



Agenda

Town of Boiling Springs Board of Commissioners

November 1, 2011

Town of Boiling Springs

P.O. BOX 1014
BOILING SPRINGS, NC 28017
Telephone 704-434-2357
Fax 704-434-2358
www.boilingspringsnc.net

AGENDA

TOWN OF BOILING SPRINGS BOARD OF COMMISSIONERS

November 1, 2011

7 p.m., Town Hall

1. *Call to Order – Max J. Hamrick, Mayor* -

2. *Approval of Minutes* 3
October 4, 2011 Regular Meeting

3. *Recognition of Citizens Present*

4. *New Business* 5
 - **Economic Infrastructure Grant Program Documents**
 - **Resolution Approving Financing Terms – Solid Waste Vehicle**
 - **Budget Ordinance Amendment – Street Resurfacing**
 - **Ruby Hunt YMCA Presentation**

5. *Staff Reports* 16

6. *Commissioners' Reports/Comments* 17

7. *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
October 4, 2011



The Board of Commissioners of the Town of Boiling Springs met October 4, 2011 at the Boiling Springs Town Hall. Present were: Mayor Max J. Hamrick; Commissioners William Elliott, Darlene Gravett, 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, Finance Officer Rhonda Allen, Public Works Director Mike Gibert, and Chief Randy Page.

Others Present:

AGENDA ITEM I

Call to Order - Max J. Hamrick, Mayor

AGENDA ITEM II

Recognition of Citizens Present

AGENDA ITEM III

Approval of Minutes

A correction was made to the September 6, 2011 regular meeting minutes "*Mr. Gibert and Mr. Trogdon discussed separate residential water connections and separate connections per lot. The Board agreed the policies be amended and returned to the Board for approval.*" listed under Agenda Item V. Staff Reports Mike Gibert, Public Works Director. Commissioner Gravett made the motion to approve minutes of the September 6, 2011 regular meeting with this correction, the September 6, 2011 closed session, and the September 13, 2011 called meeting as previously mailed. Commissioner Beason seconded and the vote was unanimous.

AGENDA ITEM IV

New Business

Sidewalk at North Main and East College

Mr. Trogdon discussed extending the sidewalk along N. Main Street to the new CVS site at the intersection of N. Main Street and E. College Avenue. The cost associated with the construction would not require formal or informal bidding by the Town. The Board agreed to proceed with the project.

Financing Proposals - Solid Waste Vehicle

Mr. Trogdon discussed the financing proposals received for the purchase of a solid waste vehicle which is scheduled for delivery by early November 2011. Rhonda Allen reviewed the current debt-service payment schedule. The Board agreed to postpone action until the November 1, 2011 monthly meeting.

Mr. Trogdon presented the Board a Resolution Authorizing Sale of Surplus Personal Property for the following items:

- 2000 Ford F-350 Dump Truck - VIN# 1FDWF37F9YEA92238
- 2001 Dodge Ram 1500 Pickup Truck - VIN# 1B7HC16Y31S699711

Commissioner Elliott made the motion to approve the Resolution Authorizing the Sale of Surplus Personal Property. Commissioner Beason seconded and the vote was unanimous. A copy of the Resolution is on file in the office of the Clerk.

AGENDA ITEM V

Staff Reports

Kimberly Greene, Town Clerk, reported the following:

The Christmas Parade will be held on November 27, 2011 at 3:00 p.m. The Clerk also reported it was time to choose someone to serve as the Grand Marshal.

Rhonda Allen, Finance Officer, reported the following:

Rhonda Allen reported the auditor recommended the Town develop a Spending Policy as suggested by



the LGC (Local Government Commission) and add to the Cash Management Policy. Ms. Allen also discussed incorporating a Fund Balance Policy to establish the minimum level at which the fund balance is to be maintained. The minimum required by the LGC is 8% of the prior year's expenditures.

