



**Boiling Springs Town Council  
Meeting Agenda Packet  
October 04, 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 October 4, 2016

### ROUTINE BUSINESS

1. Mayor's Call to Order
2. Recognize Citizen's Present & Public Comment
3. Minutes from September 6, 2016 Regular Meeting 3

### REGULAR BUSINESS

4. Board Appointments | Tourism Development Authority 7
5. Budget Amendment | BSPD Fundraiser 9

### REPORTS

6. Staff Reports 11
7. Town Council Member Reports 12

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  
September 6, 2016**

The Boiling Springs Town Council met September 6, 2016 at the Boiling Springs Town Hall. Present were: Mayor Max J. Hamrick; Councilmembers James, Beason, Cliff Hamrick, Daniel Thomas and Marty Thomas. 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 Austin Reulecke.

Others Present: Bob Smith, Daniel Robinson, Monica Anthony

**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 August 2, 2016 regular meeting. Councilmember Daniel Thomas seconded and the vote was unanimous.

**AGENDA ITEM IV**

**Public Hearing | Zoning Code Text Amendments**

The Board of Planning and Adjustment recommended the Town Council approve Ordinance TA160906.01 amending the R-20 minimum lot size from 30,000 square foot to 21,780 square foot (one half an acre).

The Board of Planning and Adjustment also recommended the Town Council approve Ordinance TA160906.02 which allows the installation of Temporary Family Health Care Structures using the primary building setback.

Mayor Hamrick opened the public hearing at 7:02 p.m. Commissioner Marty Thomas inquired about Ordinance No. TA160802.01. Mr. Hart stated he was contacted by a family wanting to develop property located in the Town's ETJ (extra-territorial jurisdiction). They had inquired about the Town's R-20 minimum lot size (30,000 square feet) being more restrictive than the light residential zoning district in the County UDO which is 21,780 square foot. There being no more comments, the Mayor closed the hearing at 7:05 p.m.

**AGENDA ITEM V**

**Text Amendment | Minimum Lot Size**

Councilmember Marty Thomas made the motion to adopt Ordinance No. TA160802.01 Amending Chapter 151.074 Schedule of Area, Yard and Height Requirements of the Code of Ordinances. Councilmember Beason 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.

**Text Amendment | Family Health Care Structures**

Mr. Hart reported the purpose of the proposed text amendment brings the Town's Zoning Code into compliance with the 2014 state law which requires local zoning approval of temporary family healthcare structures. The proposed amendment allows the installation of Temporary Family Health Care Structures using the primary building setback in whichever zoning district the structure is located in. Councilmember Hamrick made the motion to adopt Ordinance No. TA160802.01 Amending Chapter 151 Appendix A: Table of Permitted and Conditional Uses and Appendix B: Special Requirements to the Table of Permitted and Conditional Uses of the Code of Ordinances as presented. 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 VII**

**Reschedule November Town Council Meeting**

The Cleveland County Board of Elections is scheduled to use the Community Room at the Town Hall from October 19, 2016 until November 5, 2016. Councilmember Marty Thomas made the motion to reschedule the November 1, 2016 regular meeting for Tuesday, November 8, 2016. Councilmember Daniel Thomas seconded and the vote was unanimous.

**AGENDA ITEM VIII**

**Budget Ordinance | Water Non-Capital Equipment**

A budget amendment is necessary to make certain changes in the Town's budget to replace a water meter handheld reader.

<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

Councilmember Beason made the motion to adopt Budget Ordinance Amendment No. BA160906. Councilmember Hamrick seconded and the vote was unanimous. A copy of the ordinance is hereby incorporated into and made a part of the minutes of the meeting.

**AGENDA ITEM IX**

**Project Update | Town Hall and Police Department**

Mayor Hamrick recognized Mr. Bob Smith of Talley and Smith Architecture. Mr. Smith addressed the Board regarding the one year walkthrough and inspection on the Town Hall and Police Department facilities. The general contractor is addressing issues such as door hardware and cracks in the walls. Mr. Smith reported on the ridges in spots on the roof which seem to be a plywood issue. The ridges are primarily on the front and west side of the building. Mr. Smith reported the next step will be to test a couple of sections of the plywood.

