

MINUTES OF THE HOPE MILLS BOARD OF COMMISSIONERS
Monday, July 21, 2014
Regular Meeting

Mayor Jackie Warner called the regular meeting of the Hope Mills Board of Commissioners to order on Monday July 21 , 2014 at 7:00 p.m.

GOVERNING BOARD MEMBERS PRESENT

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

GOVERNING BOARD MEMBERS ABSENT

None.

STAFF PRESENT

Town Manager John W. Ellis, III, Town Clerk Melissa P. Adams, Stormwater Administrator Beth Brown, Inspections Director Mike Bailey, Parks & Recreation Director Kenny Bullock, , Police Chief Joel Acciardo, Interim Finance Director Ricky Ramey, and Town Attorney T. C. Morphis.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was rendered by Town Manager John W. Ellis, III, followed by the Pledge of Allegiance led by Mayor Jackie Warner.

1. APPROVAL OF AGENDA – ADDITIONS OR DELETIONS.

Motion made by Mayor Pro Tem Gorman, seconded by Commissioner Legge and carried unanimously, to approve addendum to Presentations item b. Lindsey Anderson of the Cape Fear Blood Drive to make a presentation to the Hope Mills Police Department and to move the website presentation to item c.

Motion made by Commissioner Legge, seconded by Commissioner Deaver and carried unanimously, to approve the agenda with the changes afore mentioned.

2. PRESENTATIONS:

- a. Mayor Warner will recognize the Hope Mills Dixie Softball – Angels.

Mayor Warner presented the ball players and coaches with certificates of recognition and appreciation. Two of the ball players read a statement from the ball team.

Commissioner Legge congratulated the team and wished them success in their upcoming play offs.

- b. Lindsey Anderson of the Cape Fear Blood Drive, presentation to the Hope Mills Police Department

Ms. Lindsey Anderson of the Cape Fear Blood Drive, presented Chief Acciaro of the Hope Mills Police Department for the Police team as winners of the “Boots v. Badges” Blood Drive.

- c. Presentation of new Website to the Board of Commissioners.

Town Manager Ellis reported the committee had worked on the website and they wish to present the website to the Board. The hope is to have the website go live by the next meeting but there are still some areas that are being worked on such as the pictures and some administrative functions.

Melissa Adams and Kelli Wall presented the website giving a brief summary of highlighted areas of the website that are new. Ms. Adams gave an oral presentation while Ms. Wall operated the visual equipment showing the different features of the new website.

Mayor Pro Tem Gorman commented that he felt the picture of the lake was more appropriate for the home page rather than the zip line picture. Town Manager Ellis responded the pictures are one of the things that will be changed prior to having the website go live. Mayor Pro Tem Gorman inquired if there will be persons assigned to the Request Tracker to follow up with the requests submitted. Town Manager Ellis commented that is one of the administrative things that are being worked out, to assign to the various personnel and also assign backups to those persons in case the first person is not available.

Mayor Warner inquired if there was a date set to go live with the website and Ms. Adams responded they were hoping to go live within the next two weeks. Mayor Warner thanked everyone for their contributions.

3. PUBLIC HEARINGS:

- a. **P14-28. REZONING OF .73+/- ACRE FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2623 HOPE MILLS ROAD, SUBMITTED BY LARRY DWAYNE SAULS (OWNER). (HOPE MILLS)**

Mr. Ed Byrne, Cumberland County Planning, presented the case using aerial maps and photos. Mr. Byrne commented this property is consistent with the 2030 Growth Vision Plan as well as meeting the location criteria for “heavy commercial” development as listed in the Land Use Policies Plan. The request is also consistent with the Southwest Cumberland Land Use Plan map which calls for “heavy commercial” at this location. The Planning and Inspections Staff recommends approval of the C(P) Planned Commercial district because of the foregoing and also based on the following:

1. Public utilities are available to the subject property; and
2. The request is a logical extension of the C3 and C(P) Planned Commercial districts.

The C1(P) and C2(P) Commercial districts could also be considered suitable for the request.

