

REGULAR MEETING, MONDAY, MAY 21, 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, Gorman, Smith, Legge, and Collins were present.

Others present were Town Manager Randy R. Beeman, Town Attorney William R. Davis, Public Works Director Bruce McLaurin, Fire Chief Chuck Hodges, Parks and Recreation Director Anita Kilgore, Finance Director Jeff Saleeby, Chief Building Inspector Mike Bailey, Deputy Town Clerk Natasha McCants, and Police Chief John Hodges.

Dr. Dennis Sheppard, Hope Mills United Methodist Church, gave the invocation, and Commissioner Smith led the Pledge of Allegiance.

1. AGENDA ADJUSTMENTS, ADDITIONS, DELETIONS.

Mayor Dees requested that Administration of the Oaths of Office be added for Town Manager Randy R. Beeman, Finance Director Jeff Saleeby, and Chief Building Inspector Mike Bailey.

Commissioner Legge made a motion to add the item as requested. Commissioner Collins seconded, and the motion carried unanimously.

2. ADMINISTRATION OF OATHS OF OFFICE.

Mayor Dees administered the Oaths of Office to Town Manager Randy R. Beeman, Finance Director Jeff Saleeby, and Chief Building Inspector Mike Bailey.

3. PRESENTATION: FY 04-05 AUDIT REPORT BY HAIGH, BYRD & LAMBERT, CPA'S.

Mark Hedgepeth, Haigh, Byrd, & Lambert, presented the 04-05 audit report. Mr. Hedgepeth stated the general statutes required municipalities to have annual audits of their financial statements, and the objective of their engagement was the expression of an opinion on the Town's financial statement. Mr. Hedgepeth stated in their opinion, the financial statements referred to present fairly, in all material respects, the financial portion of the governmental activities, each major fund, and the aggregate remaining fund information of the Town of Hope Mills as of June 30, 2005, and the respective changes in financial position, thereof and the respective budgetary comparison for the general fund for the year then ended in conformity with accounting principles generally accepted in the United States of America. He said this was commonly referred to as an "unqualified or a clean opinion".

Mr. Hedgepeth reported he met with the Audit Committee on May 14th, Commissioner Gorman and Commissioner Smith, and also met with the Finance Committee, composed of the Audit Committee, Mayor Dees, Mr. Nicholl, and Mr. Saleeby. Mr. Hedgepeth stated they reviewed the financial statements in detail at that time.

Mr. Hedgepeth briefly reviewed the Management Discussion and Analysis or MDA and stated this was prepared by management and presented in narrative form an overview of the financial

REGULAR MEETING, MONDAY, MAY 21, 2007

activities and was intended to enhance the reader's understanding. He also noted there were some summarized comparative data relating to assets, liabilities, revenues and expenses, which were not presented elsewhere in the financial statement.

Mr. Hedgepeth noted that the Town's cash position at June 30, 2005 was \$4,342,000.00 which was up from the prior year end by approximately \$160,000.00. Mr. Hedgepeth remarked that the total expense of all the Town's activities were \$6,139,000.00 with public safety comprising approximately 54% at \$3,314,000.00. He commented charges for various services amounted to \$866,000.00 with approximately \$643,000.00 coming from refuse collection services. Further, he stated operating grants amounted to \$388,000.00 and capital grants of \$1,368,000.00 were received. He stated the Town also received infrastructure contributed by developers in the amount of \$1,950,000.00, and other significant information on the statement in the general revenue of the Town amounted to \$5,317,000.00 made up of property tax revenues, \$2,472,000.00, other taxes of \$3,840,000.00, and state shared revenues consisting of local option sales tax and other shared revenues totaling approximately \$2,300,000.00.

Mr. Hedgepeth stated the total net assets of the Town at June 30, 2005 amounted to \$12,029,000.00 with an increase in net assets of approximately 2.8 million dollars of which approximately 1.8 million dollars represented the operating surplus of the town for the year and one millions dollars representing the capital assets contributing to the Town. Mr. Hedgepeth noted that expenditures for the year exceeded revenues by \$680,000.00. In summary, Mr. Hedgepeth stated revenues and other sources of fund exceeded the expenditures and other uses by \$341,000.00. He stated this is the amount by which the general fund balance grew, and the fund balance of the general fund amounted to about \$5,200,000.00 at year end.

Mr. Hedgepeth noted there were some compliance and statutory findings which were noted in the audit. He stated there were six departments that reported expenditures in excess of budget, which are statutory violations, and these over expenditures primarily resulted from not properly recording proceeds from the funding of two lease purchase contracts amounted to \$1,360,000.00. He stated the lease purchase agreements were approved by the Board, however, neither the receipt nor the related expenditures were presented and approved in the form of budget amendments to the approved budget for the year end June 30, 2005. He stated the statutory violation could have been avoided had the amendments been approved. Mr. Hedgepeth noted two other compliance items, and said there was a deficient fund balance at year end in the recreation center capital project and walking path capital project. He stated the deficient fund balances also resulted in the unapproved inter-fund borrowing from the general fund. In addition, Mr. Hedgepeth noted also disclosed was the fact that various required reports, including the audit report had been delinquent.

In summary, Mr. Hedgepeth stated the Town's financial position at June 30, 2005 was good. He stated the Board was encouraged to stay informed and to remain involved in the operations of the Town. Mr. Hedgepeth stated the Town has

REGULAR MEETING, MONDAY, MAY 21, 2007

never needed strong leadership more than it does right now. In addition, Mr. Hedgepeth urged the Board to incorporate long range planning into its current agenda.

Mr. Hedgepeth expressed appreciation to the Town staff for the courtesies extended during their engagement and for the assistance provided.

Commissioner Luther made a motion to approve the Fiscal Year 04-05 audit report. Commissioner Smith seconded, and the motion carried unanimously.

4. PRESENTATION BY NICK OCHSNER FOR APPROVAL OF EAGLE SCOUT PROJECT TO BE LOCATED AT THE HOPE MILLS ARMED FORCES VETERANS MEMORIAL PARK.

Mr. Ochsner stated he would like to obtain his Eagle Scout Award by completing a Leadership Service Project called "Operation Enduring Freedom (Afghanistan) and Operation Iraqi Freedom (Iraq)." He stated the monument project would be placed in the Hope Mills Armed Forces Veterans Memorial Park, and the Veterans Affairs Commission had made a recommendation that this project be approved by the Town Board.

Mr. Ochsner said the monument would consist of granite to include the inscription "In honor of all men and women who gave themselves to the Global War on Terror, Operation Enduring Freedom and Operation Iraqi Freedom."

Commissioner Collins made a motion to approve the Eagle Scout Project as presented. Commissioner Gorman seconded, and the motion carried unanimously.

Commissioner Gorman said he would like to thank the Ochsner Family for what they had done for their country.

5. MAYORAL PROCLAMATION: MEMORIAL DAY, MAY 28, 2007.

Mayor Dees read the proclamation and stated it would be presented at the Memorial Day ceremony on May 28th at the Armed Forces Veterans Memorial Park. He stated VFW Post 10630 and Ladies Auxiliary would be hosting this ceremony.

Mayor Dees urged all citizens to observe this day in honor and in memory of the thousands of American men and women who have answered the call to duty in defending the hard won freedoms we enjoy today and who have sacrificed their lives in defense of their country.

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

Mayor Dees briefly commented that surveying work was underway, and one construction trailer had been delivered on site. He stated the contractor was in process of getting all utility hook-ups.

Mayor Dees stated the public was cordially invited to attend the official Groundbreaking Ceremony on Saturday, May 26th at 10:00 a.m. He asked everyone to meet at the Town Marquee near the stop light on Main Street.

Mayor Dees opened the floor for public comments or questions, and there were none.

REGULAR MEETING, MONDAY, MAY 21, 2007

7. PUBLIC COMMENTS.

Vickie Curtis, 5805 Waldwick Road, Fayetteville, presented a National Home Ownership Program for minority families, and stated a workshop would be held on Saturday, June 2nd, 9:00 a.m. to 1:30 p.m., at South View High School. Ms. Curtis stated this workshop was hosted by Delta Sigma Theta Sorority, Inc.

