



Board of Commissioners Regular Meeting Minutes

Wednesday, November 6, 2024 at 6:30 PM

City Hall

1. Call to Order - Mayor Jeff Winecoff

Mayor Winecoff called the meeting to order at 6:30 p.m.

Attendance:

Mayor Jeff Winecoff

Commissioner David Mammay

Commissioner Kim Sherwood

Commissioner Teagan Hall

Commissioner Justin Lovin

City Manager Gordon Hargrove

City Attorney Robert Hornik

Police Chief Kevin Smith

Assistant City Manager Nicole Morgan

City Clerk Nancy Sims

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Approval of Regular Agenda

Commissioner Mammay requested that the agenda be amended to add under New Business, item 10.7-Resolution in Support of Highway 87 and Fifty Lakes Drive Road Improvements and item 10.8-Resolution to Approve McGill Task Order No. 33 Pertaining to Potential Tropical Cyclone Eight Recovery Support.

Motion to approve the regular meeting agenda as amended

Moved by: Teagan Hall

Seconded by: Justin Lovin

Motion Carried 5-0

4. Potential Conflict of Interest/Association Disclosure

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

5. Public Comments

Shannon Van Deren, 320 Pine Lake Road. In the Public Works monthly report, she asked about repair of potholes, what does that mean? In the Parks and Recreation monthly report, she questioned the revenue for the last few months and noted it had declined. She wanted to know how much of that revenue goes to operating expenses and how much goes to the bus pay back. The Planning Board minutes show no new business which concerns her. How can that be? Is that monitored? Regarding the 2025 dates for the BOC meetings, the Citizens' Forums are still once a quarter. Why can't we hold them more often? You don't answer my questions during public comment at the monthly meetings. You don't bring me answers at subsequent meetings. More Citizens' Forums offer more opportunity for conversation. She lastly inquired about the staff longevity bonuses and wanted to know if they were based on just longevity.

6. 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.

- 6.1 Approval of BOC Minutes
- 6.2 Public Works
- 6.3 Public Safety/Animal Control
- 6.4 Parks & Recreation Department
- 6.5 Finance Department
- 6.6 Planning and Zoning
- 6.7 Building Inspections/Code Enforcement

Motion to approve the Consent Agenda as presented

Moved by: David Mamma

Seconded by: Teagan Hall

Motion Carried 5-0

7. Committee / Board Reports and Minutes

The approved minutes of the various boards and committees were distributed with the agenda packet and are incorporated herein.

- 7.1 BSL Fire / Rescue

None

7.2 Community Appearance Commission

None

7.3 Planning Board

The Planning Board continued work on strengthening the tree ordinance. This is a work in progress which we will hopefully be able to conclude soon. We also discussed the 25 foot setback currently in place regarding lakefront properties. The board agreed that this should be increased to 50 feet. The board was made aware that the permitted work along Highway 87 that was clear cut is now for sale in what appears to be three separate properties. When this was presented to the board in July at the requested special meeting, we were not aware of the property being cleared for sale in three different parcels. Perhaps our approval would have been very different. As such we are requesting the text amendment for Article 7, Section 7.29, be repealed so that this does not happen in the future.

7.4 Parks & Recreation Advisory Board

None

7.5 Special Events Committee

Our Fall Festival was a big success!! We had probably 200-300 people. Everyone had a great time. Thank you to the fire department for cooking the hamburgers and hotdogs, and participating with our haunted trail, along with the police department. We will have the City Tree Lighting on Friday night, December 6th at 5:30 p.m. followed by hot chocolate, cookies and crafts. We will be sharing this event with the fire department like every year. The parade will follow around 6:00 p.m. All this will be held at the old fire department like we have in the past. Flyers will be going out soon.

7.6 Library Commission

The library is now closed because of the flooding at City Hall. Most of the projects are on hold. There are a few books in lobby. At our next meeting we will be going over procedures.

7.7 Grants Committee

None

8. City Manager's Monthly Report - City Manager Gordon Hargrove

Dam Project. **Mr. Hargrove** advised PTC#8 storm cleanup continues at all dam sites. At Sanford Dam, contractors are re-grading the diversion ditch and installing a new liner. They will be reinstalling the coffer dam and de-watering system. At North Lake Dam, contractors are reinstalling the diversion pipes, the coffer dams and also backfilling the scoured areas that were damaged from the storm. In addition, they will be finishing the structural concrete and backfilling the concrete foundation. With Pine Lake Dam, contractors are in the process of rebuilding the coffer dams and installing the diversion pipes. They will start structural concrete in the next 30 days. The substantial completion date for the entire dams' project is now May 18, 2027.