**AGENDA ITEM X**

**Project Budget | Boiling Springs Elementary Pedestrian Project**

Mr. Hart reported the Town secured \$175,000 of NCDOT funding for the Boiling Springs Elementary Pedestrian Project. The funding requires 20% local match. Mr. Hart stated \$80,000 of Powell Bill funding was appropriated in June for this project. It will connect approximately 200 rooftops to Boiling Springs Elementary School. A budget amendment is necessary to establish a capital project ordinance and budget for the project.

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 and 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 the 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	\$ 40,000
Total	<u>\$305,500</u>

Councilmember Daniel Thomas made the motion to approve Capital Project Ordinance No. CP160906. Councilmember Marty Thomas seconded and the vote was unanimous. A copy of the ordinance is hereby incorporated into and made a part of the minutes of the meeting.

**Budget Amendment | Water Maintenance and Repair**

A budget amendment is necessary to make certain changes in the Town's budget to repair the Water Department's backhoe. Mr. Gibert reported the clutch has to be replaced.

<u>Section 1.</u>	Revenues	
	Water/Sewer Fund Reserves	<u>Increase</u> \$5,000
<u>Section 2.</u>	Expenditures	
	Maintenance and Repair – Equipment – Water	<u>Increase</u> \$5,000

Councilmember Beason made the motion to approve Budget Ordinance Amendment No BA160906.2. Councilmember Hamrick seconded and the vote was unanimous. A copy of the ordinance is hereby incorporated into and made a part of the minutes of the meeting.

**AGENDA ITEM XI**

**Staff Reports**

**Nathan Phillips, Police Chief, reported the following:**

The Chief reported the University was back in session with no issues.  
The older Community Watch signs are being phased out and replaced with new reflective signs.

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

Hunter Ferguson was recently hired for the Wastewater Department.  
A water main leak recently occurred on Wall Avenue. A 6" water main crossed an 8" gas main. The water line has been temporarily repaired. Mr. Gibert stated repair plans have been submitted to PSNC.  
A safety class will be held Monday, September 12, 2016 for the Public Works Department and Police Department.

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

Mr. Darrell L. Keller, CPA, PA began the audit Friday, September 3, 2016.

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

The Christmas Parade will be held on November 27, 2016 at 3:00 p.m.

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

Mr. Hart reported on the condition of the road to the Town's Clearwater Facility. Clearwater Road is located in the Town's ETJ (extra-territorial jurisdiction). The Solid Waste Department's F-450 is able to navigate the road but it may be challenging for the Charger police vehicles to reach the shooting range in the coming months. The road is rutted out by rain. There are three occupied houses and five or six property owners that all share this private roadway. Mike Gibert received a quote of \$1,500 to grade the road properly and another \$3,500 for gravel. The Council discussed the other property owners participating in the cost. Mr. Hart stated he would look into this issue further and bring back to the Council.

**AGENDA ITEM XII**

**Town Council Member Reports**

Councilmember Beason reported Mrs. Sonja Jones had requested a handicap parking spot be designated in front of the Snack Shop. The Council discussed their concerns regarding the driver's side door opening onto the main road.

Councilmember Hamrick reported seeing the fire department preparing the fire hydrants to be painted. Mr. Hart stated he and Mr. Gibert are continuing to work with the fire department.

Councilmember Hamrick also asked if a gas line is being run off West College Avenue. Chief Phillips stated he had spoken with a representative of PSNC and was told a line is being run from Charlotte to Asheville.

**Mayor's Report**

Mayor Hamrick asked about the North Main Street Improvement Project. Mr. Hart stated the project was progressing. The elevated concrete islands have been replaced with stamped asphalt. The project will be bid out in mid-September. The work can be done months ahead of NCDOT due to the type of road cut the Town will be allowed to make. NCDOT plans to repave North Main Street in 2017.

The Mayor also inquired about the Bethel Avenue debris issue. Mr. Hart stated he is waiting to hear back from Cleveland County Solid Waste Enforcement.

