

MINUTES OF THE HOPE MILLS BOARD OF COMMISSIONERS
Monday, October 19, 2009
Regular Meeting

Mayor Eddie Dees called the regular meeting of the Hope Mills Board of Commissioners to order on Monday, October 19, 2009 at 7:00 p.m.

GOVERNING BOARD MEMBERS PRESENT

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

GOVERNING BOARD MEMBER ABSENT. Commissioner Maynor

STAFF PRESENT

Town Attorney John Jackson, Assistant Town Manager/Clerk Connie Spell, Human Resources Administrator Debbie Disbrow, Finance Director John Ellis, Parks and Recreation Director Stan Braswell, Public Works Director Bruce McLaurin, Police Chief Robert Hassell, Lieutenant Joel Acciardo.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was rendered by Mike Bailey, followed by the Pledge of Allegiance led by Commissioner Luther.

Due to the absent of Town Manager Randy Beeman Commissioner Luther made a motion to allow Human Resources Administrator Debbie Disbrow to take the minutes of the meeting. Commissioner Collins seconded, and the motion carried unanimously.

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 written.

2. PRESENTATIONS.

a. Special Presentation to Town of Hope Mills Citizens – Mayor Dees

Mayor Dees presented the Order of the Long Leaf Pine from Governor Purdue (highest award in the State of North Carolina) to Mr. Al Brafford for his outstanding work in the community. Mr. Brafford thanked everyone for his presentation.

b. RULAC Presentation – Mr. Jim Dougherty.

Mr. Dougherty presented an update on RULAC. He reported RULAC consist of Fort Bragg, Pope Air Force Base, eight counties, and twelve municipalities. RULAC reviews all proposed zoning changes, subdivisions, etc., within a five mile area around Fort Bragg.

3. PUBLIC HEARINGS.

a. P09-38: Rezoning of .14+/- acres from R6 Residential to C1(P) Planned Local Business, or to a more restrictive zoning district, located at 3903 Ellison Street, submitted and owned by Thomas Ellis Taylor, Darryl Martin Taylor and Michael Thomas Taylor.

Mr. Ed Byrne, Cumberland County Planning, displayed a map and aerial photos of the subject property. He explained the current zoning and businesses surrounding the property.

Mr. Byrne said County Planning Staff recommended approval of the C1(P) Planned Local Business District based on the following:

1. The district requested is consistent with the 2030 Comprehensive Plan, which calls for “urban area” at this location, as well as meeting all of the listed location criteria for light commercial as listed in the Land Use Policies Plan.

2. Plan approval is a prerequisite of the commencement of any new use at this location.

Mr. Byrne said O&I(P) Planned Office and Institutional district could also be found suitable at this location.

Mr. Byrne reported the Hope Mills Zoning Board met on September 28, 2009 and conducted a public hearing on the matter and recommended approval of O&I(P) zoning.

Mr. Byrne said the Hope Mills Plan Review Committee reviewed the case and no one on the committee had any objections to this re-zoning case.

Mayor Dees opened the Public Hearing and there being no comments received, motion was made by Commissioner Luther, seconded by Mayor Pro Tem Gorman and carried unanimously to close the public hearing.

Motion was made by Commissioner Collins, seconded by Commissioner Luther and carried unanimously to approve O&I (P) for Case No. P09-38.

- b. P09-40: Rezoning of 4.25+/- acres from R6 Residential to R5 Residential, or to a more restrictive zoning district, located at 3448 Bullard Street and 3426 Hill Street, submitted and owned by AA Business Properties, LLC.**

Mr. Ed Byrne, Cumberland County Planning, displayed a map and aerial photos of the subject property. He explained the current zoning and land uses surrounding the property.

Mr. Byrne said the County Planning Staff recommended approval of the R5 Residential District based on the following:

1. The district requested is consistent with the 2030 Comprehensive Plan, which calls for “urban area” at this location, as well as meeting all of the listed location criteria for high density residential as listed in the Land Use Policies Plan.
2. There is existing R5 Residential adjacent to the subject property.
3. Public water and sewer is available to the site.

Mr. Byrne said the R5A Residential district could also be found suitable at this location.

Mr. Byrne reported the Hope Mills Zoning Board met on September 28, 2009 and conducted a public hearing on the matter and recommended approval of R5A zoning.

Mr. Byrne said the Hope Mills Plan Review Committee reviewed the case and no one on the committee had any objections to this re-zoning case as requested.

Mayor Dees opened the public hearing and asked if there was anyone to speak in opposition to the matter and there were none.

Mayor Dees asked if there was anyone to speak in favor to the matter.

The owner of AA Business Properties, LLC addressed the board in favor of the R5 zoning. He said he was requesting the same zoning as the current townhouses on Hill Street. He stated he needs the extra eleven units to break even.