Randy Page, Police Chief, reported the following:

The Chief reported on the success of the September 16th & 17th Centennial Celebration Events. He commended the Officers and the Public Works Department for their hard work.

Mike Gibert, Public Works Director, reported the following:

Wastewater Department: Mr. Gibert reported on a rain event in September that resulted in hauling only four loads from the Lyman Street Pump Station. The department continues to seek infiltration areas. The flow meter is still being utilized and they also plan to smoke test sewer lines again.

Zach Trogdon, Town Manager, reported the following:

Commissioner Glenn made the motion to reappoint Kim Duren and Paul Foster to the Tourism and Development Authority with terms expiring 10/31/2014. Commissioner Hamrick seconded and the vote was unanimous.

The Planning and Zoning Board currently has two vacant ETJ seats.

Mr. Trogdon reported resurfacing work is scheduled to begin in the Southglenn and Highland Pines Subdivisions. Additional work is required prior to repaving Southglenn which will cost an additional \$17,000. The Board authorized Mr. Trogdon to proceed.

Mr. Trogdon reported the City of Shelby is beginning a recycling project. It was agreed that Boiling Springs' residents be surveyed, online and printed, about their interest in starting a recycling program.

The Board agreed to have a dinner for Centennial Committee members to thank them so they will know their hard work this year is appreciated. They spent endless hours planning and executing the celebration events.

AGENDA ITEM VI

Commissioner's Report/Comments

Commissioner Darlene Gravett reported on the following:

Commissioner Gravett was contacted about donating funds by the Cleveland County Sports Commission.

Commissioner John Glenn reported on the following:

Commissioner Glenn expressed his concern over complaints received regarding the YMCA's management of recreation for Boiling Springs.

Commissioner Glenn stated the Centennial Celebration Festival was wonderful with an outstanding fireworks show as the grand finale.

The Board agreed to ask the Centennial Steering Committee about holding a workable yearly event.

AGENDA ITEM VII

Mayor's Report/Comments

There being no further business to come before the Board, Mayor Hamrick declared the meeting adjourned at 8:20 pm.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

Meeting Date: November 1, 2011

Subject: New Business

- **Economic Infrastructure Grant Program Documents**

The Town is the applicant on two grants to acquire funding for the installation of a sewer line from B&W Fiberglass, a local industry which is expanding its operations. The Town was notified on October 12, 2011 that it was awarded a \$225,000 CDBG economic development grant for the project. A grant announced earlier from the NC Rural Center is providing \$137,750 towards the project. Enclosed are a couple of documents that must be executed to finalize the CDBG award, a Grant Agreement (p.6) and Funding Approval (p. 9) and a resolution authorizing signatories for grant funds (p. 10).

The Town also needs to formally adopt a project budget ordinance now that all of the funding amounts are known (p. 11).

- **Resolution Approving Financing Terms – Solid Waste Vehicle (p. 13)**

BB&T proposed the best terms for financing a new solid waste vehicle. The amount to be financed is \$141,116. The terms are either 1.73% for 4 years or 1.88% for 5 years. The terms are good for 45 days from October 3, 2011, which is November 18, 2011. I have sent you an amortization schedule under separate cover.

The truck is scheduled to be delivered 270 days from March 2, 2011, which is November 16, 2011.

- **Budget Ordinance Amendment – Street Resurfacing (p. 15)**

The Town recently completed a resurfacing project at a cost of \$155,500. This was more than was included in the appropriate Contracted Services budget and some funds need to be appropriated from reserves. It was known that funds would have to be transferred from Powell Bill reserves, but staff was not sure of the amount needed when the Board last met.

- **Ruby Hunt YMCA Presentation**

Daniel Woodard, Executive Director of the Y, will be on hand to tell the Board about recent activities at the Y and about the way programs are performing.