David Pulliam, 6098 Midas Street, Hope Mills, stated he was Vice-President of the Hope Mills Cruzers. He stated their organization had been meeting at Big T's at the lake park area, and they had made major contributions to the Hope Mills Friends of the Lake, Katrina Relief supported by Southview Baptist Church, contributions to the Hardin Memorial Fund, and other activities and groups. Mr. Pulliam requested permission to conduct a car show at the lake with approximately 100 cars. He stated they had contacted businesses along Hope Mills Road, and they had agreed to allow parking in their respective areas. Mr. Pulliam said that they did not have a specific date for the car show but they would request tentative Board approval. He stated they have one million dollars liability insurance policy, and they would be responsible for any damages to any grassy areas in the lake park area. In addition, he stated they were prepared to hire an off duty Police Officer to assist with the pedestrians crossing the road. Mr. Pulliam said they would work out an acceptable date with the Parks and Recreation staff and would bring back this date to the Town Board for final approval. He stated he felt that this event would not conflict in any way with any ongoing construction at the lake.

In response to a question from Mayor Dees, Mr. Pulliam stated they were looking at possibly having the car show sometime in September.

In response to a question from Commissioner Gorman, Mr. Pulliam stated they planned a car show on June 9th, from 10:00 a.m. to 3:00 p.m., at J. P. Riddle Stadium with the proceeds to go to the Friends of the Lake.

Commissioner Collins commented he personally knew Mr. Pulliam and the club, and they had only done good work and a lot for the Town. He stated they were a good, clean outfit.

Commissioner Collins made a motion to give tentative approval for the car show pending the exact date of the event as requested.

In response to a question from Mayor Dees, Mrs. Kilgore stated that there were no known conflicts in the month of September.

Commissioner Smith asked if it would be more feasible to hold the car show on the ballfields where the Police Department had held its fund-raising carnival. He stated this would allow more cars for the event rather than having them all gather on the grassy area at the lake park area. Mr. Pulliam commented they had thoroughly looked at the lake park area and felt the space would be adequate and they preferred this location.

REGULAR MEETING, MONDAY, MAY 21, 2007

Commissioner Smith seconded the motion, which carried unanimously.

Jessie Bellflowers, 3819 Sturbridge Drive, stated he was Commander-Elect of VFW Post 10630, and invited all citizens to the Memorial Day Ceremony on May 28th, 4:00 p.m., at the Armed Forces Veterans Memorial Park. Mr. Bellflowers asked Mayor Dees to attend and to read and present the proclamation at that time. In addition, he asked the Town to lay a wreath at the ceremony, and invited any other businesses or groups to do likewise. Mr. Bellflowers gave information concerning other Memorial Day Ceremony events planned in the area.

Mayor Dees asked the Board members who were veterans to present the wreath at the ceremony on behalf of the Town. Mayor Dees also asked Nick Ochsner, Eagle Scout candidate, to attend the ceremony as well.

Dr. James Williams, 5415 Thompson Circle, commented the Hope Mills Cruzers were one of the largest contributors to the Friends of the Lake. Dr. Williams said he would like to address the Board concerning the fence currently located in the lake park area. He stated there was an ugly wall of weeds that needed attention, and asked that the area be cleaned to preserve a nice view.

Mayor Dees remarked the fence would be removed for a construction entrance and it would come down within the next year. Mayor Dees stated he would have this matter investigated.

8. CONSENT AGENDA.

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

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

- a) Consideration to adopt Capital Project Ordinances:**
1. Hope Mills Lake and Dam Project

TOWN OF HOPE MILLS
HOPE MILLS DAM AND SPILLWAY PROJECT ORDINANCE

Whereby, the project to reconstruct the Hope Mills Lake Dam and Spillway was ordained June 16, 2003 and amended May 23, 2005 by prior Board action with an approved budget of \$100,000.00.

Whereas, a complete review of costs associated with reconstruction of the dam and spillway deems it necessary for the Board to approve the following amendment to the original ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Town of Hope Mills, North Carolina that pursuant to Chapter 159, Section 13.2 of the General Statues of North Carolina, the following capital project ordinance amendment is hereby adopted:

REGULAR MEETING, MONDAY, MAY 21, 2007

Section 1. The project amendment authorized is for a new dam and spillway for Hope Mills Lake to include construction costs, engineer/architect fees and other contingency costs to be financed by an installment purchase loan and funding from state and federal grants.

Section 2. The officers of this unit are hereby directed to proceed with this capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for this project:

Construction Costs	\$ 10,332,590
Engineer/Architect	1,172,426
Contingency	1,218,333
Other Legal	<u>10,000</u>
	\$ <u>12,733,349</u>

Section 4. The following revenues are anticipated to be available to the Town to complete this project:

Transfer from Gen. Fund	\$ 100,000
Loan Proceeds	4,000,000
State Assistance	4,966,210
US Dept of Agriculture	1,550,000
NC Div. of Emerg. Mgmt.	<u>2,117,139</u>
	\$ <u>12,733,349</u>

Section 5. The Finance Officer is hereby directed to maintain with the Capital Project Fund sufficient specific detailed accounting records to satisfy compliance with existing statutory requirements.

Section 6. The Finance Officer is directed to report, at a minimum, on a monthly basis, on the financial status of each project element in Section 3.

Section 7. Copies of this capital project ordinance shall be furnished to the Town Clerk, and to the Town Manager and the Finance Officer for direction in carrying out this project.

Adopted by the Hope Mills Board of Commissioners this 21st day of May, 2007.

Eddie Dees, Mayor

Attest:

Phyllis C. Register, MMC, Town Clerk

2. Recreation Center

TOWN OF HOPE MILLS
HOPE MILLS RECREATION CENTER PROJECT ORDINANCE

REGULAR MEETING, MONDAY, MAY 21, 2007

Whereby, the project to construct the Hope Mills Recreation Center was ordained May 23, 2005 and amended June 27, 2006 by prior Board action with an approved budget of \$140,585.00.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Town of Hope Mills, North Carolina that pursuant to Chapter 159, Section 13.2 of the General Statues of North Carolina, the following capital project ordinance amendment is hereby adopted:

Section 1. The project amendment authorized is for a new Recreation Center for Hope Mills to include construction costs, engineer/architect fees to be funded by a local grant from Cumberland County and the Town's Unappropriated Fund Balance.

Section 2. The officers of this unit are hereby directed to proceed with this capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for this project:

Construction Costs \$ 2,537,137.63

Section 4. The following revenues are anticipated to be available to the Town to complete this project:

Unappropriated Fund Balance \$ 1,657,137.63
Cumberland County 880,000.00
 \$ 2,537,137.63

Section 5. The Finance Officer is hereby directed to maintain with the Capital Project Fund sufficient specific detailed accounting records to satisfy compliance with existing statutory requirements.

Section 6 The Finance Officer is directed to report, at a minimum, on a monthly basis, on the financial status of each project element in Section 3.

Section 7. Copies of this capital project ordinance shall be furnished to the Town Clerk, and to the Town Manager and the Finance Officer for direction in carrying out this project.

Adopted by the Hope Mills Board of Commissioners this 21st day of May , 2007.

Eddie Dees, Mayor

Attest:

Phyllis C. Register, MMC, Town Clerk

3. Town Walking Path Extension

TOWN OF HOPE MILLS
TOWN WALKING PATH PROJECT ORDINANCE

Whereby, the project for the reconstruction and extension to the Town Walking Path was ordained May 23, 2005 by prior Board action with an approved budget of \$2,600.

REGULAR MEETING, MONDAY, MAY 21, 2007

Whereas, a complete review of costs associated with the extension it necessary for the Board to approve the following amendment to the original ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Town of Hope Mills, North Carolina that pursuant to Chapter 159, Section 13.2 of the General Statues of North Carolina, the following capital project ordinance amendment is hereby adopted:

Section 1. The project amendment authorized is for completion of the extension to the walkway by using the Town's Unappropriated Fund Balance.

