

**MINUTES OF THE HOPE MILLS BOARD OF COMMISSIONERS**  
**Monday May 4, 2009**  
**Regular Meeting**

Mayor Eddie Dees called the regular meeting of the Hope Mills Board of Commissioners to order on Monday, May 4, 2009 at 7:00 p.m.

**GOVERNING BOARD MEMBERS PRESENT**

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

**GOVERNING BOARD MEMBER ABSENT**

Commissioner Tonzie Collins

**STAFF PRESENT**

Town Manager Randy Beeman, Assistant Town Manager/Town Clerk Connie Spell, Town Attorney John Jackson, Human Resources Administrator Debbie Disbrow, Chief Building Inspector Mike Bailey, Public Works Director Bruce McLaurin, Fire Chief Chuck Hodges, Police Chief John Hodges, Police Captain John Smith.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was rendered by Rev. Ron Godbolt, Christ Gospel Church, followed by the Pledge of Allegiance led by Commissioner Maynor.

**1. APPROVAL OF AGENDA – ADDITIONS OR DELETIONS.**

Mayor Dees presented the agenda and asked if there were any additions or deletions. There were none.

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

**2. PRESENTATIONS.** None

**3. PUBLIC HEARINGS.** None

**4. PUBLIC COMMENTS.**

Mr. Jerry Legge, 6432 Bretton Wood Drive, addressed the Board concerning the Chief of Police position. He said he was speaking on behalf of Police Captain John Smith who had applied for the position. He said the board would have to look long and hard to find someone that was better qualified for the position. Mr. Legge said it was his understanding when Captain Smith was hired approximately 3 years ago by consensus he would be groomed to be Chief.

Mr. Legge stated if the position required a degree the Town Manager should give Captain Smith the opportunity to attend school to receive any necessary additional degree or education that might be required. Mr. Legge said Captain Smith would serve the Town of Hope Mills greatly and he was well respected.

**5. CONSENT AGENDA:**

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

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

The following actions were affected:

**a. Consideration to approve the Minutes of the March 16, 2009 Regular Meeting.**

*The Board approved the minutes of the March 16, 2009 Regular Meeting as written.*

**b. Consideration to approve Financial Statement as of March 31, 2009.**

*The Board approved the Financial Statement as of March 31, 2009.*

**c. Consideration to approve NCDOT Option B for municipal bridge scour evaluation.**

*The Board approved the NCDOT Option B requesting the North Carolina Department of Transportation to employ a qualified private engineering firm to perform the municipal bridge scour evaluation.*

**d. Consideration to adopt Resolution No. 2009-07 Supporting Local Control of Local ABC Boards and Opposing Forced Mergers of Local ABC Boards.**

*The Board adopted the following Resolution No. 2009-07 Supporting Local Control of Local ABC Boards and Opposing Forced Mergers of Local ABC Boards.*

**A RESOLUTION SUPPORTING LOCAL CONTROL OF LOCAL ABC BOARDS  
AND OPPOSING FORCED MERGERS OF LOCAL ABC BOARDS**

**RESOLUTION NO. 2009-07**

**WHEREAS**, the citizens of the Town of Hope Mills voted to permit the sale of spirituous liquor through the establishment of the Hope Mills ABC Board, which is a part of the North Carolina's state control system;

**WHEREAS**, *SB 839/HB 768 -- Modernization of the ABC System* would require all ABC boards in a county to merge, allow the state ABC Commission to merge county-wide boards into regional boards, require the ABC Commission to develop performance standards, allow the ABC Commission to close or merge ABC boards, close ABC stores with low profitability, contract directly with agency stores for the sale of spirits where ABC stores are authorized but not in operation, and require an ABC board to contract with an agency store;

**WHEREAS**, it is a local decision to establish and operate an ABC store, and any decision to merge an ABC Board should be made by the local government based on local circumstances, and not by the state.

