

REGULAR MEETING, TUESDAY, SEPTEMBER 17, 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, Legge, Collins, Gorman, and Smith were present.

Others present were Town Manager Randy Beeman, Town Attorney William R. Davis, Police Chief John Hodges, Public Works Director Bruce McLaurin, Police Captain John Smith, Chief Building Inspector Mike Bailey, Human Resources Administrator Kimberly Lockamy, Deputy Fire Chief Steve Lopez, Maxey Dove and Kenny Bullock, representing the Parks and Recreation Department.

Rev. Garry Ballance, Victory Baptist Church, gave the invocation, and Commissioner Smith led the Pledge of Allegiance.

1. AGENDA ADJUSTMENTS, ADDITIONS, DELETIONS.

Mayor Dees noted the addendum to add an item to the consent agenda.

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

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

Mayor Dees stated the work effort this week continued to drive the sheet piles at the spillway to cut off the wall from the south to the north and noted that they had started forming the retaining wall modifications on the west side under the bridge. He said they had started construction of an access road on the east side of the site and installed new sediment basins on the east side, started removing timber cribbing on the east side, provided access for King Electric to remove their material and equipment from the site, excavated for the existing retaining wall modification footing for the wall extension and installed soil nails.

Mayor Dees stated in the next week or two the project activities include continuing to drive the sheet piles for the spillway cut off wall, complete construction of the access on the east side if they get approval from DENR and from the Corps of Engineers, pour the footing for the existing retaining wall extension, complete forming and rebar and pour the top and face of the existing retaining wall, and start excavation for and place the rip rap in the spillway on the west side. He said PWC sewer pier footing stabilization was completed and King Electric has moved off site after having completed that portion of the project.

Mayor Dees noted the Friends of Hope Mills Lake was planning to set up at South

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View Homecoming game next Friday night for a membership drive, and if anyone would like to join that would be a great time to join. He stated for every dollar they raise, there is a 3 to 1 matching grant with the Cumberland County Grant Foundation up to \$80,000.00.

Mayor Dees opened the floor for public questions or comments about the Lake/Dam project, and there were none.

3. INFORMATIONAL PRESENTATION BY MS. LAURA MCCLETTIE, US CENSUS BUREAU, 2010 CENSUS.

Ms. Laurie McClettie, US Census Bureau 2010, thanked the Mayor and Commissioners for allowing her to address the Board. Ms. McClettie noted there was a dress rehearsal presently going on in nine counties in eastern North Carolina and Cumberland being one of those counties. She stated her job was to work with municipalities, towns, cities and organizations to partner with them to get the word out about the dress rehearsal.

Ms. McClettie noted there were several points she wanted to make, and they needed people from the communities to work with them and they will be employing over 3,000 people. She said they had already hired over 700 people out of the nine counties. She noted the salary was \$11.50 an hour, but it will be increased up to \$13.50 an hour after January 1 and they need help to get the word out. Ms. McClettie stated it was very important that the community is aware of the fact that they need to be counted and if they are not counted and their roads are not paved, it's because no one is living on those roads, and if no one is living in certain areas that the money will not come with an inaccurate count.

Ms. McClettie noted she had met with one of the representatives in Richmond County this morning and they have a Complete Count Committee to make sure they do not miss anyone. She noted that Lee County was one that was not counted accurately but the committee was able to go back and find that there were 2,000 people that had not been counted.

Ms. McClettie said she had met with the Superintendents of the schools, the County Managers, and a lot of the City Managers throughout the nine counties, and everyone is working with them to make sure they get the word out.

Ms. McClettie noted she had spoken with several people in Fayetteville today about the Complete Count Committee and that is the committee that they will be hearing about and she had spoken with Mrs. Register earlier in reference to this. She said Matt Rooney, County Planning Department, will be chairing a committee and asking someone to represent Hope Mills and the other cities in the area to be a part of the Complete Count Committee to make sure that they touch every point in all of the communities to make sure they do not miss anyone. Ms. McClettie distributed information packets and briefly discussed the Census jobs and testing, how to become a partner with the Census Bureau, and information on the dress rehearsal, and also explained the American Community Survey packet which deals with economics. Ms. McClettie noted that they will be using the hand held computers which will only take 10 minutes to enter the information if they have to come knock at your door, but they would like for people to return the forms which will be mailed out around mid-March, and April 1st is Census Day.

4. PUBLIC COMMENTS.

Camilla Horne, 3269 Bluegrass Court, expressed concerns on how the Town Manager came to a decision to fire Mrs. Kilgore. In response to a question from Ms. Horne, Mayor Dees stated that would be something she would have to ask Mrs. Kilgore because that was information they could not discuss. Ms. Horne asked the Mayor how he felt about the decision, and Mayor Dees stated this was not an appropriate forum to talk about that and they were not allowed to talk about personnel matters. Ms. Horne said that is why she was here tonight because Mrs. Kilgore coordinated and implemented most of the activities

that she helped with.

5. MAYORAL PROCLAMATION:

a) Constitution Week - September 17 - 23, 2007.

Mayor Dees read the proclamation and urged all citizens to study the Constitution, to express gratitude for the privilege of American citizenship in our Republic functioning under the superb body of laws, the Constitution of the United States of America. Mayor Dees presented the proclamation to representatives of the Daughters of the American Revolution.

b) POW/MIA Recognition Day - September 21, 2007.

Mayor Dees read the proclamation and encouraged residents of Hope Mills and the surrounding area to join with VFW Post 10630 and Ladies Auxiliary to pause, remember, and pay tribute to these great heroes and defenders of freedom. Mayor Dees presented the proclamation to Mr. Jessie Bellflowers VFW Local Post 10630. Mr. Bellflowers stated he would like to remind the public, the Board, and Town staff that this Friday is the Annual Recognition Day for POW/MIA Day. He stated there will be a candle light vigil at Freedom Memorial Park beginning at 7:30 p.m., sponsored by the National League of Families. He noted there will also be another ceremony at 11:00 a.m. at Freedom Memorial Park on Saturday, where they will have the official reading of the names of the POW's, and this event is sponsored by Rolling Thunder Chapter I.

Mr. Bellflowers thanked the Board on behalf of VFW Post 10630 for the proclamation.

6. CONSENT AGENDA:

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

Commissioner Legge made a motion to adopt the consent agenda as presented. Commissioner Gorman seconded, and the motion carried unanimously.

a) Consideration to approve Minutes of the August 13, 2007 Special Meeting and the August 20, 2007 Regular Meeting.

Minutes approved as written.

b) Consideration to approve revised Parks & Recreation Director job description.

Revised Parks & Recreation job description approved.

c) Consideration to appoint Mayor Dees, voting delegate, and Mayor Pro Tem Gorman, alternate voting delegate, for the 2007 annual NCLM Business Meeting, October 16, 2007.

Appointed Mayor Dees, voting delegate and Mayor Pro Tem Gorman alternate voting delegate for 2007 annual NCLM Business Meeting.

d) Consideration to adopt Budget Amendment 2008 #1 to authorize payment of Special Separation Allowance for retiring police officer.

Finance Director Jeff Saleeby said in October 2007 the Town will begin paying the Special Separation Allowance to retiring Police Officer Sgt. Carol Pate. Mr. Saleeby said the Town will have to budget \$7,400 from unappropriated fund balance to allow for this expenditure.

Budget Amendment adopted.

- e) **Consideration to authorize \$1,529.22 Drug Tax Forfeiture Fund, Police Department purchase of computer accessories.**

Police Chief John Hodges said he was requesting to purchase computer accessories using the drug forfeiture money. Chief Hodges said the 16 APC 650 VA Battery Backup system cost \$1,100.48. He stated the battery backup systems will be utilized at each workstation in the police department and training building.

Chief Hodges said the current battery backup systems no longer worked and the backup systems will help maintain the workstation in the event of power surges to the buildings and prevent the loss of valuable information. He noted that one system would also be connected to the video recording/monitor TV system.

Chief Hodges said the 13 wireless keyboards would cost \$428.74 and would be used at each workstation.

\$1,529.22 Drug Tax Forfeiture Fund authorized.

- f) **Consideration to adopt Resolution approving Motorola Lease Purchase Agreement for 800 MHZ radio system for Police Department, and to proceed with the Motorola Lease Purchase, but to secure other financing.**

Commissioner Legge asked if the old 800 MHZ radios could be used in other departments. Mr. Beeman stated they would look into utilizing them for that fashion. Commissioner Legge stated he felt it would be better than making them surplus.

A copy of the resolution is on file in the Book of Resolutions in the Town Clerk's Office.

Resolution adopted.

- g) **Consideration to adopt Resolution declaring badge and weapon surplus and authoring presentation of same to Sgt. Carol Pate upon her retirement; and authorizing expenditure of funds up to \$1,000 from proceeds of Police Department July, 2006 golf tournament for retirement recognition.**

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

**RESOLUTION DECLARING THE BADGE AND SERVICE WEAPON CARRIED BY
SGT. CAROL PATE SURPLUS AND AWARDING SAME TO SGT. PATE UPON HER
RETIREMENT**

WHEREAS, G.S. 20-187.2 provides that retiring members of law-enforcement agencies shall receive upon request at no cost to them the badge worn or carried by them during their service with the municipality; and

WHEREAS, G.S. 20-187.2 further provides that the governing body of the municipal law enforcement agency may in its discretion award to a retiring law-enforcement officer the service side arm used by such member upon securing a permit as required by G.S. 14-402 et. seq. or 14-

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409.1 seq., or without such permit provided the weapon shall have been rendered incapable of being fired.

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

1. The badge and service weapon, Glock 22 cal Smith & Wesson GMW692, carried by Sgt. Carol Pate is hereby declared surplus; and
2. That the Town Manager or his designee is hereby authorized in accordance with the provisions of G.S. 20-187.2 to award the badge and service weapon to Sgt. Carol Pate upon the occasion of her retirement.

ADOPTED this 17th day of September, 2007.

EDDIE DES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

Resolution adopted and funds approved.

- h) Consideration to authorize purchase of 2007-2008 budgeted P&R capital outlay items; a) Bleachers - \$22,500.00; and b) Scoreboards - \$10,568.50.**

Athletic Supervisor Maxey Dove said he was asking for Board approval to purchase the bleachers for the new Recreation Center which would cost \$22,500.00 and was approved in the current budget.

Mr. Dove said it would be a minimum 60 day turn-around from the time of ordering to actually having them brought in and basketball registration will begin next month. Mr. Dove said he had discussed this request with Mr. Beeman, and he concurred with the purchase.

Mr. Dove said he was also asking Board approval to purchase scoreboards for the new Recreation Center, which would cost \$10,568.50 including tax and installation which was approved in the current budget.

Mr. Dove said it was approximately a one month turn-around from the time of ordering to actually having them brought in and installed. He noted that this request had also been discussed with Mr. Beeman and he concurred with this purchase.

Purchase of capital outlay items authorized.

- i) Consideration to accept September, 2007 Financial Statement.**

Financial Statement accepted.

- j) Consideration to adopt Resolution setting October 1, 2007 Public Hearing for voluntary annexation #07-3, 2.82 acres located on the south side of Elk Road, property of Florene Lucas, et al.**

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31
Annexation #07-3**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

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WHEREAS, the Board of Commissioners has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition had been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at Town Hall, 5770 Rockfish Road, Bill Luther Board Meeting Room #120, at 7:30 p.m., on October 1, 2007.

Section 2. The area proposed for annexation is described as follows:

North Carolina: Cumberland County: Pearces Mill Township:

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

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

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

Section 3. Notice of the public hearing shall be published once in The Fayetteville Observer, a newspaper having general circulation in the Town of Hope Mills, at least (10) days prior to the date of the public hearing

ADOPTED this 17th day of September, 2007.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

Resolution adopted.

“END CONSENT AGENDA”

7. CASE NO. 07-119. CONSIDERATION OF GROUP DEVELOPMENT REVIEW - SOUTHVIEW VILLAS, LOCATED SOUTH AND EAST SIDE OF DUNROBIN DRIVE, SOUTH OF ELK ROAD.

Mr. Ed Byrne, Cumberland County Planning, stated the property was located on the east side of Dunrobin Drive, and said the developer is proposing a multi-family apartment complex with 64 units on five acres and the property was currently zoned R5A Residential District. He noted it was the same property that was reviewed at the last meeting for rezoning that was approved for the middle section of the property that is currently being developed for an apartment complex.

Mr. Byrne reported the County Planning staff and the Zoning Board recommended conditions of approval.

In response to a question from Commissioner Legge concerning street signs, Mr. Byrne said if the developer requests the County to put them up, they will charge the developer to do it, if not, it will fall back on the developer to contract out with a private sign company to make the signs, put them up, and they have to call the Planning Addressing Section to go out and inspect to make sure they meet the standards requirements for the signs.

Commissioner Gorman made a motion to approve Case No. 07-119, subject to conditions. Commissioner Luther seconded, and the motion carried unanimously.

Conditions of Approval:

1. A recombination plat (“No Approval Required” or “NAR”) must be submitted to Land Use Codes then submitted to the Town for review and approval for recording with the County Register of Deeds and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and permits required to place any structure within this development from the Hope Mills Inspections Department in the Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Hope Mills Inspector.
3. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Town Inspector at the time of application for building/zoning permits.
4. The developer must provide the Hope Mills Inspections Department with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by the County Planning Staff prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to the Town Inspector at the time of application for any building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. If SFHA exists 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 are required to be obtained from the Town Inspections Department prior to any building/permit application.
7. Prior to clearing and/or removing any tree regulated by the Town's Landscape and Tree Preservation Code provisions, the developer must first obtain a tree removal permit from the Town's Inspections Department. (Note: The developer must submit a site plan showing the location of existing trees to be removed and to trees intended to remain on-site to the Town's Inspections Department prior to any permits being issued.)

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8. Landscaping must be provided as shown on the site plan and at a minimum, include:
 - a. Three large shade trees or nine flowering or ornamental trees or a combination of both, and 20 shrubs are required within the six foot wide landscape easement (street yard area) along the ingress/egress easement and proposed future road;
 - b. Nine trees and 53 shrubs are required within the parking area.

In addition,

- a. All landscaping must comply with § 102-430 *et seq.*;
 - b. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs.
 - c. All planting areas shall be kept free of weeds and debris.
9. The building final inspection cannot be accomplished until a Town Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the R5A zoning district must be complied with.
11. This conditional approval is not approval of the proposed freestanding signs. Signage for this development must be in accordance with the applicable sign regulations as set forth in Article X of the Hope Mills Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. Afton Drive" must be labeled as "Afton Ave" on all future plans.
13. An adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris with the standards of the Town of Hope Mills, Section 86-122(f), Hope Mills Subdivision Ordinance. During all phases of construction of this site, all storm water and other run-off will be required to meet all Town minimum standards; the contractor is the responsible party for curb, gutter and all roadway issues until the completion of the subdivision project.
14. Sidewalks must be constructed in accordance with the standards of the Town of Hope Mills. [§ 86.122(g), HM Subdivision Ordinance].
15. All utilities, except for 25kv or greater electrical lines, must be located underground. [§ 86-128(b), HM Subdivision Ordinance].
16. Two fire hydrants must be installed as shown on the site plan and each hydrant must be capable of flowing a minimum of 1,500 GPM.
17. The Town Fire Department highly recommends the installation of a residential sprinkler system for the protection of residents and property.
18. The Town Fire Department requires 360-degree unimpeded access around all structures.
19. The Town Street Department must approve street and drainage plans. The Town Street Department will allow the proposed curb-cut(s) infrastructure modifications to Dunrobin Road; upon completion of the project all modifications must be inspected and approved by the Street Department.

Note: Allen-Allen and Associates, P.A., was given instructions on curb-cut and reconstruction on Dunrobin Road.

20. All lighting is required to be directed internally within this development.
21. All dumpster pads located on a four inch thick 12' x 12' concrete slab and fenced on a minimum of three sides, garbage and utility areas must be screened.
22. All required off-street parking spaces are required to be a minimum of 8 ½' x 20'. A minimum of 96 off-street parking spaces is required for this development. Parking in parking spaces only should be enforced, as to not impede emergency vehicles.

Plat-Related:

23. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to NAR 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

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approval of the final plat.

24. Afton Ave" must be labeled as such on the NAR.
25. Prior to NAR approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$14,461.10 payable to the "Town of Hope Mills", in addition to the provision of on-site allowable recreation area (22,433 square feet) shown on the site plan . This condition is in accordance with Sections 86-86(11) and 86-130 Parks, Hope Mills Subdivision Chapter. (Town of Hope Mills)
26. Any/All easements shall be reflected on the NAR 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.
27. A 25' right-of-way radius is required at all intersections and must be reflected on the NAR.
28. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the NAR when submitted for final approval.
29. The developer is reminded that the improvements must be in place or that NAR approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Mike Bailey, Hope Mills Inspections, to schedule an inspection of the improvements.)

Plat-Required Statements:

30. All structures shall be shown on the NAR or the NAR shall reflect the following statement:

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

Advisories:

31. The applicant is advised to consult an expert on wetlands before proceeding with any development.
32. 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.

8. CASE NO. 07-130. CONSIDERATION OF RECOMBINATION AND GROUP DEVELOPMENT REVIEW - THOMAS FRANGAKIS PROPERTY, LOCATED ON THE SOUTH SIDE OF N. MAIN STREET, EAST SIDE OF BUTLER STREET.

Mr. Ed Byrne, Cumberland County Planning Department, stated this was a group development for an apartment complex with 16 units on 1.23 acre and zoned R5A with a zero lot line, and the property was located on the east side of Butler Street.

Mr. Byrne noted the conditions of approval that the County Planning staff was recommending. He stated the Engineer for the case has requested possibly to discuss condition no. 23 dealing with the vehicle access points which requires a minimum of a 40 foot entrance way into the property.

In response to a question from Mayor Dees, Mr. Byrne stated that variances are approved by the Town Board, and the section of the ordinance on group development requires 40 feet of entrance way.

In response to a question from Mayor Dees, Deputy Fire Chief Steve Lopez stated the width of the apparatus was 19 feet, and the proposed 24 feet was well within the fire code.

Mayor Dees asked if the Board wanted to hear from the developer to question the request for the variance.

Mr. Harvey Allen, Engineer, said he had never seen an apartment complex with an entrance basically other than the width that was shown. He stated that typically the width into an apartment complex is usually 24 feet from inside the curbing to the other side of the curbing. Mr. Allen discussed in detail the width of the allowed footage of the driveway and he also commented concerning item no. 23. He stated they were requesting that they be

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allowed to have the throat as shown in the design. Mr. Allen stated if they were to make that 40 feet by the time flare out the entrances and tie them back in to the parking lot, they would end up losing from 8 to 12 parking spaces.

Mr. Allen said it was not necessary, and he would further suggest that the Board revise the ordinance because he could imagine that anyone that gets in this situation will be in front of the Board discussing the very same item. He said they were requesting that they get allowance or variance on the proposed site plan.

Mayor Dees said it was his understanding that it was an opening of 24 feet. Mr. Allen said that was only the throat of the entrance. Mayor Dees asked if the width of the largest fire vehicle is 19 feet 5 inches. Mr. Allen said the width was only 8 feet. Deputy Chief Lopez said the entrance was wide enough.

Commissioner Luther stated it seemed they were running into a lot of this with the developments such as this one, and the Board not only had to think about the fire trucks going in. She said suppose there was an emergency where another emergency vehicle had to get in, are they going to have to wait their turn to get in. Commissioner Luther said she thought they have to consider the safety of the citizens along with everything else.

Mr. Allen displayed a map of the entrance and discussed how the vehicles would get in and out of the parking lot. He said the entrance is the only location that would be 24 feet. Mr. Allen said he felt it would not impede safety, but it would impede the project.

Deputy Chief Lopez noted that the 40 feet that is in the ordinance did not come from the Fire Department, did not come from the fire code, and it really has nothing to do with emergency services. He said he did not know where that ordinance came from, and he was not sure as to the spirit of the ordinance, but he could tell them that the recommendation that they made to deal with the fire apparatus coming or other emergency vehicles having to come around them was the addition of a point of egress out, but the actual plan does not allow that. He said there was no way for them to build a road going out. He noted the 24 foot access for the fire Department was adequate and he did not believe it would impede any safety and once again he wanted to make the point clear that was not coming from the Fire Department, it was not from the Fire Code. Deputy Lopez noted he believed Mr. Bailey was unable to find it anywhere in the Building Code either, but he would agree that it needed to be addressed. He stated that it is not going to impede any vehicles getting in and out of the area. Deputy Lopez briefly explained that there was additional parking to move to if needed.

Mayor Dees stated that no matter how this turns out he knew that they will be revisiting some ordinances and that might be one that needs to be put on the list. Mr. Byrne concurred and said that right now they were working on the zoning ordinance and after that they will be working on the subdivision ordinance which is what this section under group development for access requires the 40 feet. Mr. Byrne said when they do that condition, they merged the 40 foot requirement that the group subdivision section with what the fire department requirement for the fire apparatus, and this is why it was put under one condition.

Mr. Byrne stated they had requested this on other developments, such as the Crown at Steeple Chase. He noted that they had redesigned their entrance ways to be 40 feet, and in that case the entrance way was separate from the parking area which is why it did not affect their parking as much as this particular site, because it is much smaller.

In response to a question from Commissioner Legge, Mr. Allen stated the drive to the back parking area was 20 feet wide. Mr. Allen briefly explained why that drive was only 20 feet and said it was more that adequate for cars to pass.

Commissioner Luther stated she was not against development and she is for development in Hope Mills, but her concern was the safety of personnel, emergency vehicles, and the people who live there. She said if there is only one way to get out and we are running into this in so many developments in Hope Mills now, that the only way the

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equipment could get out of there is to back out. Commissioner Luther said that was putting our men in undue danger and we have to think of them, and we have to get our emergency personnel in and out of these developments safely as well as the people.

Deputy Fire Chief Lopez noted that as part of their recommendations they strongly urged the developer to install the residential sprinkler system. He stated residential sprinkler systems protect the building and the occupants as the fire is developing, which is quicker than any fire department or any fire apparatus is going to be able to get there. Deputy Lopez said looking at a development like this the fire department welcomes all developments in the Town of Hope Mills, however, their job is public safety. Deputy Lopez stated they highly recommended that the sprinkler system be installed because there were only 20 feet between the buildings.

Commissioner Luther said that maybe that was something the Board needed to address in other developments in the future.

Commissioner Gorman said that Deputy Lopez strongly encouraged the sprinkle system, but it did not mean they were going to install them. Deputy Lopez concurred and said they did not have anything other than a strong encouragement to influence any builders or developers. In response to a question from Commissioner Gorman, Deputy Lopez said in his professional opinion, it should be mandatory to have sprinklers to be safe for the citizens and the fire department.

In response to a question from Mayor Dees, Mr. Byrne stated that the developer could voluntarily have the sprinkler system installed. He stated he thought the sprinkler system requirement fell under the Building Code requirements.

Mayor Dees noted the variance they were asking for is the road and he agrees with Commissioner Gorman that maybe one of the ordinances or one of the code items that they need to look at for the future is for apartment and multi-family dwellings.

Mayor Dees noted the Board's recommendation was to allow the ok of the site plan which included the 40 feet as presented.

Commissioner Legge made a motion to table the matter for further information.

In response to a question from Commissioner Collins, Mr. Byrne stated the Planning Board recommended the 40 feet based on the ordinance.

Mr. Thomas Frangakis, property owner, said in view of the whole thing they will go ahead and lose the parking spaces and take the 40 feet.

Commissioner Legge withdraw his motion to table the matter for further information.

Commissioner Collins made a motion to approve Case No. 07-130 as written. Commissioner Luther seconded, and the vote carried unanimously.

Conditions of Approval:

2. The final plat, as required in Case No. 07-084, must be submitted to Land Use Codes then submitted to the Town for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development. (Note: All applicable conditions from Case No. 07-084 apply to this case the same as if contained individually within this case's conditions of approval.)

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope

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Mills Zoning Ordinance and permits required to place any structure within this development from the Hope Mills Inspections Department in the Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Hope Mills Inspector.

4. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Town Inspector at the time of application for building/zoning permits.
5. The developer must provide the Hope Mills Inspections Department with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by the County Planning Staff prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to the Town Inspector at the time of application for any building/zoning permits.
6. The Hope Mills Street Department must approve the proposed curb-cut(s) and the proper permits must be obtained prior to zoning/building permit application.
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. If a *Special Flood Hazard Area* (SFHA) exists on this tract; any development within 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 are required issued by the Town Manager prior to any building/permit application. A copy of the approved flood plain permit must be provided to the Town's Inspections Department at the time of building/zoning permit applications.
9. Prior to application for any permits and due to this development not providing suitable recreation area on site, the developer is required to submit a check or cash in the amount of \$12,520.33 payable to the "Town of Hope Mills". This condition is in accordance with Sec. 86-86(11) of the Town's Subdivision Chapter, which requires every residential dwelling unit to be provided a portion of land, in certain instances, or a fee paid in lieu of dedication, for the purposes of providing park, recreation and open space areas.
10. Prior to clearing and/or removing any tree on this site regulated by the Town's Landscape and Tree Preservation Code provisions, the developer must first obtain a tree removal permit from the Town's Inspections Department.
11. Landscaping must be provided as shown on the site plan. The following are the minimum standards for required for landscaping this site:
 - a. Four large shade trees or 12 small ornamental tree and 26 shrubs are required within the six-foot wide street yard area; and
 - b. Three trees and sixteen shrubs are required within the parking area.

In addition,

- 1) All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs; and
 - 2) All planting areas shall be kept free of weeds and debris.
12. The building final inspection cannot be accomplished until a Town Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

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13. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Chapters for the R5A zoning district must be complied with as applicable.
14. This conditional approval is not approval of the freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article X of the Town Zoning Chapter 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.)
15. "N Main Street" must also be labeled as "N C HWY 59 (N Main Street)" on all future plans.
16. Curbs and gutters within the private drive and parking area must meet the Town standards and specifications.
17. An adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris with the standards of the Town of Hope Mills , Section 86-122(f), Hope Mills Subdivision Chapter.
18. Sidewalks, meeting the American with Disabilities Act (ADA) standards, would be preferred by the Town along Butler Street in accordance with the standards of the Town of Hope Mills, Section 86-122(g), Hope Mills Subdivision Chapter. The Town's Street Department must approve all sidewalk plans.
19. All utilities, except for 25kv or greater electrical lines, must be located underground. [§ 86-128(b), Hope Mills Subdivision Ordinance].
20. Fire hydrants , capable of flowing a minimum of 1,500 GPM, must be installed along Butler Street in accordance with Section 86-128(a), Hope Mills Subdivision Ordinance. (Note: The Hope Mills Fire Chief has requested two fire hydrants be installed to serve this development; the developer must contact the Fire Chief for the optimal location of the hydrants.)
21. Fire extinguishers of appropriate size and type must be installed in the common areas of each apartment on each floor.
22. The Fire Department requires 360-degree unimpeded access around all structures.
23. All lighting is required to be directed internally within this development.
24. The direct vehicular access point must be a minimum of 40 feet in width. The Fire Chief requests entrances to be large enough to accommodate fire apparatus; with the department's largest apparatus being 36 feet, 7 inches in length with a wheelbase of 19 feet, 5 inches and a width of 8 feet, 6 ½ inches.
25. All dumpster pads must be located on a four inch thick 12' x 12' concrete slab and fenced on a minimum of three sides; garbage and utility areas must be screened – chain link fencing may be utilized but it must be accompanied with an evergreen screen.
26. All required off-street parking spaces shall be a minimum of 8 ½ ' x 20'. A minimum of 24 off-street parking spaces is required for this development. Parking should be arranged as to provide aerial device set up and operation (17 –foot outrigger spread) and still allow apparatus to move freely around committed apparatus. The drive and parking areas should be constructed as to allow fire apparatus to move freely even with parking spaces occupied. Parking in parking spaces only should be enforced, as to not impede emergency vehicles.
27. The Fire Department highly recommends the installation of a residential sprinkler system inside each apartment as well as exterior side wall sprinkler heads for the protection of residents and property.

Plat-Related:

(See Case No. 07-084 and Condition No. 1 on this conditional approval regarding plat-related conditions.)

Advisories:

28. The applicant is advised to consult an expert on wetlands before proceeding with any development.
29. For efficient emergency response purposes, the developer is advised to label the structures with large conspicuous numbers that can be identified from the road.
30. The Fire Chief recommends an additional entrance to this site to allow the fire department apparatus quick escape in the event of conflagration.
31. 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.
32. The Hope Mills Board of Commissioners approved the group developer to include the 40 foot wide drive entrances. The developer will need to submit to the County Planning Department 5 copies of a revised plan showing the revised drives and any changes to the parking area prior to any application for building/zoning permits.

9. OLD BUSINESS:

- a) **Consideration of report from NCDOT regarding traffic study / recommendation for a traffic control device at the intersection of Dove Drive and N. Main Street.**

Mayor Dees noted that NCDOT had recommended that we not install a traffic signal at this location.

Commissioner Collins stated he had spoken with Mr. Jernigan with the Department of Transportation on this matter, and they advised him they would come back when the State Employees Credit Union was built to look at the area again. Commissioner Collins said he encouraged everyone at that location to be very careful because it is a dangerous intersection.

Mayor Dees said he understood that when the credit union is complete and the possible motel across the road is complete, that they are studying the possibility of putting a stop light at that location which would slow the traffic down coming over the hill as well.

- b) **Consideration to accept parks and recreation fee in lieu of land dedication for South Main Development and accept quit claim deed for MacRae Cemetery, 1.0 acre.**

Mayor Dees said that this was something that was several years behind in trying to get done, and they had looked at the land and it was not suitable for a park so in lieu of that they have offered to pay a fee and to settle the claim of who is responsible for the upkeep and maintenance of the cemetery and offered to donate it to the Town as well.

Commissioner Legge made a motion to accept the fees in lieu of the land at South Main and the quit claim deed. Commissioner Gorman seconded the motion.

Commissioner Luther commented that she was glad they were giving the Town the deed to the MacRae Cemetery, but that is not an asset, it is a liability and we will be responsible for the upkeep from now on. She said it would have been nice if the developer had given some

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monitory payment. She said the Town had already spent \$14,000 on it and it is still not up to par. She said it is going to take more money to bring it up to par, but she did appreciate the donation.

In response to a question from Mayor Dees, Mr. Beeman said when the Town gets the metes and bounds description they will have a better idea of what is available within the cemetery.

Commissioner Legge said the Town has been taking care of the cemetery for two years. Mayor Dees said the Boy Scouts has helped and there have been some civic groups that had cleaned it up and the Town did receive a State Historic Grant, \$14,000, to put the fence up, and we are spending some additional money to make it a finished product.

The motion carried unanimously.

10. INFORMATIONAL ITEMS:

- a) **Fire Department Activities Report for August, 2007.**
- b) **Police Department Activities Report for August, 2007.**
- c) **Parks & Recreation activities and events for September - November, 2007.**
- d) **Inspections Department August, 2007 Report.**

Mayor Dees presented the informational items and asked if there were questions or comments on the items presented.

Commissioner Gorman commented on what the Fire Department and Police Department runs up against. Commissioner Gorman read a letter of thanks from a family that the Fire Department had responded to. Commissioner Gorman said that really touched him and the firemen and policemen are risking their lives and having to go to something like this, and that was the dedication that these men and women have and we are very fortunate to have them in the Town of Hope Mills.

11. STAFF CONCERNS.

There were none.

12. OFFICIAL CONCERNS.

Commissioner Legge commented as follows:

1. Thanked Rev. Garry Ballance for the invocation.
2. Thanked everyone for attending the meeting.
3. Thanked Mr. Bruce McLaurin and the Public Works Department, and said he contacted him the other day about some street lights and they got right on it.
4. Commissioner Legge expressed concerns with the hotel and said it is looking like a storage area.

Mr. Mike Bailey stated that as of today there was still some discretion with the number of parking spaces that are to be provided, and that was the holdup on the issuance of the permits. Mr. Bailey briefly discussed the materials on the site and said the developer was doing everything they could to get the permits.

Commissioner Collins expressed concerns with the concrete piling stacked on the site and said there were a lot of children going around them. He said he felt they should be able to bring those pilings down. Mr. Bailey said he had been by there last week and the pilings are

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strapped together and someone would have to cut the strapping and then move each block separately.

In response to a question from Commissioner Collins, Mr. Bailey stated he had spoken with the developer and they were in the process of making sure that all of the blocks are strapped and bound together.

5. Commissioner Legge expressed condolences to the Elrod family and said Hope Mills had lost a great man.
6. Asked for everyone keep his grandson in their prayers who was going to Durham to have eye surgery.

Commissioner Collins commented as follows:

1. Expressed condolences to the Elrod family.
2. Thanked the Police Department for all they did on Opening Day on Saturday and they did a great job.
3. Thanked the Fire Department for all they do.
4. Thanked Rev. Garry Ballance for the invocation.
5. Thanked everyone for coming to the meeting.

Commissioner Luther commented as follows:

1. Thanked everyone for attending the meeting and said everyone needed to keep the Elrod family in their prayers.
2. Stated we need more volunteers for every area in Hope Mills, and they are the ones who make the Town, and please think about what could be done to help the Town.

Commissioner Smith commented as follows:

1. Thanked Rev. Ballance for the invocation.
2. Thanked all the men and women in the Armed Forces and asked that each and everyone when they see a man or woman in uniform to thank them for their services.
3. Thanked the Public Works Department during the hot days and they persevered and he has not heard too many complaints about the department.
4. Thanked the citizens and staff for attending the meeting.

Commissioner Gorman commented as follows:

1. Expressed condolences to the Elrod family.
2. Reminded the Board of the clean up, and said they will be picking up from Main Street and Rockfish Road in the city limits.
3. Commissioner Gorman said he was asked by Commissioner Luther to go down Bullard Street and there was an individual who has set up a tent and that is where he is living. He said he went about two houses down and it looks like a tornado has gone through the yard. He asked if there was anyway they could get someone over there to address that. Mr. Beeman said they would get

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someone to check into it.

In response to a question from Commissioner Gorman, Mr. Beeman stated he had not gotten a report back on Archer Road as yet.

Mayor Dees commented as follows:

1. Thanked everyone for attending the meeting and said their input was always important to the Board.
2. Expressed condolences to the Elrod family and all of the families who have loved ones in harms way.
3. Expressed happy birthday and congratulations to Commissioner Legge and to Town Manager Randy Beeman.
4. Stated Mayor Pro Tem Gorman and he attended a meeting of a group studying local government last week. It was called "We The People of Cumberland County." He said it is a group of people who have agreed that this county needs to take a serious look on how we govern ourselves. "We The People" wants to study surveys, numbers, look at municipal and county budgets and other data, so that it can make forecast to lead to logical options concerning local governments. Mayor Dees said if anyone wanted to become involved in the process their next meeting will be at Town Hall Board Meeting room, October 11th at 7:00 p.m.
5. Reminded the Commissioners if they have not already registered for the State League of Municipalities Conference in October, to do so.
6. Congratulated Parks and Recreation on their successful Opening Day, and thanked the Police Department for directing traffic.
7. Said they have been checking into the growing community on Bullard Street and one of the land owners was out of the country and it would take permission from him to evict them from the property.
8. Reminded everyone that Litter Sweep is Saturday, and anyone wanting to help to meet at the gazebo at 9:00 a.m.
9. Reminded everyone of South View Homecoming Parade, Sunday, on Legion Road and the Homecoming game will be next Friday night. Also, The Friends of The Lake will be there to take registration if anyone would like to join.
10. Reminded the Board of a special report in their latest newsletter from the League of Cities which talked about the seventy cities in the nation who adopted the platform for strengthening families and three were from North Carolina, and Hope Mills was one of them.
11. Reminded everyone of the next Board meeting on October 1st at 7:30 p.m.

Commissioner Luther stated the County Planning Board meeting will be tomorrow night at the County Courthouse at 7:00 p.m. Commissioner Luther noted this was not a part of Hope Mills, but indirectly it is a part of Hope Mills. She said this rezoning is on the no. 2 lake at Church Street and it is something that we really need as the community to think about, because it could impact the future of Hope Mills no. 2 lake. Commissioner Luther said we have been discussing for sometime the 2030 Land Use Plan of trying to get that as a reservoir, and if this development that is planned goes in as planned, then we will be knocked out of that should the time come we could have that put back.

Mayor Dees stated they met last week with the planning people to discuss that and Mr.

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Lloyd went back to meet with the developer and to discuss any possible conflict there, and he believes they reached an agreement that he understood the Gillies's who are developing that project had no problem with it and drew a line they would not cross. Mayor Dees noted there was a new problem that someone allowed PWC to do a sewer line access along that property and until that is resolved we would not be able to put the water back over that sewer line.

Mr. Byrne stated one of things with the level of the lake was the big concern and it looks like where the sewer line level is around 82 and the lake level at one point was around 84. He said the lake may have to be established at a lower level.

Mayor Dees said there were ways around sewer lines but that particular sewer line was not built to withstand water and so that would have to be addressed.

13. ADJOURNMENT.

At 8:39 p.m., upon a motion by Commissioner Luther, seconded by Commissioner Legge and unanimously carried, the meeting was adjourned.

EDDIE DEES, MAYOR

ATTEST:

Natashia F. McCants, Deputy Town Clerk