



**Boiling Springs Town Council  
Meeting Agenda Packet  
September 06, 2016**



## Town of Boiling Springs

PO Box 1014 | Boiling Springs, NC 28017  
Phone 704-434-2357 | Fax 704-434-2358  
[www.BoilingSpringsNC.net](http://www.BoilingSpringsNC.net)

## TOWN COUNCIL MEETING AGENDA SEPTEMBER 6, 2016

### ROUTINE BUSINESS

1. Mayor's Call to Order
2. Recognize Citizen's Present & Public Comment
3. Minutes from August 2, 2016 Regular Meeting 3

### REGULAR BUSINESS

4. Public Hearing | Zoning Code Amendments 6
5. Text Amendment | Minimum Lot Size 8
6. Text Amendment | Temporary Family Health Care Structures 15
7. Move November Meeting From 1st to November 8th 21
8. Budget Ordinance | Water Non-Capital Equipment 22
9. Project Update | Town Hall & Police Department 25
10. Project Budget | Boiling Springs Elementary Pedestrian Project 26

### REPORTS

11. Staff Reports 31
12. Town Council Member Reports 32

The Town Council desires all citizens have an opportunity to address the Council in an open and productive manner. Individuals not on the agenda but wishing to speak should register with the Clerk prior to the start of the meeting. During the Public Comment portion of the meeting speakers have three (3) minutes unless otherwise approved by the Council. Groups are urged to appoint a spokesperson. If you require additional time, we ask you be placed on the agenda for the next regularly scheduled meeting of the Council. This policy allows the Council members adequate time to familiarize themselves with an issue.

**Town of Boiling Springs  
Town Council  
Regular Meeting Minutes  
August 2, 2016**

The Boiling Springs Town Council met August 2, 2016 at the Boiling Springs Town Hall. Present were: Mayor Max J. Hamrick; Councilmembers Bill Ellis, Cliff Hamrick, Daniel Thomas and Marty Thomas. Town Attorney John Schweppe, III was also present. Staff members present: Town Manager Tom Hart, Town Clerk Kimberly Greene, Public Works Director Mike Gibert, Finance Officer Rhonda Allen, Police Chief Nathan Phillips, and Officer Russell Voyles.

Others Present: Jim Ford

**AGENDA ITEM I**

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

**AGENDA ITEM II**

**Recognition of Citizens Present & Public Comment**

**AGENDA ITEM III**

**Approval of Minutes**

Councilmember Hamrick made the motion to approve the minutes of the June 30, 2016 regular meeting and June 30, 2016 closed session. Councilmember Ellis seconded and the vote was unanimous.

**AGENDA ITEM IV**

**Public Hearing | Zoning Code Text Amendment**

The Boiling Springs Board of Planning and Adjustment consists of five inside members and four outside members. State law indicates the ratio of ETJ members to inside members be based on population. Current population estimates indicate the Board should consist of seven inside members and two ETJ members. The Board of Planning and Adjustment recommended the Town Council approve the ordinance amending Chapter 151 of the Board of Planning and Adjustment. If approved, the Town Council would need to appoint three inside members to the Board of Planning and Adjustment. The five applications submitted to serve on this board were forwarded to the Town Council.

Mayor Hamrick opened the public hearing at 7:02 p.m. There being no comments, the Mayor closed the hearing at 7:03 p.m.

**AGENDA ITEM V**

**Text Amendment | Chapter 151**

Councilmember Daniel Thomas made the motion to adopt Ordinance No. TA160802.01 Amending Chapter 151 Board of Planning and Adjustment of the Code of Ordinances. Councilmember Marty Thomas seconded and the vote was unanimous. A copy of the amendment is hereby incorporated into and made a part of the minutes of the meeting.

**AGENDA ITEM VI**

**Planning Board Appointments**

Councilmember Marty Thomas made the motion to appoint Bill Daves, Alan McWhirter, and Wayne Johnson to the Board of Planning and Adjustment. Councilmember Hamrick seconded and the vote was unanimous. The terms to be assigned in the order the applications were submitted.

**AGENDA ITEM VII**

**Services Contract | Park Master Plan**

Mr. Hart stated he was seeking approval to authorize a contract with McGill Associates to develop a Site Specific Revitalization Park Master Plan. Mr. Jim Ford with McGill Associates was present. Councilmember Hamrick inquired about presenting the plan for the PARTF grant. Mr. Hart stated the actual PARTF application is outside the scope of this particular service contract. The Park Master Plan

will be produced to meet PARTF specific requirements. Mr. Ford stated it usually takes four months for a team of three people to complete the application. Councilmember Daniel Thomas made the motion to authorize the Town Manager to enter into a contract with McGill Associates to develop a Park Master Plan. Councilmember Marty Thomas seconded and the vote was unanimous.

#### **AGENDA ITEM VIII**

##### **Text Amendment | Chapter 52: Solid Waste**

Mayor Hamrick shared Councilmember Beason's concerns about placing a limit on the length of limbs that can be collected. The Board discussed their concerns, the proposed amendment, and educating the public. Mr. Hart discussed starting an education program. His plans include adding a flyer to the utility bills explaining the policy. Town employees currently reach out to residents when limbs and leaves are combined and cannot be collected. Councilmember Daniel Thomas made the motion to adopt Ordinance No. TA160802.02 amending Chapter 52 Solid Waste of the Code of Ordinances. Councilmember Marty Thomas seconded and the vote was unanimous. A copy of the amendment is hereby incorporated into and made a part of the minutes of the meeting.

