

**TOWN OF HOPE MILLS
BOARD OF COMMISSIONERS REGULAR MEETING
MONDAY, AUGUST 3, 2009, 7:00 P.M.
BILL LUTHER BOARD MEETING ROOM**

Mayor Eddie Dees called the regular meeting of the Hope Mills Board of Commissioners to order on Monday, August 3, 2009, at 7:00 p.m.

GOVERNING BOARD MEMBERS PRESENT

Mayor Eddie Dees, Mayor Pro Tem Bob Gorman, Commissioners Doris Luther, Eddie Maynor, Jackie Warner, and Tonzie Collins.

GOVERNING BOARD MEMBERS ABSENT. None

STAFF PRESENT

Town Manager Randy Beeman, Assistant Town Manager/Town Clerk Connie Spell, Town Attorney John Jackson, Finance Director John Ellis, Chief Building Inspector Mike Bailey, Program Supervisor Kenny Bullock, Stormwater Administrator Melanie Clerkley.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was rendered by Dr. Dennis Sheppard, Hope Mills United Methodist Church, followed by the Pledge of Allegiance led by Commissioner Maynor.

1. APPROVAL OF AGENDA – ADDITIONS OR DELETIONS.

Motion was made by Commissioner Collins, seconded by Commissioner Luther and carried unanimously to approve the agenda as presented.

2. PRESENTATIONS. None

3. PUBLIC HEARINGS. None

4. PUBLIC COMMENTS.

Barbara Martin, 3255 Glenmore Drive expressed concerns with the property purchased and the zoning on Old Oak Lane and Glenmore Drive; recommend the town distribute fliers to residents to move their trash cans from the road after pickup; speeding and loud music in the area; and the traffic on Camden Road near the new movie theater.

5. CONSENT AGENDA:

Motion was made by Mayor Pro Tem Gorman, seconded by Commissioner Warner and carried unanimously to approve the consent agenda as presented.

The following actions were affected:

a. Consideration to approve the following minutes:

- June 15, 2009 Regular Meeting
- June 23, 2009 Special Meeting

The board approved the Minutes of the June 15, 2009 Regular Meeting and the June 23, 2009 Special Meeting.

b. Consideration to accept Tax Administrator's Settlement of Taxes for FY July 1, 2008-June 30, 2009.

The board accepted the Tax Administrator's Settlement of Taxes for FY July 1, 2008 – June 30, 2009.

A Copy of the Settlement is hereby attached and part of the official minutes - Attachment 1.

- c. **Consideration to approve Out-of-State travel for two Parks & Recreation Department employees to attend the 2009 Junior Dixie Boys Baseball World Series in Enterprise, Alabama.**

The board approved out-of-state travel for Stan Braswell, Parks & Recreation Director and Maxie Dove to attend the 2009 Junior Dixie Boys Baseball World Series in Enterprise, Alabama.

- d. **Consideration to approve \$400.00 contribution to the Hope Mills Junior Dixie Boys baseball team.**

The board approved a \$400.00 contribution to the Hope Mills Junior Dixie Boys baseball team.

- e. **Consideration to approve General Fund Budget Amendment No. 2 allocating drug forfeiture monies to purchase office equipment, \$7,930.00, Police Department.**

Town Manager Randy Beeman said the Police Department was in need of (8) office chairs and (4) laptop computers. He said they were requesting to use drug forfeiture monies to fund this and the total for the items requested was \$7,925.04.

Mr. Beeman said the laptop computers will be used for the investigative division. Each laptop computer will be assigned to each investigator. He said this would enable them to work in the office or in the field while investigating cases.

The Board approved General Fund Budget Ordinance Amendment No. 2 allocating drug forfeiture funds to purchase office equipment for the Police Department, \$7930.00

A copy of the Budget Ordinance Amendment is filed in the Book of Ordinances in the Town Clerk's office.