Mr. Byrne commented the case went before the Zoning Board on June 23, 2014 and was recommended by them for approval.

Mayor Warner called the public hearing open at 7:33 p.m. and asked for anyone interested in speaking in favor of the rezoning. There were none.

Mayor Warner asked if there were any speakers in opposition. There were none.

At 7:34 p.m. a motion was made by Commissioner Deaver, seconded by Commissioner Edwards and carried unanimously, to close the public hearing.

Mayor Warner closed the Public Hearing at 7:34 p.m.

Motion made by Commissioner Edwards, seconded by Commissioner Legge and carried unanimously, to approve the rezoning of Case P14-28 Rezoning of .73+/- Acres from R6A residential to C(P) Planned Commercial and is it consistent with the 2030 Growth Vision Plan and the Southwest Cumberland Land Use Plan.

- b. **P14-29. INITIAL ZONING OF 1.00+/- ACRE TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3508 LEGION ROAD, OWNED BY LEGION PETROMART, LLC. (HOPE MILLS)**

Mr. Ed Byrne, Cumberland County Planning, presented the case using aerial maps and photos. This property was recently annexed into the town on June 23, 2014 and this hearing is for the initial zoning. This property is consistent with the 2030 Growth Vision Plan which calls for “urban” at this location as well as meeting the location criteria for “heavy commercial” development in the Land Use Policies Plan. Although the request is not consistent with Southwest Cumberland Land Use Plan map, which calls for “medium density residential” at this location, the property was zoned C(P) Planned Commercial within the County’s jurisdiction effective June 24, 1997.

The Planning and Inspections Staff recommends approval of the C(P) Planned Commercial district because of the foregoing and also based on the following:

1. Public utilities are available to the subject property;
2. SR 1132 (Legion Road) is a minor arterial with adequate right-of-way; and
3. The request was submitted by the Town of Hope Mills.

At 7:40 p.m. Mayor Warner called the public hearing open and asked for any speakers in favor. There were none.

Mayor Warner asked for any speakers in opposition. There were none.

At 7:41 p.m. a motion was made by Commissioner Edwards, seconded by Commissioner Deaver and carried unanimously, to close the public hearing for case P14-29 initial zoning.

Commissioner Legge inquired about the property's new construction and if there were any complications due to this. Mr. Byrne commented the property was already under construction when it was annexed into the city and the owners had vested rights to the construction. Commissioner Legge remarked he was concerned about approving this when it was already started and how that will affect future cases. Mr. Byrne responded the town always has the option to not annex a property in.

Mayor Pro Tem Gorman inquired about the Zoning Board's recommendation and Mr. Byrne referred back to the packet information that contained the recommendation.

Motion made by Commissioner Legge, seconded by Commissioner Edwards and carried unanimously, to approve the initial zoning of Case P14-29 1.00+/- acres to C(P) Planned Commercial and that it is consistent with the 2030 Growth Vision Plan and the Land Use Policies Plan.

- c. Annexation No. 2014-02 - Annexation Petition Received Under G.S. 160A-58.1 – Tammy & Timothy Playforth, Sheila Hanrick, Randy Ray & Pamela Ray / Bohler Engineering.

Town Manager Ellis reported the town received a request for voluntary annexation and ownership of the property has been verified by Town Clerk Melissa Adams to be Timothy and Tammy Playforth, Randy and Pamela Ray and Sheila Hanrick. The Board adopted Resolution No. 2014-30 at the June 23, 2014 regular meeting fixing the Public Hearing date for July 21, 2014.

At 7:48 p.m. Mayor Warner called the Public Hearing open and asked for any speakers in favor of the annexation.

Amanda Mann, Attorney for Wal-Mart, spoke on the proposed project for Wal-Mart that would be on this property. Ms. Mann described the proposed building with highlights on the uses of the building, grocery store with a pharmacy and fueling station out front. This will not be a Super Center and will be significantly smaller and in line with what you would expect from a grocery store. Ms. Mann commented on the number of jobs that will be brought to the area.

