

REGULAR MEETING, TUESDAY, FEBRUARY 21, 2006

The regular meeting of the Hope Mills Board of Commissioners was called to order at 7:30 p.m. by Mayor Dees. Commissioners Legge, Luther, Smith, and Collins were present. Mayor Pro-Tem Gorman was absent due to an out-of-town business commitment.

Others present were Town Manager Roy Taylor, Town Attorney William R. Davis, Fire Chief Chuck Hodges, Finance Director David Stafford, Public Works Director Bruce McLaurin, and Police Chief John Hodges.

Rev. Michael Boarts, Highland Baptist Church, gave the invocation, and Commissioner Collins led the Pledge of Allegiance.

1. ADDITIONS/DELETIONS TO THE AGENDA.

Mayor Dees presented an addendum to the agenda which included two consent agenda items and one item to be considered for the regular agenda.

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

Mayor Dees called for a point of privilege and asked Police Chief John Hodges to introduce the new Police Officers.

Chief Hodges stated it had been a privilege for the swearing in of four new Police Officers to the Police Department. He stated three of the officers had prior commitments and were unable to be present at the meeting, and proceeded to introduce Police Captain John Smith. Chief Hodges stated that Captain Smith came from the Cumberland County Sheriff's Department with 16 years experience, and he was a good law enforcement officer who was well qualified and well recommended. Chief Hodges stated that he knew Captain Smith would do an outstanding job for the town.

Captain Smith stated it was an honor to be part of the Town of Hope Mills, and he was excited about being with the Police Department. Captain Smith said he wanted to make the community more prosperous and safer for all.

Mayor Dees welcomed Captain Smith, and stated he first met Captain Smith at South View high School where he served as a School Resources Officer. Mayor Dees said he was delighted to have Captain Smith on board.

2. UPDATE ON HOPE MILLS LAKE/DAM PROJECT.

Mr. Taylor reported he had discussions with Mr. Gordon Rose and Mr. Tim Labounty, who indicated that the engineering had been completed to scale back the design plan, and the full plan would be submitted to Dam Safety this week. Mr. Taylor stated it was estimated that the review process would take approximately 30-45 days, and no reports had been received from the Corps of Engineers at this time. He stated he would keep the Board apprised.

Mayor Dees commented he saw Mr. Rose earlier in the week and Mr. Rose was very optimistic about the submittal of plans to Dam Safety. In addition, he stated he had spoken with Representative Glazier and he was optimistic about the possibility of additional funding from the state.

In response to a question from Mayor Dees, Mr. Taylor stated he would contact the Department of Correction to determine if they would be able to help in the clean up of the lake bed area and would follow up on the matter.

3. UPDATE ON RECREATION CENTER.

Mr. Taylor reported the contractor was approximately one-fourth completed with the project.

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He stated the construction conference was held today and he would be meeting with the architect tomorrow to look at brick patterns for the building so that it would be aesthetically pleasing. Mr. Taylor stated as a result of very good weather, a lot of work had been completed and additional work would be commencing next week.

Commissioner Legge commented he had visited the site and the superintendent had told him they were approximately 35 days ahead of schedule as a result of the good weather.

4. PUBLIC COMMENTS.

Dan DeCriscio, 3604 Crampton Road, addressed the Board regarding consideration of additional funding for the Hope Mills Sunshine Center. Mr. DeCriscio stated the Hope Mills Sunshine Center was the only accredited senior citizen center in Hope Mills. In addition, Mr. DeCriscio asked that the Board require the three senior citizens groups to furnish the town with documents attesting to their function and finances prior to any final budget decisions.

As a point of clarification, Mayor Dees asked Mr. DeCriscio if it was his feeling that the two established senior citizens centers with buildings should receive more funding than the third senior citizen group. Mr. DeCriscio stated he thought funds should go to those that provided services.

Mayor Dees stated the Board would take this concern under advisement.

5. CONSENT AGENDA:

Mayor Dees presented the consent agenda and asked if there were any items that needed to be moved to the regular agenda for discussion.

Commissioner Legge made a motion to approve the consent agenda items as presented. Commissioner Smith seconded, and the motion carried unanimously.

A) **Consideration to approve Minutes of the February 6, 2006 Regular Meeting.**

Minutes approved as written.

