



*Agenda*

*Town of Boiling Springs Board of Commissioners*

*December 4, 2012*

# Town of Boiling Springs

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## AGENDA

### TOWN OF BOILING SPRINGS BOARD OF COMMISSIONERS

December 4, 2012

7 p.m., Town Hall

- |   |          |
|---|----------|
| <b>1. Call to Order – Max J. Hamrick, Mayor</b>                   | <b>-</b> |
| <b>2. Approval of Minutes</b><br>November 6, 2012 Regular Meeting | <b>2</b> |
| <b>3. Recognition of Citizens Present</b>                         | <b>-</b> |
| <b>4. Regular Business</b>  | <b>5</b> |
| – Presentation of FY11/12 Financial Statements                    |          |
| – Consider Amendment to Zoning Code (p. 6)                        |          |
| <b>5. Staff Reports</b>   | <b>7</b> |
| <b>6. Commissioners' Reports/Comments</b>                         | <b>8</b> |
| <b>7. Mayor's Report/Comments</b>                                 | <b>8</b> |

*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  
November 6, 2012  
Regular Meeting Minutes

The Board of Commissioners of the Town of Boiling Springs met November 6, 2012 at the Boiling Springs Town Hall. Present were: Mayor Max J. Hamrick; Commissioners William Elliott, Darlene Gravett, John Glenn, James Beason, and Cliff Hamrick. Staff members present: Town Manager Tom Hart, Town Clerk Kimberly Greene, Finance Officer Rhonda Allen, Public Works Director Mike Gibert, and Police Chief Randy Page.

Others Present: Shawn Carter

**AGENDA ITEM I**

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

**AGENDA ITEM II**

**Recognition of Citizens Present**

Mayor Hamrick recognized Mr. Shawn Carter. Mr. Carter requested permission from the Board to use the lot beside the old Fire Department on East College Avenue to sell Christmas trees. Mr. Carter helps coach a traveling baseball team and wanted sell Christmas trees to raise funds for the team to play in a baseball tournament in Cooperstown, N.Y. Mr. Carter stated he plans to use a generator so there would be no expense to the Town. Commissioner Elliott made the motion to allow Mr. Carter use of the vacant lot to sell Christmas trees from Thanksgiving until Christmas of this year. Commissioner Beason seconded and the vote was unanimous.

**AGENDA ITEM III**

**Approval of Minutes**

Mayor Hamrick requested the following be added to *Agenda Item V, Staff Reports: It was agreed the crosswalk should remain as is until further inspection.* Commissioner Hamrick made the motion to approve minutes of the October 2, 2012 regular meeting as corrected. Commissioner Gravett seconded and the vote was unanimous.

**AGENDA ITEM IV**

**Regular Business**

**Consider Amendments to Solid Waste Chapter**

Mr. Hart discussed the proposed Solid Waste Ordinance. The attorney stated he had reviewed the document and it was ready for adoption. Commissioner Glenn made the motion to approve Ordinance #121106.01 Amending Chapter 52 of the Town of Boiling Springs Code of Ordinances. Commissioner Hamrick seconded and the vote was unanimous. A copy of the Ordinance is on file in the office of the Clerk.

**Consider Civil Emergencies Chapter**

Mr. Hart reported the General Statutes relating to civil emergencies were changed October 1, 2012. Formally declaring a state of emergency is the first essential step in becoming eligible for state and federal reimbursements after a disaster. The proposed ordinance delegates the authority to declare a state of emergency to the Mayor and allows the imposition of restrictions that are permitted by state law. The ordinance allows for these restrictions but does not mandate them; each state of emergency would have its own set of restrictions or no restrictions at all. Commissioner Elliott made the motion to approve Ordinance #121106.02 Creating Chapter 33 of the Town of Boiling Springs Code of Ordinances. Commissioner Gravett seconded and the vote was unanimous. A copy of the Ordinance is on file in the office of the Clerk.

**Routine Budget Amendments**

Rhonda Allen reported the budget ordinance amendment was necessary to allocate funds for the Wal-Mart Distribution recreation grant. Mr. Hart stated the grant is for playground improvements.

