



*Agenda*

*Town of Boiling Springs Board of Commissioners*

*April 3, 2012*

# 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

April 3, 2012

7 p.m., Town Hall

- |   |    |
|---|----|
| 1. Call to Order – Max J. Hamrick, Mayor      | -  |
| 2. Approval of Minutes                        | 3  |
| <b>March 6, 2012 Regular Meeting</b>          |    |
| <b>March 27, 2012 Budget Workshop</b>         |    |
| 3. Recognition of Citizens Present            |    |
| 4. Regular Business                           | 8  |
| – Award of Bid – B&W Fiberglass Sewer Project |    |
| – Encroachments on Town-Owned Streets         |    |
| – Recycling RFP Draft                         |    |
| 5. Staff Reports                              | 13 |
| 6. Commissioners' Reports/Comments            | 15 |
| 7. Mayor's Report/Comments                    | 15 |

*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  
March 6, 2012**

The Board of Commissioners of the Town of Boiling Springs met March 6, 2012 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, Chief Randy Page, and Public Works Director Mike Gibert.

Others Present: Girl Scout Troop 20307 with Troop Leader Jackie Sibley, Karen Page, Olivia Gibbs, and Mariah Smith.

**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 minutes of the February 7, 2012 regular meeting as previously mailed. Commissioner Hamrick seconded and the vote was unanimous.

**AGENDA ITEM IV**

**Presentations**

**Girl Scouts 100-Year Anniversary Proclamation**

March 12, 2012 marks the official 100th Anniversary of the founding of the Girl Scouts of the USA. Mayor Hamrick formally read a Proclamation declaring the week of March 12, 2012 Girl Scout Week in the Town of Boiling Springs. Commissioner Glenn made the motion to adopt the Proclamation Celebrating Girl Scout Week. Commissioner Elliott seconded and the vote was unanimous. The girl scouts presented each Board member a Girl Scouts 100<sup>th</sup> Anniversary Pin. Scout Troop Leader Jackie Sibley thanked the Board for their support. A copy of the Proclamation is on file.

**“Eat Smart, Move More” - Cleveland County Health Department**

March 6, 2012 Agenda: The Health Department is developing walking routes in Town that will involve a variety of distances. A representative from the Health Department will be in attendance to introduce the program.

The Board was prepared to hear from the Cleveland County Health Department; unfortunately the representative was unable to attend the meeting but is expected at the April 3, 2012 meeting.

**AGENDA ITEM V**

**New Business**

**Audit Contract FY 2011-2012**

Commissioner Elliott made the motion to approve the Fiscal Year 2011-2012 Audit Contract with Mr. Darrell Keller, CPA, PA. Commissioner Hamrick seconded and the vote was unanimous. A copy of the contract is on file.

**Surplus Property Resolution**

Chief Randy Page requested the Board surplus the following two Police Department vehicles for public sale on GovDeals.com:

- 1999 Ford Crown Victoria - VIN# 2FAFP71W3XX165463
- 2002 Ford Crown Victoria - VIN# 2FAFP71W12X124743

The 1998 Ford Crown Victoria, valued less than \$1,000, was declared surplus by the Manager and will be sold as scrap metal at fair market value.

- 1998 Ford Crown Victoria - VIN# 2FAFP71W9WX119487

Commissioner Glenn 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.

### **Encroachments on Town-Owned Streets**

March 6, 2012 Agenda: The Town has been approached by contractors about installing fiber optic cables on right-of-ways along Town-owned streets. It will be necessary for the Town to have an encroachment agreement with the contractor.

The Board was prepared to hear from the contractor; unfortunately he was not able to attend the meeting. The Board expressed their desire to hear the benefits for Boiling Springs' residents.

### **Urban Archery Program**

Mr. Trogdon reported the Urban Archery Program extends the Urban Archery Season from the middle of January to the middle of February. Hunters are required to obtain written permission to hunt on posted property. Extending the Urban Archery deer season does not obligate private landowners to allow hunting on their property, nor does it eliminate the requirement for obtaining permission from the landowner before hunting. Chief Page stated all applicable state hunting license and reporting laws would still apply. Commissioner Gravett made the motion to apply to extend the Urban Archery Season for hunting deer by sending the N.C. Wildlife Resources Commission (1) a letter of intent to participate, (2) a map of the Town limits defining the area included in the season, and (3) choose not to be listed as a participant of the program in the N.C. Wildlife Resources Commission Regulations Digest publication. Commissioner Glenn seconded and the vote was unanimous.