#### **AGENDA ITEM IX**

##### **FY 15/16 Fourth Quarter Financials**

Rhonda Allen reviewed the FY 2015-2016 fourth quarter financials. No action was necessary.

Rhonda Allen also presented the FY 15/16 Budget Amendments. Councilmember Hamrick made the motion to approve FY 15/16 Budget Amendment No. BA160802.01, BA160802.02, and BA160802.03. Councilmember Ellis seconded and the vote was unanimous. A copy of the amendments is hereby incorporated into and made a part of the minutes of the meeting.

#### **AGENDA ITEM X**

##### **Proclamation | Diaper Awareness Week**

Councilmember Daniel Thomas made the motion to approve Proclamation No. P160802 declaring September 26<sup>th</sup> – October 2<sup>nd</sup> Diaper Need Awareness Week. Councilmember Ellis seconded and the vote was unanimous. A copy of the proclamation is hereby incorporated into and made a part of the minutes of the meeting.

#### **AGENDA ITEM XI**

##### **Staff Reports**

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

Mike Gibert reported the Poplar Branch Pump Station was running very well.

###### **Kim Greene, Town Clerk, reported the following:**

The Clerk reported on the ethics education Councilmembers must take within 12 months of their initial election or re-election.

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

Mr. Hart reported Boiling Springs Fire & Rescue is preparing for an inspection to get their ISO rating which affects insurance rates. The department has asked about painting the fire hydrants. They want them color-coded according to flow. The body of the hydrants will remain red.

#### **AGENDA ITEM XII**

##### **Town Council Member Reports**

Councilmember Daniel Thomas reported the 11/12 year old All-Stars finished 3<sup>rd</sup> in the State.

Councilmember Marty Thomas inquired about the North Main Street Improvement Project. Mr. Hart stated he has a plan that accommodates the property/business owners concerns. He discussed plans to complete the project prior to NC DOT repaving N. Main Street.

**Mayor's Report**

Mayor Hamrick mentioned a meeting held last month regarding the one quarter percent sales tax referendum to increase revenue for volunteer fire departments and other safety agencies in Cleveland County. Chief Phillips stated he attended the meeting.

There being no further business to come before the Council, Mayor Hamrick declared the meeting adjourned at 8:08 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

DRAFT



## Town of Boiling Springs

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## TOWN COUNCIL

## AGENDA ITEM 4

September 6, 2016

### PUBLIC HEARING | ZONING CODE AMENDMENTS

#### SUMMARY

Statute requires that the Town Council provide Public Notice and conduct a Public Hearing prior to amending the Zoning Code. There are two amendments to the Zoning Code pending including an amendment changing the minimum lot size in the R-20 zoning district (Agenda Item 5) and allowing for the installation of Temporary Family Health Care Structures (Agenda Item 6).

#### MATERIALS PROVIDED

- Copy of Public Notice

Page : 1 of 1 08/17/2016 13:39:56

Order Number : 54577641  
PO Number : Kim  
Customer : 500985 Town of Boiling Springs  
Contact :  
Address1 : PO Box 1014  
Address2 :  
City St Zip : Boiling Springs NC 28017  
Phone : (704) 434-2357  
Fax : (704) 434-2358  
Credit Card :  
Printed By : Bernadette Eberli  
Entered By : Bernadette Eberli

Ad Number : 54693028  
Ad Key :  
Salesperson : 68 - Bernadette Eberli  
Publication : The Shelby Star  
Section : Classified Section  
Sub Section : Classified Section  
Category : Legals 000  
Dates Run : 08/18/2016-08/25/2016  
Days : 2  
Size : 1 x 4.90, 48 lines  
Words : 142  
Ad Rate : Legal - Shelby  
Ad Price : 169.98  
Amount Paid : 0.00  
Amount Due : 169.98

Keywords : NOTICE OF A PUBLIC HEARING TOWN OF BOILING SPRIN  
Notes :  
Zones :

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## NOTICE OF A PUBLIC HEARING TOWN OF BOILING SPRINGS

The Boiling Springs Town Council will hold a public hearing at 7:00 p.m. on the 6th day of September, 2016 at the Boiling Springs Town Hall, 114 East College Avenue, to consider amending Chapter 151.074 Schedule of Area, Yard and Height Requirements and Chapter 151 Appendix A: Table of Permitted and Conditional Uses & Appendix B: Special Requirements to the Table of Permitted and Conditional Uses of the Code of Ordinances. A copy of the proposed amendments is on file at the Boiling Springs Town Hall during regular business hours. All interested in this matter should appear before the Council at said time and place for the purpose of expressing their views in regard to this issue.

Submitted by:  
Kim Greene  
Town Clerk

August 18, & 25, 2016. 2tc.

Text GS77641 to 56654



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## TOWN COUNCIL AGENDA ITEM 5

September 6, 2016

### TEXT AMENDMENT | MIN LOT SIZE

#### SUMMARY

It was brought the staff's attention that the Town's R-20 zoning district may be over restrictive in terms of the minimum lot size. The numerical designation on a zoning district usually indicates the minimum square footage for the lot. R-10 is a 10,000 square foot lot, R-15 is a 15,000, etc. The Town's R-20 district historically called for a minimum lot size ranging from 20,000 to 40,000 square feet depending on the available utilities. This was probably to protect well water supplies and ensure space for septic systems. At some point the Town split the difference and changed R-20 district to a 30,000 square foot lot regardless of available utilities. The R-20 district is mostly located in the Town's ETJ or outskirts which are near or adjacent to properties regulated by the Cleveland County Unified Development Ordinance (UDO). All light residential zoning districts in the County UDO call for a 21,780 square foot lot or exactly half of an acre.