Chris Capillini, Bohler Engineering for Frontier Development, commented on the project and used aerial maps and photos to illustrate the area the project will be located. Mr. Capillini pointed to areas on the maps describing the functions that will be performed at the different locations for the betterment of the community such as traffic lights and water line replacement. Mr. Capillini remarked on the increase to jobs for the area.

Chuck Maxwell, Grant Murray Real Estate, spoke in favor of the annexation request. Mr. Maxwell commented it follows the Southwest Cumberland Land Use Plan recommendation on page 172 of commercial development in heavy traffic intersections and this intersection is definitely heavy traffic. Mr. Maxwell remarked the zoning would help the tax revenue for the town, increase local jobs, help with a much needed traffic light for South View School, allow for

less traffic on Main Street and will give the area residents a more convenient location to shop and even to buy gasoline.

Roger Bedsole, 4176 Legion Road, spoke about the history of the property and surrounding areas. Mr. Bedsole remarked on the changes that have been made to the area over the years. Mr. Bedsole commented he feels the property is best suited for the proposed zoning.

Sheila Playforth Hanrick, Legion Road, spoke of the danger to the residents that live at the intersection due to the heavy traffic and is in favor of the zoning of commercial and the annexation.

Pamela Ray, 4266 Legion Road, spoke in favor of the annexation and commercial zoning of the property. Ms. Ray commented on her family history linked to the property.

Tim Playforth, 4210 Legion Road, spoke of the noise level and danger presented by traffic and that it caused him to want to move from area and in favor of annexation and commercial zoning for the property.

Mike Mitchell, 5411 Thompson Circle, spoke about the benefits to the town of annexation and commercial zoning of the property.

Randy Newcomer, serves on the Cumberland County Work Force Development Board and spoke in favor of the commercial zoning and annexation for the future growth of the town.

David Coffman, 4677 Legion Road, spoke in favor of the commercial zoning and the annexation. Mr. Coffman commented on the noise nuisance from the busy road.

Johnny Wilson, Director of Fayetteville Urban Ministry, commented that Wal-Mart has been a huge contributor in the services area for Hope Mills.

Mayor Warner asked if there were any comments in opposition. Mayor Warner remarked she was going to turn the meeting over to Mayor Pro Tem Gorman and go to the stand as a citizen and resident of Legion Road to speak.

Jackie Warner, 4333 Legion Road, spoke about some of the history of Elk Road and Legion Road and she is not in favor of the annexation and commercial zoning.

Terry Smith, former Commissioner, spoke in opposition of the commercial zoning and annexation. Mr. Smith commented he felt the criminal element will be attracted to the new development and felt the traffic count will be greatly increased. Mr. Smith remarked to the Board that their responsibility to the citizens of Hope Mills is to clean up the messes, not to increase messes for the citizens.

Debbie Jones, Fox Meadow Subdivision, spoke in opposition of the commercial zoning and bringing a large business to the area.

Rod MacLean, 5435 Fountain Road, spoke in opposition of the commercial zoning. Mr. MacLean questioned the “Commercial” on the signs prior to the actual zoning of the property.

Megan Larson, Marantha Drive, spoke in opposition to the commercial zoning for the area. Ms. Larson commented that she hoped this will not become a hangout for the children.

Tina Odom, spoke neither for nor against the zoning but read from the minutes of an older meeting from when she had requested a rezoning of a property to O&I and gave an overview of the comments made. Ms. Odom remarked she felt the Board should be consistent in their votes.

Mayor Warner requested the audience stand if you are in favor but will not gain monetary value of commercial zoning for this property.

Mayor Warner requested the audience stand if you are in opposition of commercial zoning for this property.

At 9:05 p.m. a motion was made by Mayor Pro Tem Gorman, seconded by Commissioner Deaver and carried unanimously, to close the Public Hearing.

Commissioner Marley commented on the contracting out of emergency services as the town is growing and the town gets credit for that for insurance rating purposes.