### **New Walk Signals**

Mr. Trogdon received an estimate of \$13,000 from the North Carolina Department of Transportation (NCDOT) to purchase and install walk signals at the intersection of N. Main Street and E. College Avenue. As previously discussed, the Town has to purchase and pay for installation of the signals and NCDOT will maintain them. The Mayor inquired about a maintenance contract. The walk signals will be installed after successful bidding from an approved NCDOT contractor. The Board agreed to proceed.

### **Recycling Survey Results**

As previously discussed, the survey was necessary to determine interest in beginning a curbside recycling program in Town. Online and printed surveys were available. The following results were received:

#### 116 surveys completed

Are you responding for a residence or business?

- 95% residence
- 5% business

Do you currently recycle?

- 72% yes
- 28% no

What are the primary reasons you do not recycle?

- 80% say is not convenient
- 64% say there is not enough room to store items
- 24% say they do not have enough recyclable items
- 20% say they do not have time

If the Town began a curbside recycling program in which you are provided a large rollout container, would you recycle?

- 96% yes
- 4% no

For the curbside recycling program using a large container, how often would collection be required?

- 55% every 2 weeks
- 13% every 3 weeks
- 32% monthly

Assuming curbside recycling every 2 weeks, what is the maximum monthly charge you would be willing to pay?

- 24% \$0
- 66% \$1 to \$5
- 10% \$6 to \$10

The Board agreed to proceed. Mr. Trogdon stated he would look into charging for the service and move forward on the bidding process.

#### **AGENDA ITEM VI**

##### **Staff Reports**

##### **Zach Trogdon, Town Manager**

Mr. Trogdon reported on demolishing of the old clearwell located at the elevated water tank site off N. Main Street. The contractor recommended sawing the concrete to avoid disturbing surrounding water lines. Mr. Trogdon also reported NCDOT is waiting until the Town comes to a decision on a third lane (turning lane) to resurface and restripe North Main Street. Commissioner Glenn expressed his concern about losing on-street parking spaces. Building a public parking lot on the old clearwell site was discussed. The Board requested Mr. Trogdon consult with an engineer to consider the feasibility of such a project.

Mr. Trogdon reported NCDOT is repairing a culvert on E. College Avenue near Professional Pharmacy and will also repair the one on the other side of the road.

A bid opening was held for B&W Fiber Glass Sewer Line Project with the low bid being over budget. IPDC (Isothermal Planning and Development Commission) staff plan to redefine the specifications.

The Board agreed to meet Tuesday, March 27, 2012 at 7:00 p.m. to hold a budget work session.

The next CAGO meeting will be held on March 15, 2012 at 6:30 p.m. in Lawndale.

##### **Randy Page, Police Chief**

The Chief reported Police-Pak, the law enforcement records program used by the department, is being installed on the laptops. He also reported E-Citation, a wireless mobile application that automates the citation process, is working very well.

#### **AGENDA ITEM VI**

##### **Commissioner's Report/Comments**

Commissioner Beason reported he was contacted by an adjoining property owner about removal of an old basin located below the Lyman Street pump station.

Commissioner Glenn discussed the Little League community baseball program run by the YMCA. The Board was concerned about the decrease in community participation. After much discussion, the Board directed Mr. Trogdon draft an amendment to the agreement addressing accountability for Board approval.

Mr. Trogdon introduced Gardner-Webb University students Olivia Gibbs and Mariah Smith who were in attendance for a Political Science class.

#### **AGENDA ITEM VII**

##### **Mayor's Report/Comments**

There being no further business to come before the Board, Mayor Hamrick declared the meeting adjourned at 8:24 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

**Town of Boiling Springs  
Board of Commissioners  
Budget Work Session Minutes  
March 27, 2012**

The Board of Commissioners of the Town of Boiling Springs met March 27, 2012 at 7:00 p.m. at the Boiling Springs Town Hall. Present were: Mayor Max J. Hamrick; Commissioners William Elliott, John Glenn, James Beason, and Cliff Hamrick. Staff Members Present: Town Manager Zach Trogdon, Town Clerk Kimberly Greene, Finance Officer Rhonda Allen, Public Works Director Mike Gibert, and Police Chief Randy Page.