There being no other comments received, motion was made by Commissioner Collins, seconded by Mayor Pro Tem Gorman and carried unanimously to close the public hearing.

In response to a question from Mayor Pro Tem Gorman, Mr. Byrne explained the number of units allowed and the differences between the R5 and R5A zoning. R5 Residential allows 72 units, R5A allows 61 units.

Following board discussion motion was made by Commissioner Warner, seconded by Commissioner Luther and carried unanimously to approve R5 Zoning for Case No. P09-40.

- c. **P09-46. Revision and Amendment to the Town of Hope Mills Code of Ordinances, Chapter 86, Subdivisions (CIRCA 1985), including amendments to said chapter, with the entire chapter being re-written and re-adopted as a separate stand alone technical ordinance; also amending and addition of appendixes including applications, maps, meeting and fee schedules.**

Mr. Ed Byrne, Cumberland County Planning, said the re-write process had been on going since January of this year and several staff members from County Planning and the Town of Hope Mills had met monthly reviewing and drafting changes to the Town's existing Subdivision Regulations.

Mr. Byrne said during the review process, our primary goal was to ensure the Town regulations were updated reflecting current trends and standards and contained provisions intended to be effective tools for the protection of the health, safety, welfare of the citizens of Hope Mills' and property owners and the general public. He said staff also addressed initiatives contained within the 2030 Growth Vision Plan and Land Use Policies Plan, proposing regulations that are as consistent as possible with existing (new) County regulations for annexation purposes.

Mayor Dees opened the public hearing.

There being no comments received, motion was made by Commissioner Warner, seconded by Commissioner Luther and carried unanimously to close the public hearing.

Motion was made by Commissioner Collins, seconded by Commissioner Luther and carried unanimously to approve the adoption of Case No. P09-46 Subdivision Ordinance as a separate stand along technical ordinance and repealing the Subdivision Ordinance Chapter 86, Section 86-1 through Section 86-130.

AMENDMENT
TO THE
CODE OF ORDINANCES
OF THE
TOWN OF HOPE MILLS, NORTH CAROLINA

THE BOARD OF COMMISSIONERS OF THE TOWN OF HOPE MILLS, NORTH CAROLINA, DOES ORDAIN:

- Section 1. The entire Chapter 86, Subdivisions, containing Section 86-1 through Section 86-130 is hereby repealed in its entirety.
- Section 2. That a Subdivision Ordinance was adopted on October 19, 2009 as a separate stand alone technical ordinance and is in full force and effect.
- Section 3. That all other chapters of the Code of Ordinances of the Town of Hope Mills shall remain as codified.

ADOPTED this 19th day of October, 2009.

4. PUBLIC COMMENTS. None

5. CONSENT AGENDA:

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

The following actions were affected:

- a. Consideration to approve the Minutes of the October 6, 2008, December 15, 2008 Closed Session, and September 21, 2009 Regular Meeting.**

The board approved the Minutes of October 2, 2008, December 15, 2008 Closed Session and September 21, 2009 Regular Meeting.

- b. Consideration to approve Resolution 2009-15 urging residents to observe a safe and courteous Halloween.**

The Board approved the following Resolution No. 2009-15 urging residents to observe a safe and courteous Halloween.

**RESOLUTION URGING RESIDENTS TO OBSERVE A SAFE
AND COURTEOUS HALLOWEEN**

Resolution No. 2009-15

BE IT RESOLVED BY THE Board of Commissioners of the Town of Hope Mills that residents who desire to participate in traditional Halloween Trick-or-Treating observe certain safety, courtesy and common sense guidelines to protect participants and preserve the peace for non-participants. And, be it resolved that the Town Board suggests the following guidelines:

- (1) That Halloween Trick-or-Treating should take place on the actual Halloween holiday, Saturday, October 31, 2009 and should be restricted to children under the age of 13.
- (2) That all children taking part in Trick-or-Treating should be clothed in safe costumes, featuring materials that can be seen in the dark by motorists and masks that do not obstruct the children's vision.
- (3) That all children or groups of children taking part in Trick-or-Treating should be accompanied by a responsible older person who can protect the children from harm.
- (4) That Trick-or-Treating be conducted during reasonable hours, preferably between early evening and 8:30 p.m.
- (5) That those who choose not to participate in Halloween indicate so to others by leaving their porch lights off; and, that participants respect the wishes of those who choose not to participate in Halloween by not visiting homes where porch lights are off.
- (6) That children Trick-or-Treat in their own neighborhoods, visiting only familiar homes.
- (7) That parents and/or guardians inspect collected treats carefully before they are consumed by children.
- (8) That suspicious activities or collected treats that show signs of tampering be reported immediately to the Hope Mills Police Department.
- (9) That teenagers (ages 13 to 19) refrain from participating in Trick-or-Treating and that those who do, should not wear masks.

