

REGULAR MEETING, MONDAY, DECEMBER 4, 2006

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

Others present were Interim Town Manager Bob Nicholl, Town Attorney William R. Davis, Human Resources Administrator Kimberly Lockamy, Fire Chief Chuck Hodges, Parks and Recreation Director Anita Kilgore, Streets Supervisor Ira Peterson, Police Captain John Smith, and Police Chief John Hodges.

Police Chief John Hodges gave the invocation, and Mayor Pro Tem Gorman led the Pledge of Allegiance.

1. AGENDA ADJUSTMENTS, ADDITIONS, DELETIONS TO THE AGENDA.

Mayor Dees presented an agenda addendum and asked the Board to add the item concerning the purchase of a K-9 for the Police Department K-9 unit, and also to add the appointment of Ms. Janet Gardner to the Commission on Educational Development.

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

Mayor Dees noted it was necessary for the Board to conduct a Closed Session.

Commissioner Collins made a motion to add the Closed Session to the agenda. Commissioner Gorman seconded, and the motion carried unanimously.

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

Mayor Dees reported relative to the cleaning of the lake bed that he had spoken with Mr. Gordon Rose and it was his opinion since the permit from the Corps of Engineers required the lake bed be partially cleared, that the Town might be able to use part of the grant money for the project. Mayor Dees stated he called Mr. Bill Dowling, NC Emergency Management Division, to inquire about this but Mr. Dowling was out of the state until December 14th. Mayor Dees noted he would follow up with Mr. Dowling, but in the meantime, the Town would proceed with getting bids for the project. Mayor Dees stated he had contacted three firms to obtain cost estimates, and had received responses from two, but the estimates were vastly different. He said it appeared the project would cost between \$75,000.00 to \$200,000.00. Mayor Dees commented it was hopeful this project would start in January or February and if all went well, the advertising for bids for clearing the lake bed area would occur next week.

Additionally, Mayor Dees reported Mr. Rose informed him the advertisements for the pre-qualification package were sent to various newspapers on November 22nd, and they would issue plan and specifications by December 22nd to those qualified to bid. In addition, Mayor Dees stated McKim & Creed had completed an updated construction cost estimate for the project using the same materials and labor information as they did in December, 2005. He said they estimated the project cost had increased ten percent. Mayor Dees stated a year ago

REGULAR MEETING, MONDAY, DECEMBER 4, 2006

the estimated cost was 9.3 million, and reported the estimated total construction cost of the project would be approximately 10.2 million today. Mayor Dees noted this estimate did not include costs for clearing the vegetation, security fence, construction time frame or post construction services. He said the estimate for construction period services entirely depended on the length of time it takes to complete the project and it was believed the project would take from 12-18 months. Mayor Dees remarked the project could be as high as 11 million dollars, but said the Town still had approximately 7 million dollars in state grant money and these were only estimates at this time. Mayor Dees commented the pre-bid qualifications list the project as being from five to fifteen million dollars so hopefully the bids will come in lower than expected.

Mayor Dees opened the floor for public comments or questions, and there were none.

3. STATUS REPORT ON RECREATION CENTER.

Parks and Recreation Director Anita Kilgore reported the final walk through on the Recreation Center occurred today. She stated that Mr. Jerry Thompson, Mr. Jeff Wade, Parks and Recreation Maintenance Supervisor Tommy Tatum, Mr. Gordon Johnson, Architect, and she participated in the final walk through. Mrs. Kilgore reported Mr. Jerry Thompson will issue the Certificate of Occupancy today. In addition, Mrs. Kilgore reported she had met with the Purchasing Agent and Finance Director to compile information for the Board regarding the furnishings for the recreation center and planned to have this information at the next Board meeting, December 18th.

Mrs. Kilgore said there had been some current concerns expressed regarding basketball practice and said she expected no problems using the gym for practice.

In response to a question from Commissioner Legge, Mayor Dees said the Town would have a grand opening at a later date.

4. PUBLIC COMMENTS.

David Taylor, 3882 Critter Creek Road, Hope Mills, addressed the Board stating he planned to open a skate shop in Hope Mills, and inquired concerning the possibility of using tires in building the skate park.

Mayor Dees asked if Mr. Taylor had any information on this to please leave it for the Board's consideration. Mrs. Kilgore indicated she would have to check into this.

