

REGULAR MEETING, MONDAY, FEBRUARY 5, 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 Interim Town Manager Bob Nicholl, Town Attorney William R. Davis, Parks and Recreation Director Anita Kilgore, Fire Chief Chuck Hodges, Human Resources Administrator Kimberly Lockamy, Public Works Director Bruce McLaurin, and Police Chief John Hodges.

Rev. Tommy Lewis, Hope Mills Church of God, gave the invocation, and Commissioner Luther led the Pledge of Allegiance.

1. AGENDA ADJUSTMENTS, ADDITIONS, DELETIONS TO THE AGENDA.

Commissioner Gorman made a motion to add a Closed Session to discuss personnel matters and to consult with the Attorney on attorney-client privileges. Commissioner Collins seconded, and the motion carried unanimously.

Mayor Dees suggested adding the Closed Session immediately following official concerns.

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

Mayor Dees reported on January 30, 2007, bids were opened for the spillway construction:

Crowder Construction	\$ 10,037,590.00
T.A. Loving	\$ 10,816,426.00
Brayman Construction	\$ 10,878,456.00

Mayor Dees reported the bids on the lake bed clearing, which have also been published in the newspaper and on the internet, were:

Saffo Contractors	\$295,000.00
Phillips & Jordan, Inc.	\$498,000.00
MW Clearing & Grading	\$855,000.00
ES & J	\$960,000.00

Mayor Dees stated Mr. Gordon Rose and Mr. Tim LaBounty, McKim & Creed, will provide formal bid tabulations and the award of bid recommendations to the Town hopefully at the February 19th Board meeting.

Mayor Dees reported this week he contacted a number of banks about the financing for the project and all were eager to help. He said meetings were scheduled with three of the banks, and requests will be submitted to four or five others to get a good representation of the interest rates and other variables.

In addition, Mayor Dees reported he spoke with Mr. Bill Dowling of the State Emergency Management program, and Mr. Dowling wants to come meet with him and the Manager in the next week or two and see if there are other ways that he can assist the Town.

Also, Mayor Dees stated he had spoken with Sharon Edmonson of the Local Government Commission, and discussions ensued regarding how to proceed with state approval for the loan. Mayor Dees noted there were a lot of volunteers who would write letters of support on the Town's behalf, including some County Commissioners, some

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State Elected Officials, local citizens, and also the Friends of the Lake organization.

Mayor Dees opened the floor for public comments or questions.

Mr. John Henley, Lakeshore Drive, expressed appreciation to the Board members for their service to Hope Mills and its citizens. Mr. Henley asked if there was a required completion date in the contract documents.

Mayor Dees stated he had not seen the actual bid document and contract yet, but he understood that it is estimated to take 12-18 months to complete the project once it begins.

On another matter, Mr. Henley expressed concerns that the Town did not have an ordinance prohibiting loitering in town. Mr. Henley said there was a bad problem around the Hope Mills Plaza, and this had been discussed with the Police Chief and Police Captain. Mr. Henley asked the Town Board to take whatever action necessary to have an ordinance controlling this sort of activity. Mr. Henley said he felt it was a disgrace to the Town and to the citizens as to what was happening now.

Jessie Bellflowers, Sturbridge Drive, inquired regarding the status of the Corps of Engineers permit.

Mayor Dees responded the permit was good to March 18, 2007 and there should not be a problem if it was necessary to renew the permit.

3. STATUS REPORT ON RECREATION CENTER.

Mayor Dees said there was no official reporting at this time, however, there would be an item later on the agenda to discuss a proposed Recreation Center fee schedule.

4. PRESENTATION: RESOLUTION OF THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES IN MEMORY OF MR. E. A. "PETE" WARNER.

Mayor Dees read the resolution and presented it to Mr. Alex Warner and family and Ms. Colleen Warner Smith and family.

Mr. Alex Warner stated there were many negative things being said about the Town Officials, and asked everyone to be patient, positive, and supportive of its town officials and government. Mr. Warner stated he felt the Town was mired in bureaucracy regarding the restoration of the lake and dam, but felt the Town would get there sooner than later. Mr. Warner commented regarding the community outpouring of support in the recent passing of two Police Officers, and stated people were coming into Hope Mills because they wanted to be a part of a supportive and caring community. Mr. Warner encouraged people before making negative comments to think about the positive and to support its leaders who had the best interest of the Town at heart. Mr. Warner asked the citizens to support the town officials.

