1. **Call to Order**

Mayor Winecoff called the meeting to order at 6:30 P.M.

**Attendance:**

Mayor Jeff Winecoff

Mayor Pro Tem David Mammay

Commissioner Kim Sherwood

Commissioner Teagan Hall

Commissioner Justin Lovin

City Manager Gordon Hargrove

Police Chief Kevin Smith

Finance Director Brandon Stevens

Assistant City Manager Nicole Morgan

Kristin Walsh, Police Administration

Sara Goodwin, Parks & Rec. Director

City Clerk Tanya Shannon

1. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

1. **Approval of the Agenda**

A Motion was made by Commissioner Sherwood to approve the Agenda and was seconded by Commissioner Lovin. ***Unanimous Vote; Motion Carried.***

1. **Potential Conflict of Interest/Association Disclosure**

No BOC member indicated any kind of conflict or association with any item on this evening’s Agenda.

1. **Police Promotion Oaths of Office**

Kristin Walsh, Police Administrator, swore in Windy Hager as Captain, Bart Wanczyk as Sergeant, and Jimmy Williamson as Officer.

1. **Public Comments**

Shannon Van Deren, who lives at 320 Pine Lake Road, is requesting that the Board enhance its engagement with citizens during meetings and suggests adjusting the Agenda accordingly. While she acknowledges that a Citizens Forum is held quarterly, she believes that the Board should address questions and concerns from citizens more frequently. She has noticed significant frustration on social media regarding the need for more open discussions. She points out that many people avoid attending meetings because they feel their voices are not heard. She is passionate about the City and committed to fostering regular dialogue to address citizens' questions and concerns rather than limiting interactions to quarterly meetings.

1. **Consent Agenda**

Items on the consent agenda are considered routine in nature. Monthly Reports for each of the departments were distributed with the agenda packet and are incorporated herein.

7.1Approval of BOC Minutes

October 17th Special Minutes

November 6th Regular Minutes

November 6th Closed Minutes

November 20th Special Minutes

7.2 Public Works

7.3 Police Department/Animal Control

7.4 Parks & Recreation Director

7.5 Finance Department

7.6 Planning and Zoning

7.7 Building Inspections/Code Enforcement

A Motion was made by Commissioner Hall to approve the Consent Agenda and seconded by Commissioner Lovin. ***Unanimous Vote; Motion Carried.***

1. **Committee/ Board Reports and Minutes**
   1. **BSL Fire/ Rescue**

Chief Lathrop reported that there were 51 incidents in November, along with 32 fire calls. He also noted that the annual Christmas tree sale is underway and encourages everyone to participate and make purchases if they haven't already. December 6th is the Christmas Parade and Tree Lighting Ceremony.

* 1. **Community Appearance Commission**

None

**8.3** **Planning Board**

Chair Lucille Launderville stated that the Planning Board was fortunate to have the developers of the property located on Route 87 present at their meeting. The Board had the opportunity to ask questions about the properties and their progress so far. She noted that there were four potential Text Amendments for review. Two of these amendments were tabled, while the other two were approved, pending further discussion and additional information.

Tabled: Article 5 Section 5.7 Regarding Setbacks. Article 7 Section 7.29 & Section 7.20 Tree Preservation and Lot Clearing.

Approved: Article 5 Section 5.5 Permitted Uses (Mini Storage)

Article 9 Section 9.2 Plot Plan Procedures.

**8.4 Parks and Recreation Advisory Board**

Parks and Recreation Director Goodwin reported that the Parks and Recreation Advisory Board met on November 20th, with a full board in attendance. Sara mentioned there is an opening for a staff position in the Before and After School program. However, the current staff is effectively coordinating with one another to fill in where necessary for the time being. The senior meal program continues to attract new participants each week, and the Friendsgiving event served 50 people. While Wellness in the Park had lower attendance, it will be offered again, possibly in the spring. The Chairwoman suggested that our new Communications Committee could assist in promoting the event next time. The Railroad to the Holidays event was a resounding success, thanks to Kayla and her team, as well as the great turnout from the community. Although we do not have firm numbers yet, it is estimated that between 200 and 300 people attended the event! Additionally, the Pancake Breakfast is scheduled for December 7th. All parks are in good condition, including the porta-potties, which are now being serviced regularly. Lastly, the long-awaited bus is ready, and we are very excited and grateful! This will create more opportunities for both children and adults to participate in our programs.