Others Present: Richard White, Shelby Revels, Tasha Brown, Dan Limerick, Randy Revels, Jim Beason, and Ryan Ware.

**Recognition of Citizens Present**

Mayor Hamrick recognized and welcomed Mr. Dan Limerick of RST Communications a Shelby based company; also present was Richard White, Shelby Revels, Tasha Brown, and Randy Revels. Mr. Limerick reported RST Communications is installing a fiber-optic network throughout Cleveland County. He discussed installing fiber optic cables on right-of ways along Town-owned streets. The Board thanked Mr. Limerick and his colleagues for their presentation.

**AGENDA ITEM I  
FY '11-'12 Budget Status**

Mr. Trogdon reviewed current budget revenues and expenditures for the General Fund, and Water and Wastewater Fund. Periodically the Board posed questions which were addressed by Mr. Trogdon and Ms. Allen.

**AGENDA ITEM II  
Police Department**

Chief Randy Page discussed the Police Department budget requests which included a full-time investigator position. He stated this position would be beneficial to the Town due to the increasing complexity of investigations and the laws governing the rights of defendants. The Board directed the Chief to compose an investigator job description and gather data from other areas with similar populations to compare the percentage of officers to population.

**AGENDA ITEM III  
Water**

Mike Gibert reviewed the following budget requests for the Water Department: Purchase three insert water valves to help avoid unnecessary water outages; and fire hydrant replacements.

**AGENDA ITEM IV  
Sewer**

Mike Gibert also reviewed the following budget requests for the Wastewater Department: Budgeting for sewer line maintenance which includes replacing the sewer line from Bethel Avenue to Woodland Avenue assisting with the infiltration issue; replace the sewer camera, monitor, and cable; purchase a refrigerated influent composite sampler; rebuild the Helisieve mechanical screen; and replace the sludge hauling truck.

**AGENDA ITEM V  
Powell Bill**

Mr. Trogdon reviewed the 2011-2016 Powell Bill Projects Schedule.

**AGENDA ITEM VI  
Solid Waste**

Mike Gibert reported on the following budget request for the Solid Waste Department: A trailer mounted 20CY leaf collector which will enable personnel to collect leaves and limbs with one truck.

**AGENDA ITEM VII  
Parks/Recreation**

Mr. Trogdon reported on funding for the Museum that included supplies and materials.

**AGENDA ITEM VIII**

**Administration**

Mr. Trogon reported on replacement of the utility billing folding machine and upgrading the website.

**AGENDA ITEM IX**

**Board Priorities/Comments**

The Board discussed a new municipal building.

**AGENDA ITEM X**

**Adjourn**

There being no further business to come before the Board, Mayor Hamrick declared the meeting adjourned at 9:00 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

*Meeting Date: April 3, 2012*

*Subject: Regular Business*

- **Award of Bid – B&W Fiberglass Sewer Project**

The initial budget estimate for the construction was \$273,940.00 and a contingency of \$27,394.00 for a total construction cost of \$301,334.00. The low bid at opening was \$329,419 from Marvin Hoyle Construction. We have worked with Marvin Hoyle Construction and the DOT to develop a revised quantity list (enclosed) that brought the bid to \$298,051.00 to complete the project.

- **Encroachments on Town-Owned Streets**

The Town has been approached by contractors about installing fiber optic cables on right-of-ways along Town-owned streets. It will be necessary for the Town to have an encroachment agreement with the contractor. I have enclosed a draft agreement.

- **Recycling RFP Draft**

You were sent a draft of a Request For Proposals under separate cover.

