



# **Boiling Springs Town Council**

Meeting Agenda Packet  
March 2, 2021



# 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 MARCH 2, 2021

## ROUTINE BUSINESS

- 1. Mayor’s Call to Order
- 2. Recognize Citizens Present & Public Comment
- 3. Minutes from the February 2, 2021 Meeting .....3
- 4. Minutes from the February 2, 2021 Closed Session

## REGULAR BUSINESS

- 5. Public Hearing | Zoning Map Amendment Petition..... 6
- 6. Rezoning Request | Gardner-Webb University (Multiple Properties).....7
- 7. 2<sup>nd</sup> Quarter Financials.....45
- 8. Board of Planning & Adjustment Appointment.....52

## REPORTS

- 9. Council/Manager Report.....54
- 10. Adjournment

*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  
February 2, 2021**

**Meeting held remotely due to COVID-19**

The Boiling Springs Town Council met January 5, 2021 at the Boiling Springs Town Hall. Present onsite: Mayor Bill Ellis; Councilmembers Marty Ruth Dixon, Tommy Greene, Patrick Litton, and Marty Thomas. Town Attorney John Schweppe, III was also present. Councilmember Daniel Thomas present via remote participation. Staff members present: Town Clerk Kim Greene, Finance Director Rhonda Allen, Public Works Director Mike Gibert, and Police Chief Nathan Phillips. Staff present via remote participation: Deputy Town Clerk Shannon Shytle. Those present onsite wore face masks and followed the rules of social distancing.

Others Present: See Meeting Attendance List

**AGENDA ITEM II**

**Recognition of Citizens Present & Public Comment**

**AGENDA ITEM III**

**Approval of Minutes from the January 5, 2021 Meeting**

Councilmember Greene made the motion to approve the minutes of the January 5, 2021 regular meeting. Councilmember Marty Thomas seconded and the vote was unanimous.

**AGENDA ITEM IV**

**Approval of Minutes from the January 12, 2021 Special Meeting**

Councilmember Greene made the motion to approve the minutes of the January 12, 2021 special meeting. Councilmember Dixon seconded and the vote was unanimous.

**AGENDA V**

**Approval of Minutes from the January 12, 2021 Closed Session**

Councilmember Litton made the motion to approve the minutes of the January 12, 2021 closed session. Councilmember Dixon seconded and the vote was unanimous.

**AGENDA ITEM VI**

**Town Gateway/Welcome Signage Project**

Councilmember Daniel Thomas made the motion to approve the estimate for the construction of five gateway/welcome signs with Shelby Signs in the amount of \$53,375. Councilmember Dixon seconded and the vote was unanimous.

**AGENDA ITEM VII**

**Gardner-Webb Waterline Replacement Project | #R210202.01**

Odom Engineering, PLLC was contracted to administer the bid process for the Gardner-Webb Meter & DCVA Installation. Bids were received on Tuesday, January 12, 2021 at 2:00 pm via email and the low bidder was Marvin Hoyle Construction with a total bid amount of \$97,405.00. The cost for the Town's portion of the project is \$74,855.00. Mike Gibert discussed the project stating the Town's part in the project is to install a water vault on South Main Street in front of the Chapel at Gardner-Webb University. GWU's part in the project is to install a double check valve and reconnect to the main water line.

The following bids were received:

	<u>OVERALL BID AMOUNT</u>
Marvin Hoyle Construction, Inc.	\$ 97,405.00
Two Brothers Utilities	\$ 97,711.90
Clark Ledbetter Grading & Hauling, Inc	\$108,031.00
Father and Son Enterprises, LLV	\$117,953.85
Sugarhill Contractors, LLC	\$138,435.00

Councilmember Daniel Thomas made the motion to approve Resolution #R210202.01 awarding the bid to Marvin Hoyle Construction, Inc. in the amount of \$74,855.00 and authorizing Mayor Ellis to execute the documents necessary to complete the Gardner-Webb Waterline Replacement Project. Councilmember Marty Thomas seconded and the vote was unanimous. A copy of the resolution is hereby incorporated into and made a part of the minutes of the meeting.

#### **AGENDA ITEM VIII**

##### **Boiling Springs Toney Street Culvert & Headwall Replacement Project | #R210202.02**

Odom Engineering, PLLC was contracted to administer the bid process for the Toney Street Culvert & Headwall Replacement Project. Bids were received on Tuesday, January 12, 2021 at 2:00 pm via email and the low bidder was Clark Ledbetter Grading & Hauling, Inc. with a total bid amount of \$24,090.00. Mike Gibert discussed the project with the Council. Heavy rains washed the culvert out last year.

The following bids were received:

	<u>OPTION #2 BID AMOUNT</u>
Clark Ledbetter Grading & Hauling, Inc.	\$ 24,090.00
Cleveland Contractors	\$ 30,267.60
Sugarhill Contractors, LLC	\$ 38,500.00
Marvin Hoyle Construction, Inc.	\$ 73,150.00
Two Brothers Utilities	\$114,393.40
Divine Grading, LLC	\$141,350.00

Councilmember Greene made the motion to approve Resolution #R210202.02 awarding the bid to Clark Ledbetter Grading & Hauling, Inc. in the amount of \$24,090.00 and authorizing Mayor Ellis to execute the documents necessary to complete the Boiling Springs Toney Street Culvert & Headwall Replacement Project. Councilmember Daniel Thomas seconded and the vote was unanimous. A copy of the resolution is hereby incorporated into and made a part of the minutes of the meeting.

##### **Attorney John Schweppe reported the following:**

- Mayor Ellis inquired about the Lattimore Sewer Agreement. Mr. Schweppe stated it was his understanding that Mr. Shires informed Mayor Beal that the new Lattimore sewer rates were in effect. The Boiling Springs Town Council approved the Lattimore Sewer Agreement during their regular meeting on December 1, 2020.

#### **AGENDA ITEM IX**

##### **Council Reports**

##### **Councilmember Tommy Greene reported the following:**

- Attended the January 28, 2021 virtual MPO Board of the Gaston-Cleveland-Lincoln Metropolitan Planning Organization meeting. The NC 150 (College Ave) Modernization Project is still on the project list. Project description: Modernize roadway and construct roundabouts at various intersections.

##### **Councilmember Mary Ruth Dixon reported the following:**

- Contacted by Cam Corder with the YMCA. Her nomination by the Town Council to serve on the Cleveland County YMCA Board of Directors was approved.
- Inquired about the Council recognizing Mr. Shires since COVID-19 prevented a farewell gathering.

##### **Councilmember Marty Thomas reported the following:**

- Asked about a public records request regarding use of force incidents. Mr. Schweppe stated he is looking into the request.
- Excited about the new car wash being built on N. Main Street. Expressed his concern regarding water infiltration from the parking lot to the road.
- Stated it is a good time of the year for the Golf Cart Committee to meet.

##### **Mayor Bill Ellis reported the following:**

- Applications are being accepted for the Town Manager position.

#### **AGENDA ITEM X**

##### **Closed Session**

Councilmember Dixon made the motion to enter into executive session pursuant to N.C.G.S. 143.318.1(a)(6) to discuss personnel at 7:08 p.m. Councilmember Marty Thomas seconded and the vote was unanimous.

The meeting reconvened at 7:40 p.m. Executive session minutes are on file in the office of the Clerk.

Councilmember Daniel Thomas made the motion to authorize the Mayor to sign a contract with Rhonda Allen appointing her the Interim Town Manager. Councilmember Greene seconded and the vote was unanimous.

**Adjournment**

There being no further business, Councilmember Dixon made the motion to declare the meeting adjourned at 7:45 p.m. Councilmember Daniel Thomas seconded and the vote was unanimous.

Bill Ellis, Mayor

Kim Greene, Town Clerk

DRAFT



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## TOWN COUNCIL

## AGENDA ITEM 5

MARCH 2, 2021

### PUBLIC HEARING | ZONING MAP AMENDMENT PETITION

The Town has received a petition for a zoning map amendment (rezoning request) for eighteen (18) properties owned by Gardner-Webb University. The petitioner, David Wacaster, has requested the zoning be changed from R-15 (Residential), B-1 (Business), and M-1 (Manufacturing) to I-1 (Intentional). State law requires a public hearing prior to any zoning map amendments.

#### **R-15 to I-1**

Parcel 2994 (300 S. Main St) 0.5 acres  
Parcel 2995 (S. Main St) 0.5 acres  
Parcel 1356 (202 W. College Ave) 0.59 acres

#### **B-1 to I-1**

Parcel 1394 (134 S. Main St) 0.25 acres  
Parcel 1392 (105 Quinn Circle) 0.2 acres  
Parcel 1395 (105 W. Branch Ave) 0.67 acres  
Parcel 1396 (138 S. Main St) 0.31 acres  
Parcel 1398 (Huggins St) 0.34 acres  
Parcel 1399 (S. Main St) 0.46 acres  
Parcel 1397 (106 W. Branch Ave) 0.82 acres

#### **B-1 to I-1 Continued**

Parcel 1405 (202 S. Main St) 0.45 acres  
Parcel 1411 (107 W. Branch Ave) 0.21 acres  
Parcel 1406 (109 W. Branch Ave) 0.18 acres  
Parcel 1404 (204 S. Main St) 0.79 acres  
Parcel 1403 (206 S. Main St) 1.73 acres  
Parcel 71373 (212 S. Main St) 2.52 acres

#### **M-1 to I-1**

Parcel 1478 (408 S. Main St) 0.61 acres  
Parcel 1484 (412 S. Main St) 0.68 acres

Please See **Agenda Item 6** for additional information and materials.

### SUMMARY

Action needed: Mayor to open and close public hearing.

### MATERIALS PROVIDED

- See Agenda Item 6



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## TOWN COUNCIL

## AGENDA ITEM 6

MARCH 2, 2021

### REZONING REQUEST | GARDNER-WEBB UNIVERSITY (MULTIPLE PROPERTIES)

Applicant David Wacaster has requested eighteen (18) properties owned by Gardner-Webb University be rezoned from R15 (Residential), B-1 (Business), and M-1 (Manufacturing) to I-1 (Institutional). The property owner would like to rezone the properties to I-1 Institutional to use for Gardner-Webb University.

Primary factors to consider when making a zoning decision are generally the potential land use impacts on the landowner, the neighbors, and the public. Other factors, such as the suitability of the site for the proposed use, impacts on traffic, the environment, neighborhood character, utilities, school, and the like, are also reasonable and appropriate to consider. Consistency with applicable plans and policies is also important, but the provisions in plans are not binding. Neither are past decisions; consideration of how similar proposals have been dealt with in the past can play a role, but each proposal must be examined on its own merits.

### SUMMARY

Motion needed: Motion to approve/deny the rezoning request.

Motion to adopt a Certified Statement.

### MATERIALS PROVIDED

- Map Amendment Petition
- Staff Report
- Notice of Public Hearing
- Letter to Adjacent Properties
- Aerial Maps of Properties
- Zoning Maps of Properties
- Board of Planning and Adjustment Certified Recommendation