B) **Consideration to adopt ordinance amendments Section 2-66, Public Comments; Section 2-191, Appearance Commission; Section 62-121, Parks & Recreation Advisory Committee; and Section 70-51, Planning Board.**

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

Section 1. Article II. Mayor and Board of Commissioners; Section 2-66, Regular meetings; Section 2-67, Order of Business (3); and Section 2-68, Conduct of business; rules of procedure (c)(2)(3) are hereby amended as follows:

Section 2-66, Regular meetings

The regular meetings of the Mayor and Board of Commissioners shall be held on the first and third Monday of each month, at the Town Hall, unless otherwise designated by the Board.

Section 2-67, Order of business

(3) **Public Comments**

Section 2-68, Conduct of business; rules of procedure

C. The order of business and the agenda for meetings of the Board of Commissioners shall be as follows:

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- (2) It shall be the policy of the Board to allow ***citizens*** to address the Board on an agenda item, other than those on the agenda for a public hearing, or at the time for ***public comments***,.....
- (3) Any one desiring to address the Board on an item, other than a public hearing item or an item during the time for hearing of ***public comments***.....

Section 2. That this ordinance shall be in full force and effect from and after its adoption.

Section 3. That all other provision of Chapter 2 shall remain as currently codified.

ADOPTED this 21st day of February, 2006.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

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

Section 1. Article IV. Boards, Commissions and Committees; Division 2. Community Appearance Commission; Section 2-191, Establishment is hereby amended as follows:

Sec. 2-191. Establishment

There is established within the administrative section of the town, as a division thereof, an appearance commission to be known as Hope Mills Beautiful. This commission shall consist of **at least seven** members, to be appointed annually by the board of commissioners at the second regular meeting in **January** of each year, for a term of one year. All members shall be residents of the town **continually throughout** their appointment, and shall serve without pay.

Section 2. That this ordinance shall be in full force and effect from and after its adoption.

Section 3. That all other provision of Chapter 2 shall remain as currently codified.

ADOPTED this 21st day of February, 2006.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

AMENDMENT
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TOWN OF HOPE MILLS, NORTH CAROLINA

Section 1. Chapter 62, Parks and Recreation; Article III, Parks and Recreation Advisory Committee; Section 62-121, Created; composition is hereby amended as follows:

Sec.62-121. Created, composition.

There is hereby created a parks and recreation advisory committee which shall consist of **at least seven** regular members and four liaison members. Each regular member shall be a resident of the town **at the time of their appointment and throughout their term**, and all **regular** members shall be appointed by the board of commissioners. The four liaison members, representing the Hope Mills Sunshine Center, the Hope Mills Senior Citizens Club, the Sycamore Tree Senior Citizens Center, and the Hope Mills Youth Association, will serve in a non-voting status. **Regular members shall be appointed by the board of commissioners at the second regular meeting in January of each year as required to comprise the membership.** Liaison members will be **submitted to the board of commissioners through their organizations and shall be appointed by the board of commissioners annually at the second regular meeting in January of each year.**

All vacancies shall be filled by the board of commissioners. All members shall serve without compensation.

Section 2. That this ordinance shall be in full force and effect from and after its adoption.

Section 3. That all other provision of Chapter 62 shall remain as currently codified.

ADOPTED this 21st day of February, 2006.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

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

Section 1. Chapter 70, Planning; Article III, Town Planning Board; Section 70-51, Established; membership is hereby amended as follows:

Sec. 70-51. Established; membership.

There is hereby created a town planning board , which shall consist of **at least** seven voting members who shall be residents of the town **at the time of appointment and throughout their term** and who shall be appointed by the board of commissioners **at the second regular meeting in January of each year.** The board of commissioners may appoint up to four nonresident **non-voting** members.. Each member shall be appointed to and shall serve for a term of one year. All vacancies shall be filled by the board of commissioners. All members shall serve without compensation.

Section 2. That this ordinance shall be in full force and effect from and after its adoption.

Section 3. That all other provision of Chapter 70 shall remain as currently codified.

ADOPTED this 21st day of February, 2006.

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EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

Ordinance amendments adopted.

- C) **Consideration to adopt Budget Amendment No. 007-2006, Governing Body (framing and matting pictures of former Mayors).**

Mr. Stafford reported staff had been authorized to proceed with framing and matting of pictures of the former Mayors, and this expense was estimated to be \$500.00. Mr. Stafford recommended increasing the Governing Body budget by an additional \$500.00 for the remainder of 2005-2006.

Budget amendment adopted.

- D) **Consideration to accept donation of Billy Goat Parking Lot Blower (\$899.00) from Hope Mills Firefighters Association.**

Bryan Marley, President, Hope Mills Firefighters Association, reported that the Hope Mills Firefighters Association had purchased the blower for use by the Fire Department. He stated the Firefighters Association was requesting the town to accept the blower as a donation for use by the Fire Department.

Donation accepted.

- E) **Consideration to authorize purchase of six Scott complete breathing apparatus Air Packs, Dalmatian Fire Equipment, \$7,700.00 plus taxes and freight.**

Purchase of Air Packs approved.

- F) **Consideration of committee appointments.**

APPEARANCE COMMISSION:

Vendetta Hall, Sally Bailey, Dorothy Smith, Linda Wilson, Margaret Swanson, Mary Reed, Sandra Hardee, Al Brafford, Patricia Reed, John Huskey, Judy Williams

COMMISSION ON EDUCATIONAL DEVELOPMENT

Sylvia Dean, Gerald Patterson, Frank Faulkner

ENVIRONMENTAL "GREEN TEAM" COMMITTEE

Al Brafford, Carlene Myer, Archie Bates, Christina Jen

HISTORIC ADVISORY COMMITTEE

Edwin Brower, Pat Hall, Edwin Deaver

PARKS & RECREATION ADVISORY COMMITTEE

Gary Dove, John Turner, Winnie Golden, Deric Reed, Amy Porter, Gary Autry, Susan Nicholson, Perry Wike; Liaison Members: Paula Hamilton, Rveda Faulkner, Bea Bullock, Craig Archer

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PLANNING BOARD

Roland Schmidt, Paul Wade, Jean Clark, Pat Hall, Brandon Hodges, Frank Arrant, Melvin Dove

TECHNOLOGY ADVISORY COMMITTEE

Demetrus Sutton, Archie Bates, Brandon Hodges, Clyde Taylor

TRANSPORTATION TASK FORCE

John Henley, Todd Ausborn

VETERANS AFFAIRS COMMISSION

Jim Clark, Robert Pinsky, William Conklin, Don Walton, Dennis Faulkner, Jessie Bellflowers, Thomas Nicholson, Demetrus Sutton, Robert Proulx, Ray Moore, Archie Bates

ZONING BOARD OF ADJUSTMENT

Daniel DeCriscio, Christina Jen - Regular Members
Butch Hall - Alternate Member

Committee appointments approved.

G) Consideration of Job Description for Executive Administrative Assistant/Human Resources Administrator.

Mr. Taylor presented a proposed job description detailing the purpose, primary task, qualifications and knowledge and skills of the subject position. He stated at the time the position was reclassified, a proper job description was never written. Mr. Taylor recommended the Board approve the description for inclusion into the Town's personnel catalog of positions and job descriptions.

A copy of the job description is filed in the Book of Pay and Classification Plan on file in the Town Clerk's Office.

Job description approved.

"END CONSENT AGENDA"

6. CONSIDERATION OF VARIOUS INDIVIDUAL APPOINTMENTS.

Commissioner Luther made a motion to approve the following appointments. Commissioner Collins seconded, and the motion carried unanimously.

Tax Collector - Aaron Donaldson
Deputy Tax Collector - E. T. Sessoms
Deputy Tax Collector (for the Town) - David Stafford

Commissioner Legge made a motion to appoint Commissioner Terry Smith as the Mid-Carolina Council of Governments Representative. Commissioner Luther seconded, and the motion carried unanimously.

Commissioner Collins made a motion to appoint Commissioner Smith as a member of the Audit Committee. Commissioner Luther seconded, and the motion carried unanimously.

Commissioner Smith made a motion to appoint Mayor Pro-Tem Gorman to the Audit

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Committee. Commissioner Collins seconded, and the motion carried unanimously.

Commissioner Luther made a motion to appoint Town Manager Roy D. Taylor to the Transportation Technical Committee. Commissioner Collins seconded, and the motion carried unanimously.

Commissioner Collins made a motion to appoint Commissioner Luther, member, and Mr. Taylor, ex officio member, of the Fort Bragg/Pope Air Force Base Regional Land Use Advisory Committee. Commissioner Smith seconded, and the motion carried unanimously.

Mayor Dees remarked he felt the town should have a presence on the Fayetteville Area Convention and Visitors Bureau, and asked Commissioner Luther if she would continue to serve.

Commissioner Luther commented she had nothing against Fayetteville and would feel better about serving on this committee if it was the Cumberland County Convention and Visitors Bureau, but she would be more than happy to continue serving.

Commissioner Legge made a motion to appoint Commissioner Luther to represent the town on the Fayetteville Area Convention and Visitors Bureau.