*Action Taken/Notes:*

## B & W Fiberglass Lift Station REVISED QUANTITIES

DESCRIPTION	UNIT	QTY	MARVIN HOYLE CONSTRUCTION		QTY	MARVIN HOYLE CONSTRUCTION	
			UNIT PRICE	TOTAL		UNIT PRICE	TOTAL
Mobilization	LS	1	\$4,000.00	\$4,000.00	1	\$4,000.00	\$4,000.00
Construction Stakeout	LS	1	\$1,000.00	\$1,000.00	1	\$1,000.00	\$1,000.00
3" SDR-21 PVC Force Main	LF	15,942	\$4.50	\$71,739.00	15,888	\$4.50	\$71,496.00
4" DIP (CL350) Force Main	LF	220	\$25.00	\$5,500.00	235	\$25.00	\$5,875.00
Stream Crossing	EA	2	\$1,000.00	\$2,000.00	2	\$1,000.00	\$2,000.00
6" Encased Bore	LF	630	\$100.00	\$63,000.00	400	\$100.00	\$40,000.00
Lift Station	LS	1	\$124,000.00	\$124,000.00	1	\$124,000.00	\$124,000.00
Asphalt Repair at Manhole	LS	1	\$3,500.00	\$3,500.00	1	\$3,500.00	\$3,500.00
Asphalt Driveway Repair	LF	250	\$20.00	\$5,000.00	250	\$20.00	\$5,000.00
Gravel Driveway Repair	LF	220	\$4.00	\$880.00	220	\$4.00	\$880.00
Concrete Driveway Repair	LF	200	\$20.00	\$4,000.00	200	\$20.00	\$4,000.00
Silt Fence	LF	200	\$4.00	\$800.00	200	\$4.00	\$800.00
Rip Rap	TONS	20	\$50.00	\$1,000.00	20	\$50.00	\$1,000.00
Gravel Inlet Protection	EA	40	\$20.00	\$800.00	40	\$20.00	\$800.00
Air Release Valve	EA	9	\$3,400.00	\$30,600.00	5	\$3,400.00	\$17,000.00
Rock Excavation	CY	100	\$60.00	\$6,000.00	100	\$60.00	\$6,000.00
Fittings	LB	400	\$4.00	\$1,600.00	400	\$4.00	\$1,600.00
Connecting to Existing Manhole	EA	1	\$1,000.00	\$1,000.00	1	\$1,000.00	\$1,000.00
Duke Power Items	EA	1	\$1,000.00	\$1,000.00	1	\$1,000.00	\$1,000.00
3" Dry Bore	LF	100	\$20.00	\$2,000.00	100	\$20.00	\$2,000.00
3" Dia DIP (CL 350) PIPE RESTRAINED	LF	150	\$0.00	\$0.00	150	\$34.00	\$5,100.00
<b>TOTAL</b>				\$329,419.00			\$298,051.00

Attachment 2

THIS AGREEMENT made effective this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, by and between the TOWN OF BOILING SPRINGS, a North Carolina municipal corporation, hereinafter referred to as the "Town", and \_\_\_\_\_, hereinafter referred to as "Licensee";

**WITNESSETH:**

WHEREAS, the Licensee(s) desire(s) to encroach on a portion of the Town's right-of-way designated as \_\_\_\_\_ . Licensee(s) wishes to encroach on that portion of the street (or utility) right-of-way more particularly described as \_\_\_\_\_ , and as shown on Exhibit "A" attached hereto; and

WHEREAS, Licensees wish to erect or install \_\_\_\_\_ on such Town right-of-way; and

NOW, THEREFORE, the Town hereby grants to the Licensee(s) the right and privilege to make and maintain said encroachment(s) at the location above described upon the following conditions:

1. The Licensee(s) shall construct and maintain any encroaching structures in such reasonable safe and proper condition such that they will not interfere with or obstruct the proper use or maintenance of the right-of-way. If at any time the City wishes to open said right-of-way and requires or desires the removal of or changes in the location of the encroaching structures, the Licensee(s), at their expense shall promptly remove or alter the structures in order to conform to said requirement or request of the City without any cost to the City.
2. The Licensee(s) shall inform the Town Manager or its designee before commencing the installation of any encroachment, or any repair, alteration or maintenance thereto in said right-of-way, in order that the Town may perform inspection on said work and require any alterations or corrections deemed necessary or desirable by the Town. If the Town shall require or desire any alterations or corrections, the Licensee(s) shall make the same as so directed and specified by the Town. The maintenance and repair of the encroachment installation shall be the sole responsibility of the Licensee(s).
3. If the Licensee(s) shall default in performing any of the covenants or conditions herein, or if the encroachment structure(s) shall, by reason of improper maintenance or other cause, interfere with or become a source of danger, or be likely to interfere with or become a source of danger, to the street or utility system of the Town, and Licensee(s) fails to remedy such default, interference, or dangers or improper condition within thirty (30) days after written notice is sent from the Town to do so, the license hereby granted shall automatically terminate at the expiration of such thirty (30) day period and Licensee(s), upon written notice by the Town, shall forthwith remove such structure from the Town's right-of-way and restore said right-of-way to the condition existing prior to the construction of any structure thereon, In default thereof, the Town may at its election, either take such action as is necessary to require removal of any structures by Licensee(s) or remove the same and restore the condition of said right-of-way at the expense of the Licensee(s), Provided, however, in an emergency necessitating in the judgment of the Town immediate repair, maintenance or removal of the encroaching structures, the Licensee(s), upon request of the Town, shall do such requisite work, or shall remove the structure and if the Licensee(s) fails to do so immediately after such request, the Town may do such requisite work or effect such removal at the expense of the Licensee(s).