Usually a town or city would allow a higher density than surrounding county. Accordingly staff requested the Board of Planning and Adjustment consider text amendment TA160904.01 which reduced the minimum lot size in the R-20 district from 30,000 square feet to 20,000 square feet. The Board of Planning and Adjustment revised the amendment presented by the staff to dictate a 21,780 square foot minimum lot to create uniformity county regulations and **recommend in favor of Text Amendment TA160906.01.**

#### MATERIALS PROVIDED

- Text Amendment TA160906.01
- Town Zoning Code 151.061 R-20 District Description
- County UDO 12-121 Zoning District Descriptions
- County UDO 12-171 Table of Minimum Lot Sizes

**ORDINANCE AMENDING CHAPTER 151.074  
SCHEDULE OF AREA, YARD AND HEIGHT REQUIREMENTS  
OF THE TOWN OF BOILING SPRINGS CODE OF ORDINANCES  
AMENDMENT TA160906.01**

**BE IT ORDAINED** by the Boiling Springs Town Council assembled this the 6<sup>th</sup> day of September, 2016.

**Part 1.** The Cleveland County Unified Development Ordinance specifies that parcels zoned Residential (R), Restricted Residential (RR), and Residential Manufactured Home (RM), have a minimum lot size of 21,780 square feet. The Town desires the minimum lot size applicable to parcels regulated under the Town's Zoning Code in the light residential (R-20) district allow for similar density development as the nearby residential properties regulated under the Cleveland County Unified Development Ordinance. Therefore, the Zoning Code Section 151.074 Schedule of Area, Yard and Height Requirements is hereby amended to read as follows:

[See Table on Page 2]

**Schedule of Area, Yard and Height Requirements**

District	Minimum Lot Area Square Feet (e)	Square Feet per Dwelling Unit (e)	Lot Width at the Building Setback Line - Feet (See Lot Width Definition)	Front Setback - Feet	Side Setback - Feet (a)	Rear Setback - Feet	Maximum Height - Feet
R-20 Single Family	<del>30,000</del> 21,780	<del>30,000</del> 21,780	100	40	20	30	35
R-15 Single Family	15,000	15,000	80	30	15	25	35
R-15TH Single Family Attached 2 or more units	1 <sup>st</sup> 2 units 15,000	7,500 for each additional unity after 1 <sup>st</sup> two units	40 each unit	30	15	25	35
R-10 Single Family Two-Family Multi-Family	10,000 20,000 20,000 for 1 <sup>st</sup> unit			30 30 30	15 15 15	25 25 25	35 35 35
I-1	20,000	N/A	100	20	20	30	35 (d)
O & CS	N/A	N/A	N/A	20	20	30	35
B-1	N/A	N/A	N/A	20	(b)	(c)	35
B-2	N/A	N/A	N/A	20	20	30	35
M-1	N/A	N/A	N/A	50	25	25	35 (f)

...

**Part 2.** This Ordinance shall become effective upon its adoption by the Boiling Springs Town Council.

Adopted this the 6<sup>nd</sup> day of September 2016.

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Max Hamrick | Mayor

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Kim Greene | Town Clerk

**§ 151.044 SETBACK FROM RESIDENTIAL DISTRICTS.**

Any use in any non-residential district which has any activity area not completely enclosed in a building such as car washes, equipment repair areas, intensive play areas, heavy vehicle parking, areas with intensive lighting, amplified sound, or any such area which might cause fumes, noise, light or similar effects upon the adjoining residential area shall setback such area a minimum of 50 feet from the residential zoning line and implement measures to lessen such adverse effects.  
(Ord. 011106.1, passed 11-6-01)

**§ 151.045 MINIMUM REGULATIONS.**

Regulations set forth by this chapter shall be minimum regulations. If the requirements set forth in this chapter are at variance with the requirements of any other lawfully adopted rules or regulations, the more restrictive or higher standards shall govern.  
(Ord. 011106.1, passed 11-6-01)

**§ 151.046 FEES.**

Applicants for permits and other procedures as provided for by this chapter may be required to pay such fees as may be established by the Board of Commissioners in the Schedule of Fees and Charges.  
(Ord. 011106.1, passed 11-6-01)

**ZONING DISTRICTS****§ 151.060 PRIMARY ZONING DISTRICTS ESTABLISHED: PURPOSES SET FORTH.**

For the purposes of this chapter, the Town of Boiling Springs, North Carolina and its area of extraterritorial jurisdiction, is hereby divided into the following primary use districts.  
(Ord. 011106.1, passed 11-6-01)

**§ 151.061 R-20 RESIDENTIAL DISTRICT.**

The R-20 Residential District is established as a district in which the principal use of the land is for low density residential or agricultural uses and to provide and protect low density residential areas for those desiring that type of environment. The R-20 district also permits associated public and private facilities typically associated with such districts.  
(Ord. 011106.1, passed 11-6-01)

**§ 151.062 R-15 RESIDENTIAL DISTRICT.**

The R-15 Residential District is established as a district in which the principal use of land is for medium density residential uses and associated public and private facilities typically associated with such districts.  
(Ord. 011106.1, passed 11-6-01)

## Sec. 12-121. - Zoning districts established.

The following zoning districts are hereby established:

- (a) *RA—Rural Agricultural.* The purpose of this district is to accommodate agricultural and residential uses in the rural areas of the county at a maximum of one (1) dwelling per three (3) acres. Given the very low-density of development, a limited number of nonresidential uses are also allowed in this district, which are not permitted in the other residential zoning districts.
- (b) *RR—Restricted Residential.* This district is the most restrictive residential, district intended to accommodate low-density single-family detached dwellings and modular homes at a maximum density of two (2) dwelling units per acre.
- (c) *R—Residential.* The purpose of this district is to accommodate low-density single-family detached dwellings, modular homes, manufactured homes at a maximum density of two (2) dwelling units per acre. Multi-family housing is also permitted in this district, but may be exempt from the density requirements depending on location.
- (d) *RM—Residential Manufactured Homes and Parks.* This district accommodates the widest variety of residential uses including low-density single-family detached dwellings, modular homes, manufactured homes and manufactured home parks.
- (e) *NB—Neighborhood Business.* This purpose of this district is to accommodate small, limited retail and service land uses that provide goods and services to surrounding residential neighborhoods. Residential uses are also permitted at a maximum density of two (2) dwelling units per acre. The intent of this district is to encourage the location of convenience retail establishments, professional services, and offices that will be compatible with surrounding residential uses, discourage intensive land uses which require large land area; and limit the location of large traffic generating uses to arterial streets.
- (f) *GB—General Business.* The purpose of this district is to accommodate a wide variety of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. These uses are generally located on arterial streets with the capacity for additional commercial traffic.
- (g) *CP—Corridor Protection.* This overlay district is designed to promote well-planned, economically viable development that is compatible with and will enhance the visual appeal of the area by avoiding uncoordinated, strip development along arterial streets. It will also support safe and efficient traffic flow through these areas. The district boundaries shall extend along arterial streets, for a distance of five hundred (500) feet from and perpendicular to each side of the highway right-of-way.
- (h) *LI—Light Industrial.* The purpose of this district is to accommodate limited manufacturing, warehousing, wholesaling, and related commercial an adverse impact upon adjoining residential, business a allowed within this district should be limited to those

Sec. 12-171. - Minimum lot size.

(a) Subject to subsections (b) and (c) all lots in the following zoning districts shall meet the following minimum area requirements:

	District	Minimum Square Feet
	RA	130,680 (3 acres)
	RR	21,780 (½ acre)
	R	21,780 (½ acre)
	RM	21,780 (½ acre)
	N-B	No Minimum*
	G-B	No Minimum*
	L-I	No Minimum
	H-I	No Minimum

\*Except residential uses which require twenty-one thousand seven hundred eighty (21,780) square feet.

R, RM, and RR district lots shall have a minimum width of eighty (80) feet at the building line and twenty-five (25) feet wide at the street right-of-way, and a minimum depth of one hundred fifty (150) feet. The RA district lots shall have a minimum width of one hundred twenty-five (125) feet at the building line and fifty (50) feet wide at the street right-of-way, and a minimum depth of one hundred fifty (150) feet.

(b) Lots in the R, RM, and RR districts and lots in the NB district that are used for residential purposes that are served by both public water and sewer, shall have a minimum usable area of fifteen thousand (15,000) square feet, and the same width standards as above.

(c) The minimum lot sizes set forth in this section are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot in accordance with the provisions of article XII of this chapter.

(d) All rights-of-way or easements deeded or reserved shall be in accordance with the provisions of article XII of this chapter. (Ord. of 1-4-94, § 11.1; Amd. of 5-2-95; Amd. of 9-19-95; Amd. of 1-1-96)

**Cleveland County UDO  
Table of Min Lot Sizes**



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## TOWN COUNCIL

## AGENDA ITEM 6

September 6, 2016

### TEXT AMENDMENT | FAMILY HEALTHCARE STRUCTURES

#### SUMMARY

In 2014 the state legislature passed S.L. 2014-94 which created NCGS 160A-383.5 which requires local zoning approval of temporary family healthcare structures sometimes referred to as “Granny Pods.” The proposed text amendment brings the Town’s Zoning Code into compliance with the state law. The Town may adopt less restrictive guidelines than those outlined in the state law but may not adopt more restrictive guidelines. The proposed amendment mirrors the applicable state law.

One point of local discretion is which setback to apply to the temporary structure. The Town may apply the existing setback for accessory structures or may apply the existing setback for the primary building in whichever zoning district the structure is located in. The proposed amendment adopts the existing primary structure setback which varies based on zoning district. It is possible that smaller parcels may not be able to accommodate a temporary family health care structure. The accessory setback is 10 feet in all residential districts.

The Board of Planning and Adjustment **recommend in favor of the Text Amendment TA160906.02** as presented including the use of the primary building setback.

#### MATERIALS PROVIDED

- Text Amendment TA160906.02
- Internet Link: <http://canons.sog.unc.edu/meet-the-granny-pod-new-zoning-protection-for-temporary-family-health-care-structures/>

**ORDINANCE AMENDING CHAPTER 151  
APPENDIX A: TABLE OF PERMITTED AND CONDITIONAL USES &  
APPENDIX B: SPECIAL REQUIREMENTS TO THE TABLE OF PERMITTED AND CONDITIONAL USES  
OF THE TOWN OF BOILING SPRINGS CODE OF ORDINANCES  
AMENDMENT TA160906.02**

**BE IT ORDAINED** by the Boiling Springs Town Council assembled this the 6<sup>th</sup> day of September, 2016.

**Part 1.** S.L. 2014-94 created N.C.G.S. 160A-383.5 requiring the zoning approval of “temporary family healthcare structure.” Therefore to create uniformity and agreement with state law the Town Code Chapter 151 Appendix A: Table of Permitted and Conditional Uses is hereby amended to read as follows:

**APPENDIX A: TABLE OF PERMITTED AND CONDITIONAL USES**

....