**Section 1. Revenues**

Miscellaneous	<u>Increase</u> \$2,500
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Section 2. Expenditures

	<u>Increase</u>
Recreation departmental supplies	\$2,500

Commissioner Glenn made the motion to approve Budget Ordinance Amendment #121106.01. Commissioner Beason seconded and the vote was unanimous. A copy of the Amendment is on file in the office of the Clerk.

**Consider Forming Facilities Sub Committee**

Commissioner Gravett, Commissioner Elliott, and Commissioner Glenn agreed to serve on a Facilities Subcommittee with Mr. Hart to look into making improvements to the existing Town Hall and Police Department or constructing a new municipal building.

**AGENDA ITEM V**

**Staff Reports**

**Randy Page, Police Chief, reported the following:**

The Chief reported all Boiling Springs Officers successfully qualified for their firearms training.

Chief Page, Mr. Hart, and GWU Chief Johnson met with Mr. Gary Spangler and Mr. Sam Nichols of the N.C. Department of Transportation regarding the pedestrian crosswalk on South Main Street. Mr. Spangler and Mr. Nichols recommended the crosswalk be moved closer to the Gardner-Webb University entrance of the building located at 141 South Main Street. One to two parking spaces on each side of the street will be removed. They also recommended bulb-outs be installed. Bulb-outs significantly improve pedestrian crosswalks by improving the ability of the pedestrian and the motorist to see each other.

**Mike Gibert, Public Works Director, reported the following:**

Town Hall offices will be closed Thursday, November 22, 2012 and Friday, November 23, 2012 in observance of the Thanksgiving Holiday. The garbage collection for Thursday, November 22, 2012 will be collected on Wednesday, November 21, 2012. The remainder of the week will be on schedule.

Recycling Collection for homes on Route B (the Blue Route) for Friday, November 23, 2012 will be collected on Saturday, November 24, 2012.

Mike Gibert reported the owner of B&W Fiber Glass recently gave him the Material Safety Data Sheets (MSDS) showing the chemicals they are discharging into the sewer system. The project was permitted for domestic waste. Mr. Gibert and Mr. Hart have plans to meet with the owner to discuss this issue.

**Rhonda Allen, Finance Officer, reported the following:**

Rhonda Allen reported Mr. Darrell Keller completed the Fiscal Year 2011-12 Audit. Ms. Allen also presented the FY 2012-13 Audit Contract for approval. Commissioner Hamrick made the motion to approve the FY 2012-13 Audit Contract with Mr. Darrell Keller, CPA, PA. Commissioner Gravett seconded and the vote was unanimous. A copy of the contract is on file.

Ms. Allen reviewed the first quarter financials. Mayor Hamrick inquired about the Lattimore Sewer line item. Mr. Hart stated he and Mr. Gibert have met with Mayor Beal several times regarding the Wastewater Collection and Treatment Agreement. Mr. Hart had also provided Mayor Beal detailed documentation showing the Town's loss each month to maintain the Lattimore sewer system. Mayor Beal told Mr. Hart he plans to attend a Boiling Springs Town meeting to meet with the Board.

**Kimberly Greene, Town Clerk, reported the following:**

Commissioner Hamrick made the motion to reappoint Commissioner Beason and Commissioner Glenn to a one-year term on the Boiling Springs Fire & Rescue Board of Directors. Commissioner Elliott seconded and the vote was unanimous.

The Board selected Girl Scout Troop 20307 to be the Grand Marshal in the Christmas Parade in honor of their 100<sup>th</sup> Anniversary.

**Tom Hart, Town Manager, reported the following:**

Mr. Greg Humphries contacted Mr. Hart about opening a hardware store in an M-1 zoning district which is currently not an allowed use in a manufacturing district. It was agreed that the location of this parcel (142 N. Main Street) is in character with that of a business district which does allow hardware stores. Mr. Hart stated he will go to the Planning and Zoning Board with a text amendment to amend the zoning

ordinance to allow hardware stores to be located in M-1 districts with a Conditional Use Permit. The amendment will require final approval from the Town Board.

Mr. Hart also reported Cintas placed drop-off bins for residential document shredding at the Town Hall and Police Department.

**AGENDA ITEM VI**

**Commissioner's Report/Comments**

Commissioner Gravett inquired about the green lines painted on N. Main Street marking the sewer lines; and the construction of the Family Dollar Store.