**Resolution
Of the
North Carolina League of Municipalities**

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WHEREAS, during the past year death has taken from our midst, E.A. "Pete" Warner who served the Town of Hope Mills faithfully and well for 14 years; and

WHEREAS, E.A. "Pete" Warner contributed materially over these years to the advancement of good municipal government in North Carolina;

NOW, THEREFORE, BE IT RESOLVED BY THE North Carolina League of Municipalities, in Annual Conference assembled this 17th day of October 2006, that the delegates do hereby express their sorrow at the passing of E.A. "Pete" Warner, former Commissioner and Mayor Pro Tem of the Town of Hope Mills, who made lasting contributions to good municipal government, and whose memory we are proud to honor.

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the North Carolina League of Municipalities, and that copies be forwarded to the family of E.A. "Pete" Warner and to the Town of Hope Mills.

Attest: Executive Director

President

5. PUBLIC COMMENTS.

Dan DeCriscio, 3604 Crampton Road, commented regarding a tax increase for repairs to the dam. Mr. DeCriscio said the Board had raised taxes five cents last year, and asked the Board to consider those citizens on fixed incomes and how that impacts lives. Mr. DeCriscio stated he had heard that the Board was going to have a tax increase to pay for the repairs to the dam, and he stated this would be very hurtful to senior citizens.

Mayor Dees remarked that no one on the Town Board desired a tax increase for repairs to the dam, and that was just a rumor.

6. CONSENT AGENDA:

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

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

- a) **Consideration to approve Minutes of the January 18, 2007 Regular Meeting.**

Minutes approved as written.

- b) **Consideration to approve the Cumberland County Emergency Operations Plan as recommended by Police Chief John Hodges and Fire Chief Chuck Hodges.**

County Emergency Operations plan approved.

- c) **Consideration to accept miscellaneous tool donations in the amount of \$500.00 from the Hope Mills Firefighters Association.**

Donations accepted.

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- d) **Consideration to authorize purchase of eight sets turn out gear for the Fire Department, \$6,030.00, Fire Safety USA.**

Mr. Nicholl recommended Board approval for the eight sets of turn out gear, \$6,030.00, from Fire Safety USA. Mr. Nicholl stated Board approval was required for all purchases over \$5,000.00.

Fire department purchase turn out gear approved.

- e) **Consideration to adopt Resolution declaring badge and service weapon carried by Sgt. Heath Hardin surplus and awarding same to Mrs. Shelly Hardin.**

Police Chief Hodges requested that Sgt. Heath Hardin's firearm, serial No. GLB257, Glock 40 caliber, be declared surplus.

He stated he would like to present the weapon to Mrs. Shelly Hardin, and in the past, the department had purchased a shadow box to display the officer's badge, weapon, service pins, etc., and present it to the family of the deceased officer.

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

RESOLUTION DECLARING THE BADGE AND SERVICE WEAPON CARRIED BY
SGT. HEATH HARDIN SURPLUS AND AWARDING SAME
TO MRS. SHELLY HARDIN

WHEREAS, G.S. 20-187.2 provides that surviving spouses of deceased members of municipal law enforcement agencies may receive the badge worn by the deceased member during their service with the municipality; and

WHEREAS, G.S. 20-187.2 further provides that the governing body of the municipal law enforcement agency may in its discretion award to a surviving relative the service side arm of such deceased member upon securing a permit as required by G.S. 14-402 et. seq. or 14-409.1 seq., or without such permit provided the weapon shall have been rendered incapable of being fired.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Hope Mills that:

1. The badge and service weapon, Glock 40 cal, serial #GLB257, carried by Sgt. Heath Hardin is hereby declared surplus; and
2. That the Town Manager or his designee is hereby authorized in accordance with the provisions of G.S. 20-187.2 to award the badge and service weapon to Mrs. Shelly Hardin.

ADOPTED this 5th day of February, 2007.

Eddie Dees, Mayor

ATTEST:

Phyllis C. Register, MMC, Town Clerk

Resolution declaring badge and service weapon surplus adopted.

