



Agenda

Town of Boiling Springs Board of Commissioners

March 6, 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

March 6, 2012

7 p.m., Town Hall

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

2. *Approval of Minutes* 3
February 7, 2012 Regular Meeting

3. *Recognition of Citizens Present*

4. *Presentations* 6
 - **Girl Scouts 100-Year Anniversary Proclamation**
 - **“Eat Smart, Move More” – Cleveland County Health Department**

5. *New Business* 8
 - **Audit Contract**
 - **Surplus Property Resolution**
 - **Encroachments on Town-Owned Streets**
 - **Urban Archery Program**
 - **New Walk Signals**
 - **Recycling Survey Results**

6. *Staff Reports* 17

7. *Commissioners’ Reports/Comments* 18

8. *Mayor’s Report/Comments* 18

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 7, 2012**

The Board of Commissioners of the Town of Boiling Springs met February 7, 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: Jim Blalock

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 January 3, 2012 regular meeting as previously mailed. Commissioner Elliott seconded and the vote was unanimous.

AGENDA ITEM IV
New Business
Budget Amendments

Budget Ordinance Amendment #120207.1

Rhonda Allen reported it is necessary to make changes in the Sewer Outfall Line Replacement Project budget to allocate funds for the N.C. Division of Water Quality Fast-Track Application fee.

<u>Section 1.</u>	Revenues	
	Transfer from Water/Sewer Fund Retained Earnings	<u>Increase</u> \$480
 <u>Section 2.</u>	 Expenditures	
	Construction	<u>Increase</u> \$480

Commissioner Hamrick made the motion to approve Budget Ordinance Amendment #120207.1. Commissioner Beason seconded and the vote was unanimous. A copy of the Amendment is on file.

Budget Amendment Authorization Form Fiscal Year 2011-12

Rhonda Allen stated the reason for the amendment is to move allocated funds due to the change in the capital asset threshold.

<u>Line Item</u>	<u>Account Name</u>	<u>11-12 Budget</u>	<u>Amount Increased (Decreased)</u>	<u>11-12 Budget As Amended</u>
<u>General</u>	<u>Police</u>			
1-4310-51	Noncapital asset purchases	0	7,300	7,300
1-4310-50	Capital outlay	40,000	(7,300)	32,700
	<u>Sanitation</u>			
1-4710-51	Noncapital asset purchases	0	400	400
1-4710-50	Capital outlay	48,270	(400)	47,870

<u>W/S</u>	<u>Water</u>			
6-7130-51	Noncapital asset purchases	0	800	800
6-7130-50	Capital outlay	70,545	(800)	69,745
	<u>Sewer</u>			
6-7140-51	Noncapital asset purchases	0	4,100	4,100
<u>6-7140-50</u>	<u>Capital outlay</u>	<u>25,000</u>	<u>(4,100)</u>	<u>20,900</u>
Totals		183,815	0	183,815

Commissioner Elliott made the motion to approve the Budget Amendment Authorization Form for Fiscal Year 2011-2012. Commissioner Gravett seconded and the vote was unanimous. A copy of the Amendment is on file.

AGENDA ITEM VI

Staff Reports

Rhonda Allen, Finance Officer

Rhonda Allen reviewed the 2nd quarter FY 2011-12 financials and answered questions from the Board. No action was necessary.

Randy Page, Police Chief

The Chief reported Police-Pak, the law enforcement records program used by the department, will be linked to the laptops in the officer's cars saving valuable time when completing reports.

Mike Gibert, Public Works Director

Wastewater Department: No rainfall infiltration issues have occurred at the Lyman Street pump station.
 Water Department: Reported a water leak on E. Branch Ave. would be repaired later that evening.

Zach Trogdon, Town Manager

Mr. Trogdon reviewed a survey he'd prepared to determine citizen interest in recycling. The survey will be available on the Town's website and in hard copy at the Town Hall. Mr. Trogdon recommended using the online survey software and questionnaire tool, Survey Monkey, to compile the data received. The Board agreed.

Mr. Trogdon also reviewed the YMCA Recreation Services Agreement. The ten-year Agreement began July 1, 2007 with an out-clause after five years. Funding is provided in exchange for the YMCA providing recreation. The Board discussed the current terms of the Agreement and the recreational needs of the community. Mr. Trogdon recommended the Town Recreation Committee (currently inactive) serve on the Boiling Springs YMCA Advisory Board for additional community representation. The Board directed Mr. Trogdon contact the YMCA to discuss amending the Agreement.