Section 2. The officers of this unit are hereby directed to proceed with this capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for this project:

Construction Costs \$ 131,851.74

Section 4. The following revenues are anticipated to be available to the Town to complete this project:

Transfer from General Fund \$ 2,810.12
Unapprop. Fund Balance 129,041.62
 \$ 131,851.74

Section 5. The Finance Officer is hereby directed to maintain with the Capital Project Fund sufficient specific detailed accounting records to satisfy compliance with existing statutory requirements.

Section 6. The Finance Officer is directed to report, at a minimum, on a monthly basis, on the financial status of each project element in Section 3.

Section 7. Copies of this capital project ordinance shall be furnished to the Town Clerk, and to the Town Manager and the Finance Officer for direction in carrying out this project.

Adopted by the Hope Mills Board of Commissioners this 21st day of May, 2007.

Eddie Dees, Mayor

Attest:

Phyllis C. Register, MMC, Town Clerk

Capital Project Ordinances adopted.

b) Consideration to adopt Interlocal Agreement for emergency backup Animal Control services.

Attorney Davis reported he had reviewed the proposed Interlocal Agreement between the Town and Cumberland County concerning emergency back-up animal control services and recommended the Board adopt the agreement subject to approval by the Police Chief.

REGULAR MEETING, MONDAY, MAY 21, 2007

Chief Hodges reported after consulting with the Animal Control Officer Paul Howard and after reviewing the agreement, they recommended Board approval.

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

Interlocal Agreement adopted.

- c) Consideration to adopt Resolution designating applicant's agent for State Applicant Disaster Assistance Agreement (Hope Mills Lake/Dam Project).**

It was noted the purpose of the resolution was to designate Town Manager Randy Beeman, Primary Agent, and Mayor Eddie Dees, Secondary Agent, to execute and file application for federal and/or state assistance on behalf of the Town regarding the Hope Mills Lake Dam/Spillway Project.

A copy of the Resolution is filed in the Book of Resolutions in the Town Clerk's Office.

Resolution adopted.

- d) Consideration to adopt Budget Amendment 01-2006/2007 (P&R Capital Outlay to proceed with furnishing Recreation Center; approved 5/7/07).**

Finance Director Jeff Saleeby reported the Board approved on May 7th the use of \$133,479.64 to proceed with furnishing the Recreation Center, and stated this was the purpose of the recommended budget amendment.

Budget amendment 01-2006/2007 adopted.

- e) Consideration to approve employment agreement with Mr. Robert C.W. Nicholl, temporary position of Consultant to the Town Manager, through June 30, 2007.**

Mr. Nicholl stated because of the ongoing projects which have been enacted by the Board while he had served as Interim Town Manager, he asked the Board to consider authorizing his continued employment in a temporary position of Consultant to the Town Manager to assist and advise Mr. Randy Beeman until the end of the current fiscal year, June 30, 2007. Mr. Nicholl stated he was willing to perform these duties on a consulting basis for an hourly rate of \$20.00 per hour and the employment would consist of a two to three day work week for an estimated total of 15 hours per week. He stated the actual hours and times of work would be determined by Mr. Beeman, and additionally, he was not requesting a travel allowance or any other fringe benefits.

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

Employment Agreement approved.

REGULAR MEETING, MONDAY, MAY 21, 2007

- f) **Consideration to accept donation of 800 MHZ Radios, value \$76,050.70 to Hope Mills Fire Department.**

Fire Chief Chuck Hodges reported the Fire Department had received the 800 MHZ Radios that was part of a grant awarded to the Cumberland County Fire Chief's Association. He said the department was now in possession of the radios and recommended the Board accept donation of this communication equipment. Chief Hodges presented information on the type, quantity, serial number, and cost of the radios as well as where they would be installed. Chief Hodges noted that the grand total of the grant was \$76,050.70 and the Finance Department had already received this information. He stated Motorola was expected to start installation within the next two weeks.

Donation of 800 MHZ Radios for the Fire Department approved.

- g) **Consideration to adopt Budget Amendment 53-2006/2007, Hope Mills Lake and Dam/Spillway; Budget Amendment 57-2006/2007, Walking Path Extension, and Budget Amendment 58-2006/2007, Recreation Center.**

Finance Director Jeff Saleeby presented the Budget Amendments and recommended adoption by the Board.

Budget Amendments 53, 57, and 58 adopted.

"END CONSENT AGENDA"

9. **PUBLIC HEARING: CASE NO. P07-23. CONSIDERATION OF ZONING TEXT AMENDMENT, SECTION 102-76, TABULATION OF PERMITTED USES TO ALLOW OFFICE USE WITH NO ON PREMISES STOCK OF GOODS FOR SALE TO THE GENERAL PUBLIC IN THE R15, R10, R6, R6A, R5 AND R5A RESIDENTIAL DISTRICTS.**

Mr. Nicholl reported that the Hope Mills Zoning Board met on Monday, May 14th, and heard this matter and recommended denial.

Mr. Ed Byrne, Cumberland County Planning, noted Mrs. Tina Odom was the applicant for this request, and stated that the Hope Mills Zoning Board recommended denial of this ordinance amendment and recommended the Planning Staff recommendations be followed in this matter.

Mr. Byrne stated the Planning and Inspections Staff recommended denial of the proposed amendment based on the following:

1. This request is not consistent with the purpose and intent of the Town Zoning Chapter; Sec. 102-1, Purpose, Hope Mills Zoning Chapter, establishes that "the regulations have been made with reasonable consideration, among other things, *as to the character of each district and its peculiar suitability for particular uses* [emphasis added] and with a view to conserving the value of

REGULAR MEETING, MONDAY, MAY 21, 2007

building and encouraging the most appropriate use of land throughout" the Town;

2. The residential districts are designed to stabilize and protect the essential characteristics of each district by promoting and encouraging a suitable environment for family life and prohibiting certain activities of a non-residential nature except some that generally qualify as a public facility;
3. The separation of the different types of uses of land is a well-established zoning practice that has long been upheld by this Staff, the Town and every level of the court system, which also serves as a protective measure for the residential areas, the quality of life of the residents, and property values;
4. The request does not prescribe how if granted, the amendment would serve a "public purpose" which must be established prior to consideration of any zoning amendment;
5. There are a sufficient number of zoning districts within the Town that already allow for office uses; and
6. Non-residential uses in the residential districts are currently allowed in the Town on a limited basis by the Town Zoning Chapter as a home occupation, which affords protection to the character of the residential areas.

In response to a question from Commissioner Smith, Mr. Byrne said that an incidental use permit only allows a percentage of the residence to be used for business.

In response to a question from Commissioner Smith, Mr. Byrne said that a permit for an in-home occupation is issued through zoning in the Inspections Department and there is no Board approval that would have any kind of restrictions on that, and the property owner has a right to use a percentage of the residence for business because it would qualify as an in-home occupation and it cannot look as if there is a business located there at all and it has to look like a residence. In response to a question from Commissioner Smith, Mr. Byrne stated that Hope Mills' district did not have conditional use permits, but the owner could get approval for a business in those districts from the Board of Adjustment and they would have to list everything about the business on the application. Mr. Byrne noted that the Board of Adjustment could put restrictions on the business.

Commissioner Smith said he felt it would be in the Town's favor to have conditional use in the ordinances. Mr. Byrne said that would allow a full fledged business in those districts verses an in-home occupation where you would not see a business just a residence. Commissioner Smith stated the Town has businesses located with residents on either side throughout the Town. He said that they could go back and see how that happened, and said he felt the Town would have more control, instead of doing a rezoning, if the ordinance said conditional use. Commissioner Smith stated Legion Road was getting ready to be a five lane highway whether they wanted it

REGULAR MEETING, MONDAY, MAY 21, 2007

or not and that is not necessarily in a neighborhood. Mr. Byrne stated that is why there is the zoning process when an area is changing like Hope Mills to commercial you have to study areas on certain roads for changes and that is what the zoning process is for verses the Board of Adjustment. Mr. Byrne stated you try to find a limited amount of recourses that are appropriated in certain areas like residential where you are allowed to have schools, fire stations, power substations, things that service the area.

Commissioner Legge stated he had read the Town ordinances regarding home occupation and briefly commented on the requirements.