**AGENDA ITEM VII**

**Mayor's Report/Comments**

There being no further business to come before the Board, Mayor Hamrick declared the meeting adjourned at 7:40 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

**Meeting Date: December 4, 2012**

**Subject: Regular Business**

- **Presentation of FY11/12 Financial Statements (Materials Included)**

The Town's annual audit has been completed. I am very pleased with the results as they do not identify any critical weaknesses in our financial procedures. The audit identifies some minor technocratic areas for improvement and those adjustments have already been made. The Town's auditor, Darrell Keller, will present the audit.

- **Consider Amendment to Zoning Code (p. 6)**

In November, Mr. Greg Humphries approached Town Staff about the possibility of opening a hardware store in part of the old Western Dynasty Building. The parcel is zoned M-1 which does not allow the operation of hardware stores. There are some uses, such as garden centers, that are allowed in an M-1 zone that are arguably similar in their somewhat retail oriented nature.

Several options were considered including rezoning but ultimately, amending the Zoning Code to allow hardware stores M-1 zones with a Conditional Use Permit appears to be the most effective route.

If the Board approves this Amendment, all future proposed hardware stores in a parcels zoned M-1 will require a Conditional Use Permit from the Board of Adjustment. The Board of Adjustment would make that determination based on several factors such as conformity with surrounding uses, traffic safety, and the like. It is staff opinion that this amendment will not result in hardware stores being inappropriately located in the community.

The Planning Board has recommended this amendment for approval at their November meeting.

Mr. Humphries application for a Conditional Use Permit requesting to locate a hardware store in the old Western Dynasty building was approved by the Board of Adjustment, contingent on the Board of Commissioners approval of this Amendment.

**ORDINANCE AMENDING CHAPTER 151 OF THE  
TOWN OF BOILING SPRINGS CODE OF ORDINANCES  
AMENDMENT NO. 121204.01**

**BE IT ORDAINED** by the Board of Commissioners of the Town of Boiling Springs, North Carolina assembled in Regular Session this 4th day of December, 2012,

**Part 1.** That "Appendix A: Table of Permitted and Conditional Uses" of Chapter 151 "Zoning Code" is hereby amended as follows to allow hardware stores in areas zoned M-1 with a Conditional Use Permit:

<b>TABLE OF PERMITTED AND CONDITIONAL USES</b>										
<b>USE TYPES</b>	<b>R-20</b>	<b>R-15</b>	<b>R-15TH</b>	<b>R-10</b>	<b>I-1</b>	<b>O&amp;CS</b>	<b>B-1</b>	<b>B-2</b>	<b>M-1</b>	<b>SR</b>
farm machinery sales & service							X		X	23
farmers' or produce markets							X		X	
farm supplies							X		X	
flea market							X		X	
floor covering, drapery or upholstery							X	X		
florist shop							X	X		
fuel oil sales - nonautomotive							X		X	
furniture sales							X	X		
garden centers or retail nurseries							X	X	X	
gift, novelty & souvenir shop							X	X		
grocery store							X	X		
hardware store							X	X	C	
hobby & toy stores							X	X		
homes furnishings, miscellaneous							X	X		
jewelry sales & repair							X	X		
leather goods sales							X	X		
lighting goods sales							X	X		
liquor stores - ABC							X	X		
miscellaneous retail sales							X	X		
mobile home sales & services									X	23
motorcycle sales & service							X		X	23
music stores including instrument repair							X	X	X	
newsstand, magazines							X	X		
office supply store							X	X		
optical goods sales							X	X		
paint, glass & wallpaper stores							X	X		

**Part 2.** This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town

**ADOPTED** this the 4th day of December, 2012.

**ATTEST:**

\_\_\_\_\_  
Kim Greene, Town Clerk

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Max J. Hamrick, Mayor

**Meeting Date: December 4, 2012**

**Subject: Staff Reports**

**Police**

*-Update on Pedestrian Safety*

**Public Works**

*-Update on B&W Fiberglass*

**Finance**

**Town Clerk**

**Town Attorney**

**Town Manager**

**Meeting Date: December 4, 2012**  
**Subject: Commissioners' Reports**

**Commissioner Gravett**

**Commissioner Elliott**

**Commissioner Beason**

**Commissioner Glenn**

**Commissioner C. Hamrick**

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**Meeting Date: December 4, 2012**  
**Subject: Mayor's Report**