[See Table on Page 2]

TABLE OF PERMITTED AND CONDITIONAL USES										
USE TYPES	R-20	R-15	R-15TH	R-10	I-1	O&CS	B-1	B-2	M1	SR
<b>Residential Uses</b>										
... temporary family health care structure ...	X	X	X	X						

Part 2. S.L. 2014-94 created N.C.G.S. 160A-383.5 requiring the zoning approval of “temporary family healthcare structure.” Therefore to create uniformity and agreement with state law the Town Code Chapter 151 Appendix B: Special Requirements to the Table of Permitted and Conditional Uses is hereby amended to read as follows:

**APPENDIX B: SPECIAL REQUIREMENTS TO THE TABLE OF  
PERMITTED AND CONDITIONAL USES**

...

**SR 43 TEMPORARY FAMILY HEALTH CARE STRUCTURES – ACCESSORY RESIDENTIAL USE**

Subject to the provisions of this section and in accordance with N.C.G.S. 160A-383.5, the Town shall consider temporary family health care structures a permitted accessory use in any zoning district that allows for detached single family

- (A) The temporary health care structure must be used by a caregiver of a mentally or physically impaired person, to provide care to the mentally or physically impaired person and must be located on property owned or occupied by the caregiver as the caregiver’s residence.
- (B) Caregiver shall be an individual 18 years of age or older who provides care for a mentally or physically impaired person and is the legal guardian or a first or second degree relative of the mentally or physically impaired person for whom the individual is caring. A first or second degree relative shall include a spouse, lineal ascendant, lineal descendent, sibling, uncle, aunt, nephew, or niece and include half, step, and in-law relationships.
- (C) Mentally or Physically impaired person shall be a person who is a resident of North Carolina and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in North Carolina. Activities of daily living shall include: bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.

(D) The temporary family health care structure shall be a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that is:

1. Primarily assembled at a location other than the site of installation;
2. Limited to one occupant who shall be physically or mentally impaired;
3. Has no more than 300 gross square feet;
4. Complies with the State Building Code and G.S. 143-139.1(b); and
5. Is not installed on a permanent foundation.

(E) Only one temporary family healthcare structure shall be allowed on a lot or parcel of land. The temporary structures shall not require a special or conditional use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structures except as otherwise provided in this section.

(F) Temporary structures installed pursuant to this section shall comply with the setback requirements that apply to the primary structure in the zoning district the structure is located in.

(G) Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town. The Town will charge an initial fee and annual renewal fee for said permit. The initial fee and annual fee shall be the same as the adopted Zoning Permit fee provided that the initial fee may not exceed one hundred dollars (\$100) and the renewal fee may not exceed fifty dollars (\$50).

(H) The caregiver must provide evidence of compliance with this section on an annual basis as long as the temporary structure remains on the property. The evidence may involve inspection by the Town of the structure at reasonable times convenient to the caregiver.

(I) The structure may be required to connect to the Town's water and sewer systems in accordance with the Town Code and the Town's Standard Specifications and Construction Details.

(J) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted on the property or on the exterior of the temporary structure.

(K) When the mentally or physically impaired person is no longer receiving or no longer in need of the assistance provided for in this section; any structure installed pursuant to this section shall be removed within 60 days.

(L) The Town may revoke the permit granted pursuant to this section if the caregiver violates any provision of this section or applicable state law. The Town may seek injunctive relief or other appropriate actions or preceding to ensure compliance with this section.

**Part 3.** This Ordinance shall become effective upon its adoption by the Boiling Springs Town Council.

Adopted this the 6<sup>nd</sup> day of September 2016.

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Max Hamrick | Mayor

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Kim Greene | Town Clerk



## Town of Boiling Springs

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## TOWN COUNCIL AGENDA ITEM 7

September 6, 2016

### RESCHEDULE NOVEMBER TOWN COUNCIL MEETING

#### SUMMARY

The first Tuesday of November falls on November 1<sup>st</sup>. The Town Hall and Community Room will be utilized as a polling location from October 19<sup>th</sup> through November 5<sup>th</sup>. Staff request that Town Council reschedule their November meeting to the following Tuesday, November 8<sup>th</sup>, 2016.

#### MATERIALS PROVIDED

- None



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## TOWN COUNCIL AGENDA ITEM 8 September 6, 2016

### Budget Ordinance | Water Non-Capital Equipment

#### SUMMARY

The Town uses a radio read system made by Itron to wirelessly read water meters. The system basically consists of an Electronic Radio Transmitter (ERT) located at the customer's meter which transmits a meter reading to a handheld reading device. The Town uses two handheld reading devices, an FC200 and FC300. Itron has discontinued all previous ERT models and are only supplying their latest 100W model ERT. The 100W ERT stores daily consumption information for 40 days which allows staff to troubleshoot leaks and other issues, but the Town's FC200 handheld is not compatible with the 100W ERT's.

Two handheld readers are necessary for the Town to continue utility billing operations. Staff purchased a second FC300 for approximately \$5,000 and are asking that the Town Council consider a budget amendment so this unexpected purchase does not reduce available funds for departmental supplies.