* 1. **Special Events Committee**

Chair Brenda Hogan said that Sunday they decorated the City Christmas Tree with the help from our Fire Department. The Tree Lighting is Friday at 5:30 P.M. followed by hot chocolate, cookies and crafts for all. She said the parade will take place with the fire trucks. She hopes that all can attend. She announced the December Meeting will be cancelled and will meet back in January to plan for the 2025 Events. She wished everyone a Wonderful Holiday Season.

* 1. **Library Commission**

The Library will reopen once the carpet has been replaced. In the meantime, a lending library is available in the lobby of City Hall. The Library Commission is currently updating its policies and procedures. Additionally, the Commission will participate in the Tree Lighting Ceremony and Parade by reading books to the children.

**8.7 Grants Committee**

None

1. **City Manager Gordon Hargrove's Monthly Report:**

PTC #8

FEMA has approved the City’s request for public assistance to rebuild washed out roads from the storm. The next step will be an exploratory and scoping call with FEMA.

Dam Restoration Project:

Sanford Dam – the diversion ditch has been regraded and reinstalled. The coffer dam is in place and the dewatering system is back up and operational.

North Lake Dam – the concrete project has been completed.

Pine Lake – reinstalled the control of water and the dewatering system is back in place as well.

Upper Lake – cleaning up around the dam site and will backfill around the structure.

Dominion/Logan lawsuit: Mr. Hargrove wants everyone aware that a lawsuit that has been filed against the City over the flooding that has occurred in the Highlands Subdivision. The City Attorney is preparing the City’s response to the complaint. After consultation with the City Attorney the opinion is that, the City has a solid defense to the complaint. While the Highlands Subdivision developer has claimed that it is not subject to current state and county stormwater regulations because the lots in the Highlands were platted before those regulations existed. It is the City’s position that the developer still had an obligation to insure proper drainage for each lot in the project area. I will keep the Board and Community updated as we move through the process.

Sanford dam: The current estimate of damage because of the PTC#8 is $8.5 million. It is the City’s position that the Dam’s contractor is responsible for the project from start to finish and that the “risk of loss” due to events such as PTC #8 remains with the contractor. The Dam’s contract requires the contractor to provide builders risk insurance and an umbrella insurance policy for the events such as this. The City continues to work with the contractor on potential FEMA reimbursement but it should be noted that If FEMA participates in the cost it will be AFTER insurance has been maxed out.

Road/bridge washouts: FEMA has accepted the City's preliminary damage assessments and will work with the City to restore and pay for damages to the road washouts and bridge damage sustained during PTC #8. FEMA works on a reimbursements basis, which means that the City has to do the work, pay for the work and then apply for reimbursement. The total cost will be in the $2.5 to $3 million dollar range. Currently, the City does not have the funds to cover these expenses so were currently identifying means to raise these funds. I will keep you posted.

1. **Old Business**

None

1. **New Business**

**11.1 Resolution for McGill Task Order No. 34**

Mr. Hargrove stated that while on-site with PTC#8, he witnessed the breach of the Sanford Dam. He seeks assurance regarding how the Dam if completed as currently designed, would have withstood the conditions posed by PTC#8. He emphasized that now is the time for any design changes to be considered during the damage assessments. He also suggested conducting a hydraulic analysis to evaluate how the Dam's design would have performed in this type of event.

He said Task Order #34 can be generally described as: Historic rainfall occurred across the Cape Fear Region of southeastern North Carolina on September 16th, 2024. Gauges and automated radar estimates showed that 12 to 20 inches of rain fell in only two days, creating severe flash flooding affecting Carolina Beach, Southport, Bolivia, and Boiling Spring Lakes. The City has requested McGill Associates to compare a hydrological model of the approved and permitted designs of Upper Lake Dam, Pine Lake Dam, North Lake Dam and Sanford Dam with the rainfall event that occurred during this time period. This will cost a lump sum of $25,100.00, which would come from the Dam Reconstruction Fund.

He stated that this would be due diligence to ensure that the Dam's current design would withstand similar incidents in the future. Mr. Hargrove recommended approving Task Order #34 to get the analysis done.