Adopted this 19th day of October, 2009.

- c. Consideration to approve NCDOT Municipal Agreement Inspection of Bridges on the Municipal Street System.**

The Town had requested the Department of Transportation to inspect and analyze all public bridges located on its Municipal Street System in compliance with the National Bridge Inspection Standards.

The Board approved the NCDOT Municipal Agreement Inspection of Bridges on the Municipal Street System.

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

d. Consideration to adopt Resolution No. 2009-16 authorizing the lease of certain town property and approval of Second Amendment to PCS Site Agreement as submitted by STC Two LLC.

The Town currently has a PCS Site Agreement with Sprint Com, Inc. for a Cellular Tower. They have requested an additional 5 year lease. They have two years remaining on the current lease with an expiration date of April 9, 2011. The new lease would extend the term to April 9, 2016.

- Board of Commissioners adopted a resolution of intent to authorize lease at the October 5, 2009 meeting.
- Town Clerk published a notice of the board's intent to lease – October 9, 2009.
- Town Attorney has reviewed the second agreement as well as the original 2001 contract and it is an appropriate and legally sufficient document.

The Board approved the following Resolution authorizing the lease of certain town property and approved Second Amendment to PCS Site Agreement as submitted.

**RESOLUTION AUTHORIZING THE LEASE OR RENTAL OF CERTAIN PROPERTY
RESOLUTION NO. 2009-16**

WHEREAS, at its regular meeting on the 5th day of October, 2009, the Board of Commissioners of the Town of Hope Mills adopted a resolution stating its intent to consider at its regular meeting to be held on the 19th day of October, 2009, the lease or rental of certain real property of the Town; and

WHEREAS, public notice of the intent of the Board of Commissioners and of the time and place of the meeting was published along with a description of the real property and a statement of the annual rental or lease payments as required by law; and

WHEREAS, at its regular meeting on the 19th day of October, 2009, the Board of Commissioners considered the lease or rental of the property and desires to lease or rent the real property of the Town described below:

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

1. The following described property is hereby declared to be surplus to the needs of the Town:

Portion of land being described as an approximately 3,600 square feet portion of that property, located at 5770 Rockfish Road (a portion of Tax ID 0414-35-7975 and 0414-25-5411) in Hope Mills, North Carolina together with those certain access, utility and/or maintenance easements and/or rights of way.

2. The Mayor and the Town Clerk are hereby authorized to execute a lease or rental agreement for the real property of the Town described above, said lease or rental agreement to be for no longer than 10 years (including options to extend or renew).

3. The annual rental or lease payment for the real property of the Town of Hope Mills described above will be \$15,870.00, effective April 9, 2011.

ADOPTED THIS 19TH DAY OF OCTOBER, 2009.

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

e. Consideration to declare certain fixed assets surplus and adopt Resolution No. 2009-17 authorizing the use of electronic advertising for electronic auction.

The Board approved the following Resolution declaring certain fixed assets surplus and authorized the use of electronic advertising for electronic auction.

RESOLUTION OF THE TOWN OF HOPE MILLS BOARD OF COMMISSIONERS DECLARING CERTAIN PROPERTY OF THE TOWN TO BE SURPLUS AND AUTHORIZING THE DISPOSITION OF SAID PROPERTY

Resolution No. 2009-17

WHEREAS, the Board of Commissioners of the Town of Hope Mills, North Carolina desires to dispose of certain surplus property of the Town;

WHEREAS, G.S. 160A-266 establishes a method to dispose of real or personal property and for the use of electronic advertising for electronic auction of surplus property under 160A-270(c); and

WHEREAS, the Town Board is granted authority to declare property surplus and under G. S. 160A-270(c) may advertise electronically the sale of any real or personal property; and

NOW, THEREFORE, BE IT RESOLVED by the Hope Mills Board of Commissioners that the following described property is hereby declared to be surplus to the needs of the Town and authorizes the use of electronic advertising for electronic auction of surplus property:

- (1) 1993 International Leaf Truck – VIN 1HTSAZPM4RH552752 and enclosure/dump Body for Truck 54
- (2) 1990 Ford XLT Pickup truck -VIN 1FTDF15TLNB088080 Truck 11, Building & Grounds

ADOPTED this 16th day of October, 2009.

f. Consideration to approve Financial Statement as of September 30, 2009.

The board approved the Financial Statement as of September 30, 2009 as presented.

“END OF CONSENT AGENDA”

6. OLD BUSINESS: None

7. NEW BUSINESS: None

8. REPORTS AND INFORMATION ITEMS:

a. Department Monthly Reports

The following departments presented written reports.