7. OLD BUSINESS: CONSIDERATION/DISCUSSION ORDINANCE AMENDMENT, SMOKING IN TOWN BUILDINGS.

Mr. Taylor presented a proposed ordinance amendment which included changes and additions to amend the existing ordinance pertaining to smoking in public buildings and facilities. He stated that the proposed ordinance amendment was presented for the Board's review and consideration. In addition, Mr. Taylor provided a copy of G.S. 143-596 - 143-601 to assist the Board in the review of this matter.

Mayor Dees stated this matter had been discussed at a previous meeting, and briefly reviewed the Town's current ordinance. Mayor Dees stated the Manager would like a recommendation to accept this proposed ordinance, or asked that the Board give directions to the Manager on how to rewrite the ordinance.

Commissioner Legge commented that the proposed ordinance appeared to try to appease everyone involved. Commissioner Legge referred to a recent newspaper article regarding health insurance costs for smokers. He stated he would like the proposed ordinance to go back to the Manager and the ordinance should be addressed simply "no smoking in any enclosed area of any municipal building or town vehicle." Commissioner Legge said this would make some people unhappy, but it would make some happy. Commissioner Legge said he felt that the smokers could simply step outside to smoke, and felt this ordinance should be clean cut with no loop holes.

Commissioner Collins stated he thought the Manager did a great job on this ordinance and felt that the smoking ordinance should be left up to the department heads.

Mayor Dees stated his concern with the way the ordinance was proposed was that it left the person in charge of the building with the right to decide any area as smoking. He stated he felt this was why the Board was trying to rewrite the ordinance was to do away with this and he did not want the ordinance to defeat the purpose. Mayor Dees said he still had concerns for other employees who worked in the buildings who were non-smokers, and said he felt the smoking area must be an area where the other employees were not exposed to second hand smoke.

Mr. Taylor stated he did have concerns for the employees and the public, and felt that they should not be subjected to second hand smoke. Mr. Taylor stated he thought smoking should never be permitted in the Town Hall or the Recreation Center. Mr. Taylor remarked the Fire Department did allow its employees to smoke in the bay area, however, the Police Department and Public Works Department allowed smoking in confined areas. He stated if the Board gave permission to allow the supervisors to select a smoking area, then the department head would have to use their own best judgement. Mr. Taylor said second hand smoke must be kept away from other employees. Further,

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Mr. Taylor stated he would like to see the Public Works Department, Police Department, and Fire Department have some leeway with this decision.

Mayor Dees commented he understood the City of Fayetteville and Cumberland County did not permit smoking in vehicles, and both of these facilities were non-smoking facilities. He stated he would like for the town to follow suit and he did not think this would be out of line.

Commissioner Legge expressed concerns if this decision was left up to the supervisors of each building. Commissioner Legge reiterated he felt the ordinance should be clean cut and no questions would be asked. Commissioner Legge stated the Town had an opportunity to get caught up with other municipalities in the county and state in developing a non-smoking policy. Commissioner Legge said he felt strongly about absolutely no smoking being permitted in enclosed municipal buildings or town vehicles.

Mayor Dees stated the Board must reach some sort of recommendation for the Manager to draft the ordinance.

Commissioner Smith commented he was a non-smoker and he had nothing against people who chose to smoke as this was a personal choice. Commissioner Smith stated he thought an area should be designated as a smoking area in the public buildings for the smokers, but he preferred that this be an outside designated smoking area and something with a comfortable environment for the smokers.

Commissioner Luther stated she recommended that smoking be permitted outside the building only.

Commissioner Collins stated that some police departments allowed smoking and some did not. He stated it was his opinion if a citizen requested that someone not smoke in their presence, then the person should put the cigarette out. He stated he felt that the decision on smoking should be at the discretion of the department head. Commissioner Collins commented regarding dispatchers who worked twelve hour shifts and could not leave their desk to go outside to smoke.

Commissioner Collins made a motion to approve the smoking ordinance as written. The motion failed due to the lack of a second.

Commissioner Legge made a motion to direct the Manager to draft a smoking ordinance to prohibit smoking in any enclosed area of town buildings or in any town vehicle. Commissioner Smith seconded the motion.

The vote on the motion was as follows:

Ayes: Commissioner Legge, Commissioner Luther, Commissioner Smith

Noes: Commissioner Collins

8. STAFF CONCERNS.

Mr. Taylor reported as follows:

1. Stated BRAC discussions were continuing, and the group would be meeting Thursday in Spring Lake.
2. Stated he attended the 2030 Growth Vision Plan meeting at Fayetteville State University, and the group dealt with countywide water and stormwater regulations and parks and recreation.
3. Stated he would be speaking at the Kiwanis Club meeting on Tuesday.

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4. Stated he would have recommended ordinance amendments for the Board's consideration at its March 6th meeting.
 5. Stated digital photos would be provided to Mr. Bius for the website development, and Attorney Davis was working on a contract.
 6. Stated he would obtain some estimated costs for fencing the South Main Cemetery if the Board desired.
 7. Stated the Personnel Policy was underway.
9. OFFICIAL CONCERNS.

Commissioner Smith commented as follows:

1. Thanked everyone for attending the meeting.
2. Congratulated and welcomed Captain Smith to the Hope Mills Police Department. He stated he met all the new officers, and was glad to see all these positions were filled.
3. Stated the Board had looked at its committee appointments diligently. He stated if someone had applied for a committee and was not appointed, that the Board would be considering additional committee appointments in the future.
4. Thanked Mr. DeCriscio for his public comments, and stated the Board would look into the matter.

Commissioner Legge commented as follows:

1. Thanked everyone for attending the Board meeting.
2. Welcomed Captain Smith to the Police Department and said he knew Captain Smith would do a fine job.
3. Thanked Mr. Taylor for calling the Fayetteville Observer relative to a truck that lost a load of newspapers along the Camden Road area. He stated the Observer came out and took care of the problem.
4. Asked about the status of the purchase of new computers.

Mr. Taylor stated staff was working with Dell. He said staff was a little bit behind and was trying to get caught up and would be getting a financial package together. He stated the purchase of the computers would be handled as soon as possible.

Commissioner Collins commented as follows:

1. Thanked the citizens for attending the Board meeting.
2. Welcomed Captain Smith to the Police Department and stated he would be a big asset to the town as he knew his business very well.
3. Commended Mr. Taylor and said he did a great job on the smoking ordinance.
4. Thanked the Clerk for assistance while he was in school.
5. Inquired regarding the status of the budget.

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Mr. Taylor stated that he would be meeting with the department heads then he would put together a program and schedule for the Board to consider.

6. Asked staff get information to the Commissioners on the third senior citizen group mentioned by Mr. DeCriscio under public concerns.

Commissioner Luther commented as follows:

1. Thanked everyone for attending the meeting.
2. Noted if any citizen volunteered for a committee and was not appointed, to not be discouraged as the Board would be adding additional members later. She asked applicants consider serving on other committees as well. Commissioner Luther suggested the Board develop a policy that if a certain number of meetings were missed by a committee member, then they would be replaced.
3. Asked if Mr. Spell and Ms. Odom as the two Planning Board Members should be replaced on the 2030 Land Use Plan.

Mr. Taylor said he did not think this necessary at this time.

At this time, Commissioner Collins asked to recognize Mr. Floyd Dees who was attending the Board meeting for the first time since he had heart surgery.

Mayor Dees commented as follows:

1. Stated it was possible the Board would make some additions to its committees, and said the Board needed to get the committees functional and get them started, and the Board could revisit and make changes at any time.
 2. Reported he met with Mr. Parks, Cape Fear Valley Medical Center Director, regarding health care concerns for the Hope Mills area. He reported Mr. Parks assured him they would be working on providing additional doctors and PAs for the area, and further Mr. Parks said he would be glad to come and meet with the citizens at a public meeting to discuss their concerns if this was desired.
 3. Stated he attended the grand opening of Dr. Jain's Pediatric Office, Hope Mills Pediatrics. He stated this was a welcome addition to the town.
 4. Stated he was glad to have Captain Smith on board at the Police Department.
 5. Stated he may be recruiting some citizens to serve on committees and asked the citizens to please help the town out if contacted.
 6. Reported there would be a pre-hearing workshop on Monday, March 6, from 4:00 to 8:00 p.m., Jack Britt High School to discuss the Fayetteville Outer Loop.
 7. Congratulated the Parks and Recreation Department on the nice Senior Citizens Valentine's party.
 8. Thanked everyone for attending the meeting especially his father as this was his first meeting he had been able to attend since his surgery.
10. ADJOURNMENT.

Upon a motion by Commissioner Luther, seconded by Commissioner Collins and unanimously carried, the meeting was adjourned at 8:27 p.m.

EDDIE DEES, MAYOR

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ATTEST:

Phyllis C. Register, MMC, Town Clerk