Commissioner Mammay asked if McGill was the designer of the Dam. Mr. Hargrove confirmed that McGill Engineering, along with subcontractor Schnabel Engineering, was responsible for the design and construction. Commissioner Mammay expressed concern about McGill conducting the hydraulic testing since they are the designers, suggesting it felt biased. Mr. Hargrove responded that they could accurately calculate the potential rainfall and flooding to ensure the Dam could handle another similar event based on the current design.

There was further discussion about hiring a third party to conduct the hydraulic testing. Since McGill was the original designer, Mr. Hargrove mentioned that McGill already possesses all the necessary information on PTC#8. He noted that bringing in a new contractor for the testing would likely be much more expensive.

Commissioner Lovin asked for assurances against falsifying numbers. Mr. Hargrove said he could only refer to their integrity. Mayor Winecoff noted that if they manipulate the numbers and something goes wrong, they will be held liable. Mr. Hargrove added that if they predict a scenario, like a storm with 22 inches of rain, and the design fails, they will be responsible for any issues that arise.

Commissioner Lovin stated that it would be beneficial for McGill to either cover half the testing cost or provide it at no charge. This will ensure that the City has a reliable design, which is also in their best interest. Mr. Hargrove said that they did not see this study as worthwhile and that they were confident in their design.

Mayor Winecoff stated that McGill possesses the necessary background and up-to-date information. If the design fails, they will be held responsible. Commissioner Mammay added that they would be responsible regardless. Mayor Winecoff emphasized that they want to avoid reaching that point. He suggested conducting hydraulic testing to ensure that the design can withstand the anticipated rainfall, or even more, in the event of future storms.

Commissioner Mammay inquired whether McGill should issue a refund if the tests indicated that the design would fail. He mentioned that if the testing does not support the design, it would be advantageous for McGill as it would help mitigate potential liability. Manager Hargrove responded that this discussion could be revisited.

Commissioner Sherwood asked if a motion could include a condition that McGill wouldn't charge for testing if the test fails. Mr. Hargrove replied that this is more of a legal issue for the attorney, as a task order is a legal contract with the contractor, and adding conditions might not be permitted.

A Motion was made by Commissioner Lovin to approve Task Order #34 for McGill Associates to compare a hydrological model of the approved and permitted designs of Upper Lake Dam, Pine Lake Dam, North Lake Dam and Sanford Dam with the rainfall event that occurred during PTC #8 and cost of a lump sum of $25,100.00 that would come from the Dam Reconstruction Fund. Commissioner Sherwood seconded the motion.

**Aye: Mayor Winecoff, Commissioner Lovin, Sherwood, and Hall.**

**Nay: Commissioner Mammay. *Motion Carried. 4-1***

**11.2 Credit Card Approval for Special Events Committee**

Ms. Morgan presented a proposal in the absence of Finance Director Brandon Stevens. Currently, members and volunteers of the Special Events Committee pay for expenses from their own pockets and get reimbursed afterward. The Library Committee has a credit card for purchases, and the Special Events Committee could also benefit from having one. This proposal would not have any financial impact, as receipts would still be required for monthly reconciliation. The Finance Director recommends approving a new credit card with a $1,000 limit for the Special Events Committee. This would help reduce the need for personal expenses and checks without adding costs to the City.

Commissioner Hall made a Motion to approve a credit card for the Special Events Committee with a $1,000 limit. Second by Commissioner Sherwood. ***Unanimous Vote; Motion Carried.***

Mr. Hargrove spoke about public comments regarding unanswered questions from last month's meeting. He addressed a question about the Parks and Recreation Department's revenue in July 2024. He noted that in July, the revenue was $27,611, which came mainly from summer school programs and camps. He also mentioned a planned trip to Biltmore that brought in additional revenue but was canceled due to Hurricane Helene. Therefore, there was a decrease in revenue in the following months. He wanted to clarify this to ensure the public understood the revenue changes.