Town Manager Ellis commented directly to the Board that this is sort of an unusual situation but staff had put in the packet that you would not take action tonight because there was discussion of what type zoning should be recommended for this property. If you will recall, there was a lot of discussion about this property when you adopted the Southwest Cumberland Land Use Plan. However, if you will also recall, when you adopted that plan, you made many comments that you would deal with this issue when zoning cases came to you. That was very clear so that is the reason that I have not made a recommendation. I feel like it is my responsibility to represent you as fairly as I can. Your vote was to leave it low density, but your comments were that you would deal with it at the appropriate time, so that is why staff has not made a recommendation. The area in the 2030 Growth Vision Plan calls for urban, the Land Use Policies Plan calls for light commercial but it is true the Southwest Cumberland Land Use Plan you adopted several months ago shows all of this property as low residential, both the property that is being requested to be annexed and plus the property that is already in the city limits. My comments to you at that time were, that it is my opinion when you approve plans that you don't just turn around and immediately change them unless conditions have changed. That's why it was important in my opinion that whatever you decided was meant to be an actual standing decision. However, if I recall correctly, there was concern about getting the plan adopted, so that was the reason we went ahead and that you then agreed to come back. Plans can be changed so you have that option. Town Manager Ellis remarked the Board is not bound to their decision for the recommended initial zoning and that they could make one recommendation now and change that recommendation later when the case comes from the Zoning Board. The Board could also choose to not annex the property into the town.

Town Manager Ellis commented he did wish to caution the Board that when you get into the rezoning that just because someone says they are going to put something on a piece of property does not commit them to do that. What goes on the property is anything within the zoning district. This is not a conditional zoning. Town Manager Ellis remarked he is not trying to say that the applicants will not do what they said, he is just cautioning the Board that once you zone something, any of those uses can go on it.

Mayor Warner requested clarification from Town Manager Ellis as to the recommendation that the Board needs to make this evening. Town Manager Ellis responded that staff recommends the Board give them an initial zoning recommendation. Staff will then send that recommendation to the Zoning Board and when that comes back to the Board with a recommendation for zoning the Board can at that time adopt the annexation and the zoning. If for some reason the zoning does not match up with what everybody wants, and you annex it, the only way to de-annex it is through the General Assembly. Town Manager Ellis commented that he is assuming, and he may be wrong, that the people who own the property will not want to be annexed if they can not do with the property as they had planned.

Motion made by Commissioner Edwards, seconded by Commissioner Deaver, to table this until the next meeting on August 4, 2014.

Commissioner Marley commented that he has mixed emotions about tabling this. Commissioner Marley remarked he did not want to see this tabled the way the Southwest Cumberland Land Use Plan was tabled over and over and he feels we need to approve this so Walmart does not take their plans to other areas that are not ours. Commissioner Marley commented he felt the additional revenue raised from the commercial taxes would be worth it and also if we can get an increase to our sales tax it would be even more revenue with the additional services of gas pumps. Commissioner Marley remarked we just raised taxes by 4 cent to our citizens.

The motion failed with a vote of two ayes and three noes by Commissioner Legge, Commissioner Marley and Commissioner Deaver.

Motion made by Commissioner Marley, seconded by Commissioner Legge to recommend an initial zoning of C2P Planned Commercial for the property being considered for annexation, and carried with a majority vote with Mayor Pro Tem Gorman not voting counted as an aye.

Mayor Pro Tem Gorman commented that he would like to have it recorded that he would like for his vote to reflect an aye vote and he is in agreement with the rest of the Board.

Mayor Warner called a recess at 9:22 p.m.

Mayor Warner reconvened the meeting at 9:48 p.m

4. PUBLIC COMMENTS:

There were no public comments.