Attorney Davis said he would like to clarify that conditional uses were only permitted and granted by the Zoning Board of Adjustment. He stated that the Town Board had approval authority for rezoning and ordinance amendment matters.

Mayor Dees opened the public hearing.

Tina Odom, 4664 Legion Road, expressed concerns about other businesses such as a Veterinarian Clinic and Dentist Office being approved in residential areas. She stated there were other areas in town that were allowed to have businesses on smaller lots than her lot. Mrs. Odom expressed concerns that she was not treated fairly and said she was discriminated against. Mrs. Odom gave a history on her rezoning case.

There being no one else to speak in favor or in opposition to the matter, the public hearing was closed.

Commissioner Luther made a motion to deny the zoning text amendment. Commissioner Legge seconded the motion.

The vote on the motion was as follows:

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

NOES: Commissioner Smith

10. PUBLIC HEARING: CASE NO. P07-35. CONSIDERATION OF INITIAL ZONING OF A 2.14 ACRE PORTION OF A 42.87 ACRE TRACT LOCATED SOUTHWEST OF ELK ROAD, EAST OF DUNROBIN DRIVE, PROPERTY OF BROADWELL LAND COMPANY, TO R5A RESIDENTIAL DISTRICT, OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION.

Mr. Ed Byrne stated this case was for the initial zoning of a 2.14 acre portion of a tract located southwest of Elk Road east of Dunrobin Drive. He briefly reviewed a map of the area and noted the current land use and zoning of the area. Mr. Byrne reported that the Hope Mills Zoning Board heard this matter on May 14th and recommended approval of R5A Residential District.

Mr. Byrne reported the Planning and Inspections Staff recommended approval of R5A Zoning District based on the following:

REGULAR MEETING, MONDAY, MAY 21, 2007

1. The R5A zoning district is consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location; and
2. This request was initiated by the Town of Hope Mills.

The R10 and R6 zoning districts are the only other suitable zoning districts to be considered for this site.

Mayor Dees opened the public hearing. There being no one to speak in favor or in opposition to the matter, the public hearing was closed.

Commissioner Smith made a motion to adopt the ordinance amendment initially zoning this property R5A Residential District. Commissioner Gorman 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 southwest of Elk Road, east of Dunrobin Drive, and being more particularly described as follows is hereby initially zoned R5A Residential District.

BEGINNING AT A POINT IN THE TOWN LIMIT LINE OF HOPE MILLS, SAID POINT BEING THE SOUTHERN MOST CORNER OF FLORENCE LUCAS AS DESCRIBED IN DEED BOOK 6523 AT PAGE 781, SAID POINT ALSO BEING THE WESTERN MOST CORNER OF FLORENCE LUCAS AS DESCRIBED IN DEED BOOK 4604 AT PAGE 471, SAID POINT ALSO BEING IN THE LINE OF BROADWELL LAND CO., THENCE FROM SAID BEGINNING POINT AND WITH THE LINE OF SAID LUCAS AND BROADWELL LAND CO. AND THE NEW HOPE MILLS TOWN LIMIT LINE SOUTH 72 DEGREES 07 MINUTES 51 SECONDS EAST A DISTANCE OF 58.39 FEET TO A POINT; THENCE WITH THE NEW HOPE MILLS TOWN LIMIT LINE SOUTH 12 DEGREES 57 MINUTES 08 SECONDS WEST A DISTANCE OF 450.93 FEET TO A POINT; THENCE WITH THE NEW HOPE MILLS TOWN LIMIT LINE SOUTH 55 DEGREES 35 MINUTES 51 SECONDS WEST A DISTANCE OF 91.01 FEET TO A POINT; THENCE WITH THE NEW HOPE MILLS TOWN LIMIT LINE SOUTH 20 DEGREES 35 MINUTES 37 SECONDS WEST A DISTANCE OF 101.81 FEET TO A POINT; THENCE WITH THE NEW HOPE MILLS TOWN LIMIT LINE NORTH 77 DEGREES 08 MINUTES 15 SECONDS WEST A DISTANCE OF 54.83 FEET TO A POINT IN THE OLD HOPE MILLS TOWN LIMIT LINE; THENCE WITH THE OLD HOPE MILLS TOWN LIMIT LINE AS SHOWN IN ANNEXATION DEED AND RECORDED IN DEED BOOK 3018 AT PAGE 459 NORTH 02 DEGREES 09 MINUTES 15 SECONDS WEST A DISTANCE OF 338.81 FEET TO A POINT; THENCE CONTINUING WITH THE OLD HOPE MILLS TOWN LIMIT LINE NORTH 29 DEGREES 34 MINUTES 45 SECONDS EAST A DISTANCE OF 131.72 FEET TO A POINT; THENCE CONTINUING WITH THE OLD HOPE MILLS TOWN LIMIT LINE NORTH 48 DEGREES 37 MINUTES 45 SECONDS EAST A DISTANCE OF 209.96 FEET TO THE POINT AND PLACE OF BEGINNING **CONTAINING 2.14 ACRES** AND BEING A PORTION OF THE LAND DESCRIBED IN DEED TO BROADWELL LAND COMPANY AND RECORDED IN DEED BOOK 6905 AT PAGE 6 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 21st day of May, 2007.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

11. PUBLIC HEARING: CASE NO. P07-36. CONSIDERATION OF INITIAL ZONING OF 102 PARCELS TOTALING 174.91+/- ACRES TO R10 RESIDENTIAL DISTRICT, OR TO A MORE RESTRICTIVE ZONING CLASSIFICATION, FOR AN AREA LOCATED ON THE NORTHWEST SIDE OF BLACKS BRIDGE ROAD, EAST OF OLD PLANK ROAD, BEING KNOWN AS STEEPLE CHASE SUBDIVISION.

Mr. Byrne reviewed a map of the area and the current zoning and land uses and stated this was the initial zoning of 102 parcels, approximately 174.91 acres located on the northwest side of Black Bridge Road east of Old Plank Road, and known as Steeplechase Subdivision. He reported that the Hope Mills Zoning Board heard this case on May 14th and recommended approval of R10 Residential District for this development. Mr. Byrne said additionally this initial zoning would be for all the lots in Steeplechase Subdivision that were not previously initially zoned when previously annexed by the Town.

Mr. Byrne stated the Planning and Inspection staff recommended approval for the R10 zoning district based on the following:

1. The R10 zoning district is consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; and
2. This request was initiated by the Town of Hope Mills.

There are no other zoning districts to be considered for this site.

In response to a concern expressed by Commissioner Legge regarding only one entrance to this development, Mr. Byrne stated that this subdivision received approval for one entrance under county standards prior to annexation by the Town. Mr. Byrne noted there were some possible stub outs for future use as additional entrances.

Mayor Dees opened the public hearing. There being no one to speak in favor or in opposition to the matter, the public hearing was closed.

Commissioner Legge made a motion to adopt the Ordinance Amendment initially zoning Steeplechase Subdivision R10 Residential District. Commissioner Collins seconded, and the motion carried unanimously.

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

REGULAR MEETING, MONDAY, MAY 21, 2007

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

1. That an area located on the northwest side of Black Bridge Road, East of Old Plank Road (known as Steeplechase Subdivision) and being more particularly described as follows is hereby initially zoned R10 Residential District.