**11.3 Enterprise Fleet Management Agreement**

Ms. Morgan gave an overview of the request. The Police Department has outdated patrol vehicles that are often under repair, leading to unreliable service and high maintenance costs. Following the Enterprise Fleet Management presentation on November 20th, 2024, a decision is needed. The department requires six new patrol vehicles to maintain its service quality. For the current 2024-2025 fiscal year, there is roughly $103,750 available to procure six leased Dodge Durango's with Enterprise. Going by 6 months of payments, the six vehicles would be $90,335. It would then impact the 2025-2026 fiscal year budget by $77,000. Three patrol cars are already part of this program, which will be up for renewal/replacement in 2026 (1 in January, 2 in April). These three would be a continuing budget item from the 2024-2025 year for $22,000. The staff recommends using the Enterprise Fleet Management program for the six patrol vehicles. There is money in the budget for the remainder of the year, and the vehicle situation with the Police is in dire straits. This program will pay for itself in the future and allow the City to cycle vehicles out before they get in too bad of shape.

Commissioner Hall made a motion to approve the agreement with Enterprise Fleet Management, which was seconded by Commissioner Lovin. ***Unanimous Vote; Motion Carried.***

**11.4** **City Hall Repairs from PTC # 8**

Ms. Morgan explained that City Hall's first floor was flooded from PTC #8. The mitigation for mold was done immediately after an insurance claim was made. Staff needs direction on how the Board of Commissioners would like to proceed with repairs to the building. At least 3 estimates were received for most of the work. A last-minute quote was provided and given to the Board for an estimate of waterproof flooring versus carpet. The main decision is to replace the carpet areas with carpet or use waterproof flooring/material in case of future storm events. It was the consensus of the Board not to reinstall the carpet. There was discussion on other vendors besides Carpet Warehouse. She said they have received three bids, and they all use Carpet Warehouse. Commissioner Mammay said they are just the installers, and there are other vendors besides Carpet Warehouse. Ms. Morgan said they all use Carpet Warehouse. Commissioner Mammay said so really there is only one bidder because the only difference is the installer. He said there are supposed to be a minimum of three bids. Mr. Hargrove reiterated that to get reimbursement from FEMA there must be three bids, which is nonnegotiable. He recommended to table for further review. Mayor Winecoff said it needs to be decided whether the waterproof flooring would be glued or snap-locked. He said the glue would be bad and cause the flooring to come up easily. It was the consensus of the Board to use a snap lock. Commissioner Hall motioned to table the City Hall Repairs, seconded by Commissioner Lovin. ***Unanimous Vote; Motion Carried.***

**11.5 Resolution for Approval of the Budget Calendar**

The proposed calendar was shared with the Board. Mr. Hargrove inquired if there were any conflicts with the scheduled dates. None were stated. He also mentioned that the presentation format would be different this time. Instead of having the Finance Director read each department's requests, each department will come forward to address the Board directly with their specific requests. As a result, the presentation may take a little longer, spanning two days instead of the one day used in the past.

Commissioner Lovin motioned to approve the resolution to adopt the budget calendar, which Commissioner Hall seconded. ***Unanimous Vote; Motion Carried.***

**11.6 Public Hearing Requests**

1. **Request for Legislative Hearing – Text Amendment - UDO Article 5; Section 5.5**

Ms. Morgan explained The City has initiated a request to amend Article 5 of the Unified Development Ordinance to correct a clerical error and remove Mini Storage Units (indoor) as a permitted use in the C-1 Commercial Mixed Use Zoning District.

1. **Request for Legislative Hearing – Text Amendment – Article 9, Section 9.2**

Ms. Morgan gave the background of the proposed amendment. The City has initiated a request to amend Article 9, Section 9.2 of the Unified Development Ordinance (UDO) to revise plot plan requirements. Article 9 of the City's UDO establishes the process for development within the City of Boiling Spring Lakes. It is intended to provide a clear and comprehensible development process that is fair and equitable to all interests. Procedures and requirements for development review are separated into the following four categories: plot plans, minor site plans, major site plans, and special use permits.

Plot plan review is required for review of the following development types:

1. Accessory structures.
2. Any enlargement of a principal building by less than 20% of its existing size provided such enlargement will not result in parking or landscaping improvements.
3. Single-family detached and two-family residential development.

Currently, the ordinance requires plot plans to include existing and proposed structures, setbacks, and total impervious calculations. In order to better ensure the layout and design of these development types are compatible with, and meet the requirements of the ordinance, the proposed amendments would require additional site features to be included on the plot plan, and would require plot plans for accessory structures over 400 square feet to be completed by a licensed surveyor.

