



Agenda

Town of Boiling Springs Board of Commissioners

May 1, 2012

Town of Boiling Springs

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AGENDA

TOWN OF BOILING SPRINGS BOARD OF COMMISSIONERS

May 1, 2012

7 p.m., Town Hall

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

2. *Approval of Minutes* 3
April 3, 2012 Regular Meeting

3. *Recognition of Citizens Present*

4. *Regular Business* 5
 - **Surplus Property Resolution**
 - **Budget Amendments**
 - **Draft Taxi Regulations**

5. *Staff Reports* 13

6. *Commissioners' Reports/Comments* 14

7. *Mayor's Report/Comments* 14

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
April 3, 2012**

The Board of Commissioners of the Town of Boiling Springs met April 3, 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 Clerk Kimberly Greene, Finance Officer Rhonda Allen, Chief Randy Page, and Public Works Director Mike Gibert.

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

Commissioner Hamrick made the motion to approve minutes of the March 6, 2012 regular meeting and March 27, 2012 Budget Workshop as previously mailed. Commissioner Glenn seconded and the vote was unanimous.

AGENDA ITEM IV

Regular Business

Award of Bid - B&W Fiberglass Sewer Project

The Board discussed the bid revision for the B&W Fiberglass Sewer Project. Mike Gibert addressed the Board's concerns regarding revision to the 6" encased bore and air release valves. The Board authorized the Manager and Mr. Gibert further review the proposed change to the encasing. Commissioner Glenn made the motion to award the bid to Marvin Hoyle Construction including the change to the air release valves but keep the encasing contingent upon further review and approval by the Manager. Commissioner Beason seconded and the vote was unanimous.

Encroachments on Town-Owned Streets

RST Communications, a Shelby based company, requested an Encroachment Agreement from the Town to install fiber optic cables on right-of-ways along Town-owned streets. At a previous meeting, a representative from RST Communications gave a presentation about installing a fiber-optic network throughout Cleveland County. The Mayor directed staff to make sure there is not an existing franchise agreement for cable service. Commissioner Gravett made the motion to approve the Encroachment Agreement contingent upon further review of the contract and any existing contracts by the Manager and Attorney. Commissioner Elliott seconded and the vote was unanimous.

Recycling RFP Draft

Attorney John Schweppe, III briefly discussed the proposed Request for Proposals for Curbside Recycling. The Mayor inquired about the State of N.C. recycling roll out cart grant. Commissioner Glenn made the motion to approve the draft Request for Proposals for a Curbside Recycling Program contingent upon the further review by the Manager and the Attorney. Commissioner Hamrick seconded and the vote was unanimous. A copy of the RFP is on file.

AGENDA ITEM VI

Staff Reports

Informational Item:

Joyce King of the Cleveland County Health Department sent the Board information regarding the "Eat Smart, Move More" program. The Health Department is developing walking routes in Town that will involve a variety of distances.

Mike Gibert, Public Works Director

Town Hall Park Hours Sign - The Board discussed their concern about the limited number of hours the YMCA has proposed to begin opening and closing the bathrooms. A Town employee is currently opening and closing the bathrooms. He also makes sure the area is clean for citizens who have rented the facility. The Wastewater Department will smoke test sewer lines in April.

Kim Greene, Town Clerk

Town Hall offices will be closed Friday, April 6, 2012 in observance of Good Friday. The garbage collection for Friday, April 6, 2012 will be collected on Thursday, April 5, 2012. The remainder of the week will be on schedule.

AGENDA ITEM VI

Commissioner's Report/Comments

Commissioner Glenn expressed his concern over the YMCA Youth Baseball Program budget.

Commissioner Gravett made the motion to approve the Foothills' Farmers Market request to use the property on the eastern side of the former Town Fire Department (114 E. College Avenue) for one season. Commissioner Beason seconded and the vote was unanimous.

Commissioner Gravett commented that Gardner-Webb University would like to hold the Appalachian Culture Festival in conjunction with the Town Fall Festival.

AGENDA ITEM VII

Mayor's Report/Comments

There being no further business to come before the Board, Mayor Hamrick declared the meeting adjourned at 7:51 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

Meeting Date: April 3, 2012

Subject: Regular Business

- **Surplus Property Resolution**

The Town has a 1993 International truck that was used for solid waste collection. Due to the recent purchase of a new truck, there is no longer a need for this equipment.

- **Budget Amendments**

The budget needs to be amended to reflect a grant the Town received to purchase some materials for the park. Also, an amendment is needed to transfer funds budgeted for contingency to miscellaneous expenses due to unemployment claims that had to be paid earlier this fiscal year.

- **Draft Taxi Regulations**

An individual called asking what regulations the Town had regarding operation of a taxi service in Town. Currently, the Town does not have any such regulations. You will find enclosed a draft of proposed regulations.