**WHEREAS**, a local government balances control, profits and availability of spirits in operating ABC stores;

**WHEREAS**, the decision by a local government to operate with a low profit margin does not reduce the amount of liquor excise tax received by the state, so the state does not have a financial interest in the profitability of ABC stores;

**WHEREAS**, an "agency store" is a private retail seller, and the citizens of the Hope Mills, when voting to permit the operation of ABC stores, did not vote to allow liquor to be sold in such private off-premise retail establishments;

**WHEREAS**, sales of liquor may not be well-regulated in agency stores, thereby potentially creating law enforcement and other problems, Hope Mills desires to retain North Carolina's control system over the sales of spirits and to continue to make spirits available to its citizens only through its ABC store(s);

**NOW THEREFORE, BE IT RESOLVED**, by the Town of Hope Mills Board of Commissioners that the establishment and operation of the Town of Hope Mills ABC store(s) through the control system should be a local decision and that the Board of Commissioners, opposes any state mandate to merge ABC Boards, mandate the merger or closing of ABC stores and opposes the establishment of agency stores.

**ADOPTED** this 4<sup>th</sup> day of May, 2009.

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EDDIE DEES, MAYOR

ATTEST:

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Connie F. Spell, MMC, Town Clerk

- e. **Consideration to continue participation in Cumberland County's Urban County Entitlement designation for Fiscal Years 2010-2012. (The current agreement will automatically be renewed unless the Town elects not to continue participating).**

*The Board approved to continue participation in Cumberland County's Urban County Entitlement Designation for Fiscal Years 2010-2012.*

- f. **Consideration to adopt Resolution No. 2009-08 declaring the service weapon carried by Chief Hodges surplus and awarding it to him upon his retirement.**

*The Board adopted the following Resolution No. 2009-08 declaring service weapon carried by Chief Hodges surplus and awarding it to him upon his retirement.*

**“END OF CONSENT AGENDA”**

6. **OLD BUSINESS.** None

7. **NEW BUSINESS:**

- a. **Case No. 07-152. Consideration of Dogwood Plaza Extension & Sammio's Restaurant Revision, Zero Lot Line Subdivision & C(P) Site Plan Review.**

Mr. Ed Byrne, Cumberland County Planning Department, presented Case No. 07-152 to the Board. He said the developer had submitted a revision to the previously approved zero lot line subdivision and C(P) site plan. Mr. Byrne said the Board of Commissioners approved the original design layout and zero lot line subdivision review on October, 16, 2007. The developer is requesting approval of an increase in size of the proposed building, cross parking agreement and zero line with the Sammio's Restaurant lot.

Mr. Byrne said the proposed building for the strip shopping center had increased from 11,793 square feet to 16,226 square feet and would be located up to the restaurant property line. Mr. Byrne said revision also includes changes to the existing parking and internal drives located on the Sammio's site to provide better access for emergency vehicles throughout the entire development and to provide additional parking spaces which cross the property line. He said a cross parking and access agreement is required for this development.

Mr. Byrne said a portion of the development was located outside the Town limits at the time of the previous approval, since then this area had been annexed into the Town. He said the proposed conditions of approval had been updated to combine and removed any condition which had referred to County related conditions. Mr. Byrne said the general layout of the site is about the same as it was when submitted in 2007.

A brief discussion followed concerning cross parking.

*Commissioner Maynor made a motion to approve Case No. 07-152 site plan with recommended conditions. Commissioner Gorman 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 Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Inspector.
2. Prior to any permits being issued the developer must provide a copy of a recorded cross parking and access agreement to the Town of Hope Mills Inspections Department.

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 Code Enforcement at the time of application for building/zoning permits. (Section 86-76, Public Water and Sewer Systems Hope Mills Subdivision Chapter)
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. A copy of the NCDENR approval must be provided to the Inspections Department 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. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Chapter and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. One large shade trees or three small ornamental trees within the front yard setback area along NC Hwy 59 (N Main Street on lot 3;
  - b. Five small ornamental trees and 51 shrubs are required in the building yard area;
  - c. Six trees with a minimum half being large shade/canopy trees and 37 shrubs are required within the parking area.