Mr. Trogdon reported working with a citizen living outside Town limits whose well has gone dry thus creating a hardship and can only pay the water connection fee in payments. He is also working with a customer who is concerned about their deposit refund since having received a late fee last month.

Mr. Trogdon reported he recently met with the contractor about removing the old ground water tank located at the elevated water tank site off North Main Street. The water lines in the area are a concern. Mr. Trogdon and Mr. Gibert plan to meet the contractor onsite.

AGENDA ITEM VI

Commissioner's Report/Comments

Commissioner Gravett commented that the new CVS building located at the corner of N. Main Street and E. College Avenue looks very nice. The Grand Opening was held February 5, 2012.

AGENDA ITEM VII

Mayor's Report/Comments

The Mayor requested an update on Minimum Housing Code Enforcement in the Town's ETJ. Mr. Trogdon reported that the Cleveland County Planning Department is considering using the services of the Isothermal Planning & Development Commission COG (Council on Government). Mr. Trogdon stated he

would keep the Board updated on this issue.

Mayor Hamrick also shared an invitation to the first annual Foothills Homeless Veteran's Stand Down. The event will be held on April 20, 2012 from 8:00 am until 2:00 pm at the Hickory American Legion Fairgrounds. It will bring homeless veterans together for the day to provide access to community resources needed to address individual problems and to help rebuild lives.

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 6, 2012

Subject: Presentation

- **Girl Scouts' 100-Year Anniversary**

A proclamation is enclosed proclaiming March 21-19 as Girl Scout Week. Members of a local Girl Scout troop will be in attendance.

- **Eat Smart, Move More – Cleveland County Health Department**

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.

Action Taken/Notes:

TOWN OF BOILING SPRINGS
CELEBRATING GIRL SCOUT WEEK
PROCLAMATION

WHEREAS, March 12, 2012 marks the 100th anniversary of the founding of the Girl Scouts of the USA by Juliette Gordon Low in Savannah, Georgia; and

WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls with the highest ideals of courage, confidence, and character; and

WHEREAS, through the Girl Scout leadership experience, girls develop the skills that will serve them a lifetime so that they may contribute to their communities; and

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, sports, technology, and other fields that can expand their horizons; and

WHEREAS, more than 3 million current Girl Scout members nationwide will be celebrating 100 years of this American tradition, along with nearly 50 million women who are former Girl Scouts and living proof of the impact of this amazing movement;

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF BOILING SPRINGS, does hereby proclaim the week of March 12, 2012 as Girl Scout Week in the Town to mark the 100th Anniversary of Girl Scouting and its commitment to support the leadership development of America's girls.

ADOPTED THE 6th DAY OF MARCH, 2012.

Max J. Hamrick
Mayor

ATTEST:

Kimberly Greene
Town Clerk

Meeting Date: March 6, 2012

Subject: New Business

- **Audit Contract FY 2011-2012 (p. 9)**

- **Surplus Property Resolution (p. 12)**

The Police Department has two vehicles that can be placed for public auction. The Town utilizes GovDeals online auction services. There is another PD vehicle that has been rendered virtually worthless and staff is planning to have it scrapped.

- **Encroachments on Town-Owned Streets (p. 13)**

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.

- **Urban Archery Program (p. 16)**

The Town has the opportunity to participate in a program that extends the season for hunting deer. The purpose of the program is to help thin deer overpopulation where it is conflicting with residential areas. The program is overseen by NC Wildlife and does not have any different rules from normal deer season archery. Normal archery season for deer runs from approximately the middle of September to the first of October and the middle of October to the middle of November. Urban archery would likely extend the season from the middle of January to the middle of February.

- **New Walk Signals**

I have received a cost estimate of \$13,000 from NCDOT to install additional walk signals at the main intersection in Town.

- **Recycling Survey Results**

You have been provided under separate cover some basic information about the results of a short survey about recycling.