Action Taken/Notes:

NORTH CAROLINA
DEPARTMENT OF COMMERCE

GRANT AGREEMENT

COMMUNITY DEVELOPMENT BLOCK PROGRAM
ECONOMIC DEVELOPMENT

Recipient Name:	Town of Boiling Springs	Grant No. 06-D-2235
Project Name:	B&W Fiber Glass Sewer Project	

Upon execution of this grant agreement, the North Carolina Department of Commerce (DOC) agrees to provide to the recipient the Community Development Block Grant assistance under Title I of the Housing and Community Development Act of 1974, as amended (P.L. 93-383) authorized by the DOC funding approval, the North Carolina Community Development Block Grant administrative rules, applicable laws and all other requirements of DOC now or hereafter in effect. The grant agreement is effective on the date the grant agreement and funding approval are signed by the recipient. The grant agreement consists of the approved application, including the certifications, maps, schedules and their submissions in the application, any subsequent amendments to the approved application and funding approval and the following general terms and conditions:

1. **Definitions.** Except to the extent modified or supplemented by the agreement, any term defined in the North Carolina Community Development Block Grant Administrative Rules, 4 NCAC 1 K shall have the same meaning when used herein.

(a) Agreement means this grant agreement, as described above and any amendments or supplements thereto.

(b) Recipient means the entity designated as a recipient for grant assistance in the grant agreement and funding approval.

(c) Certifications mean the certifications submitted with the grant application.

(d) Assistance provided under this agreement means the grant funds provided under this agreement.

(e) Program means the community development program, project, or other activities, including the administration thereof, for which assistance is being provided under this agreement.

(f) Private entity means the corporation, partnership, proprietorship or other entity, which has entered into an equally binding commitment with the recipient to create and/or retain jobs as part of this program.

2. **Obligations of the Recipient.** The recipient shall perform the program as specified in the application approved by DOC. The recipient shall also comply with all other lawful requirements of DOC, all applicable requirements of the General Statutes of the State of North Carolina and any other applicable laws and Executive Orders currently or hereafter in force. The recipient shall be responsible for ensuring that all project jobs are created or retained in accordance with the approved CDBG application, that such jobs are filled by low and moderate income persons in the proportion presented in the application, and that all parties incur the full level of private investment committed to in the application. In the event of a finding by the

recipient or by DOC that a participating private entity has failed to fulfill its responsibilities under the project application and legally binding commitment(s), including the responsibilities to create and/or retain jobs and invest private funds, the recipient shall promptly exercise its rights and remedies to require repayment of CDBG funds, or to assess such other penalty as provided by the legally binding commitment and applicable state laws.

3. **Obligations of Recipient with respect to Certain Third Party Relationships.** DOC shall hold the recipient responsible for complying with the provisions of this agreement even when the recipient designates a third party or parties to undertake all or any part of the program. The recipient shall comply with all lawful requirements of DOC necessary to insure that the program is carried out in accordance with the recipient's application.

4. **Conflict of Interest.** None of the following or their immediate family members, during the tenure of the subject person or for one year thereafter, shall have any direct or indirect financial interest in any contract, subcontract or the proceeds thereof for work to be performed in connection with the program assisted under this agreement: employees or agents of the recipient who exercise any function or responsibility with respect to the program, and officials of the recipient, including members of the governing body. The same prohibition shall be incorporated in all such contracts or subcontracts.

5. **Reimbursement to DOC for Improper Expenditures.** The recipient will reimburse DOC for any amount of grant assistance improperly expended. In addition, in the event of a finding by the recipient or by DOC that a participating private entity has failed to fulfill its responsibilities under the project application and legally binding commitment(s), including its responsibilities to create and/or retain jobs and invest private funds, the recipient shall pay to DOC any amount which it is able to collect under the terms of the legally binding commitment(s) and Section 2 of this Agreement.

6. **Access to Records.** The recipient shall provide any duly authorized representative of DOC, HUD and the Comptroller General at all reasonable times access to and the right to inspect, copy, monitor, and examine all of the books, papers, records, and other documents relating to the grant for a period of three years following the completion of all close-out procedures.

