

**REGULAR MEETING, MONDAY, MAY 7, 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, Human Resource Administrator Kimberly Lockamy, and Police Chief John Hodges.

Rev. Willis Mitchell, Solid Rock Baptist Church, gave the invocation, and Commissioner Luther led the Pledge of Allegiance.

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

Mayor Dees asked to add a Closed Session to the agenda for discussing personnel matters and matters within the Attorney-Client privilege.

**Commissioner Legge made a motion to conduct a Closed Session. Commissioner Luther seconded, and the motion was unanimously carried.**

**2. PRESENTATIONS:**

- a) **Mayoral Proclamation: Older Americans Month - May, 2007.**

Mayor Dees read the proclamation and urged all citizens to pay special tribute to our older citizens who offer more wisdom to succeeding generations than ever before. Mayor Dees presented each Senior Citizen group with a copy of the proclamation for their center.

- b) **Report from the Commission on Educational Development concerning Chelsea Barnes, Hope Mills Middle School, National Young Leaders State Conference.**

Mrs. Sylvia Dean introduced Chelsea Barnes and thanked the Board for providing her the opportunity to attend the National Young Leaders State Conference in Charlotte, North Carolina from February 15-18, 2007.

Ms. Barnes gave a brief presentation of the National Youth Conference. She stated the conference was designed to help young people with leadership potential obtain skills to lead others. Ms. Barnes gave a briefing of the training opportunities from the conference, and said they worked on presentation skills, how to practice good public speaking, and also how to critique adjustments and give positive feedback. Ms. Barnes thanked the Board again for providing her the opportunity, and said she had learned a lot from her experience and was working on putting the skills she had learned to good use to inspire others. Additionally, Ms. Barnes remarked what makes a good leader is not only having followers, but inspiring others to lead.

Mayor Dees stated the North Carolina League of Municipalities State Youth Convention will be in Cumberland County on October 13<sup>th</sup> and the theme will be "Celebrating Diversity." He said a lot of the things Ms. Barnes was

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talking about were being planned for sessions on that day. Mayor Dees said he would consider it an honor if Ms. Barnes would plan to attend and participate, and he would also like to extend an invitation to Ms. Barnes to join the Mayor's Youth Council which participates in a lot of activities around town and they will also be helping to host the event in October.

**c) Healthy Options for Productive Employees (H.O.P.E.): Consideration to adopt Policy for H.O.P.E. Wellness program.**

Human Resources Administrator Kimberly Lockamy presented the Policy for Healthy Options for Productive Employees (H.O.P.E.) Wellness Program and said she was very pleased to bring forth and discuss the program with the Board. Mrs. Lockamy gave special recognition to the Wellness Committee members that took the initiative to help collaborate with this effort and asked the Wellness Committee to stand.

Mrs. Lockamy briefly explained the Wellness Program and how it would save the Town money, and also improve the performance and absences of the employees. Mrs. Lockamy said she would like to have the program incorporate all types of physical activities, nutrition, tobacco prevention use, and also stress management. Mrs. Lockamy stated that overall she believes this will help to create a healthy life style for all the employees.

Mrs. Lockamy briefly explained how the program would work and how the employees would use the time to engage in some type of activity that would relate to wellness. She stated the Wellness Committee also wanted to prepare and to be able to apply for the North Carolina League of Municipalities Wellness Grant which if approved would grant the Town \$3,000.00 to be provided for wellness activities, such as blood pressure screening, cholesterol checks, Lunch-N-Learns, and types of wellness activities that would actually benefit the Town by getting the grant. Mrs. Lockamy stated other municipalities had received the Wellness Grant, and usually a wellness program was budgeted and perhaps the Commissioners would actually approve to match the grant so that the Town would have more money to afford a program that would last the entire year. Mrs. Lockamy stated this was one step in the right direction, and said it was not going to change overnight, but if everyone focused on the long run, the Town would be setting its employees for a healthy life style.

In response to a question from Mayor Dees, Mrs. Lockamy said as being part of the HR Listserve, she obtained a lot of helpful information from several municipalities, counties, cities who participate in wellness activities which helps them manage their health care costs. She noted there were other municipalities that have this type of benefit for their employees. Mayor Dees commented he would like to also provide some incentives to the employees. Mrs. Lockamy stated at the Wellness Committee meeting on April 25<sup>th</sup>, some ways were discussed to promote the program, ways to get the employees involved, such as gift cards, membership to a gym, etc. She said the committee wanted to work with other fitness clubs or vendors to donate items so that the program could start off strong and then once up and running, along with hopefully the Wellness Grant, the program would have some funds coming in to

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actually continue keeping everything up to speed. Mrs. Lockamy said she hoped the Board was supportive of the Wellness Program so that the committee can get the word out to all the employees so they could start utilizing this great benefit.

Commissioner Legge thanked Mrs. Lockamy for working on the Wellness Program and said she was doing a great job since she has been with the Town.

**Commissioner Legge made a motion to approve the Wellness Program and authorize Mrs. Lockamy to apply for the grant. Commissioner Collins seconded, and the motion carried unanimously.**

Mayor Dees said he would like for Mrs. Lockamy to request the Board to match the grant in the budget.

In response to a question from Commissioner Collins, Mrs. Lockamy stated the Fire Department already has some sort of wellness program, so staff could work with them more closely and get something else going and far as the Sanitation Department, it was discussed at the meeting that would have to have some incentives that would appeal to them to participate in the mornings or the afternoons.

In response to a question from Commissioner Luther, Mrs. Lockamy stated the committee discussed having some sort of check-in and check-out sheet, and if anyone went to an off site facility then they would be asked to have a check-in/check-out sheet for the employees so that we could keep up with their time, and to make sure the program was not being abused. Mrs. Lockamy stated this was a zero tolerance policy and if it was determined the employees were misusing the privilege, it will be eliminated. Commissioner Luther said that was her concern that some of the employees would abuse the policy. Mrs. Lockamy stated she would hope the employees would not abuse it and penalize the employees that wanted to use it and wanted to better their lives through a healthy life style. Commissioner Luther stated once the Town gets the equipment for the Recreation Center, the employees can use that equipment instead of going off campus. Mrs. Lockamy said that would be another means for them to actually maintain their healthy lifestyle by going to the Recreation Center and using the fitness equipment located there.

