

REGULAR MEETING, MONDAY, DECEMBER 17, 2007

The regular meeting of the Hope Mills Board of Commissioners was called to order at 7:30 p.m. by Mayor Dees. Commissioners Luther, Gorman, Collins, Warner, and Maynor were present.

Others present were Town Manager Randy Beeman, Police Captain John Smith, Public Works Director Bruce McLaurin, Chief Building Inspector Mike Bailey, Finance Director Jeff Saleeby, Police Chief John Hodges, Fire Chief Chuck Hodges, Town Attorney William R. Davis, and Human Resources Administrator Kimberly Lockamy.

Mayor Dees asked everyone to pause for a moment of silence in memory of Town employee Johnny Kemp, Street Department, who passed away. Mayor Dees stated Johnny had been with the Town for many years and he was a good employee.

Rev. Willis Mitchell, Solid Rock Bible Church, gave the invocation followed by the Pledge of Allegiance led by Mayor Dees.

1. AGENDA ADJUSTMENTS, ADDITIONS, DELETIONS.

Mayor Dees presented an addendum and asked that it be added, consideration and discussion of tentative dates for several events and fee waivers for use of the Recreation Center.

Commissioner Gorman made a motion to add the items as requested. Commissioner Luther seconded, and the motion carried unanimously.

2. STATUS REPORT ON HOPE MILLS LAKE/DAM PROJECT, AND CONSIDERATION OF REQUEST FROM CROWDER CONSTRUCTION COMPANY FOR APPROVAL OF EXTENDED HOURS OF OPERATION (WAIVER OF TOWN ORDINANCE SECTION 34-27(9), CERTAIN NOISES EXPRESSLY PROHIBITED.)

Mayor Dees stated work continues on excavating, grading, and removing unsuitable material from the dam site. They have completed driving sheeting for the sediment basin down stream and they are continuing to drive the big H-piles for barring and micro piles on the west side. He said they have started grading and placing rip rap on the slope near the exiting sluice structure and they have continued driving vinyl sheeting for the dam cutoff wall, and started installing the clay cap of the vinyl sheeting cutoff wall.

Mayor Dees said they hoped to be pouring concrete for the foundation by the first of the year. He stated it is the vinyl sheeting installation that is taking a little longer than they thought. Mayor Dees read an e-mail from Mr. Beeman and Mr. Henry Strickland who is the on site coordinator for the Rose Group. He said there was a possibility that in order to catch up and stay abreast with the project they might need to work two 12 hour shifts for two weeks. Mayor Dees said they would give the Town at least two weeks notice and at least a three day head start and the main thing would be a slight noise from the vibration of putting in the vinyl sheeting and the lights that would be required to work 24 hours a day six days a week.

Mayor Dees said they had asked if they needed to that they be given permission to do so, and they did not want to wait until January to ask for a waiver of the noise ordinance that prohibits such activities during the night for that period. He said he had talked to several people that lived along the area and none of them said they would have a problem with them doing that, but there might be, however, most of the residents along there said they were fine with that.

Commissioner Luther made a motion to waive the noise ordinance for the time period that was needed. Commissioner Collins seconded the motion.

Commissioner Maynor asked if they were going to work a second shift or extended hours, and if the contract has been awarded at x-number of dollars for labor, etc., will there be additional labor charges and will it be absorbed by Crowder or will it be passed onto the

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Town's portion of the contract.

Mayor Dees said there will have to be a change order as he understood it, and they did not say there would be any additional cost.

Mr. Beeman stated they did not say anything about additional cost to the Town and it is a part of the contract to his understanding.

The vote on the motion carried unanimously.

Mayor Dees asked if there was anyone that had any questions or comments on the project, and there were none.

3. PUBLIC COMMENTS.

There were none.

4. PRESENTATION BY VFW POST #10630 FOR THE FIREFIGHTER AND LAW ENFORCEMENT OFFICER OF THE YEAR AWARDS.

Mr. Bryce Swindle congratulated the Board on the election and wished them lots of luck for the next two years. He gave an update on some of the awards that they had presented in the past few weeks. He stated this afternoon they were at South View High School to present the Teacher of The Year Award to Ms. Natalie McArthur.

Mr. Jessie Bellflowers, Post Commander, presented the Gold Medal Firefighter Award to Luke Flatebo and read the same. Mr. Swindle read a letter from Mr. Bruce Edwards, Department of North Carolina, congratulating Firefighter Flatebo for winning the VFW Firefighter Gold Medal Award for the year of 2007-2008 for the Department of North Carolina. He said this award is given by the VFW annually to recognize the state top individuals who actively fight fires as members of any public or volunteer company organized to fight fires and give assistance to citizens. Mr. Swindle presented the letter and award to Mr. Flatebo.

Mr. Flatebo said he would like to thank the VFW for this outstanding award and thanked the Hope Mills Fire Department for taking him in and accepting him. He said they had made his transition from the military into this civilian world a lot easier and he greatly appreciated it. He also thanked his wife for her continuous support.

Mr. Jessie Bellflowers presented the Law Enforcement Award to Police Captain John Smith. He said on behalf of the VFW, he was proud to present the Certificate of Appreciation awarded to Police Captain John R. Smith. Mr. Bellflowers read the Certificate of Appreciation and presented same to Police Captain John Smith.

Mr. Swindle read a letter from Mr. Bruce Edwards, and presented the same to Captain Smith.

Captain John Smith said he would also like to thank the VFW for presenting this distinguished award and said it is much appreciated. Captain Smith also said he appreciated all his colleagues that he worked with.

Mr. Bellflowers said it was an honor to recognize the individuals who work all year to protect the citizens. He stated it is a humble opportunity for all of us to be here tonight to witness the great achievement and recognition, because each of them represent a first class operation that we have here in Hope Mills. Mr. Bellflowers said our Fire Department is second to none, our Police Department is second to none, and we all enjoy the outstanding excellence and professionalism that each member of these two departments serving our community every day.

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5. CONSENT AGENDA.

Mayor Dees presented the consent agenda and asked the Commissioners if there were any items they wished moved to the regular agenda for further discussion.

Commissioner Luther made a motion to approve the consent agenda as presented. Commissioner Warner seconded, and the motion carried unanimously.

- a) Consideration to approve 2007 Annual Certification of Firemen and 2008 Membership Roster.**

Fire Chief Chuck Hodges presented the annual certification of firefighters and reported the certification was required by the State Treasurer's office for those participating in the pension fund in order to receive a year of credit. He stated the certification year runs from January 1, 2007 - December 31, 2007.

2007 Annual Certification of Firemen and 2008 Membership Roster approved.

- b) Consideration to adopt Resolution establishing regular meeting schedule for March 3, 2008 - February 16, 2009. (Resolution adopted 1/18/07 in effect through 2/18/08).**

RESOLUTION
OF THE
BOARD OF COMMISSIONERS
OF THE
TOWN OF HOPE MILLS, NORTH CAROLINA

WHEREAS, G.S. 143-318.12, G.S. 160A-71, and Code of Ordinances Chapter 2, Section 2-66, Regular Meetings, empower the Board of Commissioners to establish a schedule of regular meetings;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Hope Mills that the following schedule of regular meetings is hereby adopted, all meetings to be held at 7:30 p.m. at the Town Hall, Bill Luther Board Meeting Room , 5770 Rockfish Road.

Monday, March 3, 2008	Tuesday, September 2, 2008
Monday, March 17, 2008	Monday, September 15, 2008
Monday, April 7, 2008	Monday, October 6, 2008
Monday, April 21, 2008	Monday, October 20, 2008
Monday, May 5, 2008	Monday, November 3, 2008
Monday, May 19, 2008	Monday, November 17, 2008
Monday, June 2, 2008	Monday, December 1, 2008
Monday, June 16, 2008	Monday, December 15, 2008
Monday, July 7, 2008	Monday, January 5, 2009
Monday, July 21, 2008	Tuesday, January 20, 2009
Monday, August 4, 2008	Monday, February 2, 2009
Monday, August 18, 2008	Monday, February 16, 2009

ADOPTED the 17th day of December, 2007.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

Resolution adopted.

- c) Consideration to adopt Support Services Agreement between Triangle J Council of Governments and Town of Hope Mills for providing public outreach and education relative to Stormwater, Phase II permit.**

Stormwater Administrator Melanie Clerkley reported in order for the Town to be in compliance with the NPDES Phase II Stormwater Permit, it is required to conduct public outreach and education. She stated a portion of the outreach and education must be done through multiple media venues including television, radio, print, and the internet.

Ms. Clerkley noted the Clean Water Education Partnership (CWEP) helps 30 local government partners cooperate to achieve economies of scale in their outreach efforts, and CWEP purchases airtime on television and radio stations, develops brochures, and creates web pages that educate the public on stormwater pollution. Ms. Clerkley further stated CWEP also maintains a website which has a great deal of information on campaigns, including annual reports.

Ms. Clerkley remarked cost shares for CWEP partners are determined by a base rate (\$2,000) plus an additional per-capita rate (\$0.06), and the Hope Mills' cost share amount for CWEP participation would be \$2,741.00. Additionally, Ms. Clerkley commented partnership with CWEP is the most cost effective manner to achieve television and radio coverage for the Town and will allow the town to be in compliance with this portion of the NPDES Phase II Stormwater Permit.

A copy of the Agreement is filed in the Book of Agreements in the Town Clerk's Office.

Agreement adopted.

- d) Consideration to authorize purchase of two police vehicles approved in 2007-2008 budget, Hilbish Ford, total purchase price including tax \$51,903.58.**

Finance Director Jeff Saleeby reported the Town has received three bids for the purchase of two police vehicles approved in the 2007-2008 budget. He stated Hilbish Ford was the lowest bidder at \$50,602.00, road use tax in the amount of \$1,301.58, making the total purchase \$51,903.58.

Purchase of two police vehicles approved.

- e) Consideration to authorize piggyback purchase through City of Fayetteville's contract with Southern Truck Service for new sanitation truck, \$163,967.00.**

Finance Director Jeff Saleeby reported the 2007-2008 budget included \$165,000 for the purchase of a new Sanitation truck. He stated the Town can piggyback under NCGS 143-129 the City of Fayetteville's contract with Southern Truck Service. Mr. Saleeby said the truck can be purchased for \$163,967.00 and recommended approval of this purchase.

Sanitation Truck Piggyback purchase authorized.

f) Consideration to adopt Budget Amendment 2008 #4, Service Garage; Budget Amendment 2008 #7, Parks & Recreation.

Finance Director Saleeby presented the budget amendments and reported amendment #4, Service Garage, represented additional funds for repairs due to the aging Sanitation Trucks, and amendment #7 represented additional funds for the Parks & Recreation Department, various funds as noted, due to under-budgeting.

Budget Amendments adopted.

“END CONSENT AGENDA”

6. CONSIDERATION TO ADOPT BUDGET AMENDMENT 2008 #5, TO BUDGET FUNDS FOR UNEMPLOYMENT CLAIMS.

Commissioner Collins said he would like to be excused from voting on this matter due to the fact he was a former employee.