“END OF CONSENT AGENDA”

- 6. **OLD BUSINESS: None**

- 7. **NEW BUSINESS:**

- a. **Consideration of Municipal Influence Area (MIA) Waiver Requests for the following Cumberland County case:**

CASE No. 09-083. Consideration of Cypress Pond, Zero Lot Line Subdivision Review, request a recommendation for a waiver from Section 2302.A “Municipal Influence Area”, regarding the sidewalk construction on both sides of all streets, Cumberland County Subdivision Ordinance; Zoning R10; Total Acreage 11.15, located on the north side of Pioneer Drive, east of Legion Road.

Mr. Ed Byrne, Cumberland County Planning said the County Planning Department was requesting a recommendation from Hope Mills Board of Commissioners on the above reference case. He said the developer had requested a waiver from the Town of Hope Mills Municipal Influence Area (MIA) development standards which require the construction of sidewalks along both sides of all streets. Mr. Byrne said since the development is located within the Town of Hope Mills MIA, the Town's development standards apply.

Mr. Byrne said the developer states in their request that this subdivision is the last 15 lots of a larger development that had been previously approved without sidewalks and is requesting to finish the last phase the same manner as the first two phases. He said the area in which the 15 lots are proposed had originally been approved for 34 lots in 2002. The developer abandoned the 2002 approval due to the wetlands that existed at the end of Cypress Pond Drive since a wetland crossing was not possible. Mr. Byrne said the developer has now acquired land located off of Pioneer Drive which would allow access to the remaining portion of the original development without crossing any wetlands.

Mr. Byrne said the Hope Mills Plan Review Committee and the County Planning Staff had reviewed the waiver request and recommends that the developer be required to install sidewalks

along one side of all roads within this development. It has been the Town Board of Commissioners policy in the past to allow for sidewalks along one side of the streets instead of the required both sides. Mr. Byrne said the reasons for allowing sidewalks along one side of all streets are to help reduce the amount of impervious surface produced and to lessen the stormwater runoff. He said the Subdivision Review Committee has recommended a change to the Subdivision Ordinance as part of the rewrite, which is proposing to require sidewalks along just one side of all new streets.

After a brief discussion, motion was made by Commissioner Collins, seconded by Commissioner Luther and carried unanimously to recommend denial of waiver request and recommended the developer be required to install sidewalks along one side of all roads within this development.

b. CASE NO. 09-084. Consideration of Dan & Kimberly Barfield Property, Zero Lot Line Review, Zoning R15, total acreage 0.98, located on the northwest side of Antilles Circle, east of Legion Road, southwest of Cherry Street.

Mr. Ed Byrne, Cumberland County Planning Department said the developer had submitted for approval of a zero lot line subdivision review on three existing lots. He said the owner of lot 15 of the Bonaire Place subdivision would like to create a zero lot line along the rear property line of lots 32 and 33 of the Parrish Heights subdivision. Mr. Byrne said the zero lot line subdivision would allow the owner of lot 15 to be able to build a detached garage closer to the rear property line. He said the benefit of building closer to the property line would also be granted to the owners of Lots 32 and 33 if this request is approved. He said the rear yard setback requirement for the R15 zoning district is 35 feet and the existing home on lot 15 is currently setback from the rear property approximately 42 feet.

Chief Building Inspector Mike Bailey said the Plan Review Committee had completed a review of Case No. 09-084 Bonaire Place and had no objections to the case.

Motion was made by Commissioner Maynor, seconded by Commissioner Collins and carried unanimously to approve the zero lot line with the following conditions and with the contingency that the adjoining property owner's of Lots 32 and 33 sign the final plat indicating they are aware of the zero lot line (Condition No. 15).

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 Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town 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 Code Enforcement at the time of application for building/zoning permits. (Section 86-76, Public Water and Sewer Systems Hope Mills Subdivision Chapter)
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 Hope Mills Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the Town's *Post-Construction Permit* must be provided to Town's Inspections Department.
4. For any new development, 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 copies of a revised plan must be submitted and approved by County Planning Staff prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement 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. A *Certificate of Occupancy* will not be issued until a Town Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

7. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Chapter and Zoning Ordinance for the R15 zoning district must be complied with, as applicable.
8. All applicable provisions of Section 86-86, "Group Developments", Hope Mills Subdivision Chapter, must be complied with.
9. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
10. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86-128(b), Underground utilities required, Hope Mills Subdivision Chapter)
11. If driveways are changed or added, the developer may be required to obtain a driveway permit from the Hope Mills Street Department. If required, a copy of the approved driveway permit must be provided to the Building Inspector at the time of application for building/zoning permits.