A copy of the Healthy Options for Productive Employees (H.O.P.E.) Policy is filed in the Policy Book in the Town Clerk's Office.

**"END CONSENT AGENDA"**

**3. STATUS REPORT ON HOPE MILLS LAKE/DAM PROJECT.**

Mayor Dees stated he, Mr. Beeman, and Mr. Nicholl attended a pre-construction Partnership Meeting and said it was very helpful, productive and informative. He noted there were representatives from all of the following: Town of Hope Mills, Crowder Construction, McKim & Creed, Morrison Engineers, Corps of Engineers, Dam Safety, MacTech, Emergency Management, Public Archeology Department from Wake Forest University, Land Quality Erosion and Sediment Control, and Stormwater Pollution Prevention. Mayor Dees said a mission

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statement for the project was developed with a list of major goals and objectives. He read the mission statement: "Our mission is to provide an award winning quality project of the Hope Mills Dam and Spillway safely on time and within budget.

Our efforts will restore a valuable asset improving the quality of life for the community. Our partnering team will communicate openly and honestly while maintaining a trusting and collaborative team atmosphere to complete a successful and enjoyable project. Among the major goals and objective are safety, zero OSHA recordable accidents, be proactive to work in a safety first environment, utilize boarding and pre-task planning to assure safety quality and production, provide construction that would serve and restore the surrounding community for many years into the future, beat the schedule, minimize change orders, keep all parties informed at all times during construction, good coordination with and amongst subcontractors, maintain trust among all the partners, minimal disruption to the surrounding community, maintain positive working relationships with the Town, engineers, contractors, and the regulatory partners, clear open and honest communication, incorporate value engineering, financial success for all parties, timely and fair resolution of issues, maintain environmental and erosion control measures to meet or exceed the regulatory requirements, use this project as a developmental opportunity for younger supervisors and managers for technical skills required, and as an example of fine working relationships between all stakeholders, zero punch list at the end of the project, positive public perspective of the project, have fun building this project and celebrate the successes and produce an award winning project."

Mayor Dees said the document was signed by all 50+ people that were present at the meeting. Mayor Dees noted some other meeting highlights was Crowder Construction pledged last Monday to be on the site within the next two weeks, and said he called them again today and they promised to have the Crowder Construction trailer on site by next week and start the erosion control sometime the following week. Mayor Dees stated they had checked into contacting the people that this would impact, and they will probably have to close the municipal parking lot near the old Town Hall to allow the contractor to park their construction trailers and two offices, and MacTech will have an on site soil testing lab that should save the Town money by not having to send soil samples away to be tested. Mayor Dees noted the construction will start on the west side which is the stop light side and they would have to enter on that side of the lake because of the creek. He said they are not going to build a full copper dam as originally planned, and the Corps of Engineers had agreed as a cost saving measure to let the Town turn the water between the right wall of the old dam and the new wall that has been constructed until they can build the first two thirds of the dam, then they will turn the water back through the doors of that dam and finish the project. Mayor Dees stated he was told this should save the Town some money, but he did not know how much for sure, but without having to build a full copper dam and tear it down, it should save the Town some money. He noted they would have to build a small one to control the amount of water that is flowing through at any one time.

Mayor Dees stated the execution of the final contract will take place tomorrow. Mayor Dees stated the goal was to

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have water back in the lake in time for the July 4<sup>th</sup>, 2008 Fireworks. He stated if the weather cooperates there is a 12-15 month time frame and if they start next week they will have 14 months and he was told they were going to beat that deadline. Mayor Dees stated they did agree to have an official groundbreaking on Saturday, May 26<sup>th</sup> and that will be exactly four years to the day that the dam breached and the Town lost the lake. He said the public is invited, and the groundbreaking is tentatively scheduled to start at 10:00 a.m., and there will be refreshments, guest of honor to speak that day, probably a press conference for the media, and officially break ground on the new spillway. Mayor Dees said they also discussed at the meeting positive public relations, and they want people to be able to visit the site, but they do ask that the public honor the safety aspect and go through the Site Supervisor and get permission before visiting the site, and the same for the press and they want them to be able to take pictures as needed. Mayor Dees noted they also discussed all the challenges that were involved in the project including weather issues. Mayor Dees said he felt the biggest problem they encountered was how to handle the regulatory agencies. Mayor Dees said they were getting some estimates on possible repairs to the dock, boat ramp, and bulk head along the lake, and also there have been some offers of donations or supplies for those areas, and he was told the Fish and Wildlife Organization would replace the boat ramp and he will check into that.

Commissioner Gorman said he would like to thank the Mayor for everything he has done in getting everything moving forward and the Board appreciated his leadership.

Mayor Dees opened the floor for public comments or questions.

Mike Mitchell, 5411 Thompson Circle, Treasurer of Friends of Hope Mills Lake, stated their Board would like to thank Mayor Dees for all his hard work. Mr. Mitchell stated it was his understanding that Gordon Rose and/or McKim & Creed will be the project manager for the construction of the dam and spillway.

Mayor Dees noted that Mr. Tim Labounty will be the engineer who will certify the project, and the Project Supervisor is Daniel Blake. He noted that Gordon Rose may be overall Project Manager, but he is not going to be there on a regular basis. Mayor Dees said this was Crowder's project, and Mr. Rose's group will be there to answer questions or anything that might occur from an engineering standpoint.

Mr. Mitchell asked from an engineering standpoint was the Town still looking at \$600,000.00 to \$800,000.00 in addition to the \$10.3 million for the construction of the dam and spillway.