7. **Project Savings.** The recipient is obligated to contribute 100 percent of its pledged cash contribution to the CDBG project even if the project experiences a savings after authorized activities are completed. Any project savings accrue to the CDBG program.

8. **Payment of Income Generated by the Grant.** The recipient shall have the responsibility to collect and pay to DOC certain income generated by the CDBG and earned by the recipient. Such income includes but is not limited to the following: (1) payment of principal and interest on loans made using CDBG funds; (2) proceeds from the lease or disposition of real property acquired with CDBG funds; (3) any late fees associated with loan or lease payments in (1) and (2) above; (4) sale of utility lines; and (5) interest earned on the income in this part pending disposition of such income. Payments of income included in this part shall be made to DOC within fifteen (15) days of receipt of same by the recipient.

The assistance provided under this agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining DOC approval of the application for such assistance, or DOC approval of applications for additional assistance, or any other approval or concurrence of DOC required under this agreement, or the North Carolina Community Development Block Grant Administrative Rules, with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

Upon execution of this agreement by DOC and the recipient in the spaces below, the recipient hereby accepts the assistance on the terms of this grant agreement, effective on the date indicated below, and further certifies that the official signing below has been duly authorized by the recipient's governing body to execute this grant agreement.

Signature of Department of Commerce
Authorized Official

Date: October 12, 2011

By:



Dale B. Carroll, Deputy Secretary

Date: _____

Town of Boiling Springs
Name of Recipient Government

By:

Signature of Authorized Official

(Title)

**NORTH CAROLINA DEPARTMENT OF COMMERCE
FUNDING APPROVAL**

Small Cities Community Development Block Grant Program

1. NAME AND ADDRESS OF RECIPIENT:

2. CDBG GRANT NUMBER. 06-D-2235

Town of Boiling Springs
PO Box 1014
Boiling Springs, North Carolina 28017

Approval Date: October 12, 2011

3. APPROVED PROJECT:

<u>DOC Project Number</u>	<u>Project Name</u>	<u>Grant Amount</u>
E-1	B&W Fiber Glass Sewer	\$225,000

4. ENVIRONMENTAL CONDITION: No funds can be obligated or expended on any activity in the grant until Commerce Finance Center (CFC) receives and approves the affidavit of Publication of the Notices of the Finding of No Significant Impact on the Environment (FONSI) and the Request for Release of Funds.

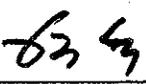
5. ADDITIONAL CONDITIONS:

No funds can be obligated or expended on any activity in the grant until the following conditions are released in writing by the Commerce Finance Center (CFC):

1. The grant agreement is executed by the authorized local official and a copy is returned to CFC.
2. The funding approval is executed and a copy returned.
3. Three signatory forms are executed and two are returned.
4. A Vendor Electronic Payment form is completed and returned.
5. A draft copy of the minutes from the second public hearing.

**6. SIGNATURE OF AUTHORIZED
DEPARTMENT OF COMMERCE OFFICIAL**

**7. SIGNATURE OF AUTHORIZED
RECIPIENT OFFICIAL**



Dale B. Carroll, Deputy Secretary

(Name and Title)

Date: October 12, 2011

Date: _____

**Resolution Authorizing Signatories for
Requisition of CDBG Funds**

WHEREAS, the Town of Boiling Springs has received funding from the North Carolina Department of Commerce under the Community Development Block Grant Program, and;

WHEREAS, the Town is required to authorize certain officials as signatories for Requisition of CDBG Funds forms;

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

That the following officials are authorized to sign Requisition of CDBG Funds forms:
Mayor, Town Manager, Finance Officer, and Town Clerk

Adopted this 1st day of November, 2011.

Max Hamrick, Mayor

Attest:

Kim Greene, Clerk

ECONOMIC INFRASTRUCTURE GRANTS PROGRAM

Project Ordinance

BE IT ORDAINED by the Governing Board of the Town of Boiling Springs, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of installation of approximately 14,500 LF of 2" PVC sewer force main, and a lift station to be financed by a federal grant, and reserves.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents, and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Construction	\$301,334
Grant Administration	27,855
Engineer Fees	40,666

Total Expenditures	<u>\$369,655.00</u>
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Section 4. The following revenues are anticipated to be available to complete this project:

Town of Boiling Springs	6,905
Federal Grant CDBG -ED	225,000
NC Rural Center	<u>137,750</u>

Total Revenues	<u>\$369,655.00</u>
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Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 1st of November, 2011

Max J. Hamrick, Mayor

ATTEST:

Kim A. Greene

-Ordinance Number: _____

NC Rural Center Economic Infrastructure Program

Project Budget:

Item	Cost
CONSTRUCTION:	
Mobilization	\$10,000.00
2" PVC Force main 14,500 lf	\$113,100.00
Connection to existing manhole -1 each	\$1,000.00
Encased underbore – 400 lf	\$40,000.00
Driveway underbore -14 each	\$7,840.00
Creek Crossing -1LS	\$2,000.00
Lift Station – 1 each	\$100,000.00
TOTAL Construction	\$273,940.00
Contingencies 10%	\$27,394.00
TOTAL CONSTRUCTION + CONTINGENCY	\$301,334.00
Technical Services/Engineering/Construction Admin.	\$40,666.00
TOTAL ENGINEERING & RELATED	\$40,666.00
GRANT ADMINISTRATION	\$27,655.00
	\$369,655.00
TOTAL Project Cost	\$369,655.00

PROJECT FUNDING:

Source	Amount
NC Rural Center	\$137,750.00
CDBG – ED grant	\$225,000.00
Town of Boiling Springs	\$6,905.00
TOTAL FUNDING	\$369,655.00

Town of Boiling Springs

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Resolution Approving Financing Terms

WHEREAS, the Town of Boiling Springs ("Town") has previously determined to undertake a project for a new solid waste collection vehicle (the "Project"), and has now presented a proposal for the financing of such Project,

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

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated October 3, 2011. The amount financed shall not exceed \$141,116.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.88%, and the financing term shall not exceed five (5) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or Towns thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted this 1st day of November, 2011.

Max Hamrick, Mayor

Attest:

Kim Greene, Clerk

**TOWN OF BOILING SPRINGS
BUDGET ORDINANCE AMENDMENT #111101.1**

WHEREAS, the Board of Commissioners of the Town of Boiling Springs adopted a budget ordinance on June 28, 2011 which established revenues and authorized expenditures for fiscal year 2011-2012; 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 funds for the resurfacing of Town streets in the Highland Pines and Southglenn subdivisions;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Commissioners of the Town of Boiling Springs that the budget ordinance as adopted on June 28, 2011 be and is hereby amended as follows:

<u>Section 1.</u>	Revenues	
	Transfer from Powell Bill Reserve	<u>Increase</u> \$100,000
<u>Section 2.</u>	Expenditures	
	Contracted Services	<u>Increase</u> \$100,000

This the 1st day of November, 2011.

Max J. Hamrick, Mayor

ATTEST:

Kim Greene, Town Clerk

Meeting Date: November 1, 2011
Subject: Staff Reports

Police

Public Works

Finance

- 1st quarter FY 2011-12 financials

Town Clerk

- Grand Marshal(s)

Town Attorney

Town Manager

- ETJ P&Z appointment
- Fire and Rescue appointments
- CAGO – December 1st 6:30

Meeting Date: November 1, 2011
Subject: Commissioners' Reports

Commissioner Gravett

Commissioner Elliott

Commissioner Beason

Commissioner Glenn

Commissioner C. Hamrick

Meeting Date: November 1, 2011
Subject: Mayor's Report