Plat-Related:

12. "Legion Road" must be labeled as "SR 1132 (Legion Road)" on the final plat.
13. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; **or** at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
14. 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.
15. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 86-35(3), Certificate of Ownership and Dedication, Hope Mills Subdivision Chapter)
16. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

17. 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:

18. The applicant is advised to consult an expert on wetlands before proceeding with any development.
19. 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.

c. Consideration to approve Withers and Ravenel contract addendum to complete the Stormwater Inventory.

Melanie Clerkley, Stormwater Administrator said due to an underestimated number of stormwater features, an addendum to the Withers and Ravenel contract was required in order to complete the Stormwater inventory. She said originally it was estimated there would be approximately 1600 stormwater features to be inventoried. However, as the inventory had progressed, it became apparent that the original number was substantially underestimated. There are an estimated 900 features that were not accounted for bringing the total of estimated stormwater features to 2500. The original contract provided for assessment of up to 1600 features; in order for the project to be completed a contract addendum is required which also requires additional costs.

Ms. Clerkley said although it is not unusual that the number of features be underestimated, Withers and Ravenel provided a few possibilities as to why the original estimate appears to be low; original road mileage was incorrect, no data prior to beginning work; impossible to know an exact number of features, number of features per foot higher than estimates.

Ms. Clerkley said after negotiation with Withers and Ravenel, the contract addendum had been proposed in order to complete the project. She said they will complete the entire inventory at an additional cost of \$26,500.00. This amount is based upon an estimated 900 additional features at \$29.50 per feature. She said when the inventory is completed and the 900 feature count is not met, then the number of features short of 900 at \$29.50 per feature will be credited back to the Town. Ms. Clerkley said if the feature count is over 900 Withers and Ravenel will complete the inventory at no additional cost to the Town.

Ms. Clerkley said the Stormwater inventory is required by the State Department of Water Quality in order for the Town to meet its Phase II requirements.

Motion was made by Commissioner Luther, seconded by Commissioner Gorman and carried unanimously to approve Withers and Ravenel contract addendum to complete the Stormwater Inventory.

A copy of the contract addendum is filed in the Book of Contracts in the Town Clerk's office.

d. Consideration to approve Stormwater Fund Budget Ordinance Amendment No. 3 to appropriate funds for contracted services, \$68,265.00.

Finance Director John Ellis reported a contract was executed in fiscal year 2008-2009 with Withers and Ravenel for \$60,000.00. He said the Board is being asked to increase that contract by \$26,500.00. He said since only \$18,235.50 of the contract amount was spent in 2008-2009, \$41,764.50 needs to be appropriated in this fiscal year (2009-2010) to account for the remaining funds to be spent on the contract. Mr. Ellis said a budget amendment for \$68,265.00 to increase Stormwater Fund Contracted Services will account for the unspent funds plus the additional amount being requested. These items are accounted for in Budget Amendment No. 3.

Motion was made by Mayor Pro tem Gorman, seconded by Commissioner Luther and carried unanimously to approve Budget Ordinance Amendment No. 3 to appropriate funds for Stormwater contracted services, \$68,265.00.

A Copy of the Budget Ordinance Amendment is filed in the Book of Ordinances in the Town Clerk's office.

e. Consideration to approve Hazen & Sawyer Professional Services proposal for lake water level reduction and monitoring during the lake maintenance by the Friends of the Hope Mills Lake not to exceed \$3,000.00.

Town Manager Randy Beeman said he had contacted Mr. Steve McElvoy, Dam Safety engineer of North Carolina Department of Environment and Natural Resources, Division of Land Resources. He said Mr. McElvoy encourages employment of engineering services during the water level reduction and continuing until the maintenance project is complete.

Mr. Beeman said the water flow downstream must be monitored limiting impact of erosion and within guidelines of permitted flow of no greater than one foot per day or less dependent on environmental impact. The engineering services will contact all agencies who have interest and responsibility in the lake and acquire permission when necessary prior to commencement of the project. He said Mr. McElvoy requested a letter providing information addressing the operation and who is overseeing the process in advance of the lake maintenance. Mr. Beeman stated the Hazen & Sawyer Professional Services proposal was \$3,000.00.

The board asked if our employees were trained and Mr. Beeman said Town staff had been trained on the maintenance and operation of the dam.

The board discussed at length acquiring an engineer to do the monitoring during the lake maintenance or the town employees doing the monitoring.

Motion was made by Mayor Pro Tem Gorman, seconded by Commissioner Collins and carried unanimously to deny approval of the Hazen & Sawyer Professional Service Proposal for lake water level reduction and monitoring during the lake maintenance by the Friends of the Hope Mills Lake.

- f. Consideration to approve General Fund Budget Ordinance Amendment No. 4, to appropriate funds for professional services, \$3000.00, Hope Mills Lake/Dam. (Action required only if 7(e) is approved) “No action taken”.**
- g. Consideration to approve the Policy and Procedures for Appointments to Volunteer Boards and Commissions.**

The Board had directed staff several months ago to prepare a Policy and Procedures for Appointment to Volunteer Boards and Commissions. The board was presented a policy for their consideration.

The Board discussed the staggered terms, length of terms and the chairman’s term as proposed in the policy. The Board stated within the policy guidelines, the town board may, by majority vote, decide to waive, vary, or otherwise modify the process outlined in the policy.

Motion was made by Commissioner Warner, seconded by Commissioner Collins and carried unanimously to approve the Policy & Procedures for Appointments to volunteer Boards and Commission as presented.

A copy of the policy is filed in the Book of Policies in the Town Clerk’s office.

8. REPORTS AND INFORMATION ITEMS:

Reports:

a. Update report on the Hope Mills Lake/Dam project.

Town Manager Randy Beeman reported he had sent out RFQ’s for the monitoring and was waiting for the results so that staff could assist him in making a recommendation to present to the Board.

Commissioner Collins expressed concerns with the valves leaking on the west side of the dam and requested a letter be sent to the engineers. H also expressed concerns with a bad odor by the dam.

Commissioner Maynor expressed concerns with the entire structure and problems the Town was encountering with the dam.

Lisa Waring, 3628 Lakeshore Drive reported everything was on schedule for the August 17th lake bed clearing. She said she had contacted Marshall Faircloth and Ed Melvin of the Cumberland County Board of Commissioners requesting that if the trees are mulched on the side and had to be hauled to the landfill, could the fees be waived. She stated if the Town would contact Mr. Faircloth this could be worked out between the Town and the County Manager. Mrs. Waring said if the Friends of the Lake make the request as a non-profit organization it

would have to go before a vote of the Board. She said if the Town Manager would contact Mr. Faircloth this would be another cost the Friends of the Lake would not have to incur.

Mrs. Waring said she felt the design engineer and builders of the dam should accept the financial responsibilities of future repairs due to the dam receiving a conditional approval as opposed to an unconditional approval.

Jessie Bellflowers, 3306 Harrisburg Drive expressed concerns with the Town employees being trained in lowering and raising the dam. Town Manager Randy Beeman said the employees are trained in the operation of the gate valves.

Michael Mitchell, 5411 Thompson Circle addressed the Board concerning an emergency plan for the Town employees to lower the lake in anticipation of a tropical storm. Mr. Beeman said currently the EAP (Emergency Action Plan) is being updated and has to be submitted by August 31st to Dam Safety. He said within the EAP there is a huge amount of information as to proper notification in the event of a tropical storm. Mr. Beeman said the design of the dam did not require operation of the gate valves.

Mr. Mitchell asked was it standard procedure to lower the lake before hand if ten inches of rain was expected, or was the dam capable of handling the capacity of water. Mr. Beeman said he was not sure, but the EAP would have the answer to that question.