BEGINNING at the northernmost corner of Lot 264 of Steeplechase Section One as recorded in Plat Book 114, Page 132, Cumberland County, North Carolina Registry and running with the northern boundary of said Steeplechase Section One (Lots 264-254, 251, 271, 316, 328, 343, 61-58) the following courses and distances;

South 46 degrees 14 minutes 07 seconds West, 57.93 feet to a corner;
South 72 degrees 17 minutes 28 seconds West, 118.48 feet to a corner;
South 69 degrees 14 minutes 46 seconds West, 114.81 feet to a corner;
South 63 degrees 31 minutes 06 seconds West, 178.56 feet to a corner;
South 38 degrees 50 minutes 00 seconds West, 45.00 feet to a corner;
South 76 degrees 39 minutes 10 seconds West, 60.70 feet to a corner;
South 63 degrees 31 minutes 06 seconds West, 80.00 feet to a corner;
North 56 degrees 38 minutes 23 seconds West, 32.90 feet to a corner;
South 56 degrees 00 minutes 00 seconds West, 340.00 feet to a corner;
South 51 degrees 11 minutes 50 seconds West, 178.03 feet to a corner;
North 38 degrees 48 minutes 10 seconds West, 45.91 feet to a point;
South 51 degrees 11 minutes 50 seconds West, 185.00 feet to a corner;
North 38 degrees 48 minutes 10 seconds West, 80.00 feet to a corner;
South 51 degrees 11 minutes 50 seconds West, 175.00 feet to a point;
South 38 degrees 48 minutes 10 seconds East, 14.89 feet to a corner;
South 51 degrees 11 minutes 50 seconds West 136.52 feet to a corner;
North 40 degrees 56 minutes 00 seconds West, 10.01 feet to a corner;
South 46 degrees 56 minutes 30 seconds West, 136.51 feet to a corner;
South 45 degrees 56 minutes 57 seconds West, 50.01 feet to a corner;
South 46 degrees 56 minutes 30 seconds West, 55.52 feet to a corner;
South 68 degrees 20 minutes 28 seconds West, 291.86 feet to the westernmost corner of Lot 58 in the eastern line of a tract recorded in Deed Book 4024, Page 232; thence with the eastern line of said tract North 19 degrees 23 minutes 45 seconds West, 382.00 feet to a corner; thence with the northern line of said tract recorded in Deed Book 4024, Page 232 and beyond South 70 degrees 09 minutes 50 seconds West, 793.29 feet to a corner in the eastern line of a tract recorded in Deed Book, 3040, Page 261; thence with said eastern line North 20 degrees 57 minutes 35 seconds West, 2383.08 feet to a corner on the bank of Big Rockfish Creek; thence with Bid Rockfish Creek the following courses and distances;

North 19 degrees 13 minutes 51 seconds East, 470.68 feet to a point;
North 38 degrees 05 minutes 37 seconds East, 93.61 feet to a point;
North 71 degrees 01 minutes 28 seconds East, 86.40 feet to a point;
South 24 degrees 39 minutes 45 seconds East, 103.26 feet to a point;
South 27 degrees 21 minutes 33 seconds West, 203.79 feet to a point;
South 49 degrees 19 minutes 17 seconds East, 337.94 feet to a point;
North 84 degrees 10 minutes 20 seconds East, 229.00 feet to a point;
South 00 degrees 14 minutes 31 seconds West, 142.95 feet to a point;
South 79 degrees 03 minutes 35 seconds East, 200.14 feet to a point;
North 76 degrees 03 minutes 54 seconds East, 329.34 feet to a point;
North 32 degrees 18 minutes 34 seconds East, 398.49 feet to a point;
South 40 degrees 56 minutes 16 seconds East, 254.62 feet to a point;
North 82 degrees 44 minutes 05 seconds East, 244.75 feet to a point;
North 72 degrees 52 minutes 58 seconds East, 202.26 feet to a point;
North 47 degrees 44 minutes 34 seconds East, 211.71 feet to a point;
South 04 degrees 23 minutes 23 seconds East, 415.83 feet to a point;

REGULAR MEETING, MONDAY, MAY 21, 2007

South 87 degrees 17 minutes 13 seconds East, 291.96 feet to a point;
South 68 degrees 36 minutes 38 seconds East, 88.67 feet to a point;
South 58 degrees 05 minutes 29 seconds East, 107.89 feet to a point;
South 78 degrees 32 minutes 06 seconds East, 215.81 feet to a point;
North 32 degrees 42 minutes 48 seconds East, 153.11 feet to a point;
North 67 degrees 16 minutes 53 seconds East, 142.15 feet to a point;
South 08 degrees 00 minutes 30 seconds East, 139.21 feet to a point;
South 40 degrees 02 minutes 53 seconds West, 315.73 feet to a point;
South 46 degrees 43 minutes 41 seconds East, 115.11 feet to a point;
North 65 degrees 52 minutes 51 seconds East, 203.25 feet to a point;

thence leaving the creek and running with the western line of a tract recorded in Deed Book 3393, Page 0537, South 27 degrees 07 minutes 29 seconds East, 965.01 feet to the POINT OF BEGINNING. Containing Initial Zoning of 102 parcels totaling 174.91+/- acres.

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 21st day of May, 2007.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

12. PUBLIC HEARING: CASE NO. P07-38. CONSIDERATION OF REZONING 0.55 ACRES FROM R10 RESIDENTIAL DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT, FOR 5750 DOVE DRIVE, OWNED BY JUANITA B. AND HAROLD M. DOVE.

Mr. Byrne displayed a map and briefly reviewed the current zoning and land uses of the area. He reported the Hope Mills Zoning Board heard this case on May 14th and recommended approval of the rezoning to C(P) Planned Commercial.

Mr. Byrne stated the Planning and Inspections staff recommended denial of the C(P) zoning district based on the following:

1. The C(P) zoning district is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; and
2. Rezoning this property to the C(P) district will lead to encroachment of the commercial district into a residential area.

There are no other zoning districts to be considered for this request.

Commissioner Legge asked if the property along Hope Mills Road was proposed as commercial, and Mr. Byrne responded yes.

Mayor Dees stated that the petitioner was basically asking for the rezoning to square off his property.

REGULAR MEETING, MONDAY, MAY 21, 2007

Commissioner Legge commented this would give the property owner better use of the property.

Mayor Dees opened the public hearing.

Melvin Dove, 3128 North Main Street, stated he owned the property and had an offer from the State Employees Credit Union to build an office on this site which they required a minimum of three acres. Mr. Dove displayed a proposed construction map of the State Employees Credit Union building, and stated he thought this would be a good fit for the property and a good benefit for the Town. Mr. Dove stated it was his opinion this would improve the neighborhood. Further, Mr. Dove stated he went to the surrounding property owners and there were no objections to this rezoning. Mr. Dove said he thought this would be a nice addition to the community, and distributed two letters from residents expressing their support of the rezoning. Additionally, Mr. Dove presented a photograph of the buffer zone between the properties.

In response to a question from Commissioner Collins, Mr. Dove stated he had spoken with other neighbors about the rezoning.

Sally Bailey, 5857 Hunting Ridge Road, said she had no problem with the State Employees Credit Union building but did have concerns about the additional traffic that would be created in the neighborhood which went through Hunting Ridge Road. She asked the Board to please provide any help possible to help alleviate the increased traffic and also requested as many trees as possible be saved on the property.

Mayor Dees commented the Town had asked the North Carolina Department of Transportation to do a traffic study at this intersection and understood they would have their recommendation available within the next sixty to ninety days.

Mayor Dees noted the Board would have final site plan review and approval process for this site.

Commissioner Collins stated he spoke with the DOT and they confirmed a traffic study was in progress at this location involving a traffic count as well as a crash investigation study. Commissioner Collins stated the DOT representative informed him they were working on this matter and would get back with the Town.

Mr. Nicholl reported at the Hope Mills Zoning Board meeting on May 14th there were three people who spoke in favor of the rezoning and three people who spoke in opposition to the matter.

There being no else to speak in favor or in opposition to the matter, the public hearing was closed.

Commissioner Legge made a motion to approve the rezoning of 5750 Dove Drive, to C(P) Planned Commercial. Commissioner Collins seconded, and the motion carried unanimously.

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

REGULAR MEETING, MONDAY, MAY 21, 2007

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

1. That an area located at **5750 Dove Drive**, owned by Juanita B. And Harold M. Dove, and being more particularly described as follows is hereby rezoned from R10 Residential District to **C(P) Planned Commercial District**.

BEING all of Lot #1 of Crest Hill Subdivision, Section 1, as recorded in Plat Book 26, Page 27 of the Cumberland County Registry, 0.55 acres.