5. CONSENT AGENDA:

- a. Consideration to approve the Minutes of the June 19, 2014 Special Meeting.
- b. Consideration to approve the Minutes of the June 23, 2014 Regular Meeting.
- c. Consideration to approve the Minutes of the June 25, 2014 Recessed Meeting.
- d. Consideration to approve the Minutes of the June 30, 2014 Special Meeting.
- e. Resolution No. 2014-32 – Resolution Declaring the Intention of the Town of Hope Mills to Close a Portion of Spreading Branch Road and Batesburg Drive.
- f. Consideration of Resolution No. 2014-33 Directing the Clerk to Investigate an Annexation Petition Received Under G.S. 160A-58.1 – Bill Clark Homes of Fayetteville.
- g. Consideration of the Police Department to Purchase Bullet Resistant Vests and Firearms in the amount of \$13,895.00.
- h. Consideration of North Carolina Interlocal Risk Management Agency Grant and Budget Amendment in the amount of \$1,750.00 for the purchase of Bullet Resistant Vests.

Motion made by Commissioner Deaver, seconded by Commissioner Legge and carried unanimously, to approve the consent agenda as presented.

6. OLD BUSINESS: None.

7. NEW BUSINESS:

a. Case No. 14-070 – Consideration of the C3 Site Plan & Zero Lot Line Subdivision Review.

Mr. Ed Byrne, Cumberland County Planning, presented the case using aerial photos and maps. The developer is requesting approval of a motor vehicle repair and body work business and a two lot zero lot line subdivision review.

Motion made by Commissioner Deaver, seconded by Commissioner Edwards and carried unanimously, to approve Case No. 14-070 consideration of the C3 site plan & zero lot line.

- b. Presentation from Don Sisko, Assistant Public Works Director on Sanitation Route Change.

Don Sisko, Deputy Public Works Director, reported on the changes in the routes for the sanitation trucks to allow for growth in the service area. The route changes will allow for a more efficient management of the trips to the landfill while still accommodating growth of the town.

- c. Manager’s Report on RFQ for the Hope Mills Lake Dam Repair and Discussion of Next Steps.

Town Manager Ellis reviewed the steps that need to be taken in order to start the project of repairing the dam. Town Manager Ellis reviewed with the Board the handout given to them at the meeting and explained the request for Budget Amendment CP#53-1 and Resolution No. 2014-34. Town Manager Ellis remarked on the Design-Build Method and the benefits to the town to use this method for the dam project.

Attorney Jim Schenck of Connor, Gwyn, Schenck, PLLC, reviewed the engagement letter for legal services presented and talked about the Design-Build Method details for the Board. Attorney Schenck opined this method would be the best fit for this project.

Motion made by Mayor Pro Tem Gorman, seconded by Commissioner Legge and carried unanimously, to approve the engagement letter with Connor, Gwyn, Schenck, PLLC for legal services in connection with the restoration of the Hope Mills Dam.

Motion made by Mayor Pro Tem Gorman, seconded by Commissioner Deaver and carried unanimously, to approve Capital Project Ordinance Amendment, Fiscal Year 2014-2015, CP#53-1.

Town of Hope Mills, North Carolina
Capital Project Ordinance Amendment
Fiscal Year 2014-2015
CP#53-1

BE IT ORDAINED by the Board of Commissioners of the Town of Hope Mills, North Carolina, that the following amendment be made to the capital project ordinance for the fiscal year ending June 30, 2015:

Section 1. To amend the Project Ordinance, the appropriations are to be changed as follows:

<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
Legal and Administration	_____	30,000.00
	\$ _____	\$30,000.00

This will result in a net increase of \$30,000 in the appropriations of the Project Ordinance. To provide the additional revenue for the above, the following revenues will be increased.

<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
Settlement Proceeds-Mosher Engineering	_____	30,000.00
	\$ _____	\$30,000.00

Section 2. Copies of this project amendment shall be furnished to the Clerk to the Board of Commissioners, and to the Budget Officer and the Finance Officer for their direction.

Adopted the 21st day of July 2014.

Jackie Warner, Mayor

ATTEST:

Melissa P. Adams, MMC, Town Clerk

Motion made by Commissioner Edwards, seconded by Commissioner Legge and carried unanimously, to adopt Resolution No. 2014-34 to establish criteria justifying the use of design-build project delivery to restore the Hope Mills Lake Dam.

**A RESOLUTION TO ESTABLISH THE CRITERIA JUSTIFYING THE USE OF
DESIGN-BUILD PROJECT DELIVERY TO RESTORE
THE HOPE MILLS LAKE DAM
RESOLUTION NO. 2014-34**

WHEREAS, the Hope Mills Lake dam (i.e. Hope Mills Dam #1) failed on or around June 16-17, 2010; and

WHEREAS, the members of the Hope Mills Board of Commissioners have pledged to rebuild the dam and restore the Hope Mills Lake; and

WHEREAS, on July 14, 2014 the Town of Hope Mills Board of Commissioners approved mediated settlement agreements with the construction company and engineering firms that were involved in the construction of the dam. Said settlement agreements were in resolution of *Town of Hope Mills v. Crowder Construction, et. al*, Cumberland County 12 CVS 9002; and

WHEREAS, on July 14, 2014 the Town of Hope Mills Board of Commissioners also resolved and instructed the Town Manager to commence work to repair the dam; and

WHEREAS, the Town of Hope Mills Board of Commissioners believes that the repair and restoration of the dam meets criteria which indicate that the design-build method of project delivery is appropriate for the repair project;

NOW, THEREFORE, BE IT RESOLVED THE BOARD OF COMMISSIONERS OF THE TOWN OF HOPE MILLS, NORTH CAROLINA, DOES RESOLVE:

Section 1. The Town Manager is instructed and authorized to proceed with procurement of engineering and construction services to repair the dam and restore the lake utilizing the design-build method of project delivery for the reasons set forth in the attached written summary of the criteria used for determining the circumstances under which the design-build method is appropriate for the repair of the dam.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 21st day of July, 2014.

Dated: _____

Jackie Warner, Mayor

Attest:

Melissa P. Adams, Town Clerk

Town of Hope Mills
July 21, 2014

**CRITERIA USED FOR DETERMINING THE CIRCUMSTANCES UNDER
WHICH THE DESIGN-BUILD METHOD IS APPROPRIATE
FOR THE REPAIR OF THE HOPE MILLS DAM #1**

Pursuant to N.C.G.S. §143-128.1A., a governmental entity shall establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project. For the reasons stated below, the design-build method is appropriate for the repair of the Hope Mills Dam #1.

(1) The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.

Although the Town has Restoration Drawings and Specifications for repair of the Dam that were prepared by the original engineers, that are over 90% complete, and that have been reviewed and approved by NCDENR, the approval by NCDENR has expired. Also, there were conflicting opinions during the litigation over the Dam about the advisability of the repair plan. Furthermore, consultants for the Town have serious concerns about site access, work in a developed commercial area of town, diversion of the stream that feeds the lake, and other constructability challenges. Finally, the Town has a limited budget for the repairs, and cannot verify that the current repair plans can be implemented within budget. For these reasons, the Town does not believe that the project requirements are adequately defined to utilize conventional design-bid-build. The general requirements are sufficient, however, to adequately define the project requirements for a design-builder. The Town has also engaged experienced

consultants in project management, construction law and engineering to assist with the preparation of the requests for qualifications statements and information defining the needs of the project.

(2) The time constraints for the delivery of the project.

The Town has been waiting to begin work on this dam since it failed in June 2010. Although the ruined dam is stable, it is not ideal to have the ruin in the middle of the Town where it could be a safety hazard, and the dam is deteriorating. The Town has a limited budget, and fears inflation in construction costs. For these reasons the prospect of an accelerated schedule utilizing design-build is attractive.

(3) The ability to ensure that a quality project can be delivered.

The Hope Mills Dam is regulated and subject to review and approval by NCDENR. The problems with the dam that require repair have been studied exhaustively by five of the most highly regarded engineers of dams in the United States, as a result of their service as expert witnesses in the litigation between the Town and the contractors and engineers who originally constructed the Dam. For purposes of a design-build project, the Town anticipates that it will retain a qualified owner's representative to assist with contract administration, oversight and general quality assurance.

(4) The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.

As a result of the failure of the Dam, the Town has engaged experienced construction management and construction law firms to assist with the project. The construction managers have personnel with engineering backgrounds and experience with heavy civil construction. For purposes of a design-build project, the Town anticipates that it will retain a qualified owner's representative to assist with contract administration, oversight and general quality assurance.

(5) A good-faith effort to comply with G.S. § 143-128.2 and G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under § 143-128.1A(c).

The requests for proposals issued by the Town will require statements of good-faith efforts to recruit and utilize small business entities for the project, and require equal opportunity compliance.

(6) The criteria utilized by the governmental entity, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the delivery methods identified in subdivisions (1), (2), and (4) of G.S. § 143-128(a1).

To summarize, the project is well defined but includes qualitative and quantitative characteristics, particularly site access, traffic conflicts and constructability concerns, which make a design-build contract more appropriate than other methods of delivery. Adjacent structures, including a vehicular traffic bridge and a sewer main, must be kept in service during construction.

There is urgent need to have the facility complete and operational within a short timeframe, because of cost considerations, safety considerations and concerns about deterioration of the dam.

There is a maximum budget that must be adhered to whenever there are negotiations and decisions on scope as the project progresses.

The project will not involve a large number of subcontractors, so the need for construction project management does not justify a large construction management staff or fee.

The design-build delivery method meets the goals established for the repair of the dam because it is a more fluid and flexible delivery method that should result in earlier completion and better coordination between design and construction early in the design process when constructability issues can be addressed more effectively.

Motion made by Mayor Pro Tem Gorman, seconded by Commissioner Deaver and carried unanimously, to instruct Town Manager Ellis or Attorney Jim Schenck to contact Kevin Lugo and offer to contract his services as Owner's Representative for the Hope Mills Dam Restoration project.

Discussion pursued among the Board with Town Manager Ellis and Attorney Schenck in reference to the RFQ and the particulars covered by the RFQ. The consensus of the Board is to direct Town Manager Ellis to proceed with the RFQ process and to report back to the Board with updates as they arrive.

d. Discussion of Curfew Ordinance.

Chief Acciaro reported that Hope Mills has had a curfew ordinance in place for almost 20 years. Chief Acciaro commented that the police department has had to use the ordinance over the years 39 times and has been very effective.

Mayor Warner requested Chief Acciaro to share this ordinance with the city of Fayetteville.

Town Manager Ellis commented that staff can prepare a letter to the Mayor of Fayetteville from Mayor Warner if she wishes. Mayor Warner agreed that she would like to have a letter prepared for her.

8. REPORTS AND INFORMATION ITEMS:

a. Update report on the Hope Mills Lake/Dam project.

Attorney Schenck reported they are still going through the paperwork of the settlement and all is going well and once completed will have checks in the mail.

b. Manager's update.

Town Manager Ellis reported he hoped to have an update on the Episcopal Church property and the sidewalks grant at the second meeting in August.

Mayor Warner commented on the next agenda she would like to have a discussion on the Land Design Plan for Heritage Park and if we do take on the Episcopal Church.

c. Department Monthly Reports.

- Fire Department, June, 2014
- Police Department, June, 2014
- Inspections Department, June, 2014
- Parks & Recreation, June, 2014
- Stormwater Department, June, 2014
 - Town Hall Drainage Improvements
 - Archer Road Phase II Stormwater Improvements – Project Status Report
- Public Works, June, 2014
 - Sanitation
 - Service Garage
 - Buildings & Grounds
 - Streets

9. STAFF COMMENTS.

10. OFFICIAL COMMENTS.

Commissioner Legge congratulated Pat Hall on her appointment of Chairperson of the Cumberland County Joint Planning Board and to Captain Phelps on his recent promotion .

Mayor Pro Tem Gorman asked that everyone keep the family of Greg Rouleau who passed away recently in your prayers. The services are on Wednesday at 6:00 p.m. at Pinecrest.

11. ADJOURNMENT.

Motion made by Commissioner Legge, seconded by Commissioner Deaver and carried unanimously, to adjourn the meeting.

At 10:55 p.m. Mayor Warner called the meeting adjourned.

JACKIE WARNER, MAYOR

ATTEST:

Melissa P. Adams, MMC Town Clerk