Inspection Department, September 2009.
Parks & Recreation Department, September 2009.
Fire Department, September 2009.
Police Department, September 2009

b. Committee Reports.

Sally Bailey, Appearance Committee reported the trees were ready to be placed at the lake. She asked the board to consider the removal of the juniper around the Dogwood trees and landscaping timbers in front of the Police Department. Mrs. Bailey said they would also like to replace the dying plants around the Town Hall entrance sign.

Mrs. Bailey reported there was a problem on the other side of the lake near the Clifton Forge Subdivision sign. She said people were driving on the sidewalk in that area and

the Appearance Committee recommended placing a split rail fence there to keep people from driving through that area and protect the sidewalk.

Mrs. Bailey said they wanted to add additional landscaping around the gazebo located between the Town Hall building and the Recreation Center.

Commissioner Collins recommended placing timbers on the other side of the lake to keep people from parking on the sidewalk and asked staff to look into this matter.

Mayor Dees reported this area is part of the Preservation Plan which they were going to allow for kayaks to be placed and removed from the water.

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

Assistant Town Manager/Clerk Connie Spell reported the Town had received notification from Dam Safety that the Town's first inspection report was submitted on time. She said the engineer made some recommendations for minor repairs in the report and Dam Safety had requested the Town provide a schedule by October 31st for implementing these repairs in accordance with the inspecting engineer's recommendations and under his general guidance.

Information:

a. Update on Curbside recycling Requesting for Proposals.

Connie Spell reported the Request for Proposals had been provided to various vendors for consideration. She said the return date for proposals is November 6, 2009 and the board will have information and staff recommendation at the November 16th meeting.

b. Code of Ethics information.

The board was provided written information from Mr. Fleming Bell with the School of Government concerning developing a Code of Ethics. Mrs. Spell said the School of Government, League of Municipalities along with the Association of County Commissioners is developing a model ethics code template for use by North Carolina cities and counties. Mrs. Spell said all boards will be required to adopt a code on or before January 1, 2011. Also, all newly elected board members will be required to have two hours of ethics training before this time.

c. Ole Mill Days – October 24, 2009

Mayor Dees reported the vendors will start setting up on Friday before 6:00 p.m. He said the festival will be from 11:00 a.m. until 5:00 p.m., and radio station WKML will be broadcasting live from 10:00 a.m. until 12:00 noon. He reminded everyone of the schedule of events for that day.

9. STAFF COMMENTS. None

10. OFFICIAL COMMENTS.

Commissioner Luther

- Reported the Town had received a letter of appreciation from the Hoke County thanking the Hope Mills Fire Department Dive Team for their assistance during a recent drowning of a Hoke County citizen.
- Asked everyone to come out to the Ole Mill Days festival.

Commissioner Warner

- Stated Mr. Brafford had captured the seasons of Hope Mills Lake in the many pictures he had taken.

Commissioner Collins

- Thanked Mr. Brafford for what he had done for the Town of Hope Mills and said he was a great man.
- Congratulated Mike Bailey for picking up the campaign signs.
- Thanked Mrs. Sally Bailey for what she does for the community.
- Said the new theater was beautiful and one of the best things that has happen in Hope Mills in a long time.

- Thanked all the staff and employees for what they do and said they were a big asset to the community.

Mayor Pro Tem Gorman

- Said he appreciated what Mrs. Bailey and the Appearance Committee is doing for the town.
- Said it was a great honor for Mr. Brafford to receive the top award in North Carolina.
- Asked Mr. Bailey to look into the status of the construction on the corner of Camden Road and Main Street.

Mayor Dees

- Asked everyone to keep Mr. Beeman's father in their prayers.
- Reminded everyone of South View's Homecoming game on Friday night, the pregame activities at 6:30 p.m. and the game at 7:30 p.m.
- Thanked the Police Officers and other town employees who helped make the Homecoming Parade a success.
- Said anyone that has not been to the new movie theater should go. He said there were only three five star theaters in the Carolina's and now Hope Mills has one. He said he had talked to Mr. Brafford, the developer and Mr. Stone the owner of the theater and they wanted Mr. Beeman and several of the Board members to attend the meeting with Fayetteville transportation staff concerning a bus route to the theater so the Fayetteville residents could come out and enjoy the theater as well.
- Stated the board had approved special requirements for Halloween and he would appreciate if the Sandspur would publish this information.
- Reminded everyone the next regular board meeting is November 2, 2009 at 7:00 p.m.

11. ADJOURNMENT.

At 8:04 p.m., upon a motion by Commissioner Luther, seconded by Commissioner Collins, and carried unanimously the meeting was adjourned.

EDDIE DEES, MAYOR

ATTEST:

Connie F. Spell, MMC
Town Clerk