

**TOWN OF HOPE MILLS
BOARD OF COMMISSIONERS REGULAR MEETING
MONDAY, MAY 21, 2018, 7:00 P.M.
WILLIAM F. “BILL” LUTHER, JR. AND DORIS LUTHER MEETING ROOM**

Mayor Jackie Warner called the regular meeting of the Hope Mill Board of Commissioners to order on Monday, May 21, 2018 at 8:10 p.m.

GOVERNING BOARD MEMBERS PRESENT

Mayor Jackie Warner, Mayor Pro Tem Mike Mitchell, Commissioners Jessie Bellflowers, Pat Edwards, Meg Larson and Jerry Legge.

GOVERNING BOARD MEMBERS ABSENT

None.

STAFF PRESENT

Town Manager Melissa Adams, Administrative Assistant/Acting Deputy Town Clerk Tiffany Gillstedt, Finance Director Drew Holland, Parks & Recreation Director Kenny Bullock, Deputy Public Works Director Don Sisko, Inspections Ray Reeves, Police Chief Joel Acciaro, Fire Chief Chuck Hodges, Stormwater Administrator Beth Brown and Development & Planning Administrator Chancer McLaughlin. Also present was Town Attorney Dan Hartzog, Jr., Human Resources Director Laticia Black and Human Resources Assistant Patricia Jenkins.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by Rev. Dr. J. Robert (Bob) Kretzu, followed by the Pledge of Allegiance led by Mayor Jackie Warner.

Mayor Warner apologized as the 6:00 p.m. Board of Adjustment meeting ran over much longer than the Board had anticipated.

1. APPROVAL OF AGENDA – ADDITIONS OR DELETIONS.

Motion made by Mayor Pro Tem Mitchell, seconded by Commissioner Larson and carried unanimously, to approve the agenda as presented with the addition of New Business Item f. Resolution 2018-12 Censure of Mayor Pro Tem Mitchell and motion to conduct a session pursuant to NCGS 143-318.11 (a) (3) to consult with the Attorney on matters within the Attorney-Client privilege and pursuant to NCGS 143-318.11 (a) (6) to discuss personnel matters.

2. PRESENTATIONS:

- a. National Public Works Week – May 20 - 26, 2018. Mayor Warner will present Certificates of Appreciation to Public Works Employees.

Mayor Warner presented the Certificates of Appreciation to Hope Mills Public Works employees in honor of National Public Works Week.

- b. Henry Swartout, Chairman of Mayor's Youth Leadership Committee.

Henry Swartout, Chairman of the Mayor's Youth Leadership Committee presented the committee's suggestions for the Hope Mills Multimodal Congestion Management Plan.

Fellow Mayor's Youth Leadership Committee member, Katie Hawkes commented a shielded left turn on Main Street and Camden Road would be pedestrian friendly and cause less accidents.

Mr. Swartout suggested a traffic circle at the Rockfish Road and Golfview Road intersection to aid in traffic flow and provide a safer and more walkable intersection for pedestrians.

- c. Denise Bruce, Sustainable Sandhills.

Denise Bruce of Sustainable Sandhills presented a PowerPoint presentation included in the agenda packet concerning air quality and why it matters.

3. PUBLIC HEARINGS: None.

4. PUBLIC COMMENTS:

Rod MacLean, 5435 Fountain Lane spoke in reference to red light cameras and roundabouts in the Town of Hope Mills, freedom of speech and the newly placed Art in the Park sculptures displayed in the Town.

5. CONSENT AGENDA:

- a. Consideration of minutes from May 7, 2018 Regular Board Meeting.
- b. Consideration to accept the April, 2018 Financial Statements.
- c. Consideration of transfer of firearms to Craig's Firearm Supply in exchange for a \$4,050.00 credit towards future purchases.
- d. Consideration of approval of Historic Preservation Commission Amendment changing the members from 5 to 7.

“END OF CONSENT AGENDA”

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

6. OLD BUSINESS:

- a. Consideration of approval of Odessey Court Stormwater Project bid from Marlin Construction, currently budgeted in the amount of \$177,650 and BA #33 & #34.

Stormwater Administrator Beth Brown commented the Odessey Court Stormwater Project was on the Capital Improvement Plan list. Initially the project was bid out and the Town received no bids. The current bid from Marlin Construction was received during the second attempt.

Town of Hope Mills, North Carolina
Budget Ordinance Amendment
Fiscal Year 2017-2018
Amendment #33

BE IT ORDAINED by the Board of Commissioners of the Town of Hope Mills, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending in June 30, 2018:

Section 1. To amend the Stormwater Fund, the appropriations are to be changed as follows:

<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
Operating Transfer – Out – 91-590-9550	-	177,650.00
	\$ -	\$ 177,650.00

This will result in a net increase of \$177,650 in the appropriations of the Stormwater Fund.

To provide the additional revenue for the above, the following revenues will be increased.

<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
Appropriation from Fund Balance 91-3990	-	177,650.00
	\$ -	\$ 177,650.00

Section 2. Copies of this budget 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 this 21st day of May 2018.

Jackie Warner, Mayor

ATTEST:

Tiffany Gillstedt
Administrative Assistant/Acting Deputy Town Clerk

Town of Hope Mills, North Carolina
Budget Ordinance Amendment
Fiscal Year 2017-2018
Amendment #34

BE IT ORDAINED by the Board of Commissioners of the Town of Hope Mills, North Carolina, that the following amendment be made to the project fund budget ordinance for the fiscal year ending in June 30, 2018:

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

<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
Construction – 95-590-9300	-	177,650.00
	<u>\$ -</u>	<u>\$ 177,650.00</u>

This will result in a net increase of \$177,650 in the appropriations of the Project Fund. To provide the additional revenue for the above, the following revenues will be increased.

<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
Operating Transfer 95-3938	-	177,650.00
	<u>\$ -</u>	<u>\$ 177,650.00</u>

Section 2. Copies of this budget 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 this 21st day of May 2018

Jackie Warner, Mayor

ATTEST:

Tiffany Gillstedt
Administrative Assistant/Acting Deputy Town Clerk

Motion made by Commissioner Edwards, seconded by Commissioner Legge and carried unanimously, to approve Odessey Court Stormwater Project bid from Marlin Construction in the amount of \$177,650 and BA #33 & BA #34.

7. NEW BUSINESS:

- a. Consideration of the amendment to the Floodplain Ordinance.

Attorney Dan Hartzog, Jr. commented the amendment to the Floodplain Ordinance required an elevation certificate.

Motion made by Commissioner Legge, seconded by Commissioner Bellflowers and carried unanimously, to approve the amendment to the Floodplain Ordinance.

- b. Discussion of Food Trucks, as requested by Commissioner Larson and presentation by Development & Planning Administrator Chancer McLaughlin.

Development & Planning Administrator Chancer McLaughlin presented a PowerPoint presentation of the proposed Food Truck Ordinance to include the description, uses and regulations of Food Trucks.

Commissioner Larson inquired if the ordinance will address the number of permit issued per day. Development & Planning Administrator McLaughlin responded there will be no regulation for the number of food trucks in Town but rather the number per lot/area.

Commissioner Bellflowers inquired where the \$50.00 permit fee came from. Development & Planning Administrator McLaughlin responded \$50.00 is a typical permit fee for food trucks and would last for as long as they operate. Commissioner Bellflowers suggested the ordinance note a permit fee of \$50.00 per food truck to be fair towards brick and mortar businesses in the area. Commissioner Bellflowers requested Mr. McLaughlin conduct further research and bring his findings back before the Board.

Commissioner Edwards inquired whether the food trucks must have a commissary backing it. Development & Planning Administrator McLaughlin responded Commissioner Edwards was correct in that the County regulates food trucks by requiring they be affiliated with a brick & mortar restaurant.

The consensus of the Board was for Development & Planning Administrator McLaughlin to furnish the Board with a copy of the proposed Food Truck Ordinance PowerPoint slides and to provide future slides to the Board in advance.

- c. Discussion of the Hope Mills Sign Ordinance, as requested by Commissioner Larson.

Commissioner Larson commented page 6 of the Sign Ordinance notes the Chief Building Inspector is responsible for sign sweeps. Development & Planning Administrator McLaughlin responded sign sweeps are a joint effort done by a committee made up of Town staff.

Commissioner Larson remarked she was under the impression the Town was moving towards low profile, ground signs. Development & Planning Administrator McLaughlin responded he would not be opposed to trying low profile signs in a case study area, overlay district or city-wide if it was the wishes of the Board.

Town Manager Adams commented Mr. McLaughlin will research lower profile signs and materials and bring back before the Board at the June 18 regular meeting.

- d. Discussion of elected officials' use of social media and e-mail when a quorum is probable, as requested by Mayor Pro Tem Mitchell.

Mayor Pro Tem Mitchell read a statement concerning elected officials' use of social media when a quorum is probable and his desire to be completely transparent with Hope Mills residents.

Motion made by Mayor Pro Tem Mitchell, seconded by Commissioner Edwards to encourage elected officials not to participate in electronic groups when a quorum is probable and the motion failed as Attorney Hartzog needed to research whether it raised 1st Amendment free speech concerns.

The consensus of the Board was to allow Attorney Hartzog to research elected officials use of social media when a quorum is present and bring his findings back before the Board.

Commissioner Edwards commented she is in support of Mayor Pro Tem Mitchell as closed Facebook Groups have been an issue for the Town's elected officials since 2014.

Commissioner Bellflowers read from Mayor Pro Tem Mitchell's correspondence with Frayda Bluestein of UNC School of Government. Ms. Bluestein indicated a simultaneous conversation is a concern when a quorum is probable. Commissioner Bellflowers commented the three elected officials that participate in the closed Facebook group have a First Amendment right to share their thoughts with their fellow constituents.

Mayor Pro Tem Mitchell commented he made no individual accusations and simply wished to be the voice for the residents of Hope Mills.

Commissioner Larson remarked the Board members that participate in the closed Facebook Group never discuss Town business.

- e. Consideration of approval of Audit Contract for FY 2017-2018 with Thompson, Price, Scott Adams and Co., P.A., currently budgeted in the amount of \$18,500.

Motion made by Commissioner Legge, seconded by Mayor Pro Tem Mitchell and carried unanimously, to approve the audit contract for fiscal year 2018-2019 with Thompson, Price, Scott, Adams and Co., P.A. currently budgeted in the amount of \$18,500.

- f. Consideration of Resolution 2018-12 Censuring Mayor Pro Tem Mitchell.

Commissioner Bellflowers read Resolution 2018-12.

RESOLUTION 2018-12

Whereas:

Whereas the Hope Mills town council prides itself as working together as a governing body to make decisions in the best interest of the community.

Whereas it is important that members of the town council operate as a unit and through their words and actions show respect for citizens and fellow board members.

Whereas Mayor Pro Tem Mike D. Mitchell earlier questioned whether a quorum of elected officials that participate in a closed Facebook group was a violation of the NC Open Meeting Law.

Whereas Mayor Pro tem Mitchell contacted the UNC School of Government for an official opinion on whether a quorum of elected officials in a closed Facebook group constitutes a violation of the NC Open Meeting Law.

Whereas Mayor Pro tem Mitchell received written notice from Frayda Bluestein of the UNC School of Government, who serves as an expert in Social Media Law, on February 27, 2018 and our town attorney that a quorum of elected officials participating in a closed Facebook group was not a violation of the NC Open Meetings Law unless they are simultaneously deliberating together on a pending issue or rendering a decision.

Whereas on March 9, 2018 Mayor Pro tem Mitchell placed a non-scientific Facebook poll on his Mayor Pro tem campaign Facebook page asking citizens if they thought a quorum of elected officials on a closed Facebook group was a violation of the NC Open

Meeting Law even though he was already informed by Frayda Bluestein of the UNC School of Government and our town attorney that it was not.

Whereas Mayor Pro tem Mitchell then knowingly shared information gathered through his non-scientific poll to a media news source without bringing the matter before the board for discussion.

Whereas the information shared by Mayor Pro tem Mitchell with the media news source resulted in an editorial questioning whether four of his fellow elected were in violation of the NC Open Meeting Law.

Be it resolved:

Be it resolved that the Hope Mills town board votes to Censure Mayor Pro tem Mike D. Mitchell for his actions that resulted in public questioning through a media news source and through social media sources the integrity of four of his fellow elected officials in following the NC Open Meeting Law.

Be it resolved that Mayor Pro tem Mitchell took his actions after being informed in writing by Fradya Bluestein on February 27, 2018 and the town attorney that there was no violation of the NC Open Meeting Law.

Furthermore, in the future Mayor Pro tem Mitchell should bring any issue that impacts the town board and his fellow elected to the board for open discussion and work in harmony with his fellow board members as the council conducts the business of the town.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this 21st day of May, 2018.

Ayes: _____

Noes: _____

Absent or Excused: _____

Jackie Warner, Mayor

Mayor Pro Tem Mitchell remarked he wished for Frayda Bluestein's comment that a quorum of elected official's participation in a closed Facebook group is not "necessarily" a violation of the North Carolina Open Meetings Law to be on the record.

Motion made by Commissioner Bellflowers to approve Resolution 2018-12 to Censure Mayor Pro Tem Mitchell and the motion carried with a vote of 3 ayes and 2 noes by Commissioner Edwards and Mayor Pro Tem Mitchell.

8. REPORTS AND INFORMATION ITEMS:

a. Manager's Report

1. The design of three options for Phase II of the Lake Park - Mr. Stephen Fleming is continuing to work on the three preliminary designs for review.
2. Rockfish Road sidewalk – We received approval of concurrence from DOT on May 11th. A pre-construction meeting is tentatively set for May 19th.
3. Damaged areas from Hurricane Matthew - River Road - the contractor has installed the pre-cast boxes and the pipe connecting the boxes, and will continue with the installation of the pre-cast concrete end walls. After the installation of the end walls, the 8” ductile iron water line will be installed. After the water line installation the road will be reconstructed.
4. Eel migratory season (3/15 – 6/15) - We are continuing with basket inspections twice a week through June 15th. Total count as of today's date is 19. A second progress report was sent on May 17th to the pertinent agencies.
5. Art sculptures – The installation of the art sculptures has been completed. Staff is working on preparing information to be placed on the Town's Website with the details about the Grant from the Arts Council of Fayetteville/Cumberland County that was received and the partnership with art students of UNCP to showcase the art sculptures for one year.
6. On Thursday, May 17th Parks & Recreation Director Kenny Bullock and Human Resources Director Laticia Black attended Leadership Bragg.
7. On Friday, May 18th Fire Marshal/Division Chief Ham, Fire Captain Evers and Firefighter Hurlburt traveled with Fire Truck 2133 to Camp Celebrate in Chapel Hill. The camp is a weekend camp for children ages 7-15 who have survived burn injuries. Each year the Fire Department assists with the transport of children to the camp.
8. The 2018 spring session of Citizens Academy will conclude this Thursday, May 24th with the Fire Department. All the meals for the 8 week session were sponsored 100%. A brief Graduation ceremony will be held at the June 4th Regular Meeting. The cake for the Graduation Ceremony is being sponsored by Harris Teeter in the Traemoor Village Shopping Center.

- Update on Hope Mills Lake water quality testing

Town Manger Adams reported Town staff contacted NCDEQ water quality representatives for a follow up. Representatives were unresponsive but informed the Cumberland County Environmental Health Department that they do not plan to conduct any lake testing. Town staff has recommended we begin testing for fecal bacteria and process the samples through Microbac Laboratory at a cost of \$30 per sample. Samples will be taken from four sites within the lake and sampled once a week for thirty days.

- Update on ASI final payment and status of MBP invoices.

- Update on proposed fiscal year 2018-2019 Budget revision.

Commissioner Legge inquired the state of the HVAC system in the Town Hall building. Town Manager Adams responded the heating and cooling system in Town Hall is not severely damaged but there is no guarantee it will work for another year.

Commissioner Bellflowers commented the \$6,500 fee for the Full Responder contract was not included in the proposed budget. Finance Director Holland responded when he sent the Board the revised budget, he noted that he received the quote for the contract.

Discussion pursued regarding the HVAC system in Town Hall.

Deputy Public Works Director Don Sisko commented the coils for the HVAC system in Town Hall are failing. If the coils go down, it will cost a minimum of \$40,000 to replace them and approximately a month to get the parts.

The consensus of the Board was to leave the budget revisions as is and receive comments during the Budget Hearing at the June 4, 2018 regular meeting.

b. Reminders

- **Tuesday, May 22, 2018 3:00 p.m. – 7:00 p.m.** Building Business Rally, Horace Sisk Gym, Fayetteville Technical Community College.
- **Monday, May 28, 2018** Town Offices will be closed in observance of Memorial Day Holiday.
- **Monday, May 28, 2018 4:00 p.m.** VFW Post 10630 Memorial Day Ceremony, Veteran’s Memorial at Parks & Recreation.
- **Tuesday, May 29, 2018 5:00 p.m.** Board travel to Raleigh for the NC League of Municipalities Town and State Dinner, Raleigh Convention Center.
- **Monday, June 4, 2018 7:00 p.m.** Board of Commissioners Regular Meeting, Public Hearing on the Manager’s proposed FY 2018-2019 Budget and Citizens Academy Graduation & recognition of Sponsors.
- **Thursday, June 7, 2018 5:00 p.m. – 8:00 p.m.** Hope Meals Food Truck Rodeo, Town Hall parking lot.

c. Department Monthly Reports

- Fire Department, April, 2018
- Police Department, April, 2018
- Inspections Department, April, 2018
- Parks & Recreation, April, 2018
- Stormwater Department, April, 2018
- Public Works Department, April, 2018
 - Sanitation

- Service Garage
- Buildings & Grounds
- Street

All Monthly Reports

9. STAFF COMMENTS.

10. OFFICIAL COMMENTS.

Mayor Warner commented the Building Business Rally is tomorrow, May 22, 2018 at Fayetteville Technical Community College and encouraged all small businesses to attend.

11. MOTION TO CONDUCT A CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A) (3) TO CONSULT WITH THE ATTORNEY ON MATTERS WITHIN THE ATTORNEY-CLIENT PRIVILEGE AND PURSUANT TO NCGS 143-318.11 (A) (6) TO DISCUSS PERSONNEL MATTERS.

Motion made by Mayor Pro Tem Mitchell, seconded by Commissioner Legge and carried unanimously, to conduct a closed session pursuant to NCGS 143-318.11 (a)(3) to consult with the attorney on matters within the attorney-client privilege and pursuant to (a) (6) to discuss personnel matters.

Mayor Warner instructed the Board to assemble in the front conference room at 10:21 p.m.

At 10:41 p.m. Mayor Warner called the meeting back to order.

Motion made by Mayor Pro Tem Mitchell, seconded by Commissioner Legge and carried unanimously, to seal the minutes of the closed session until such time as the release of the information would no longer frustrate the purpose of the closed session and further no action was taken.

12. ADJOURNMENT.

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

Mayor Warner adjourned the meeting at 10:41 p.m.

Jackie Warner, Mayor

ATTEST:

Tiffany Gillstedt
Administrative Assistant/Acting Deputy Town Clerk