There being no further business, Mayor Hamrick declared the meeting adjourned at 7:55 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

DRAFT



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## TOWN COUNCIL

### AGENDA ITEM 4

October 4, 2016

## BOARD APPOINTMENTS | TOURISM DEVELOPMENT AUTHORITY

### SUMMARY

The Boiling Springs Tourism Development Authority (TDA) is tasked with promoting travel and tourism in Boiling Springs. The TDA's activities are funded by an occupancy tax levied on all hotels and bed and breakfasts located in Town. TDA Board members are appointed by the Town Council to serve three (3) year terms. Jackie Sibley Newton and Sarah Rullman's terms will expire on October 31, 2016. Jackie Sibley-Newton is the Vice President of Tourism at the Cleveland County Chamber of Commerce. Sarah Rullman is the accountant for the Boiling Springs AmericInn. Both Jackie and Sarah have expressed a desire to be reappointed and continue serving terms from November 1, 2016 to October 31, 2019.

### MATERIALS PROVIDED

- TDA Board's Roster

## TOURISM DEVELOPMENT AUTHORITY

MEMBER	TERM	ORIGINAL APPT.
Kim Duren Broad River Greenway	11/01/14 to 10/31/17	11/01/06
Sarah Rullman Hoyle Plumbing Co. Spring Investors	11/01/13 to 10/31/16	02/05/08
Noel T. Manning II Gardner-Webb	11/01/14 to 10/31/17	11/04/14
Pamela McCurry Americinn	11/01/15 to 10/31/18	06/30/15
Jackie Sibley Director of Travel & Tourism at Chamber	11/01/13 to 10/31/16	11/01/06
Barbara Greene Retired	11/01/15 to 10/31/18	11/01/06

**TERMS:** All appointments will be for three-year renewable terms. Any vacancy will be filled for the remaining unexpired term. Initial terms shall be staggered so that two (2) members serve for one year, two (2) members serve for two years, and two (2) members for three years.



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## TOWN COUNCIL

### AGENDA ITEM 5

October 4, 2016

## BUDGET AMENDMENT | BSPD FUNDRAISER

### SUMMARY

In the wake of the line of duty death of Shelby Police Officer Tim Brackeen, the Boiling Springs Police Department held a Boston butt fundraiser to create an education fund for the daughter of Officer Brackeen. Over the course of three days, the BSPD sold over 250 Boston butt meals at \$40 each. There were also several unsolicited cash donations made including a donation earmarked to provide a lunch to the personnel at the Shelby Police Department. Because such a large amount of cash was on hand after one afternoon of fundraising and to protect the integrity of the fundraiser, the Town Manager determined the funds should be ran through the Town's financial system. Accordingly a budget amendment is necessary to accommodate the fundraiser revenue and related expenses. Approximately \$14,000 was raised over the course of three days. After material expenses are paid, the fundraiser is expected to net approximately \$9,500. The budget amendment uses rounded revenue and expenditure projections to accommodate the funds and are not exact figures of the funds raised or expended.

### MATERIALS PROVIDED

- Budget Amendment BA161004.1

**TOWN OF BOILING SPRINGS  
BUDGET ORDINANCE AMENDMENT #BA161004.1**

**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 for the Shelby Police Officer Timothy Brackeen Boston Butt Fundraiser;

**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	
		<u>Increase</u>
	Donations & fundraising	\$ 15,000
<u>Section 2.</u>	Expenditures	
		<u>Increase</u>
	Police fundraising expenses	\$ 15,000

This the 4<sup>th</sup> day of October 2016.

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

ATTEST:

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



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## TOWN COUNCIL MEETING

### STAFF REPORTS

October 4, 2016

**POLICE CHIEF | NATHAN PHILLIPS**

**PUBLIC WORKS DIRECTOR | MIKE GIBERT**

**FINANCE DIRECTOR | RHONDA ALLEN**

**TOWN CLERK | KIM GREENE**

- Select Grand Marshall For Parade

**TOWN ATTORNEY | JOHN SCHWEPPEE III**

**TOWN MANAGER | TOM HART**



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## TOWN COUNCIL MEETING COUNCIL MEMBER REPORTS

October 4, 2016

**COUNCILMAN MARTY THOMAS**

**COUNCILMAN JAMES L. BEASON JR**

**COUNCILMAN BILL ELLIS**

**COUNCILMAN CLIFFORD E. HAMRICK III**

**COUNCILMAN DANIEL THOMAS**

**MAYOR MAX HAMRICK**