Jessie Bellflowers, 3819 Sturbridge Drive, addressed the Board regarding concerns he had about the recreation center. Mr. Bellflowers stated he was very excited about the recreation center and thought it was a great addition to the community but asked was the recreation center paid for. He stated he did not feel that question had been answered yet and thought there were a number of people who were unsure about this as well.

Mayor Dees responded the recreation center had not been paid in its entirety, but it mostly had been. He said there

REGULAR MEETING, MONDAY, DECEMBER 4, 2006

would be some additional costs approximately \$200,000.00 to furnish the center.

Mr. Bellflowers asked how this was paid and what the funding source was. Mayor Dees stated he understood the recreation center was paid from general funds. Mr. Bellflowers asked if this had been brought before the Board or the public for approval, and Mayor Dees stated this would come to the Board for approval.

Mr. Bellflowers said he had previously requested copies of some financial documents, but had never been provided them.

5. CONSENT AGENDA.

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

Mayor Dees suggested moving the item pertaining to travel and training for Building and Grounds employees to the regular agenda for further discussion.

Commissioner Collins made a motion to move the item to the regular agenda. Commissioner Gorman seconded, and the motion carried unanimously.

There being no other items to be moved to the regular agenda, Commissioner Luther made a motion to approve the remaining consent agenda items as presented. Commissioner Smith seconded, and the motion carried unanimously.

- a) Consideration to approve Minutes of the November 15, 2006 Special Meeting.

Minutes approved as written.

- b) Consideration to appoint Mrs. Dorothy Riddle, Hope Mills Planning Board, and Mrs. Janet K. Gardner, Commission on Educational Development.

Appointments approved.

- c) Consideration to approve 2006 Annual Certification of Firemen and 2007 Membership Roster renewal.

Annual Certification and Membership Roster renewal approved.

"END CONSENT AGENDA"

6. CONSIDERATION TO APPROVE TRAVEL/TRAINING IN EXCESS OF FIVE DAYS FOR LAMAR MARSHALL, VICTOR GONZALES, ART STELLWAG, (BUILDING & GROUNDS DEPARTMENT), FTCC, FAYETTEVILLE, FEBRUARY 20, 2007 - MARCH 29, 2007, BASIC ELECTRICAL WIRING (RESIDENTIAL).

Mayor Dees stated it had been brought to the Board's attention it was against the Town's Travel Policy to pay for meals or travel within Hope Mills or the City of Fayetteville.

REGULAR MEETING, MONDAY, DECEMBER 4, 2006

Mayor Dees recommended the Board approve the registration and travel for these employees but not the meal reimbursement.

Commissioner Legge made a motion to approve the registration and travel for the employees as requested without reimbursement of meals. Commissioner Luther seconded, and the motion carried unanimously.

7. CONSIDERATION TO ADOPT FAMILY AND MEDICAL LEAVE POLICY.

Mayor Dees commented this policy was long overdue, and noted Mrs. Kimberly Lockamy was available for any questions from the Board.

Commissioner Legge remarked this was a very complicated policy, and asked Mrs. Lockamy to present the highlights.

Commissioner Gorman asked Mrs. Lockamy to also explain the rolling 12 month period.

Mrs. Kimberly Lockamy, Human Resources Administrator, stated the policy was more favorable for the employer and explained the highlights of the policy and specifically the rolling 12 month period calculations.

Mayor Dees noted there were several ways to implement the policy, but the rolling backwards method was most favorable to the employer, the Town. Mrs. Lockamy noted this policy would prevent misuse.

Commissioner Legge said this had been a concern of the Board for several years.

Mrs. Lockamy stated the Town currently did not have a FMLA policy, and if it fails to designate FMLA leave, the benefit goes to the employee. She said all leave must be certified by a health care provider, and the policy allowed up to 12 weeks of leave for the birth of a child, adoption or foster placement, for caring for a spouse, child or parent with health condition deemed serious, and for the employee's own serious health condition. Mrs. Lockamy explained calculated leave would be based on a rolling twelve month period and any time used within a twelve month calendar year would be deducted from the available twelve weeks or 480 hours. She stated the policy was only effective for employees who had worked for the Town for at least twelve months prior to the request of leave and had worked at least 1250 hours during that time. Further, the policy specified that annual and sick leave benefits will not accrue while a person is out on leave.

Mrs. Lockamy stated she planned to train supervisors, provide copies to current employees, and include the distribution of the policy to new hires so that all employees would know their rights under the law.

Commissioner Gorman commented the Board had been trying to get this policy adopted for over 2 ½ years and he appreciated Mrs. Lockamy's work.