Action Taken/Notes:

CONTRACT TO AUDIT ACCOUNTS

Of Town of Boiling Springs
Governmental Unit

On this 29th day of February, 2012,

Auditor

Darrell L Keller, CPA, PA P O Box 1028 Kings Mountain, NC 28086

Mailing Address

_____ , hereinafter referred to as

the Auditor, and Council of Town of Boiling Springs, hereinafter referred
Governing Board Governmental Unit
to as the Governmental Unit, agree as follows:

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit for the period beginning July 1, 2011, and ending June 30, 2012. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate discretely presented component units, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 and the State Single Audit Implementation Act, the auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the LGC. If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners.
3. This contract contemplates an unqualified opinion being rendered. If financial statements are not prepared in accordance with generally accepted accounting principles (GAAP), or the statements fail to include all disclosures required by GAAP, please provide an explanation for that departure from GAAP in an attachment.
4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, July 2007 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the Local Government Commission prior to the execution of the audit contract. (See Item 21) If the audit firm received a peer review rating other than pass, the auditor shall not contract with any Local Government Units without first contacting the Secretary of the Local Government Commission for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards*, the Auditor shall provide an explanation as to why in an attachment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the SLGFD within four months of fiscal year end. audit report is due on: October 31, 2012. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the Secretary of the Local Government Commission for approval.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as the systems relate to accountability of funds, adherence to budget requirements, and adherence to law requirements. In addition, the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU 325 of the *AICPA Professional Standards*. The Auditor shall file a copy of that report with the Secretary of the Local Government Commission.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the Local Government Commission. This includes annual or special audits, agreed upon procedures related to Internal Control, bookkeeping or other assistance necessary to prepare the Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Invoices for services rendered under these contracts

shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the Local Government Commission. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] The process for invoice approval has changed. All invoices for Audit work must be submitted by email in PDF format to the Secretary of the Local Government Commission for approval. The invoices must be emailed to: lgc.invoice@nctreasurer.com Email Subject line should read "unit name – invoice. The PDF invoice marked approved with approval date will be returned by email to the Auditor for them to present to the Local Government Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.

- 9. In consideration of the satisfactory performance of the provisions of this agreement, the Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the Local Government Commission, the following fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts:

Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] -0-

Audit 9,250

Preparation of the annual financial statements 750

- 10. The auditor working with a local governmental unit that has outstanding revenue bonds will include in the notes to the audited financial statements, whether or not required by the revenue bond documents, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the Local Government Commission simultaneously with the local government's audited financial statements unless otherwise specified in the bond documents.
- 11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include but not be limited to the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the governmental unit and all of its component units prepared in accordance with generally accepted accounting principles, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.
- 12. If the audit firm is required by the NC CPA Board or the Secretary of the Local Government Commission to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Unit of Government will not be billed for the pre-issuance review. The pre-issuance review must be performed **prior** to the completed Audit being submitted to the Local Government Commission. The pre-issuance report must accompany the audit report upon submission to the Local Government Commission.
- 13. The Auditor shall electronically submit the report of audit to the Local Government Commission when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the Local Government Commission, becomes a matter of public record for inspection and review in the offices of the Secretary by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the Local Government Commission. These audited financial statements are used in the preparation of Official Statements for debt offerings (the auditors' opinion is not included), by municipal bond rating services, to fulfill secondary market disclosure requirements of the Securities and Exchange Commission, and other lawful purposes of the government, without subsequent consent of the auditor. If it is determined by the Local Government Commission that corrections need to be made to the unit's financial statements they should be provided within three days of notification unless, another time frame is agreed to by the Local Government Commission.

The Local Government Commission's process for submitting audit reports is subject to change. Auditors should use the submission process in effect at the time of submission.

In addition, if the North Carolina Office of the State Auditor designates certain programs to be audited as major programs, a turnaround document and a representation letter addressed to the State Auditor shall be submitted to the Local Government Commission.

- 14. The auditor can be reached for matters concerning this contract at the following email address: dkeller@dlkcpapa.com

The finance officer or other responsible employee/official can be reached for matters concerning this contract at the following email address: rhonda.allen@boilingspringsnc.net

- 15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the Local Government Commission, this agreement

Contract to Audit Accounts (cont.) OWN OF BOILING SPRINGS

(Name of unit)

may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor.

- 16. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, signed and dated by all parties and pre-audited if the change includes a change in audit fee. This document and a written explanation of the change must be submitted by email in PDF format to the Secretary of the Local Government Commission for approval. The portal address to upload your amended contract and Letter of explanation documents is <http://nctreasurer.slgfd.leapfile.net> No change shall be effective unless approved by the Secretary of the Local Government Commission, the Governing Board, and the Auditor.
- 17. Whenever the Auditor uses an engagement letter with the client, Item 18 is to be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 23 of this contract. Engagement letters containing indemnification clauses will not be approved by the Local Government Commission.
- 18. Special provisions should be limited. Please list any special provisions in an attachment.
- 19. A separate contract should not be made for each division to be audited or report to be submitted. A separate contract must be executed for each component unit which is a local government and for which a separate audit report is issued.
- 20. The contract must be executed, pre-audited, physically signed by all parties and submitted in PDF format including unit and auditor signatures to the Secretary of the Local Government Commission. The portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net> Electronic signatures are not accepted at this time.
- 21. The contract is not valid until it is approved by the Local Government Commission. The staff of the Local Government Commission shall notify the unit and auditor of contract approval by email. The audit should not be started before the contract is approved.
- 22. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the Local Government Commission.
- 23. All of the above paragraphs are understood and shall apply to this agreement, except the following numbered paragraphs shall be deleted: (See Item 17.)

