

## **REGULAR MEETING, MONDAY, MAY 15, 2006**

The regular meeting of the Hope Mills Board of Commissioners was called to order at 7:00 p.m. by Mayor Dees. Commissioners Luther, Collins, Smith, Gorman, and Legge were present.

Others present were Town Manager Roy Taylor, Finance Director David Stafford, Police Chief John Hodges, Fire Chief Chuck Hodges, Public Works Director Bruce McLaurin, Police Captain John Smith, and Town Attorney William R. Davis. Town Clerk Phyllis Register was absent due to an out-of-town commitment.

Rev. Tommy Lewis, Hope Mills Church of God, gave the invocation, and Commissioner Collins led the Pledge of Allegiance.

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

Mayor Dees asked to have an addendum item added to the consent agenda for consideration to purchase a mower.

Commissioner Gorman made a motion to add the item to the consent agenda. Motion seconded by Commissioner Smith, and unanimously carried.

### 2. MAYORAL PROCLAMATIONS:

#### a) Memorial Day - May 29, 2006.

Mayor Dees read the proclamation, and urged all citizens in the Town of Hope Mills and surrounding area to observe this day in honor and memory of the thousands of American men and women who sacrificed their lives in defense of their country.

#### b) Relay For Life - June, 2006.

Mayor Dees read the proclamation, and urged all citizens to participate in efforts to eradicate cancer as a major health problem and recognize, appreciate and support survivors as no one should have to face the cancer journey alone.

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

Mr. Taylor distributed a copy of the certificate of plan approval from the North Carolina Department of Environment and Natural Resources, Land and Water Quality Division, and a copy of the letter of approval with modifications and stated there was a three year period on this permit, but was renewable with no further modifications being done to the plan. Mr. Taylor stated the only modification required for approval was the construction detail for the silt fence that should be revised to indicate a maximum post spacing of six feet with reinforced fabric and eight feet for fabric with wire backing. Mr. Taylor stated this was the first of a series of permits and the next permit would be from Dam Safety on the design of the spillway and followed then by the Corps of Engineers surface water permit.

In response to a question from Mayor Dees, Mr. Taylor stated there were no problems with what was requested by NCDENR. Mayor Dees stated he had a call from a concerned citizen on the lake/dam project who wanted the Board to be aware that the bridge was very dangerous at times and the Town needed to provide a walkway or bike path across the bridge. Mayor Dees stated the Board needed to keep this in the mind. Mr. Taylor said this was a very good idea, and he would like to pull together some plans when the approval comes back and everything was known as to exactly what the Town would be dealing with on the lake bed and bridge and possibly pull together a design committee to look into these issues.

Mayor Dees stated he would like to thank The Friends of Hope Mills Lake, and the membership was continuing to grow. He reported they have had a couple of membership drives and membership was nearly 350 now. Mayor Dees stated he would like to see everyone join, and he encouraged everyone to do so. He also noted there was going to be a general membership meeting on June 15<sup>th</sup> from 7:00 p.m. to 9:00 p.m., at the Hope Mills United Methodist Church on Legion

## **REGULAR MEETING, MONDAY, MAY 15, 2006**

Road, and they would be discussing some things they have going on and he would encourage everyone to attend.

### 4. STATUS REPORT ON RECREATION CENTER.

Mr. Taylor stated the contractor was still working on the roofing system, laying the steel, and if the weather continued to be good, they should start putting the shingles and sheathing up on the new gymnasium and after that the brick work should follow. Mr. Taylor stated once the roof goes up, the inside work should start moving along. Mr. Taylor also stated the monthly construction meeting was scheduled for May 16<sup>th</sup> at 1:30 p.m. in the front conference room.

### 5. PUBLIC COMMENTS.

There were none.

### 6. 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.

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

Commissioner Luther interjected and stated this was the second or third time the Board had to do refunds, and with PWC collecting for the Town it was hard for the Town to keep up with this. Commissioner Luther said she felt having to go back to 2003, that their bookkeeper should have been aware they were paying these bills. She stated the Town needed to come up with some regulations that the Town will only go back a certain length of time, and stated that was going back three years and she would think their bookkeeper would have found that mistake and would not have kept paying a bill they did not owe. Mayor Dees stated in the memo from Mr. Stafford, there was a request for the Town to develop a policy that no refund for services go beyond 90 days when customers uncover their oversights. Commissioner Luther stated the Town needed to take action on that policy and that the Town could not keep going back and paying these refunds. Mayor Dees asked to have this added to the next agenda.

In response to a question from Commissioner Legge, Mr. Taylor stated there was money remaining in this budget year to cover the cost of the lawn mower.

- a) Consideration to approve minutes of the April 19, 2006 Special Meeting (Budget Workshop) and the May 1, 2006 Regular Meeting.

Minutes approved as written.

- b) Consideration to approve contract with North Carolina Department of Cultural Resources, \$14,000.00 historic preservation grant.

Mr. Taylor presented the contract between the NC Department of Cultural Resources along with the detailed scope of work to be accomplished and the budget capital line item. He reported approval of the contract would be the final step to complete in order for the check to be issued to the Town. Mr. Taylor said once the contract was finalized and forwarded to Raleigh, he expected the funds to be delivered to the Town within a couple of weeks.

A copy of the Contract is filed in the Book of Contracts in the Town Clerk's Office.

**Contract with North Carolina Department of Cultural Resources approved.**

## **REGULAR MEETING, MONDAY, MAY 15, 2006**

- c) **Consideration to approve refunds of \$325.00 to Riddle Commercial Property and \$675.00 to Williams and Ferguson LLC, for sanitation fees.**

Mr. Stafford reported Riddle Commercial Property, commercial cart customer, assumed management of the Hope Mills Plaza in April, 2005, and at that time, all six of the office suites that faced McPhail Street were being billed for one roll-out cart at \$12.50 and five additional carts at \$5.00 each, totaling \$37.50 per month. He stated in April, 2005, all but one of the tenants began paying their own utilities, however, Riddle Commercial Property was still paying for all six of the roll-out containers and the Town was now collecting \$12.50 from each of the five businesses that changed. Mr. Stafford stated he had confirmed the overpayment, 13 months, April, 2005-April, 2006 at \$5.00 per each one of the five additional carts, equaling a refund of \$325.00.

Mr. Stafford reported Williams and Ferguson, LLC, doing business as Lakeview Urgent Care, had recently discovered they were paying the Town for three commercial roll-out containers at the same time they were paying Waste Industries for commercial dumpster service. He confirmed the Town checked its records and found the Town was asked by the former business manager to pick up the carts in September, 2003 because they were changing service at which time the Town notified PWC to stop billing effective with the October, 2003 billing, and further the carts were removed. Mr. Stafford said PWC continued to bill their account through March, 2006 billing. Mr. Stafford calculated the overpayment for 30 months, October, 2003-March, 2006, at \$12.50 for the first cart and \$5.00 each for the second and third carts, equaling a refund of \$675.00.

Additionally, Mr. Stafford requested the Town develop a policy that no refund for services go beyond 90 days when customers uncovered their oversights.

**Refund for sanitation fees approved.**

- d) **Consideration to approve purchase of 27 hp Gravely mower for Building and Grounds in the amount of \$6,527.00.**

Mr. Taylor reported one of the lawnmowers used by Buildings & Grounds was in such condition that it did not warrant repair to keep in inventory, and presented a surplus equipment report on the mower which stated the condition of the mower.

Mr. Taylor said staff proposed to trade this mower in for a new Gravely mower (trade-in value at \$1,200) and purchase a new Gravely mower for a total price to the Town after trade-in and discount for \$6,527). Mr. Taylor noted the quoted expenditure was through State contract, and since the expenditure exceeded the \$5,000 threshold the manager was authorized, asked the Board to approve the replacement of this machine.