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f) Consideration of proposed Personnel Ordinance Amendment.

Human Resources Administrator Kimberly Lockamy recommended Board approval of the proposed personnel ordinance amendment to ensure that the Town was consistent with the current Family and Medical Leave Policy adopted by the Board on December 4, 2006, as well as current laws and regulations. Attorney Davis reviewed the proposed personnel ordinance amendments and stated they were consistent with the Family and Medical Leave Policy and current laws and regulations.

AMENDMENT
TO THE
CODE OF ORDINANCES
TOWN OF HOPE MILLS, NORTH CAROLINA

Section 1. Chapter 66, Personnel, is hereby amended as follows:

Sec. 66-204. Vacation leave.

- (11) An employee continues to accrue vacation leave while on vacation and sick leave, however, an employee must be on pay status more than 15 days of the month in order to accrue vacation leave for that month. Employees absent due to reasons such as FMLA, Workers Compensation Leave, Short-Term Disability and other similar leave of absences will not accrue vacation and sick leave.

DELETE the following paragraph from Sec. 66-205. Sick Leave:

(h) An employee who remains absent from work for more than 60 consecutive days because of sickness or injury, shall file for disability, early or service retirement, if qualified. In lieu of such filing, the employee must convince the supervisor that the sickness or injury is not permanent.

Amend the following paragraph in Sec.66-207. Leave without pay policy:

(a) ~~To maintain interest in the retirement plan and to continue life and health insurance, a regular or probationary~~ An employee may be granted a leave of absence without pay, in three months increments, for up to one year by the town manager for appropriate special reasons. Such reasons include military leave in excess of two weeks, ~~temporary disability,~~ family and medical leave, extended medical leave, educational leave, ~~disciplinary actions~~ and other similar temporary absences. The employee shall apply in writing to the town manager for leave.

(b) The employee is obligated to return to duty within, or at the end of, the time determined appropriate by the town manager. ~~Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority and pay.~~ Employees are not guaranteed a position with the Town at the conclusion of leave without pay, except in cases of family and medical leave and military leave. Upon returning from FMLA or military leave, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority and pay. If the employee decides not to return to work, the supervisor and the Human Resources Administrator should be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

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(d) An employee shall retain all unused vacation and sick leave while on leave without pay for reasons other than family and medical leave..

An employee ceases to accrue leave credits ~~for any month in which they are absent for more than 15 days~~ while out of work due to a leave of absence except for military leave. The employee may continue to be eligible for benefits under the town's group insurance plans, subject to any regulations adopted by the board of commissioners and the regulations of the respective insurance carriers.

Add the following section:

Family and medical leave - Refer to FMLA policy adopted December 4, 2006.

(a) Town employees are eligible for unpaid leave in accordance with the Family and Medical Leave Act of 1993 (FMLA) when an employee requires absence from work due to the birth or adoption of a child, the care of a child, spouse or parent who has a serious medical condition or the inability of the employee to perform the essential functions of his job due to a serious health condition.

(b) Family and medical leave is limited to 12 weeks in any rolling 12 month period and is available only to employees who have 12 months of service and have worked a minimum of 1,250 hours in the 12 months preceding the leave request.

(c) Employees may be granted family and medical leave in a paid status through the use of accumulated sick leave, vacation leave or compensatory time (exempt employees only).

(d) An employee will be required to use all accrued vacation and sick leave as part of the twelve (12) weeks of family and medical leave, unless the employee is out on worker's compensation or short-term disability.

(e) An employee's health care coverage will be maintained by the town for the duration of family and medical leave. Dependent health care coverage and any other contributory benefits may be continued at the employee's expense.

(f) When there is an inconsistency between the provisions of this section and the Family and Medical Leave Act of 1993, the Family and Medical Leave Act of 1993 shall control.

Sec. 66-208. Worker's compensation leave.

(a) All employees are required to report any injury promptly on the proper form specified by the North Carolina Worker's Compensation Act. Failure to do so may result in denial of their claim.

(b) An employee absent from duty because of sickness or disability covered by the North Carolina Worker's Compensation Act may receive benefits ~~and elect to use accumulated vacation and sick leave as a supplemental payment for the difference between his regular net salary and the net payments received under the Workers' Compensation Act.~~ equivalent to 66 2/3 of average weekly salary pursuant to the NC Worker's Compensation Act. An employee may not supplement this with vacation or sick leave benefits. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by worker's compensation.