Mayor Dees stated the Town was not sure exactly what that cost will be and they do have a new agreement that will be considered tonight. He stated it was a per diem agreement and it will be regulated unlike it was before. He stated there have been several discussions about that and one point on the mission statement was there would be minimal change orders, so they have given the Town documentation of things they think they will have to do and one part of the bill is the soil

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testing. Mayor Dees said that will be the biggest part of what they are going to do at this point unless there is an engineering problem that comes up that the Town did not know about. He said there are still some historic structures that have to be dealt with and if another one is uncovered that would have to be dealt with as well. Mayor Dees noted there was an old saw mill in the area, and parts of the other existing structures that are in the area, and they will make sure the Town complies with the regulatory agencies.

In response to a question from Mr. Mitchell, Mayor Dees said his understanding was the only per diem engaged on a daily basis is the soil testing personnel. He said Mr. Labounty will have to make visits and he will have a subordinate that will be at the site on a weekly basis. Mayor Dees noted that Mr. Labounty and staff will have weekly meetings for conflict resolutions and to answer questions, and they will also have monthly meetings that will deal with projections for the next month in what they hope to accomplish.

Mr. Mitchell asked how much was the per diem engineering. Mayor Dees stated he knew that the engineering and the soil testing should run somewhere around \$600,000.00 to \$800,000.00.

**4. PUBLIC COMMENTS.**

Mr. Bruce Armstrong, 5431 Thompson Circle, said he was asked to speak by a group of friends and coaches and Youth Association leaders in regards to the proposed Code of Conduct. He said there are many coaches in the community and Youth Association leaders in the community who feel that the ordinance as drafted, while well meaning and designed to serve a proper purpose and a proper goal, was done without the inclusion or input from the coaches and Youth Association Leaders, and that it is seriously flawed in several regards that will make it difficult perhaps for coaches, players, parents, spectators to comply with and he thinks very difficult for the recreation staff to administer. Mr. Armstrong stated his personal opinion after reading the ordinance, and said he would have loved to have been asked to participate in a study group or a committee that worked on the draft of this document as someone who had coached for 20 years in the community and who has been a Youth Association President and still an American Legion Coach, and with his background he could have contributed and maybe the lawyer in him would have helped with the technical aspect of the language to have made it a technically correct document that would have been easy for staff to enforce. Mr. Armstrong said he had the deepest respect for the Recreation Department staff, Anita and Maxey are good friends in long standing of his, and the one thing that gives him some confidence is he knows that Anita and Maxey will administer the ordinance with commonsense and good judgment and respect for the coaches and for the other participants in the program. He stated their commonsense and good judgment will go a long way towards covering up some of the technical flaws in the language of the ordinance. Mr. Armstrong said while he is speaking against the ordinance, he is at least glad to have Anita and Maxey to administer it, because he believes they will do it with good commonsense and good judgment. Mr. Armstrong said three

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minutes really would not permit him the time to give the Board a detailed critique of the ordinance. He said one of the things that was a violation of the statute is termed "loudly disagreeing with others," and what one person considers loudly disagreeing, another person might consider normal conversation. Mr. Armstrong stated the ordinance provides the same standards and makes the same pro-ambitions for everyone, coaches, spectators, and players. He said a player who throws his bat because he is mad about striking out violates the statute the same way that an adult coach does if he throws a bat because he is angry at an umpire. Mr. Armstrong asked should a player be suspended for 10 days for throwing his helmet or throwing a bat, rather he should probably be taken out of that game, but suspended for 10 days maybe not. Mr. Armstrong said a coach that throws a bat probably should be suspended longer than that. Mr. Armstrong stated the ordinance does not differentiate and it punishes an eight year old to the same standards of conduct that holds to a 50 year old coach. Mr. Armstrong noted the violations that are cited as being the basis for a 10 day suspension are very vague. He also stated that it was not a very good statute if three different people can read it and have three different interpretations as to what it means and what it prohibits. He said what one person considers just being passionate about the game and being emotional in support of his players, another might interpret it to be engaging in a rude gesture, and you can be suspended for a rude gesture, not an obscene gesture. He said also you can be suspended for loudly disagreeing. Mr. Armstrong stated the way the ordinance is written places a tremendous amount of responsibility on the park supervisors, field supervisors. Mr. Armstrong said he was really sensitive to that because last summer his 20 year old son was a field supervisor at the municipal park, supervising three fields and one night he had to remove an obscene, disruptive fan, had to call the police, and he was really proud of how he handled it and the police removed the disruptive spectator, but the way the statute is written the initial authority to suspend a coach or a player or a spectator for a minimum of 10 days lies with the Hope Mills Parks and Recreation official at the facility. Mr. Armstrong stated if this ordinance had been in effect last summer, his 20 year old son would have had to make a decision on whether to suspend the coach or not, and he would not have wanted him to have that kind of responsibility.

He said the 10 day suspension is the one the coaches have the biggest problem with, and the 30 day suspension and the 180 day suspension are for very serious conduct violations that nobody could quarrel with and the punishments are appropriate.

Mr. Armstrong said the 10 day suspension is the problem, and in the statute the 10 days suspension does not have any provisions for appeal. He said in fact it specifically provides that the Parks and Recreation staff has up to 10 days to hold a hearing and the suspension will continue to run while the appeal is pending, and so if you have a 10 day suspension for loudly disagreeing with someone your suspension will have run in full probably before the investigation is concluded and a hearing is held and a decision is announced, so in effect someone who is suspended for 10 days might miss three games, is going to have his suspension run without any due process rights at all, and by the time he has his due process right to a hearing, his suspension will be concluded and that is a flaw. He said the 10 day suspension which is for relatively minor conduct violations compared to the longer suspensions, the 10 day suspension should have provided that