#### MATERIALS PROVIDED

- Budget Amendment BA160906
- Copy of Quote for Handheld Radio Read

**TOWN OF BOILING SPRINGS  
BUDGET ORDINANCE AMENDMENT BA160906**

WHEREAS, the Town Commission of the Town of Boiling Springs adopted a budget ordinance on June 30, 2016 which established revenues and authorized expenditures for fiscal year 2016-2017; 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 replace a water meter handheld reader;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Commission of the Town of Boiling Springs that the budget ordinance as adopted on June 30, 2016 be and is hereby amended as follows:

<u>Section 1.</u>	Revenues	
	Water/Sewer Fund Reserves	<u>Increase</u> \$ 5,000
<u>Section 2.</u>	Expenditures	
	Non-capital equipment – Water	<u>Increase</u> \$ 5,000

This the 6<sup>th</sup> day of September 2016.

\_\_\_\_\_  
Max J. Hamrick, Mayor

ATTEST:

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

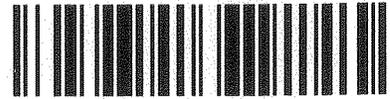
# Estimate

08/11/2016

## Carolina Meter & Supply

Carolina Meter & Supply  
PO Box 400  
Hampstead, NC 28443  
Phone: 800-628-7515  
Fax: 910-270-7707

S19768



### Bill To:

Town of Boiling Springs  
PO Box 1014  
Boiling Springs, NC 28017  
Phone: 704-300-8640  
Fax: 704-434-2358

### Ship To:

Town of Boiling Springs - Finance  
114 East College Ave  
Boiling Springs, NC 28017

Contact: Mike

Customer: Boiling Springs, Town of

Seller	Payment Terms	FOB Point	Carrier	Ship Service	Requested Ship Date
Ron	NET 30	Destination	UPS	Ground	08/01/2016

Item #	Type	Number / Description	Unit Price	Qty Ordered	Total Price
1	Drop Ship	FC3-1004-011 - FC300, SRead Radio, 802.11 b/g WLAN, GPS, English WIN CE 5.0 Pro, Non-Bluetooth	\$ 4,995.00	1 ea	\$ 4,995.00
2	Drop Ship	FC3002DSKCRDL - Dock, desktop, FC300, with USB host, USB client, 10/100 Ethernet, and powered RS-232	\$ 0.00	1 ea	\$ 0.00
3	Drop Ship	MX9302PWRSPLY - AC Power Supply for FC300 handheld or desktop dock	\$ 0.00	1 ea	\$ 0.00
4	Drop Ship	90000A066CBLPWAC - AC Power Cord	\$ 0.00	1 ea	\$ 0.00

**Subtotal:** \$ 4,995.00  
**Sales Tax:** \$ 337.16  
**Total:** \$ 5,332.16

All items quoted are subject to the following:  
Four to six week lead time - 25% minimum restocking fee on returns - Special orders are non-returnable - 3.5% charge card processing fee on each order - All accounts due 30 days from invoice date - All past due amounts are subject to a service charge



## Town of Boiling Springs

PO Box 1014 | Boiling Springs, NC 28017

Phone 704-434-2357 | Fax 704-434-2358

[www.BoilingSpringsNC.net](http://www.BoilingSpringsNC.net)

## TOWN COUNCIL

### AGENDA ITEM 9

September 6, 2016

#### Project Update | Town Hall & Police Department

#### SUMMARY

The Town occupied the current Town Hall and Police Department in the summer of 2015. On August 23, 2016 representative from the Town, Talley and Smith Architecture, and Beam Construction performed a one year walkthrough and inspection on the facility. There are several minor issues being corrected by Beam Construction. There are remaining issues with the roof. Specifically the plywood decking under the shingles has been warping and separating at the seams. The issue is visible in the right lighting and has been thoroughly documented by all involved parties. So far, the issue has not resulted in any water penetrating into the building. Bob Smith from Talley and Smith Architecture will be providing Town Council with an update on the project and answer questions.

#### MATERIALS PROVIDED

- None



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## TOWN COUNCIL AGENDA ITEM 10 September 6, 2016