Audit Firm Signature:

Firm Darrell L Keller, CPA, PA

By Darrell L Keller
(Please type or print name)

(Signature of authorized audit firm representative)

Email Address: dkeller@dlkcpapa.com

Date February 29, 2012

Unit Signatures:

By _____
(Please type or print name and title)

(Signature of Mayor/Chairperson of governing board)

Date _____

Email Address _____

Date Governing Body Approved Audit Contract _____

Unit Signatures (continued):

By _____
(Chair of Audit Committee- please type or print name)

(Signature of Audit Committee Chairperson)

Date _____
(If unit has no audit committee, this section should be marked "N/A.")

Email address _____

This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

Governmental Unit Finance Officer (Please type or print name)

(Signature)

Date _____

(Preaudit Certificate must be dated.)

Email address _____

Resolution Authorizing Sale of Surplus Personal Property

WHEREAS, the Town of Boiling Springs owns personal property which no longer has any usefulness for the Town, and;

WHEREAS, G.S. 160A-270(b) authorizes the Town to identify surplus personal property and sell it at public auction, and;

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

The Town Manager is authorized to dispose of the following property at public auction.

1999 Ford Crown Victoria – VIN# 2FAFP71W3XX165463

2002 Ford Crown Victoria – VIN# 2FAFP71W12X124743

The Town Board further authorizes the Town Manager to utilize an electronic auction procedure in accordance with G.S. 160A-270(c). Said auction shall be commenced within fifteen (15) days of passage of this resolution.

Adopted this 6th day of March, 2012.

Max Hamrick, Mayor

Attest:

Kim Greene, Clerk

**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)

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)

(continued from page 46)

- Muzzleloader. During the muzzleloader season the following are legal weapons: bows and arrows, crossbows (both described on page 42), muzzleloading rifles and muzzleloading shotguns. It is unlawful to carry a pistol or to use a dog while hunting deer during this season, **except to retrieve a wounded deer**. See page 42 for details.
- Gun. During the gun season the following are legal weapons: bows and arrows, crossbows (both described on page 42), muzzleloading rifles, muzzleloading shotguns, shotguns, rifles and pistols. Caliber restrictions for pistols are on page 42. Hunters may use dogs to hunt deer during this season in counties indicated on the map on page 52, **and to retrieve a wounded deer**. See page 42 for details.

Bag Limits

- The big game hunting license authorizes the hunter to harvest up to six deer. All six deer can be antlerless for all areas of the state. The season limit for antlered deer in the Eastern Deer Season is four. The season limit for antlered deer in the Central, Northwestern, and Western deer seasons is two.
- There is no daily bag limit.
- The possession limit for antlered deer is the same as the season limit.
- The possession limit for antlerless deer harvested in areas with a maximum either-sex season, or in those areas participating in the Urban Archery Season, is equivalent to the number of antlerless deer the hunter is authorized to harvest on his big game hunting license and any Bonus Antlerless Harvest Report Cards he may have procured. The possession limit for antlerless deer harvested in all other areas is equivalent to the number of antlerless deer the hunter is authorized to harvest on his big game hunting license.
- Bonus Antlerless Harvest Report Cards allow for the harvest of two additional antlerless deer per card. These are NOT valid for use on game lands. Unlimited Bonus Antlerless Harvest Report Cards are available to each hunter. Bonus Antlerless Harvest Report Cards are valid during archery, muzzleloader, and gun season in those areas with a maximum either-sex gun season. Bonus Antlerless Harvest Report Cards are also valid in municipalities participating in the Urban Archery Season. For information on how to obtain Bonus Antlerless Harvest Report Cards, go to www.ncwildlife.org or call 888-2HUNTFISH.
- Antlerless deer harvested under the Deer Management Assistance Program (DMAP) are not included in normal statewide bag limits. Hunters **participating in the program** must follow harvest restrictions prescribed in the DMAP.
- Note: Antlerless deer may be taken only in those areas and during those times described elsewhere in this publication.

