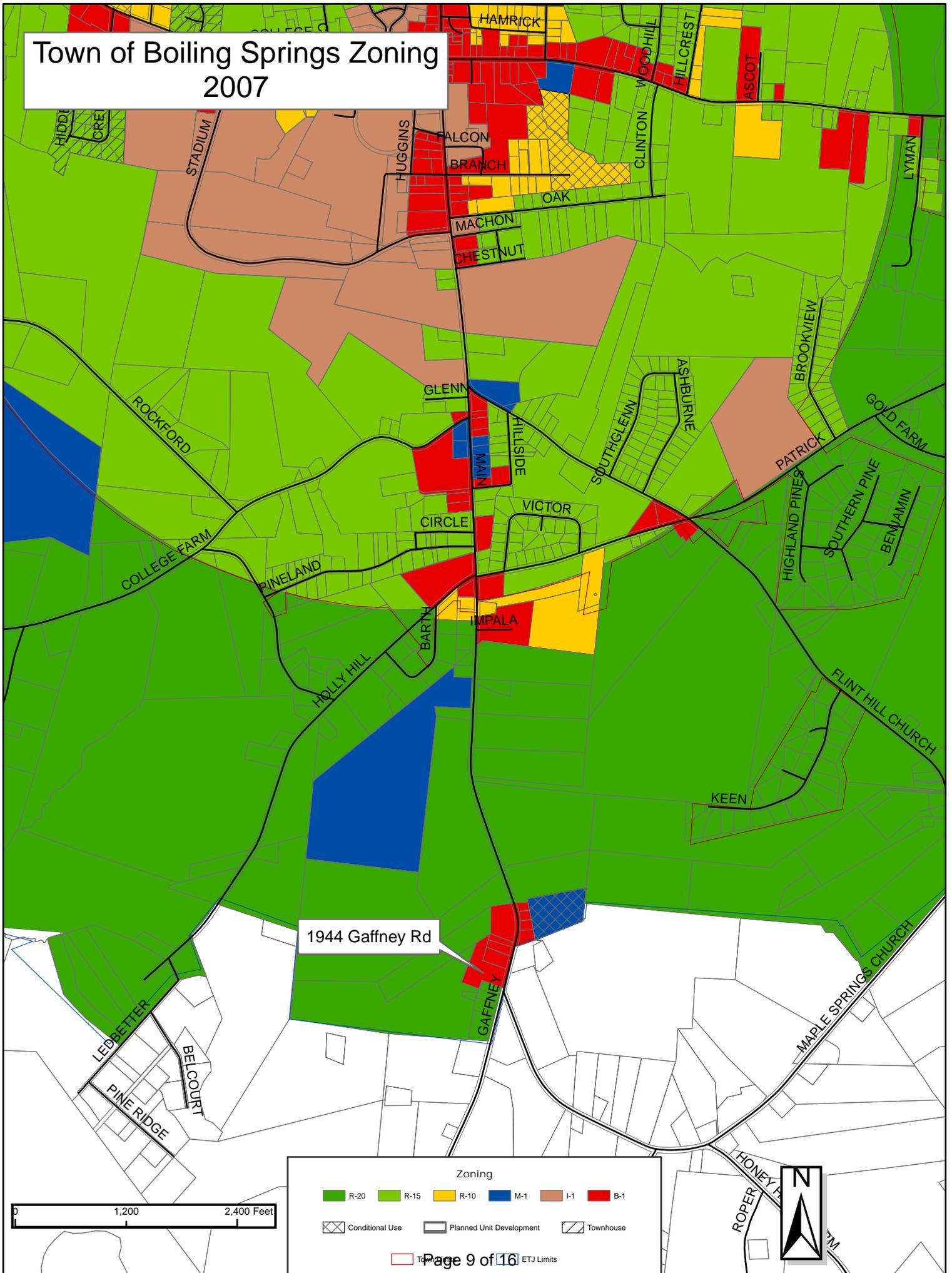
Please Note: The Assessors Office is conducting a reevaluation and the 2008 values are not available at this time.

Tax Values:
 Building Value: \$16,132
 Land Value: \$13,793
 Total Value: \$29,925

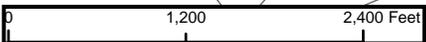
DISCLAIMER: The information contained on this site is furnished by government and private industry sources and is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate 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>

Town of Boiling Springs Zoning 2007



1944 Gaffney Rd



Zoning

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

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Planning Board Statement

The Town of Boiling Springs Planning Board believes that its action to **approve** this zoning map amendment applied for by Randy Anthony to rezone parcel #2387 from B-1 to M-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. The property and surrounding area are conducive to non-residential growth.
2. The property has access from a major thoroughfare.
3. The change in zoning will more accurately reflect the property's current use.
4. The tract is limited in the intensity of uses that are possible due to its size and its location in a watershed protected area.

