

REGULAR MEETING, MONDAY, MARCH 20, 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, Gorman, Smith, and Collins were present.

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

Mayor Dees gave the invocation, and Commissioner Luther led the Pledge of Allegiance

1. ADDITIONS/DELETIONS TO THE AGENDA.

Mayor Dees noted consideration of the Resolution of Intent to name the Board Meeting Room should be moved.

Commissioner Legge made a motion to move the item as requested. Commissioner Gorman seconded, and the motion carried unanimously.

2. CONSIDERATION TO ADOPT RESOLUTION OF INTENT TO MANE THE BOARD OF COMMISSIONERS BOARD MEETING ROOM - THE "WILLIAM F. (BILL) LUTHER, JR. BOARD MEETING ROOM."

Commissioner Smith made a motion to adopt the resolution. Commissioner Gorman seconded, and the motion carried unanimously.

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF HOPE MILLS, NORTH CAROLINA

RESOLUTION OF INTENT TO NAME THE BOARD OF COMMISSIONERS BOARD MEETING ROOM - THE WILLIAM F. (BILL) LUTHER, JR. MEETING ROOM

WHEREAS, on March 23, 2003 the Town suffered a tremendous loss in the passing of William F. (Bill) Luther, Jr., a lifelong resident and public servant of the Town of Hope Mills; and

WHEREAS, Mr. Luther faithfully served this community as a member of the Hope Mills Board of Commissioners for 28 years as Mayor, Mayor Pro-Tem, and Commissioner; and

WHEREAS, his years of service were marked by exemplary dedication to the best interests of the Town as he worked constantly for the betterment of its economic, cultural, and aesthetic development; and

WHEREAS, the Town has benefitted greatly because of his interest and work as a public servant; and

WHEREAS, through his performance of his duties and responsibilities as a member of the Board of Commissioners he made excellent and constructive contributions to municipal government in our town; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of Hope Mills, NC as a means of expressing appreciation and in memory of Mr. Luther for his leadership, dedicated devotion, and significant impact on the Town of Hope Mills, does hereby take action of its intent to name the Town Hall Board Meeting Room in memory of Mr. Luther as the ***William F. (Bill) Luther, Jr. Board Meeting Room***.

ADOPTED this 20th day of March, 2006.

EDDIE DEES, MAYOR

Bob Gorman, Mayor Pro Tem

Jerry Legge, Commissioner

T. K. Collins, I, Commissioner

Terry W. Smith, Commissioner

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Doris R. Luther, Commissioner

Commissioner Luther said on behalf of the entire family she appreciated this honor so much. Commissioner Luther stated Mr. Luther served longer than any other Elected Official in the history of Hope Mills. She commented Mr. Luther was progressive in acquiring the front nine holes of the golf course, helped obtain land for the municipal complex including the library site, was an Auxiliary Police Officer, served 17 years as a Volunteer Firefighter, was a Mason, member of the American Legion, worked for Monroe Business Systems for 31 years, Civil Service employee for eight years, served in the U.S. Air Force for four years, was co-owner of Dollar Video for 14 years, helped organize the Chamber of Commerce, and was a 50 year member of the Congregational Church. Commissioner Luther said Mr. Luther served in the church as Sunday School Superintendent, Deacon, and Chair of the Board of Trustees. Commissioner Luther stated Mr. Luther devoted his life to Hope Mills, and he was also a loving and devoted husband, father, grandfather, brother and friend.

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

Mr. Taylor stated the only update he had on the project was a letter received from the North Carolina Department of Environment and Natural Resources, Dam Safety Division, acknowledging receipt of the application for permit package. Mr. Taylor said it was still expected to be a 30-45 day review process.

Mayor Dees reported he had met with a professional fund raiser who had volunteered his services for free to help coordinate a fund raising effort. Mayor Dees said more information would be forthcoming within the next few weeks, and hopefully private funds would be used to help restore the lake without a tax increase. Mayor Dees noted that the lake would be restored.

4. STATUS REPORT ON RECREATION CENTER.

Mr. Taylor reported recently an issue arose concerning the roof for the new recreation center whether or not the roof should be shingles or metal. He said in an effort to save money and given the increased pricing for practically all building materials, the project was bid to include a shingle roof system. Mr. Taylor stated staff had asked the contractor to provide a cost for installation of a metal roof system. He stated to remove all shingles that remained, install a suitable substrate for a metal roof to attach to, and to install 24 gauge stainless steel roofing would require a change order increasing the Town's cost by \$65,000. Further, Mr. Taylor reported that a shingle roof was the 30 year type, and would most likely last for 20-25 years, and a metal roof was designed to last 40 years. He stated a metal roof may have to be refinished in 30 years, and would require all refinishing to be done on the roof since a metal roof could not be removed.

Mr. Taylor recommended the Board stay with the plan as approved utilizing the shingle roof system.

Following brief discussion, Commissioner Legge made a motion to keep the shingle roofing as bid in the contract. Commissioner Luther seconded, and the motion carried unanimously.

Commissioner Luther asked if financing was in place to take care of the Town's portion of the recreation center construction.

Mr. Taylor reported that the Town was \$400,000.00 into the project or about halfway. He reported staff was working on closing the 03-04 audit, and would look into financing at that time.

In response to a question from Mayor Dees, Mr. Taylor stated if the recreation center was not completed until October, the Town would not have time to equip and staff the center or offer

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programs. He said that the Town would not be able to assume the recreation programs by July 1, and probably everything would not be in place until July, 2007.

In response to a question from Commissioner Luther, Mr. Taylor stated the cost of the project was estimated at \$2.3 million dollars.

Commissioner Luther asked if the Town stayed with the County Recreation arrangement could the Town negotiate again for more financial assistance on the project. Mayor Dees asked would the County provide staffing for the center as well. Mr. Taylor said more discussions were needed on this matter.

Commissioner Luther said she wanted to make sure the Town had its financing in place for the project.

Commissioner Legge commented that most of the recreation centers in the surrounding areas specifically those located on school property was a result of an agreement between the Board of Education and Cumberland County. He said that the Town could ask for more funding, but he did not think it would get any additional monies.

5. PUBLIC COMMENTS.

Mayor Dees briefly reviewed the Public Comment Policy and asked that individuals speaking sign up with the Clerk, and further there would be a three minute limit per speaker.

Donald Lowder, 3639 Lakeshore Drive, spoke regarding Hope Mills lake and dam repair. He stated he had spoken with many people and there was no one that did not want to see the lake restored. Mr. Lowder stated the lake was beautiful in all seasons, and encouraged the Board to work hard and steady to make sure the dam was completed in a timely manner as this was an asset that the Town could not afford to lose.

Damon Percy, 800 Bramblegate Road, spoke regarding suggested staggered terms for the Elected Officials and stated he did not feel this was a good idea. Mr. Percy suggested the Board look into increasing the lame duck period between the election and oath of office.

Mayor Dees commented these suggestions would be taken under consideration.

6. MAYORAL PROCLAMATION: SPRING LITTER SWEEP - APRIL 17-30, 2006.

Mayor Dees read the proclamation for Spring Litter Sweep and urged all citizens to take an active roll in making our community cleaner.

Mayor Dees remarked that Ms. Sally Bailey and the Appearance Commission wanted to take on the Adopt-A-Street program as a project. He stated currently the Town had two streets adopted; Cameron Road and Davis Street. Mayor Dees stated it was his hope as well as the Appearance Commission that as many streets as possible would be adopted. He stated at the next Appearance Commission meeting, March 27, a letter would be drafted for a kick off on this project and it was hopeful that churches, businesses, civic groups, neighborhoods, etc., would all adopt a street. Mayor Dees stated that he wanted to make sure that all the main thoroughfares were covered.

7. PRESENTATION/UPDATE BY MS. SALLY BAILEY-CITY/COUNTY JOINT APPEARANCE COMMISSION.

Ms. Bailey reported that the countywide litter sweep clean up date would be April 22nd.

Ms. Bailey provided brief updates on the City County Joint Appearance Commission, and reported the committee had been in existence for one year. Ms. Bailey reviewed the 2006 goals of the committee.

Commissioner Legge remarked that April 22nd was the same day as the Opening Day for 12

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and under ball season. He stated he felt the area around the municipal complex would be very congested that day. Ms. Bailey asked to please stress to the public to slow down when people were working on the side of the road and please be respectful of those doing clean up. Commissioner Legge said hopefully the Police Department could give some assistance to help slow people down.

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

- a) **Consideration to approve Minutes of the February 21, 2006 Regular Meeting and March 6, 2006 Regular Meeting.**

Minutes approved as written.

- b) **Consideration to adopt ordinance amendment Chapter 34, Environment; Article V. Smoking in Town Buildings.**

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

Section 1. Chapter 34, Environment; Article V, Smoking in Town Buildings; Section 34-51, Definitions; Section 34-153, Areas regulated by article, is hereby amended as follows:

Sec. 34-151. Definitions.

Enclosed area means the interior portion of any town-owned building or facility.

Indoor space means any area or portion of any structure that is under roof that is utilized for any use, to include those areas specifically used for vehicle and equipment storage such as parking bays. Indoor space does not include any area or portion of any structure under roof that is continually open to the outdoors such as covered porches.

Public building means any indoor space of any town-owned, leased or occupied building or facility to include, but not limited to, the Town Hall, the Police Department, the Fire Department, various buildings and structures associated with Public Works, the Recreation/Community Center, and Pavilions.

Sec. 34-153. Areas regulated by article.

Smoking shall be prohibited within all public buildings as defined in Section 34-151. Smoking is permitted on the grounds of all public buildings.

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 34 shall remain as currently codified.

ADOPTED this 20th day of March, 2006, and EFFECTIVE the 1st day of April, 2006.

EDDIE DEES, MAYOR

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ATTEST:

Phyllis C. Register, MMC, Town Clerk

Ordinance amendment adopted.

- c) Consideration to adopt ordinance amendment Chapter 66, Personnel; Section 55-50, Limitation of employment of relatives.

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

Section 1. Chapter 66, Personnel; Section 66-50, Limitation of employment of relatives, is hereby amended as follows:

Sec. 66-50. Limitation of employment of relatives.

(a) No person shall be employed assigned to work under the supervision of a member of their immediate family. For purposes of this section immediate family is defined in section 66-4.

(Note: Immediate family means an employee's spouse, bother, sister, parent, legal guardian, grandparent, children, grandchildren and in-laws.)

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 66 shall remain as currently codified.

ADOPTED this 20th day of March, 2006.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

Ordinance amendment adopted.

- d) Consideration to adopt ordinance amendment Chapter 98, Vehicles for Hire; Section 98-135, Insurance requirements.

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

Section 1. Chapter 98, Vehicles for Hire; Section 98-135, Insurance requirements, is hereby amended as follows:

Section 98-135. Insurance requirements.

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(2) *Garage liability policy.* A garage liability policy covering the operation of the owner's business, equipment, or other vehicles for any bodily injury or property damage. This policy shall be in the minimum of **\$100,000.00** for any one person injured or killed and a minimum of \$300,000.00 for more than one person, and an additional killed or injured in any accident, and an additional \$50,000.00 for property damage.

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 98 shall remain as currently codified.

ADOPTED this 20th day of March, 2006.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

Ordinance amendment adopted.

"END CONSENT AGENDA"

9. CONSIDERATION OF APPOINTMENT TO CUMBERLAND COUNTY AIR QUALITY STAKEHOLDERS COMMITTEE.

Commissioner Smith made a motion to appoint Commissioner Jerry Legge to the committee. Commissioner Collins seconded, and the motion carried unanimously.

10. OLD BUSINESS:

- a) Consideration to adopt Resolution of Intent to consider an ordinance amending the Charter of the Town of Hope Mills to implement four-year staggered terms for members of the Town Board and setting the date for public hearing.

Commissioner Legge stated he understood the intent of this matter was to keep experience on the Board and the purpose would be to keep continuity in order that the Town could move forward.

Commissioner Luther said it was her understanding at this point the Town Board was just setting a public hearing.

Mayor Dees said that a public hearing would be set to gather information and a determination would be made if there was enough interest to move forward on this matter.

Commissioner Luther made a motion to adopt the resolution. Commissioner Smith seconded, and the motion carried unanimously.

RESOLUTION
OF THE
BOARD OF COMMISSIONERS
OF THE
TOWN OF HOPE MILLS, NC

RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CHARTER OF THE TOWN OF HOPE MILLS TO IMPLEMENT FOUR-YEAR STAGGERED TERMS FOR

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**THE MEMBERS OF THE TOWN BOARD OF COMMISSIONERS AND SETTING THE DATE
FOR A PUBLIC HEARING THEREON**

WHEREAS, pursuant to G.S. 160A-101 and 160A-102, the Board of Commissioners of the Town of Hope Mills may adopt an ordinance to amend the Charter of the Town of Hope Mills to implement any of the optional forms set out in G.S. 160A-101; and

WHEREAS, G.S. 160A-102 requires that proposed Charter amendments first be submitted to a public hearing and that due notice thereof be published not less than ten (10) days prior to the date fixed for the public hearing;

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

1. The Board of Commissioners hereby intends to consider an ordinance amending the Charter of the Town of Hope Mills, as set forth in Chapter 650 of the 1981 Session Laws of North Carolina, as amended, to implement four-year staggered terms for the members of the Town Board of Commissioners as authorized by G.S. 160A-101(4). **It is proposed that at the regular municipal election to be held in 2007, the three candidates for Commissioner and the candidate for Mayor who receive the highest number of votes shall be elected for four-year terms, while the two candidates who receive the next highest number of votes shall be elected for two-year terms. At the regular municipal election to be held in 2009, and every four years thereafter, two members of the Board of Commissioners shall be elected to serve for four-year terms. At the regular municipal election to be held in 2011, and every four years thereafter, three members of the Board of Commissioners and the Mayor shall be elected to four-year terms.**
2. A public hearing on the proposed ordinance is hereby called at the Hope Mills Town Hall at 7:30 p.m. on Monday, April 17, 2006.
3. Following the public hearing, called hereby, the Board of Commissioners shall consider passage of the ordinance at its regular meeting on Monday, May 1, 2006.
4. The Town Clerk is hereby directed to cause to be published in the Fayetteville Observer a proper notice of the public hearing called, which notice shall contain a summary of the proposed Charter amendments.

ADOPTED this 20th day of March, 2006.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk

11. STAFF CONCERNS.

Mr. Taylor commented as follows:

1. Asked the Board to consider some budget workshop dates in April.
2. Reported he had received three prices for fencing the cemetery in the South Main Development, and briefly reviewed the proposal of materials, and stated the estimates had come in between \$15,000.00 to \$16,000.00. Mr. Taylor said the Cultural Resources grant, \$14,000.00, could be used for preservation of this cemetery as a heritage area.

In response to a question from Commissioner Legge, Mr. Taylor stated he would be bringing back the specific bids and estimates to the Board for consideration.

12. OFFICIAL CONCERNS.

Commissioner Collins commented as follows:

1. Stated he felt really good about the restoration of the lake/dam, and that he had met

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with the fundraiser and was very impressed.

2. Thanked Mayor Dees for pursuing restoration of the lake.
3. Thanked everyone for the many expressions of sympathy in the passing of his 86 year old mother.

Commissioner Luther commented as follows:

1. Expressed condolences to Commissioner Collins and his family.
2. Thanked everyone for attending the Board Meeting, especially those who came to honor Mr. Luther as he loved Hope Mills.
3. Stated citizen input was needed in order to help the Board with it's many decisions.
4. Stated she thought it was important to preserve the cemetery as it was a part of the heritage of Hope Mills.

Commissioner Smith commented as follows:

1. Expressed condolences to Commissioner Collins in the passing of his mother.
2. Stated he did not know Mr. Luther but he knew Commissioner Luther and felt that this was a wonderful honor.
3. Thanked everyone for the public comments and the presentation made by Ms. Bailey.
4. Thanked everyone for attending the meeting.

Commissioner Gorman commented as follows:

1. Expressed condolences to Commissioner Collins and former Commissioner Ronnie Strong whose mother had also passed away recently.
2. Stated he thought that this was a great honor for the Luther family to name the board meeting room in honor of Mr. Luther.
3. Welcomed Natasha McCants, Deputy Clerk, who was attending the meeting.
4. Stated he appreciated Ms. Bailey and her devotion to the Appearance Commission as well as the City/Count Joint Appearance Committee. He said he felt the Town Board should lead by example and adopt a street.

Commissioner Gorman made a motion for the Town Board to adopt a street. Commissioner Legge seconded, and the motion carried unanimously.

Commissioner Legge commented as follows:

1. Expressed condolences to Commissioner Collins and his family.
2. Thanked everyone for attending the meeting and for the public comments and stated citizen help was always needed.
3. Stated he wanted the lake restored and felt this would happen as soon as everything was worked out. He said he was encouraged that the permits had been applied for.
4. Urged everyone in Town to adopt a street.

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Mayor Dees commented as follows:

1. Expressed condolences to Commissioner Collins and former Commissioner Strong. He stated he knew their mothers were proud of them, and he was proud of their dedication to their mothers.
 2. Congratulated the Luther family, and stated this honor for Mr. Luther was long overdue.
 3. Thanked the speakers under the public comments portion.
 4. Thanked Ms. Bailey for her help and for her keeping the Board informed about what was going on throughout the county.
 5. Stated recently Police Chief John Hodges was interviewed on the Larry King Live show relative to the Jeffrey McDonald case.
 6. Read two letters received; one from Progress Eastover Community, and one from Mr. Richard Parks, Cape Fear Valley Medical Center, regarding the needs of primary care physicians in the Hope Mills community.
 7. Expressed condolences to the Rev. Fred Hall family and stated the funeral would be on Tuesday, 1:30 p.m., at Friendship Baptist Church.
 8. Thanked everyone for attending the meeting.
13. ADJOURNMENT.

At 8:25 p.m., upon a motion by Commissioner Legge, seconded by Commissioner Luther and unanimously carried, the meeting was adjourned.

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register, MMC, Town Clerk