4. The Licensee(s) shall be responsible for all loss of life, personal injury or property damage or any other claims or liabilities accruing from or attributable to the construction, maintenance, use, or presence of any encroachments upon the Town's right-of-way, whether or not resulting from negligence of Licensee(s), and Licensee(s) will indemnify, defend and hold the Town, its agents, officers, and employees harmless from any and all claims, losses, injury or damage arising therefrom.
5. This agreement shall inure to the benefit of and be binding upon the respective heirs, successors and assigns of the parties hereto, as well as upon the parties themselves.

IN WITNESS WHEREOF, the Licensee(s) have set their hands and seals and the Town has authorized this agreement to be signed in its name by its Town Manager and its corporate seal to be hereunto affixed.

TOWN OF BOILING SPRINGS:

(Corporate Seal)

By: \_\_\_\_\_  
Town Manager

ATTEST:

\_\_\_\_\_  
Town Clerk

LICENSEE(S)

\_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL)

**APPLICATION FOR RIGHT OF WAY ENCROACHMENT  
(CORPORATION)  
TOWN OF BOILING SPRINGS  
PO BOX 1014  
BOILING SPRINGS, NC 28017**

NAME OF APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_

NAMES OF ALL OWNERS: \_\_\_\_\_

CORPORATION (If Owner): \_\_\_\_\_

PRESIDENT: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

PARTNERSHIP: \_\_\_\_\_

NAMES OF ALL PARTNERS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ COUNTY: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**Location of Proposed Encroachment (Describe by Address and Written Description):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Purpose of Proposed Encroachment (Describe in Detail):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Applicant is to attach an accurate scale drawing, size 8-1/2 x 11 inches, which shows the proposed encroachment, property lines, utilities, and other features in close proximity to the proposed encroachment. If the proposed encroachment is to be underground, the depth and method of installation shall be denoted on the drawing.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

*(Approve/Disapprove)*

*Meeting Date: April 3, 2012*  
*Subject: Staff Reports*

*Police*

*Public Works*

*Finance*

*Town Clerk*

*Town Attorney*

*Town Manager*

- Town Hall Park Hours – YMCA intends to begin opening/closing bathrooms, etc. according to a schedule
- Foothills’ Farmers Market on Town property – has requested use of land next to former Town FD; organization is fully covered by own insurance
- Fall Festival in conjunction with Appalachian Culture Festival

FACILITY OWNER: THE TOWN OF BOILING SPRINGS

OPERATED BY: RUBY C. HUNT YMCA

RESTROOMS ARE OPEN TO THE PUBLIC DURING BASEBALL GAMES AND DURING THE FOLLOWING HOURS:

MARCH 15<sup>TH</sup> TO SEPTEMBER 15<sup>TH</sup> : 9 A.M. TO 6 P.M., M-F,

10 A.M. TO 4 P.M., SAT.

2 P.M. TO 5 P.M., SUN.

ALL OTHER TIMES: 11 A.M. TO 4 P.M., M-SAT.

CLOSED SUNDAY

TO RESERVE FOR PARTIES/EVENTS OR TO REPORT MAINTENANCE/REPAIR ISSUES,  
PLEASE CALL THE RUBY C. HUNT YMCA AT 704-434-0441

USERS OF THIS FACILITY ARE RESPONSIBLE FOR KNOWING AND OBSERVING RULES  
AND POLICIES AS SET BY THE TOWN OF BOILING SPRINGS AND THE YMCA  
UNDER THE JURISDICTION OF THE BOILING SPRINGS POLICE DEPARTMENT

**FOR EMERGENCIES CALL 911**

*Meeting Date: April 3, 2012*  
*Subject: Commissioners' Reports*

*Commissioner Gravett*

*Commissioner Elliott*

*Commissioner Beason*

*Commissioner Glenn*

*Commissioner C. Hamrick*

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*Meeting Date: April 3, 2012*  
*Subject: Mayor's Report*