Action Taken/Notes:

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.

1993 International Refuse Truck – VIN# 1HTGBN2RXP491080

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 1st day of May, 2012.

Max Hamrick, Mayor

Attest:

Kim Greene, Clerk

TOWN OF BOILING SPRINGS
BUDGET ORDINANCE AMENDMENT #120501.1

WHEREAS, the Town Commission of the Town of Boiling Springs adopted a budget ordinance on July 28, 2011 which established revenues and authorized expenditures for the 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 awarded to the Town by the Wal-Mart Distribution Center;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Commission 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	
	Miscellaneous revenue	<u>Increase</u> \$1,500

<u>Section 2.</u>	Expenditures	
	Departmental supplies	<u>Increase</u> \$1,500

This the 1st day of May, 2012.

Max J. Hamrick, Mayor

ATTEST:

Kim Greene, Town Clerk

ORDINANCE #120605.01
AN ORDINANCE TO AMEND TITLE XI OF THE BOILING SPRINGS’
CODE OF ORDINANCES, ‘BUSINESS REGULATIONS’

BE IT ORDAINED by the Board of Commissioners of the Town of Boiling Springs, North Carolina that:

Part 1. Title XI of the Town of Boiling Springs’ Code of Ordinances is hereby amended to read:

§ 115.01 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CRUISING. The movement of taxicabs containing only the driver thereof over the public streets in search of or soliciting prospective passengers for hire; except that such taxicabs proceeding to answer a telephone call for taxicab service from an intended passenger, and taxicabs returning by the most direct route, after having discharged a passenger, to the garage where such taxicab is housed or to its depot or terminal nearest to the place of discharge of the passenger, shall not be considered to be cruising.

OPERATOR OF A BUSINESS INVOLVING VEHICLES FOR HIRE. An owner or manager of a business, other than one, all of whose vehicles are regulated under G.S. Ch. 62, operated by a regional transportation authority created or operating under G.S. Ch. 160A, Art. 26 or 27, or any transportation service operated by a governmental entity, which involves one or more vehicles for hire operated at any time within the corporate limits of the town, including a taxicab business, whether or not the individual actually drives the vehicle, and whether or not the business is engaged in other activities. If the business is owned by a corporation, it shall be every person given corporate authority for making decisions regarding the day to day functioning of the business. If the business is owned by a limited liability company, it shall be every member-manager of the limited liability company.

TAXICAB. Any motor vehicle seating nine or fewer passengers operated upon any street or highway on call or on demand, accepting or soliciting passengers indiscriminately for hire between points along streets or highways as may be directed by the passenger so being transported.

VEHICLE FOR HIRE. Any motor vehicle, including, but not limited to, a taxicab, accepting or soliciting one or more passengers for hire between any two locations, during at least a portion of which it is operated upon a public street or highway, other than those vehicles regulated under G.S. Ch. 62, vehicles owned and operated by a regional transportation authority created or operating under G.S. Ch. 160A, Art. 26 or 27, or vehicles owned and operated by a governmental entity.

§ 115.02 COMPLIANCE

It shall be the duty of every owner of a taxicab or taxicab company to comply with the provisions of this article and to require that all drivers or chauffeurs driving or proposing to drive a taxicab for such owner adhere to and at all times conform to the requirements of this article.

§ 115.03 PERMIT REQUIRED

Every operator of a business involving vehicles for hire is required to obtain a permit from the town prior to operating the business. Every driver of a vehicle for hire, including a taxicab, operating over any public street within the corporate limits of the town is required to obtain a permit from the town prior to engaging in the

activity.

§ 115.03 APPLICATION

The application required of each applicant to operate a business involving vehicles for hire or to drive a vehicle of hire, including a taxicab, shall be made upon a form furnished by the town for that purpose and shall, among other things, require the full name, any other name by which the person has been known, complete physical and mailing address, physical condition, physical description, full name and contact information for every former employer within the last ten years, court record, chauffeur's license number, if applicable, and other identifying information as may be needed to conduct a state or national background check. The application shall be signed and sworn to by the applicant in front of a Notary Public of North Carolina.

Each applicant shall further appear at the office of the Police Department for the purpose of having his or her fingerprints taken and photograph made, both of which shall constitute a part of the application. Each applicant shall be required to sign a form consenting to the check of his or her criminal record and to the use of the fingerprints and other identifying information required by the state or national repositories in order to conduct the check.

§ 115.03 INVESTIGATION

The Chief of Police or his or her designee shall investigate the facts stated in each application and, in addition, may subject an applicant to a national criminal history background check, including through the use of FBI records. All information collected pursuant to the investigation shall be privileged, in accordance with applicable state law and federal guidelines, and the information shall be confidential and shall not be a public record under G.S. Ch. 132. The applicant must pay the fee, if any, for any background check.