A Motion was made to set the Public Hearings for the proposed amendments for the Board of Commissioners Regular Meeting on January 7th, 2026, at 6:30 P.M. by Commissioner Hall and second by Commissioner Mammay. ***Unanimous Vote. Motion Carried.***

**11.7 Three appointments to the Planning Board, one for a two-year term expiring November 1st, 2026, and two two-year terms expiring December 31st, 2026.**

Three applicants applied for the positions. Commissioner Hall motioned to appoint Lucille Launderville and Sharon Zakszeski to two-year term positions expiring on December 31st, 2026, and Travis Cruse to a one-year appointment expiring on November 1st, 2026. Commissioner Sherwood seconded the motion. ***Unanimous Vote; Motion Carried.***

1. **Mayor and Commissioners Reports**

Commissioner Sherwood asked if there was an update on the development after they met with the contractors. Mayor Winecoff responded that he had met with one of the developers earlier today. They are still collaborating and will be providing an update very soon. He requested that they create sketches and plans by January.

Commissioner Mammay extended warm Christmas wishes and thanked all the volunteers for their hard work. He emphasized that the City would not be what it is today without their contributions and truly appreciated their efforts.

Commissioner Hall noted that Thanksgiving was late this year and expressed her hope that everyone had a wonderful time with family and friends. She thanked the city staff and all the volunteers and committee members for their hard work throughout the year. She encouraged everyone to attend the Holiday Kickoff on December 6th for celebrations and fun. Finally, she wished everyone a Merry Christmas and a Happy New Year.

Commissioner Lovin wished everyone a Merry Christmas and expressed his excitement about attending this year's Tree Lighting Ceremony.

Mayor Winecoff first thanked the Parks and Recreation Department for the revenue generated during the Holidays event.

He also wanted to address the concerns regarding the roads and damage caused by the storm. He mentioned receiving a call from an individual who did not identify themselves; the caller said, "Fix the roads," before hanging up. He explained that the process for obtaining funding from FEMA involves navigating rules and regulations, soliciting bids, and coordinating with engineers before any repair work can begin. This process is essential to ensure that the City can be reimbursed for the repair costs.

Mayor Winecoff said Ms. Shannon Van Deren has requested to hold a "fireside chat" that will be posted on Facebook, allowing her and anyone else to ask questions or share comments about what is happening in the City. He agreed this would be a great way to keep the community informed. They plan to hold their first chat on December 4th.

Mayor Winecoff expressed his frustration regarding an article that claimed he falsely stated that a developer mentioned lowering a pipe to complete their project. He clarified that he did not say such things and referred to the meeting minutes to verify. He said this accusation from the newspaper is untrue and has slandered his name. He is quite unhappy about it. Furthermore, he emphasized that the taxpayers in the City should be aware that the developer wants them to pay for the water drainage related to his development. Mayor Winecoff made it clear that the taxpayers will not be responsible for funding the developer's project. It is the developer's responsibility to ensure that any water flows in a manner that does not cause flooding for others. He firmly stated that taxpayers will not be funding any developer's projects, period.

1. **Announcements**

**13.1** The December Citizens Forum has been rescheduled from December 12th to Thursday, December 5th, 2024, at 6:00 P.M. in City Hall

**13.2** The Christmas Parade and Tree Lighting will be held Friday evening, December 6th at 5:00 P.M.

**13.3** There is a Pancake Breakfast at the Community Center on Saturday, December 7th, 2024.

**13.4** All City buildings will be closed on Tuesday, Wednesday and Thursday, December 24, 25 and 26 for Christmas

**13.5** All City Buildings will be closed on Wednesday, January 1st, 2025, for New Year's

**13.6** The next regular Board of Commissioners meeting will take place on Tuesday, January 7th, 2025, at 6:30 P.M.

**13.7** The following committees have openings: Library Commission and Grants Committee. Please see the City's website for further information.

**14. Adjourn**

Commissioner Hall motioned to adjourn and was seconded by Commissioner Sherwood. ***Unanimous Vote; Motion Carried. —*7:36 P.M.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jeff Winecoff, Mayor

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Tanya Shannon, City Clerk