Commissioner Collins said the VFW and the Chamber of Commerce said they would redo the public pier, and could the board give them permission to do the repairs while the lake was lowered. Mr. Beeman said it would be up to the organizations as to when they would like to do the repairs to the pier.

Information:

- a. Congressman Kissell announces the Hope Mills Police department will receive a COPS Hiring Grants in the amount of \$152,372.**

Mayor Dees said he had received notification from Congressman Kissell's office that the Town had been awarded the COPS Hiring Grants in the amount of \$152,372.00. He said the town had requested five (5) police officer positions and only received one police officer position. He said this was the third grant received by the Police Department.

9. STAFF COMMENTS.

Town Manager Randy Beeman said several of the trees in the town that were diseased or had been struck by lightning were being removed and replaced with new trees.

10. OFFICIAL COMMENTS.

Commissioner Warner

- Expressed concerns with the lake attendant using a golf cart at the lake, and the additional expense.
- Thanked staff for having the graffiti removed from the Hope Mills Bypass.

Commissioner Collins

- Congratulated the Dixie Junior Baseball Team and thanked Maxie Dove for representing Hope Mills.
- Expressed concerns with waiving stormwater fees for religious organizations and asked Mr. Jackson what was the status. Mr. Jackson said he should have a report at the next meeting.

Commissioner Luther

- Expressed concerns with lots being clear cut.

Commissioner Maynor

- Expressed concerns with the trash cans being turned over at the ball fields and requested the Police Department patrol the area.

Commissioner Gorman

- Congratulated the Dixie Junior Boys Baseball team.
- Asked Mr. Beeman to look into helping Mrs. Bailey and the Appearance Commission with the trees within the flowerboxes at the lake that need to be replaced or repaired.
- Expressed concerns with the deep holes in the swimming area at the lake.

Mayor Dees

- On behalf of the Board thanked everyone for coming out to the meeting and they appreciated everyone that spoke.
- Commended Mr. Gorman and the South View Band for what they did for the family of Mr. Boulder.
- Congratulated the Dixie Junior Boys Baseball Team and requested they attend the next meeting for recognition.
- Extended condolences to the family of Mr. Grainger Barrett, Cumberland County Attorney upon his death.
- Extended condolences to the family of Mr. Craig Dove.
- Reminded the Board to read the memo from Mr. Ellis of the potential taxes the Town may lose from the beer and wine taxes under state budget proposal.
- Stated he had attended the Transportation Advisory Committee meeting last week and they discussed a couple of things that would impact Hope Mills. They approved April 20, 2010 to finish widening the bypass from Legion Road to HWY 301 and taking out the service lane and installing a stop light. He said they also approved the Hope Mills Area Circulation Study from Camden Road to Cameron Road.
- Reminded Board members to sign up for the Ethic Workshop in Hickory.

Commissioner Luther expressed concern with the traffic on Camden Road and said a left turn lane was needed at the intersection of Camden to Rockfish.

11. CLOSED SESSION.

Pursuant to NCGS 143-318.11 (a) (3) to consult with the attorney on matters within the attorney-client privilege.

Motion was made by Mayor Pro-tem Gorman, seconded by Commissioner and unanimously carried to go into Closed Session pursuant to NCGS 143-318.11 (a) (3) to consult with the attorney on matters within the attorney-client privilege.

At 9:36 p.m., upon a motion by Commissioner Maynor, seconded by Commissioner Maynor and carried unanimously the Board returned to regular session.

Motion was made by Commissioner Warner, seconded by Commissioner Collins and carried unanimously to authorize Town Attorney John Jackson to associate with Mr. Lugo with the MBP Group to investigate the construction of the dam and engineering services, and request Town Manager Randy Beeman to draft a budget amendment not to exceed \$10,000.00 to pay for these services.

12. ADJOURNMENT.

With no further business, the meeting was adjourned at 9:37 p.m.

EDDIE DEES, MAYOR

ATTEST:

Connie F. Spell, MMC, Town Clerk