(c) Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Worker's

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Compensation Act)

DELETE the following section:

Sec. 66-210. Temporary disability leave.

- (a) Accumulated sick leave is available to employees for the period of temporary disability in the same manner as for any other illness.
- (b) Leave without pay may be available for a period of time before the employee is disabled, when known in advance, and a period of time after the disability ends.
- (c) The employee may elect to use accumulated vacation leave before going on sick leave, or after accumulated sick leave has been exhausted. If an employee is temporarily disabled and has exhausted all accumulated sick leave, that employee may be eligible to receive leave without pay for personal disability under the provisions of section 66-207. If an employee wishes to retain all accumulated sick leave and vacation leave, leave without pay may be taken for the entire period.
- (d) Reinstatement to the same position or one of like classification, seniority and pay shall be made upon the employee's return to work. (Code 1985, § 33.109)

Replace the above section with the following:

Extended medical leave.

- (a) Town employees who require leave due to personal or family medical situations which are not covered under the Family and Medical Leave Act may be granted extended medical leave. The leave must be approved by the Town Manager.
- (b) Employees may be granted extended medical leave in a paid status through the use of accumulated sick leave, vacation leave or compensatory time. Employees who do not have accumulated leave available will be considered to be in a leave without pay status.
- (c) If a physician determines that an employee will no longer be able to perform the essential functions of his job, even with reasonable accommodation, the employee must elect one of the following options within 60 days of the determination: Pursue a disability retirement if eligible through the state local government employees retirement system, seek a transfer to another vacant position for which he qualifies, or be terminated from employment for medical reasons.

Sec. 66-211. Military Leave

Regular employees who are members of the National Guard or Armed Forces Reserve will be allowed two weeks of military training leave annually with pay. No charge to annual leave will be made during this 15 days military training period. If such military duty is required beyond this 15 period the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status at the employee's option.

While taking military leave with pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the town during this period.

~~Regular employees who are guard persons and reservists have job rights specified in the Veterans Readjustment Assistance Act.~~ Town employees using military leave will be granted the protection of applicable provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

Section 2. That this ordinance shall be in full force and effect from and after its adoption.

Section 3. That all other provisions of Chapter 66 shall remain as currently codified.

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ADOPTED this 5th day of February, 2007.

Eddie Dees, Mayor

ATTEST:

Phyllis C. Register, MMC, Town Clerk

Ordinance Amendment adopted.

"END CONSENT AGENDA"

7. CONSIDERATION OF PROPOSED PARKS & RECREATION FEE SCHEDULE.

Mrs. Kilgore reported that the Parks & Recreation Advisory Committee had reviewed and approved the proposed fee schedule at its meeting on January 23, 2007. In addition, Mrs. Kilgore stated the Parks & Recreation staff had reviewed and approved the schedule as well.

Mayor Dees commented the Town was very reasonable with its fees in comparison to the Fayetteville-Cumberland County Parks and Recreation Department and other areas. He stated the Town wanted to establish programs and give good benefits for the fees charged.

Mayor Dees commented regarding comparable fee schedule for the City of Fayetteville and stated the Town was not trying to be too high with its fees.

Commissioner Smith made a motion to approve the proposed fee schedule. Commissioner Gorman seconded, and the motion carried unanimously.

**Hope Mills Parks & Recreation Department
Current & Proposed Fee Policy**

Fees for Sponsored Activities

Youth Sports/League Play

No Increase

<u>Sport Activity</u>	<u>Current</u>	<u>1st child</u>	<u>2nd child</u>	<u>Proposed Fee</u>
* Football	\$30.00/50.00	\$30.00	\$50.00	\$30.00/50.00
* Cheerleading	\$30.00/50.00	\$30.00	\$50.00	\$30.00/50.00
* Basketball	\$30.00/50.00	\$30.00	\$50.00	\$30.00/50.00
* Baseball	\$30.00/50.00	\$30.00	\$50.00	\$30.00/50.00
* Softball	\$30.00/50.00	\$30.00	\$50.00	\$30.00/50.00
* Soccer	\$30.00/50.00	\$30.00	\$50.00	\$30.00/50.00
* Volleyball	\$30.00/50.00	\$30.00	\$50.00	\$30.00/50.00

(d) When registering more than one family member you get a reduced rate. They must reside in the same household and have same address. When registering more than one the cost will be \$50.00.