**Purchase of Gravely mower approved.**

**“END CONSENT AGENDA”**

7. **CONSIDERATION TO ADOPT ORDINANCE AMENDMENT FOR PARKS AND RECREATION - SECTION 62-35 ILLEGAL CONDUCT.**

Commissioner Legge stated it was about time the Town did something about this type of conduct. Commissioner Smith asked if there was a sign up stating this would be illegal conduct. Mrs. Kilgore stated there was not, but it would be now, and before it was just a policy and this ordinance placed in another section what just covered the lake area and this would cover all of the park area the Town owned and this would help the Police Officers to be able to enforce this ordinance.

Mayor Dees asked if the second part of the new reworded ordinance states, “It shall be unlawful for any person to possess, display, and use or consume any alcoholic beverage, or illegal drugs in the park and recreational areas owned and operated by the Town of Hope Mills” was not also true for

## **REGULAR MEETING, MONDAY, MAY 15, 2006**

the entire Town. Mrs. Kilgore stated it should be, and she only added the part that referenced the illegal drugs. Commissioner Collins stated that North Carolina state law governed that same policy. Mayor Dees stated that where the reworded ordinance said in the park and recreation areas, it should read in the "Town of Hope Mills," and just did not want anyone to come up and say anyone we can do it outside the park and not inside the park.

Commissioner Collins stated he would recommend Chief and Captain come up with the state law and write that up and have it posted up in the park.

Mr. Taylor stated that the signs would focus on the North Carolina General Statutes.

Commissioner Legge asked the question about the proposal stated in the Town of Hope Mills, and wanted to know if that pertained to public land or residential land. Mayor Dees said he would think public areas, but he was not sure but he would think that also included private property.

Attorney Davis said that it said in the park and recreational areas. Mayor Dees asked if illegal conduct illegal was not illegal everywhere, and he felt that it should not just say in the park, but maybe it should say illegal conduct will not be tolerated. Attorney Davis stated he did not write the statute or the ordinance and it is very vaguely written, and he questioned if it would even stand up if it went to court. In response to a question from Commissioner Legge, Attorney Davis stated that what was proposed was illegal conduct, and that was very vague it is probably unconstitutionally vague.

Commissioner Luther said she would like to see weapons and firearms included in the ordinance and if it was going to specify the park it should be added.

Mrs. Kilgore stated the ordinance was already in place, but it pertained to the lake and did not pertain to the park. She stated she was just adding illegal drugs which was the only thing that changed. Mrs. Kilgore said they were having trouble at the basketball court and the Parks and Recreation Committee wanted to see an ordinance in place. Mr. Taylor stated it was a lot like the smoking policy which was the Town Hall, so this would include all the recreational lands in town.

Commissioner Legge asked if this matter could be tabled so Mr. Davis could get involved in writing this ordinance so that it would stand up in court.

**Commissioner Legge made a motion to table this matter until the Town Manager, Mrs. Kilgore, and Mr. Davis had time to prepare a written draft to make sure the ordinance did not have any loop holes, and that the Police Chief and Police Captain be involved. Motion seconded by Commissioner Collins and unanimously carried.**

8. CONSIDERATION TO ADOPT 2006 CLEAN WATER BOND RESOLUTION REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY TO ENACT A \$1 BILLION BOND BILL TO FUND CONSTRUCTION AND REPAIR OF URGENTLY NEEDED WATER, SEWER AND STORMWATER FACILITIES.

Commissioner Legge commented any help that the Town could get in that area would be greatly appreciated.

**Commissioner Luther made a motion to adopt the Resolution. Motion seconded by Commissioner Legge, and unanimously carried.**

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

#### **2006 Clean Water Bond Resolution**

## **REGULAR MEETING, MONDAY, MAY 15, 2006**

**WHEREAS**, North Carolina's continued prosperity depends on protecting the state's water resources for current use and future generations, and

**WHEREAS**, North Carolina is expected to grow by 3.5 million people to exceed 12 million by the year 2030, placing pressures on the state's water resources and local water providers, and

**WHEREAS**, North Carolina's businesses, traditional and emerging industries all depend on reliable supplies of clean water, reasonable utility costs and an attractive natural environment, and

**WHEREAS**, the 1998 Clean Water Bonds delivered significant benefits to North Carolina communities and citizens, supporting 1,103 projects in 97 counties, which

- helped create or retain 42,000 jobs
- corrected major regulatory violations in 97 communities
- addressed failing septic systems and contaminated wells in 59 counties
- resulted in 50 communities receiving sewer service for the first time,
- encouraged regional efficiencies, sound planning and conservation practices; and

**WHEREAS**, North Carolina's public water, sewer and stormwater utilities will require investments totaling \$16.63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6.85 billion in investments within the next five years;

**NOW THEREFORE BE IT RESOLVED** that the Hope Mills Board of Commissioners urges the North Carolina General Assembly to enact a \$1 billion bond bill in the 2006 session to fund construction and repair of urgently needed water, sewer and stormwater facilities.

**BE IT FURTHER RESOLVED** that the Hope Mills Board of Commissioners calls upon the Governor and the General Assembly to activate the State Water Infrastructure Commission to address the state's long-term infrastructure needs with a visionary plan for sustained funding of water, sewer and stormwater system improvements.

Adopted this 15<sup>th</sup> day of May, 2006

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EDDIE DEES, MAYOR

ATTEST:

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Phyllis C. Register, MMC, Town Clerk

### **9. OLD BUSINESS:**

There was none.

### **10. STAFF CONCERNS.**

Mr. Taylor said he would not be able to attend the 2030 Growth Vision Plan meeting with Commissioner Luther as he would be in Raleigh. He stated on Thursday he and Commissioner Luther would be attending the Regional Land Use Advisory committee meeting. Mr. Taylor stated that he tried to make contact again at Commissioner Collins request with the Department of Correction Harry Davis, on the clean up of the lake bed area. Mr. Taylor asked if they could reschedule the budget meeting on Thursday to a date next week, he and Mr. Stafford would like to prepare to bring the budget proposal at that time.

Mayor Dees stated he understood Mr. Stafford said if the meeting was held Thursday night, the Board would just get part of the budget proposal, and if the meeting was changed to one day next week, he would have all the budget proposals ready.

**Commissioner Collins made a motion to reschedule the Thursday night budget workshop to Tuesday, May 23<sup>rd</sup> at 7:00 p.m. Motion seconded by Commissioner Legge, and unanimously carried.**

Mr. Taylor stated he had some budget related information and a copy of the

## **REGULAR MEETING, MONDAY, MAY 15, 2006**

summary survey results for pay plan adjustments to pass along to the Board showing what the League of Municipalities survey had produced in towns the size of Hope Mills.

Mayor Dees asked if the Town had some guidelines on the lake bed clean up, and there were people that wanted to volunteer, and he wanted to know if so, what could be cut, what could not be cut, and what could be used machinery wise. Mr. Taylor stated the discussion with the Corps of Engineers and Steve Cook with NCDENR was that they do not have a problem with taking out the foliage, but what they ask is the stumps and other ground retention remain in tact for erosion control, and no machinery was allowed with the exception of hand held machinery such as gas trimmers, chain saws, etc., and no ATV s. Mr. Taylor stated that if it came down to anyone outside of using prisoners or contractors, then the Town would certainly want anybody that wanted to go down to volunteer their time to take that job on was to sign a release for the Towns benefit.

Commissioner Legge asked if the stumps could not be taken out of the lake bed, would that include the trees that would be sticking out of the water. Mr. Taylor stated that they could cut them all flush.

### **11. OFFICIAL CONCERNS.**

Commissioner Collins commented as follows:

1. Stated he hoped all the mothers had a nice Mother's Day.
2. Stated Memorial Day was the 29<sup>th</sup> and was one of the major holidays of the year, and for everyone to be careful on that day.
3. Thanked everyone for coming to the meeting.

Commissioner Luther commented as follows:

1. Stated the paving project had started on the streets in Hope Mills, and she wanted to know what was done about the drainage on Bullard Street. She stated she was probably the only person in Hope Mills that was going to complain because their street was paved, but for two years, she had suggested the Town take care of the drain at Adcock and Bullard Streets before the paving was started. She said it was finished now and the drainage problem was still there. She said the Town had let this happen on Hamilton Street and that cost the Town \$316,00.00. Further, she said the Town has had a drainage problem on Rockfish Road for several years and she felt if the Town did not start doing some planning ahead and taking care of these situations, it was never going to get ahead. Commissioner Luther noted she talked to Mr. Peterson two days before they started on Bullard Street and he assured her that the drainage would be taken care of and two days later the street was half paved. She stated she felt the Town had to do some planning because to her that was just money gone down the drain as it was going to wash out again and water was going to stand there and she felt she had to bring this to the Board.

Mr. Taylor stated the Town was still working with the owners of the corner parcel that used to belong to the Purvis family, and they would not grant the Town a drainage easement, but the Town did secure the encroachment agreement with DOT.

In response to a question from Commissioner Luther, Mr. Taylor stated they would not have to tear up the street except to run some pipe across the street. Commissioner Luther stated she was very disappointed that was not taken care of in advance. Mr. Taylor stated there were a lot of particulars about that property and staff did not know how it was going to develop and also the Town might be able to attach onto whatever development was proposed for the area and have that tie in as a drainage solution and not have it cost the Town anything. Mr. Taylor stated as yet there was dirt there and they were getting ready to improve that property, but the Town would have to

## **REGULAR MEETING, MONDAY, MAY 15, 2006**

approach that when it came time for plan approval of the site, and then staff could work with them on that because the drainage has to come from the opposite of the street. Commissioner Luther stated there would be two places they would have to mess up the street and that was Adcock and Bullard Streets. She stated she wished they would plan those things ahead, and make sure they were taken care of before the Town proceeded with the paving and said she knew the weather had a lot to do with it, and the Town had to pave when it could, but could not let it cost like it did on Hamilton Street. Mr. Taylor said the Town had the will and the way to do it, but just did not have the mechanisms to get from where it needed to get to the state right-of-way to do so. Additionally, he said it had been in their minds to do that, but it just had not worked well for the Town until the property was transferred over and now staff was talking with the new owner.

2. Thanked everyone for coming to the meeting, and said she was glad to see the Boy Scouts and the people from The Friends of the Lake. Stated she wished everyone would get involved in Town because the Board needed citizen suggestions and help.

Commissioner Smith commented as follows:

1. Thanked Rev. Lewis for the invocation.
2. Welcomed and thanked the Boy Scouts for coming to the meeting.
3. Welcomed Natasha on her first night out flying solo.
4. Thanked everybody for coming to the meeting.

Commissioner Gorman commented as follows:

1. Stated he appreciated Natasha being present.
2. Said he appreciated the Boy Scouts attendance and The Friends of the Lake and appreciated everything they were doing to help the Town.
3. Stated he appreciated everyone coming to the meeting and taking the time to see what went on in Town.

Commissioner Legge commented as follows:

1. Thanked everyone for coming to the meeting.
2. Thanked Rev. Lewis, The Friends of the Lake, the Boy Scout Troop, and residents.
3. Stated he was glad to have Nancy McLeary back.
4. Thanked Natasha for attending the meeting.
5. Thanked the Police Department reference an incident in Village Green on Saturday, and reported within minutes they had the two guys behind bars. Stated the Chief and Captain did a great job, and the people in his neighborhood were really pleased to see how quickly the Police Department responded and how quickly the vehicle was towed that was holding a bunch of stolen property, and he would like to say thank you.

Mayor Dees commented as follows:

1. Thanked Natasha for being at the meeting in Mrs. Register's absence.
2. Thanked Mayor Pro-Tem Gorman for filling in for him at the last meeting. Said Mrs. Register assured him everything was in good hands.

## **REGULAR MEETING, MONDAY, MAY 15, 2006**

3. Stated the plans for the 4<sup>th</sup> of July celebration were underway and it was not too early to start working on the floats and getting ideas ready, and he would like to see the Town have the largest parade it ever had.
4. Stated the parade would be at 3:00 p.m., Tuesday the 4<sup>th</sup>, and he hoped to have lots of vendors that afternoon, there would be entertainment, fireworks that night and encouraged everyone to come out.
5. Reminded everyone about Memorial Day, Monday the 29<sup>th</sup> and said there were two special events planned for that day; at 1:30 p.m. a special dedication naming the Lakeview Road Bridge "The Jim McClean Memorial Bridge" was planned and the public was invited; and there would be a Memorial Day ceremony at the Veterans Park on the municipal grounds at 4:00 p.m. and it was open to the public and encouraged everyone to come out.
6. Stated Saturday, May 20<sup>th</sup>, was opening day for the Junior-Senior baseball-softball program at 9:00 a.m. on Field No. 2, and everyone was invited to come out.
7. Stated the Swamp Dogs called and asked him to announce they would be back in town starting in a couple of weeks, open day was Wednesday, May 31<sup>st</sup>, at J. P. Riddle Stadium on Legion Road.
8. Thanked everyone for their participation on the National Day of Prayer, and said it was very successful and there was a large turn out with a lot of churches represented.
9. Thanked the VFW and the local American Legion Post for the Vietnam Veterans Day, May 6<sup>th</sup> which was also very successful. Said it was very inspiring to hear the priest from Good Shepherd Catholic Church, Vietnamese from South Vietnam, who thanked all the veterans and Americans for the sacrifices they made and he talked about how he was in school at the time and how the teachers would let them look out the window when there was fighting going on nearby, because they said that was more history than they could learn in a book and he always wondered about the Americans and what they were doing over there fighting for them, and it put a whole different perspective on it for him.
10. Reminded everyone May 15<sup>th</sup> was Police Officers Memorial Day and this was Police Officers week. He said everyone needed to remember to say thanks to our Police Officers and remember those who made the ultimate sacrifice for us. Stated there were a few names that had not been added to the memorial and plans were needed to do so.
11. Stated May is Older Americans month, and reported he attended an older citizens function at the high school recently and everyone seemed to have had a good time. He would like to say thanks again to our older citizens for their lessons of courage and sacrifice and they are an inspiration to us.
12. Mayor Dees stated he had a call from a resident on Russell Street about the speed bumps and the one-way street who said it was her understanding these would be removed when Lakeview Road bridge was reopened, and the speed bumps and the one-way signs would go away because these were temporary and that had not happened. She also wanted to know what if anything the residents in that area could do about it.

Mr. Taylor said he would look into that and if that was what the minutes reflected, they would be taken down. Mayor Dees stated he did not know if that was what they were told or not, and he was just saying there was a big deal made out the fact they were temporary and the speed bumps could be put down and removed, and that the bridge had been opened a long time and nobody has made an effort to have them removed. Mr. Taylor said he would look into the one-way as these were two separate actions and he would look into each one of them, and if the speed bumps were

**REGULAR MEETING, MONDAY, MAY 15, 2006**

temporary and the minutes reflected that, he would not bring it back to the Board staff would just take them up as temporary was temporary. Mr. Taylor said the one-way street may be another matter and he would apprise the Board of that when he found out. Mayor Dees stated if he confirmed there was some action the Board needed to take, there were only seven or eight residents on that street and they were the only ones getting their cars torn up and no one else traveled the road anymore.

13. Mayor Dees stated the owner of the wrecker service called to thank the Town for changing its fee schedule for towing and said it was much appreciated.
  14. Thanked everyone for coming to the meeting.
  15. Thanked the Boy Scouts Troop 40 and said they were working on their merit badges.
  16. Reminded everyone of the next regular scheduled meeting Monday, June 5<sup>th</sup>.
12. ADJOURNMENT.

At 8:10 p.m., upon a motion by Commissioner Collins, seconded by Commissioner Gorman and unanimously carried, the meeting was adjourned.

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EDDIE DEES, MAYOR

ATTEST:

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Natashia F. McCants, Deputy Town Clerk