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 21st day of May, 2007.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

**13. CASE NO. 07-071. CONSIDERATION OF ZERO LOT LINE
SUBDIVISION REVIEW, KINGS MILL, SECTION SIX, AND REQUEST
FOR VARIANCES TO THE SUBDIVISION ORDINANCE.**

Mr. Byrne reported that the subject property was located at the eastern end of Skinner Road and along the northwest side of I-95. He said the developer proposed 14 lots and this section is the final phase of the development which has been developed in rural density standards. Mr. Byrne said the original tract consisted of 67.89 acres with 87 lots already platted and the property was zoned RR Rural Residential. He noted Sections 2-5 of the development had been recorded, but had not received approval by the Town Board.

Commissioner Collins asked how this development was approved without requiring public water and sewer, fire hydrants, etc. Mr. Byrne stated that Section 1, 22 lots came to the Town Board for approval after annexation of the property. He stated there was a requirement if public water and sewer was available within 2,000 feet it must be extended and sewer was available on the property, but the Town Board granted a variance of this request when Section 1 was developed.

Mayor Dees commented he understood that the Town Board had only approved Section 1 which was 22 lots, and Mr. Byrne confirmed this was correct and that the overall development plan had not been approved by the Town Board.

Commissioner Collins commented this appeared to be a decision of a prior administration, and Mr. Byrne stated that the developer had been allowed to proceed with the project without going before the Board for approval.

Mayor Dees asked the Board to allow the developer, Doug Strickland, to address any questions or concerns the Board may have. By consensus, the Board agreed to allow Mr. Strickland to speak.

REGULAR MEETING, MONDAY, MAY 21, 2007

Commissioner Gorman asked if the Town would have to install water and sewer at this time, and Mr. Byrne stated if the Town granted the variances as requested by the developer, he would continue to use well and septic tanks. Mr. Byrnes stated the Board was only looking at approving Section 6 as the other sections had already developed.

In response to a question from Commissioner Gorman regarding fire protection for the area, Fire Chief Chuck Hodges said the Town would provide fire protection for this area, however, the closest fire hydrant was located 1½ miles away. Chief Hodges did express concerns that in the event the placement of fire trucks on property became necessary, this could possibly cause some damage to septic tanks. Commissioner Luther asked if the cul-de-sac would allow enough room for the fire trucks to turn around, and Chief Hodges stated it was tight, but this was not the only area within the Town Limits that this was the situation. Chief Hodges said in the near future he hopes to propose some ordinance amendments relative to this.

Commissioner Legge asked how much sewage could the ground handle, and Mr. Byrne stated that the Cumberland County Health Department establishes the criteria and approval of the septic tanks.

Doug Strickland, Strickland Homes, stated he acquired the property in 2003 and Sections 1 and 2 had been developed by the previous developer. He stated he had developed Sections 3, 4 and 5 which had been approved by the Town and he had tentatively received approval for Section 6. Mr. Strickland stated when he went to get the final plat recorded, he became aware of these problems, and he was asking the Town Board to approve the 14 lots so he could get the final plat recorded. Mr. Strickland stated he had tried to go through all of the approval processes that he was aware of. Mr. Strickland verbally asked for a variance regarding the completion of Skinner Road and stated he needed to get the plat recorded as soon as possible.

Mayor Dees stated the previous Town staff had approved the prior sections of Kings Mill and had also given Mr. Strickland a preliminary approval on Section 6 in 2006.

Commissioner Legge asked if the developer intended to provide public water and sewer, and Mr. Strickland stated no because there were no more homes to be developed. Commissioner Legge asked who would pave the road and Mr. Strickland said that he did and before recording the plat he would have Skinner Road completely paved.

Commissioner Legge stated he recommended that the Board table this case until definite information could be provided regarding the payment of the recreation fees.

Mayor Dees stated that he thought the decision before the Board tonight was to allow or not allow Section 6 and to consider the variances as requested in the agenda packet. Mayor Dees said it was his opinion that a previous administration had allowed some things to happen and the Board needed to decide to allow the developer to finish this project or to stop the development.

REGULAR MEETING, MONDAY, MAY 21, 2007

Commissioner Collins stated he had some serious concerns with no fire hydrants being located on this property.

In response to a question from Commissioner Luther regarding wetlands, Mr. Strickland stated there were two lots that backed up to a pond. Mr. Strickland also said they could not get septic permits if it involved any wetlands area. Mr. Strickland stated he had three contracts currently and asked the Board to not table the matter.

Mayor Dees asked for Board consensus on the variances, and a brief discussion ensued.

In response to a question from Commissioner Gorman regarding the parks and recreation fee, Mr. Strickland stated he understood that 53 lots had been paid, but the Parks and Recreation fees had not been paid on 52 lots and he would be willing to pay the Parks and Recreation fee. Mr. Byrne noted that the Parks and Recreation fee (\$90.64 per lot), was based on the current land values.

Commissioner Collins made a motion to deny the variances because there was no public water and sewer and he thought this was a hazard to the residents.

The motion failed due to the lack of a second.

Commissioner Legge commented he felt the Board had no choice in this matter but to approve Section 6 due to the fact that the developer was constantly told by pervious staff that this was approved. Commissioner Legge noted that the Board had only approved Section 1 and felt this was basically a clean-up matter. Commissioner Legge stated that Mr. Strickland had agreed to pay the Parks and Recreation fees.

Commissioner Legge made a motion to approve the zero lot line subdivision review and variances as requested except the parks and recreation fee which would be determined by staff. Commissioner Luther seconded the motion.

The vote on the motion was as follows:

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

NOES: Commissioner Collins

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and permits required to place any structure within this development from the Hope Mills Inspection Department, in the Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits.
3. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
4. The developer must provide the Hope Mills Inspections Department with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any

REGULAR MEETING, MONDAY, MAY 21, 2007

retention/detention basins are required for state approval of this plan, then five copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any permits.

5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. To place a manufactured home on the lot/site, the developer must provide the year, make, VIN, and color of the manufactured home at the time of permit application.
7. If the applicant plans to discharge fill material into wetlands and/or streams, a Department of the Army permit must be obtained prior to construction within the wetlands and/or streams to avoid a violation of federal law.
8. A *Certificate of Occupancy* will not be issued until a Town Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the RR zoning district must be complied with, as applicable.
10. All applicable provisions of Section 86-86, "Group Developments", Hope Mills Subdivision Ordinance, must be complied with.
11. The small stream standards set forth in Section 42-133, Hope Mills Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the Town of Hope Mills. (Note: The section requires "no encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, which is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge".)
12. The Town Engineer and the Town's Street Department must approve the street and drainage plans, and all streets must be constructed to the Town's standards. (Note: The required drainage easements must be reflected on the final plat.)
13. The developer must obtain driveway permits from the Town of Hope Mills.

Plat-Related:

14. The portion of Kings Mills Road between Jefferson Walk Road and South Mill Drive, which has previously been platted as a public right-of-way, must be completely constructed to the Hope Mills street standards prior to submission for final plat approval of any future sections of this development.
15. The "pond" lot must be included on the final plat and this lot is required to have a minimum of 35 feet of frontage to one of the public rights-of-way.
16. If the pond is to be "common area" and not included with a lot, the developer is required to submit to the Land Use Codes Section of the Joint Planning Board's Staff, three copies of the legal documents specifically designating responsibility for the maintenance and upkeep of the existing pond through an owners' association for this development. These documents must be approved by the Hope Mills Town Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.
17. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement from the developer with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
18. Prior to final plat approval of any portion of this development, the developer is required to submit a check to the Town of Hope Mills in the amount of \$1,268.96 (\$90.64 per lot) payable to "Town of Hope Mills". This condition is in accordance with Section 3.13.1, Parks, Open Space, Recreation Provisions, Hope Mills Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Town of Hope Mills)

REGULAR MEETING, MONDAY, MAY 21, 2007

19. The builder/developer shall provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for, **or** at the time of permit application, the individual plot plans must be approved by Hope Mills Inspection Department prior to issuance of any permits.

20. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.

21. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along Interstate 95 on Lots 27, 56 and the pond lot.

22. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.

23. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.

24. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 86-36 (2), or (3), Hope Mills Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting the Hope Mills Street Department to schedule an inspection of the improvements. A written copy of the approval from the Hope Mills Street Department must to be submitted to the Land Use Codes Section of the Joint Planning Board's Staff prior final plat approval.)

25. The final plat must be submitted to the Land Use Codes Section of the Joint Planning Board's Staff and to the Town Clerk for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

26. Since this development does not have public water/sewer, the following disclosure statement shall be provided on the final plat:

"The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording."

27. All structures shall be shown on the final plat or the final plat shall reflect the following statement:

"Nonconforming structures have not been created by this subdivision."

Advisories:

28. The US Army Corps of Engineers has suggested that wetlands and/or streams appear to be located on this development. The developer should, prior to construction of this subdivision, have the wetlands and streams delineated and reviewed by the US Army Corp of Engineers to determine the limits of Section 404 jurisdiction.

29. The Town's Fire Department has no tactical advantage in the event of a structural fire in this area since this subdivision was developed without fire hydrants in place.

Other Relevant Conditions:

30. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

"Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

31. The Hope Mills Board of commissioners on May 21, 2007 approved all the requested variances as listed on the variance memo except the variance for the recreation fee for the previous recorded lots. The developer will be required to paid the fee amount for any all lot which have not been paid, which will be determined by the Hope Mills Town Staff.

14. CASE NO. 07-073. CONSIDERATION OF ZERO LOT LINE SUBDIVISION REVIEW, J. GARY CICCONE PROPERTY, LOCATED ON

REGULAR MEETING, MONDAY, MAY 21, 2007

THE NORTH SIDE OF N. MAIN STREET AND WEST SIDE OF BROWN STREET, EAST OF DAVIS STREET.

Mr. Byrne stated the subject property was located on the north side of North Main Street and the west side of Brown Street, east of Davis Street. He noted the developer proposed a zero lot line subdivision on 1.25 +/- acres and the property was currently zoned R6 Residential and C3 Heavy Commercial. He commented the R6 zoning allowed for lot sizes of 6,000 square feet per lot, and the C3 zoning district was designed primarily for a wide variety of retail and wholesale businesses, commercial and contract services, commercial recreation and amusement, public assembly, and office uses. He stated the proposed development consisted of one residential lot and two commercial lots.

Following a brief discussion, **Commissioner Smith made a motion to approve the zero lot line subdivision review for J. Gary Ciccone property, Case No. 07-073, subject to conditions. Commissioner Gorman seconded, and the motion carried unanimously.**

Permit-Related:

32. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and permits required to place any structure within this development from the Hope Mills Inspections Department, Room 101 in the Hope Mills Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Hope Mills Zoning Inspector.
33. Connection to public water and sewer is required for any new development, the Public Works Commission must approve water and sewer plans prior to application for any permits.
34. The NC Department of Transportation (NCDOT) and Town Engineer approve the proposed curb-cut(s) and the proper permits must be obtained prior to zoning/building permit application.
35. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
36. The developer is to be aware that site plan review as a "group development" may be required and approval must be received on the C3 zoned lots prior to application for any permits.

Site-Related:

37. All uses, dimensions, setbacks and other related provisions of the Town's Subdivision and Zoning Ordinances for the C3 & R6 zoning district must be complied with, as applicable.
38. This conditional approval is not approval for any new freestanding signs to be located on the lots.
39. For any new development, all utilities will be required to be located underground.
40. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.

REGULAR MEETING, MONDAY, MAY 21, 2007

41. Turn lanes may be required by the NC Department of Transportation (NCDOT) for any new development on these lots.
42. This conditional approval is not approval of the location of the existing structures in relation to the existing property lines.

Plat-Related:

43. The final plat must reflect that the subject property is located within the Town of Hope Mills (not Fayetteville).
44. Dedication of 10 feet of right-of-way and reservation of 5 feet of right-of way along NC HWY 59 (N Main Street) is required and the metes and bounds for both dedication and reservation is required to be shown on the final plat and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.
45. The builder/developer shall provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for, **or** at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
46. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
47. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
48. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
49. The final plat must be submitted to Land Use Codes and the Town of Hope Mills for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

50. All structures shall be shown on the final plat or the final plat shall reflect the following statement:

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

(Note: If any new property line traverses through a structure, this plat must be re-submitted for review and approval prior to recording.)

Advisories:

51. This conditional approval is not approval of the nonconformity of the location of the existing structures on these lots; if any structure were destroyed by more than 50%, a replacement structure will be required to meet the district dimensional requirements in place at that time.
52. The developer is encouraged to consider submission for rezoning of those portions of Lots 1 and 2 that are currently zoned R6 – if approved, rezoning at this time could prevent future delays in any new nonresidential development on the affected lots.

REGULAR MEETING, MONDAY, MAY 21, 2007

53. Upon submission for site plan review and approval of the commercial portion of these tracts, and in addition to the standard provisions of the development ordinances, the following requirements must be addressed:

- a. Possible lateral access for interconnectivity to adjacent commercial developments;
- b. The N.C. Department of Environment and Natural Resources (NCDENR) may have to approve the *Erosion and Sedimentation Control Plan (E&S)*. A copy of this approval, if required, must be presented to the Town Inspections Department prior to any permit application;
- c. A storm water plan must be approved by the Town Public Works Director. (Note: The storm water plan must address the direction of flow for any storm water related runoff and the final destination of the storm water.)
- d. Upon development of the commercial portion of this development, turn lanes may be required by the NC Department of Transportation; and

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

**15. CASE NO. 07-074.
CONSIDERATION OF C(P) SITE PLAN REVIEW, CAMDEN CROSSING,
LOCATED AT THE NORTHEAST QUADRANT OF HOPE MILLS ROAD AND
CAMDEN ROAD.**

Mr. Byrne stated the subject property was located at the northeast quadrant of Hope Mills Road and Camden Road. He said the developer proposed an addition to Camden Crossing Shopping Center located near the front corner of the shopping center at the intersection of Hope Mills Road and Camden Road and the property consisted of 4.50 acres with existing retail strip shops throughout the property.

In response to a question from the Board, Fire Chief Chuck Hodges stated his main issue with this development was the parking lot was concave and expressed concerns regarding setting up an aerial device. Chief Hodges stated that some minimum standards needed to be developed for these types of situations and he would be bringing forth some recommendations.

Mr. George Rose, representing Greg King, stated he wished to clarify that the Camden Road entrance would be at level grade. He stated this was a new entrance and he had worked closely with the NCDOT and this would be a right-turn-only and further he would be glad to work out any requirements that Chief Hodges may have concerning the turning radius for fire trucks. Mr. Rose stated he was more than willing to try to modify the drawing to accommodate this.

Commissioner Gorman made a motion to approve the C(P) site plan review for Camden Crossings subject to conditions. Commissioner Smith seconded, and the motion carried unanimously.

Permit-Related:

55. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and permits required to place any structure within this

REGULAR MEETING, MONDAY, MAY 21, 2007

development from the Hope Mills Inspections Department, Room 101 in the Hope Mills Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Hope Mills Zoning Inspector.

56. Connection to public water and sewer is required, the Public Works Commission must approve water and sewer plans prior to application for any permits.
57. The developer may have to provide the Hope Mills Inspections Department with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any permits.
58. The NC Department of Transportation (NCDOT) and Town Engineer approve the proposed curb-cut(s) and the proper permits must be obtained prior to zoning/building permit application.
59. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
60. The structure must meet current NC Building Code requirements.
61. SFHA may exist on this tract; any development within Special Flood Hazard Area must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus (2) foot of freeboard. Proper flood plain development permits, if required are to be obtained from the Town of Hope Mills prior to any building/permit application.
62. The developer is required to submit a revised site plan which includes the minimum landscape requirements to the Land Use Codes Section for review and approval prior to application for any permits. The following are the minimum standards for required for landscaping this site:
 - a. Five large shade trees or fourteen small ornamental trees are required within the six foot wide yard space area along SR 1003 (Camden Road);
 - b. Five large shade trees or sixteen small ornamental trees are required within the six foot wide yard space area along NC Hwy 59 (Hope Mills Road);
 - c. Three trees and 17 shrubs are required within the parking area;
 - d. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs. Trees shall be maintained in a vertical position at all times.
 - e. All planting areas shall be kept free of weeds and debris.
63. A *Certificate of Occupancy* will not be issued until a Hope Mills Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

64. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with.
65. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, the location and dimensional criteria must be included on the revised site plan (required above in Condition Number 7). All attached signage for this development shall be in accordance with the applicable sign regulations as set forth in Article X of the Hope Mills Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)

REGULAR MEETING, MONDAY, MAY 21, 2007

66. "Hope Mills Road" must be labeled as "NC HWY 59 (Hope Mills Road)" on all future plans.
67. Reservation of 20 feet of right-of way along SR 1003 (Camden Road) is required and the metes and bounds for both dedication and reservation must be shown on the final plat and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.
68. All utilities, except for 25kv or greater electrical lines, must be located underground.
69. A fire hydrant capable of 1,500 GPM is to be installed on the north side of SR 1003 (Camden Road) and the east side NC HWY 59 (Hope Mills Road) within close proximity to the proposed structures.
70. The proposed entrance located on SR 1003 (Camden Road) must be of a sufficient width to accommodate fire apparatus and the parking lot must be arranged in such a manner that will allow for 360° access around the proposed structure. The fire department would like the existing pavement to be leveled and at a grade to accommodate fire apparatus. (Note: The developer must contact the Hope Mills Fire Department to determine if the site will require re-designing in order to comply with these conditions.)
71. The NC Department of Transportation (NCDOT) and the Town Engineer must approve all drainage plans.
72. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
73. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT).
74. Turn lanes may be required by the NC Department of Transportation (NCDOT).
75. All lighting is required to be directed internally within this development.
76. A solid buffer must be provided and maintained in accordance with the provisions of Section 102.432, Bufferyard Requirements, Hope Mills Zoning Ordinance, along the northern and eastern boundaries of this tract.
77. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
78. All required parking spaces shall be a minimum of 8 ½' x 20'. A minimum of 119 off-street parking spaces are required for this development – the current plans approved for the entire development show a total of 141 spaces provided.
79. A minimum of one off-street loading space is required to be provided for the entire retail area.
80. Any future additions to this tract of property will require submittal of complete site plans of the entire tract and the site plan must show in detail all structures, utility lines and easements, off-street parking spaces, etc.

16. OLD BUSINESS:

There was none.

REGULAR MEETING, MONDAY, MAY 21, 2007

17. STAFF CONCERNS.

Mrs. Register asked the Town Board to consider authorizing an IT position for the Town. She stated there had been some equipment failures in the Board Room and stated this was further justification for a full time IT person.

Mr. Beeman stated that he was glad to be with the Town.

18. OFFICIAL CONCERNS.

Commissioner Collins commented as follows:

1. Welcomed Mr. Beeman and said he was sure he would do a great job for the Town.
2. Stated he appreciated Mr. Nicholl and he had done a good job for the Town.
3. Thanked everyone for attending the meeting and for all the speakers.

Commissioner Luther commented as follows:

1. Welcomed Mr. Beeman, Mr. Saleeby and Mr. Bailey.
2. Stated Mr. Nicholl had been a great asset to the Town and that she appreciated all his hard work.
3. Stated that at a recent RLUAC Committee meeting, a presentation was made on BRAC. She stated that Mr. Belk had volunteered to come to the Town and give a brief presentation for the Board, and she asked for the Board to consider this.
4. Thanked everyone for attending the meeting and encouraged all citizens to participate and get involved in their Town.

Commissioner Smith commented as follows:

1. Thanked Dr. Sheppard for bringing the invocation.
2. Thanked Nick Ochsner and his family.
3. Thanked the Hope Mills Cruzers for their support of the community.
4. Thanked Mr. Bellflowers and the VFW for all they do for the community.
5. Thanked Dr. Williams for expressing his concerns.
6. Welcomed Mr. Beeman, Mr. Saleeby, and Mr. Bailey.
7. Thanked Mrs. Register for all her work over the past years.

Commissioner Gorman commented as follows:

1. Acknowledged all the speakers and thanked everyone for attending the meeting.

REGULAR MEETING, MONDAY, MAY 21, 2007

2. Stated he was looking forward to working with Mr. Beeman and for good things to happen.
3. Stated that Mr. Saleeby had done a lot for the Town already.
4. Stated he was glad to have Mr. Bailey and also looked forward to good things.
5. Briefly reviewed the Police Department monthly activity report, and stated he appreciated the Police Department, Fire Department and all Town departments.

Commissioner Legge commented as follows:

1. Welcomed Mr. Beeman and stated he was looking forward to great things.
2. Thanked Mr. Nicholl for everything and stated he felt the Board had accomplished a lot in the last six months, more than had been accomplished in the past several years.
3. Welcomed Mr. Saleeby and Mr. Bailey.
4. Thanked the speakers and the concerns that were expressed. Commissioner Legge said that he made decisions based on the best interest of the entire Town and not one person or one area.
5. Inquired concerning the status of the Code of Conduct Amendment.

Mrs. Kilgore stated this matter would be presented to the Parks and Recreation Advisory Committee at its next meeting for a recommendation. Commissioner Legge asked that the Board be provided this information at its next meeting.

6. Thanked everyone for attending the meeting.
7. Stated he would not be able to attend the Ground Breaking Ceremony on Saturday due to a prior commitment for a wedding in Charlotte. Commissioner Legge stated his heart would still be at the lake.

Mayor Dees commented as follows:

1. Welcomed everyone and said we had a busy agenda tonight and the Board appreciated everyone's attendance and understanding. Expressed thanks to all who took the time to speak tonight and said the Board always appreciates their input.
2. Stated the Board was glad to have another audit completed, and he would like to thank Mr. Saleeby and everyone who helped in the Finance Department with this. He also thanked Mr. Hedgepeth for all his hard work as well. Mayor Dees said they hoped to have the next audit 05/06 completed and back from the LGC by the end of June.

REGULAR MEETING, MONDAY, MAY 21, 2007

3. Welcomed Mr. Beeman and Mr. Bailey and said the Board was glad to have people working with the Town who have their experience and qualifications.
4. Reminded everyone that Monday was an official holiday and the Town Hall will be closed. Also, there will be no garbage pickup.
5. Reminded everyone of the Memorial Day Ceremony sponsored by VFW Post 10630 on Monday at 4:00 p.m. at the Memorial Park beside the Recreation Center.
6. Reminded everyone of the Dam and Spillway Groundbreaking Ceremony Saturday at 10:00 a.m., and said the event was open to the public and everyone should meet near the marquee at the stoplight.
7. Stated there would be a Police Department swearing in ceremony Wednesday in the Board Room. He said they would be welcoming three new officers and two auxiliary officers.
8. Stated the Board needed to schedule budget workshops and he would like for the department heads to come and present their capital and salary requests. Mayor Dees said in talking with Mr. Beeman and Mr. Saleeby, they would like to try and schedule the workshops during one week. He said they were suggesting Monday, June 11th, Tuesday, June 12th, and Wednesday, June 13th.
9. Briefly reviewed the mosquito spraying program.
10. Reminded everyone the next Board meeting is June 4th.

On another matter, Commissioner Luther asked about some property on Duncan Street which has been clear cut.

Mr. Byrne stated that planning staff was currently reviewing development plans for townhouses along Duncan Street. Mayor Dees asked the Manager to investigate this matter relative to the Town's Landscape Ordinance. Mr. Byrne stated that the Town needed definite enforcement of the Landscape Ordinance. Commissioner Collins asked Mr. Byrne and the Manager to get with the Inspectors on this matter.

19. ESTABLISHMENT OF BUDGET WORKSHOPS.

Following discussion, by Board consensus, the following dates were established for budget workshops:

Monday, June 11th 6:30 p.m.

Tuesday, June 12th 6:30 p.m.

Wednesday, June 13th 6:30 p.m.

20. ADJOURNMENT.

At 10:05 p.m., upon a motion by Commissioner Luther, seconded by Commissioner Collins and unanimously carried, the meeting was adjourned.

REGULAR MEETING, MONDAY, MAY 21, 2007

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk