

REGULAR MEETING, MONDAY, DECEMBER 3, 2007

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

Others present were Town Manager Randy Beeman, Town Attorney William R. Davis, Deputy Clerk Natasha McCants, Police Chief John Hodges, Human Resources Administrator Kimberly Lockamy, Finance Director Jeff Saleeby, Chief Building Inspector Mike Bailey, Fire Chief Chuck Hodges, Maxey Dove representing the Parks and Recreation Department, and Street Department Supervisor Ira Peterson.

Commissioner Smith led the Pledge of Allegiance.

**1. AGENDA ADJUSTMENTS, ADDITIONS, DELETIONS.**

Mayor Dees presented the agenda and asked if there were any additions or deletions that need to be made, and there were none.

**2. STATUS REPORT ON THE HOPE MILLS LAKE/DAM PROJECT.**

Mayor Dees said he attended the monthly meeting last week and reported the following: completed installation of the east sheet-pilings; completed demolition of east side existing structure and removed existing diversion berm; diverted water for Phase II construction; clear, grub and haul remainder of dam area; install concrete wall at existing sluice entrance; started fine grading; started installation of rip rap on the southeast slope; started installation of PVC sheeting; began installing temporary Phase II sediment basin sheeting and cutoff wall; installed spillway slab; and temporary seeding on the west side until such time as sheeting is removed.

Mayor Dees said that Crowder was slightly behind on the overall schedule due to rain and flood event, however, there are activities that Crowder intends to run concurrent and reduce the overall duration of the schedule. He noted in the next 30 days their focus will be on completing the stream reroute diversion channel and begin concrete footers, complete the vinyl sheeting, begin wall construction, complete sheeting temporary sediment basin, and complete the H-piling. He said also in the next 60 days their focus will be to install drainage blanket and increase production on placement of concrete; begin dam wall construction; continue placement of walls and footer; and backfill the counter -four walls.

Mayor Dees opened the floor for public comments.

Dr. James Williams, President of The Friends of Hope Mills Lake, thanked the Board on behalf of the Board of Directors, the Friends of Hope Mills Lake, and its 780 members for what the Board had done to get this project going. He stated before they came on board the whole Town was living in frustration of not having movement on the this project. He said during their tenure on the Board we have seen the spillway construction get underway because of the actions of the Board and what town management has done. Dr. Williams said they were expressing their appreciation for all the work the Board has done. He said they certainly hoped they will have a good relationship with the upcoming Board, because this is such a vital part of the Town.

Mr. Michael Mitchell, 5411 Thompson Circle, current Treasurer for the Hope Mills Chamber of Commerce and former Treasurer for The Friends of Hope Mills Lake, said he would like to congratulate the Mayor and the current Board for the hard work and diligence in getting the audits up to date which allowed the Town to move forward on the lake project and many other things. He said he hopes the new Board will also keep fiscal matters a number one priority.

**3. PUBLIC COMMENTS.**

There were none.

**4. CONSIDERATION TO APPROVE THE MINUTES OF THE NOVEMBER 19, 2007**

**REGULAR MEETING.**

Commissioner Gorman made a motion to approve the minutes of the November 19, 2007 regular meeting as written. Commissioner Luther seconded, and the motion carried unanimously.

**5. PUBLIC HEARING: CASE NO. P07-82. CONSIDERATION OF REQUEST FOR A SPECIAL USE PERMIT TO ALLOW 32 MULTI-FAMILY DWELLINGS (TOWNHOMES) IN A R10 RESIDENTIAL DISTRICT, ON A 5.5 ACRE PORTION OF A 14.39 ACRE TRACT, LOCATED ON BOTH SIDES OF HACKBERRY DRIVE, NORTH OF STREETER DRIVE, PROPERTY OF GHM GROUP, LLC.**

Ed Byrne, Cumberland County Planning Department, displayed a map of the subject property and noted that this was a request for a Special Use Permit to allow 32 multi-family dwellings (townhomes). He stated this was a 5.5 acre portion of a 14.39 acre tract. Mr. Byrne said the property was zoned R10 Residential District, and briefly explained the land uses of the property and displayed photos of the subject property and the original proposed site plan.

Mr. Byrne said that during the review process, Planning staff realized that there were some changes that were necessary for the development and requested a revised site plan, which was submitted, but not in time to be advertised before going to the Zoning Board. Mr. Byrne stated the Hope Mills Zoning Board did hear the case and a public hearing was held and with staff recommendation the Board tabled the matter until the December 10<sup>th</sup> meeting. Mr. Byrne said the Planning staff was asking the Board of Commissioners to table this case until the next Board meeting on December 17<sup>th</sup>.

In response to a question from Commissioner Legge, Mr. Byrne stated the property from Hackberry Drive to the east was approximately 689.98 feet and from Hackberry Drive to the west was 441.31 feet and the width across from the northern and southern sides is 212 feet wide.

Commissioner Legge expressed concerns with emergency vehicles being able to enter the property. Mr. Byrne briefly reviewed the changes the Planning Board requested.

Commissioner Legge stated rearranging the buildings was still not going to take the impact off the area, and Mr. Byrne said it would not.

At 7:42 p.m., Mayor Dees opened the public hearing and asked if there was anyone to speak in opposition to the matter. Mayor Dees said in the interest of time if everyone here does not have time to speak and they are being represented by several spokespersons, the Board will have some idea on how many people are present in opposition.

Mr. Louis Orban, 6414 Streeter Drive, said he has been a resident of Hope Mills for 10 years and they have been very happy living in South Hampton. He said this was a diverse community made up of African Americans, Whites, Hispanics, Latino's and others. Mr. Orban said they have gotten along well and the community has sustained itself and it is a great deal of pride in their single family homes. Mr. Orban said he went to the website and read a message from the Mayor that said "Even though we are one of the fastest growing towns in the state of North Carolina, we are proud that we have retained the simple pleasures and family atmosphere of small town life. It has a strong sense of community and spirit and he was born and raised here and I have a tremendous pride in the area and its residents". Mr. Orban said the residents looked at this project and they felt this request for rezoning is a mockery of those words. He said this project was totally out of context with the single family dwellings that surround it, and will reduce the property values. He said there are real estate professionals that live in the area that say without a doubt this will have a negative impact on our community.

Mr. Orban said the GHM Group, which he calls the shadow people because no one

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knows who they are. They are investors and to speculations they are from out of town. He said these folks are only interested in making money and taking that money and leaving town, and they are going to leave the problems that this project will create to the Town and the citizens. Mr. Orban said there will be problems like traffic, crime, the need for more police and fire protection, over crowded schools, and deteriorating streets. He said we are still experiencing drought and there will be water quality issues if we continue to pour people into this area. Mr. Orban said the investors will do everything they can to recoup their investment regardless of the impact on the community, they do not care and they do not live here. He said this was an example of greed by trying to shoehorn as many as he calls it apartment construction into a small space as possible, and is an example of urban sprawl. The Fayetteville Observer has called this type of project a concrete and asphalt jungle in the midst of conventional houses. Mr. Orban said these were low-end, and lacked any amenities such as, swimming facilities, fitness facilities, club house, nor any covered parking. He said all they will have is lines drawn in the streets that is all they can do in terms of shoe-horning the project. He said we read everyday in the newspaper that the housing market in this country has severe problems and it is affecting the total economy of this country.

Mr. Orban said with reduced home prices, sales, foreclosures, and banks that are tightening their financial requirements, this is apartment construction and has high potential for becoming rentals. Mr. Orban said if the Commissioners give approval, the developers can do anything they want regardless of what is told to the Town initially. He said the Commissioners will lose control and no longer have a say as they do with single family housing. He stated people who live in this type of construction have no pride or since of ownership, they move in and out frequently, and have little respect for property. He stated typically the area is not maintained properly and becomes less desirable.

Mr. Orban said people are talking about BRAC coming and how people are going to need housing, and they will be looking for high-end development, not development of this kind. He remarked in fact projects like this will detract from the quality of life and may force these people to seek locations elsewhere, Hoke County, Moore County, to find a place that may maintain a better quality of life than this project can maintain. Mr. Orban said he has seen the site plan for the project and it appears that it will take every tree away from this small piece of land in order to get everything in there and the Town only requires that it put in minimum landscaping and all the greenspace will be gone. He said these four to six units will backup to within ten yards of the current residents in South Hampton and he is distressed to say there is no consideration for noise barrier, no buffer zone, and they will be looking directly into the back of these huge buildings. Mr. Orban briefly discussed the layout, rezoning of the property, traffic and safety of the children, and crime which would come with this project. Mr. Orban display a newspaper headline which said "Crime plagues rental property" and said this was not Los Angeles, Boston, New York, or Philadelphia, this was last weeks Fayetteville Observer, our local hometown newspaper. He stated the article said they had done a survey of crime in the apartment type complexes in Fayetteville, and there were major crimes of murder, rape, burglary, vandalism in major rental apartments. He said the crime rate for those major crime are higher than in public housing projects.

Mr. Orban said they were asking the Board to keep this single family housing, if the developer cannot make it on that, why should we bend over backwards to accept their problems. He stated if this project was coming to your back yard, the single family homes that they live in, is this a project you would want in your back door, is this a project you would want in your community.

Mr. Raymond Fabo, 6318 Streeter Drive, presented to the Board a petition with 140 signatures from the residents of Village Green, Timberlake, and South Hampton at Timberlake Subdivisions. He said all they wanted was to keep the area single family dwellings.

Mr. Jessie Bellflowers, 3819 Sturbridge Drive, addressed the Board about the traffic in the South Hampton and Timberlake Subdivisions. He said when South Hampton was

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first put in it added a tremendous amount of traffic to an already very busy residential area. He said when he looks at this project he see 32 townhouses, 32 to 64 cars that will add to the traffic congestion that is already there in the Timberlake, Village Green and South Hampton. He said he was asking the Board to give this matter serious thought and that the community that they live in stay single home dwellings.

Mrs. Sue Nicholson, 6210 Street Drive, said they were a very diverse community and they have pulled together in spite of differences to make community they believe in, just as you believe in the Town of Hope Mills, and they want to take that belief and spread it throughout the Town. She said there are safety issues she wanted to enforce, children are walking to school because they are within walking distances of schools, and there is no supervision for them and we do not need any more traffic, we do not need the additional children in the schools because they are already in pre-fab buildings.

Mrs. Nicholson said they have chosen to be in Hope Mills, and she came to Hope Mills in 1980 as an Airman, and she chose Hope Mills to come back to when she retired because of what the Town promotes. She said they did not want the hometown feeling taken away when there are townhomes built within ten yards of their back fence of homes they have invested in and you have your privacy fence, you have everything you have worked for in your life time and then there is a visual invasion of the people on the second floor of the townhomes looking down to see everything you are doing every night and every day.

Mrs. Nicholson said that was not what hometown America and hometown Hope Mills is asking for, and that is not what they are asking from the Board, they are asking for the invested community they have from Timberlake, Village Green to South Hampton to remain exactly what it is, one that we can be proud of, one that we feel safe in, and one that we know our children can walk the streets and know that they are going to come home everyday. She stated also living up to our dreams and turning down the Special Use Permit would do exactly that and she hoped the Board would support them in that manner.