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the suspension after one day, two days, or three days would be stayed pending the appeal. Mr. Armstrong stated the opening paragraph says, "recreation activities were not designed to be overly competitive, and the Hope Mills Parks and Recreation Department does not promote this contingent." He noted they did not win the World Series last year by not running a competitive program, and said we run a very competitive program and the reason it is competitive is we have dedicated, committed, passionate coaches who give all of their spare time trying to make the young people more skilled, more physically fit, and mentally tougher so they can compete. He said some of the most intense competitions he had ever witnessed was at Brower Park. Mr. Armstrong said if the Board passed the proposed ordinance, it is not all a bad thing as we need to have an ordinance in effect and this is something that should have been done a long time ago, but it needs to have some corrections made in it. He said if the Board passes it tonight, he asked that they do so with the idea that this is a work in progress, and asked the Board to ask the Recreation Department staff and the Advisory Board to report back to them with suggestions for possible changes in the future. Mr. Armstrong stated his preference would be for the Board to table the ordinance and let some of us who would like input have that input and see if the staff would desire to make minor amendments before it is presented for final vote, but if the Board does pass it, pass it with an open mind that it is something that needs to be revisited in the future.

In response to a question from Commissioner Legge, Attorney Davis stated there was not a time limit after an ordinance is passed before for an amendment can be considered.

**5. 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 as presented. Commissioner Gorman seconded, and the motion carried unanimously.**

- a) **Consideration to approve Minutes of the April 16, 2007 Regular Meeting.**

**Minutes approved as written.**

- b) **Consideration to approve McKim & Creed \$5,500 proposal for preparation of 2007 Powell Bill Map and Certified Statement.**

Mr. Nicholl recommended approval of the proposal and agreement for preparation of the 2007 Powell Bill Map and Certified Statement. He noted the quoted lump sum fee of \$5,500 remained consistent with previous years fee.

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

**Proposal and Agreement approved.**

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- c) **Consideration to adopt McKim & Creed Engineering Services Agreement for construction administration, monitoring and final certification of Hope Mills Dam Repair Project.**

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

**Engineering Services Agreement approved.**

- d) **Consideration to authorize use of \$133,479.64 available funds to proceed with Recreation Center furnishings.**

Finance Director Saleeby reported on January 18, 2005 financing in the amount of \$913,439 was approved for the purchase of various assets. He noted the Town proceeded to purchase the various assets including three traffic unit cars. He stated BB&T would not reimburse the Town for this purchase, and after making other purchases, had \$120,399.98 remaining in the account. After further investigation, Mr. Saleeby discovered funds remained in this account from May 23, 2005 through April 17, 2007 totaling \$13,079.66 which included interest. He stated the total amount reimbursed to the Town was \$133,479.64.

Mr. Saleeby recommended the Board authorize using the \$133,479.64 to proceed with furnishing the Recreation Center.

**Funds authorized as requested.**

- e) **Consideration to approve revised position description for Director of Inspections (change to Chief Building Inspector).**

Mr. Nicholl presented the revised job description and reported HR Administrator Kimberly Lockamy recommended approval of this revised position description due to the current Director of Inspections position had several deficiencies, did not comply with FLSA, and did not describe the essential functions of the position.

Mr. Nicholl recommended approval of the Chief Building Inspector job description as prepared and presented by Human Resources Administrator Lockamy.

**Chief Building Inspector position approved.**

**"END CONSENT AGENDA"**

6. **CASE NO. 07-043. CONSIDERATION OF C1(P) AND C(P) SITE PLAN REVIEW WITH REQUEST FOR ALTERNATE YARD REQUIREMENT APPROVAL - VILLAGE STYLE SHOP, LOCATED ON THE WEST SIDE OF DAVIS STREET, NORTH OF N. MAIN STREET.**

Mr. Ed Byrne, Cumberland County Planning, presented a map of the proposed property and stated the developer was asking to expand the existing barber shop. He noted the expansion will cause the structure proposed to need alternate yard requirements. Mr. Byrne stated alternate yard requirement is an option the Board has in any kind of planned district when the setback requirements cannot be met. He noted the tract is

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spilt-zoned and the C(P) zoning district setbacks are more restrictive. Mr. Byrne said the shape of the property, being triangular in nature, limits the available area that a building can be placed on the lot. Mr. Byrne remarked the rear property line is adjacent to the Bi-Lo Shopping Center parking area, which is zoned C(P); therefore, the proposed building setback would not be a detriment to the adjacent property. He said the adjacent and nearby building along Davis Street has an average depth of approximately 30 feet so the proposed location of this addition would conform to the surrounding area and provide for a logical development of the subject tract. Further, he said and Davis Street is a dead end road, and was limited for any possible extension or future widening especially due to the location of Little Rockfish Creek to the north.

In response to a question from Commissioner Luther, Mr. Byrne stated one of the driveways will be closed and moved over to the new location on the proposed site plan. Mr. Byrne said the drive originally was along the southern property line, that one will be closed and moved down to the north to enter the new parking areas, and they also have access off the parking area that comes off where the Jiffy Lube and carwash are located, and they were going to have a joint agreement with them to have the right to come off their property as a one-way entrance and they were going to move the other one down farther north to the parking area that is proposed. In response to another question from Commissioner Luther, Mr. Byrne said that you will be able to enter from either direction, and it allows for a better flow of traffic between the two properties.

Commissioner Legge stated he was glad to see a landscape buffer located on the property, because before it was not enforced for other businesses. Mr. Byrne stated that was a requirement from the ordinance. Commissioner Legge stated it was an odd shaped lot and hard to build on. In response to a question from Commissioner Legge, Mr. Byrne said traffic will be coming off of Davis Street and actually circle in front of the building and come off into the parking area to the adjacent Jiffy Lube and carwash. In response to a question from Commissioner Legge, Mr. Byrne said the handicap parking will still be there.

**Commissioner Smith made a motion to approve the site plan for Case No. 07-043, subject to conditions. Commissioner Collins seconded, and the motion carried unanimously.**

**Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and permits required to place any structure within this development from the Town of Hope Mills Inspections, Section, in the Town Hall at 5770 Rockfish Road. For additional information, the developer should contact an Inspector.
2. Connection to public water and sewer is required, the Public Works Commission must approve water and sewer plans prior to application for any permits.
3. 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.

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4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. The developer is required to provide landscaping as shown on the site plan. The following are the minimum standards from Article XIV of the Hope Mills Zoning Ordinance for the required landscaping of this site:
  - a. Five large shade trees or 14 small ornamental trees (three ornamental trees in place of each large shade tree) and 28 shrubs are required within the six foot street yard area;
  - b. one large shade trees and six shrubs are required within the parking area;
  - c. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs.
  - d. All planting areas shall be kept free of weeds and debris.
6. A *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
7. The fire hydrant located in front of this property on Davis Street must be raised and inspected by PWC prior to project completion and application for the *Certificate of Occupancy*. (Note: The vegetation with in the flowerbed area located around the existing fire hydrant must be kept in a manner to not obscure or block the fire hydrant.
8. Any addition and/or revision to this site plan shall require an additional review and approval by the Planning & Inspections Department prior to application for any permits.

**Site-Related:**

9. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the C1(P) & C(P) zoning districts must be complied with, as applicable, unless otherwise approved by the Town Board of Commissioners.
10. The signage for this development is required to 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. Any freestanding signs will have to meet the dimensional criteria of the zoning district where the sign is to be located.)
11. All lighting is required to be directed internally within this development.
12. All dumpster, garbage, and utility areas must be screened in accordance with Section 102-432(2) of the Hope Mills Zoning Ordinance.
13. All required parking spaces are required to be a minimum of 8 ½' x 20'. A minimum of 14 off-street parking spaces are required for this development.
14. The Town's Public Works Director must approve the storm water plans.
7. **CASE NO. 07-051. CONSIDERATION OF ZERO LOT LINE SUBDIVISION REVIEW, FRANKLIN R. FOWLER PROPERTY, LOCATED ON THE NORTH SIDE OF CAMDEN ROAD AND THE EAST SIDE OF THOMAS STREET.**

Mr. Byrne said this property came before the Board on March 19<sup>th</sup> originally for a subdivision review and noted the reason

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it was before the Board again is for a zero lot line. Mr. Byrne stated the developer is requesting zero lot line approval for the two lots primarily due to NC Department of Transportation's request for a reservation of an additional 10 feet of right-of-way along Camden Road. He said this 10 foot reservation is in addition to the right-of-way dedication of 10 feet and reservation of 10 feet which the developer was required to relinquish previously. Mr. Byrne said since then the state has updated Camden Road to become a 120 foot right-of-way with a divided medium in the middle and the developer found out they would have to remove their parking area an additional 10 feet farther back for a total of 30 feet from Camden Road because of the additional right-of-way the state is going to take when Camden Road is widened. He said because of that the building plan was going to have to be pushed back farther and they were not going to be able to meet the rear yard setback of 30 feet.

In response to a question from Mayor Dees, Mr. Byrne said he had not seen the plans for the property and he was not sure what is proposed to be located on the property. He noted that County Planning was trying to get them to submit the site plan and the zero lot line at the same time, but did not have the site plan completely worked out and they did not want to have it drawn up until they knew they had the yard requirement. In response to a question from Mayor Dees, Mr. Byrne stated that on the original subdivision requirements one of the conditions of approval would be they would have to have approved erosion control from the state and any kind of drainage plans would have to be approved by the Town's Engineer.

Commissioner Legge stated in the field to be built on, he believes there is a lot of concrete covered with dirt. Mr. Byrne stated they would have to meet the building code requirements for compaction and that would be part of the building plans and a report from the engineer that the compaction of that ground would meet the requirements for any type of construction in that area.

**Commissioner Luther made a motion to approve Case No. 07-051, subject to conditions. Commissioner Gorman seconded, and the motion was unanimously carried.**

**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 Zoning Inspector.
2. Connection to public water and sewer is required, the Public Works Commission must approve water and sewer plans prior to application for any permits. (Note: The Town of Hope Mills utility standards must be complied with).
3. At a minimum, a zoning permit is required prior to the placement of any structure on the residential portion of this development and site plan review and approval is required prior to application for any permits on the C(P) zoned tract.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. Certificate of Occupancy will not be issued until a Zoning Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

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6. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the R10 and C(P) zoning districts must be complied with, as applicable.
7. All applicable provisions of Section 86.86, "Group Developments", Hope Mills Subdivision Ordinance, must be complied with.
8. Sections 86-122(f), "Required Drainage" and 86-128.(b), "Underground Utilities", Hope Mills Subdivision Ordinance must be adhered to.
9. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT) and the Town of Hope Mills.
10. Upon submission for site plan review and approval of the commercial portion and/or development of the residential 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. Because the property has been back-filled, Inspections will closely monitor all construction for Code compliance for structural requirements;
  - c. The N.C. Department of Environment and Natural Resources (NCDENR) must approve the *Erosion and Sedimentation Control Plan (E&S)*. A copy of this approval must be presented to the Town Inspections Department prior to any permit application;
  - d. A stormwater plan must be approved by the Town Public Works Director. In addition, the developer must submit a soil sample test and ground compaction test to the Town Public Works Director. (Note: The stormwater plan must address the direction of flow for any stormwater related runoff and the final destination of the stormwater.)
  - e.. Upon development of the commercial portion of this development, turn lanes may be required by the NC Department of Transportation; and
  - f. Dependant upon location of structures upon development, these tracts may not be able to be served by gravity sewer.

**Plat-Related:**

11. The developer must contact the Town of Hope Mills for any possible "Special Flood Hazard Areas" located on these tracts and obtain pertinent information for depicting the "Special Flood Hazard Area" on the final plat. If there is any "Special Flood Hazard Areas" on this property, the proper floodplain development permits must be obtained through the Town of Hope Mills prior to building permits application.
12. Reservation of an additional 10 feet of right-of-way along SR 1003 (Camden Road) is required and the metes and bounds for the 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.
13. 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.
14. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
15. The final plat must be submitted to the Town and then to Land Use Codes, Joint Planning Board Staff, for review and approval for recording with the County Register of Deeds. 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.

**Advisories:**

16. The applicant is advised to consult an expert on wetlands before proceeding with any development.
17. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

**Other Relevant Conditions:**

18. Upon submission to NCDENR for approval of an E&S plan and if any retention/de10tion basins are required for to obtain this approval, five copies of a revised plan must be submitted to and

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conditionally approved by Town's Public Utility Director, Town Inspections Department, and the Joint Planning Board's Staff prior to application for any permits.

**8. CASE NO. 07-061. CONSIDERATION OF HILL STREET CONDOMINIUMS AND SUBDIVISION REVIEW, LOCATED ON BOTH SIDES OF HILL STREET AND THE NORTH SIDE OF WELL STREET.**

Mr. Byrne said the property was zoned R5 and located on both sides of Hill Street and the north side of Well Street. He said the condominiums are actually going to be developed on the south side of Hill Street between Well Street and Hill Street and there will be 18 units total that is proposed for the site, and on the north side is actually where an existing house is located and being cut off as a separate lot from the development. Mr. Byrne stated the total site is actually allowed under the density to have a total of 42 units in the density of R5. He noted the developer was not meeting out the total requirement that they can actually have for the site. Mr. Byrne noted that the original plans that were submitted to the Town were to be apartments, but they will now be condominiums.

In response to a question from Commissioner Smith, Mr. Byrne said the units height would follow under the building code requirements, and it will be a two story structure, but he was not sure of the height.

Mayor Dees noted that the case came before the Board in August 2005, for approval of rezoning and it was recorded and stamped "No approval was required from the Department of Transportation" and basically on the zoning part was signed by Mayor Deaver and the Board at that time, but they never had a site plan come before the Board. Mr. Byrne noted that was just for the boundaries of the property. In response to a question from Mayor Dees, Mr. Byrne stated the developer can still proceed with development if approved tonight.

Mr. Byrne asked if the Board wanted to discuss the gated portion of the plan. Commissioner Legge said he had brought that matter up because he was concerned about the garbage trucks, dump trucks and backhoe in the area of Well Street, because everything is right there where the Town's service trucks turn into the gate and that is a very narrow road there. Mr. Byrne stated the only reason the staff would be opposed to actually closing it off completely would be for the emergency vehicle aspect of it, but one option would be to have an emergency gate that is siren activated or a break away type gate so that if a fire truck came in off of Hill Street through to Well Street they could get through. Mr. Byrne noted that the fire hydrant that is proposed will be on Well Street for the development. Mr. Byrne briefly explained where the fire hydrants will be located.

In response to a question from Mayor Dees, Fire Chief Hodges said they had done a site plan review and talked to Mr. Byrne about the matter. He stated they had gone out and looked where the fire hydrants were located and said whether the hydrants are located on Well Street or Hill Street, they had no tactical advantage at all. Chief Hodges said if a gate was put up it needs to be one that they could cut the lock and gain entry. He said the chances of using their aerial device is pretty remote, but the problem with the condominiums is the way they are built if one catches on fire it spreads, so he is

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not really crazy about the site being developed in this way. Chief Hodges said it would be to the developer's advantage to hook in a hydrant on the six inch main on Well Street. He stated again they have a problem with the Public Works Department with all the traffic going through there. He said if they do close off the Well Street entrance it needs to be some type of gate where they could gain access.

Commissioner Luther said she felt any development that can have two entrances or exits that we need them, just like Church Street the Fire Department would have an awful time getting in with the fire trucks and turning around. Commissioner Luther said they have the same problem with the apartment behind the Post Office and the only way to get out is to back out.

Mayor Dees stated they had discussed this matter and it would probably be a one-way street for emergency vehicles and everyone else would have to go in that way as well. Mr. Byrne stated that was correct, and the drive for the entrance way is passable for two cars but not for a fire truck, and a fire truck could not turn around in the area because it was too narrow.

Commissioner Luther stated the Board was allowing these developments to go in without giving the Fire Department a way to get out without backing the trucks out, and when you have a house fire, you not only have Hope Mills, you have at least five other departments that are going to bring their trucks. Mayor Dees said it was required in subdivisions but not in apartment or condominiums. Mr. Byrne said subdivisions have to have access for the ordinance to have two entrance ways in and out of the subdivision. Mayor Dees said he understood the concerns with the fire trucks and he agreed with what Commissioner Luther said, but if the problem is with the garbage trucks and the other town vehicles then they just need to slow down and be more careful.

**Commissioner Gorman made a motion to approve Case No. 07-061, subject to conditions. Commissioner Luther seconded the motion.**

Commissioner Smith said if this passes from his understanding there will be a gated community there. Mayor Dees noted there will not be a gate, but approved as presented without a gate.

**The motion was unanimously carried.**

**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 Zoning Inspector.
2. Connection to public water and sewer is required, the Public Works Commission must approve water and sewer plans prior to application for any permits.
3. The developer must/may have to provide the Code Enforcement

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Section 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.

4. The Town Engineer must approve the proposed curb-cut(s) and the proper permits must be obtained prior to zoning/building permit application.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. The developer is required to provide landscaping as shown on the site plan. The following are the minimum standards from Article XIV of the Hope Mills Zoning Ordinance for the required landscaping of this site:
  - a. Two large shade trees or six small ornamental or flowering trees and twelve shrubs are required within the 6 foot wide street yard landscaping area along Well street;
  - b. Two large shade trees or six small ornamental or flowering trees and twelve shrubs are required within the 6 foot wide street yard landscaping area along Hill street;
  - c. Two large shade trees and twelve shrubs trees are required within the parking area;
  - d. All planting areas shall be kept free of weeds and debris.
7. A *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

8. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the R5 zoning district must be complied with.
9. The 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.)
10. All applicable provisions of Section 86-86, "Group Developments", Hope Mills Subdivision Ordinance, must be complied with.
11. The fire hydrant must be installed as shown on the site plan in accordance with Section 86-128(a) of the Hope Mills Subdivision Ordinance.
12. The sidewalks must be installed as shown on the site plan in accordance with Section 86-122(g) of the Hope Mills Subdivision Ordinance.