In addition:

- a. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs;
  - b. All planting areas shall be kept free of weeds and debris.
  - c. 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.
7. 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:**

8. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with, as applicable.
9. This conditional approval is not approval of any new freestanding signs. If a new 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 XIV of the Hope Mills Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
10. All applicable provisions of Section 86-86, "Group Developments", Hope Mills Subdivision Chapter, must be complied with.
11. The Town Fire Department recommends that the building suites be addressed for each individual tenant and posted in large conspicuous numbers that can be identified from the street.
12. Off-street parking should be arranged so as to provide space for aerial device set up and operation (17 foot outrigger spread) and still allow apparatus to move freely around committed apparatus.
13. Off-street parking and drives should be constructed as to allow fire apparatus to turn in one motion and move freely even with parking spaces occupied.
14. Two hydrants will be required, capable of flowing a minimum of 1,500 GPM. The placements of the hydrants must be determined by the Hope Mills Fire Chief. There are no hydrants located on the subject property side of the street in close proximity to the site.
15. Fire extinguishers of appropriate size and type must be installed in each tenant space.

16. The Fire Department requires 360-degree unimpeded access around all structures. The property owner is to ensure that rear access roadways are clear of vehicles, debris, etc.
17. Entrances must be wide enough to accommodate fire apparatus. The largest Town owned apparatus being 36 ft. 7 in. in length with a wheelbase of 19 ft. 5 in. and a width of 8 ft. 6 ½ in.
18. 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.
19. 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)
20. If driveways are changed or added, the developer must obtain a driveway permit from the Hope Mills Street Department and the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
21. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.
22. A solid buffer must be provided and maintained along the residentially zoned property lines where this tract/site abuts in accordance with the provisions of Section 102A-1202(g), Buffer Requirements, Hope Mills Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
23. 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. (Note: The dumpster pad located in the rear of the existing retail shops must be relocated so the dumpster will be on the shopping center's property once the recombination plat is recorded changing the property line.)
24. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 191 off-street parking spaces are required for the total retail area for the strip shopping center – 202 off-street parking spaces provided. The restaurant will maintain its existing total number of off-street parking spaces prior to the redesign layout. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)
25. A minimum of one off-street loading spaces(s), measuring 12' x 25' (with 14' overhead clearance) shall be provided for the retail area located in the Town of Hope Mills.

**Plat-Related:**

26. The developer must record a new final plat in order to include the previously recorded Lots 1 & 3 and the property identified by PIN: 0414- 18-0525 (Sammio's Restaurant) as part of the zero lot line development. (Note: This condition applies because of the location of the proposed building being located within the setback requirement between Lot 3 and the restaurant lot. Lot 1 must be included because of the change in the property between suites 14 & 15.)
27. The final plat must be labeled as a zero lot line development and the plat include all three lots with solid lines, bearing and distances, lot numbers and acreage reflected.
28. 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.
29. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
30. The final plat 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.

**Plat-Required Statements:**

31. 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:**

32. If it is the intension to place any kind of canopy or roof overhang at the location of suite number 24, no portion of the structure can be located across the property line. (Note: This approval is not an approval to allow any portion of the proposed or future buildings to cross the property line.)
33. This review is for the revision to the previously approved zero lot line development, site plan and the addition of the Sammio's Restaurant lot as part of the overall development.

**b. Consideration of request from the Appearance Commission concerning landscape improvements at the Hope Mills Lake.**

Mr. Beeman stated any landscaping for the Hope Mills Lake would be a long term investment for the town. It was recommended that a landscape site plan be prepared. He said with a site plan, the town would have a long range plan and know what the finished project would consist of and see what it would look like after completion. Mr. Beeman said after the town had a complete landscape site plan the Appearance Commission could then proceed with doing the project in phases and the town could budget accordingly.

In response to a question from Commissioner Gorman, Mr. Beeman said there were several agencies the town could utilize to assist with preparing a landscape plan. He said the Cumberland County Extension Agent, Cumberland County Planning Department, Fayetteville Community College, are just a few agencies that are available and usually at no cost to the town.