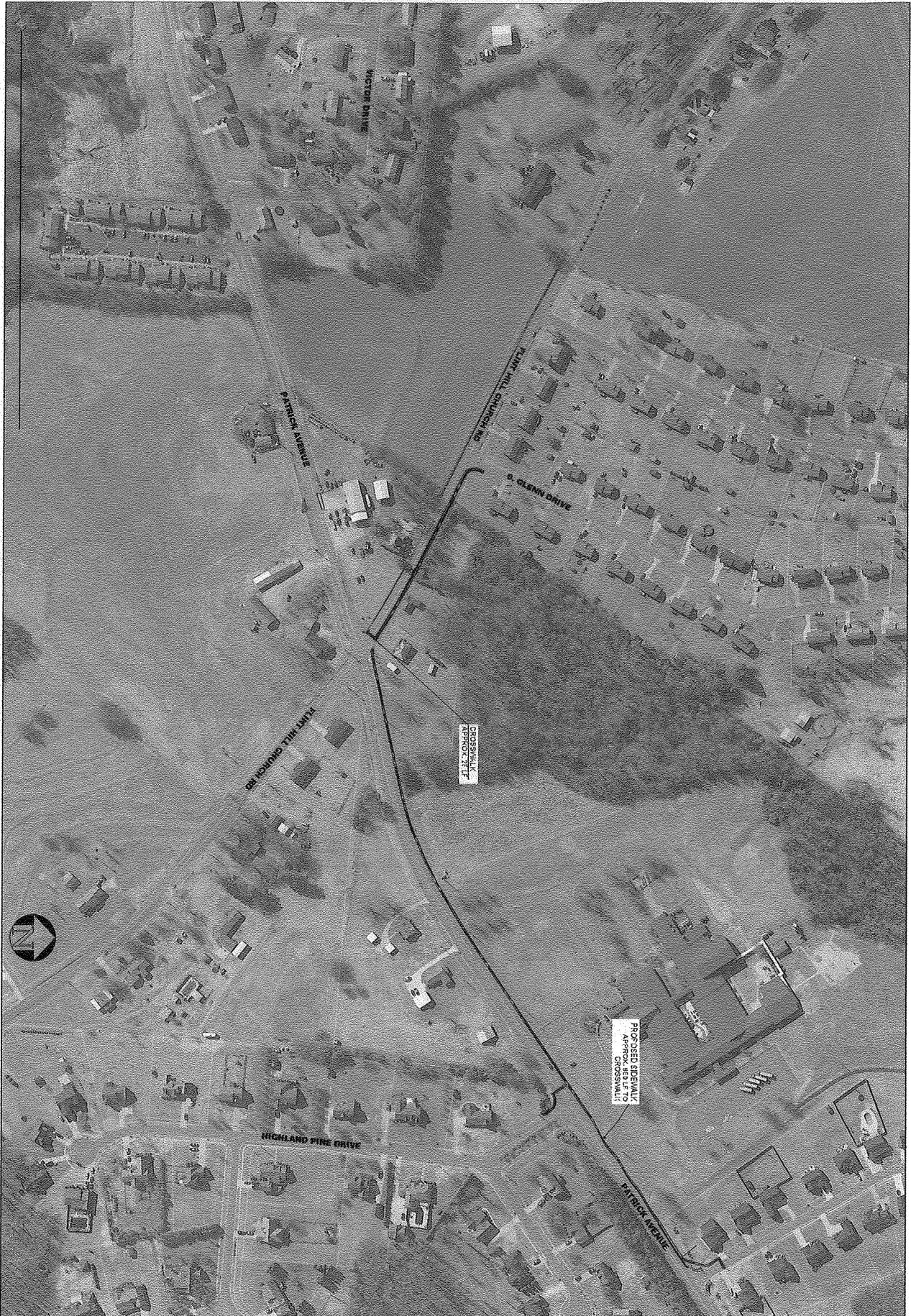
### Project Budget | Boiling Springs Elementary Pedestrian Project

#### SUMMARY

The Town has secured \$175,000 of NCDOT funding to construct approximately 1000 feet of sidewalk along Patrick Avenue and Flint Hill Church Road. The NCDOT funding requires a 20% local match. In FY15/16 the Town appropriated \$80,000 of Powell Bill funding to fund balance for the purpose of funding this project. The proposed Project Budget Ordinance is based on rough estimates. Staff anticipate bringing the budget back to Town Council for amendment prior to beginning actual construction. At this time there are numerous administrative hurdles left to complete and funding is needed to commence with further professional services including design work and surveying.

#### MATERIALS PROVIDED

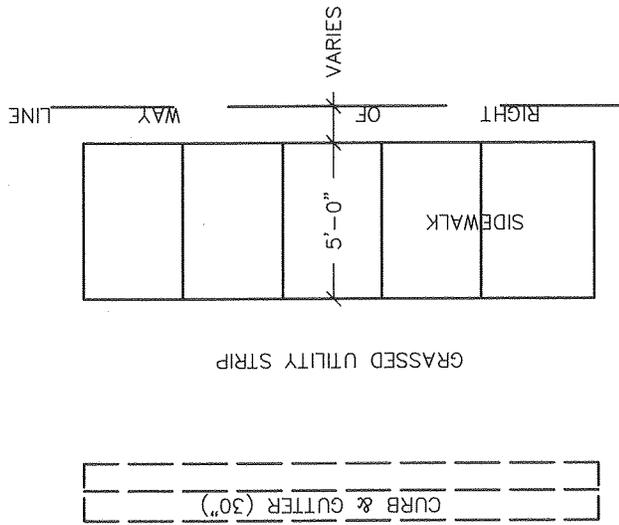
- Project Map Entire Extent
- Project Map School Frontage
- Sidewalk Detail Drawing
- CP160906



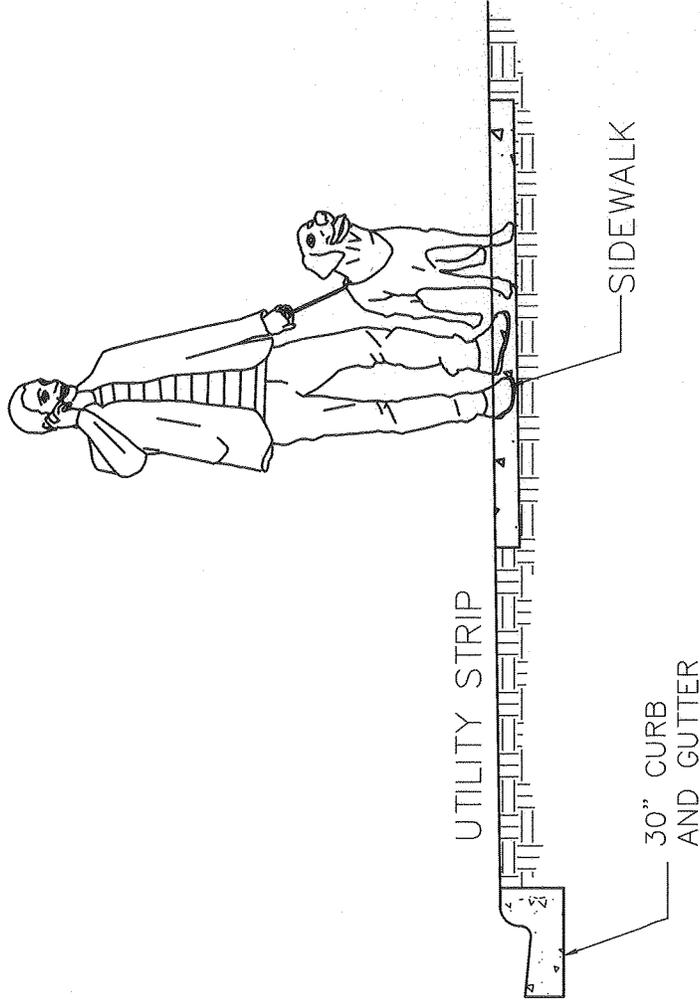
<p>1 OF 2</p>	 <p><b>Odom Engineering PLLC</b>          172 East 25th Street, Suite 102, N.C. 28013          704.828.4499 Fax 704.247.1999          NC PUBLIC PLAN 6000</p>	<p>SIDEWALK LAYOUT FOR PATRICK AVE.  <b>TOWN OF BOILING SPRINGS</b>          BOILING SPRINGS CLEVELAND COUNTY, NC  <b>OVERALL</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td></tr> </tbody> </table>	REV	DESCRIPTION	BY	DATE	1				2				3				4				5				<p>704 NUMBER          10032</p>
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<p>2 OF 2</p>	<p><b>Odom Engineering PLLC</b>          412 241 0000          412 241 0000          412 241 0000</p>	<p>SIDEWALK LAYOUT FOR PATRICK AVE.  <b>TOWN OF BOILING SPRINGS</b>          BOILING SPRINGS CLEVELAND COUNTY, NC  <b>OVERALL</b></p>	<p>REV          1          2          3          4          5</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">DESCRIPTION</th> <th style="width: 20%;">BY</th> <th style="width: 30%;">DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	DESCRIPTION	BY	DATE																<p>8          7          6          5          4          3          2          1          0</p>
DESCRIPTION	BY	DATE																					



PLAN VIEW



TYPICAL SECTION

REVISIONS	
DATE	DESCRIPTION
09/16	REVISED DIMENSIONS

TOWN OF BOILING SPRINGS  
STANDARDS

STANDARD CONCRETE SIDEWALK

STD. NO.

4.05

**Town of Boiling Springs  
Capital Project Ordinance CP160906**

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act the Town of Boiling Springs finds it advisable and necessary to establish a capital project ordinance and budget for the Boiling Springs Elementary Pedestrian Improvement Project; and

WHEREAS, it is necessary for the Town to establish a budget for this capital project and appropriate applicable funds needed for the design and construction of this construction project in order to comply with applicable provisions of the North Carolina Budget and Fiscal Control Act; and

WHEREAS, General Statute 159-13.2 provides that a Town may undertake the construction of a capital asset by way of a capital project ordinance providing the necessary balanced budget and funding for the life of the project;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BOILING SPRINGS, NORTH CAROLINA:

Section 1. The following amounts are hereby appropriated for the planning, design, and construction of the Boiling Springs Elementary Pedestrian Improvement Project:

Construction	\$ 242,000
Contingencies	\$ 24,000
Professional services an administration	<u>\$ 39,500</u>
Total	<u>\$ 305,500</u>

Section 2. It is estimated that the following revenues will be available for the planning, design, and construction of Boiling Springs Elementary Pedestrian Improvement Project:

NCDOT funding	\$ 175,000
Transfer from General Fund reserves	\$ 10,000
Transfer from Powell Bill reserves	\$ 80,500
Transfer from Water/Sewer reserves	<u>\$ 40,000</u>
Total	<u>\$ 305,500</u>

Section 3. The provisions of this capital project ordinance shall be entered in the minutes of the Town Board of Commissioners and copies filed with the Town Manager as Budget Officer, the Finance Officer, and the Town Clerk for their direction and guidance in carrying out this project.

Section 4. This ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 6<sup>th</sup> day of September 2016.

---

Kim Greene, Town Clerk

---

Max Hamrick, Mayor

(SEAL)



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## TOWN COUNCIL MEETING

### STAFF REPORTS

September 6, 2016

POLICE CHIEF | NATHAN PHILLIPS

PUBLIC WORKS DIRECTOR | MIKE GIBERT

FINANCE DIRECTOR | RHONDA ALLEN

TOWN CLERK | KIM GREENE

TOWN ATTORNEY | JOHN SCHWEPPEE III

TOWN MANAGER | TOM HART



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## TOWN COUNCIL MEETING COUNCIL MEMBER REPORTS

September 6, 2016

COUNCILMAN MARTY THOMAS

COUNCILMAN JAMES L. BEASON JR

COUNCILMAN BILL ELLIS

COUNCILMAN CLIFFORD E. HAMRICK III

COUNCILMAN DANIEL THOMAS

MAYOR MAX HAMRICK