Commissioner Gorman made a motion to excuse Commissioner Collins from voting. Commissioner Maynor seconded, and the motion carried unanimously.

Commissioner Luther asked if the Town did not pay unemployment taxes monthly or yearly. Mayor Dees said the Town had the option to do it monthly or as they have been paid out, and in this case the Town was doing it after they have been paid out.

Mr. Beeman said it was generally in arrears after the claims have been paid.

Commissioner Luther said it was her understanding that the Town could not budget for the insurance. Mr. Beeman said the Town did not participate in the insurance, and you have an option whether to do the percentage and participate or you can do it as your claims are approved and then pay accordingly. Mr. Beeman said it was all based on the unemployment of those individuals during the calendar year which was unknown during budget time.

In response to a question from Commissioner Warner, Mr. Beeman said this would only be paying for one employee.

Mayor Dees said there will be more in the future as claims come forward.

Commissioner Luther said from a business point of view, she thought the Town paid insurance to cover this.

Commissioner Luther made a motion to adopt Budget Amendment 2008 #5. Commissioner Gorman seconded, and the motion unanimously carried by those present and voting.

7. CONSIDERATION TO SET A SPECIAL MEETING (BOARD WORKSHOP) FOR MONDAY, JANUARY 14, 2008, BEGINNING AT 12:00 NOON, BOARD MEETING ROOM, TO DISCUSS COMMERCIAL SANITATION SERVICE, ANNEXATION, CAPITAL IMPROVEMENT PLAN, COLLECTION OF CIVIL CITATIONS, AND HOTEL/MOTEL OCCUPANCY TAX AND PREPARED FOOD TAX.

Mayor Dees stated these items had been discussed a number of times and he would like to arrange a time so that employees and others needed to be present could arrange to do so. He said after discussing this with Mr. Beeman and Mrs. Register they decided the earlier the Board could do this the better.

Commissioner Collins made a motion to approve the workshop. Commissioner Luther seconded, and the motion carried unanimously.

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Mayor Dees stated if there were any other items the Board would like to see added for discussion that would require some planning or expert knowledge to be present to let the Manager or Clerk know.

8. CONSIDERATION OF REQUEST FROM MRS. DARLENE BAIN CICERO MAXWELL REALTY CONCERNING SANITATION SERVICE FOR TIMBERLAKE APARTMENTS.

Mrs. Darlene Bain, representing Cicero Maxwell Realty, said she had appeared before the Board to discuss the same matter in July of 2007. She said after speaking with Mayor Dees on Friday, he said the Board was hoping to have a workshop to discuss commercial sanitation. Mrs. Bain said she had been working with this since May, 2006. She asked to be authorized to hire a private hauler using roll-out carts for the apartments. Mrs. Bain said she was never told that they could not use roll-out carts until she received a letter from Mr. Saleeby dated November 14th. She said her concern all along is that they pay too much for garbage fees, because they were being charged for the vacant units. She noted the other haulers do not charge for vacant units and that is why she is asking for this request.

Mrs. Bain said she would like the option to make her decision final so that she would not have to come back before the Board about this matter. She asked the Board to grant her request to have a private contractor.

Mayor Dees stated when the Board meets in the workshop it will discuss several options, one of which is whether to keep things the way they were, or to do away with commercial pick-up, or a sliding scale. He said they had worked out something which Mr. Saleeby and Mr. Beeman have looked at and will be presented at the workshop for the Board to consider. He noted that Mrs. Bain was asking for the right to make a decision once the Board has made its decision on whether she is going to stay with the Town or whether she will go out and get her own private collector for roll-outs. He said the Town Ordinance states she has the right to do that if she so chooses.

Commissioner Warner made a motion to authorize Mrs. Bain to contract with a private hauler for the Timberlake Apartments. Commissioner Collins seconded, and the motion carried unanimously.

In response to a question from Commissioner Luther, Mayor Dees said carts the private contractor uses will be different from the Town roll out carts.

9. CONSIDERATION OF MUNICIPAL INFLUENCE AREA (MIA) WAIVER REQUESTS FOR THE FOLLOWING CUMBERLAND COUNTY MATTERS:

- a) **Case No. 07-161. Crosswinds, Section Four, zero lot line subdivision review, located on both sides of Philodendron Drive and north of Heidleberg Drive, east of Legion Road, submitted by Mr. John Koenig.**

Mr. Ed Byrne, Cumberland County Planning, briefly explained the background of the Municipal Influence Area, and discussed the layout of the property. Mr. Byrne said the developer was requesting a waiver from the MIA standards for sidewalks and concrete curbs and gutters. He said the Town of Hope Mills staff has recommended denial of the requested waiver and is requesting that the development comply with their development standards.

In response to a question from Commissioner Gorman, Mr. Byrne stated if the Board wanted to it could negotiate with the developer on sidewalks on both sides of the street and without the curbs.

Mayor Dees said he had met with Mr. Koenig and they did express a strong desire to put sidewalks on both sides of the street and leave asphalt swells on the road and create a grass basin to help the stormwater run off between the sidewalk and the street.

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Mr. Richard Wiggins, representing Mr. John Koenig, said they met with Mayor Dees and went over development plans that were prepared by Harvey Allen Engineer for the project, and they were more than agreeable to put in sidewalks. He said the previous sections of Crosswinds do not have sidewalks and one section does have rolled curb and gutters, and the old section has plain streets with no curbs at all. Mr. Wiggins said in this section they will put in rolled asphalt curbs and storm sewer. He said in talking with Mr. Allen, an argument can be made that asphalt curb and gutter is superior to concrete so far as lasting is concerned. Mr. Wiggins said this subdivision will be starter homes ranging from \$125,000 to \$175,000, so they were requesting a waiver from the requirement that they put in concrete curb and gutters as opposed to asphalt.