PTC#8 recovery. The City has made temporary repairs to a majority of the washouts. Currently we are temporarily repairing the washout on Sunset Road. We have submitted our request for public assistance for infrastructure repairs. Our insurance carrier has also approved replacement of all of the carpet in City Hall.

Old Police Building. The design has been completed and if there are no objections from the board, we will move forward with producing the construction blueprints.

Police Vehicles. During PTC#8 several police vehicles went down because of flooding and a deer collision. We are currently down six vehicles for the department and are struggling to put officers in vehicles. I have requested to call a special meeting to meet with Enterprise Fleet Management to look at a program to lease vehicles. There is no way we can afford to buy new police vehicles. A lease program is worth investigating. Over time they will end up driving for free. Enterprise can explain the math better than I can.

Golf Course Property. Typically, something like this would be on the agenda with a staff report but we ran out of time. The old clubhouse is barely holding on and probably needs to be torn down. The new owners are building a new clubhouse across the street. The holdup is a sewer line that runs from the old clubhouse to a drain field. The owners approached us about eliminating that line. That will condemn the old clubhouse building from any further use. The City has no plans for that building at this time, but I want to make you aware that cutting that line will condemn that building. Also, if we cut that line, the County will require we have a wastewater plan even though it would be condemned. I have tried to contact the County several times about this, but have had no response. Alex Lapinski from McGill, our engineer, has recommended that we not disconnect that line because there is a report that says the line is sufficient for both the old and new clubhouses to use. Staff recommends to keep the line intact and allow the new golf course owner to be attached to it. We then move into a new easement that we hold and have the golf course pay for any work. Another consideration we want is when we do run sewer to that property for future use, we want the golf course to convey us an easement to run across the golf course property on the most direct route in order to run sewer across there. If that is amenable to the BOC, I will have our City attorney work on an MOU to get a formal agreement and easement conveyed to the city. Again, sorry for not having a staff report and more information, but this is an evolving situation. **Commissioner Sherwood** wanted to know how they got a building permit if they don't have septic. **Ms. Morgan** replied her understanding is they had an agreement with the prior property owner. **Commissioner Hall** confirmed that it won't

harm anything for us building in the future. **Commissioner Mammy** added when they came to us originally to build this property, they had a septic-sewer system plan but it required them to cut down trees and they didn't want to cut down any trees. If they can do it this way they don't have to remove trees and it will be cost effective for the golf course. What it does for the City is if you look down South Shore Drive, running sewer would be zigzag-zigzag. He then explained the benefits and said this could be a win-win.

Motion to not abandon the line and join in on our line on the condition they give us an easement for a future sewer line at no cost to the City.

Moved by: Kim Sherwood

Seconded by: Justin Lovin

Motion Carried 5-0

Mr. Hargrove then advised that he would try to answer the questions posted by Shannon Van Deren. Regarding the question about potholes, if they are in the middle of the road we use asphalt. If the pothole is on the side of the road, we use crush and run. It depends on where it is, and the location depends on what we use. We try to make sure we keep the holes filled. It is a never ending process. Regarding the longevity bonuses, they are not based on any kind of performance, they are to reward long time employees for working with the City, hence the name longevity bonus. Public service does not make you rich.

Mr. Hargrove then advised that City Clerk Nancy Sims is retiring and introduced the City's new Clerk, Tanya Shannon.

Mayor Winecoff then presented Ms. Sims with a Proclamation.

9. Old Business

- 9.1 Ordinance to Amend Chapter 9-Nuisances, Section 9.4-Appeal, Add Section 9.8-Chronic Violators and amend Section 9.31-Definitions of the City's Code of Ordinances

Presented by Assistant City Manager Nicole Morgan

Ms. Morgan advised that this is a re-presentation of this text amendment. The first time it was presented there was a question about making the chronic violator definition stricter. It turns out, the definition cannot be changed.

Motion to adopt Ordinance to Amend Chapter 9-Nuisances, Section 9.4-Appeal, Add Section 9.8-Chronic Violators and amend Section 9.31-Definitions of the City's Code of Ordinances

Moved by: Justin Lovin

Seconded by: Kimberly Sherwood

Motion Carried 5-0

9.2 Request for Public Hearing - Text Amendment on Article 7-Development Standards; Section 7.29-Tree Preservation

Presented by Assistant City Manager Nicole Morgan

Ms. Morgan stated the Planning Board voted unanimously at their last meeting to repeal this tree preservation ordinance that was recently adopted that allowed removal of trees on undeveloped parcels not yet subject to an approved site plan. Pursuant to N.C.G.S. 160-D, in order to repeal any UDO text amendment, a public hearing must be held. This item is either to set a public hearing for December 5th for repealing that text amendment, or as staff recommends, for the BOC to direct staff to revise the text amendment to set stricter standards in the ordinance.

Commissioner Mammay stated we need to strengthen it instead of repealing it. The developers need more to help them move forward and we need to find ways to keep them in check and even hold them to a higher standard. **Commissioner Sherwood** said her understanding was the Planning Board was not under the impression they were going to clear cut and then put everything up for sale. I know we were given plans that included pictures of condos and shops. **Ms. Morgan** replied the way the amendment was written was that they would leave buffers or streetyard buffers around the adjacent property, or submit development plans within 24 months. In accordance with the text amendment, they can clear cut. As for the sale signs, they are for outparcels only. Typically in large developments, outparcels are sold off and they are looking to see if there is any interest in those outparcels. They would need to submit a plan in order to sell those outparcels. **Commissioner Sherwood** would also like to see the plan they submitted to cut down significant trees. **Commissioner Mammay** wanted to give the zoning/planning department time to put a package together about strengthening the ordinance before repealing it as we want a grocery store. **Commissioner Lovin** wanted a public hearing to repeal to hear what they have to say about the sale signs. **Ms. Morgan** added there are only two other properties along Highway 87 that are 25 acres or more and they are owned by the State. **Mr. Hargrove** added a public hearing is required no matter what is done. It will need to go before the Planning Board again even if the BOC decides to strengthen the ordinance.

Motion to schedule a public hearing to repeal Text Amendment on Article 7-Development Standards; Section 7.29-Tree Preservation

Moved by: Kimberly Sherwood

Seconded by: Justin Lovin

Aye **Kimberly Sherwood and Justin Lovin**

Nay **Teagan Hall, Jeff Winecoff, and David Mammay**

Motion Failed 2-3

10. New Business

10.1 Resolution Adopting Board of Commissioners' Regular Monthly Meeting Schedule for 2025

Presented by City Clerk Nancy Sims

Motion to approve Resolution Adopting Board of Commissioners' Regular Monthly Meeting Schedule for 2025

Moved by: Teagan Hall

Seconded by: Kimberly Sherwood

Motion Carried 5-0

10.2 Resolution Adopting 2025 Dates for Citizens' Forums

Presented by City Clerk Nancy Sims

Motion to approve Resolution Adopting 2025 Dates for Citizens' Forums

Moved by: Justin Lovin

Seconded by: Teagan Hall

Motion Carried 5-0

10.3 Resolution Adopting 2025 Holiday Schedule

Presented by City Clerk Nancy Sims

Motion to approve Resolution Adopting 2025 Holiday Schedule

Moved by: Kimberly Sherwood

Seconded by: Teagan Hall

Motion Carried 5-0

10.4 Resolution Authorizing Annual Longevity Bonus

Presented by City Clerk Nancy Sims

Motion to approve Resolution Authorizing Annual Longevity Bonus

Moved by: Kimberly Sherwood

Seconded by: David Mammay

Motion Carried 5-0

- 10.5 Resolution Prohibiting Viewing of Pornography on City Network and Devices

Presented by City Clerk Nancy Sims

Ms. Sims started out by saying this does not mean that any City staff is viewing pornography on their city device. This comes from the General Assembly via session law. The policy must be in place by January 1, 2025.

Motion to approve Resolution Prohibiting Viewing of Pornography on City Network and Devices

Moved by: Teagan Hall

Seconded by: Justin Lovin

Motion Carried 5-0

- 10.6 Rescheduling the Board of Commissioners' December Citizens' Forum Meeting

Presented by City Clerk Nancy Sims

Motion to reschedule the December Citizen's Forum from December 12 to December 5th at 6:00 p.m. at City Hall

Moved by: Justin Lovin

Seconded by: Teagan Hall

Motion Carried 5-0

- 10.7 Resolution in Support of Highway 87 and Fifty Lakes Drive Road Improvements

Presented by City Manager Gordon Hargrove

Mr. Hargrove advised this was added to the agenda tonight. The Department of Transportation ("NCDOT") submitted a request to use Contingency funds for road improvements of turning lanes at the intersection of NC Highway 87 and Fifty Lakes Drive. In order to pursue the necessary funding, NCDOT requires a resolution of support for the project from the Boiling Spring Lakes Board of Commissioners. The BOC is in full support of the road improvements at the intersection of NC Highway 87 and Fifty Lakes Drive. The cost was \$300,000 and the City did not have the money. We reached out to Representative Miller who was able to work his connections and come up with funding at no cost

to the City. The staff report and resolution will be attached to these minutes.

Motion to approve Resolution in Support of Highway 87 and Fifty Lakes Drive Road Improvements

Moved by: Justin Lovin

Seconded by: David Mammay

Motion Carried 5-0

10.8 Resolution to Approve McGill Task Order No. 33 Pertaining to Potential Tropical Cyclone Eight Recovery Support

Presented by City Manager Gordon Hargrove

Mr. Hargrove advised this item was also added to the agenda tonight. Task Order No. 33 authorizes McGill Associates to provide services for the project entitled Potential Tropical Cyclone Eight Recovery Support. As you know, PTC#8 occurred on September 16, 2024 and caused severe damage to the City's streets and bridges as a result of flooding. The services McGill will provide include support activities and coordination with state and federal partners to begin recovery projects for the locations listed in the task order. Certain specifications need to be followed. If not, reimbursement by FEMA will be in jeopardy so we need to hire an engineer for this. We are also looking to increase the tiles under the roads to allow for better drainage. The staff report and resolution will be attached to these minutes.

Motion to approve Resolution to Approve McGill Task Order No. 33 Pertaining to Potential Tropical Cyclone Eight Recovery Support

Moved by: David Mammay

Seconded by: Justin Lovin

Aye Teagan Hall, Jeff Winecoff, David Mammay, and Justin Lovin

Nay Kimberly Sherwood

Motion Carried 4-1

11. Mayor and Commissioners Reports

Commissioner Lovin said he is barely getting any sleep right now because of his newborn. Thank you for the support my family has received. Happy Thanksgiving!

Commissioner Hall had nothing but for everyone to enjoy their holiday.

Commissioner Mammay said congratulations on the re-election of Representative Miller and Senator Rabon. They have been our support in rebuilding the City. He also wanted to take a moment to note how many young kids voted for the first time in this election.

Commissioner Sherwood said the new format for the Public Works monthly report is easier to understand. She also requested a button on the home page to click on for the agendas. Lastly, there was a 2 cent tax for Parks and Recreation a while back and that is the money we used for the bus. It was money we already had in the budget.

Mayor Winecoff wanted to thank Parks and Recreation and Special Events for a great Fall Festival and Trunk or Treat. He recently had to do his required code of ethics class. The one thing he always take away from that is, it is his sworn duty to represent the citizens of our City and when someone tells him he can't talk to the citizens that is a violation of his free speech. Our job as BOC is to work to solve problems. That is one of our sworn duties.

12. Announcements

- 12.1 All City buildings will be closed on Monday, November 11 for Veterans Day
- 12.2 Please join the Parks and Recreation Department on Saturday, November 16 for Wellness in the Park Day from 8:00 a.m. to 9:30 a.m. at Muse Park
- 12.3 All City buildings will be closed on Thursday and Friday, November 28 and 29 for Thanksgiving
- 12.4 Railroad to the Holidays Event will take place at the Community Center on Saturday, November 23, 2024 from 5:00 - 8:00 p.m.
- 12.5 The next BOC monthly meeting will take place on Tuesday, December 3, 2024 at 6:30 p.m.
- 12.6 The Citizen's Forum initially scheduled for December 12 has been rescheduled to take place on Thursday, December 5, 2024 at 6:00 p.m.
- 12.7 The Christmas Parade and Tree Lighting will be held Friday evening December 6 at 5:30 p.m.
- 12.8 There is a Pancake Breakfast at the Community Center on Saturday, December 7, 2024
- 12.9 The following committees have openings: Library Commission and Grants Committee. Please see the City's website for further information.

13. Closed Session pursuant to N.C.G.S. 143-318.11(a)(3)-consult with City attorney

Motion to enter closed session pursuant to North Carolina General Statute 143-318.11(a)(3) to consult with our city attorney to preserve attorney-client privilege and to discuss the existing lawsuit involving Dominion, Logan and the City of Boiling Spring Lakes.

Moved by: Kimberly Sherwood

Seconded by: David Mammay

Motion Carried 5-0

Motion to return to open session

Moved by: Kimberly Sherwood

Seconded by: Teagan Hall

Motion Carried 5--0

Mayor Winecoff advised no action was taken.

14. Adjourn

Motion to adjourn the meeting at 8:26 p.m.

Moved by: Justin Lovin

Seconded by: Teagan Hall

Motion Carried 5-0




Jeff Winecoff, Mayor


Nancy Sims, City Clerk - retired



City of Boiling Spring Lakes
9 East Boiling Spring Road
Southport, NC 28461

Public Comment

Comments are restricted to 5 minutes per speaker

PLEASE PRINT FULL NAME and ADDRESS

<u>Name</u>	<u>Address</u>
1. SHANNON VANDERKAM	320 Pine Lake Rd
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
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