The Chief of Police or designee may also require an applicant to submit to a controlled substance examination for which the applicant must pay the actual costs. Following his or her investigation, the Chief of Police or his or her designee shall report his or her findings and recommendations to the Board of Commissioners, but any privileged or confidential information shall only be shared with the Board of Commissioners in a properly called closed session.

§ 115.03 COMPLIANCE INSPECTIONS

Any person issued a permit under this chapter shall allow random inspections by the Chief of Police or his or her designee of any vehicle currently available for hire. The inspections shall be for the following purposes:

(A) To ensure that the vehicle is maintained in a safe and sanitary condition; provided, the inspections shall not be considered a substitute for required state safety inspections, and shall not constitute a guarantee or assurance to any person by the town that a vehicle for hire is safe or sanitary; and

(B) To ascertain compliance with this chapter, including, but not limited to:

(1) Determining that the permit, schedule of fares and a photograph of the driver are displayed as required;

(2) Determining that there is a permanent sign at a conspicuous place on each taxicab or vehicle for hire showing that it is a taxicab or vehicle for hire;

(3) Determining that the vehicle's state safety inspection is current; and

(4) Determining that the driver of the vehicle is in possession of a valid driver's license, registration and proof of insurance.

§ 115.04 IDENTIFICATION OF VEHICLES

Every taxicab which shall operate on the streets shall have posted, painted or placed on the outside of the body of such vehicle, in lettering not less than two inches in width, the name of the owner or operator of the vehicle. Such taxicab may be operated under an emblem or trade name of the same size and similarly placed on the outside of the body of the taxicab when the true name of the owner shall have been filed in writing with the Town Clerk.

§ 115.05 STAND/TERMINAL REQUIRED

Every taxicab operated on the streets of the Town shall have a stand or terminal on private property; and no taxicab shall be permitted to use the public streets in the Town except for the purpose of transporting, loading and unloading passengers and their baggage, and for the purpose of returning to such taxicab stand or terminal by the most direct route.

§ 115.06 SOLICITING BUSINESS; CRUISING

No taxicab driver or employee of any such driver or owner, or any other person shall solicit patrons by word of mouth at or in front of any store, on any street corner, at any street intersection, or on any public street, square, alley or sidewalk within the Town. Cruising within the Town is prohibited.

§ 115.07 DISPLAY OF PERMIT, SCHEDULE OF FARES, DRIVER'S PHOTO

All drivers and operators of businesses involving vehicles for hire shall prominently display in each vehicle for hire, so as to be visible to the passengers, the permit, the schedule of fares and a photograph of the driver.

§ 115.03 REVOCATION

At any time after the issuance of a permit to any person to operate a business involving vehicles for hire or to drive a vehicle for hire, the Board of Commissioners may revoke the permit:

- (A) If the person holding the permit, or any driver employed by the person is convicted of a felony; or
- (B) The person holding the permit, or any driver employed by the person:
 - (1) Violates any federal or state statute relating to the use, possession or sale of intoxicating liquors;
 - (2) Violates any federal or state statute relating to the use, possession or sale of narcotic drugs;
 - (3) Repeatedly violates any traffic laws or ordinances;
 - (4) Violates any state or federal statute relating to prostitution;
 - (5) Becomes an habitual user of intoxicating liquors or narcotic drugs;
 - (6) The operator of the business fails to maintain a policy of liability insurance as required by G.S. § 20-280 and this chapter; or

(7) Refuses to submit to a random compliance search pursuant to § ~~110.06~~, or upon inspection, the Chief or his or her designee determines that a vehicle currently available for hire is not being maintained in a safe or sanitary condition.

§ 115.08 NON-TRANSFERABILITY OF PERMIT

A permit issued under this chapter is not transferable

§ 115.08 OPERATION OF TAXICABS FROM OUTSIDE OF TOWN

A person driving a taxicab for which no city license and certificate of public convenience and necessity has been issued, and which is operated from a place of business not in the Town, may bring passengers into the Town; but shall not solicit any passengers for any destination within or without the Town.

Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Boiling Springs, North Carolina.

ADOPTED this the 28th day of June 2011.

SIGNED: _____
Max J. Hamrick, Mayor

ATTEST: _____
Kim Greene, Town Clerk

Meeting Date: May 1, 2012
Subject: Staff Reports

Police

Public Works

Finance

Town Clerk

Town Attorney

Town Manager

- Yard Waste Collection Policy
- Eat Smart, Walk More
- Recycling Implementation

Meeting Date: May 1, 2012
Subject: Commissioners' Reports

Commissioner Gravett

Commissioner Elliott

Commissioner Beason

Commissioner Glenn

Commissioner C. Hamrick

Meeting Date: May 1, 2012
Subject: Mayor's Report