Mayor Dees stated it was safe to say there were a lot of people present who opposed this case and it was duly noted, and the Board was sorry they were going to have to limit the comments.

Mayor Dees asked if there was anyone to speak in favor of the matter, and there were none and the public hearing was closed.

Mayor Dees noted the Zoning Board had recommended to table this case, but there will not be another public hearing and everyone that needed to hear what was said was here tonight. He said they will take all the comments and the show of support against the proposal into consideration.

**Commissioner Luther made a motion to table Case No. P07-82 until the December 17<sup>th</sup> meeting. Commissioner Gorman seconded the motion.**

Commissioner Legge said they had a petition with 140 signatures of people who lived in the Town, and we are talking about destroying their quality of life. He said the Board has talked about the quality of life and how we are going to improve it, how can we improve the quality of life when we destroy our greenery, which will affect our stormwater runoff. Commissioner Legge stated he has a problem with this, and there is no infrastructure in place for schools, roads, traffic signals, and he personally has a problem with it and he did not see why it has to come back to the Board regardless of what the Zoning Board decides, because he think is just a bad idea.

In response to a question from Commissioner Luther, Mayor Dees said he did not think it had to go before the Zoning Board, and he thought they would understand since they have heard the public hearing as well. Mayor Dees noted that some of the Zoning Board members were present tonight.

**Commissioner Luther said if it did not go against the Town Ordinances, she would withdraw her motion, and Commissioner Gorman concurred.**

**Commissioner Luther made a motion to deny Case No. P07-82, and Commissioner Collins seconded the motion.**

Commissioner Smith said he concurred with everything and he did not want it to go back to the Zoning Board, and he was glad Commissioner Legge made his statement on the matter.

Commissioner Collins said he agreed with everything that was said and the people had spoken tonight.

**The vote on the motion was unanimously carried.**

Commissioner Luther said the audience is what makes the Town, and the Town needed volunteers and the Board cannot do everything alone. She said they needed the whole Town working together, so she hoped some of the citizens will come by the office and pick up an application for some of the committees.

**6. PUBLIC HEARING: CASE NO. P07-84. CONSIDERATION OF THE INITIAL ZONING OF 2.82 ACRES TO O&I OFFICE AND INSTITUTIONAL, OR TO A MORE RESTRICTIVE ZONING DISTRICT, FOR PROPERTY LOCATED ON THE SOUTHWEST SIDE OF ELK ROAD, SOUTHEAST OF DUNROBIN DRIVE, PROPERTY OF FLORENE T. LUCAS, ET AL.**

Mr. Ed Byrne, Cumberland County Planning Department, displayed a map of the subject property and noted the property was located on the southwest side of Elk Road, southeast of Dunrobin Drive and was a 2.82 acre tract which annexed into the Town of Hope Mills, and this was the initial zoning of the property. Mr. Byrne said the Town of Hope Mills requested this property be initially zoned to O&I District. He said this case was heard by the Zoning Board at its meeting on November 26<sup>th</sup> and they decided to follow the Planning staff recommendation.

Mr. Byrne said Planning and Inspection staff recommended approval of the O&I district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan which calls for Medium Density Residential at this location, the district was requested by the Town.
2. The O&I district is in character with the current zoning of the adjacent property.
3. Elk Road is identified as a major thoroughfare.

Mr. Byrne said other suitable zoning districts to be considered at this location were, R10, PND, R6A, R6 and R5.

Mr. Byrne displayed a map and photos of the subject property, and briefly discussed the soil and land uses of the property.

Mayor Dees opened the public hearing and asked if there was anyone to speak in opposition to the matter, and there were none.

Mayor Dees asked if there was anyone to speak in favor of the initial zoning of the subject property.

Mr. Duane Gilliam, 3340 Quarry Drive, Fayetteville, Attorney representing the petitioner, displayed a map of the property and discussed in detail the shape, zoning of the

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property, and the zoning of the surrounding tracts. Mr. Gilliam showed on the map where the proposed funeral home will be located on the property and noted where the parking would be located and said this would be a win-win situation. Mr. Gilliam said there was one speaker before the Zoning Board that said she lived on Elk Road and she would preferred to keep the pines there and a professional building such as a funeral home than to see six or eight more apartment buildings.

Mr. Gilliam said he felt it would be a beautiful site for Hope Mills and he was asking the Board to approve this case to O&I Zoning.

Tim Evans, 2256 Cypress Lake Road, said he did not consider himself an outsider to Hope Mills and the one thing he would like to touch on was the 60 feet the property owner has already lost on the property due to the new road. He said he has done a lot of research on this, and said they started working on this case the first week of October. He said they had ample time and everyone has had all the time they need to consider this. Mr. Evans said he has had some of the Commissioners as well as some of the Zoning Board member to address him with certain questions and they have done everything they can that they felt they could to address every situation that has been asked.

Mr. Evans said he would like to familiarize everyone with Elk Road, and said everyone knows what is getting ready to happen -- it is going to be a four lane highway, and there were churches, rest-home, and a high school on Elk Road. Mr. Evans said from Elk Road to Highway 301 there were two houses that actually faced Elk Road. He said the rest of the homes have entrances into the development with no-through traffic. He said this site was actually 0.4 miles from highway 301, and said with the new proposal from the state there will be an intersection before you reach Highway 301 to put traffic onto the service lane and Cameron Road.

Mr. Evans said he had visited the homeowners that border the property to talk to them, and he talked to three out of four homeowners, and one lady said she was unaware of this and the other two did not show much concern. He said he had one Commissioner to ask him personally about a buffer between the funeral home and Worthington, and stated if it needs to be there they will put it there. Mr. Evans said also the Commissioner asked about the privacy fence, and he said he felt there was something more appealing to that landscape than a privacy fence, and said the other thing he addressed was a crematory. Mr. Evans said at this time or no time in the future they will build a crematory on the site. He said they have a site in Elizabethtown where they will build a crematory in the future to service Hope Mills.

Mr. Evans said there are five acres and this company wanted to buy the five acres knowing that the Town of Hope Mills is a growing town and at a later time they could develop some of this. Mr. Evans said of that five acres, there is probable only three and one-half useable acres. Mr. Evans stated this company was not in the business of trying to develop land, and they wanted to build a 10,000 square foot building with approximately 150 parking spaces and leave every tree that can be left. He said the last group of people that spoke, the Board heard their complaints, and he felt everyone he has personally talked to in Hope Mills has said one thing to him, that they felt it was a great site and they feel like their town is worthy of a nice funeral home.

Mr. Evans said with the changing of the road, this will not have any interference with South View High School. He said Mr. Funchess said they have funerals at 11:00a.m., 1:00 p.m., and 3:00 p.m. He said the 3:00 p.m. funeral would be close to 4:00 p.m. before there would be any cars leaving.

Mr. Evans asked the Board to give him one good reason that this is not a win-win situation and if this does not go on the property, there will be townhouses or apartments that will end up there.

There being no one else to speak in favor, Mayor Dees closed the public hearing.

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Commissioner Legge said he walked over the tract of land and if they do not build the funeral home there, they are going to build it somewhere else and the taxpayers will not be able to reap the benefits of any tax revenues from a business such as this one. He said he felt the developers were not out of line in what they were requesting. He said the two corner lots at Dunrobin and Elk Road are already O&I so it is not like going into a new area and driving stakes down as the stakes are already there.

**Commissioner Legge made a motion to approve Case No. P07-84 for initial zoning of 2.82 acres to O&I. Commissioner Gorman seconded the motion.**

Commissioner Luther expressed concerns with working with the 2030 Land Use Plan, they were trying to keep the neighborhoods safe for the schools without adding more traffic. She said they knew that end of the Bypass/Elk Road is mostly residential and not directly on Elk Road, but the entrances are from Elk Road to those developments. Commissioner Luther said we have to think about the added traffic at the same time that the schools will be dismissed and if you have anyone over there and you try to get over there during that time, it will be almost impossible. She said the other end of the Hope Mills Bypass from Legion Road to Camden Road is going to be commercial, so in her opinion, the Town would be better off to think about the schools, think of the children, and these are things that need to be taken into consideration.

Commissioner Smith reiterated concerning the widening of Elk Road to a four lane highway. He said part of the property that was being discussed was already zoned O&I and there are only two homes that face Elk Road, the buffers have been addressed, and he thinks after viewing some of the material that was presented tonight and speaking with Mr. Evans on the issues, he felt a funeral home would be beautiful on the site instead of seeing more townhomes on the site. He said he would like to recommend and ask the developer to put sidewalks on the other end where the schools are if they could for the children who have to walk to the townhomes or to the Worthington Subdivision in their plans. Commissioner Smith said there are no homes on this end of Elk Road facing Elk Road, and it is going to filter out onto Highway 301. Commissioner Smith said we are not talking about a commercial building, we are talking about O&I, a place to put deceased as a revered place, almost like a church and with that being said, he thinks there are two churches on Elk Road as well as a rest home including the schools. He said he felt it would be a nice addition to Hope Mills.

In response to a question from Commissioner Gorman, Mr. Funchess said the funeral home would be similar to the Bladen Funeral Home, and very low profile. Commissioner Gorman said he felt this would fit very well on the site. Commissioner Gorman said he had spoken with the Town Clerk in Cherryville about Carpenter Funeral Home located there and they said they have not had any problems there since Citadel Management had taken it over. He said he had also talked to the Town Manager in Wallace, and similar comments were made as well as Elizabethtown. Commissioner Gorman said he personally thought this would be a good location for a funeral home.

Commissioner Collins said he had met with Mr. Evans last week, and this weekend he had met with some of the neighbors and he only had one that spoke against a funeral home on the site. He said he had some concerns with a crematory lab, and he went on the internet and obtained information on the local funeral homes and he did not see anything wrong with putting a crematory lab on the site.

**The vote on the motion was as follows:**

**AYES: Commissioner Smith, Commissioner Gorman, Commissioner Legge, Commissioner Collins**

**NOES: Commissioner Luther**

**AMENDMENT**  
**TO THE**  
**ZONING ORDINANCE**

OF THE  
TOWN OF HOPE MILLS

**THE BOARD OF COMMISSIONERS OF THE TOWN OF HOPE MILLS, NORTH CAROLINA, DOES ORDAIN:**

1. That an area located on the southwest side of Elk Road, southeast of Dunrobin Drive, 2.82 acres, and being particularly described as follows is hereby initially zoned to O&I Office and Institutional District.

North Carolina: Cumberland County: Pearces Mill Township:

PIN: 0424-35-3379. An area located on the south side of Elk Road that is east of and adjacent to the western line of PIN 0424-35-1575 that is the present Hope Mills Town Limit Line.