In response to a question from Commissioner Collins, Mrs. Lockamy stated that she as Human Resources Administrator would be responsible for keeping up with FMLA leave. Mrs. Lockamy

REGULAR MEETING, MONDAY, DECEMBER 4, 2006

noted this document had been prepared by Attorney Robin Davis and it was most favorable for the employer.

In response to a question from Commissioner Smith concerning the definition of key employees, Mrs. Lockamy said that normally this was those employees that were in the top ten percent of the payroll, however, this was very rarely used, but could be used under certain criteria.

In response to a question from Mayor Dees, Mrs. Lockamy recommended adoption of the policy.

Commissioner Gorman made a motion to adopt the Family and Medical Leave Policy. Commissioner Luther seconded, and the motion carried unanimously.

A copy of the policy is filed in the Policy Book in the Town Clerk's Office.

8. CONSIDERATION TO ADOPT INTERLOCAL AGREEMENT WITH THE CUMBERLAND COUNTY SCHOOL BOARD FOR USE OF SCHOOL FACILITIES FOR RECREATION SERVICES.

Parks and Recreation Director Anita Kilgore reported the agreement the Town had with Cumberland County stated the Town must negotiate and enter into a use agreement with the Cumberland County Board of Education for the use of school facilities needed to facilitate the Town providing a full range of parks and recreation services to citizens in the vicinity of the Town of Hope Mills. She stated the Parks and Recreation Department had worked very closely with Mr. Philpot, Cumberland County, and Mr. Kinlaw, Cumberland County Board of Education, to draft this agreement. Mrs. Kilgore stated Attorney Davis had reviewed and approved the agreement as written. Mrs. Kilgore recommended the Board approve the agreement.

Commissioner Legge commented this was basically the same agreement as the County Parks and Recreation Department had with the Board of Education. Commissioner Legge stated in January the Town will be on its own so as far as recreation services and would not be a part of the City/County Parks and Recreation. Commissioner Legge said the facilities would be idle and unused if an agreement was not entered into. Commissioner Legge commended Mrs. Kilgore and her staff for the agreement, and stated this protected the Town and the School Board as well.

In response to a question from Commissioner Collins, Mrs. Kilgore stated Cumberland Road Elementary School had not been used in the past, but this could be discussed in the future and she would check into this matter as she felt this could be amended and added later.

Commissioner Legge commented he understood there were huts now located at the school where the ballfield used to be, but perhaps these facilities could be used as space becomes available.

Commissioner Legge made a motion to adopt the Interlocal Agreement. Commissioner Collins seconded, and the motion carried unanimously.

REGULAR MEETING, MONDAY, DECEMBER 4, 2006

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

9. CONSIDERATION TO AUTHORIZE THE FOLLOWING:

- a) **Authorize up to \$3,000.00 Drug Tax Forfeiture Funds to purchase canine for Police Department Canine Unit;**
- b) **Approve purchase from specified vendor, Four Winds Police Dog Center;**
- c) **Approve suspending purchasing procedures that require three price quotes for purchases over \$300.00, for the purchase of a specialized item (qualified canine).**

Police Captain John Smith reported he had been working diligently on establishing a canine program for the Town of Hope Mills, and through the assistance of Fayetteville Police Sergeant Tracy Campbell, they had been able to locate a well qualified German Shepard dog from the Netherlands. Captain Smith reported the dog would soon be two years old, her name is Bowie, and she would come to the department already narcotics trained. In addition, Captain Smith stated the dog will come with a written guarantee and the guarantee assured the Town that in the event she fails training, has any medical related issues regarding her hips or bones, or any other pre-existing condition which would prevent her being able to work in this capacity, the Town would receive a replacement canine at no cost. Captain Smith reported she was originally sent to the Law Enforcement Agency in Texas, however, the canine officer who she was assigned to was removed from the program and that is the reason she is now available. Captain Smith reported Bowie would cost the department approximately \$2,782.15. Captain Smith noted the value of Bowie was approximately \$10,000.00.

Mayor Dees commented he thought it was a good thing to use drug tax forfeiture money to establish a canine unit to help fight the drug violations. Mayor Dees noted after Board approval and after purchase of the dog, the Town Manager could bring back a budget amendment for the exact amount of this purchase stating that the expenditure would come out of the general fund Police Department and would be offset by the drug tax forfeiture funds as a revenue source.