Specialty Camps (New Program)

<u>Specialty Camps</u>	<u>1st child</u>	<u>2nd child</u>	<u>Proposed Fee</u>
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Tennis Lessons	\$35.00	\$60.00 2 ND Child	\$35.00/60.00
Golf Lessons	\$45.00	\$80.00 2 nd Child	\$45.00/80.00

6 weeks

Adult League Play

Adult Sports Current Proposed Fee

Basketball League	\$375.00 per team		\$400.00 Per Team
Softball League	\$375.00 per team		\$400.00 Per Team
Volleyball League	\$120.00 per team		\$250.00 Per Team

Spring, Summer & Christmas Camps

Summer Day Camp Current Proposed Fee

Ages: 6 – 12 years

Registration	\$20.00		\$20.00
Weekly Session	\$35.00		

9 individual week sessions			\$45.00 1 st Child \$80.00 2nd Child
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6/18/07 – 8/17/07

Week (1) June 18-23, 2007
Theme: Safety Week

Week (2) June 25–29, 2007
Theme: Sports Week

*Week (3) July 2–6,2007

***No camp Wednesday, July 4, 2007**
Theme: Independence/Red, White and Blue Week

Week (4) July 9–13, 2007
Theme: Culture Week

Week (5) July 16-20, 2007
Theme: Any Thing Goes Week

Week (6) July 23-27, 2007
Theme: Friendship Week

Week (7) July 30- August 3, 2007
Theme: Bring Favorite Treat Week

Week (8) August 6-10, 2007
Theme: Career Week

Week (9) August 13-18, 2007
Theme: Education Week

Camp hours of operation:

9:00 am to 5:00 pm

Early Drop Off			\$20.00
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No earlier than 7:30 am

Late Pick up	\$20.00		
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No later than 5:30 pm

\$20.00

(e) We will offer at the same cost a Spring Break Camp and Christmas Break Camp with the same operating hours and same early/late fee. (These camps would be held only during the time that school is closed for these holidays).

Leisure Programs & Recreational Classes (New Program)

Programs Current Resident Non Resident Proposed Fee

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Various Classes \$20.00 -40.00
 Example(s):
 Senior Classes: Senior Aerobics, Line Dancing, Crafts, Quilting, beginners shag....
 Adult Classes: Exercise, Aerobics, Morning Mothers Out, Belly Dancing, Swing Dance...
 Youth Classes: Gardening, Drama/Theater, Hip Hop Dance Class, Crafts, Advisory Grp.
 Children Classes: Wee Bits, tumbling, karate, arts & crafts, Piano Lessons, Workshops and many activities.

Recreation Room Rental Rates

Room	Deposit	Current		Proposed Fee
		Resident	Non resident	

Community Room

Capacity _____	\$100.00	\$25. per hr	\$50. per hr	\$50.00 per hr Includes kitch.
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Large Activity Room

Capacity _____	\$100.00			\$40.00 per hr Does not include kitchen
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Small Activity Room

Capacity _____

	\$100.00			\$30.00 per hr Does not include kitchen
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Gymnasium

Capacity _____	\$250.00		\$100.00 per hr	
Must comply with all rules and regulations that are in policy.				

Ballfield Rentals Rates

No Increase

Ballfield	Deposit	Current	Proposed Fee
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Field 1, 2, 3	\$25.00	\$25.00 per hr.	\$25.00 per hr. Without lights
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Field 1, 2, 3	\$25.00	\$50.00 per hr.	\$50.00 per hr. With Lights
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Picnic Shelter Rentals

Shelter	Deposit	Current		Proposed Fee
		Resident	Non Resident	

Shelter 1, 2	\$25.00	* \$10.00	**\$10.00	\$10.00 per hr
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*** (1st three hours are free). After 3rd hr cost is \$10.00 per hour.**

**** Minimum of 3 hours for shelter rental for non resident.**

**Recommendation: Minimum of 2 hours with maximum 4 hours.
Additional hours needed over the 4 hour time limit must be approved
by the Parks and Recreation Director.**