Either-Sex Deer Seasons

Archery Deer Season

- Deer of either sex may be taken during archery deer season in all areas (includes game lands).

Muzzleloader Firearm Deer Season

- Deer of either sex may be taken during the last day of the muzzleloader firearm deer season in and west of Henderson, Buncombe, Yancey, Mitchell and Avery counties (includes game lands).
- Deer of either sex may be taken anytime during the muzzleloader firearm deer season in and east of Polk, Rutherford, McDowell, Burke, Caldwell, Watauga and Ashe counties (includes game lands).

Gun Either-Sex Deer Season

- Deer of either sex may only be taken during the gun season during those dates indicated on pages 48–51. Most gun either-sex seasons fall under one of the following four categories in North Carolina:
 - Maximum: Either-sex harvest is allowed the entire gun season.

- Moderate: Either-sex harvest is allowed the first six open days and the last six open days of the regular gun season.
- Conservative: Either-sex harvest is allowed the last six open days of the regular gun season.
- Introductory: Either-sex harvest is allowed the last open day of the regular gun season.

Urban Archery Season

Archery only: Jan. 14 – Feb. 18, 2012

Hunting during the Urban Archery Season is allowed ONLY in participating municipalities. Hunters may contact the following municipalities about hunting opportunities::

Cleveland	www.clevelandnc.org
Concord	704-920-5000; www.ci.concord.nc.us
Elkin	336-835-9800; www.elkinnc.org
Fairview	www.fairviewnc.gov
Kannapolis	704-920-4300; www.cityofkannapolis.com
Locust	www.locustnc.com
Midland	704-888-2232; www.townofmidland.us
Mooresboro	704-434-5666
Pleasant Garden	336-674-3002; www.pleasantgarden.net
Pittsboro	919-542-4621; http://pittsboronc.gov
Sanford	919-775-8211
Stanfield	www.stanfieldnc.com
Stokesdale	336-643-4011; www.stokesdale.org
Summerfield	336-643-8655; www.summerfield.gov
Troutman	704-528-7600; www.townoftroutman.org
Valdese	828-879-2102; www.ci.valdese.nc.us
Waxhaw	www.waxhaw.com
Weddington	704-846-2709; www.townofweddington.com
Yadkinville	336-679-8732; www.yadkinville.org

The Urban Archery Season is available for cities, towns and villages that submit to the Wildlife Resources Commission by April 1 of each year a letter of intent to participate in the season. A map clearly defining the area included in the season should also accompany the letter of intent. Interested municipalities should call the Division of Wildlife Management 919-707-0050 and request to be contacted by a district wildlife biologist. Following is additional information and restrictions pertaining to the Urban Archery Season:

- Deer harvested during the Urban Archery Season must be registered via telephone 800-I GOT ONE or online at www.ncwildlife.org. Deer harvested during the Urban Archery Season shall not be registered with a wildlife cooperater agent.
- Season bag limits, as well as possession limits, for both antlerless and antlered deer, including Bonus Antlerless Harvest Report Cards, that apply to the general archery, muzzleloader, and gun deer seasons also apply to the Urban Archery Season.
- Deer of either sex may be harvested in participating areas during the Urban Archery Season. Hunters harvesting an adult buck that has dropped its antlers should validate the kill and insert the harvest authorization number on an authorization space specified for an antlerless deer on the hunter's Big Game Harvest Report Card or Bonus Antlerless Harvest Report Card.
- Hunters wishing to hunt in an area participating in the Urban Archery Season should call the participating municipality or visit its website to obtain a map showing lawful areas to hunt and additional information on specific restrictions that may apply to each area.
- The Urban Archery Season does not obligate private landowners to allow hunting on their property, nor does it eliminate the ethical requirement for obtaining permission from the landowner before hunting. Hunters are legally required to obtain written permission to hunt on posted property.

Meeting Date: March 6, 2012

Subject: Staff Reports

Police

Public Works

Finance

Town Clerk

Town Attorney

Town Manager

- Old clearwell demolition
- East College sidewalk project
- Schedule budget workshop

Meeting Date: March 6, 2012
Subject: Commissioners' Reports

Commissioner Gravett

Commissioner Elliott

Commissioner Beason

Commissioner Glenn

Commissioner C. Hamrick

Meeting Date: March 6, 2012
Subject: Mayor's Report