BEGINNING at a point in the present Hope Mills Town Limit Line in the south margin of Elk Road (S.R. 1363) and the northeast corner of PIN 0424-35-1575, and runs thence along the eastern line of PIN 0424-35-1575 and the Hope Mills Town Limit Line, South 48 degrees 37 minutes 45 seconds West 492.73 feet to a point in the Hope Mills Town Limit Line; and runs thence South 72 degrees 07 minutes 51 seconds East 338.86 feet to a point, the southwest corner of Lot 174 of the WORTHINGTON, Section Two, Part One, Subdivision, Book of Plats 109, page 23, Cumberland County Registry; and runs thence along the northwestern lines of Lots 174 and 175 of the said WORTHINGTON, Section Two, Part One, Subdivision, North 60 degrees 23 minutes 32 seconds East 298.78 feet to a point in the southern margin of Elk Road (S.R. 1363); and runs thence with a curve to the right having a radius of 2914.81 feet in a northwestwardly direction an arc distance of 353.38 feet (chord of North 37 degrees 00 minutes 11 seconds West 353.16 feet) to the POINT OF BEGINNING, containing 2.82 acres by computation.

BEING a portion of the property conveyed by Southview Townhomes, LLC, to Florene T. Lucas, Seth E. Penny, Nellie T. Penny, Marvin E. Thompson, Therlon T. Thompson, Mary L. Thompson, Odell Thompson and Gay W. Thompson by a deed dated 05/07/2004, recorded in Book 6523, page 781, Cumberland County Registry. The 7.5% interest of Nellie T. Penny was devised to the Penny Family Trust by the Last Will and Testament of Nellie T. Penny admitted to probate in Estate File 05-E-2400 of Wake County, transcript of which probate proceedings are filed in Estate File 06-E-444 of Cumberland County.

2. This ordinance shall be in full force and effect from and after its adoption.

**ADOPTED** by the Board of Commissioners of the Town of Hope Mills, North Carolina, this 3rd day of December, 2007.

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EDDIE DEES, MAYOR

ATTEST:

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Phyllis C. Register, MMC, Town Clerk

7. **PUBLIC HEARING: CASE NO. P07-87. CONSIDERATION OF THE REZONING OF 1.1 ACRES FROM R10 RESIDENTIAL DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT, OR TO A MORE RESTRICTIVE ZONING DISTRICT, FOR 4229 LEGION ROAD, PROPERTY OF DAVID L. COFFMAN.**

Mr. Ed Byrne, Cumberland County Planning Department, displayed a map of the subject property and noted the property was zoned R10 and was being requested rezoning

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to C(P). He stated the property was located on the southeastern side of Legion Road and south of Elk Road. Mr. Byrne briefly reviewed the current zoning and land uses of the area.

Mr. Byrne said the Zoning Board held a public hearing on this case on November 26<sup>th</sup> and the Planning and Inspection staff recommended approval of the C(P) district based on the following:

1. The request is not consistent with the 2010 Land Use Plan, which calls for light commercial at this location, the area is in transition due to the widening of the Legion Road right-of-way and the intersection with Elk Road.
2. The commercial zoning district is in character with the current zoning of the adjacent property.
3. Both Legion Road and Elk Road are major thoroughfares.

Mr. Byrne said other zoning districts that are suitable for this location to be considered are R6A, R6, R5A, R5, O&I, C1(P), C3, and HS(P).

Mayor Dees opened the public hearing and asked if there was anyone to speak in opposition to the matter, and there was none.

Mayor Dees asked if there was anyone to speak in favor of this matter.

Mr. David Coffman, 4677 Legion Road, owner of the property, said he planned to build eight to nine more shops just like phase one (Coffman Commons), and it will be an identical 180 degree flip of what is already there. Mr. Coffman said since then he has bought the property west of the residential site next to restaurant and he is looking at this as his gateway to Hope Mills.

**Commissioner Gorman made a motion to approve Case No. P07-87 rezoning to C(P). Commissioner Collins seconded, and the motion carried unanimously.**

**AMENDMENT**  
**TO THE**  
**ZONING ORDINANCE**  
**OF THE**  
**TOWN OF HOPE MILLS, NORTH CAROLINA**

**THE BOARD OF COMMISSIONERS OF THE TOWN OF HOPE MILLS, NORTH CAROLINA, DOES ORDAIN:**

1. That an area located at 4229 Legion Road, 1.1 acres, and being more particularly described as follows is hereby rezoned from R10 Residential District to C(P) Planned Commercial District.

LYING on the east side of a clay highway leading from Hope Mills, North Carolina, to Lakedale and about one mile from Hope Mills, NC.

BEGINNING at an iron pipe in the east side of above mentioned road at G.W. Hughes northwest corner and the southwest corner of the tract of which it is a part, and runs thence north 52 degrees and 30 minutes east 150 feet to a stake; thence south 45 degrees east 330 feet to a stake, thence south 52 degrees and 30 minutes west 150 feet to a stake; thence north 45 degrees west 330 feet to the beginning and being a part of a five (5) acre tract described in Deed recorded in Book 626, Page 219, Cumberland County Registry.

2. This ordinance shall be in full force and effect from and after its adoption.

**ADOPTED** by the Board of Commissioners of the Town of Hope Mills, North Carolina, this 3<sup>rd</sup> day of December, 2007

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EDDIE DEES, MAYOR

ATTEST:

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Phyllis C. Register, MMC, Town Clerk

8. **OLD BUSINESS: CASE NO. P07-78. CONSIDERATION OF REZONING A 0.99 +/- ACRE PORTION OF A 2.62 ACRE TRACT FROM R5A RESIDENTIAL DISTRICT TO O&I OFFICE AND INSTITUTIONAL DISTRICT, OR TO A MORE RESTRICTIVE ZONING DISTRICT, FOR PROPERTY LOCATED SOUTHEAST OF DUNROBIN DRIVE, SOUTHWEST OF ELK ROAD, OWNED BY FLORENE T. LUCAS, ET AL.**

Mayor Dees said the public hearing was held on November 5<sup>th</sup> and the Board tabled it until the other initial zoning came up tonight in order to be able to see the total picture.

Mr. Ed Byrne, Cumberland County Planning, displayed a map of the subject property and noted it was a .99 acre portion of a 2.62 acre tract. Mr. Byrne briefly discussed the land uses of the area and said the property was located southeast of Dunrobin Drive and southwest of Elk Road. Mr. Byrne stated the Town Board heard this case on November 5<sup>th</sup> and tabled the matter. He said the staff recommendation to the Zoning Board which was held on October 22<sup>nd</sup> was to recommend approval, which was going against the Planning staff recommendation of denial of this case. Mr. Byrne said the Planning and Inspection staff recommended denial of the O&I district based on the following:

1. The request is not consistent with the 2010 Land Use Plan, which calls for medium density residential at this location.
2. Although the subject property is adjacent to O&I zoning, it is not located on a major thoroughfare.
3. Rezoning this property will cause an encroachment of non-residential uses into an area more suitable for residential development.

Mr. Byrne said there were no other suitable zoning districts to be considered for this site.

**Commissioner Smith made a motion to approve Case No. P07-78 as recommended by the Zoning Board to O&I. Commissioner Legge seconded the motion.**

**The vote on the motion was as follows:**

**AYES: Commissioner Smith, Commissioner Gorman, Commissioner Legge, Commissioner Collins**

**NOES: Commissioner Luther**

**AMENDMENT**  
**TO THE**  
**ZONING ORDINANCE**  
**OF THE**  
**TOWN OF HOPE MILLS, NORTH CAROLINA**

**THE BOARD OF COMMISSIONERS OF THE TOWN OF HOPE MILLS, NORTH CAROLINA, DOES ORDAIN:**

**REGULAR MEETING, MONDAY, DECEMBER 3, 2007**

1. That an area located southeast of Dunrobin Drive, southwest of Elk Road, .99 acre+/-, and being more particularly described as follows is hereby rezoned from R5A Residential District to O&I Office and Institutional District.

BEGINNING at a point in the southern margin of Dunrobin Drive located about 350 feet west of the western margin of Elk Road and in the western line of the presently zoned O&I portion of PIN 0424-35-1575, and runs thence along the western line of the present O&I zoned tract, South 29 degrees 34 minutes 55 seconds East 194.40 feet to the present Hope Mills Town Limit Line; and runs thence along the southeastern line of PIN 0424-35-1575 and the Hope Mills Town Limit Line, South 48 degrees 37 minutes 45 seconds West 142.73 feet to the southernmost corner of PIN 0424-35-1575; and runs thence along the southern line of PIN 0424-35-1575, North 72 degrees 07 minutes 51 seconds West 160.41 feet to a new point in a proposed street; and runs thence along the northeastern margin of said proposed street and along a line parallel to and 15 feet northeast of the southwestern line of PIN 0424-35-1575, North 13 degrees 36 minutes 15 seconds West 95.63 feet to the PC of a curve of said proposed street; and runs thence in a northeasterly direction along a curve clockwise on a radius of 25.0 feet an arc distance of 37.47 feet to the PT of said curve in the southern margin of Dunrobin Drive, the PC of another curve; and runs thence in an easterly direction along the southern margin of Dunrobin Drive as a curve counterclockwise on a radius of 523.39 feet an arc distance of 37.25 feet to the PT of said curve, the PC of another curve; and runs thence in an easterly direction as a curve clockwise with a radius of 25.00 feet an arc distance of 36.76 feet to the PT; and runs thence North 62 degrees 26 minutes 17 seconds East 60.0 feet to a point; and runs thence in a westerly direction along a curve clockwise on a radius of 25.0 feet an arc distance of 36.76 feet to the PT of said curve in the southern margin of Dunrobin Drive, the PC of another curve; and runs thence in a westerly direction as a curve counterclockwise with a radius of 523.39 feet an arc distance of 51.54 feet to the POINT OF BEGINNING, containing 0.99 acres, more or less.

The Dunrobin Drive right-of-way is set forth on a plat recorded in Plat Book 61, page 132, and in the deed from Herman B. Thompson et al. to the Town of Hope Mills dated 02-24-1987 and recorded in Book 3262, page 757, Cumberland County Registry.

2. This ordinance shall be in full force and effect from and after its adoption.

**ADOPTED** by the Board of Commissioners of the Town of Hope Mills, North Carolina, this 3<sup>rd</sup> day of December, 2007

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EDDIE DEES, MAYOR

ATTEST:

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Phyllis C. Register, MMC, Town Clerk

**9. OFFICIAL COMMENTS.**

Commissioner Luther commented as follows:

1. Thanked everyone for attending the meeting and said it is always a pleasure to see everyone.
2. Asked everyone to volunteer for the community.

Commissioner Smith commented as follows:

1. Thanked everyone that spoke tonight, and we said the peoples voice can be heard.

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2. Thanked God for his guidance, thanked the residents of Hope Mills, Hope Mills staff, and thanked all departments.
3. Thanked his family and friends for their support while he served as Town Commissioner. He said it had been a great honor and pleasure acting as the Town's representative and he extend his support, best wishes to the new Board and may God continue to bless Hope Mills.

Commissioner Gorman commented as follows:

1. Thanked everyone for attending the meeting.
2. Thanked Commissioner Smith and Commissioner Legge for what they have done and said the Board appreciated everything they have done.
3. Thanked the Parks and Recreation, Appearance Committee, Police Department and everyone that had anything to do with the Festival of Lights. He stated it was unbelievable the number of people that came out.
4. Stated the Christmas Parade was one of the largest that Hope Mills had ever had and he appreciated all the staff and what they did.

Commissioner Legge commented as follows:

1. Thanked everyone for attending the meeting.
2. Thanked everyone that spoke tonight for their input. He said the Board appreciated them coming out tonight.
3. Thanked God for giving him the courage, strength, and common sense to have done this job. Thanked his wife, children and everyone that supported him over the years.
5. Thanked his fellow Board members for making him a better man and said he has made some good friends.
6. Stated he hoped the new Board works well together and he was sure they will so we can make Hope Mills an even better place to live.
7. Thanked the Town staff, employees, Police Department, Fire Department, and everyone he has worked with.
8. Thanked the Parks and Recreation department and everyone that took part in the parade.

Commissioner Collins commented as follows:

1. Thanked the Parks and Recreation Department, Police Department, Appearance Commission and everyone that was involved in the Festival of Lights.
2. Thanked Mr. Beeman for being the MC at the parade.
3. Thanked everyone for attending the meeting and said we needed everyone to get involved as much they can.
4. Stated it had been a pleasure to work with Commissioners Smith and Legge.

Mayor Dees commented as follows:

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1. Thanked everyone for attending the meeting. Those who attended to speak at the public hearings were especially welcome. He said this is how local government is supposed to work. Mayor Dees said the Board can make better decisions when they have public input. He expressed appreciation for citizen involvement in the process.
2. Congratulated everyone on the success of the Christmas Parade and the Festival of Lights, and said it was the biggest and possibly the best the Town has ever had. He said the participation was tremendous from both the parade entries and from the audience involvement. He said Kenny Bullock, Parks and Recreation staff, Building and Grounds staff and the Appearance Commission all did an outstanding job in planning, preparing and processing this event. Mayor Dees thanked them for all their hard work.
3. Thanked the Board as a group for all their hard work. He said their accomplishments and achievements have been numerous and they were evident today and will be for many years to come. He said the Board did not always see eye to eye, but we respected one another and our differences of opinion. Mayor Dees said he had learned a lot from all the Board members and said he had made some very special friends. He said the Town of Hope Mills is better because you cared. Mayor Dees thanked everyone again for everything and making his job so much easier.

**10. PRESENTATION TO COMMISSIONER JERRY LEGGE AND COMMISSIONER TERRY W. SMITH.**

Mayor Dees stated anybody who thinks Commissioner Legge is just a carpenter who likes sports does not know him. He is a caring, compassionate, husband, father, and grandfather who truly loves people. He has a big tough exterior, but he has a soft inside and a heart of gold and if you get to know him, he is just a big teddy bear. It is true he loves to hunt, coach, and build, but while on this Board he has hunted answers and sought solutions to problems in this community. He has coached children and grown-ups like myself who had the wisdom to listen to his advice. He has built relationships with anybody who took the time to get to know him, and I am glad I did. I will still seek his advice and his experience, and I will always value his friendship. Thank you for everything and may God bless you.

Mayor Dees said on behalf of the Town of Hope Mills he presented a plaque to Commissioner Legge and read the same: "To the Honorable Jerry Legge, in recognition and appreciation for dedicated service, 2003-2007 Commissioner. May your continued prosperity in Hope Mills remind all citizens of your hard work, dedication, and leadership."

Commissioner Legge said he would like to thank everyone, and he encouraged the new Board to work together as a team, and said he knew the Town can continue to move forward. He commented if at sometime if the Board felt it may need some advice or just someone to talk to, please feel free to contact him or stop by to see him. He said he loved everyone and thank you.

Mayor Dees stated everyone knows Commissioner Smith who was the youngster of the bunch, but do not be fooled, he has been wise and knowledgeable beyond his years. We have relied on him many times for his calming words and advice and many times he needed some calming words. He did his homework as a Commissioner, he thought carefully, and more importantly before he spoke. Mayor Dees said he was pleased to attend church with Terry and loved the kind of Christian values he brought to this Board. He said he would recommend anyone to buy a used car from Mr. Smith. Mayor Dees expressed thanks for everything and best wishes.

Mayor Dees on behalf of the Town of Hope Mills presented a plaque to Commissioner Terry Smith and read the same: "To the Honorable Terry W. Smith, in recognition and appreciation for dedicated and faithful public service 2005-2007"

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Commissioner. May your continued prosperity in Hope Mills remind all citizens of your hard work, dedication and leadership.”

Commissioner Smith said he wanted to reiterate what he said earlier that was his last official comment for this year.

**11. RECESS OF MEETING FOR SWEARING IN CEREMONY.**

At 9:00 p.m., Mayor Dees called for a brief recess.

**12. ADMINISTRATION OF OATHS OF OFFICE TO MAYOR AND COMMISSIONERS:**

- a) **Administration of Oaths of Office by Honorable David H. Hasty, District Court Judge to Mayor Eddie Dees; Commissioner Bob Gorman, Doris R. Luther, Tonzie K. Collins, I (incumbents); and Commissioners-Elect Eddie Maynor and Jackie Warner.**

Judge Hasty administered the Oaths of Office to the 2007-2009 Elected Officials. Judge Hasty congratulated the Board Members on their election.

- b) **Presentation by Mayor Dees to District Court Judge David H. Hasty.**

Mayor Dees, on behalf of the Elected Officials, presented to Judge Hasty a copy of Hope Mills Heritage, a pictorial and sentimental history of a North Carolina Mill Town, in appreciation of administering the Oaths of Office.

- c) **Refreshments.**

A brief time was provided for refreshments.

**AGENDA II**

**13. 2007-2009 GOVERNING BODY SEATED AND MEETING RECALLED TO ORDER.**

At 9:24 p.m., Mayor Dees asked the 2007-2008 Governing Body to be seated and called the meeting to order.

Rev. Ben West, Westminster Presbyterian Church, gave the invocation.

**14. ELECTION OF MAYOR PRO TEMPORE.**

**Commissioner Luther made a motion to elect Commissioner Gorman as Mayor Pro Tem. Commissioner Collins seconded, and the motion carried unanimously.**

**15. ADDITIONS/DELETIONS TO THE AGENDA.**

There were none.

**16. STAFF COMMENTS.**

Attorney Davis welcomed the new Board members.

**17. OFFICIAL COMMENTS.**

Commissioner Warner commented as follows:

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1. Stated she was excited to be a part of this Board and was looking forward to working for the Town of Hope Mills. She stated she will be as available as she needs to be, and if anyone has concerns or things she needs to know, to please give her a call.
2. Stated this was her hometown and all those things that were talked about earlier, about wanting to keep the hometown feeling, community, parks and recreation and our infrastructure were things that are not only important to her, but they are important because her children are coming back home and will raise her grandchildren here and it was important that we keep what we have now.
3. Stated she was looking forward to working for the Town of Hope Mills.
4. Thanked everyone that voted for her, helped her in her campaign, and said she appreciated all that they had done for her and she will continue to do what she needs to do to help them so that they can be successful.

Commissioner Collins commented as follows:

1. Welcomed Commissioners Warner and Maynor to the Board and said he was looking forward to working with them.
2. Thanked everyone for attending the meeting.
3. Thanked everyone that supported him throughout the year.

Commissioner Luther commented as follows:

1. Welcomed the new members to the Board and said she had worked with Commissioner Maynor before and she was sure that she and Commissioner Warner will work well together as well and the Board will be united.
2. Stated she had enjoyed working with Commissioner Legge and Commissioner Smith.
3. Thanked everyone for coming out to the meeting.
4. Thanked the Appearance Commission and Parks and Recreation for the wonderful time that was had on Saturday and Saturday night. She said that was one of the best events that the Town had in Hope Mills in a long time.

Commissioner Maynor commented as follows:

1. Stated he would like to echo the words spoken by the other Commissioners. He said he was honored and humbled to have the opportunity to serve and representing the great people of Hope Mills. He was honored that they chose to elect him back as one a Commissioner. He said he would like for the Mayor, citizens and fellow Commissioners to know that he was looking forward to working together with the Board and to continue on with better and greater things for the Town and the citizens of Hope Mills.
2. Stated he wanted to reiterate the things that had been stated so far as the weekend activities which were great.
3. Stated due to the time and lateness of the year he would like to make a recommendation or request to the Manager to prepare a year-end status report of administrative activities for each department.

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4. Stated he had heard a lot about the Capital Improvement Plan and he did not know what stage it was at, and asked if the Manager could furnish copies to both he and Commissioner Warner.

Mayor Dees stated there is a monthly Financial Status report every month and presently one was available through November. He said Mr. Saleeby has done a very good job of getting that information for the Board. Mayor Dees said the Capital Improvement Plan was ready for Board review and input.

Commissioner Gorman commented as follows:

1. Stated it was an honor to be chosen as Mayor Pro-Tem by the Board. He said four years ago when he started out he had no idea he would be sitting up here with Commissioner Warner. He said Mr. Pete Warner was very instrumental in getting him to run for Commissioner. Commissioner Gorman said as he looked around the room, he has made a lot of friends and he was here to help the Town of Hope Mills and that was his one agenda. Stated he wanted to do whatever is best for the Town of Hope Mills and the citizens.
2. Stated he appreciated his family being present. He said Marion has been a strong supporter over the last four years and he knows she will continue to be.
4. Stated he appreciated Ben and Barbara West coming out also his Pastor and his wife.

Mayor Dees commented as follows:

1. Thanked Rev. Ben West and Judge David Hasty for being a big part in the swearing-in ceremonies. Asked that Rev. West continue to pray for this Board and asked for guidance in helping them make good, sound decisions for this community. Thanked Judge Hasty for administering the oaths of office and for being such an important part of our community.
2. Thanked all the families and friends who were present tonight. He said yours is not an easy job, it takes a lot of support and understanding to live with us sometimes and we could not do this job without you. Thank you so much for caring. Mayor Dees said on a personal note, he would like to thank his girls, Susan, Carey and Casey, and his Father as he was not able to be here two years ago, and it meant so much to have him here tonight.
3. Congratulated incumbent Commissioners Bob Gorman, Doris Luther and Tonzie Collins on their reelection. He said he would like to congratulate Commissioners Jackie Warner and Eddie Maynor on their successful election. Mayor Dees said he knew that working together works and so he relishes the opportunity of working with all of you as we seek to find ways to benefit our town and our community.
4. Stated he knew that although we are individuals, we will seek to explore ways to work closely together to understand and explore opportunities that will benefit everyone. Only in partnership can we make the best decisions and the best use of resources available to our Town. We need to look at all options for a better quality of life for citizens, greater efficiency and improve services, and employee benefits. As a Board, we should always look for ways to further improve sustainable infrastructure and recreational programs. By working together we will give better value and service to the taxpayers along with improving capacity to do more for our local residents.
5. Stated Vince Lombardi, the legendary NFL football coach once said "People who work together will win, whether it be against complex football defenses,

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or the problems of modern society.” Mayor Dees said it will be challenging but knew the Board will rise to the occasion, and said he was excited about the opportunities before us.

6. Reminded everyone of the next Board meeting on Monday, December 17<sup>th</sup> at 7:30 p.m.

**18. ADJOURNMENT.**

At 9:36 p.m., upon a motion by Commissioner Luther, seconded by Commissioner Collins and unanimously carried, the meeting was adjourned.

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EDDIE DEES, MAYOR

ATTEST:

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Phyllis C. Register, MMC, Town Clerk