

**TOWN OF HOPE MILLS  
CLOSED SESSION MINUTES  
MONDAY, JUNE 1, 2015**

Mayor Warner called the Closed Session to order at 9:18 p.m.

Mayor Jackie Warner, Mayor Pro Tem Bob Gorman, Commissioners Pat Edwards, Bryan Marley, Edwin Deaver and Jerry Legge were present.

Others present were Town Manager John W. Ellis, III, Town Clerk Melissa Adams and Town Attorney T.C. Morphis.

**PURPOSE:** Closed Session was called pursuant to NCGS 143-318.11 (a) (3) to consult with the attorney and maintain the attorney-client privilege and NCGS 143-318.11 (a) (6) to discuss personnel Matters.

Item 1.

Commissioner Marley addressed the Board concerning the comments made by Mayor Pro Tem Gorman in the open session regarding Commissioner Marley's vote at a previous meeting and his comment about why he had voted the way he did.

Item 2.

Town Manager Ellis commented that it is really important to keep discussions in closed session confidential especially if it is to do with personnel. Town Manager Ellis remarked that from now on when he receives information, unless there is something the attorney thinks is not appropriate to send, he will send by email to all immediately and hope the confidentiality is maintained by all. Mr. Ellis remarked that Mayor Warner is the Chief of the Board and goes to her first with anything and if she is not available he goes to Mayor Pro Tem Gorman as he has done in the past and that is the protocol for the chain of command.

Commissioner Edwards inquired to Town Manager Ellis why did personnel issues come to the Board, outside of him or Mr. Morphis. Mr. Ellis responded that some matters are not within his scope of authority, such as a request to change someone's pay grade that he had brought to them earlier in the year. Mr. Ellis commented that if it is important enough for him to bring to closed session, then it is important enough to keep confidential.

Mayor Warner commented in regards to the email letter that was addressed to her; it was sent to Mr. Ellis' email. Mayor Warner remarked they were not trying to hold anything but they were trying to interpret what the letter meant and respond accordingly.

Item 3.

Town Attorney Morphis commented on the US Army Corps of Engineers. Mr. Morphis remarked they will have representatives from ASI/Schnabel in a few moments in to talk with them, concerning the permitting process. Attorney Morphis stressed the importance of confidentiality on this matter as there has been a small hiccup concerning the permitting process.

Mark Landis from Schnabel, John Bowen from ASI and Kevin Lugo from MBP joined the Board meeting to discuss the permitting process. Mr. Morphis commented about the NWP3 (Nation Wide Permit 3) which is normally for maintenance and repairs with the condition that repairs are done within 2 years. Town Manager Ellis commented they would need to get an environmental lawyer to assist.

Discussion pursued with the representatives, Town Attorney Morphis and Town Manager Ellis in reference to the permit strategy and the expectations of the outcome. The group reviewed the present situation for permits and gave their opinions on the possible issues that will be confronted. One of the issues is the lake level listed on the prior permit is for 104 feet lake level. The second issue is Ms. Greer, representative from US Army Corps of Engineers, had commented to them that the Individual Permit would involve full wetlands mitigation which would be several million dollars in cost to restore to the 2003 lake level.

Town Manager Ellis commented the easement agreement with Neal Smith was for 104 feet. If we choose to pursue the 105 level we will have to renegotiate with him.

Mayor Warner commented that maybe we should call on our representatives now rather than later to help once we have all the evidence together.

Discussion pursued among the attendees in reference to the lake level. Mayor Warner commented that if the additional cost of being raised to the 105 level is benefitting the twenty or so people who own the docks and piers, could we do an assessment to them to help absorb some of this. Discussion pursued among the group.

Town Attorney Morphis spoke in regards to hiring an environmental attorney at an unspecified cost. Mayor Warner requested Attorney Morphis to get a cost first and they could decide if they could afford to hire. Mr. Morphis commented he could bring an estimate at the next meeting of June 8, 2015. The preliminary wetlands assessment would cost approximately \$15,000.00 per the Schnabel/ASI representatives.

Commissioner Marley inquired if they dropped the 105 feet level, would that make this an easier process. Schnabel/ASI representatives responded that we still will have the permitting time period to deal with.

Mr. Lugo commented the difference in the cost of the 5<sup>th</sup> finger in the labyrinth may not put them over the \$8 million mark, but would increase the overall price of the dam. The labyrinth style is the choice for the design since it has less risk.

Mayor Warner inquired if the team can start in anticipation of the permitting process and the consensus of the Board is to proceed. Mr. Morphis remarked they would need to make a motion in open session to go with labyrinth design and not say how many fingers it will be.

Item 4.

Attorney Morphis commented he did not wish to disagree with Al Ferri in public, but the lake level was not guaranteed in the contract and it was GMP, not guaranteed \$8 million.

Item 5.

Mr. Morphis remarked he had a brief conversation with Ms. Mann about a submission to the Town in reference to inheriting the graveyard.

Item 6.

Town Manager Ellis commented he received an email from Jay Schneider and they want to give the gravesite area to the Town. The consensus of the Board there was no benefit to the town to take possession of the area. Commissioner Marley inquired if the Town can be forced to take the graveyard. Mayor Warner commented the family has a deed to the graveyard and they have an agreement with Sons of Confederacy to maintain the graves. Commissioner Marley inquired what would happen if years from now the graves are not being maintained. Mayor Warner responded the family has that agreement with Sons of Confederacy and they have already included this grave on their listing of soldier's grave sites, so this is now permanently on their list of graves to maintain.

Item 7.

Town Manager Ellis remarked DOT Engineer Greg Burns requested a meeting with him, Mayor Warner and a couple of the Commissioners to see the draft road plan for the Walmart intersection. This would not be a final draft of the plan but would be an opportunity to discuss their desires for the plan. Commissioner Legge, Mayor Warner and Commissioner Marley would attend along with Town Manager Ellis. The tentative date for a meeting was the morning of June 10, 2015.

Mayor Warner closed the session at 10:45 p.m.

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**JACKIE WARNER, MAYOR**

**ATTEST:**

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**Melissa P. Adams, MMC Town Clerk**