Captain Smith said that there was an arrangement for training Bowie with the Fayetteville Police Department trainer at no cost to the Town. Chief Hodges stated he felt the Town was getting a bargain for this dog.

Mayor Dees stated he understood Dr. Dean had donated medical expenses, and Walmart had made several donations as well. He said there would be some expense for food, but this would be very minimal.

Chief Hodges reiterated this dog comes with a guarantee and if it did not work out, the Town would be reimbursed.

Commissioner Legge said he felt this was a win-win situation and there would be no taxpayers money involved. He said this canine unit was needed to protect the families,

REGULAR MEETING, MONDAY, DECEMBER 4, 2006

homes, and businesses and felt like this would actually make some money for the Town.

Chief Hodges commented this was also a very good public relations tool for the Police Department.

Mayor Dees remarked in situations where there was suspected drug use, the dog could find it immediately and this would save a lot of man hours as well.

Chief Hodges commended Captain Smith on all his hard work in setting up the training, and stated he felt this would pay great dividends. Captain Smith stated the animal would also be cross trained in other areas and the dog would go home with the trainer and would come to work with the trainer and there were measurements in place so far as safety and security.

In response to a question from Commissioner Collins, Chief Hodges stated the Police Department had no jurisdiction on I-95. Commissioner Collins asked if the businesses right off I-95 would be covered, and Chief Hodges responded yes. Commissioner Collins stated this was long overdue, and he had tried to get this program years ago but was unsuccessful. He commended Captain Smith and the Police Department for their efforts, and encouraged the dog to be used around the 95/301 exchange.

Commissioner Legge made a motion to approve the purchase of the canine for the Police Department canine unit up to \$3,000.00, approve the purchase from the specified vendor, Four Winds Police Dog Center, and approve suspending purchasing procedures that require three price quotes for purchases over \$300.00. Commissioner Luther seconded, and the motion carried unanimously.

10. OLD BUSINESS.

There was none.

11. STAFF CONCERNS.

There was none.

12. OFFICIAL CONCERNS.

Commissioner Collins commented as follows:

1. Stated the Festival of Lights and parade were really great.
2. Thanked Mrs. Lockamy for the FMLA policy.
3. Expressed appreciation to Captain Smith for his work on getting the canine unit.
4. Welcomed Mr. Nicholl and said he was doing a good job.

Commissioner Luther commented as follows:

1. Thanked Mrs. Kilgore, Parks and Recreation Department, Appearance Commission, and everyone for the great Festival of Lights. She stated she

REGULAR MEETING, MONDAY, DECEMBER 4, 2006

thought it was the best event in a long time and there was great attendance.

2. Commended Chief Hodges and Captain Smith for the canine unit and stated it would be great to get drugs off the streets and out of the neighborhoods.
3. Stated it was a pleasure to have Mr. Nicholl and thanked him for participating in the activities on Saturday.
4. Expressed appreciation to everyone who attended the meeting and encouraged everyone's support to make the Town a better place for all.

Commissioner Smith commented as follows:

1. Thanked Chief Hodges for bringing the invocation.
2. Stated the Festival of Lights and parade were great events.
3. Thanked Mr. Nicholl for coming to the town and stated he looked forward to working with him.
4. Thanked everyone for their public comments.
5. Thanked Chief Hodges and Captain Smith for going the extra mile and said it was efforts like this that would move the Town forward.
6. Thanked Mrs. Lockamy for the FMLA policy.

Commissioner Gorman commented as follows:

1. Stated the Appearance Commission, Mrs. Kilgore and the Parks and Recreation Department, and Ms. Sally Bailey, did a great job on the Festival of Lights and the Christmas Parade.
2. Stated he appreciated all the public comments.
3. Reported that he and Commissioner Luther would be attending the National League of Cities Conference in Reno, and he anticipated getting some information on a skateboard park project.
4. Thanked Mr. Nicholl for joining the Board on the events on Saturday and said it was a pleasure to have him and he looked forward to working with him.
5. Stated Chief Hodges and Captain Smith had done an excellent job in establishing a canine unit.
6. Expressed appreciation to Mrs. Lockamy for the FMLA policy and stated it had been needed and was long over due. He stated he appreciated her bringing this recommendation forward to the Board and it would be good for the Town as well as the employees.