There was discussion on utilizing different agencies to prepare a plan.

Commissioner Luther said something needed to be done near the fish ladder because children were throwing the rocks into the spillway which would cost the Town money to have them removed. She said this was a liability to the Town because the water is very deep at this location.

Commissioner Gorman asked to have this marked as a priority because there were several Appearance Commissioner members ready to go to work for this and funds were needed for the project.

*Commissioner Maynor made a motion to recommend utilizing local agencies, high schools, and/or technical school students to help prepare a landscape site plan for the lake. Commissioner Warner seconded, and the motion carried unanimously.*

**8. REPORTS AND INFORMATION ITEMS:**

- a. **Committee Reports.** None
- b. **Update and concerns with North Carolina DOT requirements impacting the Lowe's Development. – Town Manager Randy Beeman.**

Mr. Beeman said with the cooperation of NCDOT it appears some of the logistical concerns had been worked out and they were moving forward with the project.

- c. **Update report on the Hope Mills Lake/Dam project. – Town Manager Randy Beeman.**

Mr. Beeman said he had spoken with Gordon Rose of McKim & Creed regarding additional documentation needed such as the final record drawings, geotechnical and structural drawings. He said they should be completed and everything should be in this week along with the certification letter at which time the information would be forward to Dam Safety.

Mr. Beeman said he met with Mr. Paul Rawls, Program Consultant with the Department of Environmental Health and Natural Resources concerning the analysis of the lake and distributed a copy of the analysis results to the board.

Commissioner Gorman stated the swimming area was too steep and the problem needed to be fixed.

Mayor Dees suspended the rules and asked if anyone had questions or comments. There were none.

#### **INFORMATIONAL ITEMS:**

- a. Town Hall Day, Wednesday, May 6, 2009, Raleigh, NC.
- b. National Day of Prayer, May 7, 2009, 12:00 noon in front of Town Hall.
- c. Police Chief John Hodges Retirement Celebration – Saturday, May 16, 2009, Liberty Christian Academy, 4:00 pm – 7:00 pm.

**9. STAFF COMMENTS.** None

**10. OFFICIAL COMMENTS.**

#### Commissioner Warner:

- Suggested a police sub-station location at the lake.
- Expressed concerns with Gordon Rose excepting information from Dam Safety on behalf of the Town.
- Expressed concerns with an incident at the Waffle House in Hope Mills and said it took too long for the Hope Mills Police to respond.
- Expressed concerns with cleaning up the graffiti and suggested the Town pressure wash.

#### Commissioner Luther:

- Stated the Town still needed volunteers.
- Expressed her concern on the graffiti.

#### Commissioner Maynor:

- Asked if any information had been received concerning the Hope Mills Lake questions.

Mr. Beeman reported the questions had been submitted to the different agencies and they were working on the questions.

- Commissioner Maynor expressed concerns with Mr. Rose accepting reports from Dam Safety on behalf of the Town.

#### Mayor Pro Tem Gorman:

- Expressed concerns with the deadline for the Justice Assistant Grant to be submitted by the Police Department.

Mr. Beeman said the Police Department was working through some of the narrative questions for the Justice Assistant Grant so that they would meet the submission deadline.

In response to a question from Commissioner Gorman, Mr. Beeman said the grant could be used for law enforcement programs, court and prosecution work, corrections and community programs, crime victims and witness programs, and planning evaluation technology enforcement.

#### Mayor Eddie Dees:

- Reported interviews for the Finance Director position had been completed and an offer had been extended and accepted by Mr. John Ellis. He briefly discussed Mr. Ellis's work and education background and said Mr. Ellis would begin employment with the Town on May 11<sup>th</sup>.

**11. ADJOURNMENT.**

At 7:46 p.m. upon a motion by Commissioner Luther, seconded by Commissioner Maynor and unanimously carried the meeting was adjourned.

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EDDIE DEES, MAYOR

ATTEST:

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Connie F. Spell, MMC, Town Clerk