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Governing Board Statement

The Town of Boiling Springs Planning Board believes that its action to **approve/deny** this zoning map amendment applied for by Randy Anthony to rezone parcel #2387 from B-1 to M-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.

Meeting Date: January 3, 2008

Subject: Other Business

- **Ordinance to Amend Chapter 93 of the Code of Ordinances, “Rules and Regulations of Broad River Greenway”**

The Broad River Greenway Council has asked that the Code of Ordinances be amended to address a couple of issues at the Greenway. The Council and the Cleveland County Board of Commissioners have both approved the amendments.

Action Taken/Notes:

ORDINANCE NO. 080103.01

AN ORDINANCE AMENDING CHAPTER 93, "RULES AND REGULATIONS OF BROAD RIVER GREENWAY", OF TITLE IX: GENERAL REGULATIONS OF THE TOWN OF BOILING SPRINGS' CODE OF ORDINANCES

WHEREAS, appropriate rules and regulations are necessary for public safety and general welfare at the Broad River Greenway, and;

WHEREAS, the Greenway is owned jointly by Cleveland County and the Town of Boiling Springs and governed by the Broad River Greenway Council, and;

WHEREAS, the Cleveland County Board of Commissioners and the Broad River Greenway Council have both approved the following amendments,

THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Boiling Springs, North Carolina that Chapter 93 of the Town of Boiling Springs Code of Ordinances is hereby amended as follows:

Part 1. That Chapter 93.04, Dogs and Other Pets, is hereby inserted to read as follows:

▪ **93.04 DOGS AND OTHER PETS.**

- (A) It shall be unlawful for any person to keep or retain in the Greenway a noisy, vicious or dangerous dog or other animal after being asked by a Greenway official to remove such animal.
- (B) Dogs and other pets are allowed in the Greenway if they are kept on a leash or otherwise confined at all times so that they do not annoy others and are not noisy, vicious or dangerous animals and the owner or caretaker of said animal has not been asked by a Greenway official to remove such animal.
- (C) It shall be unlawful if dogs and other pets are not kept on a leash or otherwise confined at all times.
- (D) It shall be unlawful to tie out or otherwise leave or confine unsupervised dogs and/or other pets.

Part 2. That Chapter 93.07, Recreational Vehicles and Camping, is hereby inserted to read as follows:

▪ **93.07 RECREATIONAL VEHICLES AND CAMPING.**

- (A) It shall be unlawful for any person to camp or reside in any motor home, camping trailer or other recreational vehicle within the Greenway.
- (B) It shall be unlawful for any person to camp in the Greenway in any area other than areas specified and designated for camping.

- (C) It shall be unlawful for any person to build or tend any fire, except in designated campfire areas. Greenway officials and employees may prohibit fires in designated areas when a fire hazard makes such action necessary. It shall be unlawful for any person to build or tend a fire who has not reached the age of 16 years, and at all times, a competent person of 16 years or older must continuously tend any fire from the time it is kindled until it is extinguished.
- (D) It shall be unlawful for any person to break or cut any live wood for the purpose of fueling a fire.
- (E) It shall be unlawful for any person to operate or use any audio device or any other noise producing device in such a manner and at such times as to disturb other persons within the Greenway. No person shall operate or use any public address system, whether fixed, portable or vehicle mounted, except when such use or operation has been approved by Greenway officials.
- (F) It shall be unlawful for any person to grill anywhere on the Greenway property except in designated areas and in permanently placed grill equipment. It shall be unlawful to use portable and/or personal grills anywhere on Greenway property, except in designated areas as authorized by Broad River Greenway Council.

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 3rd day of January, 2008.

ATTEST:

Kim Greene, Town Clerk

Max J. Hamrick, Mayor

Meeting Date: January 3, 2008
Subject: Staff Reports

Police

Public Works

Finance

Town Clerk

Town Attorney

Town Manager

Meeting Date: January 3, 2008
Subject: Commissioners' Reports

Commissioner Gravett

Commissioner Elliott

Commissioner Beason

Commissioner Glenn

Commissioner C. Hamrick

Meeting Date: January 3, 2008
Subject: Mayor's Report