Commissioner Legge commented as follows:

REGULAR MEETING, MONDAY, DECEMBER 4, 2006

1. Thanked Mr. Taylor for speaking under public comments regarding the skateboard park. He stated the Board had been hearing about this for a while, and there was a possibility that land could be leased from the Town to build a skateboard park and taxpayers money would not used and the operator would have its own liability insurance in place.
2. Thanked Mr. Bellflowers for his comments and concerns and stated these were Board concerns as well.
3. Stated he appreciated having Mr. Nicholl with the Town.
4. Expressed appreciation to Mrs. Kilgore, Parks and Recreation Department, and committees for the Festival of Lights and parade.
5. Stated he appreciated the hard work of Chief Hodges and Captain Smith and stated the Town would now be up front.
6. Stated that Mrs. Lockamy did a great job with the FMLA policy.
7. Expressed appreciation to the Clerk and Mr. Nicholl for preparing the agenda.
8. Stated he appreciated Commissioners Luther and Gorman representing the Town at the National League of Cities Conference and wished them a safe trip.

Mayor Dees commented as follows:

1. Thanked everyone for being at the meeting and said their cares and concerns were appreciated.
2. Thanked all the employees that had a hand in the events on Saturday, and stated the Christmas Parade and the Festival of Lights were very well attended and everyone had a great time. Thanked Mrs. Kilgore and the Parks and Recreation employees for organizing and engineering, Mr. Kenny Bullock for all his hard work on the Commissioners float. Thanked the Building and Grounds employees for all the decorations and Chief Hodges and the Police Department for their traffic and crowd control. Mayor Dees thanked Fire Chief Chuck Hodges and said it was not a parade without the fire trucks. He thanked King Electric and PWC for helping to get the star lit this year. Mayor Dees thanked Ms. Sally Bailey and the Appearance Commission and the members of the 35th Signal Brigade for all they did on the Festival of Lights. Mayor Dees said he was glad Ms. Bailey could make it, and hoped she was doing better soon.
3. Mayor Dees said he would like to extend his condolences to the family of Mrs. Becky Henley. He said that Mrs. Henley was so important to the young people in this town when he was growing up. Mayor

REGULAR MEETING, MONDAY, DECEMBER 4, 2006

Dees said he knew a lot of us might have turned out completely different if not for her influence and Mr. Henley was in the spotlight in this town and in this state, but it was Mrs. Henley who really ran the show at home and she will be missed.

4. Mayor Dees wished Commissioner Gorman and Commissioner Luther a good safe trip and thanked them for representing the Board well in Reno.
5. Mayor Dees stated he would like to update everyone on the Joint Planning Board plans with Cumberland County. He stated he met twice recently with Mr. Lloyd and he stated he will have the Interlocal Agreement ready for Board consideration at the first meeting in January.
6. Stated there was a Finance Committee meeting scheduled for next Monday night, but with Mr. Nicholl just coming on board he has not had time to review the Capital Improvement Project plans. Mayor Dees said if it suited the committee, he would like to postpone the Finance Committee meeting until sometime in January.

The committee agreed by consensus to Mayor Dees' suggestion.

7. Mayor Dees said he would like to officially welcome Mr. Nicholl, and stated he has over 33 years of town management experience and the Town is glad to have him. Mayor Dees said they planned to start advertising for a permanent Town Manager in the next few weeks, but until the Board is able to get someone, it was glad to have Mr. Nicholl here.
8. Reminded everyone that the next board meeting is Monday, December 18th.

13. CLOSED SESSION PURSUANT TO NCGS 143-318.11(A)(3)(5)(6) TO CONSULT WITH THE ATTORNEY ON MATTERS WITHIN THE ATTORNEY-CLIENT PRIVILEGE AND TO DISCUSS PERSONNEL MATTERS.

At 8:30 p.m., Commissioner Gorman made a motion to conduct a Closed Session for the purposes as stated. Commissioner Luther seconded, and the motion carried unanimously.

Mayor Dees called for a five minute break prior to entering into Closed Session.

14. RETURN TO REGULAR SESSION.

At 9:20 p.m., upon a motion by Commissioner Luther, seconded by Commissioner Legge and unanimously carried, the Board returned to regular session.

15. CLOSED SESSION MINUTES.

Commissioner Gorman made a motion to seal the minutes of the Closed Session until such time as the release of the

REGULAR MEETING, MONDAY, DECEMBER 4, 2006

information would no longer frustrate the purpose of the Closed Session, and further no action was taken.

16. ADJOURNMENT.

At 9:22 p.m., upon a motion by Commissioner Luther, seconded by Commissioner Smith and unanimously carried, the meeting was adjourned.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk