

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

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

Others present were Town Manager Randy Beeman, Town Attorney William R. Davis, Finance Director Jeff Saleeby, Stormwater Administrator Melanie Clerkley, Parks and Recreation Director Stan Braswell, Police Chief John Hodges, Acting Public Works Director Roy Howard, Chief Building Inspector Mike Bailey, and Fire Chief Chuck Hodges.

Rev. Garry Ballance, Victory Baptist Church, gave the invocation followed by the Pledge of Allegiance led by Mayor Dees.

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

Mayor Dees presented the agenda and asked if there were any additions or deletions that needed to be made. Mayor Dees asked to add a closed session to discuss matters within the Attorney-Client privilege.

**Commissioner Collins made a motion to add the closed session to the agenda. Commissioner Luther seconded, and the motion carried unanimously.**

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

Mayor Dees said Crowder is continuing grading, placing stone and de-watering the area under the bridge on the west side. They are continuing placing rebar for the foundation slabs and concrete on the foundation slabs, installing water stops, forming the dam walls, and placing rebar for the walls as well. He said they have started placing balance bags in the stream on the south side, and installing the de-watering basin under the bridge.

Mayor Dees said there will be a partnering meeting with staff on the lake restoration, Monday, April 7, at 5:30 p.m. and all the regulatory groups as well as Crowder, McKim & Creed, MacTac and others will be attending the meeting. He said they would also like to invite the Board of Commissioners to dinner that evening so they can discuss what awards and recognition they are going to apply for. Mayor Dees noted for the record there could be a quorum present, but no action will be taken. It will be a social event just for them to listen to some of the things Crowder will be discussing.

Mayor Dees opened the floor for public comments or questions.

### **3. PRESENTATION BY LISA OLSEN, BRANCH MANAGER, HOPE MILLS LIBRARY, CONCERNING THE BIG READ PROGRAM.**

Ms. Lisa Olsen, Cumberland County Library, distributed information packets to the Board on "The Big Read Program." She said the Big Read is an initiative of the National Endowment for the arts in partnership with the Institute of Museum and Library Services and other local organizations designed to revitalize the role of literature in American culture and bring the transformative power of literature into the lives of its citizens. Ms. Olsen said this year's book is Fahrenheit 451 by Ray Bradbury. There will be events at every branch to encourage interest in the novel.

### **4. PUBLIC COMMENTS.**

There were none.

### **5. CONSENT AGENDA.**

Mayor Dees presented the consent agenda and asked if there was any item the Board wished moved to the regular agenda for further discussion.

**REGULAR MEETING, MONDAY, MARCH 17, 2008**

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

- a) **Consideration to approve Minutes of the February 18, 2008 Regular Meeting and February 26, 2008 Special Meeting (Joint Meeting with the Cumberland County Commissioners.)**

**Minutes approved as written.**

- b) **Consideration to approve McKim & Creed proposal for preparation of 2008 Powell Bill Map and Certified Statement.**

McKim & Creed has prepared the map and certified statement for the Town's required annual reporting for years 2005, 2006, and 2007, and their quoted lump sum fee \$5,500 remains consistent. Funds are available in the Powell Bill Fund for this agreement and professional service.

Staff recommends that the Board of Commissioner approve the McKim & Creed proposal and Agreement for preparation of the 2008 Powell Bill Map and Certified Statement, \$5,500.00.

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

**McKim & Creed proposal accepted.**

- c) **Consideration to adopt Water and/or Sewer Annexation Agreement for Sheffield Farms North Section 2.**

Town Manager Randy Beeman stated the Water and/or Sewer Annexation Agreement from the Public Works Commission is to provide water and sewer extensions to the Sheffield Farms North, Section 2, located on Muscat Road, and within the Hope Mills annexation petition zone. He said once the agreement is approved by the Town Board and recorded in the Cumberland County Register of Deeds Office, the Town will be able to request the properties be annexed into the corporate limits of the Town at such time the Board so chooses and deems appropriate. He said this agreement is considered routine.

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

**Water and/or Sewer Annexation Agreement adopted.**

- d) **Consideration to approve request for fees associated with Stormwater Utility Fee Collection for County billing (estimated \$5,000) and costs for informational direct mailing (estimated \$1,850).**

Stormwater Administrator Melanie Clerkley stated the Stormwater Department is requesting approval of funding for the implementation of the Town of Hope Mills Stormwater Fee within the Cumberland County Tax Administration's yearly billing program. She said the Department is also requesting approval of funding for a direct mail informational brochure to be sent to Hope Mills property owners addressing the new fee. Funds for this request are currently available in the Stormwater Department Budget.

Ms. Clerkley said the cost for implementation of the Stormwater Fee within the Tax Administration billing program is estimated to be \$5,000.00 and the cost for the informational direct mailing is estimated to be \$1,850.06 and does not include postage.

**Fees approved.**

**"END CONSENT AGENDA"**

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

### **6. CASE NO. 08-028. CONSIDERATION OF THE COFFMAN COMMONS PROPERTY, C1(P) & C(P) SITE PLAN REVIEW, LOCATED ON THE SOUTHEAST SIDE OF LEGION ROAD, SOUTHWEST OF ELK ROAD.**

Mr. Ed Byrne, Cumberland County Planning, displayed a map of the subject property, and conditions of approval and said the property was currently zoned C(P) and C1(P). Mr. Byrne briefly discussed the layout and location of the existing building. He said the developer is requesting approval of an expansion of a retail strip shopping area. Mr. Byrne said the access to the site will be provided by the existing drives that already serve the shopping center and a restaurant along Legion Road.

In response to a question from Mayor Dees, Mr. Byrne said with the current driveway the Fire Department will have access to the rear of the building.

**Commissioner Gorman made a motion to approve Case No. 08-028 as presented. Commissioner Collins seconded the motion.**

In response to a question from Commissioner Maynor, Fire Chief Chuck Hodges said the project will meet the Fire Code and there are some things he would like to see changed, but it is not required by the Fire Code.

In response to a question from Commissioner Luther, Fire Chief Chuck Hodges said they would not be able to setup the aerial device in the rear of the building because of the gravel and dirt parking lot. He would like to see asphalt parking, but it is not required.

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

#### **Pre-Construction/Permits:**

- 1 Prior to clearing and/or removing any tree regulated by the Town's Landscape and Tree Preservation provisions, the developer must first obtain a tree removal permit from the Town's Inspections Department.
- 2 A recombination plat(also known as a "No Approval Required" or "NAR") must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, then submitted to the Town for approval, 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:**

- 3 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.
- 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 New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Town of Hope Mills Stormwater Department. Prior to the issuance of any permits for this site, evidence must be provided to Hope Mills Inspections Department indicating that compliance with these regulations has been achieved. A copy of the Stormwater Departments approval must be provided to the Town Inspector at the time of application for any building/zoning permits.
- 6 The developer may have to 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.

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

- 7 The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- 8 Landscaping must be provided as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Six large shade trees or 17 flowering or ornamental trees and 33 shrubs within the front yard setback area;
  - b. Four large shade trees or 26 shrubs are required within the parking area.

In addition:

- c. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs;
- d. Trees shall be maintained in a vertical position at all times;
- e. All planting areas shall be kept free of weeds and debris.

A final landscaping plan must be submitted to the Town Inspections Department prior to application for the Certificate of Occupancy for any unit within this development.

- 8 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:**

- 9 All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the C1(P) & C(P) zoning district must be complied with, as applicable. (Note: With the subject property being split zoned, the developer/ property owner must be careful when consider tenants for the individual suites within this development; only those uses allowed within each zoning district can be considered for the suites - see Condition Number 40 below.)
- 10 This conditional approval is not approval of the permit for 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 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.)
- 11 Curbs and gutters must meet and be installed to the Town's standards and specifications in accordance with Section 86-128(c), Hope Mills Subdivision Ordinance.
- 12 Sidewalks must be constructed along SR 1132 (Legion Road) in accordance with the standards of the Town of Hope Mills, Section 86-122(g), Hope Mills Subdivision Ordinance. The Town's Public Utility Department must approve all sidewalk 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.
- 14 All utilities, except for 25kv or greater electrical lines, must be located underground.
- 15 In order to receive stormwater approval, the developer must provide the Stormwater Administrator with a site plan showing the final grading and the location of all permanent drainage structures on this site.
- 16 A retention pond must be constructed in the area labeled as "grassy area" and shown in front of the wood line as indicated on the site plan. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
- 17 If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT) and the Town of Hope Mills. If required, a copy of the approved driveway permit must be provided to Town Inspectors at the time of application for building/zoning permits.
- 18 All lighting is required to be directed internally within this development and not toward any adjacent residential properties.
- 19 The entrances must be large enough, with access not being impeded, to accommodate fire apparatus; with the largest Town apparatus being 36' 7" in length with a wheelbase of 19' 5" and a width of 8' 6 ½".
- 20 Buffer yards must be provided and maintained along the residentially-zoned property lines in accordance with the provisions of Section 102-432, Hope Mills Zoning Ordinance.

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

- 21 All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides. (Note: Dumpster pads must be a minimum of 12' x 12').
- 22 The pavement surface, slope and grade should be installed to accommodate fire apparatus.
- 23 Fire extinguishers of appropriate size and type must be installed where required.
- 24 The Hope Mills Fire Department requires 360 degree unimpeded access around the entire structure.
- 25 All required off-street parking spaces shall be a minimum of 8-1/2' x 20'. A minimum of 120 off-street parking spaces are required for this development. Parking should be arranged as to provide aerial device set up and operation (17' outrigger spread) and still allow apparatus to move freely around committed apparatus. Parking in parking spaces only should be enforced, as to not impede emergency vehicles.
- 26 Parking and drives should be constructed as to allow fire apparatus to turn in one motion and move freely even with parking spaces occupied.
- 27 A minimum of one off-street loading spaces(s) shall be provided for the retail development.

### **Plat-Related:**

- 28 "Legion Road" be labeled as "SR 1132 (Legion Road)" on the NAR.
- 29 Dedication of 10 feet of right-of-way and reservation of 10 feet of right-of way along SR 1132 (Legion Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the NAR recombination 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. (Note: This condition is due to the site plan not reflecting the actual right-of-way width at this location; in the event the current right-of-way is 100' in width and that this measurement is shown on the NAR, no dedication or reservation is required. Any total width distance less than 100' will require first dedication and then reservation in an amount equal to 100' in width.)
- 30 Any/All easements must 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.
- 31 The NC Department of Transportation (NCDOT) stamp must be affixed to the NAR prior to submission for NAR approval by Land Use Codes.
- 32 The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the NAR when submitted for final approval.

### **Plat-Required Statements:**

- 33 All structures shall be shown on the NAR or the NAR shall reflect the following statement:

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

### **Advisories:**

- 34
- 35 The Hope Mills Fire Department recommends that each suite be addressed in large conspicuous numbers that can be identified from the right-of-way.
- 36 The Hope Mills Fire Department recommends the installation of an additional hydrant capable of flowing 1,500 GPM due to the fact that it would be over a 700 foot lay for supply line to the rear of the structure and Coffman Plumbing.
- 37 Any proposed restaurant will be required to install an automatic sprinkler system and fire alarm system if the occupant load is 100 or greater and a commercial hood system will be required to be installed over restaurant cooking equipment.
- 38 The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 39 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.

## REGULAR MEETING, MONDAY, MARCH 17, 2008

- 40 The developer/property owner is encouraged to submit that portion of this tract that is currently zoned C1(P) to C(P) so that there will be no confusion as to the allowed uses within this development.

7. **CASE**  
**NO. 08-039. CONSIDERATION OF THE AA BUSINESS PROPERTIES - HOPE MILLS PARKING LOT SUBDIVISION REVIEW, LOCATED ON THE SOUTH SIDE OF BULLARD STREET, BOTH SIDES OF HILL STREET, AND THE NORTH SIDE OF WELL STREET.**

Mr. Ed Byrne, Cumberland Planning, displayed a map of the subject property. Mr. Byrne said the property was zoned R6 with 4.35 +/- acres located on the south side of Bullard Street, both sides of Hill Street and the north side of Well Street, west of Rockfish Road. He said the developer was requesting Board approval of the three lot subdivision and remote parking for AA Business Properties located on lot 1. Mr. Byrne said the access to the parking lot is proposed to be located off Bullard and Hill Streets. He said they are planning to use the parking lot for the on site workers and to give their client more direct access to the buildings. He said it was not to create additional required parking, but was additional parking to the overall site.

**Commissioner Collins made a motion to approve Case no. 08-039 as presented. Commissioner Maynor 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 Hope Mills Inspections Department in the Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Hope Mills Inspector.
- 2 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.
- 3 New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Town of Hope Mills Stormwater Department. Prior to the issuance of any permits for this site, evidence must be provided to Hope Mills Inspections Department indicating that compliance with these regulations has been achieved. A copy of the Stormwater Department approval must be provided to the Town Inspector at the time of application for any building/zoning permits. The following is the comment from the Stormwater Administrator:  
  
Adequate drainage must be provided or stormwater must be retained on site. Runoff from this site must not cause flooding to surrounding properties or streets. Any improper or inadequate drainage on private property which causes flooding, interferes with the use of or endangers in anyway the streets, sidewalks, parks, or other Town property of any kind is deemed a nuisance as defined in Chapter 67, Stormwater Management, Town of Hope Mills Code of Ordinances.
- 4 The developer may have to 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 Town Street Department recommends approval ONLY if the developer can show that the majority of the runoff will be contained on site. The Department's concerns are based on the parking lot being approximately two feet higher than the surrounding area and any runoff could be an impact on adjacent properties. The Department recommends shallow swales or a small detention pond. The Bullard Street curb cut will add additional rainwater runoff which already goes to a state maintained drainage system.

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

- 6 The developer must provide a site-specific address and/or tax parcel number at the time of building/zoning permit application.

### **Site-Related:**

- 7 All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the R6 zoning district must be complied with, as applicable.
- 8 All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
- 9 This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached 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.)
- 10 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.
- 11 All utilities, except for 25kv or greater electrical lines, must be located underground.
- 12 The developer must obtain a driveway permit from the Town of Hope Mills. A copy of the approved driveway permit must be provided to Town Inspectors at the time of application for building/zoning permits.
- 13 All lighting within the proposed parking lot is required to be directed internally within this development.
- 14 Buffers must be provided and maintained along the western and eastern property lines of Lot 1 for the proposed parking lot in accordance with the provisions of Section 102-432, Hope Mills Zoning Ordinance.

### **Plat-Related:**

- 15 All lots must be drawn with solid property lines and the bearing and distances, acreage and lot identifiers shown on the final plat.
- 16 The lot labeled as "Less and Except #3" must be included on the final plat along with an identifier, acreage and solid property lines with bearing and distances shown on the final plat.
- 17 Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$393.02 (one lot) payable to "Town of Hope Mills". This condition is in accordance with Section 86-130, Parks, Open Space, Recreation Provisions, Hope Mills Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District - Hope Mills). (Note: Park & Recreation fee must be paid at the Hope Mills Town Hall.)
- 18 Any/All easements must 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.
- 19 The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
- 20 The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, then submitted to the Town for their approval, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

### **Plat-Required Statements:**

- 21 All structures shall be shown on the final plat or the final plat shall reflect the following statement:

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

### **Advisories:**

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

- 22 The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 23 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.

### **Other Relevant Conditions:**

- 24 The approval of the proposed remote parking lot to be constructed on Lot 1 is for the use of the AA Business Properties (PIN 0414-46-1376) only and not to be used as a commercial parking lot, i.e., rented out for any other use.

## **8. CONSIDERATION TO APPROVE FINANCIAL STATEMENT THROUGH MARCH 12, 2008.**

Finance Director Jeff Saleeby provided the Board with the Budget versus Actual - Revenues and Expenditures through March 12, 2008. He said the Board needed to formally approve the Financial Statement.

Commissioner Gorman thanked Mr. Saleeby for providing the Board with the financial statement each month.

**Commissioner Luther made a motion to approve the Financial Statement as presented. Commissioner Warner seconded, and the motion carried unanimously.**

## **9. CONSIDERATION TO ADOPT RESOLUTION OF INTENT TO CLOSE AN UNOPENED, UNDEDICATED ALLEY THROUGH PROPERTY OF JAMES R. DAVIS, APPROXIMATELY 200' +/- FROM CAMERON ROAD TO HONEYCUTT AVENUE.**

Town Manager Randy Beeman said Mr. James Davis had submitted an application along with the appropriate fee for closing an unopened, undedicated alley through his property. He said the alley is shown on County tax mapping records even though it has never been opened or used as a public alley.

**Commissioner Collins made a motion to adopt the Resolution as presented. Commissioner Gorman seconded, and the motion carried unanimously.**

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

#### **A RESOLUTION DECLARING THE INTENTION OF THE BOARD OF COMMISSIONERS TO CONSIDER THE CLOSING OF AN UNOPENED, UNDEDICATED ALLEY THROUGH PROPERTY OF JAMES R. DAVIS, APPROXIMATELY 200'+/- FROM CAMERON ROAD TO HONEYCUTT AVENUE**

WHEREAS, G.S. 160A-299 authorizes the Board of Commissioners to close public streets and alleys, whether or not it has actually been opened as well as unopened streets or alleys shown on plats that have not been accepted or maintained by the municipality; and

WHEREAS, the Board of Commissioners considers it advisable to conduct a Public Hearing for the purpose of giving consideration to the closing of an unopened, undedicated alley through property of James Rd. Davis, Cumberland County PIN #0414-62-8438 and #0414-62-9313, approximately 200' +/- from Cameron Road to Honeycutt Avenue; and

**REGULAR MEETING, MONDAY, MARCH 17, 2008**

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

- (25) A meeting will be held at 7:30 p.m. on the 21<sup>st</sup> day of April, 2008, in the Town Hall, Bill Luther Board Meeting Room #120, to consider a Resolution closing an unopened, undedicated alley through property of James R. Davis, Cumberland County PIN #0414-62-8438 and #0414-62-9313, approximately 200' +/- from Cameron Road to Honeycutt Avenue; and
- (26) The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four (4) successive weeks in The Fayetteville Observer, or other newspaper of general circulation in this area.
- (27) The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of this Resolution of Intent.
- (28) The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled Public Hearing to be posted as required by G.S. 160A-299.

Upon motion made by Commissioner Collins, and duly seconded by Commissioner Gorman, the above Resolution was duly adopted by the Board of Commissioners at the meeting held on the 17<sup>th</sup> day of March, 2008, in the Town Hall, Bill Luther Board Meeting Room, 5770 Rockfish Road.

Upon call for a vote, the Resolution was unanimously adopted.

Adopted this 17<sup>th</sup> day of March, 2008, at 7:50 p.m.

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EDDIE DEES, MAYOR

ATTEST:

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Phyllis C. Register, MMC, Town Clerk

**10. CONSIDERATION TO APPROVE BB&T FINANCING PROPOSAL FOR 800 MHZ RADIOS, AND ADOPT RESOLUTION APPROVING FINANCING TERMS.**

Finance Director Jeff Saleeby said he sent out requests for proposals for the refinancing of the 800 MHZ radios to: First Citizens, Branch Bank and Trust, RBC Centura, and Wachovia. He said he also sent out a request to Lumbee Guaranty Bank who did not respond. Mr. Saleeby said based on the information received, he recommended that the Town refinance the Motorola 800 MHZ lease with Branch Bank and Trust as it offered the greatest savings in interest and has a lower pre-payment penalty.

**Commissioner Gorman made a motion to approve BB&T Financing Proposal as presented. Commissioner Luther seconded, and the motion carried unanimously.**

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

**RESOLUTION APPROVING FINANCING TERMS**

WHEREAS, the Town of Hope Mills, North Carolina (the "Town") has previously determined to undertake a project for refinancing an installment note with Motorola for 800 MHZ Radios (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED as follows:

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated March 12, 2008. The amount financed shall not exceed **\$384,392.51**, the annual interest rate (in the absence of default or change in tax status) shall not exceed **2.63%**, and the financing term shall not exceed **five (5) years** from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town Officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final form as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constitutes conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or Towns thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

ADOPTED this 17<sup>th</sup> day of March, 2008.

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EDDIE DEES, MAYOR

ATTEST:

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Phyllis C. Register, MMC, Town Clerk

### **11. CONSIDERATION TO ADOPT BUDGET AMENDMENT 2008 #15, POWELL BILL FUND, TO PURCHASE JET VAC TRAILER UNIT.**

Finance Director Jeff Saleeby said a budget amendment for the purchase of a Jet Vac Trailer Unit will come out of current year revenues. He said the purchase will be made from the Jet Vac Sewer Equipment Company, Inc. As they were the low bidder.

**Commissioner Maynor made a motion to adopt the Budget Amendment as presented. Commissioner Collins seconded, and the motion carried unanimously.**

### **12. CONSIDERATION TO AUTHORIZE PLACEMENT OF BANNER FOR SPRING LITTER SWEEP IN LAKE PARK AREA (GAZEBO).**

Parks and Recreation Director Stan Braswell, said the Spring Litter Sweep will be held on Saturday, April 19, 2008 from 9:00 a.m. until 12:00 p.m. at various designated areas in the Hope Mills city limits. Mr. Braswell requested approval for a banner announcing this event be hung from the gazebo at the lake. Mr. Braswell said the size of the banner is 3'X5' and will cost \$136.00 plus tax, and he would like the banner to be displayed two weeks prior to April 19, 2008.

**Commissioner Collins made a motion to authorize placement of banner. Commissioner Warner seconded, and the motion carried unanimously.**

### **13. CONSIDERATION OF FEE WAIVERS FOR USE OF RECREATION CENTER.**

- a) **Hope Mills Chamber of Commerce.**

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

Commissioner Collins expressed concerns with the waiving of fees for specific activities. He said you are going to let one organization use it then you are going to continue to let other organizations utilize it.

Commissioner Mayor expressed concerns with the various roles and activities of whoever is requesting the waiver. He said if we look at the Hope Mills Chamber of Commerce, it states the Hope Mills Area Chamber of Commerce. He said some will ask what does it do for the Town and its citizens. He said the Chamber should be looked at as another public relations to the Town in regards to businesses, not only in the town limits, but also working with businesses in the surrounding and adjoining area.

Commissioner Mayor said in exchange for the fee waiver, the Chamber of Commerce has agreed to extend to the Town free membership in the Chamber which the Town will actually benefit from.

A detailed discussed ensued on the time limit if a paid rental came in and how much time the Chamber would need to make other plans.

**Commissioner Warner made a motion to allow the Chamber of Commerce a wavier of fees and that a 30 day notice be given if a paid rental is received. Commissioner Maynor seconded the motion.**

Commissioner Maynor said he had attended several of the Chamber meetings and briefly explained the function and role of the Chamber of Commerce.

Mayor Dees stated the Town Ordinance spells out the use of the center, but they were written when it was a community center not part of Cumberland County Recreation. He said they need to revisit the ordinances and possibly rewrite them.

Commissioner Collins asked the Chamber to invite the Board when they have an opening ceremony or event for a new business.

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

**AYES: Commissioner Luther, Commissioner Maynor, Commissioner Gorman, Commissioner Warner**

**NOES: Commissioner Collins**

**Commissioner Maynor made a motion to revisit the Town Ordinances in reference to the use of the Recreation Center, and to restructure the ordinances as appropriate for the use policy. Commissioner Collins seconded, and the motion carried unanimously.**

**b) U.S. Census Bureau.**

Parks and Recreation Program Supervisor Kenny Bullock said the U.S. Census Bureau once again has solicited the use of the Recreation Center for classroom space to conduct training for their employees who live in the surrounding community. He said the dates requested are May 22, 27-30, 2008 and no special equipment will be needed except for the use of tables and chairs for approximately 20 people.

**Commissioner Warner made a motion to approve fee waiver with the date changes. Commissioner Luther seconded, and the motion carried unanimously.**

### **14. INFORMATIONAL ITEMS.**

The Board was provided with information on each item.

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

### **a) Report of Hope Mills Fire Department structural inspection by HMC Consultants.**

Mr. Beeman said the structural inspection report provided by HMC Consultants principal Mr. Min C. Hsu, P.E., covered eight areas of structural concern and recommendations. He said the facility is viable and with appropriate repair and adequate maintenance the facility is worthy of investing the budgeted funds.

Mr. Beeman said he request Mr. Hsu provide information addressing specifications for repairs as a consideration of seeking contractors and vendors. He said there were funds available in the budget for these specification services.

### **b) Board of Elections One Stop Voting.**

The Cumberland County Board of Elections will be using the Hope Mills Recreation Center for One Stop Voting from April 17 - May 3, 2008. The schedule is as follows:

Monday, Tuesday, Thursday	11:00 a.m. - 8:00 p.m.
Wednesday, Friday	10:00 a.m. - 6:00 p.m.
Saturday	9:00 a.m. - 1:00 p.m.

### **c) Litter Sweep.**

The Town of Hope Mills is coordinating the "Spring Litter Sweep" scheduled for Saturday, April 19, 2008. The event will be from 9:00 a.m. - 12:00 noon.

Our mission statement for Litter Sweep 2008 is "With Your Help We Can Make a Difference".

**Commissioner Gorman made a motion for the Board to continue with the clean-up from Main Street to the Town Limits sign on Rockfish Road. Commissioner Collins seconded, and the motion carried unanimously.**

## **15. DEPARTMENT MONTHLY REPORTS.**

The Board was provided with monthly information items for each department.

### **a) Fire Department Activity Report for February, 2008.**

### **b) Police Department Activity Report for February, 2008.**

### **c) Sanitation Department Report for February, 2008.**

### **d) Parks & Recreation Monthly Report and Activity Report for February, 2008.**

### **e) Inspections Department Activity Report for February, 2008.**

## **16. OLD BUSINESS: MANAGER'S OLD BUSINESS UPDATES.**

Town Manager Randy Beeman gave an update from HMC Consultants on the Fire Department, railroad crossing on Johnson Street, 800 MHZ Viper Radio System, Skate Park, Pier construction information on lake no. 1, professional service, and Pay Plan and Classification study.

Commissioner Maynor expressed concerns with the status of the 800 MHZ Viper Radio System. Police Chief John Hodges said they did not have any new information, but the last information he received was they should be up and running by the end of March.

In response to a question from Commissioner Collins, Mr. Beeman said the Board will be briefed on the Hope Mills Youth Association study. He said Mr. Braswell has been in

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

contact with the consultant and met with the Hope Mills Youth Association principal parties approximately two weeks ago.

### **17. STAFF COMMENTS.**

There were none.

### **18. OFFICIAL COMMENTS.**

Commissioner Maynor commented as followed:

1. Said he was glad to see the repair on the railroad.
2. Expressed concerns with the revenue disbursement for the Heath Hardin wrestling fund-raiser.

Commissioner Collins said from his understanding the disbursement would be between the wrestling promoter and the Hardin family.

3. Expressed concerns with the widening of Elk Road.
4. Stated he appreciated the citizens coming out and taking the time to hear the Town's business.
5. Extended best wishes on Mrs. Register's retirement and Attorney Davis retirement.

Commissioner Gorman commented as follows:

1. Thanked everyone for coming out to the meeting.
2. Thanked all the Department Heads present at the meeting.
3. Thanked the Kiwanis, Chamber of Commerce, and the Town employees that helped with the Easter festivities.
4. Reminded everyone of Litter Sweep on April 19<sup>th</sup>.
5. Stated he appreciated Mr. Braswell and staff for having a flag placed in the gym.
6. Stated the Board had discussed the gang activity around the Golfview area and they will be doing everything they can to help the community with the problem.
7. Stated some of the water fountains along the walking path need to be repaired.

Commissioner Warner commented as follows:

1. Stated she had received a call about gang activity in the Worthington Subdivision.
2. Expressed concerns with the graffiti on the train trussel and said it needed to be cleaned up.
3. Thanked the Police Department for taking care of the homeless people in the Trade Street area.
4. Thanked everyone for coming out to the meeting.

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

Commissioner Collins commented as follows:

1. Stated the Worthington Subdivision was located in the County.
2. Stated some individuals had been arrested in the Brightmoor and Golf Acres area who were involved in the graffiti.
3. Thanked Rev. Garry Ballance for the invocation.
4. Thanked Lisa Olsen for everything she does for the Town.
5. Thanked Mrs. Jean Clark and the Chamber of Commerce for what they do for the Town.
6. Thanked all the Town employees for what they do for the Town, and a special thanks to Mr. Roy Howard in the absence of Public Works Director Bruce McLaurin.
7. Congratulated Attorney Davis and Mrs. Phyllis Register on their retirement.
8. Thanked the community for what they do for the Town.
9. Thanked everyone for coming out to the meeting.

Commissioner Luther commented as follows:

1. Thanked the each Department for the monthly reports.
2. Said she was sorry to see Mrs. Register and Attorney Davis leave.
3. Thanked everyone for coming out to the meeting, and asked them to bring someone with them to the next meeting.

Mayor Dees commented as follows:

1. Wished everyone a happy St. Patrick's Day.
2. Wished everyone a happy Easter, and said the Community Easter, Sunrise Service is 7:00 a.m., Sunday, at the gazebo.
3. Reminded everyone that Good Friday is a holiday for Town employees, and there will be no garbage pickup and Town Hall will be closed.
4. Thanked the Parks and Recreation Department, Hope Mills Chamber of Commerce, and the Kiwanis Club for sponsoring the Easter Festival this past Saturday. He said he heard a number of positive comments on the event.
5. Reminded everyone that the spring sports season is underway and all the baseball and softball teams are practicing. Asked everyone to please be careful driving in and around the ball fields.
6. Reminded everyone Opening Day will be Saturday, April 12<sup>th</sup>.
7. Reminded everyone the Hope Mills Police Department sponsored carnival next Thursday, March 26<sup>th</sup> through Sunday, March 30, on fields 4,5, and 6.
8. Stated the Mid Carolina Senior Games will be April 9<sup>th</sup> to 24<sup>th</sup> and Opening Day Ceremony will be April 9<sup>th</sup>, 9:00 a.m., at Pope Air Force Base.
9. Stated the Spring Litter Sweep will be April 19<sup>th</sup> from 9:00 to 12:00 p.m.

## **REGULAR MEETING, MONDAY, MARCH 17, 2008**

10. Stated the organizational meeting for the Lake Committee will be this Wednesday at 7:00 p.m. at Town Hall. He said the committee will be helping plan restoration and events for the Grand Re-opening of Hope Mills Lake. They will bring all suggestions back to the Board for approval.
11. Stated Town Attorney William Davis and Town Clerk Phyllis Register both have decided to retire. He said they both have been with the Town for over 20 years and the knowledge, and dedication will be impossible to replace, and he appreciated both of them.
12. Reminded everyone of the next Town Board meeting on Monday, April 7<sup>th</sup>, at 7:30 p.m. in the Bill Luther meeting room.

### **19. CLOSED SESSION.**

Commissioner Gorman made a motion to conduct a closed session pursuant to NCGS 143-318.11 (a)(3) to consult with the Attorney on matters within the Attorney-Client privilege. Commissioner Luther seconded, and the motion carried unanimously.

At 8:45 p.m., Mayor Dees called for a five minute break before entering into closed session.

### **20. RETURN TO REGULAR SESSION.**

At 9:21 p.m., Commissioner Luther made a motion to return to regular session. Commissioner Collins seconded, and the motion carried unanimously.

### **21. 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 unanimously carried.**

**Commissioner Luther made a motion to accept the Resolution Accepting an Easement.**

WHEREAS, Neil Evans Smith and wife Alice M. Smith, hereinafter "Smiths," are the owners of a certain tract of land in fee simple, upon which the Town of Hope Mills, hereinafter "Town," intends to impound water as a part of the Hope Mills Lake Dam Project; and

WHEREAS, the Town and Smiths have reached an agreement regarding the Town's utilization by easement of a certain portion of the above described property; and

WHEREAS, the Town recognizes the significance of said area as an ecosystem worthy of preservation and its archeological and historical significance to the local community and State; and

WHEREAS, it is the intent of this resolution and the easement itself to document the terms of this agreement.

The Town agrees to reimburse the Smiths for any legal work related to the negotiation and preparation of this easement, this resolution or any other related documents in an amount not to exceed \$5,000.00.

**Commissioner Collins seconded the motion.**

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

**REGULAR MEETING, MONDAY, MARCH 17, 2008**

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

**NOES: Commissioner Warner**

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

In response to a question from Mayor Dees, Attorney Davis said at the next meeting the Board will unseal certain minutes, and deal with the issue at that time.

In response to a question from Commissioner Collins, Attorney Davis stated a motion to unseal the minutes was not needed tonight.

**22. ADJOURNMENT.**

At 9:24 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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Natashia McCants, Deputy Town Clerk