Herring Park NO DEPOSIT

FEE IS CHARGED FOR THIS SHELTER

**8. CONSIDERATION OF VOLUNTARY ANNEXATION - REMAINING PORTIONS OF
STEEPLECHASE SUBDIVISION, BLACK'S BRIDGE ROAD, AS RECOMMENDED
BY THE HOPE MILLS PLANNING BOARD.**

Mr. Nicholl presented a letter from Mr. Jimmy Kizer, PE, representative for Mr. Larry Strother, NPS Associates, and developer of Steeplechase Subdivision, requesting voluntary annexation of the remaining portions of the subdivision.

Mr. Nicholl reported the matter was referred to the Hope Mills Planning Board at its meeting on January 23, 2007 for recommendation, and reported the Planning Board voted unanimously to recommend annexation of the remaining portions of the subdivision as requested.

Mr. Nicholl said if the Board gives favorable consideration to this request, then the owners will submit a voluntary annexation petition and \$500.00 application to the Town to officially begin the voluntary annexation process.

Mr. Nicholl stated staff recommended Board acceptance of the Planning Board's recommendation and concurrence in beginning the process of the voluntary annexation of the remaining portions of Steeplechase Subdivision as outlined in a letter dated January 4, 2007 from Mr. Jimmy Kizer and upon receipt of the voluntary annexation petition and fee.

Commissioner Luther commented she attended the Planning Board meeting and this matter was discussed in detail. Commissioner Luther noted that this development was approved under the County's standards and did not meet the Town's standards, but the Town had no choice in the matter.

Commissioner Luther made a motion to proceed with the voluntary annexation as requested. Commissioner Legge seconded the motion.

Commissioner Legge commented that since the Town was back with the Cumberland County Joint Planning Board, he hoped that reviews of countywide properties would prevent these differing standards, and this would help the Town with future developments.

The vote on the motion carried unanimously.

9. OLD BUSINESS:

a) Consideration of rezoning request for 4664 Legion Road, from R-15 Residential District to O&I Office and Institutional District, property of Tina M. Odom and husband, Larry Odom.

Mayor Dees asked if there was any discussion on this matter.

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Mr. Nicholl reported that the Board of Commissioners conducted a public hearing on the rezoning on November 20, 2006 and voted to refer this matter to the Hope Mills Planning Board for recommendation. He stated the Hope Mills Planning Board at its December 11, 2006 meeting heard this matter and voted to recommend denial of the requested rezoning.

Commissioner Luther made a motion to deny the rezoning request. Commissioner Legge seconded, and the motion carried unanimously.

b) Consideration of request from HCC Investments to close a portion of Hill Street.

Mr. Nicholl reported that the Board of Commissioners at its meeting on November 20, 2006 considered the request to close a portion of Hill Street, and voted to refer this matter to the Hope Mills Planning Board for recommendation. Mr. Nicholl stated the Hope Mills Planning Board at its December 11, 2006 meeting considered this matter and voted to take no action as more information was needed relative to the legal ownership and proposed use of the property.

Mr. Nicholl reported that staff had spoken with an agent for HCC Investments on January 24th and was advised HCC was not currently the legal owner of the subject property. He said the representative indicated their purchase of the property was subject to the Town approving closing the street as requested in their letter dated October 3, 2006. Mr. Nicholl noted a point of consideration was most street closings are initiated by adjacent property owners who petition the municipality and request such action. He stated that further staff consultation revealed HCC proposes to erect apartments on this property and by closing the street would permit them to construct an additional two apartments hence explaining their request to obtain full use of the property.

Mr. Nicholl said an additional item the Board may wish to consider is if the street is closed, the Town will no longer receive Powell Bill funds for this portion of the street, approximately 350 feet.

In addition, he said if the street is closed, it would be difficult for the Town to provide future essential services such as police, fire, EMS, sanitation to those properties located on both the north and south sides of the street.

Mr. Nicholl stated staff recommended Board denial of this request due to the closing of Hill Street would be contrary to the Town's best interest and the public's best interest.

Commissioner Legge made a motion to deny the street closing request. Commissioner Collins seconded, and the motion carried unanimously.

Commissioner Smith commented that the Planning Board recommended not closing the street. Commissioner Smith said he had talked with a resident on Hill Street and he had driven down the street and looked at the area and agreed with the Planning Board's recommendation not to close the street.

10. STAFF CONCERNS.

There were none.

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11. OFFICIAL CONCERNS.

Commissioner Legge commented as follows:

1. Thanked everyone for attending the meeting.
2. Said this had been a big week in Hope Mills due to the bid openings, and he was very pleased that the bids came out less than anticipated.
3. Noted that the Police Department was still without 800 MHZ radios and for the safety of the officers and the citizens this was very much needed. He stated this was an expensive item, but was needed and wanted the Board to look into this and take whatever action necessary to make this possible.

Commissioner Collins commented as follows:

1. Thanked the Warner family for attending the meeting and for everything they did for the community.
2. Thanked everyone for being present at the meeting.
3. Stated the lake project was moving along and progressing.
4. Expressed condolences to Commissioner Smith and his family in the loss of a family member and asked that everyone keep this family in their prayers.

Commissioner Luther commented as follows:

1. Thanked Rev. Lewis for bringing the invocation.
2. Thanked the Warner family for attending the Board meeting for the special presentation. She remarked she had many good and fond memories of both Mr. and Mrs. Warner and they had been very close.
3. Thanked all the residents for attending the meeting and said volunteers were needed and more participation in the Town Board meetings.
4. Stated she attended the bid opening for the lake project and was very excited about the project along with everyone else and was happy that everything was ready to proceed.

Commissioner Smith commented as follows:

1. Thanked Rev. Lewis for bringing the invocation.
2. Thanked everyone for the prayers for his family in the loss of his Uncle Stan Jacobs.
3. Stated that the Warner family had given a lot to the Town.
4. Said Hope Mills was a great town, and if everyone would think positively, then everyone could achieve their goals.

Commissioner Gorman commented as follows:

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1. Expressed appreciation for the recognition of the Warner family, and stated Mr. Pete Warner was a great man.
2. Thanked the public speakers for their remarks.
3. Thanked the Police Department and Fire Department for the work they do daily, and read the Fire Department activities report for the month of January.
4. Said the Board needed to look at the problems at the Fire Department that needed attention and there were many needs as well at the Police Department. He said that the Board must keep all of these needs in mind in order to protect the citizens.

Mayor Dees commented as follows:

1. Thanked everyone for coming to the meeting and said it is a busy time for everyone. Also, he appreciated everyone for taking the time away from their personal schedules to come out and try and stay better informed about what was going on in our Town.
2. Expressed appreciation to the Warner family for being present for the presentation and thanked Mr. Alex Warner for his encouragement and positive comments.
3. Said he would like to extend his condolences to the families of Jeff Barfield, former Hope Mills policeman, and to Stan Jacobs a Fayetteville fireman for over 30 years who is Commissioner Smith's uncle. He noted that both of these gentlemen were well respected and hard working member of our community and both of them will be greatly missed.
4. Stated this week they will be interviewing for the Finance Director position and noted the deadline for applications for the Town Manager position is February 15th. Mayor Dees said at the last meeting he had asked the board members who would like to serve on the Town Manager Search Committee to let him know, and at this time he would like to appoint Commissioner Legge and Commissioner Gorman who expressed an interest in doing so, to serve on this committee.
5. Also, he would like all the Commissioners to see him individually in the next week to look over the applications for the Town Committees. He would like for them to appoint those committees at their next meeting on February 19th.
6. Stated the Cumberland County Planning Board has informed them that our interlocal agreement was approved by the County Commissioners at their last meeting. He noted that Mr. Tom Lloyd said that it was on their agenda as a consent item but they pulled it off so they could discuss it. Mayor Dees said they did that so they could all comment on how glad they were to have Hope Mills back with them and how eager they are to work with us and help us with our planning needs. Also, he said they are glad to have Ed Byrne of the Planning Department at the meeting. Mayor Dees noted that they also need to think

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about who they wanted to appoint as their representative to the Planning Board.