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13. Sections 86-122(f), "Required Drainage" and 86-128(b), "Underground Utilities", of the Hope Mills Subdivision Ordinance must be adhered to.
14. The Town Engineer must approve street and drainage plans.
15. All lighting is required to be directed internally within this development.
16. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
17. All required parking spaces shall be a minimum of 8 ½' x 20' and shall be installed prior to application for the *Certificate of Occupancy*. A minimum of 27 off-street parking spaces are required for this development.

Plat-Related:

18. The condominiums must be recorded in accordance Section 86-87 of the Hope Mills Subdivision Ordinance.
19. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for the maintenance of upkeep of all common areas 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.
20. 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 with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
21. The proposed drive must be labeled as "Kenmont Lane" on the final plat.
22. The developer must either provide and show on the site plan 22,402 square feet. of recreational area or pay a fee in lieu of providing the on site recreation in the amount **of \$7,801.44 to the Town of Hope Mills** . (Note: **The developer must contact the Town of Hope Mills and receive Town approval to pay the fee in lieu of providing on site recreation if a fee is to be requested in lieu of on site recreation.**)
23. All common/recreation areas must be shown and labeled as "Common Area" on the final plat.
24. 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

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agency, individual, etc. who holds the easement.

25. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
26. The final plat must be submitted to Land Use Codes 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. **(Note: After the Planning Staff has stamped the final plat the developer will be required to take the map to the Town of Hope Mills to be stamped then back to the Planning Department for the Review Officer approval)**

**Plat-Required Statements:**

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."

**9. OLD BUSINESS: CONSIDERATION OF ORDINANCE AMENDMENT, CHAPTER 62, PARKS AND RECREATION, CODE OF CONDUCT (INTRODUCED BY FIRST READING ON APRIL 16, 2007).**

Commissioner Legge made a motion to table the matter and send it back to Parks and Recreation for further clarification. Commissioner Legge said the Board heard from Mr. Armstrong earlier about several things which that have been his concerns from the beginning on the ordinance.

The motion failed due to the lack of a second.

In response to a question from Commissioner Luther, Maxey Dove stated he felt a lot of things were being misinterpreted. He said if a child maliciously threw a bat at another player that would be considered unacceptable conduct. Mayor Dees said the Board had talked about bringing an amendment to the ordinance if it passed tonight so that they would have some type of code of conduct for now. In response to a question from Mayor Dees, Mr. Dove said the Parks and Recreation staff would work on amending the ordinance to clarify some of the language, and he would like to make sure that everyone was on the same page as far as maybe a misconception to the language.

Commissioner Smith thanked Mr. Armstrong for his comments, and said there were many laws that we can all interpret to be one thing or the other. Commissioner Smith stated the ordinance is there to protect our children and the family members watching. Commissioner Smith commented he appreciated Mr. Armstrong speaking for some coaches, but some coaches on the other hand had come to him and said it was about time the Town had this code of conduct. He said also the ordinance may have some interpretation flaws, but it gives the Town something it can hold some people accountable for, mis-actions, and not just any action which he thinks some have tried to take this to protect some coaches.

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Commissioner Collins said he appreciated everything Mr. Armstrong talked about. Commissioner Collins stated that Mr. Dove and the staff had done a good job with the ordinance, but the only thing that concerned him is the 10 day automatic suspension, and the only thing that bothers him is that they are leaving the umpire totally in control of everybody out there. He noted if the ordinance is passed as is, neither Mr. Dove nor Mrs. Kilgore could do anything to that umpire, because if he throws a man out of the ball game, he is in charge and it is an ordinance, and for the Board to do anything to the umpire, they would have to bring it back to the Board.

Commissioner Smith said he was asking the Board to adopt the Code of Conduct as presented, and to consider an amendment at a later time speaking on the 10 day review, and to keep in consideration, if someone is thrown from the game, it would not go into an appeal where people would write letters and people would come and take up Mr. Dove's or Mrs. Kilgore's time, but let them review it and let them make the decision on the matter.

Commissioner Luther stated it all goes back to who hires the people; you hire them so you have the ability to fire them. Mr. Dove stated that was one of the most popular misconceptions; we put them out there to do a job, and if in doing that job a coach gets out of line and deserves to be ejected and it does not happen, then they are not doing their job.

Mayor Dees stated he would like to see the Board pass the ordinance pending further review and an amendment added if the Parks and Recreation Department feels it is necessary. He agreed with some of the comments, and said he agreed with Mr. Armstrong's opinion and he respected his opinion, but he would not last two weeks under the current ordinance, but the ordinance did not mean he was not doing a good job, did not mean he was not a good coach, and it did not mean an umpire who sometime misses a call will throw you out to cover up his embarrassment over having missed that call, so he did think there needs to be an appeal policy.

**Commissioner Luther made a motion to approve the Code of Conduct ordinance as written. Commissioner Smith seconded the motion.**

**The vote was as follows:**

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

**NOES: Commissioner Collins, Commissioner Legge**

Mayor Dees noted the motion passed under second reading three to two.

A copy of the ordinance amendment is hereby incorporated by reference and made a part of these minutes.

**10. STAFF CONCERNS.**

There were none.

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11. OFFICIAL CONCERNS.

Commissioner Legge commented as follows:

1. Thanked everyone for coming to the meeting.
2. Thanked Mr. Armstrong for coming to the meeting.
3. Congratulated the Senior Citizens groups on Older Americans Month.
4. Thanked Ms. Chelsea Barnes and said she may be one of our future leaders and she has the potential.
5. Thanked Mrs. Lockamy and staff for all the work that was done on the Wellness Program.
6. Thanked Mr. Mitchell for speaking tonight.
7. Thanked Mayor Dees for all the hard work he has done.

Commissioner Collins commented as follows:

1. Stated the North Carolina State Police Officer Memorial Day is May 11<sup>th</sup> at 11:00 a.m., First Baptist Church, Wilmington North Carolina. He said they will be recognizing Officer Heath Hardin.
2. Congratulated Chelsea Barnes for the achievement she has accomplished.
3. Thanked Mrs. Lockamy for the great job she was doing.
4. Introduced Mrs. Eva Reynolds and said she was 99 years old.
5. Thanked everyone for coming to the meeting.

Commissioner Luther commented as follows:

1. Thanked everyone for coming to the meeting.
2. Thanked Mr. Armstrong and Mr. Mitchell for their interest in what was going on in the Town.

Commissioner Smith commented as follows:

1. Thanked Rev. Mitchell for the invocation.
2. Thanked Ms. Barnes for her presentation.
3. Thanked all the older Americans for coming to the meeting.
4. Thanked Mr. Armstrong for his words of encouragement.
5. Thanked everyone for coming to the meeting and showing an interest in Town Government.
6. Thanked the Parks and Recreation staff for their hard work on the ordinance.

Commissioner Gorman commented as follows:

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1. Thanked the Senior Citizens for coming to the meeting.
2. Thanked the VFW for hosting the Loyalty Day Ceremony on May 1<sup>st</sup>, and said it was a very good event.
3. Stated Ms. Chelsea Barnes is a future leader.
4. Thanked Ms. Lockamy for getting the Town involved in H.O.P.E.
5. Stated he appreciated Mr. Mitchell's comments, and also Mr. Armstrong's comments.
6. Briefly reviewed the Fire Department's April, 2007 Activity Report. He stated fire, police and the entire Town departments were appreciated for everything they do.
7. Stated the Board appreciated everything Mrs. Register had done and her commitment to the Town.

Mayor Dees commented as follows:

1. Thanked everyone for coming to the meeting and said the Board appreciated the concerns and comments.
2. Stated May is Older Americans Month, and these groups are a very important part of our community. Mayor Dees asked everybody to remember all of them and thank them for everything they do and have done for us.
3. Stated he was glad to see the H.O.P.E. Wellness Program finally getting started and he hoped that all of the employees will find a way to participate and that the Town find a way to provide some incentives to help encourage the employees to do so.
4. Reminded everyone of Mother's Day on Sunday.
5. Reminded everyone that next week is National Police Officers Week, on May 15<sup>th</sup> at 5:00 p.m., Hope Mills Police Department will have a ceremony at the Memorial Park to unveil Sergeant Hardin's name on the stone. Additionally, on May 20<sup>th</sup> the Police Department will host a ceremony at 11:00 a.m. at Stoney Point Baptist Church for all area law enforcement officers and all Town Officials are invited.
6. Stated the National Day of Prayer was very successful and very well attended, and the Board appreciated the opportunity to partner with all the local churches and host the event.
7. Stated Loyalty Day was very successful and thanked Mayor Pro Tem Gorman for filling in for him at that event.
8. Thanked the VFW for planning and implementing the ceremony and all they do for our town and veterans.

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9. Stated the Board needed to schedule an Audit Committee meeting, possibly next Monday at 7:00 p.m., to discuss approval of the 2004-2005 audit. If approved by the Committee, then the audit report will be presented at the next Board meeting, May 21<sup>st</sup>, for 2004-2005. He said they also need to discuss Capital Funding as it will relate to the 2007-2008 budget.
10. Stated he had spoken with Mr. Hedgepeth and Mr. Saleeby and they hoped to have the 05-06 audit completed and approved by the LGC by the end of June. He noted they will also be doing some Capital Project Ordinance amendments that relate to that at the next meeting.

In response to a question from Mayor Dees concerning commercial garbage service billing, Mr. Saleeby said he would look into whether or not the Town has been billing for the commercial sanitation. Commissioner Collins said it had been brought to his attention last week, and he was told that it was not. Mayor Dees stated he did not know how it would be collected, but if it is not being collected on the tax bill, then the Town needs to come up with a way of collecting. Mrs. Register said she would do some research for Mr. Saleeby because he did not have all the background information that the Board has and she will be glad to put it together and get it to Mr. Saleeby.

11. Stated hopefully the Recreation Center will be open by June 1<sup>st</sup> to the public or the middle of June at the latest.
12. Stated the official Walmart Grand Reopening will be Friday morning at 7:30 a.m.
13. Stated tonight will be the last official meeting for Mr. Nicholl and he would like to thank him for all he has done for the Town. Mayor Dees said it has been a pleasure working with someone with his experience and expertise. He commented thankfully Mr. Nicholl has agreed to continue on a couple days a week if needed through the budget process and in the transition for Mr. Beeman, but he just wanted to say the Town was indebted to him and the Town could not have done what has been done during this time without him. Mayor Dees thanked Mr. Nicholl for not running when he got here and saw what he had gotten himself into and thanked him for sticking with the Town and said it has been a great working relationship and he has made a good friend in all of this.

Commissioner Luther asked to recognize Mr. Nicholl with a standing ovation in appreciation of his service as Interim Town Manager.

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 9:25 p.m., Commissioner Gorman made a motion to conduct a

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Closed Session for the purposes as stated. Commissioner Luther seconded, and the motion carried unanimously.

Mayor Dees called for a 10 minute break prior to entering Closed Session.

**13. RETURN TO REGULAR SESSION.**

At 9:55 p.m., upon a motion by Commissioner Legge, seconded by Commissioner Smith and unanimously carried, the Board returned to regular session.

**14. CONSIDERATION OF 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.

**15. ADJOURNMENT.**

At 9:56 p.m., upon a motion by Commissioner Luther, seconded by Commissioner Collins and unanimously carried, the meeting was adjourned.

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EDDIE DEES, MAYOR

ATTEST:

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Phyllis C. Register, MMC, Town Clerk