Commissioner Warner stated these were going to be starter homes, and her inclination is telling her that this someday will also become rental property and she felt anything that they do that would lessen the value of the property is something the Board will have to look at. She said if on the front end we make it the price of the house, it will appreciate and also it is likely it would be more neighborhood friendly because of that. Commissioner Warner said the greater detail we should pay attention to is what makes it look better, safer, and more becoming so if someone would want to move in there 15 or 20 years from now. She noted some neighborhoods around here do not have those amenities and they are not as pleasant to the eye over time.

Mr. Wiggins said they were putting in sidewalks which he felt was the essential thing. He said concrete curb and gutters perhaps do look better, but in his opinion it is not more effective, rolled asphalt does the job just as effectively and cost less. Mr. Wiggins stated at some point in time the Town will be required to maintain these curbs, gutters, streets, sidewalks, and infrastructure.

Mayor Dees said he had talked to Ms. Melanie Clerkley, Stormwater Administrator, and asked her opinion on the drains, pending the plot maps and actually seeing the design, if the grass median between the asphalt and the sidewalks were done appropriately it would actually be better for drainage because of the area as the sand has a way to filter it and put it back into the natural scheme of things as a concrete storm drain would not.

In response to a question from Commissioner Gorman, Mr. Beeman said the grassy swells technique is becoming more effective because you are not concentrating the effluent from using the channeling of the curbing and guttering you are now allowing the grassy swells to utilize the sheet flow during stormwater run off. He said it is much more effective and desirable.

In response to a question from Commissioner Gorman, Mr. Beeman said River Bend, City of New Bern, some of the developments in Wake County surrounding Raleigh, and Raleigh Durham are also looking at some different avenues of their stormwater approach.

Mr. Byrne said the Town of Stedman was using a similar drainage process, and they are using the curb and gutter process to allow the sedimentation to settle in the natural areas.

Commissioner Luther made a motion to approve Case No# 07-161 to waive the concrete curb and gutters, contingent upon having the grassy swells that would handle the stormwater run off. Commissioner Collins seconded, and the motion carried unanimously.

- b) Case No. 70-195. Camden Woods, Section 3, zero lot line subdivision review, located at the south end of Fallberry Drive and on the south side of Camden Road, west of Waldos Beach Road.**

Mr. Ed Byrne, Cumberland County Planning, said this was the third phase of the subdivision which was approved in 2003 with a total of 27 lots on 17.43 acres. He said the property was located at the south end of Fallberry Drive and on the south side of Camden Road, west of Waldos Beach Road. He said the developer was proposing a subdivision

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which was located in the Hope Mills Municipal Influence Area and is subject to the standards of the Town.

In response to a question from Mayor Dees, Mr. Byrne said it would be a total of 27 lots on 17.43 acres.

In response to a question from Commissioner Collins, Mr. Gore said they were not asking for a second entrance and it was really not a practical way for a second entrance. He said they were actually tying into an existing stub street that was required to be put in during the original phase of the development.

Commissioner Collins expressed concerns with the Fire Department having enough space to maneuver their vehicles. Mr. Gore said there will be enough and it would be constructed to the NCDOT standards.

In response to a question from Commissioner Collins, Fire Chief Chuck Hodges said he had reviewed site plan and did a visual of the area and determined fire equipment was able to maneuver fine on the existing street.

In response to a question from Mayor Dees, Mr. Gore said they would be willing to negotiate on some of the waiver requests.

In response to a question from Commissioner Gorman, Mr. Gore said the subdivision streets would be developed to the same standard as phase one.

Commissioner Gorman made a motion to grant the wavier on the gutters, curbing, entrance, but not on the sidewalks. Commissioner Collins seconded, and the motion carried unanimously.

10. CASE NO. 07-202. CONSIDERATION OF C(P) SITE PLAN REVIEW FOR CICI'S PIZZA, LOCATED ON THE NORTH SIDE OF CAMDEN ROAD, WEST OF HOPE MILLS ROAD.

Mr. Ed Byrne, Cumberland County Planning Department, displayed a map of the subject property. Mr. Byrne stated the developer was proposing a strip shopping center with restaurant on a lot containing 1.74 acres located on the north side of Camden Road. He noted the property had been through subdivision review processes. Mr. Byrne said they only had one main concern that was suggested to the developer was the lateral access.

Mayor Dees asked if the site plan met all of the requirements such as parking. Mr. Byrne stated yes, and there was only one concern which was lateral access to MiCasita's Restaurant and suggested the developer talk to the owners of MiCasita's Restaurant about doing so.

In response to a question from Mayor Dees, Mr. Byrne stated there was room for fire trucks to maneuver on the property.

Commissioner Gorman expressed concerns with No. 14 on the Conditions of Approval which strongly recommends the installation of an additional entrance.

In response to a question from Commissioner Gorman, Mr. Byrne said the two entrance ways would have to come from the Department of Transportation if they will grant them two entrance ways.

In response to a question from Mayor Dees, the developer said they went to DOT and asked for two entrances and was denied.

Commissioner Maynor expressed concerns with the lateral access and the traffic situation in Town and on Camden Road and said he strongly supported the lateral access.

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Commissioner Collins made a motion to approve Case No. 07-202 subject to conditions. Commissioner Luther seconded, and the motion carried unanimously.

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and permits required to place any structure within this development from the Hope Mills Inspections Department in the Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Hope Mills Inspector.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Town Inspector at the time of application for building/zoning permits.
3. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land,
Is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Stormwater Department, Town of Hope Mills. Prior to the issuance of any permits for this site, evidence must be provided to Town Inspector indicating that compliance with these regulations has been achieved.
4. The developer must provide the Hope Mills Inspections Department with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by the County Planning Staff prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to the Town Inspector at the time of application for any building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. Landscaping must be provided as shown on the site plan. Three copies of a revised site plan depicting the landscaping as required below must be submitted to Land Use Codes, County Planning Staff. The following are the minimum standards for the required landscaping of this site:
 - a. Five large shade trees or 16 flowering or ornamental trees and 33 shrubs within the six foot wide street yard. **(The required shrubs must be located within the six foot planting area);**
 - b. Eight trees and 46 shrubs are required within the parking area. **(Note: A minimum of one half of the trees must be of a shade/canopy species.)**

In addition:

- a. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs;
 - b. All planting areas shall be kept free of weeds and debris.
 - c. Prior to clearing and/or removing any tree regulated by the Town's Landscape and Tree Preservation provisions, the developer must first obtain a tree removal permit from the Town's Inspections Department.
7. The building final inspection cannot be accomplished until a Town Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with, as applicable.
9. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
10. This conditional approval is not approval of the permit for the freestanding sign. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article X of the Hope Mills Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size or shape of any signs.)
11. Sidewalks, meeting the American with Disabilities Act (ADA) standards, must be constructed along SR 1003 (Camden Road) in accordance with the standards of the Town of Hope Mills, Section 86-122(g), Hope Mills Subdivision Ordinance. The Town's Street Department must approve all sidewalk plans.

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12. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* good engineering practices and the standards of the Town, and all drainage ways must be kept clean and free of debris with the standards of the Town of Hope Mills, Section 86-122(f), Hope Mills Subdivision Ordinance.

13. The developer should consider placing a fire hydrant on the site side of SR 1003 (Camden Road) so that in the event of an emergency, traffic movement along the state road would not be completely blocked.

14. The Hope Mills Fire Department strongly recommends the installation of an additional entrance, possibly even with the developer negotiating with the adjacent property owner, connecting the parking lots by means of lateral access; thus assuring both sites of a secondary access in the event that the primary becomes blocked.

15. The Hope Mills Fire Department recommends that the building suites be addressed for each individual tenant in large conspicuous numbers that can be identified from the state road.

16. The Hope Mills Fire Department requires 360-degree unimpeded access around all structures. The property owner is to ensure that rear access roadways are clear of vehicles, debris, etc.

17. All utilities, except for 25kv or greater electrical lines, must be located underground.

18. The Hope Mills Fire Department highly recommends the installation of a commercial sprinkler system for the protection of customers and property. This may still be applicable depending on occupancy load.

19. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT) and the Town of Hope Mills. A copy of the approved driveway permit must be provided to Town Inspectors at the time of application for building/zoning permits.

20. Turn lanes may be required by the NC Department of Transportation (NCDOT) and/or the Town of Hope Mills.

21. Fire extinguishers of appropriate size and type must be installed in each tenant space.

22. All lighting is required to be directed internally within this development.

23. Buffer yards must be provided and maintained along the R10 residential property lines in accordance with the provisions of Section 102-432, Hope Mills Zoning Ordinance.

24. All dumpster pads located on a four inch thick 12' x 12' concrete slab and fenced on a minimum of three sides, garbage and utility areas must be screened.

25. All required off-street parking spaces shall be a minimum of 8-1/2' x 20'. A minimum of 50 off-street parking spaces is required for this development. Parking should be arranged as to provide aerial device set up and operation (17 foot outrigger spread and still allow fire apparatus to move freely around committed apparatus.

26. Off-street parking and drives should be constructed as to allow fire apparatus to turn in one motion and move freely even when the parking spaces occupied.

27. A minimum of one off-street loading spaces(s), measuring 12' x 25' (with 14' overhead clearance) shall be provided for this development.

Advisories:

28. The applicant is advised to consult an expert on wetlands before proceeding with any development.

29. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

11. CASE NO. 07-207. CONSIDERATION OF C(P) SITE PLAN & ZERO LOT LINE SUBDIVISION REVIEW, ELMWOOD CROSSING, LOCATED AT THE NORTHEAST QUADRANT HOPE MILLS ROAD AND GEORGE OWEN ROAD, WEST OF JOHN SMITH ROAD.

Mr. Ed Byrne, Cumberland County Planning, displayed a map of the subject property and stated this case had been presented to the Board in October, 2007. He said the

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property was located at the northeast quadrant of Hope Mills Road and George Owen Road and the west side of John Smith Road. He stated the developer was proposing a commercial strip shopping center with three out parcels on a total 7.54 acres. He stated the three out parcels will be required to be submitted for a separate site plan approval prior to development of the out parcels.

Mr. Byrne stated the property has 512 feet of road frontage along Hope Mills Road, 785 feet of road frontage along George Owen Road and 390 feet of road frontage along John Smith Road.

Mr. Byrne said the development was previously approved by the Board on October 16, 2007 for a strip shopping center with a future expansion area and two out parcels. He said the developer re-submitted this development in order to divide the future expansion area into what is now referred to as "Outparcel C" and an undevelopable lot" intended to be used as a stormwater retention pond. Mr. Byrne said the developer has also revised both of the entrance drives to meet the NCDOT requirements.

In response to a question from Commissioner Luther, Mr. Byrne stated the entranceway for the strip shopping center actually has an access from George Owen Road behind the strip shopping center back out to Hope Mills Road and it has to meet the requirements of the Fire Code.

Commissioner Gorman asked if there will be two entrances to the shops, and Mr. Byrne responded one off of Hope Mills Road and one off of George Owen Road.

Fire Chief Chuck Hodges said according to the map that he has, both entrances are 36 feet and the town ordinance calls for 44 feet.

Mr. Byrne said the reason they were asking for the 36 feet is because NCDOT would not allow a 40 foot entrance because their maximum for entrance way is 36 feet.

In response to a question from Commissioner Collins, Fire Chief Hodges stated the only entrance that would be accessible during their approach is the Hope Mills Road entrance. He said to use the George Owen Road entrance they would have to go down and turn around and come back up. Chief Hodges said he was concerned with the one entrance in and out from parcel C.

Mr. Jeff Noble, Larry King & Associates, said the development is not finalized, but the mini storage is intended to be sprinkled and with a drive access around the building and it would be gated. He said there may be some requirements for access from the Fire Department to get through the gates.

Commissioner Gorman expressed concerns with the building having sprinklers. Mr. Noble said it was his understanding the building will have a sprinkler and complete access all the way around the site.

Commissioner Luther asked if there was any way to negotiate with the state to change the width of the entrance from 36 feet to 40 feet. Mr. Byrne stated with Town streets you have an option of the width of the entrance.

In response to a question from Commissioner Maynor, Mr. Noble said there will be access all around the building.

Commissioner Luther expressed concerns with getting the fire equipment around the back of the strip shopping mall.

Mr. Byrne said access around the building was approved in October.

Commissioner Maynor made a motion to approve Case No. 07-207 subject to conditions. Commissioner Gorman seconded the motion.

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Commissioner Warner stated she would abstain from voting, and said it was still not clear to her what was going to be in the out parcels. She said whatever goes there might put more cars in the parking lot, and the unknown is what worries her about things such as this when you do not know what is going in the other spots. Commissioner Warner said her issue is the unknown, because we would have to accept whatever they wanted to do based on what is already there.

Commissioner Maynor said he was under the assumption that this had already been reviewed back in October by the previous Board.

Commissioner Luther said she had expressed the same concerns at that time also.

Commissioner Warner said she was at that meeting, and again what she thought about was the unknown and what will be in the other spots.

Mr. Byrne said you will never know on out parcels such as that because they can be built years down the road sometimes.

Commissioner Warner said that is not what she had experienced in the development around here.

Mr. Byrne said out parcels are designed with internal access based on the overall shopping center which is what should be a concern.

Commissioner Warner said her concern is whatever is put there, the amount of parking that would be required, and that would entail more vehicles. She remarked as you see now there is no way you will be able to get in between, depending upon what is built in the front lot.

Mr. Byrne stated the individual lots parking for parcels 1, 2, and 3 have to meet the regulation for their own lots. He said they did not have a requirement to use the parking lot the shopping center itself. He said what was shown is what is required for a shopping center and when parcel one was developed it had to have approved parking for that lot.

Commissioner Warner said the Board should consider planning for the whole area, because she felt it would help Hope Mills.

The vote on the matter carried unanimously by those present and voting.

Mayor Dees noted an abstention from voting would be recorded as an affirmative vote.

This conditional approval is addressing the addition of Outparcel "C" and the change to the both entrance drives per the requirements of NC Department of Transportation (NCDOT); all applicable conditions from Case: 07-160 still apply.

Permit-Related:

- a. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and permits required to place any structure within this development from the Hope Mills Inspections Department in the Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Hope Mills Inspector.
- b. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Town Inspector at the time of application for building/zoning permits.
- c. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land, is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Stormwater Department, Town of Hope Mills. Prior to

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the issuance of any permits for this site, evidence must be provided to Town Inspector indicating that compliance with these regulations has been achieved.

- d. The developer must provide the Hope Mills Inspections Department with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by the County Planning Staff prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to the Town Inspector at the time of application for any building/zoning permits.
- e. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- f. The building final inspection cannot be accomplished until a Town Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

- g. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with, as applicable.
- h. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
- i. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices*, the provisions of the Town (Section 86-122(f), Hope Mills Subdivision Ordinance) and all drainage ways must be kept clean and free of debris.
- j. All utilities, except for 25kv or greater electrical lines, must be located underground.
- k. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
- l. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
- m. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT) and the Town of Hope Mills. A copy of the approved driveway permit must be provided to Town Inspectors at the time of application for building/zoning permits. Note: The NCDOT has set the maximum driveway width at 36 feet.
- n. Turn lanes may be required by the NC Department of Transportation (NCDOT) and/or the Town of Hope Mills.
- o. All lots within this development are required to be served by an internal drive system.
- p. Site plan review and approval is required for each outparcel prior to application for any permits.

Plat-Related:

- q. The developer is required to submit to Land Use Codes, three (3) copies of the legal documents specifically designating responsibility for the maintenance and upkeep of the detention pond and all storm water control systems and all private drives through an owners' association for this development. These documents must be approved by the Town Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development. (Note: The lots and outparcels in previously approved Case: 07-160 must be included in the legal documents prior to the final approval of those lots.)
- r. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
- s. All lots within this development must be served by an internal drive system and a "no access" easement must be reflected on the final plat along NC Hwy 59 (Hope Mills Road) on Outparcels A & B; along SR 1133 (George Owen Road) on Outparcel B & C; and along SR 1135 (John Smith Road) on Outparcel C, except where any approved drive from NCDOT will be located at.
- t. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.

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- u. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
- v. The final plat must be submitted to Land Use Codes then submitted to the Town for review and approval for recording with the County Register of Deeds and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

- w. All structures must be shown on the final plat or the final plat must reflect the following statement:

“Nonconforming structures have not been created by this subdivision.”

Advisories:

- x. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- y. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

12. CONSIDERATION TO APPROVE ESTABLISHMENT OF A STORMWATER ADVISORY COMMITTEE AND QUALITY OF LIFE COMMITTEE, AND APPROVE APPLICATION FOR TOWN COMMITTEES, BOARDS, AND APPOINTMENTS.

Commissioner Gorman said he had heard some concerns with the Quality of Life Committee and asked the Mayor to explain the Quality of Life Committee.

Mayor Dees said he had researched this, and it was not to take away from the Appearance Committee, Parks and Recreation, and none of the other committees. He said the Quality of Life Committee was more about identifying, analyzing and providing suggested solutions for quality of life issues; walkable communities, health and welfare, education issues, preservation of trees, transportation, etc.

Commissioner Gorman made a motion to adopt the Stormwater Advisory Committee and the Quality of Life Committee, and approve the application for Town Committees, Boards, and Appointments as written. Commissioner Luther seconded, and the motion carried unanimously.

13. CONSIDERATION OF VARIOUS APPOINTMENTS.

Mayor Dees asked the Board to refer to the information in the agenda and said those are the appointments that the Board makes to other agencies. He stated Mrs. Register typed the current list of who is serving on the committees and left blank the ones for anyone who is interested in serving in capacities on those committees. Mayor Dees said the only one that he felt needed immediate appointment was the Audit Committee and the Finance Committee, because prior to the January 7th meeting, the auditors will meet with the Audit Committee and Finance Committee to present the audit so that they can present it to the Board at the January 7th meeting. He said Commissioners Gorman and Luther had expressed an interest in serving on these committees. Mayor Dees said Commissioner Luther has agreed to take the spot that had been vacated by Mr. Terry Smith. Mayor Dees said if anyone has a question on the appointments and what they do to let him or Mrs. Register know.

In response to a question from Commissioner Collins, Mayor Dees stated the Board would have to vote on the committees tonight because they will not meet before the next Board meeting.

Commissioner Collins made a motion to appoint Commissioner Luther and Commissioner Gorman on the Audit and Finance Committees. Commissioner Maynor seconded, and the motion carried unanimously.

14. CONSIDERATION / DISCUSSION OF TENTATIVE DATES FOR FOLLOWING EVENTS AND FEE WAIVERS:

a) Heath Hardin Memorial Pow Wow Celebration (Friday, Saturday & Sunday, January 11-13, 2008).

Mayor Dees said Ms. Sandra Whitmore made a presentation to the Board to ask for permission to have a Memorial Pow Wow Celebration Health Fair combination in memory of Heath Hardin. He said the Board gave Ms. Whitmore permission to do so, but they did not have the dates at that time. Mayor Dees said he had learned Ms. Whitmore was requesting two different dates. On January 12th she would like to do a benefit walk using the walking trail and a benefit dinner in the Recreation Center where she would serve plates and the money was going to purchase defibrillators for the Police and Fire Departments.

Mayor Dees said Ms. Whitmore would also like to have a Pow Wow Health Fair on February 8th and 9th. He stated she planned to have a Native American Tribute and Native American Village with ceremonial dances in memory of Heath Hardin.

Commissioner Warner made a motion to approve both events, dates January 12th and February 8th and 9th and fee waivers. Commissioner Luther seconded, and the motion carried unanimously.

b) Salute to Sgt. Heath Hardin Pro-Wrestling Benefit (Saturday, January 19, 2008).

Mayor Dees said Eddie McKoy, former Hope Mills police officer, Event Coordinator, was not present and there were several questions on the event. He said it was suggested a donation of \$5.00 and that the money will be split among the wrestling group that is promoting it, the Town Recreation Center for expenses, and the Hardin Family. Mayor Dees said he had three questions: 1) who will be collecting the money; 2) what percentage of the money is going where; 3) if it is a TV taping is television paying for the rights to tape this and broadcast if so that money was not addressed. He said there is also a question about concessions, can we sell concessions, are they going to be selling concessions, and who gets that money. He said there were a lot of questions that no one really knows and his concerns are the flyers have already been posted all over Town and this has never been brought before the Board.

Mayor Dees suggested either the Board not approve the event, or approve the event with the fee waiver. Mayor Dees said it was his opinion more information was needed on this matter.

In response to a question from Commissioner Warner, Mayor Dees said he was not sure who was responsible for the flyers, but they assumed it was Mr. McKoy or Nite-Tyme Entertainment Pro-Wrestling.

Commissioner Luther asked how do you approve something you know nothing about.

Commissioner Collins said he talked to Mr. McKoy in October, and Mr. McKoy told him he had talked to one of the employees at the Recreation Center and they had not gotten back with him. Commissioner Collins said he told Mr. McKoy he would call the employee for him, which he did, and Mr. McKoy said he would be meeting with the employee which he did, and the next thing he heard about this was last Thursday when he received a flyer. Commissioner Collins said it was brought to his attention no one discussed it with the staff, therefore, he thought the Board should table this until the next Board meeting.

Commissioner Collins made a motion to table the matter until the January 7th meeting.

Commissioner Collins said he would personally contact Mr. McKoy and have him get up with Mr. Bullock.

Commissioner Gorman said he felt the Board would do anything in the world for the Hardin Family, but with all the uncertainties, felt it would be best at this time to table the matter for more information. He said the flyer states proceeds of the benefit will go to the Hardin family and we all support that.

Commissioner Collins said he concurred with Commissioner Gorman.

Commissioner Maynor expressed concerns, and said he had served as the Chief of all the Native Americans living in the county. He said by the sponsor not following proper protocol and getting Board approval, thought it would be wise for the Board as the motion stated to table the matter. Additionally, he said he would like to know if there has been any contact between Mr. McKoy and the Hardin Family on what the intentions were.

The vote on the motion carried unanimously.

c) Authorize use of Town facility for Census Dress Rehearsal.

Mayor Dees said Ms. Mona Perryman met with him and Mr. Beeman and expressed the desire to use one of the rooms in the Recreation Center three days in January, 7th, 14th and 21st for a period of two to four hours, and the last week in February, 25th, 26th, 27th, 28th, and 29th for training and for testing for those who will be working with the census in the 2010 dress rehearsal that will take place in 2008. He said they will be hiring Census Takers, Census Crew Leaders, Recruiting Assistant, and Census Clerk.

Commissioner Warner made a motion to waive the fees and approve the request.

Commissioner Warner said she was very familiar with the program, and it was good for our community as these were short term employments but very helpful for people that needed employment. She said this would be opportunities for college kids, moms, and having it here at this facility they can take the test and be interviewed.

Commissioner Collins seconded, and the motion carried unanimously.

15. OLD BUSINESS:

Commissioner Maynor said on the Memorial for Heath Hardin flyer it has pro-wrestling and TV, what came to his mind was has Mr. McKoy signed a contract, and if so, was anyone going to be out of a lot of money. He said maybe the Board could call a special meeting or have a telephone consensus if necessary.

Commissioner Warner commented if Mr. McKoy has the plans in place, she did not think it would be a problem on January 7th so if the Board tells him what is needed, he can continue. She stated basically the Board did not have a lot of information on this event at this time.

16. INFORMATION ITEMS.

- a) Sanitation Department November, 2007 report.
- b) Parks & Recreation November, 2007 reports.
- c) Inspections Department November, 2007 report.
- d) Fire Department November, 2007 report.

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Mayor Dees stated the information items were noted in the agenda packets.

Commissioner Maynor said they were very good reports and it looks like they have been very busy.

17. STAFF COMMENTS.

Mrs. Register wished everyone a very Merry Christmas.

Attorney Davis wished everyone a Merry Christmas and a Happy New Year.

18. OFFICIAL COMMENTS.

Commissioner Luther commented as follows:

1. Stated she was glad everyone came out to the meeting and this was the first meeting with the new Board and everything had gone really smoothly.
2. Wished everyone a Merry Christmas and a Happy New Year.

Commissioner Maynor commented as follows:

1. Thanked everyone for attending the meeting.
2. Wished everyone a very Merry Christmas and a very prosperous New Year.
3. Stated he was glad to back on the Board and was looking forward to working and serving the Town, and we look for great things for Hope Mills.

Commissioner Gorman commented as follows:

1. Congratulated Firefighter Luke Flatebo and Police Captain John Smith on their awards.
2. Asked Mr. Beeman if he would look into the ordinance about the concrete curbing, hopefully to be addressed in January.
3. Stated he wanted to know the status of the Fire Department roof leak and the cracked apron.

Mr. Beeman said he was wanting to acquire professional services of someone, and staff was in the process of providing that information. He said they wanted to get this into the CIP process as well.

4. Stated he appreciated everyone coming out tonight.
5. Wished everyone a Merry Christmas.

Commissioner Warner commented as follows:

1. Wished everyone a Merry Christmas.
2. Stated she felt it was very important that we do have the opportunity to be a part of a community meeting, but also the opportunity to say Merry Christmas. She said family, home, community and this country were established on Faith in God.
3. Stated she was excited to be on the Board.

Commissioner Collins commented as follows:

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1. Thanked Rev. Willis Mitchell for the invocation.
2. Stated we need to keep the Kemp family in our prayers and thoughts, and said Johnny was a good employee with the Town.
3. Thanked the VFW for what they had done for the Firemen and Law Enforcement awards.
4. Congratulated Captain Smith and Fireman Flatebo on their awards.
5. Wished everyone a Merry Christmas and a Happy New Year.

Mayor Dees commented as follows:

1. Thanked everyone for attending the meeting.
2. Expressed condolences to the Kemp family and said he was a valued employee of the Town for many years. He said our prayers are with the family.
3. Thanked the VFW for the awards.
4. Congratulated Firefighter Flatebo and Captain John Smith of the Police Department.
5. Stated the County Commissioners would be voting tonight to have a bridge on the Hope Mills Bypass named for Heath Hardin.
6. Reminded the Board that January 7th the Town will host a Clean Water Initiative luncheon.
7. Stated Mark Hedgepeth will meet with the Board on January 7th to present the 2006-2007 audit report.
8. Read the Appearance Committee 2007 Christmas Decoration winners; residential winner Wayne & Joyce Horne, 5425 Thompson Circle; business winner, Hamilton Porter Funeral Home, 5483 Trade Street.
9. Reminded the Board to get with Mrs. Register on the Essentials of Municipal Government Classes for Elected Officials.
10. Thanked the Board and said this was a 120 plus page agenda with the addendum.
11. Wished everyone a Merry Christmas.
12. Reminded everyone of the next Board Meeting on January 7th at 7:30 p.m.

19. ADJOURNMENT.

At 9:16 p.m, upon a motion by Commissioner Luther, seconded by Commissioner Warner and unanimously carried, the meeting was adjourned.

EDDIE DEES, MAYOR

ATTEST:

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Phyllis C. Register, MMC, Town Clerk