7. Also, he was working on a 15-20 year annexation plan and he would like to put that proposal on a future agenda for the Board's consideration. He noted that he would like to share that information with the Joint Planning Board for their input as well.
8. Also, he noted that the Bragg Mutual Credit Union has moved out of the Town Hall. He said that they need to look at possibilities for that space as well as some other office space we will have in this building when the offices in the recreation center are available.
9. Mayor Dees said there will be a public meeting on the proposed transportation improvements to Legion Road from Cameron Road to Owen Drive on February 12th from 4:30 to 7:30 p.m. in the South view High School cafeteria. Any interested individuals may attend at their convenience. Also, there will be no formal presentation. He noted that it involves widening of Legion Road to a four lane median divided roadway with curbs and gutters.
10. Said the Friends of the lake will hold its next meeting on Tuesday, February 20th at 7:00 p.m., at the Hope Mills United Methodist Church. Also, he said the group which now has about 600 members wants everyone to know that the meeting is open to the public.
11. Mayor Dees noted that the next Board meeting is Monday, February 19th.

Commissioner Legge stated he would like to recognize the Warner family, and stated how much he respected Mr. Warner. He stated Mr. Warner was greatly missed and he meant a lot to the Town.

12. CLOSED SESSION PURSUANT TO NCGS 143-318.11(A)(3)(5)(6) TO CONSULT WITH THE ATTORNEY ON MATTERS WITHIN THE ATTORNEY-CLIENT PRIVILEGE AND TO DISCUSS PERSONNEL MATTERS.

At 8:08 p.m., Commissioner Gorman made a motion to conduct a Closed Session for the purposes as stated. Commissioner Collins seconded, and the motion carried unanimously.

Mayor Dees called for a five minute break prior entering Closed Session.

13. RETURN TO REGULAR SESSION.

At 9:00 p.m., Commissioner Collins made a motion to return to regular session. Commissioner Legge seconded, and the motion carried unanimously.

14. CLOSED SESSION MINUTES.

Commissioner Gorman made a motion to seal the minutes of the Closed Session until such time as the release of the information would no longer frustrate the purpose of the Closed Session, and further no action was taken. Commissioner Luther seconded, and the motion carried unanimously.

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15. CONSIDERATION OF ORDINANCE AMENDMENT, CHAPTER 66, PERSONNEL, SECTION 66.310, MEDICAL INSURANCE FOR RETIRED TOWN EMPLOYEES.

Commissioner Smith stated he would like the Board to consider changes in the medical insurance for retirees.

Commissioner Collins requested to be excused from discussing and voting on this matter.

Commissioner Legge made a motion to excuse Commissioner Collins from discussing or voting on the matter. Commissioner Smith seconded, and the motion carried unanimously.

Commissioner Smith read the proposed ordinance amendment.

Commissioner Smith made a motion to adopt the ordinance amendment for medical insurance for retired employees, Section 66-310. Commissioner Gorman seconded the motion, which passed unanimously with those present and voting.

Mayor Dees stated that this ordinance amendment was long overdue. Further, Mayor Dees said this would make the Town more competitive in attracting experienced employees in the future.

**Amendment
To The
CODE OF ORDINANCES
Town of Hope Mills, North Carolina**

Section 1. Chapter 66, Personnel is hereby amended as follows:

Sec. 66-310. Medical insurance for retired Town employees.

Health care insurance will be provided and paid by the Town for each eligible retiree as follows:

- (f) Retiree must have completed 10 consecutive years of service and be at least 55 years of age. Retiree must be receiving retirement benefits from the North Carolina Local Government Employees' Retirement System;
- (g) Retiree must have completed 30 years of consecutive service at any age and be receiving retirement benefits from the North Carolina Local Government Employees' Retirement System;
- (h) Employees with 15 years of consecutive employment with the Town who retire with medical disability under the North Carolina Local Government Employees' Retirement System;
- (i) The Town will provide health insurance to the retiree until such time as retiree becomes eligible for Medicare; beginning at that time, the Town will thereafter provide Medicare supplemental insurance.

Section 2. That this ordinance shall be in full force and effect from and after its adoption.

Section 3. That all other provisions of Chapter 66 shall remain as currently codified.

Adopted this 5th day of February, 2007.

EDDIE DEES, MAYOR

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16. ADJOURNMENT.

At 9:02 p.m., upon a motion by Commissioner Legge, seconded by Commissioner Luther and unanimously carried, the meeting was adjourned.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk